



## **POLICIES AND PROCEDURES MANUAL**

**TABLE OF CONTENTS**  
**MERCER UNIVERSITY POLICIES AND PROCEDURES**  
**8/2011**

**I. General**

- 3.1 Equal Opportunity and Affirmative Action
- 3.3 Sexual Harassment
- 3.4 Policy Prohibiting Other Discriminatory Harassment
- 3.5 Solicitation and Distribution of Information on Campus
- 3.6 The Health Insurance Portability and Accountability Act of 1996 (HIPAA)
- 3.6.1 Gifts and Gratuities

**II. Employment**

- 3.7 Employment of Aliens
- 3.7.1 Immigration Requirements for Employment
- 3.8 Employing Foreign Workers
- 3.9 Recruitment Procedures
- 3.11 Background/Credit Checks/Drive Vehicle
- 3.13 Promotional and Transfer Opportunities for Administrative, Professional, and Classified Employees
- 3.15 Resignation or Termination of Administrative, Professional, and Classified Employees
- 3.19 Probationary Period for Classified Employees
- 3.21 Restrictions on Employment
- 3.23 Outside Employment
- 3.25 Reporting Suspected Improper Conduct

**III. Work (General)**

- 3.27 Categories of Employment
- 3.29 Work Hours
- 3.31 Pay Periods and Receipt of Checks
- 3.33 Time Records
- 3.35 Personnel Files

**IV. Work (Rules)**

- 3.37 Absenteeism or Tardiness
- 3.39 Guidelines for Appropriate Conduct
- 3.41 Performance Evaluation/Development for Classified Personnel
- 3.43 Grievance Procedures for Non-Faculty Employees (Classified, Professional, and Administrative Staff)

**V. Work (Safety/Health)**

- 3.45 Drug-Free Workplace Policy
- 3.46 Alcohol and Controlled Substances Testing of Employees Operating Commercial Motor Vehicles
- 3.47 Tobacco-Free Policy
- 3.49 Job Related Employee Accident and Injury Procedure and Workers' Compensation
- 3.51 Automobiles and Other Motorized Vehicles/Approved Drivers List
- 3.53 Occupational Safety and Health Programs
- 3.55 Safeguarding University Property
- 3.55.1 Crime Awareness and Campus Safety

**VI. Leave**

- 3.57 Holidays Observed by Administrative, Professional, and Classified Personnel
- 3.59 Vacation Leave
- 3.61 Medical and Family Leave Policies
- 3.63 Military Leave
- 3.65 Jury Duty
- 3.67 Inclement Weather

**VII. Benefits**

- 3.69 Uniforms
- 3.71 Employee Services
- 3.73 Salary Administration Guide

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**SUBJECT:**

EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION

Updated: August 24, 2011

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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 at locations and times posted in the Human Resources office.

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 and other discriminatory harassment, see Section 5 of the Employee Handbook (for non-faculty) and Sections 2.15 and 2.16 of the Faculty 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 the Employee Handbook (for non-faculty) and in Section 2.11 of the Faculty Handbook for faculty employees.

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**SUBJECT:**

SEXUAL HARASSMENT

Updated: August 9, 2011

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**POLICY STATEMENT:**

The University is 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.

Therefore, conduct on the part of any member of the University community which inappropriately introduces sexuality into a teaching, learning, or working relationship shall not be tolerated.<sup>1</sup> Sexual harassment, as defined below, may result in disciplinary action, up to and including separation from the University.<sup>2</sup>

The University also will not tolerate conduct by a non-employee which sexually harasses any member of the University community on University premises or at any other location where the non-employee and the member of the University community are together because of assigned or University-sanctioned activities. Independent contractors, vendors, and others who do business with the University or on University premises are expected to ensure compliance with this policy, and the University will take appropriate action if they fail to do so.<sup>3</sup>

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<sup>1</sup> Members of the University community include faculty, students, and non-faculty employees. This policy covers all members of the University community, without exception.

<sup>2</sup> Sexual harassment committed by a faculty member will be considered "personal conduct which substantially impairs the individual's fulfillment of his or her institutional responsibilities" and, therefore, may result in termination for cause. Sexual harassment by a student will be considered a violation of the Student Code of Conduct subject to penalties including suspension or expulsion.

<sup>3</sup> The University, for example, may suspend or terminate a contract if the contractor fails to correct a sexual harassment problem that the University has brought to its attention. Tolerance of sexual harassment also may result in a contractor's being disbarred from further work for the University.

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**SUBJECT:**

SEXUAL HARASSMENT

Updated: August 9, 2011

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*Definition*

For the purposes of this policy, 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.

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**SUBJECT:**

SEXUAL HARASSMENT

Updated: August 9, 2011

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A faculty member's choice of teaching techniques, selection of instructional materials, or other conduct through which the faculty member seeks to communicate with students in an instructional setting shall not be prohibited under this policy if the faculty member claims that the conduct is legitimately related to the subject matter of the course, unless the applicable grievance board or hearing committee finds that the faculty member's claim is clearly unreasonable.

## **Responsibilities**

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

University administrators and supervisors have the further responsibility of preventing and eliminating sexual harassment within the areas they oversee. If University administrators, faculty, and staff 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.

## **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 2.14 of the Faculty Handbook / Section 2 of the Non-Faculty Employee 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.

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**SUBJECT:**

SEXUAL HARASSMENT

Updated: August 9, 2011

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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 ordinarily 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. The formal report will be taken by the Associate Vice President of Human Resources, signed by the complainant, and must describe the specific action(s) complained of. 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 if the information is maintained by the school as an "education record" under the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g; 34 C.F.R. Part 99. The complaint will be investigated and resolved in accordance with the Grievance Procedure described in Section 2.11 of the Faculty Handbook / Section 5 of the Non-Faculty Employee Handbook. If the accused is a faculty member and the conduct is considered adequate cause for dismissal, the accused will be entitled to invoke the procedures in Section 2.08 of the Faculty Handbook.

**Consensual Relationships**

Romantic and sexual relationships between faculty members, staff, and students and between supervisors and subordinates do not necessarily involve sexual harassment. However, the powers faculty members exercise in evaluating students' work, awarding grades, providing recommendations and the like will generally constrain a student's actual freedom to choose whether to enter into a romantic or sexual relationship with a faculty member. Subordinates, likewise, may not feel fully free to reject or end a romantic or sexual relationship with their supervisor.

Therefore, where such 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

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**SUBJECT:**

SEXUAL HARASSMENT

Updated: August 9, 2011

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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 academic or employment status or future prospects.

Even genuinely consensual relationships between faculty members, staff, and students and between supervisors and subordinates may be problematic. For example, they may result in favoritism or perceptions of favoritism that adversely affect the learning or work environment. Consensual relationships involving a power differential, therefore, may violate University policy and equal opportunity law.

## **I. Complaints by Students**

Students who have questions or who believe they have been subject to sexual harassment may contact the dean of their school or college; the Vice President and Dean of Students (Macon); the Human Resources Office; or any member of the Grievance Board, as described in the Student Handbook. The resolution procedures for complaints by students are covered by the established Student Grievance Procedures in the Student Handbook. These procedures deal specifically with sexual harassment and emphasize mediation and conciliation whenever possible.

## **II. Complaints by Employees**

### ***Resolution Procedures***

Employees who have questions or who wish to report problems of sexual harassment may contact the Associate Vice President for Personnel (Equal Opportunity Officer). Sexual harassment problems may also be reported to the employee's supervisor (including department chairs and deans, for faculty) or to the supervisor of the person behaving objectionably. The role of the supervisor at this point is to counsel the complainant about sources of further assistance, including the Associate Vice President for Personnel and others who may be designated to handle informal sexual harassment procedures. Complaints may be reported orally or in writing; they should be reported within 30 days of the precipitating incident.<sup>4</sup>

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<sup>4</sup> If the harassment has been ongoing, complaint deadlines in these procedures will be calculated from the most recent episode.

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**SUBJECT:**

SEXUAL HARASSMENT

Updated: August 9, 2011

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Supervisors must, within 10 work days, report all complaints they receive to the Associate Vice President for Human Resources. Although supervisors initially will only counsel complainants and submit reports, they will remain responsible for assisting with resolution efforts, if requested, and for exercising their authority to prevent further problems.

Upon receipt of a report of a sexual harassment problem (either directly or from a supervisor), the Associate Vice President for Human Resources will counsel the complainant on options for resolving the problem. If the need seems apparent, she will also initiate immediate action to protect the complainant from harm or reprisal. In addition, she will ensure that the appropriate supervisor is informed about the complaint.

If mediation seems appropriate and the complainant agrees, the Associate Vice President for Human Resources or such others as may be designated for this purpose, will attempt to negotiate a resolution of the problem. Generally, this will involve efforts to mediate a resolution that both the complainant and the accused can agree upon. The accused will be informed of the existence and nature of the complaint and will have an opportunity to respond. However, the identity of the complainant will not be divulged to the accused, and mediation will not involve face-to-face meetings between the parties, unless the complainant agrees. The mediator will inform the complainant of any proposed resolution developed through mediation efforts. The complainant may accept the proposed resolution or initiate formal proceedings. If a resolution has not been reached by mediation within 60 days of the precipitating incident, the Associate Vice President for Human Resources will so inform the complainant and advise on the option of filing a formal complaint.

### **III. Procedures for Complaints Against Persons Who Are Not Members of the University Community**

Individuals who believe they have been sexually harassed by employees of those who do business with the University or by campus visitors should bring their complaints to the same person they would contact for an informal resolution of a complaint against a member of the University community. Complaints against third parties should be brought within 20 calendar days of the precipitating incident.

Recipients of complaints against third parties will attempt to determine whether facts support the charges. Within 35 calendar days of complaint receipt, they will initiate action to correct corroborated problems and inform the complainant of the steps they have taken or inform the complainant that they have not found adequate evidence to support the charges.

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**SUBJECT:**

SEXUAL HARASSMENT

Updated: August 9, 2011

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**IV. Retaliation**

Threats, other forms of intimidation, and retaliation against a complainant or any other party involved in implementing the University's sexual harassment policy are violations of the policy and, thus, may be grounds for disciplinary action.

**V. False Charges**

Because of the nature of the problem, complaints of sexual harassment cannot always be substantiated. Lack of corroborating evidence should not discourage complainants from seeking relief through the procedures outlined above. However, charges found to have been intentionally dishonest or made maliciously without regard for truth will subject complainants to disciplinary action.

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**SUBJECT:**

POLICY PROHIBITING OTHER DISCRIMINATORY HARASSMENT

Updated: February 1, 2011

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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.

# MERCER UNIVERSITY

SECTION: 3.4

## POLICIES AND PROCEDURES MANUAL

PAGE: 2

OF: 2

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**SUBJECT:**

POLICY PROHIBITING OTHER DISCRIMINATORY HARASSMENT

Updated: February 1, 2011

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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 under the Policy Prohibiting Sexual Harassment.

# MERCER UNIVERSITY

SECTION: 3.5

## POLICIES AND PROCEDURES MANUAL

PAGE: 1

OF: 2

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### SUBJECT:

SOLICITATION AND DISTRIBUTION OF INFORMATION ON CAMPUS

Updated: May 1, 2003

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### PURPOSE/POLICY:

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.

Solicitation of University employees on University property for membership in any organization or association must have the written approval of the President or his designee, with the exception of the United Way which has presidential approval. Any solicitations approved by the President will not interfere with the instructional program.

The University Telephone Directory or other employee listings will not be distributed outside the University.

Mercer University regulates the distribution of all types of literature, posters, handbills, banners on campuses. It is the intent of the University to provide for the exchange of written material and ideas in an orderly manner without disruption to the work and learning environment.

A request to distribute any type of written material on University property or to post material on bulletin boards must have the approval of the appropriate dean or designee. Requests to distribute materials must be made at least two days in advance.

Individuals who have approval to distribute material on campus must not harass employees or students.

The University may designate locations where materials may be distributed.

Banners and posters which announce events that are of interest to students, faculty and staff shall be displayed in designated areas on the campus after approval. Defacing property or damaging surfaces of the University will result in disciplinary action being taken. Individuals who have approval to put up banners and posters must take them down at a designated time agreed upon when approval is granted.

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**SUBJECT:**

SOLICITATION AND DISTRIBUTION OF INFORMATION ON CAMPUS

Updated: May 1, 2003

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*[By Non-Employees]*

Unauthorized solicitation or distribution for any purposes on the University's property by non-employees is prohibited. Business contacts by unauthorized sales representatives during normal business hours with University employees is not permitted.

*[By Employees]*

Solicitation by the University's 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 at any time.

Solicitation and distribution during non-working time in non-working areas (including cafeterias, break rooms and similar areas) are permitted.

*[By Students]*

Commercial selling or soliciting in the residence halls is prohibited, whether by students or outsiders, without express authorization by the Vice President for Student Affairs.

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**SUBJECT:**

THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF  
1996 (HIPAA)

EFFECTIVE: May 1, 2003

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**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:

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

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**SUBJECT:**

THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF  
1996 (HIPAA)

EFFECTIVE: May 1, 2003

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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:

- z 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.
- z All PHI will be stored in locking file cabinets with access limited to those with proper authorization. Locking file cabinets should be uniquely keyed.
- z All PHI will be stored in locking file cabinets in locations secured by locks during times when authorized personnel are not in the area.
- z All PHI that is outside of the file cabinets during normal operations will be kept confidential and from the view of unauthorized individuals.
- z All file folders or documents that contain PHI will be secured when all authorized personnel leave the work area.
- z 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.
- z 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.

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**SUBJECT:**

THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF  
1996 (HIPAA)

EFFECTIVE: May 1, 2003

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**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:

- z **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.
- z **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.
- z **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.

# MERCER UNIVERSITY

SECTION: 3.6.1

POLICIES AND PROCEDURES MANUAL

PAGE: 1

OF: 1

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**SUBJECT:**

GIFTS AND GRATUITIES

EFFECTIVE: February 1, 2004

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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 \$250 from any individual or company that is doing, or seeking to do, business with the University.

Exceptions to this policy may be considered on a case-by-case basis, subject to the requirement that the employee discloses the proposed gift or gratuity in advance, and that acceptance of the gift or gratuity is pre-approved by the employee's supervisor.

# MERCER UNIVERSITY

SECTION: 3.7

POLICIES AND PROCEDURES MANUAL

PAGE: 1

OF: 1

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**SUBJECT:**

EMPLOYMENT OF ALIENS

Updated: May 1, 2003

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**PURPOSE/PROCEDURE:**

The appropriate Vice President, Dean, or supervisor shall consult with the Associate Vice President of Human Resources on the immigration status of an alien before a recommendation for employment is made. The employment procedures followed shall be consistent with other University policies.

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**SUBJECT:**

## IMMIGRATION REQUIREMENTS FOR EMPLOYMENT

Updated: May 1, 2003

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The Immigration Reform and Control Act of 1986 prohibits employers from knowingly hiring, recruiting or referring aliens who are not authorized to work in the United States, either because they have entered the country illegally or because their immigration status does not permit employment.

For all employees hired after November 6, 1986, (the effective date of the Act), the employer and employee must jointly complete INS Form I-9, an employment eligibility verification form. The employer must attest on the Form I-9 that he has verified the employment eligibility and identity of the individual hired by examining documentation which reasonably appears to be genuine.

The following documents are acceptable to establish both identity and employment eligibility:

1. U.S. passport (unexpired or expired)
2. Unexpired foreign passport, with *I-551 stamp* or attached *INS Form I-94* indicating unexpired employment authorization
3. Permanent Resident Card or Alien Registration Receipt Card with photograph (*INS Form I-551*)
4. Unexpired Temporary Resident Card (*INS Form I-688*)
5. Unexpired Employment Authorization Card (*INS Form I-688A*)
6. Unexpired Employment Authorization Document issued by the INS which contains a photograph (*INS Form I-688B* or *INS Form I-766*)

If the applicant or employee does not have any of the above-mentioned documents, one document from each of the following two categories must be supplied:

**To establish identity only:**

1. Driver's license or ID card issued by a state or outlying possession of the United States provided it contains a photograph or information such as name, date of birth, gender, height, eye color and address
2. ID card issued by federal, state or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, gender, height, eye color and address
3. School ID card with a photograph
4. Voter's registration card
5. U.S. Military card or draft record
6. Military dependent's ID card
7. U.S. Coast Guard Merchant Mariner Card
8. Native American tribal document
9. Driver's license issued by a Canadian government authority

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**SUBJECT:**

IMMIGRATION REQUIREMENTS FOR EMPLOYMENT

Updated: May 1, 2003

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For persons under age 18 who are unable to present a document listed above:

10. School record or report card
11. Clinic, doctor or hospital record
12. Day-care or nursery school record

**To establish employment eligibility only:**

1. U.S. social security card issued by the Social Security Administration (*other than a card stating it is not valid for employment*)
2. Certification of Birth Abroad issued by the Department of State (*Form FS-545 or Form DS-1350*)
3. Original or certified copy of a birth certificate issued by a state, county, municipal authority or outlying possession of the United States bearing an official seal
4. Native American tribal document
5. U.S. Citizen ID Card (*INS Form I-197*)
6. ID Card for use of Resident Citizen in the United States (*INS Form I-179*)
7. Unexpired employment authorization document issued by the INS (*other than those listed under List A*)

The Form I-9, by law, must be completed within three business days of hire. Individuals who fail to provide the required documentation within three working days after beginning employment will have their appointments voided until the required documentation is presented. (If an individual has lost or has not yet obtained a necessary document, the individual is required to present a receipt for an application to secure the document within three days, and to present the required document itself within twenty-one days.)

The I-9 Forms will be retained for three years from the date of hire or one year following the end of the individual's employment, whichever is longer. Copies may be made of the documents presented by employees; if so, they should be retained with the Form I-9 and not used for any other purposes.

The verification requirements do not apply at all to persons hired before November 6, 1986.

The new law makes it unlawful to discriminate against any individual because of national origin or citizenship status. Under no circumstances should any present employee be discharged or any applicant denied employment based on foreign appearance, language or accent. Moreover, it is illegal to refuse to hire persons who are not U.S. Citizens but who are legally eligible to work in the United States.

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**SUBJECT:**

IMMIGRATION REQUIREMENTS FOR EMPLOYMENT

Updated: May 1, 2003

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**PROCEDURE:**

To ensure compliance with the law, the following procedures should be followed in the hiring of all new employees:

1. Applicants for employment should be informed that Mercer:
  - a) hires only United States citizens and aliens lawfully authorized to work in the United States, and
  - b) will require all new employees to complete the government's verification form and present the required documentation within three days of beginning employment.
2. The Human Resources Office will be responsible for securing and retaining I-9 Forms on new employees.
3. The responsibility for obtaining I-9 Forms on new part-time employees may be delegated to the Dean/Director of the School/Department of Continuing Education or to department heads who employ large numbers of part-time persons.
4. All administrators who recommend full-time and part-time faculty and staff members for employment should be familiar with and adhere to the requirements of this policy. Offers of appointment should include a statement (or the individual should be informed verbally) that proof of citizenship or authorization to work in this country must be presented to the Human Resources Office within three working days of the date of employment.

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**SUBJECT:**

EMPLOYING FOREIGN WORKERS

Updated: May 1, 2003

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**POLICY:**

From time to time, a foreign worker may be the best or the only available employee to fill a position. In other cases, the University may wish to bring professors and researchers from other countries to Mercer on a temporary basis as part of its increasing emphasis on international education. In such cases, the University will assist in bringing foreign workers to the United States on temporary (non-immigrant) visas.

**PROCEDURE:**

A. J-1 Visas

Mercer is an approved USIA Exchange Visitor Program Sponsor, authorized to issue J-1 visas to bring professors and research scholars to the University on temporary, visiting appointments. Further information on the Exchange Visitor Program and the procedures for issuance of J-1 visas may be obtained from the Director of International Programs. Mercer's authorized representative for issuance of J-1 visas and for communication with the USIA is:

International Student Coordinator  
(478) 301-2573

B. H-1B Visas

In some cases, the selected candidate for a faculty or professional position after a search may be a foreign national. In such cases, the University may cooperate with the individual and with his or her attorney in securing an appropriate visa under which employment is authorized. With the individual's approval, the University will arrange for an outside immigration attorney to assist in these cases. Generally, all costs and legal fees involved are the responsibility of the individual. Before an offer for employment is made, the appropriate Vice President, Dean or supervisor shall consult with the Associate Vice President for Human Resources.

For most faculty and staff employment, the H-1B (professional) visa is used. An employer sponsoring an alien for H-1B visa status must obtain an approved Labor Condition Application (LCA) prior to filing the H-1B visa petition with the Immigration and Naturalization Service.

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**SUBJECT:**

EMPLOYING FOREIGN WORKERS

Updated: May 1, 2003

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The validity period of an approved LCA is limited to three years. By filing the LCA, the employer attests that:

- (1) the H-1B worker will be paid the actual wage level paid to other individuals with similar experience and qualifications or prevailing wage for the occupation in the area of employment, whichever is higher. A prevailing wage determination for the position in question must be obtained, generally from the state employment services agency;
- (2) the employment of the H-1B non-immigrant will not adversely affect the working conditions of similarly employed workers;
- (3) there is no strike or lockout affecting the position the H-1B alien will fill; and
- (4) employees have been notified of the employer's intent to fill a position with an H-1B alien.

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**SUBJECT:**

RECRUITMENT PROCEDURES

Updated: May 1, 2003

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**NOTE:** *Links on this page will not open in a separate window. To return to this page after clicking on a link, click on arrow "Go to Previous View" located on the tool bar above.*

**Classified** (Secretarial/Clerical, Technical/Paraprofessional, Skill Craft and Service/Maintenance) ..... 2-6

**Faculty** (All faculty positions which are half-time or more for at least an academic year) ..... 7-8

**Professional** (All Professional positions which are half-time or more for at least one year) ..... 9-10

**Deans** ..... 11

**Vice Presidents, Provosts and Similar Officers** ..... 12

**FORMS:** See Human Resources' website (*For Mercer Employees / HR Forms*) for the following forms which are noted in the sections listed above.

- I-9 Employment Verification
- Invitation to Self-Identify
- Personnel Action Form (PAF) — [hard copy - need to request from HR]
- Position Description Questionnaire (PDQ) - New
- Position Description Questionnaire (PDQ) - Update
- Recruitment Plan
- Recruitment Summary
- Reference Checking Form
- Request for Staff Vacancies
- Supervisor Orientation Checklist

**MISC INFO:** See Human Resources' website (*For Mercer Employees / Recruitment Procedures*) for the following misc information which is noted in the sections listed above.

- ADA Do's and Don'ts
- Interview Do's and Don'ts
- Interview Tips
- Nondiscrimination in the Hiring Process
- Sample Letter of Offer - Professional
- Sample Letter of Offer - Faculty

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**SUBJECT:**

RECRUITMENT PROCEDURES

Updated: May 1, 2003

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**CLASSIFIED: SECRETARIAL/CLERICAL, TECHNICAL/PARAPROFESSIONAL,  
SKILL CRAFT AND SERVICE/MAINTENANCE**

*[NOTE: All Medical School Department Chairs and Supervisors should first contact the Medical School Finance Office at ext. 4088, which serves as the liaison to the University Human Resources Office.]*

1. Complete a **Request for Staff Vacancy** form along with a **New PDQ or Updated PDQ** and forward to Human Resources for review.
2. Once the position has been approved, Human Resources will be in contact to schedule a training session for the online application system.
3. After the position is approved for recruitment and the online posting form is complete, Human Resources will list the opening through the online system and advertise in the Macon Telegraph or Atlanta Journal & Constitution the following Sunday. All classified vacancies must be posted throughout the University for a minimum of five (5) working days before an employment commitment can be made.

The Administration of Mercer University does not authorize the payment of placement fees to proprietary employment agencies for providing applicants for vacancies.

4. Review all **Recruitment Information** (see next page for list) **BEFORE** reviewing applications and interviewing candidates.
5. Review the applicants online, coding their appropriate status and reason as shown during the training session.
6. Set up interviews for the applicants. If a criminal history or credit history is required for this position, please send the top two or three candidates to the Human Resources office to complete consent forms. If the position requires the candidate to be insurable by the University carrier, please have them obtain their Motor Vehicle Report (MVR) and bring to Human Resources where they will complete an approved driver's application.
7. Prior to extending an offer, call Human Resources to verify all relevant information has been received regarding criminal, credit and driver's checks (if applicable), allow Human Resources to review the applicant pool and assess the proposed hire in light of our Affirmative Action Plan goals and objectives, and to set a time to remove the posting from the web site.
8. After receiving a verbal acceptance, contact Human Resources to initiate an official letter of appointment to confirm the offer made to the applicant.
9. Complete a **Personnel Action Form (PAF)** - **request hard copy from HR** - and forward to Human Resources.
10. On the **first** day of employment, schedule the New Employee with Human Resources to complete the I-9, tax forms and other related employment forms.

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**SUBJECT:**

RECRUITMENT PROCEDURES

Updated: May 1, 2003

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*Classified Staff Recruitment Information* —

Listed below are the documents which need to be reviewed and completed during the recruitment process:

1. *Quick Reference Guide* (SEE NEXT PAGE)
2. Americans With Disabilities Act (ADA) Compliance
  - ! **Nondiscrimination in the Hiring Process**
  - ! **Do's and Don'ts**
  - ! **Interview Tips**
3. **Interview Do's and Don'ts**
4. **Reference Checking Form**
5. **Personnel Action Form (PAF)** — (hard copy - need to request from HR)
6. **Supervisor Orientation Checklist**

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**SUBJECT:**

RECRUITMENT PROCEDURES

Updated: May 1, 2003

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***RECRUITMENT QUICK REFERENCE GUIDE***

- Job announcements are distributed to campus departments on a weekly basis and, if posted externally, will also appear in the Sunday edition of the Macon Telegraph or Atlanta Journal & Constitution, whichever is appropriate for the posting. The Sunday paper will provide applicants with Mercer's automated Job Opportunity Line (478-301-2785 for Macon or 678-547-6015 for Atlanta) and list a specific mailbox number for each position. Applicants may contact the Human Resources Job Opportunities line and enter the mailbox number assigned to that position to hear the entire announcement. In addition, representatives of the Human Resources office will announce vacancies and anticipated vacancies to appropriate college placement offices, State Employment Service, Georgia Department of Labor, and other organizations that may have candidates for positions.
- All classified and professional vacancies must be posted throughout the University for a minimum of five (5) working days before an employment commitment can be made.

1. An intradepartmental transfer, which does not create a vacancy, does not require University-wide posting. Such a transfer may be effectuated by the department head.

However, when there are two or more qualified persons within the department, the supervisor must announce, by intradepartmental memorandum, the minimum position requirements for any vacancy which creates a promotional opportunity. This intradepartmental memorandum announcing the vacancy and position requirements must be coordinated with a representative of the University Human Resources Office and a copy of the announcement must receive prior approval by a representative of the Human Resources Office and retained on file in the University Human Resources Office. The parting notice for such a position can be for a shorter time but not fewer than three days.

2. The Associate Vice President for Human Resources is authorized to waive the five days posting requirement as well as the minimum experience and training requirements outlined in classification descriptions or other University specifications.
  - a. The request for a waiver of the posting requirement must be submitted in writing, documenting special or emergency circumstances.
  - b. A waiver of the minimum experience and/or training requirements may be made only after a concerted effort has been made to recruit qualified candidates.

- As of 7/1/02, we **only** accept applications online through the Human Resources web site ([www.mercer.edu/hr](http://www.mercer.edu/hr)). Applicants can access the web site/application from any computer terminal

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**SUBJECT:**

RECRUITMENT PROCEDURES

Updated: May 1, 2003

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connected to the Internet. Human Resources has a computer station for applicants who wish to complete the online application on the Macon and Atlanta campuses.

- ! Applications will be reviewed by the Coordinator of Employment at least three times a week or anytime by request. You will need to schedule a training session for the online application site if you have not already done so. The applications you will review online are only for those candidates who have been screened and determined to have met the minimum qualifications for the position as listed in the position announcement. In order to comply with our obligations as an Equal Opportunity Employer, you must consider all qualified candidates who apply during the first five days (i.e. through 2:30 on Friday) following the announcement.
- ! If your position announcement required certain skills for which we test, these scores will be listed at the bottom of each applicant's application.
- ! Upon viewing applications, you should review them carefully and determine which candidates you wish to interview. You need not interview all candidates, but you will want to document why you chose not to interview each candidate. This determination should be based on a review of candidates' experience and education backgrounds to determine which ones best match the position requirements. Please see the *View Applicants* section of the online system for further instructions. If you wish to narrow the pool, reference checking may also be done at this time.

***Note:** In order to obtain demographic statistics for Affirmative Action records, interviews should not be conducted with any individual who has not applied online through the Human Resources Office for the specific vacancy and officially recorded as an applicant.*

- ! If your position requires a background and/or credit check, please send your top 2 - 3 candidates to the Human Resources office to complete the consent forms. If the position requires a valid driver's license and to be insurable by the University carrier, please have the applicant obtain their Motor Vehicle Report (MVR) and bring to Human Resources where they will complete an approved driver's application.
- ! At the completion of the interview process, at least two reference checks should be completed. This may be done via phone.
- ! Once your candidate of choice has been identified, please contact the Human Resources office **prior** to extending an offer of employment. Human Resources will review the search to assure that procedures have been followed appropriately, to ascertain the status of any applicable criminal, credit and/or driver's checks and to remove the posting from the web site and notify unsuccessful candidates. Human Resources will then authorize you to make an employment offer at the appropriate salary level. Should you want to offer more than the approved salary, authorization must be received from the Associate Vice President of Human Resources before extending an offer.

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**SUBJECT:**

RECRUITMENT PROCEDURES

Updated: May 1, 2003

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**Communications with classified applicants:** An applicant is not officially employed at the University until the President or his designee (the Associate Vice President for Human Resources) has approved the recommendation for appointment. In all communications with an applicant who may be the finalist, supervisors and department heads may indicate that “I am recommending you for appointment, but your appointment is not official until approved by the President or his designee.” The starting date of employment should be projected in order that the new employee will not commence work until the President or his designee has approved the appointment. For positions requiring a college degree, an official copy of the college transcript must be supplied to the Human Resources Office within the first three months of employment.

- ! Please contact Human Resources as soon as an acceptance has been received so the official letter of appointment can be mailed, the position officially closed and the new employee scheduled for New Employee Orientation.
- ! Please have your new employee report to Human Resources on the **first** day of their employment to complete the necessary I-9 paperwork, federal and state withholding forms and other employment forms. The I-9 form requires the employee to present identification indicating that they are eligible to work in the United States. Acceptable forms of identification include, but are not limited to:

Drivers License and Social Security Card (same last name)

OR

U.S. Passport (unexpired or expired)

For the complete list of acceptable documents, please refer to the ***I-9 Form***.

- ! You will also need to complete a **Personnel Action Form (PAF)**, which can be obtained from Human Resources. After completion, please forward the form to Human Resources so we can finalize the search process and place your new employee on the payroll.
- ! The applicant tracking form will be completed utilizing the online system and should be done as soon as possible after the search has been completed. Please ensure all of the applicants for your position are in a status of *Review Complete*. Also, please code the appropriate *Status* and *Reason* codes to complete this process.

If you have any questions regarding this process, please do not hesitate to contact us at (478) 301-2786.

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**SUBJECT:**

RECRUITMENT PROCEDURES

Updated: May 1, 2003

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## FACULTY

These procedures apply to both **tenure-track and non-tenure-track faculty** positions which are half-time or more for at least one academic year.

1. Contact the appropriate Dean's office for instructions on completing paperwork and to receive approval for recruiting.
2. Once the position has been approved and Human Resources has received the associated paperwork from the Dean's office, Human Resources will be in contact to schedule a training session for the online application system.
3. After the position is approved for recruitment and the online posting form is complete, Human Resources will list the opening through the online system and the appropriate advertising sources.
4. Review all ***Recruitment Information*** (see next page for list) **BEFORE** reviewing application materials and interviewing candidates.
5. Review the applicants online, coding their appropriate status and reason as shown during the training session.
6. Prior to extending an offer, call Human Resources to verify all relevant information has been received, allow Human Resources to review the applicant pool and assess the proposed hire in light of our Affirmative Action Plan goals and objectives, and to set a time to remove the posting from the web site.
7. After receiving a verbal acceptance, initiate an ***official letter of appointment*** to confirm the offer made to the applicant. Send a copy to the Human Resources office.
8. Complete recruitment forms (***Recruitment Plan*** and ***Recruitment Summary***) and the ***Personnel Action Form (PAF)*** - **request hard copy from HR** - and forward to Human Resources.
9. On the **first** day of employment, schedule the New Employee with Human Resources to complete the I-9, tax forms and other related employment forms.

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**SUBJECT:**

RECRUITMENT PROCEDURES

Updated: May 1, 2003

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*Faculty Recruitment Information —*

1. Recruitment Forms

- ! **Recruitment Plan**
- ! **Recruitment Summary**

2. Americans With Disabilities Act (ADA) Compliance

- ! **Nondiscrimination in the Hiring Process**
- ! **Do's and Don'ts**
- ! **Interview Tips**

3. **Interview Do's and Don'ts**

4. Sample Letter of Offer & Forms

- ! **Letter of Offer**
- ! **Invitation to Self-Identify**
- ! **I-9 Employment Verification**

5. **Personnel Action Form (PAF)** — (hard copy - need to request from HR)

6. **Supervisor Orientation Checklist**

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**SUBJECT:**

RECRUITMENT PROCEDURES

Updated: May 1, 2003

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## PROFESSIONAL

These procedures apply to all Professional positions which are half-time or more for at least one academic year.

*[NOTE: All Medical School Department Chairs and Supervisors should first contact the Medical School Finance Office at ext. 4088, which serves as the liaison to the University Human Resources Office.]*

1. Complete a **Request for Staff Vacancy** form along with a new or updated job description and forward to Human Resources for review.
2. Once the position has been approved, Human Resources will be in contact to schedule a training session for the online application system.
3. After the position is approved for recruitment and the online posting form is complete, Human Resources will list the opening through the online system and the appropriate advertising sources. All professional vacancies must be posted throughout the University for a minimum of five (5) working days before an employment commitment can be made.
4. Review all **Recruitment Information** (see next page for list) **BEFORE** reviewing applications and interviewing candidates.
5. Review the applicants online, coding their appropriate status and reason as shown during the training session.
6. Set up interviews for the applicants. If a criminal history or credit history is required for this position, please send the top two or three candidates to the Human Resources office to complete consent forms. If the position requires the candidate to be insurable by the University carrier, please have them obtain their Motor Vehicle Report (MVR) and bring to Human Resources where they will complete an approved driver's application.
7. Prior to extending an offer, call Human Resources to verify all relevant information has been received regarding criminal, credit and driver's checks (if applicable), allow Human Resources to review the applicant pool and assess the proposed hire in light of our Affirmative Action Plan goals and objectives, and to set a time to remove the posting from the web site.
8. After receiving a verbal acceptance, initiate an **official letter of appointment** to confirm the offer made to the applicant. Send a copy to the Human Resources office.
9. Complete recruitment forms (**Recruitment Plan** and **Recruitment Summary**) and the **Personnel Action Form (PAF)** - **request hard copy from HR** - and forward to Human Resources.
10. On the **first** day of employment, schedule the New Employee with Human Resources to complete the I-9, tax forms and other related employment forms.

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**SUBJECT:**

RECRUITMENT PROCEDURES

Updated: May 1, 2003

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*Professional Recruitment Information —*

1. Recruitment Forms

- ! **Recruitment Plan**
- ! **Recruitment Summary**

2. Americans With Disabilities Act (ADA) Compliance

- ! **Nondiscrimination in the Hiring Process**
- ! **Do's and Don'ts**
- ! **Interview Tips**

3. **Interview Do's and Don'ts**

4. Sample Letter of Offer & Forms

- ! **Letter of Offer**
- ! **Invitation to Self-Identify**
- ! **I-9 Employment Verification**

5. **Personnel Action Form (PAF) — (hard copy - need to request from HR)**

6. **Supervisor Orientation Checklist**

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**SUBJECT:**

RECRUITMENT PROCEDURES

Updated: May 1, 2003

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**POLICY FOR THE RECRUITMENT OF DEANS**

1. The President and/or the Executive Vice President for Academic Affairs are responsible for the appointment of deans.
2. Each college or school of the University will propose to the President the policy governing the composition and operation of the dean search advisory committee for that college or school. The policy is subject to the President's approval and should reflect the size of the college or school's faculty, its particular constituency, and its traditions and previous practice in the recruitment of deans. The proposed policy must be consistent with the Affirmative Action Plan of the University.
3. The search committee will solicit nominations and applications for the position by a certain date, review them expeditiously, and submit written appraisals of not more than five acceptable candidates to the President or to the Executive Vice President for Academic Affairs, as charged. An appointment will be made from among those candidates, or else the process will recommence. The operating procedures of the search committee must adhere to the guidelines of the Affirmative Action Plan and hiring regulations of the Human Resources Office.
4. The appointment of a temporary acting dean while a dean search is organized and pursued may occur without the involvement of a dean search advisory committee. Rather, the President, in consultation with the Executive Vice President for Academic Affairs, will determine those from whom advice and counsel will be sought prior to the appointment of an acting dean.
5. In the case of an appointment of a provost/dean of a professional school, the dean recruitment policy will be followed.

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**SUBJECT:**

RECRUITMENT PROCEDURES

Updated: May 1, 2003

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## **RECRUITMENT OF VICE PRESIDENTS, PROVOSTS AND SIMILAR OFFICERS**

Sr. Vice Presidents, Executive Vice President for Academic Affairs, and Special Assistants to the President and similar officers of the University are appointed by the President and confirmed by the Board of Trustees.

The search process for positions at this level is initiated by the President, who will normally develop an appropriate description of the position in consultation with the EEO/AAP Officer and such other constituencies as the President deems appropriate. Notice of the position opening will be posted or otherwise disseminated within the University, and advertisements will be placed in appropriate professional publications, newspapers, and position registries. Generally, nominations and applications will also be sought through personal correspondence or other contacts with college or university presidents and/or appropriate higher education organizations. If necessary, special efforts shall be made to assure that qualified women and minority candidates are included in the applicant pool.

The President may appoint a search committee or engage an appropriate external search firm to assist in locating and screening candidates. In such cases, the committee or search firm shall be advised of and required to adhere to University policies and procedures concerning equal opportunity and affirmative action. If a search committee is appointed, the composition should reflect the diversity of constituencies having an interest in the position.

Applications and resumes of candidates will be reviewed (1) to eliminate those which do not meet basic qualifications and (2) to select for interview those qualified applicants deemed best suited for the position. Qualified women and minority candidates will be included among those interviewed whenever possible. Finalist candidates will meet with members of the Board, other officers, deans and/or others as the President deems appropriate, and their advice and counsel will be sought before an appointment is made.

A *Recruitment Summary* will be completed and maintained in the Human Resources Office along with copies of all applications.

# MERCER UNIVERSITY

SECTION: 3.11

POLICIES AND PROCEDURES MANUAL

PAGE: 1

OF: 1

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**SUBJECT:**

BACKGROUND/CREDIT CHECKS/DRIVE VEHICLE

Updated: May 1, 2003

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The University will perform background and credit checks on all positions which, in the course of the duties performed by the position, money is handled, access to drugs is present, and access to keys to more than one specific area is readily available. Applicants for such positions will be informed of the need for such checks and will be required to complete the necessary paperwork to authorize and comply with the Fair Credit Reporting Act.

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**SUBJECT:**

PROMOTIONAL AND TRANSFER OPPORTUNITIES FOR ADMINISTRATIVE,  
PROFESSIONAL, AND CLASSIFIED EMPLOYEES

Updated: September 19, 2006

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**PURPOSE/POLICY:**

The University provides opportunities for internal transfers and promotions. Vacancies are normally posted on the Mercer University Human Resources website ([www.mercer.edu/hr](http://www.mercer.edu/hr)) so that interested employees may apply.

As vacancies occur, employees interested in transfer or promotion should follow the procedures for application in the positing notice. In cases where the position may be filled by a transfer or promotion within a department, the updated resume may not be necessary. However, the employee must notify their supervisor of their interest in the position in order to be considered. Where there are applicable skills tests associated with the vacant position, the employee must be retested to certify their current skill level. In addition, if the position requires background and credit checks, the employee must complete the necessary authorization forms in order to be considered. 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.

Classified staff who are on probation may not apply for transfer or promotional opportunities to other departments, but may be considered for opportunities within the department in which they are currently employed.

It is advised that employees who are applying for transfer or promotional opportunities outside of their department 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 they are selected for the vacancy.

Classified employees who are transferring or receiving a promotion must provide 10 working days' advance notice, unless both the present and prospective supervisors agree to waive this requirement.

For administrative or professional positions, at least 30 days' notice should be given to the present supervisor.

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**SUBJECT:**

RESIGNATION OR TERMINATION OF ADMINISTRATIVE, PROFESSIONAL AND CLASSIFIED EMPLOYEES

Updated: May 1, 2003

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**PURPOSE/POLICY:****A. *Resignation***

An employee may resign at any time during the employment period. For classified employees, 10 working days of notification should be given to the supervisor. For administrative or professional staff, it is requested that at least 30 days notice be given to the supervisor. Accrued vacation is not regarded as part of the notice. A written resignation should be addressed to the supervisor.

A Personnel Action Form (PAF) must be prepared by the supervisor and forwarded to the Human Resource Office prior to the employee's departure. A copy of the written resignation shall be attached to the termination form. Upon receipt of the termination form and resignation letter, a Checklist for Departing Employees and a Separation Notice will be forwarded to the supervisor. The Separation Notice should be completed and provided to the departing employee. The Personnel Action Form and the Checklist for Departing Employees should be completed and returned to the Human Resources Office.

**B. *Termination***

As mentioned elsewhere, classified and other non-faculty employment relationships at Mercer 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:

**Classified Employees** - Classified personnel may be terminated during the initial or 90-day probationary period without being provided cause or access to the Grievance Policy/Procedure. Advance notice to the employee of the termination is not required.

After classified personnel have successfully completed the probationary period, if the employee is being terminated due to performance deficiencies or improper employee behavior, normally, corrective measures or disciplinary action short of termination may have been imposed before termination is approved. The recommendation must be reviewed with the Associate Vice President for Human Resources before it is implemented. Normally, ten working days of notification will be given to the employee prior to the actual termination date. In extreme cases, classified personnel may be terminated immediately if the employee's continued presence would be detrimental to the best interest of the University. The recommendation for immediate termination must be coordinated with the Associate Vice President for Human Resources.

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**SUBJECT:**

RESIGNATION OR TERMINATION OF ADMINISTRATIVE, PROFESSIONAL AND CLASSIFIED EMPLOYEES

Updated: May 1, 2003

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**Administrative and Professional Employees** - Administrative and professional employees may be terminated at any time without advance notice, although reasonable advance notice or severance salary is normally given unless the reason for the termination is serious misconduct. The recommendation for immediate termination must be coordinated with the Associate Vice President for Human Resources.

Upon notice of personnel action, the Human Resources Office will send a termination packet with instructions to complete the form. A Personnel Action Form must be prepared by the supervisor and forwarded to the Human Resources Office prior to the employee's departure. The Checklist for Departing Employees must be returned to Human Resources after the employee has departed. The Separation Notice should be provided to the employee and a copy sent to Human Resources.

**C. *Requirement of the State of Georgia for Completion of Separation Notice***

In all cases, including full-time and part-time personnel, whether by resignation or termination, the supervisor, with the assistance of the Associate Vice President for Human Resources, must complete the Georgia Department of Labor form DOL-800, Separation Notice. The original must be given to the employee at the time of separation and a copy forwarded to the Human Resources Office.

# CHECKLIST FOR DEPARTING EMPLOYEES

Employee's Name \_\_\_\_\_

Last Working Day \_\_\_\_\_ Last Day of Pay \_\_\_\_\_

This form is provided for individuals retiring, resigning, terminating, or going on an extended leave of absence. This form must be completed before the final salary payment can be made. The supervisor's signature will indicate that obligations in that particular department and the University have been met.

**When completed, this form must be submitted to the University Human Resources Office.**

\_\_\_\_ Returned One-Card/Employee ID Card (Must be sent to Human Resources attached to this Checklist.)

\_\_\_\_ Notified *retiring* employee that they must get a new ID Card (*No banking functions associated with this card.*)

\_\_\_\_ Physical Plant (Return keys to your supervisor or the Physical Plant.)

\_\_\_\_ Voice Mail Disconnected / Computer System Access Terminated

\_\_\_\_ Turned in Final Time Report/Time Recap Sheet to Supervisor or Payroll

\_\_\_\_ Accounting (Have all travel advances, personal purchases, university housing rental, or other accounts been settled?)

\_\_\_\_ Returned University Credit Card(s) (telephone access & calling card, gasoline, bank charge, purchasing card, etc.)

\_\_\_\_ DOL-800, Separation Notice Completed (**copy** to Human Resources; **original** to Departing Employee)

\_\_\_\_ Returned Uniforms and/or Other University Equipment

\_\_\_\_ Library (Does the employee have outstanding library materials or fines?)

\_\_\_\_ Is there a need to re-key or re-code security systems?    **"** Yes    **"** No

\_\_\_\_ Exit Interview with Human Resources (If not previously scheduled, please call ext 2789.)

\_\_\_\_ Has all grade information retained by the faculty member been turned over to the Dean or his/her designate? \_\_\_\_\_  
(Initials)

\_\_\_\_ Forwarding Address for W-2, if Moving or Relocating:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Supervisor's Signature)

\_\_\_\_\_  
(Date)

\_\_\_\_ **I acknowledge receipt of the *Notice of Employee COBRA Rights.***

\_\_\_\_\_  
(Employee's Signature)

\_\_\_\_\_  
(Date)

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**SUBJECT:**

PROBATIONARY PERIOD FOR CLASSIFIED EMPLOYEES

Updated: May 1, 2003

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**I. PURPOSE/POLICY:**

New classified employees are required to serve a probationary period. Continuing classified employees may be placed in a probationary status for disciplinary reasons at any time during their employment at the University.

**II. PROCEDURE:**

Classified employees are in a probationary status during the first 90 calendar days of employment. During this probationary period, an employee may not apply for a transfer or promotion outside of their initial employing department, or receive a salary increase. Before this probationary period ends, the employee should be evaluated by the supervisor, and a specific recommendation must be made for continued employment beyond the probationary period. In certain circumstances, such as when there has been a change of supervisors or when there has been deficiencies in performance, the probationary period may be extended for an additional 90 days. These extensions may be granted when there has been a change of supervisors, quality of work has not been satisfactory, excessive absenteeism, tardiness, or the work habits need improvement. When extensions are granted, the additional probationary period shall include counseling of the employee in order to provide an opportunity to correct the apparent deficiency.

During this probationary period, if job performance is not satisfactory to the supervisor, the employee shall be terminated without prejudice and no formal evaluation of the employee is required. However, even during this period, discussion should be held with the employee notifying them of the performance or behavioral concerns so corrective measures may be taken. Termination of the probationary employee may be done summarily. 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.

**III. DISCIPLINARY PROBATIONARY STATUS AFTER THE INITIAL EMPLOYMENT:**

A supervisor, with the approval of the next level of supervision and the Associate Vice President for Human Resources, may place a classified employee in a probationary status at any time during the employment period, not to exceed 90 calendar days, to enforce work rules or performance standards. A written notification shall be forwarded to the employee, with a copy to the Human Resources Office, advising the employee that they are being placed on a probationary status for the amount of time specified. This written notification shall state concisely the reason for the probation. The supervisor shall conduct a meeting with the employee at least once in the middle of the probationary period to

# MERCER UNIVERSITY

SECTION: 3.19

POLICIES AND PROCEDURES MANUAL

PAGE: 2

OF: 2

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**SUBJECT:**

PROBATIONARY PERIOD FOR CLASSIFIED EMPLOYEES

Updated: May 1, 2003

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counsel and advise the employee. Written documentation of this counseling session will be forwarded to Human Resources.

An employee who is placed back on probation may not apply for a transfer or promotion until their probationary status has been removed.

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**SUBJECT:**

RESTRICTIONS ON EMPLOYMENT

Updated: May 1, 2003

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**PURPOSE/POLICY:**

- A. Employment of Relatives. Mercer University permits the employment of qualified 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 the same department in which 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 full and complete 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 shall be in compliance with the applicable law and must be approved by the Associate Vice President for Human Resources.
  
- C. Employment of Students. Employment of students who are enrolled in the University is coordinated through the Student Financial Planning Office and the Office of Student Employment, which must approve hours of work and rates of pay, in accordance with Federal financial aid regulations. Undergraduate students currently enrolled at Mercer University may not be considered for regular full-time employment unless they are within 30 days of completing a degree.

# MERCER UNIVERSITY

SECTION: 3.23

POLICIES AND PROCEDURES MANUAL

PAGE: 1

OF: 1

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**SUBJECT:**

OUTSIDE EMPLOYMENT

Updated: May 1, 2003

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**PURPOSE/POLICY:**

An employee's job at the University is generally expected to be his or her primary occupation. However, outside employment is allowed if it does not interfere with the individual's University responsibilities and if it is approved in advance by the employee's supervisor. Outside employment is not permitted where, in the opinion of the University, the outside job creates an actual or perceived conflict of interest or brings discredit to the University. No University funds, equipment, or facilities may be used in outside employment without appropriate payment or reimbursement to the University, unless otherwise authorized by the President of the University.

If an exempt employee is asked by another department within the University to perform services for additional compensation which are not part of the employee's primary job, the employee may accept such an assignment but must perform the additional services outside of the normal working hours of the employee's regular position or take vacation leave. Non-exempt employees must accurately report time worked on additional projects in compliance with the Wage and Hour Laws of the Fair Labor Standards Act. Non-exempt employees are precluded from taking additional jobs at the University which would cause all hours to be paid at an overtime rate of pay. Non-exempt personnel are not allowed to accept employment or perform services for additional compensation from another department without prior approval from the current supervisor and the Associate Vice President for Human Resources.

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**SUBJECT:**

REPORTING SUSPECTED IMPROPER CONDUCT

Updated: May 1, 2003

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In all its business practices, and particularly in its dealings with the Government, the University seeks to conduct itself 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, who will refer the matter to the Internal Auditor for investigation, or you may report suspected improper conduct directly to the Internal Auditor on a confidential basis [phone (478) 301-2325]. 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.

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**SUBJECT:**

## CATEGORIES OF EMPLOYMENT

Updated: September 19, 2011

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**PURPOSE/POLICY:**

For purposes of human resource administration, including eligibility for overtime and employee benefits, the University categorizes its employees as follows:

- A. Full-time Regular Employees:** Employees hired to work a minimum of thirty (30) 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:
- Category I* — Employees hired to work less than thirty (30) hours a week on a regular basis, but who work at least 1000 hours a year. Employees in this category are sometimes referred to as **regular part-time employees**.
- Category II* — Employees hired to work less than 1000 hours a year, including those who work an irregular schedule or varied hours.
- 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, or when the supervisor determines the services provided by the temporary employee are no longer needed. Temporary assignments are for durations of six months or less. Such employees may be "exempt" or "nonexempt" as defined below. (*Note:* Employees hired from temporary employment agencies for specific assignments are employees of the respective agency and not of the University.) Temporary employees are not eligible for benefits, other than those federally mandated, and service as a temporary employee is not credited for purposes of benefits or seniority if the temporary employee is subsequently employed as a regular employee, except for the eligibility for Family and Medical Leave Act leave as required by federal law.
- D. Student Employees:** Persons currently enrolled in the University on a full-time basis who work for the University in some capacity. Student employees must register and coordinate employment activities through the appropriate Financial Aid Office of their college or school. Their hours of employment may be 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. Full-time undergraduate students are not eligible for consideration for

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**SUBJECT:**

CATEGORIES OF EMPLOYMENT

Updated: September 19, 2011

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regular University positions, unless they are within 30 days of completing their degree requirements.

- E. Non-exempt Employees:** Employees who 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 hours in a workweek, in accordance with applicable federal wage and hour laws, or they may opt for compensatory time as long as the time is compensated within the same pay period in which it is earned.
- 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 hours in a workweek. 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 faculty, executives, and employees in certain administrative and professional positions. Classified employees may be "exempt" or "nonexempt" as defined above.

## ORIENTATION

On the first day of employment, the employee should schedule time in the Human Resources Office to complete the I-9 as required by the Immigration and Naturalization Act as amended, and to complete other forms required for payroll purposes. During the first month of employment, the employee will be scheduled for a New Employee Orientation Program, which will provide them with information regarding basic University Policies, affirmative action plans, benefit programs, and other information to acquaint them with the University.

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

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**SUBJECT:**

WORK HOURS

Updated: May 1, 2003

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**PURPOSE/POLICY:**

**A. Monthly Employees**

The workweek is based on the calendar week, Sunday thru Saturday.

The normal workweek schedule for full-time employees is 37.5 or 40 hours, depending upon the job classification and specific departmental and college requirements. However, for purposes of benefit programs, the University considers an employee who works 30 hours a week a full-time employee as well. Employees are expected to report to work on time and to remain on the job throughout their regular working hours. The normal operating hours are 8:30 a.m. to 5:00 p.m., departments in Physical Plant and the Campus Police may have shift hours, and hours which may shift to an earlier starting time due to the weather conditions.

Lunch breaks are normally taken between the hours of 11:00 a.m. and 2:00 p.m. Special arrangements may be made with advance approval of the department supervisor.

The workweek for an employee, or a group of employees, cannot be changed without the approval of an officer of the University for the area affected and with consultation of the Associate Vice President for Human Resources.

**B. Biweekly Employees**

The workweek is based on the calendar week, Thursday through Wednesday.

The normal workweek schedule for full-time employees is 37.5 or 40 hours, depending upon the job classification and specific departmental and college requirements. However, for purposes of benefit programs, the University considers an employee who works 30 hours a week a full-time employee as well. Employees are expected to report to work on time and to remain on the job throughout their regular working hours. The normal operating hours are 8:30 a.m. to 5:00 p.m., departments in Physical Plant and the Campus Police may have shift hours, and hours which may shift to an earlier starting time due to the weather conditions.

Lunch breaks are normally taken between the hours of 11:00 a.m. and 2:00 p.m. Special arrangements may be made with advance approval of the department supervisor.

The workweek for an employee, or a group of employees, cannot be changed without the approval of an officer of the University for the area affected and with consultation of the Associate Vice President for Human Resources.

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**SUBJECT:**  
PAY PERIODS AND RECEIPT OF CHECKS  
Updated: May 1, 2003

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**PURPOSE/POLICY:**

Faculty and Non-faculty employees are normally paid by check either on a bi-weekly or monthly basis.

*Bi-weekly employees* receive paychecks every other Friday. The payroll period begins every other Thursday at 12:01 A.M. and ends every other Wednesday at 12:00 P.M. Pay envelopes for employees are delivered to the department for distribution.

*Monthly personnel* receive their paychecks or stubs on the last working day of the calendar month. Pay envelopes for employees will be sent to the department/college/division for distribution. Exceptions may be made when the employee designates in writing another individual to receive the check or when the employee will be on an extended leave of absence.

All regular 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 Benefits & Payroll Office or online at [www.mercer.edu/payroll](http://www.mercer.edu/payroll).

All employees should review their paycheck for errors. If a mistake is found or there are questions, the employee should contact his/her supervisor, the Payroll Office, or the Human Resources Office immediately to answer questions and to make corrections.

Questions regarding time and/or hours worked, holiday pay or sick leave pay can be discussed by the employee with his/her supervisor or department head, the Human Resources Office, or the Payroll Office for clarification of questions regarding salary and paychecks.

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*Faculty* - First year faculty on less than 12 month appointment are paid their total contract salary covering the period from their date of hire through June 30<sup>th</sup> of the following year. Upon receiving a new appointment for the second year of employment, the salary is apportioned over a twelve-month period. If a faculty member leaves their position prior to the conclusion of their contract, Mercer will expect prompt return of payments made for services that remain unrendered. The exact amount of expected return will be determined by the Dean's Office.

A faculty member who anticipates resignation before completing the appointment period should notify their department/division head who will notify the Dean. The Dean must notify the Human Resource Office so appropriate calculations, repayment arrangements and checkout procedures can be completed prior to the faculty member's departure.

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**SUBJECT:**

TIME RECORDS

Updated: May 1, 2003

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**PURPOSE/POLICY:**

***General Policies Regarding Time Records***

In order to comply with the provisions of the Fair Labor Standards Act, federal legislation, and related regulations, the University must require employees who are designated as non-exempt (see "Categories of Employment" - Section 3.27) to submit a time record for each pay period. The time record is the official document for determining the amount of pay an employee is due for work performed during a given pay period. After reviewing the form and resolving any discrepancies, the supervisor signs the form and forwards it to payroll. Authorizing signatures must be in original form. Signature stamps are not acceptable.

Employees must ensure that their actual hours worked and leave time taken are recorded accurately. Falsification of a time record is a breach of University policy and is grounds for disciplinary action, including the possibility of termination.

"Hours worked" for non-exempt employees under federal law is the time for which an employee is entitled to be compensated. Employees must be compensated for time they are required to be on duty on the employer's premises and for time they are allowed or permitted to work. Hours worked may include time spent in incidental activities as well as in productive work. Supervisors are required to limit the work day of the employee to the time authorized for each position unless the supervisor is authorizing overtime or compensatory time. It is anticipated that supervisors will control the amount of time worked by an employee and not permit a liability and/or penalty to occur by a future claim for overtime permitted.

Where time clocks are used, employees are responsible for clocking in at the appointed starting time, clocking out for lunch, clocking in after lunch, and clocking out at the end of work time. Failure to clock in or out could result in the loss of pay for time during which the employee may actually have worked.

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**SUBJECT:**

TIME RECORDS

Updated: May 1, 2003

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*Overtime/Time-Off Plan*

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. Overtime is all work performed by an employee in excess of the employee's regular budgeted hours per week. All overtime up to and including 40 total hours worked in a workweek will be compensated at the employee's regular hourly rate of pay. All overtime in excess of 40 total hours worked in a workweek 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 workweek. Compensation for overtime is normally paid on the overtime payroll run for monthly employees and on the regular payroll run for bi-weekly employees, unless the overtime hours are offset by a proportionate number of time-off hours in accordance with the following Time-Off Plan:

**Time-Off Plan for Overtime** - A supervisor may schedule time off within the same pay period to offset the overtime hours worked by non-exempt employees, as long as all the following conditions are met:

- (1) The employee must either be paid at a fixed hourly rate or paid a regular salary for a fixed number of hours per week.
- (2) The employee's regular pay period must be longer than a week (i.e. bi-weekly or monthly).
- (3) The time off granted must be at the rate of one hour off for every hour of overtime worked up to 40 hours in a workweek, and at the rate of one and one-half hours off for every hour of overtime worked in excess of 40 hours in a workweek. Whenever possible, the time off will be granted at a time agreeable to both the supervisor and the employee.
- (4) The offsetting time off must be taken during the same pay period in which the overtime was worked. The time off may be spread over several days of the pay period, and it may be granted before or after the overtime work is performed, as long as it is taken within the same pay period. Any overtime which has not been offset by time off taken within the pay period must be paid in cash on the employee's regular payday.
- (5) The time report must accurately record hours worked, on the days they are actually worked, and time off taken.

# MERCER UNIVERSITY

SECTION: 3.35

## POLICIES AND PROCEDURES MANUAL

PAGE: 1

OF: 1

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**SUBJECT:**

PERSONNEL FILES

Updated: May 1, 2003

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**PURPOSE/POLICY:**

A personnel record is maintained for each employee in the Human Resources Office and includes such information as the application for employment, resumes, references, transcripts if applicable, appointment letters, position assignments, transfers, promotions, evaluations, correspondence, and disciplinary actions, etc.

The supervisor must notify Human Resources of any changes in regards to salary, title, position assignments and pertinent employment related correspondence, i.e., disciplinary actions, etc.

To ensure that the employee's personnel file is up to date, they should notify Human Resources of any change of name, address, telephone number, marital status, or any other personal data, as soon as such a change occurs.

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 the file is requested, the employee will be charged a reasonable fee for reproduction.

# MERCER UNIVERSITY

SECTION: 3.37

## POLICIES AND PROCEDURES MANUAL

PAGE: 1

OF: 1

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### SUBJECT:

ABSENTEEISM OR TARDINESS

Updated: May 1, 2003

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### **PURPOSE/POLICY:**

Employees are required to report for work and to be prepared for duty at the beginning of the work period. If the employee expects to be absent or tardy, they should notify their supervisor before the work period begins whenever possible, but they must notify their supervisor or department head within one hour after the work period has begun unless they 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.

**Absent and a known serious health condition:** Mercer considers use of more than one day a month excessive and abuse of our sick leave policy.

Employees having an urgent reason for leaving the work site must have authorization from their supervisors prior to departure. Failure to notify the supervisor could result in disciplinary action.

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**SUBJECT:**

**GUIDELINES FOR APPROPRIATE CONDUCT**

Updated: August 3, 2011

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Employees of the University 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 they are on duty or off, their conduct reflects on Mercer University. Employees are, therefore, encouraged to observe the highest standards of professionalism at all times.

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

1. Falsifying employment or other University records, including time cards or time sheets.
2. Violating the University's nondiscrimination and/or harassment policies (described in this Manual).
3. Soliciting or accepting money and/or gratuities from students or vendors.
4. Excessive absenteeism or tardiness.
5. Excessive, unnecessary or unauthorized use of University 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 Manual).
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 premises or while on University 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 University 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 premises.
18. Conviction of a felony.
19. Charging telephone calls or personal expenses to University accounts.

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

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**SUBJECT:**

PERFORMANCE EVALUATION/DEVELOPMENT FOR CLASSIFIED  
PERSONNEL

Updated: May 1, 2003

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**PURPOSE/POLICY:**

To provide for the evaluation of all classified personnel on a periodic basis. This evaluation by the employee's supervisor will appraise the performance of the employee, provide opportunities to improve performance, improve communication between the supervisor and the employee, identify superior and inferior performance, and identify training needs and opportunities for development of the employee.

Classified employees in the 90-day probationary period shall be evaluated just prior to the completion of the probationary period. Such evaluations shall contain specific recommendations for either continued employment or termination.

Performance Appraisal/Development Forms shall be made available to each department.

After completing the Appraisal Form, the supervisor must discuss the contents with the employee and the employee should acknowledge this by signing the form. The employee's signature does not imply agreement with the appraisal, but only acknowledges that the contents have been reviewed by the employee. If the employee refuses to sign the Appraisal Form, the supervisor should so note on the form before it is sent to the Human Resources Office. The employee may, within five working days, note objections to the evaluation on the form or on a separate memorandum which should be attached to the form. These objections noted by the employee will become a part of the employee's personnel file.

Once the employee has signed the completed form, no changes, additions, or deletions shall be made without the employee's knowledge.

**Administrative and Professional Staff**

Department Heads/Supervisors of Administrative/Professional Staff must evaluate the performance of their professional staff on a periodic basis. Copies of these evaluative documents must be sent to Human Resources for retention in the Personnel files for SACS Accreditation Reviews.

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**SUBJECT:**

**GRIEVANCE PROCEDURES FOR NON-FACULTY EMPLOYEES (CLASSIFIED, PROFESSIONAL, AND ADMINISTRATIVE STAFF)**

Updated: November 2, 2006

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

1. These procedures apply to all complaints by non-faculty 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 shall 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 (the Associate Vice President for Human Resources).<sup>\*</sup> The Equal Opportunity Officer will discuss the matter with the employee's supervisor and/or with the supervisor's supervisor, as 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 that the parties can agree on. In cases not alleging discrimination, the complaining employee should contact his/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 Vice President 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 action complained of. In questionable cases, the Associate Vice President for Human Resources will designate the respondent. Upon receipt of the complaint, the Associate Vice President for Human Resources shall promptly send copies to the respondent and to the appropriate Dean, Director or other unit head.

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<sup>\*</sup> See Section 3.1 for Equal Employment Opportunity Policy and Procedures.

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**SUBJECT:**

GRIEVANCE PROCEDURES FOR NON-FACULTY EMPLOYEES (CLASSIFIED, PROFESSIONAL, AND ADMINISTRATIVE STAFF)

Updated: November 2, 2006

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5. Within 30 days of receipt of a copy of the written complaint, the respondent shall submit to the Associate Vice President for Human Resources a written answer to the complaint. The Associate Vice President for Human Resources shall promptly send copies of the answer to the complainant and the unit head.
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 Vice President 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 Dean, Director or other head of the unit in which the complainant works;
  - (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 Vice President for Human Resources, the complainant, the respondent, and the appropriate unit head.

# MERCER UNIVERSITY

SECTION: 3.43

## POLICIES AND PROCEDURES MANUAL

PAGE: 3

OF: 3

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**SUBJECT:**

GRIEVANCE PROCEDURES FOR NON-FACULTY EMPLOYEES (CLASSIFIED,  
PROFESSIONAL, AND ADMINISTRATIVE STAFF)

Updated: November 2, 2006

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10. Within 30 days of receipt of the committee's report of findings and recommendations, the Associate Vice President 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.

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**SUBJECT:**

DRUG-FREE WORKPLACE POLICY

Updated: March 1, 2011

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**PURPOSE/POLICY:**

Mercer University shares 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 property or as part of any University-sponsored activity is absolutely prohibited.

As a condition of employment at Mercer, all employees must abide by these standards of conduct, and disciplinary sanctions will be imposed for violations. 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 (including faculty members) 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 in Human Resources, and copies are distributed annually to employees in accordance with Federal law.

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**SUBJECT:**

ALCOHOL AND CONTROLLED SUBSTANCES TESTING OF EMPLOYEES  
OPERATING COMMERCIAL MOTOR VEHICLES

Updated: May 1, 2003

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## **I. OVERVIEW**

This Policy is established to comply with federal law and regulations requiring that Mercer University conduct alcohol and controlled substances testing of its employees who are required as a condition of their employment to hold a commercial drivers license (CDL).

Alcohol misuse and controlled substance use may cause tragic and costly transportation accidents, decreased worker productivity, increased health care costs, and increased employee absences. In view of these serious potential problems, the objective of this Policy is to detect and deter alcohol-related and controlled substance-related conduct which may jeopardize the health, safety, and well-being of University employees and the public, and to enhance overall health and safety by establishing an alcohol misuse and controlled substances use prevention program.

This objective will be accomplished by establishing prohibited concentrations of alcohol and prohibiting the presence of controlled substances, and by accurately detecting and deterring the use of alcohol and controlled substances in the work environment through a combination of testing, cessation of use, and disciplinary action (including termination of employment) for violations of this Policy.

## **II. DEFINITIONS**

For purposes of this Policy:

- A.** *Alcohol* means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohols.
- B.** *Alcohol concentration (or content)* means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test.
- C.** *Alcohol use (or use of alcohol)* means the consumption of any beverage, mixture, or preparation, including any medication containing alcohol.

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**SUBJECT:**

ALCOHOL AND CONTROLLED SUBSTANCES TESTING OF EMPLOYEES  
OPERATING COMMERCIAL MOTOR VEHICLES

Updated: May 1, 2003

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D. *Commerce* means:

- (1) any trade, traffic, or transportation within the jurisdiction of the United States between a place in a State and a place outside of such State, including a place outside of the United States, and
- (2) trade, traffic, and transportation in the United States which affects any trade, traffic, and transportation described in subsection (1) of this definition.

E. *Commercial Motor Vehicle (CMV)* means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property, if the motor vehicle:

- (1) has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
- (2) has a gross vehicle weight rating of 26,001 or more pounds; or
- (3) is designed to transport 16 or more passengers, including the driver; or
- (4) is of any size and is used in the transportation of materials found to be hazardous for the purpose of the Hazardous Materials Transportation Act, and which require the motor vehicle to be placarded under federal hazardous materials regulations.

F. *Confirmation Test*. In alcohol testing, it means a second test, following a screening test with a result of 0.02 or greater, that provides quantitative data of alcohol concentration. In controlled substances testing, it means a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the screen test, and which uses a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy. (Gas chromatography/mass spectrometry [GS/MS] is the only authorized confirmation method for cocaine, marijuana, opiates, amphetamines, and phencyclidine.)

G. *Controlled Substance* means cocaine, marijuana, opiates, amphetamines, and phencyclidine.

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**SUBJECT:**

ALCOHOL AND CONTROLLED SUBSTANCES TESTING OF EMPLOYEES  
OPERATING COMMERCIAL MOTOR VEHICLES

Updated: May 1, 2003

---

- H. *Covered Employee* or *Employee* means any Mercer University employee required as a function or condition of his/her employment to hold a Commercial Driver's License (CDL). This includes, for purposes of pre-employment testing only, applicants and current employees selected for employment in such a position. A Covered Employee may be in an off-duty, on-duty, pre-duty, or on-call status.
- I. *Driver* means any Covered Employee who operates a Commercial Motor Vehicle (CMV). This includes, but is not limited to, full-time, regularly employed drivers; casual, intermittent, or occasional drivers; leased drivers and independent, owner-operator contractors who are either directly employed by or are under lease to the University; or drivers who operate a CMV at the direction of or with the consent of the University. For purposes of pre-employment/pre-duty testing only, the term "driver" includes a person applying to the University to drive a CMV.
- J. *Driving Time* means all time spent at the driving controls of a Commercial Motor Vehicle (CMV) in operation.
- K. *Employer* means Mercer University, its agents, officers, and representatives.
- L. *Medical Review Officer* means a licensed physician responsible for receiving laboratory results generated by the University's controlled substance testing program, who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate a Covered Employee's confirmed positive test result, together with his/her medical history and any other relevant biomedical information.
- M. *Observer* means a trained supervisor or other trained University official.
- N. *Performing (a Safety-Sensitive Function)*. A driver is considered to be performing a Safety-Sensitive Function during any period in which he/she is actually performing, ready to perform, or immediately available to perform any Safety-Sensitive Functions.
- O. *Prohibited Conduct* means behavior by a Covered Employee who has a test result which exceeds prohibited concentration amounts of alcohol or controlled substances in his/her system while he/she is performing a Safety-Sensitive Function, or who has engaged in behavior otherwise prohibited by this Policy.

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**SUBJECT:**

ALCOHOL AND CONTROLLED SUBSTANCES TESTING OF EMPLOYEES  
OPERATING COMMERCIAL MOTOR VEHICLES

Updated: May 1, 2003

---

- P. *Refuse(s) to Submit (to an alcohol or controlled substances test).* A driver refuses to submit to an alcohol or controlled substances test when he/she:
- (1) fails to provide adequate breath for testing, without a valid medical explanation, after he/she has received notice of the requirement for breath testing in accordance with the provisions of this Policy;
  - (2) fails to provide adequate urine for controlled substances testing, without a valid medical explanation, after he/she has received notice of the requirement for urine testing in accordance with the provisions of this Policy; or
  - (3) engages in conduct that clearly obstructs the testing process.
- Q. *Safety-Sensitive Function* means:
- (1) all time that the Covered Employee is at a carrier or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the Covered Employee has been relieved from duty by the Covered Employee's supervisor;
  - (2) all time that the Covered Employee is inspecting equipment as required by Department of Transportation (DOT) regulations, or otherwise inspecting, servicing, or conditioning any Commercial Motor Vehicle (CMV) at any time;
  - (3) all "driving time", as such term is defined in this Policy;
  - (4) all time, other than driving time, in or upon any Commercial Motor Vehicle (CMV) except time spent resting in a "sleeper berth", as such term is defined in Department of Transportation (DOT) regulations;
  - (5) all time a Covered Employee is loading or unloading, or supervising or assisting in the loading or unloading of, a Commercial Motor Vehicle (CMV), remaining in readiness to operate the CMV, or giving or receiving receipts for shipments loaded or unloaded;

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**SUBJECT:**

ALCOHOL AND CONTROLLED SUBSTANCES TESTING OF EMPLOYEES  
OPERATING COMMERCIAL MOTOR VEHICLES

Updated: May 1, 2003

---

- (6) all time spent by a Covered Employee performing the driver requirements of Department of Transportation (DOT) regulations relating to accidents; and
  - (7) all time spent by a Covered Employee repairing, obtaining assistance, or remaining in attendance upon a disabled Commercial Motor Vehicle (CMV).
- R. *Screening Test (or Initial Test)*. In alcohol testing, it means an analytical procedure to determine whether a driver may have a prohibited concentration of alcohol in his/her system. In controlled substances testing, it means an immunoassay screen to eliminate “negative” urine specimens from further consideration.
- S. *Substance Abuse Professional* means a licensed physician, or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol-related and controlled substance-related disorders.

### III. APPLICABILITY

This Policy applies to all Mercer University employees who are required to hold a commercial drivers license (CDL) as a function or condition of their University employment (i.e., “Covered Employees”).

### IV. PROHIBITIONS

It is a violation of this Policy for a Covered Employee to:

- A. report or return to work within four (4) hours after using alcohol;
- B. use alcohol on the job, including during breaks or meals;
- C. possess alcohol on the job, including during breaks or meals;
- D. have a Confirmation Test result indicating an alcohol concentration of 0.02 or greater;

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**SUBJECT:**

ALCOHOL AND CONTROLLED SUBSTANCES TESTING OF EMPLOYEES  
OPERATING COMMERCIAL MOTOR VEHICLES

Updated: May 1, 2003

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- E. use alcohol within eight (8) hours following an accident or until the Covered Employee is tested, whichever occurs first;
- F. report for duty or remain on duty when the Covered Employee is using or has used any controlled substance, except when the use is pursuant to the instructions of a physician who has advised the employee that the substance does not adversely affect the employee's ability to safely perform a Safety-Sensitive Function, including operating a Commercial Motor Vehicle (CMV);
- G. test positive for a controlled substance; or
- H. refuse to submit to an alcohol or controlled substance test as required by federal laws or regulations or this Policy.

If a Covered Employee engages in the conduct described above, the employee is considered to have engaged in Prohibited Conduct, is immediately disqualified from performing a Safety-Sensitive Function (including operating a Commercial Motor Vehicle [CMV]), and is subject to disciplinary action as set forth in Section X. of this Policy.

**V. REQUIRED TESTS**

A Covered Employee is required to submit to alcohol and controlled substance testing under the circumstances set forth in this Section. Before performing a test, the trained supervisor or other trained University official will notify the employee that the test is being performed pursuant to the requirements of United States Department of Transportation (DOT) regulations, and at no cost to the employee.

A. *Pre-Employment Testing*

For the purposes of pre-employment testing only, "Covered Employee" includes applicants and current employees selected for employment in such a position. Prior to the first time a Covered Employee performs Safety-Sensitive Functions for the University, the employee will undergo testing for alcohol and controlled substances. No Covered Employee will be allowed to perform Safety-Sensitive Functions unless the employee has been administered an alcohol test with a result indicating an alcohol











































































