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SECTION 0.0 BOARD OF TRUSTEES, CODE, CODE REVISIONS**0.01 Code of Personnel Policy and Procedure -- Defined**

0.011 The exempt employees' code of personnel policy and procedure of Central Washington University is a general policy statement issued by the board of trustees pursuant to the board's authority in RCW 28B.35.120, subsection (12), wherein the legislature provided authorization to promulgate such acts not forbidden by law, as the board of trustees may in its discretion deem necessary or appropriate to the administration of the University.

0.012 This code applies to all exempt employees (as defined in section 1.01).

0.013 All university policies and procedures are subject to federal laws, to the laws of the state of Washington and the authority vested in the board of trustees. Nothing in this code shall be construed as an abrogation in any way of any responsibility or power vested in the board of trustees by the laws of the state of Washington, nor does this code limit the right of the board to add emergency provisions or to revise this code, to approve other policy statements concerning the University that are equally binding, to contract for employment benefits permitted by law but other than those specified in this code, or to delegate administrative authority to the president, his/her principal administrators and the university faculty. (BOT approved 2/13/04, Motion 04-02).

0.014 All provisions of this code may be subject to and superseded by Washington State legislative enactments.

0.02 Repeal of Certain Board Ordinances and Rules

0.021 The board of trustees of Central Washington University hereby repeals any and all ordinances and policies adopted by the board and any and all rules adopted by the board which are contrary to or inconsistent with the provisions of this code. The enumeration in this code of certain rights and duties shall not prohibit the university administration from adopting and retaining operational rules and policies which are not in conflict nor inconsistent with the rules contained in this code. Any pending action or proceeding shall not be affected by this code except that subsequent proceedings therein shall conform with the provisions of this code so far as applicable.

0.03 Procedure to Amend the Code -- Regular Procedures

0.031 Proposals for amendments to this code may be submitted to the board of trustees for action by any exempt employee, the president or any member of the board of trustees.

0.032 The procedure for amendment to the code through such proposals is as follows:

- (1) Amendment proposals submitted to the board of trustees shall be submitted in addition and at the same time to all exempt employees. A review of the proposals shall be completed and a collective position regarding the proposals shall be established by the exempt employees within sixty (60) calendar days after receipt of such proposals. The chair of the exempt employee association will submit a report to the board of trustees and the president stating the group's position

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regarding the amendment proposals. Any meeting necessary to define the position of the exempt employees with regard to the proposals shall be convened by the chair of the exempt employee association.

- (2) In order to assure that this code is kept under study and updated, the president and the exempt employees shall review the code periodically.
- (3) Interpretations of this code will be approved by the board of trustees who will direct that the text be changed by the president's office as necessary to reflect the interpretations.

0.04 Amending the Code – Emergency Provisions

- 0.041 Nothing shall limit the board of trustees from adopting emergency additions, changes, and provisions affecting this code, so long as such changes are fairly and uniformly applied. Emergency actions taken by the board of trustees shall be effective until the procedures outlined in section 0.03 have been completed. Emergencies shall be determined by the board of trustees.

0.05 Delegation of Board Authority

- 0.051 Unless the board of trustees specifically delegates its authority by formal motion or resolution to specific individuals or groups, only it may authorize appointments, leaves, and other employment conditions and privileges contained in this code.

SECTION 1.0 EXEMPT EMPLOYEES DEFINED, RIGHTS, PROFESSIONAL CONDUCT, CODE OF ETHICS, REASONABLE ACCOMMODATION

1.01 Exempt Employees Defined

- 1.011 As used in this code, the term exempt employees shall mean individuals appointed by the university to positions which are civil service exempt and who are engaged in administration, professional services or a combination of administration and instruction requiring professional training and experience except academic department chairpersons.
- 1.012 Exempt employees shall not mean individuals who are pursuing an established graduate course of study from an accredited institution of higher education, and are providing supervised professional services to the university as part of an internship to fulfill a requirement of that course of study. (BOT 12/02)

1.02 Exempt Employees with Faculty Status

- 1.021 Exempt employees who hold academic rank and/or tenure and are recognized as faculty shall be deemed to be covered by the faculty code only when involved in academic pursuits including teaching, academic research, scholarly interaction with faculty members and attainment and advancement of faculty status. In all matters related to the responsibilities of the exempt position, such employees shall have the privileges and be held accountable for the obligations of exempt employees according to the terms of this code. For these employees who are covered by both codes, granting of any specific benefit(s) to an individual under one code shall automatically exclude duplicate granting of the

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same or similar benefit(s) to that individual under the other code, unless specifically and individually allowed by the board of trustees.

1.03 Rights and Privileges

1.031 Exempt employees shall be eligible to submit their group opinions to the board of trustees and the president on all issues that affect their welfare or responsibilities. Individuals shall relay their opinions to their immediate supervisors and may use the grievance procedure outlined in this code.

1.04 Statement of Professional Conduct

1.041 Exempt employees are committed to serve the best interest of the university in providing a quality education to its students. Exempt employees will strive to perform their responsibilities with the highest sense of integrity and diligence, seeking to improve the quality of services with a commitment to honorable behavior.

1.042 When an exempt employee speaks or acts as a private person, s/he shall avoid creating the impression that s/he speaks or acts for the university. As a citizen engaged in a profession that depends upon freedom for its health and integrity, the employee has a special obligation to promote public understanding of the role and mission of the institution. {BOT 6/96}

1.05 Code of Ethics {BOT 6/96, 12/02}

Exempt employees are expected to comply with the Ethics in Public Service Law (Chapter 42.52 RCW and WAC 292-110) included in the Central Washington University's Policies Manual (Code of Ethics Part 22.7 and Use of State Property Part 22.38). To maintain the public trust, exempt employees may not use their position to obtain personal gain or private advantage.

1.051 Additional Compensation and Compensation for Outside Activities

- (1) An exempt employee may accept additional compensation from the university for additional work under the following conditions: (BOT 10/96)
 - (a) The work is outside the employee's official scope of duties assigned by the university.
 - (b) The work (or teaching and associated activities) is either scheduled outside the employee's regular hours of work or appointment year, or performed while the employee is on work schedule adjustment, annual leave or leave without pay.
 - (c) The written request to accept additional work is approved in advance by the employee's supervisor and appointing authority. At the time of approval, the supervisor will document in writing for the employee's personnel file how the regular work assignment will be completed.
 - (d) The work is not in conflict with the State ethics law.

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(e) Principal budget administrators are not eligible for additional compensation for any additional work (or teaching and associated activities).

(2) In considering requests for consulting assignments, the employee and supervisor(s) shall be concerned that consulting assignments do not interfere with institutional responsibilities and employee duties. These assignments must comply with the compensation for outside activities specified in Part 2-2.7 of the CWU Policies Manual. (BOT 12/02)

(3) An exempt employee may not receive compensation from any source except the state for performing his/her official duties. Exempt employees may receive honoraria in accordance with Part 2-2.7 of the CWU Policies Manual. (BOT 12/02)

(4) Nothing in the above shall be construed to limit activities during vacation periods provided such activities do not violate the State Ethics law. (BOT 6/96)

1.052 Employment After University Service.

To ensure that the interests of the state are not compromised either before or after a person has completed public service, former exempt employees are restricted regarding the acceptance of employment after termination of state employment. The restrictions regarding the acceptance of employment after termination with the State are addressed in Part 2-2.7 of the CWU Policies Manual (BOT 12/02)

1.06 Reasonable Accommodation (BOT 6/00, BOT 12/02)

1.061 Title I of the Americans with Disabilities Act of 1990, the Washington State law against discrimination, RCW 49.60, WAC 162-22, and Section 504 of the Rehabilitation Act of 1973 prohibit discrimination during the application process or in any aspect of employment against persons of disability on the basis of disability. In its program of equal employment opportunity, CWU is committed to providing reasonable accommodations for all employees with disabilities.

1.062 Persons with disabilities have the right to request and receive reasonable accommodation in all aspects of employment with the University. The term "reasonable accommodation" refers to modifications or adjustments to a job, work environment, policies, practices, or procedures that enables a qualified individual with a disability to enjoy equal employment opportunity. If needed, the appointing authority will provide reasonable accommodations to ensure that employees with disabilities have the same opportunity to participate in, or benefit from, all work-related or non-work-related University activities.

1.063 For complete information, definitions and procedures refer to the policy on Reasonable Accommodation of Employees and Applicants with Disabilities, Part 2, CWU Policies Manual.

SECTION 2.0 CONDITIONS AND TERMS OF EMPLOYMENT

2.01 Types of Appointments (BOT 2/13/04, Motion 04-02)

2.011 The types of appointments covered by this code include the following:

(1) **Regular.** A regular appointment is made to a position that is expected to continue to exist for the foreseeable future. At the discretion of the appointing authority, such positions may be scheduled for a recurring cycle of less than 12 months each year and/or either full time or part time.

(2) **Temporary.**

(a) A temporary appointment is made to a position created to complete special work projects or tasks of a nonrecurring or intermittent nature, with the position expected to cease to exist once the work has been completed. Such appointments shall be for the period of time specified in the appointment letter, and normally will not exceed 12 months. Temporary positions may be terminated prior to completion of the project or task by modification of the appointment letter in accordance with section 2.024 and are not subject to the provisions of section 3.04 Notice of Separation.

A temporary appointment may also be a post-baccalaureate position of less than two years which has been designed to provide career exposure to a specified area of higher education.

Temporary positions may be either full time or part time at the discretion of the appointing authority. (BOT 2/13/04, Motion 04-02)

(b) An interim appointment is made to fill a continuing position while the search is completed to fill the vacancy. Such appointments shall be for a specified period of time, normally not to exceed 12 months, and may be either full time or part time at the discretion of the appointing authority. The length of the appointment may be changed by modification of the appointment letter in accordance with section 2.024. Termination of the appointment prior to filling the vacancy is not subject to the provisions of section 3.04 Notice of Separation. (BOT 2/13/04, Motion 04-02)

(c) An acting appointment is made to replace an employee on leave of absence from an exempt position. Such appointments shall not exceed the term of the leave of absence of the person being replaced and may be either full time or part time at the discretion of the appointing authority. An acting appointment may be terminated prior to the return of the absent employee by modification of the appointment letter in accordance with section 2.024, and is not subject to the provisions of section 3.04 Notice of Separation. In the event of the separation of the employee on leave, the usual affirmative action recruiting and selection process shall begin immediately. (BOT 2/13/04, Motion 04-02)

- (d) If the temporary, interim, or acting appointee held a regular exempt position immediately prior to the temporary assignment, the employee shall return to his/her regular position (or a comparable position) at the previous salary rate plus any adjustments provided by section 4.01, unless notice of separation from employment has been given in accordance with section 3.04. Temporary, interim, or acting appointees who held civil service or faculty positions immediately prior to the temporary assignment shall be returned to civil service or faculty status in accordance with the appropriate rules. (BOT 2/13/04, Motion 04-02)

2.012 The rights, privileges, and responsibilities specified in this code apply to all exempt employees unless otherwise stated in a letter of appointment or subsequent modification to the appointment letter. However:

- (1) Part-time appointees working half time or more shall accrue on a prorated basis.
- (2) Temporary appointees may or may not be eligible for insurance and retirement benefits, based on the eligibility provisions of those benefit plans. In addition, temporary appointees are not eligible for annual leave and sick leave, unless specifically stated in the appointment letter, and in accordance with the eligibility provisions of those leave plans. (BOT 2/13/04, Motion 04-02)

2.02 Appointment: Terms and Conditions

2.021 All appointments shall be governed by professional considerations, and shall be based on qualifications, not political or other nonprofessional considerations, and shall follow federal, state and university guidelines, including affirmative action policies. Although shared at certain stages with faculty and administrators, the ultimate responsibility for making appointments rests with the president and the board of trustees. The scholastic record and/or other qualifications of the prospective employee should be judged primarily in light of work s/he will do at this University. It is the responsibility of the appointee to furnish the president or his/her designee with the transcripts, credentials, and proof of experience as requested. In case of question, the burden of proof concerning the validity of such document lies with the appointee, not the University.

2.022 Letters of appointment shall be issued:

- (1) upon employment with the university in a regular position;
- (2) upon acceptance of another regular exempt position with the university subsequent to initial employment;
- (3) when an exempt employee is reassigned in accordance with section 2.04; or,
- (4) upon acceptance of appointment to a temporary, interim, or acting position.

In accordance with section 2.032, subsequent modifications of an appointment or conditions of employment may be made as an addendum to the original letter of appointment.

2.023 Exempt employees have no tenure and serve at the discretion of their appointing authority. Exempt appointments are considered to be at-will appointments. Such appointments may be terminated by the university provided the termination does not unlawfully discriminate or violate public policy. Written notice must be provided following the schedule outlined in section 3.042. In case of dismissal for cause, section 3.064 shall apply. Termination due to an expired work authorization shall be in accordance with section 3.08. The termination of a position due to expiration of funding by an outside agency or source (e.g., grant funded) shall be in accordance with section 3.09. (BOT 12/02)

2.024 The terms and conditions of every appointment will be stated or confirmed in writing, and a copy of the appointment document will be supplied to the appointee. In the initial letter of offer, new appointees will be notified that their appointment is subject to the rules and regulations of this code and provided with its web address. Any subsequent modifications of an appointment, or any special understanding, or any notices incumbent upon either party to provide, will be stated or confirmed in writing and a copy will be given to the exempt employee. (BOT 12/02)

2.03 Regular Appointments

2.031 Upon employment with the university in a regular position, an exempt employee will be issued a letter of appointment. The letter of appointment will state that the employee has been appointed to his/her current position until such time in the future as s/he retires, resigns, is separated in accordance with section 3.0, is reassigned in accordance with section 2.04, or is given proper notice of termination in accordance with section 3.04 of this code. In no circumstance should an appointment be interpreted as bestowing tenure upon any individual.

2.032 Subsequent modifications of an appointment or conditions of employment may be made as an addendum to the regular appointment provided such modifications are stated or confirmed in writing and a copy is given to the appointee.

2.04 Position Changes

2.041 Exempt employees may be moved laterally at any time without prior notice and without recourse to the administrative grievance procedure, provided that:

- (1) The new position is at a comparable level of salary to the employee's previous position, or
- (2) The position change is by mutual agreement between the employee and his/her supervisor, or
- (3) The employee has faculty rank and is being reassigned to return to instruction within his/her academic department.

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2.042 An exempt employee may request consideration for reassignment to a position at a similar level of responsibility or for voluntary reduction to a position at a lower level of responsibility. If the employee-initiated request results in an appointment, the salary for the new assignment shall be determined by the scope of responsibilities and shall be within the appropriate range of the position established by the Exempt Salary Plan. {BOT 6/96}

2.05 Hours of Work {BOT 6/96,10/96, 02/02, motion 02-09}

2.051 It is expected that full-time, exempt work schedules will consist, at a minimum, of 40 hours per week which will serve as the basis of annual and sick leave accruals.

2.052 However, when the nature of responsibilities associated with an exempt position requires greater than a 40-hour workweek including evening and weekend work, considerable flexibility in the work schedule to accommodate meetings and functions on weekends and evenings is expected. In addition, whenever possible, supervisors and employees should anticipate peak and seasonal workloads and make appropriate work schedule adjustments.

2.053 Further, if the nature of an exempt appointment frequently requires greater than a 40-hour work week, the employee is not required to charge annual leave to cover an occasional, supervisor-approved, partial day absence.

2.054 The chief executive officer of Central Washington University may suspend the operation of all or any portion of the institution whenever it is determined that the public health or property or safety is jeopardized and/or is advisable when an emergency occurs. In the event of suspended operations (emergency closure), full day absences from work shall be made up by work from home, schedule adjustment, or charged to annual leave, personal holiday, or leave without pay if personal paid leave has been exhausted. (BOT 2/4/05)

2.06 Evaluation of Exempt Employees {BOT 10/6/89}

2.061 All administrative exempt personnel shall be formally evaluated by their supervisors at least once each year. Informal evaluation is also encouraged on a frequent and continuing basis.

The formal evaluation shall be in writing covering those aspects of performance that are significant for either positive or corrective comment and which provide the individual with a clear indication of the level of performance achieved. The statement of evaluation shall be completed not later than August 31 of each year. In order to meet deadlines for salary adjustments, including merit increases, an earlier deadline may be specified by the president of the university.

Following transmittal of the letter of evaluation to the individual being evaluated, either the supervisor or the subject of evaluation may request a meeting to discuss the content further and to plan for the subsequent year. A copy of the letter of evaluation shall be forwarded through the office of the appropriate vice president to the office of human resources for filing.

2.062 The purposes of the evaluation shall be:

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- (1) To ensure that each administrator assumes responsibility for regular evaluation of employees under his/her jurisdiction.
- (2) To establish the value of each employee's contribution to the cooperative effort of the institution.
- (3) To motivate individuals to higher standards of job performance.
- (4) To enhance and encourage the personal and professional development of employees.
- (5) To provide information by which an individual may improve in the performance of his/her current duties.
- (6) To provide a basis for allocating rewards equitably among employees.
- (7) To acquire information on which to base personnel decisions.

SECTION 3.0 SEPARATION FROM EMPLOYMENT**3.01 Resignation or Retirement**

3.011 An exempt employee may terminate his/her appointment provided that s/he gives notice not less than three months before the effective date of his/her resignation, or thirty (30) days after receiving notification in writing of changes in the terms of his/her appointment. The employee may properly request a waiver of these requirements in case of hardship or where otherwise s/he would be denied substantial professional advancement.

3.012 Unless otherwise mutually agreed, an exempt employee who terminated his/her service without giving proper notice or who, in the judgment of the board of trustees, has failed to complete his/her appointment obligation shall, except under highly unusual circumstances, be regarded as having breached his/her appointment with the university, and inquiring prospective employers may be so informed. Requests for acceptance of resignation of such employees may be granted with prejudice, and the employee may be regarded by the university as having breached professional ethics.

3.02 Abandonment of Position -- Presumption of Resignation

3.021 An employee may be presumed to have resigned when there has been an absence without authorized leave from the job for a period of five consecutive working days. Thereafter, a notice acknowledging the presumption of resignation shall be sent by certified mail to the last known address of the employee. Within seven calendar days after the date of service, the employee may petition the appointing authority in writing for reinstatement upon proof that the absence was involuntary or unavoidable. If the employee petitions within the seven calendar days and is not reinstated, notification shall be given of the right to appeal through the grievance procedures of this code (section 5.0).

3.03 Termination, or Reduction of Employment, Due to Financial Exigency or Program Discontinuance {BOT 6/00, BOT 2/13/04, Motion 04-02}

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- 3.031 Termination of an appointment or reduction of employment with commensurate reduction in salary may be effected due to financial exigency, or bona fide discontinuance of a program, administrative or instructional unit, or a departmental function. In disputed cases where the claim is made that there is no financial exigency or no valid reason for discontinuance of a program, unit, or function, employees may petition for review through the grievance procedure. In every case of financial exigency, or discontinuance of a program, unit, or function, the university will, as far as its fiscal resources permit, give the employee(s) concerned notice in accordance with the provisions of section 3.04, or in lieu thereof, severance salary equal to the number of months, or fraction thereof, for which notice was not provided pursuant to provisions of section 3.04.
- 3.032 Before terminating an appointment because of abandonment of a program or administrative or instructional unit, the university shall normally make every effort, but shall not be required, to place the affected employee in another suitable position. If employment is terminated because of financial exigency, or because of the discontinuance of a program or administrative or instructional unit, the released employee's position shall not be filled within a period of two years, unless the released employee has first been offered a reappointment and thirty (30) days within which to accept or decline the reappointment.
- 3.033 Nothing in this section shall be construed as applicable to an exempt employee in a position that is funded fully or in part by an outside agency or source (e.g., grant funded) who is separated from employment due to the expiration of funding for the position. Nor shall this section be applicable to the termination of any exempt employee due to expiration of work authorization (BOT 12/02)
- 3.04 Notice of Separation (without stated cause) {BOT 6/96, 6/99 6/00, 6/02}
- 3.041 All exempt employees shall be subject to separation from university employment, regardless of any term stated in any appointment letter or other document, upon notice or severance payment in accordance with this section. The exempt employee will be informed of the separation decision in writing.
- 3.042 Written notice of a decision to separate an exempt employee appointment, shall be given according to the following schedule:
- (1) At least ninety calendar days before the specified separation date during the first year of service in the current position.
 - (2) At least one hundred eighty days before the specified separation date during the second through fifth years of service in the current position.
 - (3) At least three hundred sixty five days before the specified separation date during the sixth year or subsequent years of service in the current position.
- 3.043 The university may assign other duties and responsibilities to an employee who has been notified of separation for any or all of the period of notice at the employee's current salary.
- 3.044 The university shall have the option to inform the employee that s/he will be granted severance pay instead of performing services during the notice period.

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This severance pay will be based on the employee's prescribed monthly salary prorated for the number of days of otherwise required notice.

- (1) Upon the university's election of this option, leave accruals, employer-paid contributions toward employee insurance and retirement plans, and all other employee benefits shall cease. However, for each calendar month that active employee medical and dental insurance coverage is not provided, the severance pay will also include an amount equivalent to the monthly cost of the employee's continuing, on a self-pay COBRA basis, his/her current active state medical and dental insurance (including currently covered dependents), minus the amount the employee would have paid had s/he continued active coverage.
- (2) An employee on less than a twelve-month work schedule will not be granted severance pay for the period when s/he would not have been in pay status. However, s/he will receive payment for medical and dental insurance self-coverage for the entire severance pay period.
- (3) All severance pay is subject to federal income tax and FICA withholding and deductions.

3.05 Termination for Cause by University {BOT 6/00}

3.051 Except for those reasons listed in section 3.03 or action taken in accordance with section 3.04, termination of an appointment may be effected by the institution for adequate cause only, which shall be:

- (1) Insubordination; or
- (2) Conviction of any of the following offenses:
 - (a) Any felony; or
 - (b) Aiding, abetting, or participating in any unlawful act of violence; or
 - (c) Aiding, abetting, or participating in any unlawful act resulting in the destruction of state or university property; or
 - (d) Interference by force or violence, singly or in concert with others, with any administrator, faculty member, employee, or student of the institution who was in the peaceful discharge or conduct of his/her duties (RCW 28B.10.570); or
 - (e) Intimidation by threat of force or violence, singly or in concert with others, of any administrator, faculty member, employee, or student who was in peaceful discharge or conduct of his/her or her duties (RCW 28B.10.571).
- (3) Physical or mental incapacity (subject to restrictions of section 3.07); or
- (4) Grievous or willful violation of published institutional and related board rules and regulations; or

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- (5) Any material and substantial interference with the orderly conduct of the educational process, the operation of the institution, or the rights of others (Tinker case, United States Supreme Court); or
- (6) Fraud in securing employment; or
- (7) Conflict of interest (RCW 43.19.1937; RCW 43.19.1937; RCW 42.52); or
- (8) Gross misconduct; or
- (9) Administrative incompetence; or
- (10) Professional incompetence; or
- (11) Unsatisfactory performance which has been documented.

3.06 Procedure for Dismissal for Cause

- 3.061 Dismissal of exempt employees for cause (section 3.05) shall accord with the following procedures:
- (1) Dismissal for cause shall be related directly and substantially to the fitness and performance of the employee in his/her professional capacity. Dismissal for cause shall not be used to restrain employees in their exercise of any rights as U.S. citizens.
 - (2) Dismissal for cause of an exempt employee shall be preceded by:
 - (a) Discussion with the employee and appropriate administrative heads in pursuit of a mutually acceptable settlement;
 - (b) Delivery of a written statement to the employee, framed with reasonable particularity by the president or his/her designee, informing the employee (1) of the president's intention to recommend the employee's dismissal to the board of trustees of the university and the reasons therefore and (2) of the employee's right to informal and formal hearings. This statement shall be sent or delivered to the employee's last known address of record. A copy of the statement shall be filed with the chair of the board of trustees.
- 3.062 If the administrator or exempt employee being dismissed for cause elects to dispute the truth of the charges against him/her or to defend him/herself on the grounds that the charges are not adequate cause for dismissal, s/he may have, at his/her option, his/her case:
- (1) Reviewed in an informal hearing by a grievance committee pursuant to the provisions of section 5.0 of this code and following a hearing, or by direct referral from the grievance committee, s/he may have his/her case reviewed in a formal hearing pursuant to the provisions of section 5.0 of this code; or
 - (2) Reviewed initially in a formal hearing pursuant to the provisions of section 5.0 of this code.

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- 3.063 The termination date provided by the president or his/her designee shall remain firm, whether or not the termination is disputed. If the disputed termination is decided in favor of the dismissed employee, then the employee shall be reinstated with full retroactive pay from the date of termination, including all accrued benefits.
- 3.064 In the case of dismissal for cause, the notice requirements contained in section 3.042 shall not apply.
- 3.07 Disability Separation {BOT 6/00}
- 3.071 An exempt employee who becomes permanently unable to perform the essential functions of the assigned position due to a disability may be separated from employment after the university has made a good faith effort to provide for reasonable accommodation in accordance with existing state and federal law. This determination shall be made after an appropriate review of the circumstances in accordance with the policy on Reasonable Accommodation of Employees and Applicants with Disabilities, Part 2, CWU Policies Manual.
- 3.08 Termination Due to Expired Work Authorization (BOT 12/02)
- 3.081 The notification requirements and other benefits of section 3.04 do not apply to an exempt employee who is separated due to the expiration of work authorization. However, appointment may be terminated in accordance with the provisions of any section of 3.0 SEPARATION FROM EMPLOYMENT prior to the expiration of authorization to work.
- 3.09 Termination Due to End of Outside Agency Funding (BOT 12/02)
- 3.091 The notification requirements and other benefits of section 3.04 do not apply to an exempt employee who is separated due to the conclusion of outside funding for the position. However, appointment may be terminated in accordance with the provisions of any section of 3.0 SEPARATION FROM EMPLOYMENT prior to the expiration of funding.

SECTION 4.0 COMPENSATION AND BENEFITS

- 4.01 Salary Administration {BOT 10/96, 6/99, 6/00, 2/02, Motion 02-09, 6/02, Motion 02-45}
- 4.011 Salary ranges for exempt positions, regardless of funding source, are based on the College and University Professional Association for Human Resources (CUPA-HR) salary surveys which are updated each year. These include the Administrative Compensation Survey, the Mid-Level Administrative/Professional Salary Survey, and the National Faculty Salary Survey (for Research Associate positions only). The tables utilized in these surveys reflect data for comprehensive institutions. When surveys provide data for comprehensive institutions with comparable budgets, those tables will be utilized. (BOT 02/02, Motion 02-09).
- 4.012 The university commits itself to achieving exempt salary equity within the institution and to increasing annual salaries in an amount to make them at least

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equal to the 40th percentile listed on the exempt employee salary schedule. (BOT 02/02, Motion 02-09).

- 4.013 The Exempt Employees Association will make recommendations to the President's Cabinet regarding the distribution of additional salary funds, when such funds are available. (BOT 02/02, Motion 02-09).
- 4.014 Guidelines to determine specific salaries (BOT 02/02, Motion 02-09, BOT 06/02, Motion 02-45):
- (1) The 20th and 80th percentile on the appropriate CUPA table will set the recommended limits of the salary range identified for each exempt position.
 - (2) Entry level salary will be set at no less than the 20th percentile of the range identified on the exempt employee salary schedule at the time of hire. (The exempt employee salary schedule is maintained by Human Resources and updated, at least, annually on the Human Resources website no later than April 15 of each year).
 - (3) Human Resources will match each exempt position to a specifically identified CUPA position number when possible. The process for identifying a match and salary range for a position that cannot be tied to a specific CUPA position number must be accomplished as outlined in Section 4.015.
 - (4) Tenure, rank, and faculty salary schedule placement may be negotiated with the provost (or president in the case of provost placement) at the time of initial appointment for those exempt positions where the incumbent may concurrently hold tenured faculty status. (BOT 06/02, Motion 02-45)
 - (5) Individuals having questions about the match assigned may register their concerns with their respective vice president (or the president for those who report directly to the president). The vice president may request a review by Human Resources, or appoint a review committee composed of three exempt employees—one from Human Resources, one from the employee's division, and the third from outside the employee's division—to review and recommend an appropriate match. Any change must be approved by the respective vice president (or the president for those who report directly to the president).
 - (6) When position matches are affected by changes to position descriptions in the annual CUPA surveys, a new match, if necessary, will be made by Human Resources in collaboration with the vice president to whom the position reports (or the president for those who report directly to the president). Any pay increase resulting from a change in the position match must be authorized by the respective vice president (or president).
- 4.015 The process to identify salaries for positions without direct matches to CUPA position titles is as follows (BOT 02/02, Motion 02-09):

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- (1) Job titles (new and existing) not specifically identified in the appropriate CUPA tables but related to CUPA titles will have a salary range established by utilizing the table below:

Associate Vice President level	75% of vice president range
Assistant Vice President level	65% of vice president range
Associate Dean level	75% of dean range
Assistant Dean level	65% of dean range
Associate Director level	75% of director range
Assistant Director level	65% of director range

The following positions will be set at 50 percent of vice president/dean/director range or 50, 65, or 75 percent of the CUPA title suited to their functions. Percentages will be based on the span and scope of responsibility.

“Program” Coordinators
 “Program” Managers
 “Program” Directors
 Special and/or Principal Assistants

- (2) When no direct CUPA match for a job title exists, a match may be based on a proportionate representation of segments of the position responsibilities that do match current CUPA titles. For example, if a position is a combination of CUPA title “x” and CUPA title “y,” and if the position is deemed 40 percent “x” and 60 percent “y,” then the exempt salary range would reflect the 20th and 80th percentiles of each position averaged in the appropriate proportional manner.
- (3) Because the CUPA system uses a decimal representation for certain CUPA positions, the letters “B” through “E” will be used to designate positions using one of the alternative approaches in item 1.

The letter “B” will be used for 75 percent.
 The letter “C” will be used for 65 percent.
 The letter “D” will be used for 50 percent.
 The letter “E” will be used for positions with ranges established through a proportionate representation of segments of the position.

- (4) Salary ranges for the president’s administrative operations coordinator, the vice presidents’ administrative assistant/secretaries, and the president’s executive secretary, shall be as follows:
- (a) President’s administrative operations coordinator (designated PAOC): the bottom of the PAOC salary range shall be 8% above the top of the then current range for the classified position of administrative assistant B;
- (b) Vice presidents’ administrative assistants/secretaries (designated VPS): the bottom of the VPS salary range shall be 8% above the bottom of the PAOC salary range;
- (c) President’s executive secretary (designated PES): the bottom of the PES salary range shall be 8% above the bottom of the VPS salary range.

All three ranges shall have a 27% spread between the bottom and the top of the salary range. The 20th percentile of a range will be considered the minimum salary, and the 80th percentile of a range will be considered the recommended maximum. (BOT 2/4/05)

- 4.016 The salary of an employee may be changed as a result of any of the following types of decisions which normally affect salaries, including but not limited to the following (BOT 02/02, Motion 02-09).
- (1) Cost of living adjustment,
 - (a) When distribution of funds is performance based, recommendations will be solicited from the immediate supervisors of exempt employees.
 - (b) Grant-funded positions will receive cost of living adjustments equivalent to state legislated increases provided that funds are available in the grant.
 - (2) Change in position description or assigned duties,
 - (a) The vice president to whom the position reports (or the president for those who report directly to the president) may consider salary adjustments for an individual who is assigned additional duties that result in substantially increased responsibilities. Upon request by the vice president to whom the position reports (or the president for those who report directly to the president), Human Resources will review positions where duties and responsibilities have substantially increased to determine if a new CUPA match is appropriate.
 - (b) Salary adjustments, if any, will be commensurate with the increased responsibilities and within the recommended limits of the salary range on the exempt employee salary schedule. Whenever possible, the respective vice president (or the president for those who report directly to the president) shall determine whether a salary adjustment is warranted prior to the time the additional duties are assigned. The effective date of a salary adjustment shall be as defined in paragraph 4.017 of this section.
 - (3) Reduction of employment under provisions of 3.031. {BOT 6/96}
 - (4) Correcting Salary Inequities:

A salary adjustment may be given to correct a salary inequity. Such salary adjustments are permanent. Salary inequities occur when exempt employees lose salary advantage:

 - (a) relative to other exempt employees with equivalent qualifications, performance, same CUPA classification, and years of service;

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- (b) relative to other exempt employees with fewer years of service and a lower CUPA classification range;
- (c) relative to other exempt employees with the same CUPA classification and with equivalent position qualifications, performance, and years of service based on gender, race, ethnic background, age, or Vietnam era and disabled veteran status;
- (d) relative to changing market conditions and recruitment difficulties for the exempt position;
- (e) relative to changes in level of duties and job responsibilities;
- (f) relative to changes in salary relationships with classified employees in the same or similar job families. (BOT Approved 6/7/02, Motion 02-45)

4.017 The effective date for salary adjustments will be the first of the month following the vice president's approval (or president's approval for those who report directly to the president). Retroactive salary adjustments shall not occur as a result of actions taken in accordance with section 4.016. (BOT 02/02, Motion 02-09).

4.018 Temporary Appointments (BOT 02/02, Motion 02-09).

- (1) Human Resources will match each temporary exempt position to a specifically identified CUPA position number, when possible. The process for identifying a match and salary range for a position that cannot be matched to a specific CUPA position number must be accomplished as outlined in the section 4.015.
- (2) Salaries for temporary exempt employees, including faculty members assigned to temporary exempt positions as defined in section 2.011(2), will be set within the recommended limits for the position as identified in the exempt employee salary schedule.

4.02 Other Compensation {BOT 10/96}

4.021 Employees on exempt appointments are entitled to participate in health, life, and long-term disability insurance plans, retirement plans, and other plans as provided by the state and/or university, subject to terms outlined in the letter of appointment, benefits programs, statutory provisions and/or limitations.

- (1) Health, life, and long-term insurance plans are purchased and governed by the Washington State Health Care Authority. Booklets on the various plans are available from the human resources office.
- (2) Retirement is governed by the plan in which the employee participates. For employees in the CWU Retirement Plan, see CWU Policy Manual Part 2-2.18. For employees in the Washington State Public Employees' Retirement System (PERS) or in the Washington State Teachers' Retirement System (TRS), see plan booklet available from the Department of Human Resources. {BOT 11/92}

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4.03 Holidays {BOT 10/6/89,10/96, BOT 2/13/04, Motion 04-02}

- 4.031 Exempt employees who hold appointments or are employed under contracts to perform services for twelve consecutive months shall be entitled to CWU's observation of the 10 legal holidays designated by state statute and, after completion of four months' service, one additional paid holiday per calendar year. The personal paid holiday will be scheduled at the convenience of the employing department except when requested for use in accordance with Section 4.09 Paid Leave to Care for Family Members With Serious Medical Conditions. (BOT 2/13/04, Motion 04-02)**
- 4.032 Exempt employees who hold appointments for less than twelve consecutive months shall be entitled only to those legal holidays which occur within the employment period and are not entitled to the one additional paid holiday per calendar year.**
- 4.033 To qualify for holiday pay, exempt employees must be in pay status the workday preceding the holiday. An employee on leave without pay on the workday preceding a holiday is not eligible for holiday pay. (BOT 12/02)**
- 4.034 Exempt employees eligible for the one additional paid holiday per calendar year (personal holiday) may donate all or part of that holiday under the Shared Leave Program. (BOT 12/02)**

4.04 Annual Leave {BOT 10/96, 6/99, 6/00, BOT 2/13/04, Motion 04-02}

- 4.041 As used in this section, the term "exempt employees" shall mean persons appointed by the university to Civil-Service-exempt positions who are engaged in administration, professional services, or a combination of administration and instruction requiring professional training and experience. This definition does not include persons appointed to temporary positions of 6 months or less and/or those holding less than half-time exempt positions unless otherwise specified by appointment letter in accordance with section 2.012, nor does it include academic department chairs, nor those who have letters of appointment that specify otherwise. {BOT 2/04}**
- (1) Exempt employees who transfer to faculty status shall use all accrued vacation leave before the effective date of transfer unless the appointing authority determines the employee's presence is critical to the operation of the university. In such cases, the employee may be paid at the exempt salary rate for up to but not to exceed 30 days of accrued vacation leave. {BOT 11/92}**
- 4.042 It is the intent of the annual leave plan that all absences in a workweek, other than the occasional supervisor-approved partial-day absence, will be deducted from the employee's leave balance when the workweek has not been adjusted for other reasons. This section shall apply to absences from work for vacations or for personal business. It shall apply to periods between academic quarters, but shall not apply to absences for professional leave, disability or sick leave, jury duty or other non-personal civil duty, military leave, or bereavement leave. All absences from work shall require the advance approval of the employee's immediate supervisor, except in cases of emergencies or unusual circumstances when the immediate supervisor cannot be contacted. Annual leave will be**

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granted at the convenience of the employing department except when requested for use in accordance with Section 4.09 Paid Leave to Care for Family Members With Serious Medical Conditions. Dates may be changed only by mutual agreement of the employee and his/her immediate supervisor. Upon return to work, if the days actually taken are different from the dates originally scheduled, the employee must report immediately the days and dates actually taken as leave. Scheduling of leave shall be done through use of the standard university form, "Request for or Report of Absence" (Form CWU-PER-018 or a succeeding form). (BOT 2/02, motion 02-09, BOT 12/02, BOT 2/13/04, Motion 04-02)

- 4.043 In considering requests by employees to take any period of annual leave, the university will give careful attention to the employee's preference as to dates of absence, but approval shall be based primarily upon the university's convenience and best interest.
- 4.044 Each eligible employee shall accrue, for each calendar month of his/her full-time employment with the university, including the month of hire for those hired on or between the first and the fifteenth of the month, 1 5/6 working days (14.67 hours) of annual leave for each and every month of continuous employment with the university. Employees who work less than full time, but at least half time, will accrue a pro rata amount. Accruals shall be credited as of the last day of the month and may not be used until the first day of the following month. If accrued vacation leave is not sufficient to cover an authorized absence, the balance of the absence shall be taken without pay. Annual leave credits shall not accrue during a leave of absence without pay which exceeds ten (10) working days in any calendar month. (BOT 12/02, BOT 2/04)
- 4.045 An employee who transfers without a break in service to the university from a Washington State agency or higher education institution where he/she has been accruing annual leave on a monthly basis may transfer accrued unused annual leave hours not to exceed 30 days (240.00 hours) for use and compensation as covered under this code. An employee who leaves the university and transfers without a break in service to a leave eligible position in a Washington State agency or higher education institution will have any unused annual leave, not to exceed 30 days (240.00 hours) transferred to the receiving agency/institution. If transfer is to a non-leave eligible position, unused annual leave will be cashed out in accordance with Section 4.049. Any annual leave hours accrued above the 240.00 hour maximum and deferred in accordance with the provisions of Section 4.046 will be cashed out by the university prior to the transfer. (BOT 2/02, Motion 02-09)
- 4.046 If an employee's annual leave balance will exceed the maximum accrual of thirty days (240.00 hours) and it is determined that the employee's request to use annual leave to avoid the excess accrual should be deferred for the convenience of the employing department, the following steps must be taken prior to the end of the month in which the accrual for that month will put the vacation leave balance over 240 hours:
- (1) The employee submits a written request and is denied the annual leave use that would keep the balance below the maximum;
 - (2) The supervisor files a statement of necessity to defer the excess hours to the following month;

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- (3) The statement of necessity is filed with the appropriate university official, with a copy to the department of human resources for filing with the appropriate retirement system, and includes, as a minimum, the number of days (expressed in hours) of leave being deferred, and the date the deferral is authorized. Reference: RCW 43.01.040.

The request for leave use and the statement of necessity must be filed each and every month said leave is deferred until the annual leave balance has been reduced below the maximum 240 hours. Once an employee's annual leave balance exceeds thirty days (240 hours) without a statement of necessity on file, the excess hours are automatically considered to be voluntarily accrued and are subject to the provisions of the following section, 4.047. (Reference Section 4.048).

4.047 If no statement of necessity has been filed, annual leave in excess of thirty (30) days shall be accumulated as described in RCW 43.01.044 as an alternative to the provisions of Section 4.046 herein. The accumulation of leave under this alternative method shall be governed by the following provisions:

- (1) Each employee of the university may accumulate annual leave days between the time thirty (30) days is accrued and the first day of his/her anniversary month of Central Washington University employment. For purposes of this policy, the term "anniversary month" is defined as the month in which the employee began his/her latest period of continuous employment in a vacation leave eligible position at Central Washington University. Such designation of the anniversary month is not affected by any prior employment with the state of Washington, nor is it affected by the use of any authorized leave, whether such leave is with or without pay.
- (2) All such excess annual leave days over thirty (30) days accumulated under this alternative shall be used prior to the first day of the employee's anniversary month, and at a time convenient to the employing department. If an employee does not use the excess leave by such date, then the amount of excess annual leave over thirty (30) days shall be automatically extinguished and considered never to have existed.
- (3) Regardless of circumstances, annual leave credit acquired and accumulated under this alternative never shall be deferred by the employing department by filing a statement of necessity under the provisions of Section 4.046.
- (4) If the employing department denies an employee's request for use of leave accumulated in excess of thirty (30) days and the excess leave cannot be used prior to the first day of the employee's anniversary month, said excess leave shall be extinguished on the first day of the employee's anniversary month and be considered never to have existed.

4.048 Accrued, unused annual leave credits in excess of thirty (30) days, if accumulated initially under the deferral process but without subsequent approvals once each month to maintain the deferral status, shall serve to place the total accrual of

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leave into the alternative mode with such total accrual governed entirely by the provisions of Section 4.047.

4.049 Except for Washington State employment transfer as specified in Section 4.045, when an exempt employee is separated from the university by resignation, layoff, dismissal, retirement, or death, the employee or his/her estate is entitled to a lump sum cash payment for all unused annual leave including accrual for the month of separation for those employees terminating on or after the sixteenth of the month, and excluding any excess annual leave accumulated under provisions of Section 4.047. At no time, except for hours of annual leave deferred under the provisions of Section 4.046, shall any exempt employee leaving university employment, or his/her estate receive more than (30) days of annual leave cash-out pay. In the case of retirement or resignation, proper notice in accordance with Section 3.01 is required. The last day worked is the last day in active pay status and will be considered the effective date of resignation for calculating any such cash payment. Accrued annual leave cannot be used to extend the effective date of resignation or retirement unless of mutual benefit to the employee and the university and approved by the appropriate vice president, or by the president for those reporting directly to the president. (BOT 2/02, Motion 02-09)

4.0410 If an exempt employee is transferred to classified status, his/her earned but unused annual leave shall also be transferred. In the same manner, a classified employee who is transferred to exempt status shall also have his/her earned but unused leave so transferred.

4.0411 Exempt employees may donate some of their accrued annual leave under the Shared Leave Program. Donations are normally made in 8hour blocks and cannot cause the donating employee's annual leave balance to fall below 10 (ten) days (80) hours at the time the donation is processed, or the prorated equivalent for a less than full-time employee. Employees may not donate hours they would otherwise be unable to use due to an approaching anniversary date. (BOT 12/02)

4.05 Disability Leave Plan {BOT 6/96, 6/00, 2/02}

4.051 Disability leave as provided in this code is leave which entitles eligible employees to the benefits of salary, according to the prescribed schedule, and retention of status as employees for the prescribed lengths of time, for both short-term and long-term disability. For these purposes, a disability shall be defined to include any incapacity to perform regular duties and causing absence from work as a result of an accident, physical or mental illness, or pregnancy. Absence for the employee's own appointments with health care providers are also included. (BOT 2/02, Motion 02-09)

4.052 Eligibility. Exempt employees shall be eligible to receive disability leave, subject to the following limitations and exceptions:

- (1) Employees covered by the sick leave accrual plan are not eligible for the benefits of the disability leave plan.
- (2) Employees generally shall be eligible for disability leave only when they are in pay status or would have been in pay status but for the disability, and employees who incur a disability during a time when

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they are temporarily not in pay status shall begin to receive benefits from the time when they would have been placed again on the payroll.

- (3) Disability leave shall be given for each separate case of disability as required for recovery to resume normal duties up to the maximum amounts available, provided that disability leave benefits as indicated in this code shall be guaranteed as a minimum for each separate case of disability.
- (4) The university shall have the prerogative, at its expense, of requiring verification of disability by one or more licensed physicians it chooses at any time. Failure to submit to an examination or examinations shall result in the cessation of disability benefits within five (5) days of the issuance of the institution's request for verification.
- (5) The exempt employee is required to provide verification at his/her expense by one or more licensed physicians for all disability leaves extending beyond one calendar month. Failure to provide such verification shall result in the immediate cessation of disability leave after the first calendar month of disability leave.

4.053 Short-Term Disability Leave. Short-term disability leave benefits shall be as follows:

- (1) First four calendar months with retention of full employment status and with full regular monthly salary payments;
- (2) The next six calendar months with retention of full employment status and with one-half of the full regular monthly salary payments;
- (3) The next nine calendar months with retention of full employment status and no salary.

4.054 Long-Term Disability Leave.

- (1) Long-term disability leave with salary and/or retention of status beyond the period prescribed for short-term disability may be granted at the discretion of the board of trustees, subject to such conditions as the board may determine.
- (2) Exempt employees with temporary appointments are not eligible for long-term disability benefits unless specifically granted by the board of trustees or unless they are faculty members entitled to long-term disability benefits under the provisions of the faculty code.

4.055 Disability Leave – Special Conditions. The following special conditions shall relate to disability leave:

- (1) Disability leave benefits shall begin effective the date on which the individual was disabled, if the individual was in pay status;
- (2) The employee on disability leave shall take the full time reasonably required for recovery.

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4.06 Sick Leave - Former Classified Service {BOT 11/92,10/96}

4.061 Central Washington University employees who prior to 6/7/96 transferred from CWU classified to CWU exempt status without a break in service and subsequently made irrevocable election to retain the Disability Leave Plan in lieu of converting to the Sick Leave Accrual Plan shall be allowed to retain but not use their accrued sick leave balance. Such employees who separate from CWU service due to retirement or death shall be compensated for their unused sick leave accumulation at the rate of 25% in accordance with section 4.077.

4.062 Accrued sick leave balances will revert to employees who return without a break in service from CWU exempt status to CWU classified status for regular use in accordance with HEP Board rules.

4.063 This section does not apply to disability leave afforded under section 4.05.

4.07 Sick Leave Accrual Plan {BOT 6/96, 10/96, 6/99, 6/00, 2/02, BOT 2/13/04, Motion 04-02}

4.071 Sick leave is a paid benefit to cover personal illness, to care for family members, to receive compensation for unused sick leave in accordance with RCW 41.04.340, and/or to be eligible for shared leave in accordance with RCW 41.04.665.

4.072 Eligibility.

(1) The following types of employees shall be covered by this sick leave accrual plan:

- (a) New employees hired by CWU into exempt positions on or after June 7, 1996.
- (b) CWU classified employees appointed to exempt positions on or after June 7, 1996, or whose positions are converted to exempt positions on or after June 7, 1996.
- (c) CWU faculty appointed to exempt positions on or after June 7, 1996, who have 4 years (48 months) or less service with CWU.
- (d) CWU faculty appointed to exempt positions on or after June 7, 1996, who have more than 4 years (48 months) of service, and who elect to begin participation in the sick leave accrual plan as new employees.
- (e) CWU exempt employees who began exempt service prior to June 7, 1996, and who irrevocably elect to enroll in the sick leave accrual plan effective January 1, 1997.

(2) The following types of employees are not eligible for this sick leave accrual plan:

- (a) CWU exempt employees who began exempt service prior to June 7, 1996, who irrevocably elect to remain in the disability leave plan rather than convert to the sick leave accrual plan effective January 1,1997.

- (b) CWU exempt employees holding temporary appointments of six months or less and/or those holding less than half-time exempt positions unless otherwise specified by employment agreement in accordance with section 2.012.
- (c) CWU faculty temporarily appointed to exempt positions. Such employees shall retain disability benefits under the Faculty Code.
- (d) CWU classified employees temporarily appointed to exempt positions. Such employees shall retain the sick leave plan provided in Chapter 357-31 WAC.
- (e) CWU faculty with more than four (4) years of service appointed to exempt positions on or after June 7, 1996, who elect to transfer from the faculty disability leave plan to the exempt disability leave plan.

4.073 Accrual.

- (1) Employees hired on or between the first and fifteenth of the month will receive the full monthly accrual for the month of hire; those hired between the sixteenth and the end of the month will begin to accrue the month following the date of hire. Thereafter, for each month of service completed, full-time, exempt employees shall accrue eight hours of sick leave credit; exempt employees who work less than full time but at least half time shall accrue sick leave credit on the same pro rata basis that their employment schedule bears to a full-time schedule. (BOT 2/04)
- (2) Sick leave credits shall not accrue during a leave of absence without pay (including cyclic leave without pay) which exceeds ten working days in any calendar month. (BOT 2/04)
- (3) Accruals shall be credited as of the last day of the month and may not be used until the first day of the following month. (BOT 2/04)

4.074 Sick Leave Usage. An employee shall be allowed sick leave for the following conditions:

- (1) Due to an illness, disability or injury which has incapacitated the employee from performing his/her regular duties.
- (2) Where the presence of the employee is required, to care for a child under the age of eighteen with a health condition that requires treatment or supervision, or to make arrangements for extended care.
- (3) For a medical emergency or serious health condition of a family member that requires the presence of the employee to provide immediate necessary care of the patient or to make arrangements for extended care.

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- (4) Because of illness or injury of a family member who is a person of disability and requires the employee's presence to provide short-term care or to make arrangements for extended care.
- (5) For personal medical, dental, or optical appointments; or for family members' appointments when the presence of the employee is required.
- (6) For purpose of (1) through (5) of this section, family member is defined as mother, father, sister, brother, mother-in-law, father-in-law, husband, wife, grandparent, grandchild, son, daughter, stepchild, a child in the custody of and residing in the home of an employee.
- (7) To provide care for family members with serious medical conditions in accordance with legislation passed effective 1/1/03. See section 4.09 Paid Leave to Care for Family Members With Serious Medical Conditions for definitions and provisions applicable to this subsection.

When accrued paid sick leave has been exhausted under this section, approved absence will be charged to other available paid leave before charging absence to leave without pay. (BOT 2/13/04, Motion 04-02)

4.075 Reporting and Verification.

- (1) Employees shall report their absence prior to or at the beginning of any period of sick leave use and daily thereafter, unless prearranged, and shall report all sick leave usage on the standard university form, "Request for or Report Of Absence " (Form CWU-PER -011 or a succeeding form).
- (2) For absences from work longer than three days, exempt employees may be required by the supervisor to provide a written verification of illness from a health care provider.
- (3) Upon returning to work, the employee may be required by the supervisor to submit a written verification from a health care provider releasing the employee to return to work.

4.076 Transfer and Retention of Accrued Sick Leave (BOT 2/02, Motion 02-09, BOT 2/13/04, Motion 04-02)

- (1) An employee who transfers without a break in service to the university from a Washington State agency or higher education institution where he/she has been accruing sick leave on a monthly basis may transfer unused accrued sick leave hours for use and compensation as specified in this code. An employee who leaves the university and transfers without a break in service to a leave eligible position in a Washington State agency or higher education institution may transfer unused accrued sick leave to the receiving agency/institution provided the agency/institution will accept it. Transfer from the university shall apply also to those sick leave hours transferred to and accrued at the university and subsequently "frozen" under Section 4.06 and/or Section 4.076(3).

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- (2) A former Washington state employee who is reemployed in a leave eligible position within three (3) years of separation shall have his/her former sick leave balance restored for use and compensation as provided in this code.
- (a) When a retired Washington state employee is employed or reemployed by the university in a leave eligible position, only that unused sick leave accrued since reemployment minus that taken within the same period may be compensated per Section 4.077 Compensation for Unused Sick Leave.
- (3) When a Central Washington University (CWU) exempt employee moves without a break in service to a CWU faculty position, any unused accrued sick leave will be frozen. Such frozen leave will be reinstated for use and compensation as specified in this code if the faculty member returns to an exempt position without a break in service and is required to, or elects to, participate in the sick leave accrual plan. If the returning faculty member is eligible to under code Section 4.072(2)(e) to transfer to the exempt disability leave plan, and elects to do so, accrued sick leave will remain frozen. If the employee subsequently retires from a CWU exempt position with no break in service, or dies while in active exempt service, any frozen accrued sick leave shall be cashed out at 25% in accordance with Section 4.077. (BOT 2/02, Motion 02-09, BOT 12/02, BOT 2/13/04, Motion 04-02)

4.077 Compensation for Unused Sick Leave. (BOT 2/13/04, Motion 04-02)

- (1) Exempt employees shall be eligible to receive monetary compensation for accrued sick leave as follows:
- (a) In January of each year, and at no other time, an exempt employee whose year-end sick leave balance exceeds 480 hours may choose to convert sick leave hours earned in the previous calendar year, minus those used during the year, to monetary compensation.
- (i) No sick leave hours may be converted which would reduce the calendar year-end balance below 480 hours.
- (ii) Monetary compensation for converted hours shall be paid at the rate of 25% and shall be based upon the employee's current salary rate.
- (iii) All converted hours will be deducted from the employee's sick leave balance.
- (b) Exempt employees who separate from CWU service due to retirement or death shall be compensated at the rate of 25% for their unused sick leave accumulation, including accrual for the month of separation for those terminating on or after the sixteenth of the month. Compensation shall be based upon the employee's salary at the time of separation. For the purpose of this subsection, retirement shall not include "vested out-of-service" employees who leave funds on deposit with the state

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department of retirement systems. For members of the Central Washington University Retirement Plan (CWURP), sick leave cash out will be paid only if the individual meets the eligibility requirements and retires from state service in accordance with provisions of the retirement plan. (BOT 2/04)

- (2) Compensation for unused sick leave shall not be used in computing the retirement allowance; therefore no contributions are to be made to the retirement system for such payments, nor shall such payments be reported as compensation.
- (3) An employee who separates from CWU service for any reason other than retirement or death shall not be paid for accrued sick leave.

4.078 Eligibility for Shared Leave. An exempt employee in the sick leave accrual plan may be eligible to receive shared leave if the employee meets the following criteria:

- (1) The employee has accrued, and is eligible to use, paid leave.
- (2) The employee suffers from, or has a relative or household member suffering from, an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature, or the employee has been called to service in the uniformed services. In addition, the situation has caused or is likely to cause the employee to go on leave- without-pay status or terminate state employment; and, the employee has depleted or will shortly deplete his or her annual, sick, and military leave reserves as appropriate to the situation; and, the employee's absence and the use of shared leave are justified; and, the employee is not eligible for time-loss compensation under Chapter 51.32 RCW. (BOT 2/13/04, Motion 04-02)
- (3) For purpose of this section, "employee's relative" normally shall be limited to the employee's spouse, child, stepchild, grandchild, grandparent, or parent. "Household members" is defined as persons who reside in the same home who have reciprocal duties to and do provide financial support for one another. The term "household member" shall include, but is not limited to, foster children and legal wards.
- (4) **Shared Leave Use.** (BOT 2/13/04, Motion 04-02)
 - (a) An employee shall not receive more than two hundred sixty-one days of shared leave, none of which may be used to keep an employee in pay status beyond the last work day set forth in any employment agreement.
 - (b) The university shall require the employee to submit, prior to approval or disapproval, a medical certification from a licensed physician or health care practitioner verifying the employee's required absence, the description of the medical problem, and expected date of return-to-work status for extraordinary or severe medical situations. When the employee has been called to service in the uniformed services, the university shall require

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a copy of the military orders verifying the employee's required absence. (BOT 2/13/04, Motion 04-02)

- (c) The university should consider other methods of addressing the employee's needs such as modified duty, modified hours, flextime, or special assignments in lieu of shared leave.
- (d) The receiving employee shall be paid his/her regular rate of pay; therefore, the value of one hour of shared leave may cover more or less than one hour of the recipient's salary.
- (e) Any shared leave not used by the recipient shall be returned to the donor(s).
- (f) Shared leave processing shall be conducted through the Human Resources Office in accordance with established procedures.

4.079 Donation of Accrued Sick Leave. An exempt employee in the sick leave accrual plan may be eligible to donate some of his/her accrued sick leave under the Shared Leave Program. Donations are normally made in 8hour blocks and cannot cause the donating employee's accrued sick leave balance to fall below 176 hours. Disability Leave Bank hours may not be used to meet this minimum requirement, nor may they be donated. Donated days are considered as time taken and are subtracted from the accrued sick leave balance and from the hours eligible for the annual sick leave compensation program. (BOT 12/02, BOT 2/13/04, Motion 04-02)

4.08 Conversion Option -- Sick Leave Accrual Plan {BOT 10/96, 2/02}

4.081 Exempt employees who began exempt service prior to June 7, 1996, may irrevocably elect to begin participation in the sick leave accrual plan effective January 1, 1997. Employees electing to convert to the accrual plan are subject to all the provisions of section 4.07 Sick Leave Accrual Plan and the following:

- (1) Accrual will begin with the Month of January 1997, with the first 8 hours (full-time rate) credited on February 1, 1997.
- (2) For an employee with a frozen balance of accrued sick leave hours from prior classified service, these hours will be credited to the accrued sick leave balance and available for use on January 1, 1997, and thereafter.
- (3) Disability Leave Bank

On January 1, 1997, and at that time only, employees converting from the Disability Leave Plan to the Sick Leave Accrual Plan shall be credited with a one-time bank of leave hours, with no future additions, with the following stipulations:

- (a) Employees who have completed four full years or more of exempt service as of December 31, 1996, will be credited with a bank of 1232 hours, or a pro-rated number of hours for less than full-time employment;

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- (b) Employees who have completed less than four full years of exempt service as of December 31, 1996, will be credited with a bank of 704 hours, or a pro-rated number of hours for less than full-time employment;
- (c) The bank hours may be used only when accrued sick leave has been exhausted and will be deducted from the bank balance;
- (d) The bank hours may be used only for employee illness/disability and cannot be used for other family medical leave qualifying illness/disability;
- (e) The bank hours cannot be cashed out, nor can they be donated for Shared Leave use.
- (f) Upon an employee's separation from exempt appointment, any unused hours in the employee's bank will be erased and participation in the Disability Leave Bank program permanently terminated. Approved leave of absence does not constitute a separation. (BOT 2/02, Motion 02-09)

4.09 Paid Leave to Care for Family Members With Serious Medical Conditions (BOT 2/13/04, Motion 04-02)

4.091 At the employee's request, accrued paid annual and sick leave, and/or all or part of the personal holiday, shall be granted to care for a spouse, parent, parent-in-law, or grandparent of the employee who has a serious health condition or an emergency health condition, or to care for a child with a health condition that requires treatment or supervision.

4.092 For purposes of this section:

- (1) "Child" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing *in loco parentis* who is: (a) under 18 years of age; or, (b) 18 years of age or older and incapable of self-care because of a mental or physical disability.
- (2) "Parent" means a biological parent of an employee or an individual who stood *in loco parentis* to an employee when the employee was a child.
- (3) "Spouse" means a husband or wife, as the case may be.
- (4) "Parent-in-law" means a parent of the spouse of an employee.
- (5) "Grandparent" means a parent of a parent of an employee.
- (6) "Health condition that requires treatment or supervision" includes:
 - (a) Any medical condition requiring treatment or medication that the child cannot self administer;
 - (b) Any medical or mental health condition which would endanger the child's safety or recovery without the presence of a parent or guardian; or

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- (c) Any condition warranting treatment or preventive health care such as physical, dental, optical or immunization services, when a parent must be present to authorize and when sick leave may otherwise be used for the employee's preventive health care.
- (7) "Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves any period of incapacity or treatment connected with inpatient care (i.e. an overnight stay) in a hospital, hospice, or residential medical care facility, and any period of incapacity or subsequent treatment or recovery in connection with such inpatient care; or that involves continuing treatment by or under the supervision of a health care provider or a provider of health care services and which includes any period of incapacity (i.e. inability to work, attend school or perform other regular daily activities).
- (8) "Emergency condition" means a health condition that is a sudden, generally unexpected occurrence or set of circumstances related to one's health demanding immediate action, and is typically very short term in nature.
- (9) "Incapable of self-care" means that the individual requires active assistance or supervision to provide daily self-care in several of the "activities of daily living" (ADLs) or "instrumental activities of daily living" (IADLs). Activities of daily living include adaptive activities such as caring appropriately for one's grooming and hygiene, bathing, dressing and eating. Instrumental activities of daily living include cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc.
- (10) "Physical or mental disability" means a physical or mental impairment that limits one or more activities of daily living or instrumental activities of daily living.

4.10 Family and Medical Leave {BOT 6/96, BOT 2/13/04, Motion 04-02}

In accordance with the Family and Medical Leave Act (FMLA), CWU shall grant eligible employees applicable paid and unpaid leave for up to 12 work weeks during a 12-month period for any of the following events: the birth or adoption of a child, or the foster care placement of a child; the care of an employee's spouse, son, daughter, or parent if that individual has a serious health condition; or a serious health condition of the employee that renders the employee unable to perform regular assigned job functions.

4.101 For purposes of this code, an eligible employee is an exempt employee who has worked for the university for at least 12 months and for at least 1,250 hours during the previous 12-month period. For part-time employees who meet this requirement, the 12 weeks of leave shall be provided on the same pro rata basis that their employment schedule bears to a full-time schedule. The employee may choose to use appropriate accrued paid leave and/or leave without pay for absence granted in accordance with FMLA. All elected paid leave is to be taken before leave without pay with one exception: employees will reserve and use sufficient paid leave each pay period during leave without pay to cover the employee paid premiums for continuing insurance coverage. This intermittent paid leave use will be calculated and applied by Human Resources in

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accordance with established benefit and payroll procedures. Employees without sufficient paid leave to cover their premiums will need to contact the benefits office prior to their leave to arrange premium payment to avoid cancellation of insurance. (BOT 2/13/04, Motion 04-02)

- 4.102 If leave is foreseeable, based on planned medical treatment, the employee shall provide a written notice of his/her intent to take leave to the appointing authority thirty (30) days in advance, or if the treatment requires leave to begin in less than thirty (30) days, the employee shall provide such notice as is reasonable.
- 4.103 The appointing authority must determine whether the leave period is FMLA qualifying and so notify the employee. In circumstances where the employee has been on leave for more than five days but has not requested FMLA leave, the appointing authority may, by proper notification of the employee, designate the entire leave period as FMLA leave if it so qualifies.
- 4.104 The appointing authority may require that a request for such leave be accompanied by a medical certification issued by a licensed health care provider supporting the need for the leave. The university may require a second opinion. The appointing authority may require that the employee periodically provide continuing verification from a health care provider of the need for leave.
- 4.105 Leave for serious health condition of the employee or a family member may be taken on an intermittent or reduced schedule where medically necessary; or, only with prior approval of the appointing authority, for birth, adoption, or foster child placement. (BOT 2/13/04, Motion 04-02)
- 4.106 The university shall maintain health care coverage for up to 12 weeks of family medical leave in accordance with the requirements of the Public Employees' Benefits Board. As specified in the federal Family and Medical Leave Act, the university may recover the premium for maintaining coverage during the period of unpaid family medical leave if the employee does not return to work.
- 4.107 An eligible husband and wife, who are both employed by CWU, are each entitled to 12 work weeks of FMLA leave during a 12-month period. However, their combined leave per incident of birth, adoption, and foster child placement may not exceed a total of 12 weeks. (BOT 2/13/04, Motion 04-02)

4.11 Parental Leave (BOT 2/13/04, Motion 04-02)

Parental leave as provided in this code means leave from employment to care for and bond with a newborn, a newly adopted child, or a newly placed foster child. Parental leave is in addition to any leave for temporary disability because of pregnancy or childbirth. In addition to FMLA eligible employees, parental leave may also be granted to employees who do not qualify for leave under section 4.10 Family and Medical Leave. Parental leave is leave without pay unless an employee uses some or all of his/her accrued annual leave in accordance with 4.112 and 4.113 below:

- 4.111 Parental leave of up to four months (which includes the 12 weeks FMLA leave, if applicable) shall be granted to employees upon their request for the purpose of providing care to and bonding with the employee's newborn, newly adopted child, or newly placed foster child under the age of six. Requests for leave for an older child may be granted by the principal administrator.

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4.112 Parental leave may be a combination of accrued annual leave and leave of absence without pay and must immediately follow disability leave, if taken. Parental leave shall not extend beyond four months (which includes the 12 weeks FMLA leave, if applicable) after the child's birth or placement, unless additional time is granted by the principal administrator.

4.113 Any accrued annual leave taken shall precede leave of absence without pay except that:

- (1) employees will reserve and use enough annual leave each pay period during leave without pay to cover the employee paid premiums for continuing insurance coverage;
- (2) employees not covered by FMLA, and FMLA eligible employees in their fourth month of parental leave, must use a minimum of 8 hours annual leave in a month of leave of absence without pay to qualify for continuation of employer-paid insurance benefits.

This intermittent paid leave use will be calculated and applied by Human Resources in accordance with established benefit and payroll procedures. Employees without sufficient paid leave to cover their premiums, and/or maintain employer provided coverage, will need to contact the benefits office prior to their leave to arrange premium payment to avoid cancellation of insurance.

4.114 An eligible husband and wife, who are both employed by CWU, are each entitled to parental leave. However, their combined leave per incident of birth, adoption, and foster child placement may not exceed a total of four months during a 12-month period including the 12 weeks of FMLA leave, if applicable.

4.12 Bereavement Leave {BOT 10/96, 6/00, BOT 2/13/04, Motion 04-02}

4.121 Employees, with the approval of their supervisor, may take up to ten working days off with pay for traveling to, making arrangements for, and attending a funeral or memorial service, or handling related estate business for the death of individuals in their immediate families (mother, father, sister, or brother, mother-in-law, father-in-law, husband, wife, grandparent, grandchild, son, daughter, stepchild, a child in the custody of and residing in the home of an employee, a parent of the employee's dependent child, domestic partner, a domestic partner's parent, child or grandchild). For purposes of this section, "domestic partners" are defined as persons who reside in the same home who have reciprocal duties to and do provide financial and/or emotional support for one another.

4.122 The time may be taken all at one time, or intermittently as needed.

4.123 With the approval of their supervisor, employees may take bereavement leave to attend other funerals. Such bereavement leave with pay shall be limited to a maximum of one day.

4.13 Military Leave (BOT 2/02, Motion 02-09)

4.131 **Military Leave With Pay:** An exempt employee who is a member of the Washington national guard or of the army, navy, air force, coastguard, or marine corps reserve of the United States or of any organized reserve or armed forces of the United States shall be granted military leave of absence with pay not to

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exceed fifteen (15) working days in any one year beginning October 1st and ending the following September 30th in order to report for active duty, when called, or to take part in active training duty in such manner and at such time as he/she may be ordered to active duty or active training duty.

Military leave shall be in addition to any annual and sick leave to which an employee is entitled and shall not result in any reduction of benefits, performance ratings, privileges or pay. During such leave, the employee shall receive his/her position salary according to the CWU exempt employee salary schedule.

4.132 **Military Leave Without Pay:** Any exempt employee who voluntarily or upon demand leaves a regular position to enter active duty or training in the armed forces of the United States or the state shall be granted a military leave of absence without pay for the duration of that service and be entitled to reinstatement of employment as provided in RCW 73.16. (BOT 12/02)

4.14 Jury/Civil Duty Leave.

4.141 An exempt employee shall be granted absence with pay to serve on jury duty or to exercise other subpoenaed, non-personal civil duties. Verification of a summons for jury/civil duty may be required. Such absence shall include required court time and reasonable travel time. Payment by the court for jury/civil duty performed during scheduled work time must be taken to the CWU cashier's office. If payment includes reimbursement for items such as mileage and meals, those allowances will be returned to the employee. (BOT 12/02).

4.15 Release Time for Training Program, Workshop, Conference or Meeting (BOT 2/4/05)

4.151 Release time (i.e., release from normal work duties without loss of pay) may be granted an employee who requests time away from work to attend a short-term job-related training program, workshop, conference or meeting. Other associated costs (e.g., travel, per diem, registration fees) shall be the responsibility of the employee unless otherwise negotiated with the supervisor.

4.16 Professional Leave

4.161 **Purpose**
Professional leave may be granted to provide opportunities for exempt employees to study, research, or conduct creative activities for the enhancement of the university's instructional and research programs as provided under RCW 28B.10.650. (BOT 2/4/05)

4.162 **Eligibility**
Only employees covered under this code who have been in exempt service at the university for at least four years are eligible for professional leave. Exempt employees with part-time appointments may qualify for professional leave on a prorated basis. Professional leave shall not be awarded automatically nor solely upon these factors. (BOT 2/4/05)

4.163 **Application Process**

(1) A completed application (instructions and form available from the Human Resources Office) shall be filed with the applicant's supervisor at least six

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months before the time the applicant wishes to take leave, unless the supervisor agrees to waive the six-month notice. The application shall include the information listed in (a) through (g) below and provide assurance of compliance to the special conditions outlined in this code regarding professional leave. (BOT 2/4/05)

- (a) General information including name, office, title, date of initial exempt service with the university, terms of leave preferred, dates of previous professional leaves.
 - (b) A detailed statement of the applicant's plans for utilizing the time requested. This statement should include such information as the time sequence for completion of any project or plan, and how the plan would enhance the instructional or research programs of the university.
 - (c) Background information concerning the applicant's previous professional work, especially in the area of the proposed plan.
 - (d) A list of foundations, institutions, or other organizations with which the applicant will be affiliated during the leave period.
 - (e) A complete listing of grants and stipends other than those granted by the institution which will be available to the applicant during the leave.
 - (f) Justification for travel requested in terms of the proposed project or plan for study.
 - (g) Supporting letters from other appropriate individuals may also be submitted.
- (2) The application, with recommendations, shall be forwarded through all appropriate levels of supervision to the president, and shall include verification that: the applicant can be released for the requested period of time with his/her duties and responsibilities covered within existing institutional resources; adequate funding is available and the purpose of the leave is within the scope of the guidelines established by RCW 28B.10.650; and is consistent with university priorities and needs. (BOT 2/4/05)
- (3) Upon receipt of the application and recommendations, the president shall prepare his/her final recommendations and present them to the board of trustees for action. (BOT 2/4/05)

4.164 Special Conditions (BOT 2/13/04, Motion 04-02)

- (1) The awarding of professional leave is dependent upon internal administrative decisions involving scheduling of replacement personnel and budgetary constraints and satisfactory arrangement must be made to handle the duties of the applicant in his/her absence.

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- (2) Professional leave may be granted for a period not to exceed twelve consecutive months. Intermittent leave extending beyond a one year period requires re-application and re-approval. (BOT 2/4/05)
- (3) Unless otherwise negotiated, exempt employees awarded professional leave shall receive 75 percent of the salary they would receive if they remained in their regular position with the university, subject to reductions, if any, listed in subsection (4). Across-the-board cost-of-living adjustments to salaries, and adjustments under section 4.012 to achieve exempt salary equity, granted during the period the exempt employee is on professional leave shall be applied to his/her salary. (BOT 2/4/05)
- (4) If the applicant secures external funding which is designated for salary purposes, such funds may be applied to bring the exempt employee's remuneration for the period of the leave up to full salary, and thereafter reduce the university's contribution. The gross salary during the period of leave combined with remuneration of other services shall not exceed 100 percent of the applicant's gross salary. (BOT 2/4/05)
- (5) If the applicant secures external or internal funding support for travel, moving expenses, supplies, etc., related to the intent of the professional leave, such funds shall be used for said expenses and not considered to be salary. (BOT 2/4/05)
- (6) The employee on professional leave shall return to and serve in a professional status for a period commensurate with the amount of leave granted. The grant of professional leave shall be contingent upon a signed contract agreement between the exempt employee and the university providing that if he or she fails to return to the service of the university, or fails to remain in said service for the required time after professional leave terminates, he or she shall be liable for repayment to the university salary and fringe benefits paid him/her during the professional leave period (RCW 28B.10.650). All of the conditions described in this paragraph may be waived in the event of the employee's death or disability separation. (BOT 2/4/05)
- (7) The period of professional leave shall be counted as service time to the university, with retirement rights retained and insurance and other similar benefits continued. (BOT 2/13/04, Motion 04-02)
- (8) Professional leave, once granted by the university, shall be for a specific purpose, and any changes in plans must be re-evaluated and approved by those who approve the leave.
- (9) A written summary report of the use of professional leave shall be submitted by the exempt employee to his/her immediate supervisor within two months after he or she returns to the university and forwarded to the president through the appropriate levels of supervision. The report must summarize the work completed and how the experience and the new knowledge will be utilized by the exempt employee to enhance the instructional or research programs at the university. (BOT 2/4/05)

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- 4.171 Short-term leaves of absence without pay may be approved by the appropriate supervisor for absences from work for which an employee has no applicable leave or leave balance. Under ordinary circumstances, the employee should notify the appropriate supervisor at least twenty-four (24) hours before the leave is granted.
- 4.172 Long-term leaves of absence without pay may be granted for up to twelve months by the board of trustees. Such leaves, which may be renewed in unusual circumstances, shall not generally be granted to employees unless they have been on active full-time service with the university for at least thirty-six (36) months.
- 4.173 An individual desiring leave without pay shall submit a request in writing to his/her appropriate supervisor specifying the purpose and location of the leave and dates of absence. Such requests should be made at least six months before the start of the proposed absence. The appropriate supervisor may forward this request, with his/her recommendation, to the president of the university.
- 4.174 Providing employment has not been terminated during the period of leave, an individual completing such leave shall return to the same employment status that the individual occupied at the commencement of his/her leave with any across-the-board or other applicable salary adjustments applied in his/her absence. (BOT 2/13/04, Motion 04-02)
- 4.175 A request for renewal of leave of absence for one year may be granted by the board of trustees if it is approved by the appropriate principal administrator and the president after review and approval by the employee's immediate supervisor. A request for a renewal of leave should be made at least six months in advance of the proposed absence.
- 4.176 Granting a leave of absence to an employee for any purpose does not constitute or imply, on the part of the university, any greater obligation to resume or continue his/her employment than had the employee not been granted leave. (BOT 2/13/04, Motion 04-02)
- 4.177 Leaves of absence without pay may be granted if employees are nominated for a state or national office, or if they are elected to same. The terms of the leave of absence shall be set forth in writing, and the leave will not affect unfavorably the retention of an employee, except that the time spent on such leave will not count as service time unless otherwise agreed to in writing.
- 4.178 Leaves of absence without pay may be granted for educational and/or professional study and development. (BOT 2/13/04, Motion 04-02)

SECTION 5.0 GRIEVANCE PROCEDURE**5.01 Grievance Procedure -- Definition, General Information, and Preliminary Conference**

- 5.011 A grievance is defined as a contention of misapplication or violation of university or departmental written personnel policies and procedures or an allegation of injustice arising from termination for cause except that:

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- (1) This grievance procedure shall not be available to determine complaints based upon alleged discrimination involving race, sex, religion, color, national origin, age, or physical disability which should be processed through the procedures established by the office for equal opportunity.
 - (2) This grievance procedure shall not be available to determine complaints related to position placement on the salary schedule, results of performance evaluation, notice of noncontinuance, termination not for cause, or disability separation. Complaints regarding salary determination should be processed through the appeal procedure established by the president in conjunction with the salary determination process.
- 5.012 The grievance procedure hereinafter described is open to all exempt employees regardless of type of appointment or length of service to the university and no employee shall be discriminated against nor shall there be any penalty or reprisal on account of having filed a complaint in accordance with this procedure.
- 5.013 A petition for review of a grievance may be filed either by an individual or by a group of employees when substantially similar or identical complaints are made.
- 5.014 Prior to petitioning for a hearing before a grievance committee, the aggrieved employee or, in the case of a group complaint, representatives chosen by the group, will discuss the grievance with the members of the university administration having direct responsibility for the area of concern to the grievant(s), and both parties shall make a good faith effort to settle the grievance. A request for such discussion meetings must be submitted within five (5) working days of the time the alleged injustice took place or was discovered by the grievant(s). University officials shall make every effort to be available for such meetings. It shall be incumbent on all parties to the discussion to avoid unnecessary delays and to attempt to resolve differences expeditiously.
- 5.015 In certain cases, it may be determined that the complaint is with the university or with the administration collectively in which case the discussion called for in section 5.014 may be impossible or not appropriate. In such cases, the aggrieved employee or groups should file a petition for review for an informal hearing before a grievance committee in accordance with the provisions of section 5.02 or, in cases where the informal hearing may be waived, submit a request in writing to the president for a formal hearing in accordance with section 5.04.

5.02 Grievance Procedure – Informal Hearing

- 5.021 If no mutually acceptable resolution of the grievance can be reached through discussion with the appropriate university officials (section 5.014) or if such discussions were deemed not appropriate (section 5.015) and were not held, the aggrieved employee or group may petition the principal administrator of the area (or the president or his/her designee if the principal administrator is a party to the grievance, or the chair of the board of trustees or his/her designee, if the president is a party to the grievance) for an informal hearing before a grievance committee. The petition may be revised or withdrawn by the petitioner at any time, prior to the committee's decision whether or not to hold an informal hearing, but thereafter, only with permission of the committee. The petition shall set forth in writing and in reasonable detail the nature of the grievance, shall

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state against whom the complaint is directed, and the relief sought. The petition must be filed within ten (10) working days of the end of the informal discussion (section 5.014) or within ten (10) working days of the time the alleged injustice took place or was discovered by the grievant(s) if the discussions were deemed inappropriate and not held (section 5.015).

- 5.022 Within ten (10) working days after receipt of the petition for an informal hearing, the principal administrator (or the president or his/her designee, or the chair of the board of trustees or his/her designee) shall appoint a grievance committee of three persons. An effort should be made to select individuals who are mutually acceptable to both sides and normally the people selected will be exempt employees, although, in some instances, it may be deemed appropriate to use other university employees. Employees who are members of the same department as the concerned parties shall not be appointed to the grievance committee. A person selected for the grievance committee shall decline to serve if he or she deems him/herself biased or personally interested in the outcome.
- 5.023 The committee shall meet as soon as possible after their selection to select a chair, outline their procedures for investigating the grievance, determine a schedule, and make such other organizational decisions as may be needed. The grievance committee will investigate the grievance, make findings of fact, and attempt to resolve the issue. If, in the opinion of the grievance committee following an investigation, a settlement is not possible, the committee shall decide whether or not the facts merit an informal hearing. The committee's decision of cause or no cause for an informal hearing shall be issued within ten (10) working days of the appointment of the committee.
- 5.024 The grievant(s) may waive the opportunity for an informal hearing and initially request a formal hearing in accordance with the provisions of section 5.04 but in doing so must explain why the grievance cannot be resolved through the less costly and time consuming informal process. Also, the grievance committee may rule that the circumstances are such that it is impossible to resolve the grievance in an informal hearing and refer it to the president for a formal hearing.
- 5.025 In the event the grievance committee decides to hold a hearing, the chair of the committee shall notify the parties in writing as soon as possible after the committee's decision and the informal hearing shall be held not less than ten (10) working days from the mailing of the notice, unless all of the parties with the consent of the chair, agree to shorten the time to less than ten (10) working days.
- 5.026 The parties and any others the grievance committee deems necessary to the proceedings shall make themselves available to appear at the hearing unless they can verify to the committee that their absence is unavoidable. In addition, in an informal hearing, the aggrieved shall be permitted to have an exempt employee of his/her /their own choosing to act as advisor and counsel provided that such advisor shall not have been admitted to the bar.
- 5.027 Informal hearings will be closed to all except those persons directly involved in the case. Statements, testimony, and all other evidence given at the informal hearing shall be confidential and shall not be released to anyone or used to question the veracity of any party to the case, without permission of the party who divulged the information, and may be used by the committee only for the purpose of making its findings and recommendations to the president. Any legal

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opinion or interpretation given to the grievance committee may be shared with all parties to the case.

5.028 The grievance committee shall file its findings of fact, conclusions and recommendations with the principal administrator of the area (or president or his/her designee, or chair of the board of trustees or his/her designee) within ten (10) working days after the conclusion of the informal hearing. Within ten (10) working days of the receipt of the findings, conclusions, and recommendations of the grievance committee, the principal administrator (or president or his/her designee, or chair of the board or his/her designee) shall inform all parties to the case of his/her decision. This action shall constitute notice of the final decision in the informal hearing procedure.

5.029 If the grievant(s) disagrees with the final decision in the informal hearing procedure, s/he/they may request a formal hearing in accordance with the provisions of section 5.04.

5.03 Suspensions

5.031 Until the final decision in connection with the dismissal of an exempt employee or the termination for cause of an appointment has been reached, the employee may be suspended, or assigned to other duties in lieu of suspension, by the president. Before suspending the employee, pending final determination of his/her employment status in accordance with procedures provided in this code, the president will consult with the grievance committee, but the president shall have the sole authority to determine whether to suspend the employee or assign him/her to other duties pending final determination of his/her employment status. Salary and benefits shall continue during the period of suspension.

5.04 Grievance Procedure -- Formal Hearing

5.041 It is expected that most issues will be settled in an equitable and mutually satisfactory manner through the informal procedures set forth in this code, without resorting to the formal hearing procedures hereinafter described.

5.042 Failure to apply for a formal hearing within ten (10) days after an alleged injustice took place or was discovered by the grievant(s) if the informal hearing procedure has been waived by the grievant(s), or within ten (10) days after the receipt of the final decision if an informal hearing has been held, shall be treated as a waiver by the grievant(s) of the right to a formal hearing.

5.043 Upon receipt of a written request for a formal hearing, the president (or the chair of the board or his/her designee if the president is involved in the grievance) shall appoint one or more hearing officers, not to exceed three for any hearing, to preside over, conduct, make proposals for decisions, including findings of fact and conclusions of law, in all cases. The hearing officer(s) shall be selected from a list of competent and experienced hearing officers from outside the university community at university expense. Should more than one hearing officer be appointed to hear a case, a principal hearing officer shall be designated to preside at the hearing. The grievant(s) shall be afforded an opportunity for a formal hearing after not less than ten (10) days' notice and shall be provided with notice of the hearing in accordance with the provisions of RCW 28B.19. Where a formal hearing is conducted following the conclusion or termination of an

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informal hearing (section 5.02), the formal hearing shall be conducted as if the informal hearing had not commenced or taken place.

5.044 Service of a notice of hearing will be made by the principal hearing officer to the grievant's last known address of record by certified or registered mail, telegraph or personal service at least ten (10) days prior to the hearing. The notice shall include:

- (1) a statement of the time, place, and nature of the proceeding;
- (2) a statement of the legal authority and jurisdiction under which the hearing is to be held;
- (3) a reference to the particular rules of the university involved; and
- (4) in cases of dismissal for cause, a short and plain statement of the charges.

The employee(s) may respond to the charges in writing at any time before the hearing. If the employee(s) waives a hearing, but in writing clearly and specifically states his/her case with regard to the alleged injustice or, in the case of dismissal for cause, clearly and specifically denies the charges against him/her or asserts the charges do not allege adequate cause for dismissal, such writing and the president's recommendations shall be given to the members of the board of trustees for their consideration in acting on the president's recommendation.

5.045 With respect to the conduct of the hearing, the following rules and procedures shall apply:

- (1) The principal hearing officer shall determine whether the hearing shall be open to the educational community or whether particular persons should be permitted in attendance or excluded from attendance.
- (2) The grievant(s) will be permitted to have an advisor or legal counsel of his/her own choice present at the hearing at his/her own expense.
- (3) The burden of proof that adequate cause for dismissal or grounds for termination prior to the expiration of the appointment period exists rests with the university and shall be satisfied only by clear and convincing evidence in the record considered as a whole.
- (4) The principal hearing officer may grant recesses of the proceedings to enable either party to investigate evidence as to which valid claim of surprise is made.
- (5) If the parties agree that a formal record or transcript of the proceedings shall be furnished, the cost shall be borne equally by the parties, otherwise the costs shall be borne by the party requesting the transcript.
- (6) In cases of dismissal for cause, all documents, communications, and records dealing with the processing of an appeal or grievance shall be filed separately from the individual's personnel file in a sealed envelope which shall not be opened except for use as legal evidence, and then only upon prior written notice to the person. A summary of the final resolution of the

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case and reference to the entire grievance or appeal file shall be placed in the individual's personnel file.

- (7) The grievant(s) will be afforded an opportunity to obtain necessary witnesses and documentation or other evidence, and the administration of the university will, insofar as it is possible for it to do so, secure the cooperation of such witnesses and make available necessary documents and other evidence within its control, subject to restrictions on the basis of confidentiality or privilege.
 - (8) The parties will have the right to confront and cross-examine all witnesses. Where the witness cannot or will not appear, but the principal hearing officer determines that the interests of justice require admission of his/her statement or testimony, the principal hearing officer may provide for written interrogatories or depositions and may issue subpoenas as provided in RCW 34.05.446. Such interrogatories and the responses thereto, and depositions so authorized, shall be admissible in the record of the proceedings, provided, that no person shall be compelled to divulge information which he or she could not be compelled to divulge by answers to interrogatories or by deposition in a court of law.
 - (9) The principal hearing officer may admit any evidence which is of probative value in determining the issues involved. Every possible effort will be made to obtain the most reliable evidence available.
 - (10) The existence or nonexistence of a material fact, as made or agreed in a stipulation or in an admission of records, will be conclusively presumed against any party bound thereby, and no other evidence with respect thereto will be received on behalf of such party.
 - (11) Such additional rules and procedures as may be deemed necessary to the proper conduct of the hearing and for protection of due process shall be determined by the principal hearing officer.
- 5.046 Proposals for decisions and findings of fact and conclusions of law shall be forthwith served upon the parties and transmitted to the president and the board of trustees together with a record of the proceeding. The hearing record shall include: (a) all documents, motions, and intermediate rulings; (b) evidence received or considered; (c) a statement of matters officially noticed; (d) questions and offers of proof, objections, and rulings thereon; (e) proposed findings and exceptions, and (f) any decision, opinion, or report by the officer presiding at the hearing. Findings of fact and conclusions of law shall be based only on the hearing records.
- 5.047 Within thirty (30) days of service of the proposal for decision, any party adversely affected may file exceptions, and thereafter all parties may present written argument to the board of trustees, which shall consider the whole record or such portions as may be cited by the parties, and after such review, the board shall announce its decision and final action to be taken and the reasons therefore at the next board meeting, provided that the board shall have had at least twenty (20) calendar days to complete its review.
- 5.048 Every decision and order, whether proposed, initial, or final, shall:

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- (1) Be correctly captioned as to name of agency and name of proceeding;
- (2) Designate all parties and counsel to the proceeding;
- (3) Include a concise statement of the nature and background of the proceeding;
- (4) Be accompanied by appropriate numbered findings of fact and conclusions of law;
- (5) Whenever practical, the conclusions of law shall include the reason or reasons for the particular order or remedy afforded;
- (6) Wherever practical, the conclusions and/or order shall be referenced to specific provisions of the law and/or regulations appropriate thereto, together with reasons and precedents relied upon to support the same.

5.049 Until otherwise mutually agreed upon in writing, by and between the grievant(s) as one party and the university administration as the other party, public statements and publicity about the case shall not be made or issued by any participants in the hearing. Oral notice of this requirement shall be given by the principal hearing officer at the earliest practicable time to all participants. Nothing in this section shall prohibit the issuance of necessary announcements of notices setting forth the date, time and place of hearing and similar information. Any official of the university who knowingly violates this prohibition against such issuance of public statements and publicity about the case shall be subject to disciplinary action.

5.05 Resignation Prior to Completion of the Grievance Process

5.051 The administrator may submit his/her resignation at any time prior to final action by the board of trustees. Any resignation may or may not be accepted by the board of trustees as the board in its discretion determines.