

Mississippi Institutions of Higher Learning Board Office

The title is centered on a white background. It is flanked by two large teal rectangular blocks on the left and right. Two vertical grey rectangular bars are positioned on either side of the text, creating a frame effect.

Employee Handbook



Welcome to the Institutions of Higher Learning Executive Office.

Whether you are just joining the staff or have served here for many years, please know that you are a valued member of the team and your hard work is appreciated.

Each one of you plays an important role and while our staff is small, we have a tremendous impact through the assistance we provide to the universities, serving more than 90,000 students each year. The universities also conduct research to solve Mississippi's most pressing problems and provide outreach and service in communities across the state. All of you share in this work and the influence it has on the state.

Our mission is to operate as a strong public university system with eight mission-driven universities and enhance the quality of life of all Mississippians by meeting their diverse educational needs. Each one of you helps us to fulfill this mission and maintain our commitment to affordability, accessibility and accountability.

The purpose of this Policies and Procedures Manual is to assist you with the information you need to fulfill your duties and help you understand the responsibilities and privileges you enjoy as IHL employees. While every effort has been made to provide comprehensive information, you may have specific questions that are not covered in the following pages. If so, please contact your department director or the Office of Human Resources.

Again, thank you for your service as a member of the Institutions of Higher Learning Executive Office.

Sincerely,

A handwritten signature in black ink that reads 'Glenn F. Boyce'. The signature is written in a cursive, flowing style.

Glenn F. Boyce, Ed.D
Commissioner of Higher Education



MISSISSIPPI INSTITUTIONS OF HIGHER LEARNING BOARD OFFICE EMPLOYEE HANDBOOK

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I. PURPOSE

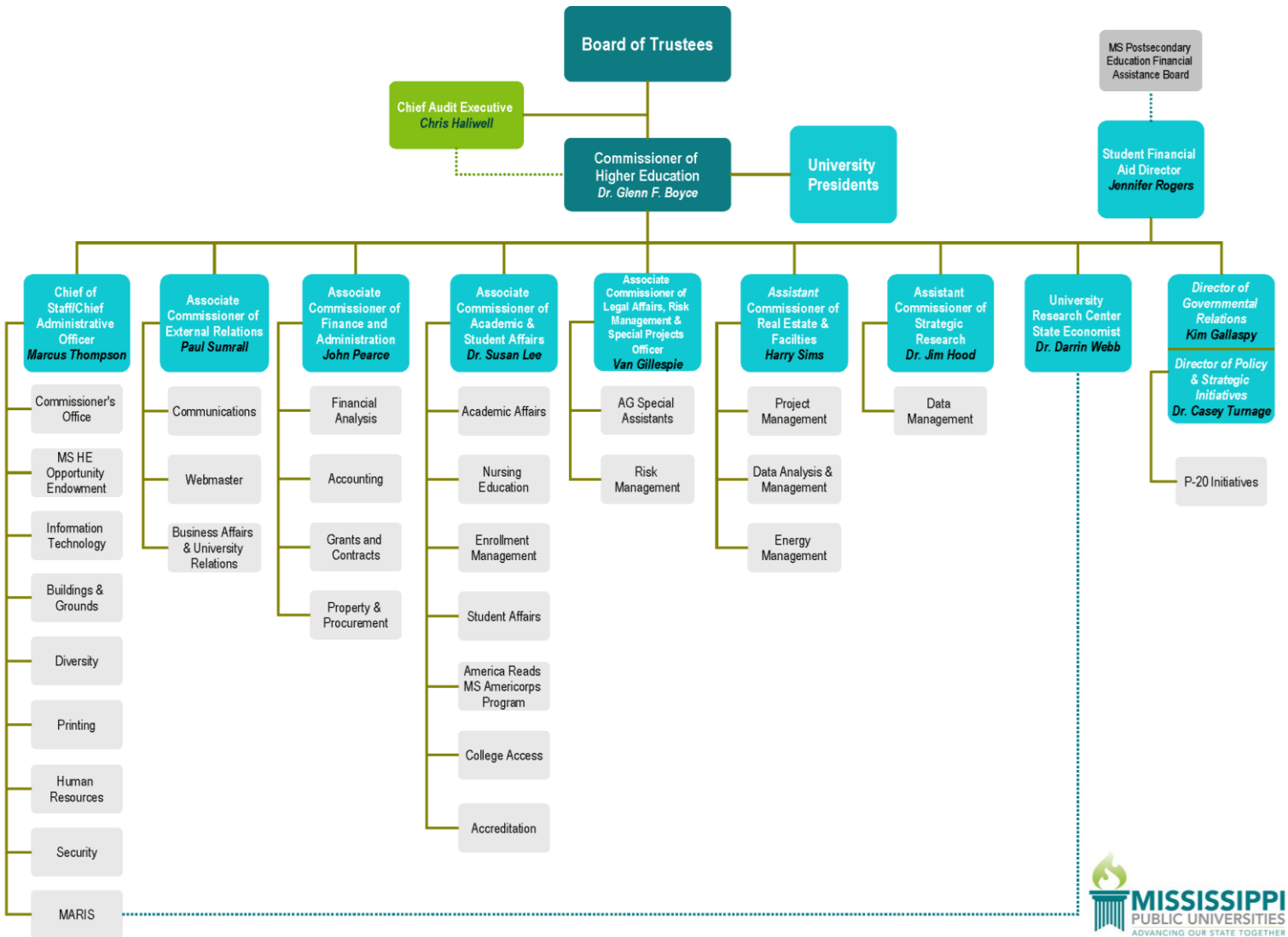
The purpose of this employee handbook is to provide a single document for employees to reference for information related to employee benefits and responsibilities as well as IHL operating procedures. It applies to all IHL personnel regardless of the funding source. This handbook shall be interpreted to conform with the Board of Trustees of State Institutions of Higher Learning Policies and Bylaws, as they exist and may be amended.

II. HANDBOOK DISCLAIMER

Except for its policy of employment-at-will, the policies in this handbook may be amended or cancelled at any time within IHL’s sole discretion. These policies supersede all former policies on the same subject matter and they can only be amended with the approval of the Commissioner of Higher Education (Commissioner). This handbook is not contractual, and it shall not be interpreted as an employment contract.

III. ORGANIZATION CHART REVISED 10|16

IHL Board Office Organization Chart





IV. EMPLOYMENT POLICIES

4.1 Equal Employment Opportunity Policy

Diversity and inclusion enhances the workplace. The Institutions of Higher Learning Executive Office (IHL) bases its employment decisions upon an individual's merit rather than general characteristics or classifications which are not relevant to one's ability to effectively perform his or her job duties. Therefore, employment decisions are made without discrimination in regard to race, age, color, religion, sex, sexual orientation, national origin, veteran status, or physical and/or mental disability, so long as the individual successfully performs the functions of his or her job, either with or without reasonable accommodations.

Any question regarding the Equal Employment Opportunity policy can be directed to the Office of Human Resources (Human Resources).

4.2 Disability Accommodations Policy

Requests for accommodations due to impairments related to a disability must be made to Human Resources. Based upon known impairments, IHL will provide reasonable accommodations to qualified persons with a disability in order to assist the employee perform his or her essential job functions. The employee requesting an accommodation, Human Resources, and the employee's supervisor will cooperate in an interactive process to achieve reasonable accommodations. Human Resources may request medical documentation to support the request. Retaliation against an applicant or employee solely because of the individual's disability or association with the disabled person is prohibited.

4.3 Pre-employment Policies and Procedures

4.3.1 Recruitment

IHL shall advertise employment opportunities with the intent to maximize the benefits of a competitive pool of applicants. In most instances position openings will therefore be posted on IHL's website. Off-site advertisements for openings shall be coordinated with Human Resources. Deviations from this general policy may be authorized by the Commissioner on a case-by-case basis.

4.3.2 Interview and Selection

The hiring authority in the requesting department is responsible for scheduling interviews with the candidates, and the budgetary authority shall notify Human Resources of the selected candidate and the suggested salary. Contact Human Resources to receive guidance as well as the appropriate forms which must be completed. Offers can only be extended from Human Resources unless specific permission to extend an offer is delegated from Human Resources, the Commissioner, or the Chief Administrative Officer.

Final candidates for hire must authorize and agree to undergo a background check. All offers of employment shall be contingent upon successful completion of a background check, which may be deemed satisfactory or unsatisfactory in IHL's sole discretion. Candidates subject to an unsatisfactory background check will be notified of the report and given an opportunity to explain and/or share information.



4.3.3 Employment Eligibility Verification and Visas

All applicants must have appropriate authorization to work in the United States. Providing proof of ability to work is the responsibility of the applicant, but maintaining records documenting compliance with the right to work of all new hires is the responsibility of Human Resources.

All applicants for employment are required to state whether or not they are U.S. citizens. All non-citizens are required to submit copies of their permanent residence record card or authorization to work granted by the U.S. Citizenship and Immigration Service.

A U.S. Citizens and Immigration Services form, USCIS Form I-9, entitled Employment Eligibility Verification, must be completed for each employee before he or she is placed on the payroll. Documents that are used in the verification process are listed on the last page of the form under the heading List of Acceptable Documents. Some examples of acceptable documents include a United States Passport, an original social security card, a certified birth certificate, a state-issued driver's license, and certificates of citizenship or naturalization.

The USCIS I-9 must be completed within three business days after (and not counting) the effective date of hire. Employment offers are contingent upon establishing proof of ability to work with two forms of identification. These must be original documents rather than copies.

Some non-citizen temporary employees may request and qualify for an H visa. If in the best interest of IHL, applications for an H visa (and appropriate renewals) will be prepared by the Human Resources Administrator. The application process should be initiated by the employee's department five to six months prior to the expiration of practical training or the intended start date of employment. The H-1 status may be granted for a three-year period and renewed for an additional three years. IHL is not required to apply for any visa or renewal, nor is it responsible for making an application without having received a request from an applicable employee.

4.3.4 Selective Services Policy

Every male between the ages of 18 and 26, who is required to register under the federal Military Selective Service Act, 50, USCS App.453, and is seeking employment, or is seeking a promotion to a higher position with IHL, shall submit to IHL satisfactory documentation of his compliance with the draft registration requirements of the Military Selective Service Act.

4.3.5 Employment of Minors

Minors who have reached their 16th birthday may be employed during the summer by IHL upon recommendation of Human Resources and approval of the Chief of Staff.

Employment of minors in the following occupations is prohibited by law: occupations involving explosive components; occupations requiring the operation of a motor vehicle as driver; occupations involved in the operation of power driven circular saws, band saws, wooding machines, metal forming, punching, or shearing machines; occupations involving exposure to radioactive substances; occupations involved in wrecking and demolition; occupations involved in the operation of bakery machines, or any occupation found to be particularly hazardous or detrimental to the health or well-being of a minor.



4.3.6 Transfers Between State Agencies

Prospective IHL employees who are currently employed by another state agency may transfer leave balances (both personal and major medical leave) if hired by IHL. A letter from the agency will be requested by the employee indicating the balances at the time of termination. This letter shall be signed by a Human Resources authority at the state agency of prior employment and mailed directly to IHL's Human Resources. The employee's leave records will be adjusted to incorporate the balances transferred, and the employee will accrue leave based on uninterrupted years of service with the state.

The employee cannot receive terminal payment for leave when transferring to another state agency.

Retirement records will transfer from state agency to state agency and will require only that the employee complete a new application when employed so that the current employer is noted on the employee's record.

Breaks in service exceeding 30 days and/or withdrawal of retirement funds from PERS would constitute a termination from state employment, and transfer procedures would not be available.

4.3.7 Background Checks

All offers of employment are contingent upon a satisfactory background check.

4.4 Employee Orientation

All new employees are required to attend an orientation session conducted by Human Resources. Human Resources will contact the employee to schedule the session. At this time, new employees will be assisted in completing the necessary payroll and benefit forms. The employee will be given access to a copy of IHL Executive Office's policies (whether via the IHL website, in the employee's home department, or checked out from Human Resources), and fringe benefits will be explained.

The hiring department is responsible for introducing the employee to co-workers and for explaining office functions and job responsibilities.

4.5 Terms of Employment

4.5.1 At-Will Employment

Mississippi is an at-will employment state, and all employees of IHL, with the exception of the Commissioner who is a contract-based employee, are at-will employees. Neither employees nor employers have any guarantee of a continuing employment relationship. This handbook is not a contract of employment, nor does it extend or erode the at-will employment relationship. As at-will employees, persons are free to resign at any time, with or without cause, and IHL may terminate the employment relationship at any time, with or without cause as long as there is no violation of applicable federal or state law. No IHL staff member other than the Commissioner has the authority to alter the at-will nature of IHL's employment relationships.



4.5.2 Promotions

Opportunities for promotion at IHL occur when a higher level position becomes available. When a vacancy occurs and is posted, employees are encouraged to investigate it and apply if interested; however, the selection of a candidate to fill a vacancy will be made based upon the perceived best available applicant.

Interested candidates for an advertised position must submit an application to Human Resources. Internal applicants are encouraged to inform their current supervisor of their intent to apply for a different internal position, as the current supervisor may be contacted as a reference. An employee does not retain any right to return to his or her former position after the effective date of transfer or promotion to the new position.

4.5.3 Reassignment of Staff or Duties

IHL reserves the right to reassign its employees, or their responsibilities, as needed for the best interests of IHL. A reassignment may substantially change an employee's duties as long as the adjustment is not due to an unlawful purpose. The reassignment of staff or duties may result in an increase or decrease in salary, as appropriate, within the sole discretion of the employer.

4.5.4 Personnel Files

Employee personnel and payroll information is maintained in Human Resources. Human Resources should be notified of any needed changes by the employee and/or his/her supervisor. Changes such as births or deaths in an employee's family or a change in marital status may affect such things as income tax withholding, medical reimbursement, retirement, or the type of insurance coverage. In emergency situations it is important that current information relating to the name, address, or telephone number of the employee be available. All changes should be reported immediately to Human Resources. It is the employee's responsibility to report any such changes.

An employee may have access to his or her Human Resources file by sending a written request, in advance, to Human Resources and receiving approval from the Human Resources Administrator.

To the extent permitted by Mississippi or federal law, personnel records and applications for employment will be kept confidential in Human Resources

4.5.5 Terminations of Employment

IHL's policy of at-will employment means that employees may choose to terminate their employment or be terminated by IHL with or without advance notice. However, employees and supervisors are encouraged to provide a reasonable notice of 30 days.

No supervisor shall provide a notice of termination to an employee unless such termination has been approved by Human Resources, the Chief Administrative Officer, or the Commissioner. Supervisors are required to consult with IHL legal counsel prior to moving forward with terminations. A termination may be approved without any requirement being met in regard to progressive discipline.



4.5.6 Clearance Requirements

When an employee leaves employment with IHL, he or she must complete and file with Human Resources an Exit Interview Clearance Form. This form is available in Human Resources or on the website, and must accompany, or be preceded by, the Personnel Action Form to officially terminate the employee. All discharges of employees must have prior clearance through Human Resources by completing the Personnel Action Form. The final month's Time and Attendance Form must be attached to this form.

Human Resources will conduct a terminal interview for all employees. The employee's department is responsible for overseeing that the terminating employee reports to Human Resources for a terminal interview on, or prior to, his or her last day of work. The paperwork should be submitted to Human Resources prior to the payroll cut-off for that month so outstanding debts to IHL may potentially be recovered. Human Resources will be available to discuss any questions the employee has concerning his/her termination, including retirement refunds, continuation of insurance coverage, forwarding address, or other matters. All IHL property in possession of the terminating employee must be returned to the Procurement and Property Officer prior to the employee's last day of work.

4.5.7 Final Pay Checks

Final paychecks will be processed on the next scheduled payroll date for the employee following the last date of employment. Payroll schedules prevent the payment of the employee's final paycheck on the day of departure unless that day coincides with the scheduled payroll date.

4.5.8 Reduction in Force Policy

A reduction in force may be required in the event of reorganization of a department or unit, changes in departmental organization or services, or elimination or reduction in funding. When a reduction in force is necessary the following policy is to be used; however, this policy is not applicable to employees on grants and contracts when termination is a result of loss of or change in external funding.

Step One: The Commissioner, in conjunction with Personnel Review Committee, shall determine those units of IHL whose budgets must be reduced. This determination shall be based upon a systematic allocation of budget reductions and shall be rationally related to the missions of IHL. Implementation of reduction in force does not require that all IHL units be affected

Step Two: If a reduction in personnel is necessary to meet the budget reductions for the unit, each budgetary authority will analyze and evaluate the necessity of each position within the unit in consideration of the mission of the unit, the mandated budget reduction of the unit, and the other positions within the unit. Each budgetary authority will determine which positions will be recommended for elimination.

Step Three: The budgetary authority will consider the employees holding those positions within the unit and shall determine which employees will be recommended for layoff. Each budget director shall make recommendations for layoff accompanied by a written justification through the appropriate supervisory levels to the responsible Associate or Assistant Commissioner who shall review the recommendations.

Step Four: Written notification of layoff, including the reason for such layoff, shall be given to the employee. Such notification shall be delivered by the budgetary authority making the original recommendation for layoff.



4.5.9 Categories of Workers

- 1) Full-Time. Full-time employees are employed in a regular, full-time (40 hours per week) position. This full-time status entitles the employee to all IHL benefit programs.
- 2) Part-Time. Part-time employees work less than 40 hours per week. Those working over 20 hours per week receive benefits on a pro-rata basis. However, the tuition benefits do not apply to part-time employees. Those working less than 20 hours per week are not benefit eligible.
- 3) Contracts and Grant Employment. These positions are funded through external funding in the form of a contract or grant. These employees are entitled to benefits on the same basis as other IHL employees. Benefits, including terminal leave payments, for these employees should be from grant fund sources, and they should therefore be built into the fringe benefit costs at the inception of the grant. IHL will adhere to the provision of Office of Management and Budget (OMB) Circular A-87 11.a. (1) (as well as any other applicable circulars), for externally funded Contracts and Grant employees.
- 4) Exempt and Non-exempt Employees. IHL is subject to the requirements of the Fair Labor Standards Act. Relevant Fair Labor Standards Act requirements are outlined in section 7.5 of this handbook.
- 5) Independent Contractors or Consultants. See the policy regarding the distinctions between independent contractors and employees in section 7.1.

4.5.10 Performance Review and Evaluation Policy

Even though unscheduled performance evaluations may occur at any time, IHL may require that all supervisors and their employees meet annually at a uniform scheduled time for the purpose of a formal written evaluation. This will provide an opportunity for the supervisor to discuss accomplishments and goals as well as expectations and concerns. If a uniform time frame is required for annual performance evaluations, or if the use of a standardized evaluation instrument is required, the Commissioner, the Chief Administrative Officer, or Human Resources will provide sufficient notification to all employees. If IHL chooses to require annual written evaluations, all employees must comply unless an exception is granted by Human Resources. Exceptions will be documented and require a written justification. It shall be cause for disciplinary action for a supervisor or employee to fail to perform the evaluation without being granted an exception.

The failure of IHL to conduct an annual employee evaluation does not affect the at-will status of IHL employees or any other terms and conditions of employment.

4.5.11 Professional Attire

The IHL Executive Office staff members are expected to present a professional business image regarding dress in the workplace.

All staff members must carry or wear the IHL identification badge at all times.

Physical plant and security employees of IHL are required to wear uniforms during the performance of their duties. Uniforms will be provided by the IHL Executive Office for these employees.



Each supervisor is responsible for ensuring that his/her employees observe dress standards appropriate for the workplace. Staff members are expected to present a neat appearance; clothing should not be damaged, disheveled, or stained. Athletic clothing is unsuitable for the workplace. Casual shoes, like flip flops, are not considered professional attire and present safety concerns. Clothing that is tight and/or revealing, or otherwise inappropriate for the workplace, is not permitted.

4.5.12 Children in the Workplace

It is the responsibility of the employee to make arrangements for the care of his/her children during working hours. Under no circumstances will the employee be allowed to care for his/her children in the workplace. Nursing mothers are provided breaks and privacy for the purpose of pumping or extracting.

4.5.13 Animals in the Workplace

Animals are not allowed in the workplace unless the service animal is a dog trained to assist a person with a disability or the animal's presence is work-related.

4.5.14 Nepotism Policy

Nepotism, or the hiring or supervising of family members, is prohibited as set forth in Miss. Code § 25-1-53. IHL prohibits nepotism as described below:

- 1) No individual shall be employed in a department or unit under the supervision of a relative who has or may have a direct effect on the individual's progress, performance, or welfare.
- 2) For the purpose of this policy, relatives are defined as husbands, wives, parents, children, brothers, sisters, and any in-laws of any of the foregoing within the third degree.
- 3) This section does not apply to any employee who has been in his or her position prior to the time his or her relative became the head of the department or a member of the Board of Trustees. In these situations, supervision and decisions regarding employment shall be made by the next highest administrative officer.

4.5.15 Outside Employment

Before an IHL employee is allowed to participate in outside employment, he or she must complete the Application for Permission to Engage in Outside Employment or Practice of Profession form which is available from Human Resources. This form requires approval by the employee's supervisor and the Commissioner, and either may deny the request within his or her discretion. A copy of the completed form will be kept on file in Human Resources. The employee's supervisor or the Commissioner may withdraw permission for the outside employment if any issue arises.

Employees are prohibited from being employed by a company or engaging in a profession that would compete with a similar business or profession over which he or she would have direct supervision, inspection, or authority at IHL. Under no circumstances can IHL property be used for any outside employment. The outside employment must not interfere with or adversely affect the employee's work performance for IHL. All absences from work due to outside



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employment will be charged to the employee's personal leave. If the employee does not have sufficient accrued personal leave to cover the absence, and the supervisor consents to the leave, then the absence will be a leave-of-absence without pay.

At the end of each fiscal year or each time the outside employment changes, an employee must complete or update a new form for approval.

When an employee performs duties outside of his or her normal department, but still for IHL, then such employment is not considered outside employment. Overtime will be paid, but only to the extent required by law.

V. LEAVE POLICIES

5.1 Personal Leave

Regular full-time and part-time employees earn personal leave benefits beginning on their first effective date of employment with IHL. Part-time employees accrue personal leave on a pro-rata basis depending on the number of hours worked. However, those working less than 20 hours per week are not benefits eligible.

Accrual Rates for Full-Time Employees are shown in the following table:

Length of Service	Hours Accrued per Month	Days Accrued per Year
1 month to 3 years	12 hours	18 days
37 months to 8 years	14 hours	21 days
97 months to 15 years	16 hours	24 days
over 15 years	18 hours	27 days

Personal leave can be taken only with approval of the employee's supervisor and may be reasonably denied. Personal leave should, when possible, be planned and scheduled so as to minimize a negative effect to the office. Personal leave taken is recorded on the Monthly Time Record. The employee must sign the Monthly Time Record.

Employees who begin work on or before the 15th of the month will receive credit for a full month. Employees beginning work after the 15th of the month will earn credit beginning on the first of the next month. Personal leave will be credited to the employee's leave record after completion of each month's service and is then available for use in the following month.

An employee's personal leave balance is printed on his or her pay stub each month.

5.2 Major Medical Leave Policy



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Major medical leave is earned by all regular full-time, or part-time benefits eligible employees beginning on their first effective date of employment with IHL. Part-time employees accrue major medical leave on a pro-rata basis depending on the number of hours worked. However, those working less than 20 hours per week are not benefits eligible. Accrual Rates for Full-Time Employees are shown in the following table:

Length of Service	Hours Accrued per Month	Days Accrued per Year
1 month to 3 years	8 hours	12 days
37 months to 8 years	7 hours	10.5 days
97 months to 15 years	6 hours	9 days
over 15 years	5 hours	7.5 days

The first eight hours of absence due to illness will be charged to personal leave. Absence due to the same illness in excess of 8 hours will be charged to major medical leave. This does not have to be consecutive days. Major medical leave taken is recorded on the Monthly Time Record. Employees and Supervisors must sign the Monthly Time Record.

For each absence due to an illness lasting 32 consecutive working hours or more (combined personal leave and major medical leave), major medical leave shall be authorized only when certified by the employee's attending physician. A department head may require medical certification at any time if deemed necessary.

When medical leave credits are inadequate to cover absences caused by the employee's illness, the time lost may be charged to personal leave. When the employee has exhausted all accrued leave time available, he or she must be placed on leave-without-pay status to the extent further leave is approved. When an employee returns to work after being placed on leave-without-pay status, a Personnel Action Form must be issued indicating the employee is again on active employment status.

Major medical leave may be used for absences due to illness of the employee's immediate family after the first eight hours is charged as personal leave. The immediate family includes spouse, parents, stepparents, siblings, children, stepchildren, grandchildren, grandparents, sons-in-law, daughters-in-law, mother-in-law, father-in-law, brothers-in-law and sisters-in-law.

If, in the opinion of IHL, an employee's ability to return to work from a medical leave is uncertain, the employee may be required to submit to a physical or mental examination by a physician named by IHL prior to returning to work. If the medical examination indicates the employee is unable to fulfill his/her job duties effectively or safely, the employee may not return to work until medically cleared to do so.

Major medical leave approval is distinguished from Family Medical Leave (FMLA), which requires a certification process described below.

5.3 Family and Medical Leave Act (FMLA)



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FMLA leave is different from major medical leave in that FMLA leave generally requires that up to 12 weeks of leave be granted for serious conditions and that the employer keep an equivalent position available for the employee for when he or she returns to work within that time period or shortly thereafter. FMLA does not require the leave to be paid, but an employee's accrued medical leave often is applicable and therefore able to be used. Certain higher-paid positions are not covered by the FMLA protections.

IHL employees employed for at least 12 months (whether consecutive or nonconsecutive) and who have worked at least 1,250 hours during the 12 months immediately preceding the leave may be granted Family and Medical Leave for up to 12 weeks in any 12-month period for one or more of the following reasons:

- 1) the birth of a child;
- 2) the placement of a child with the employee for adoption or foster care;
- 3) to care for a spouse, child, or parent who has a serious health condition; or
- 4) a serious health condition that makes the employee unable to perform one or more of the essential functions of his or her job.

A serious health condition is defined as:

- 1) inpatient care in a hospital, hospice, or residential medical facility, including any period of incapacity or subsequent treatment;
- 2) a period of incapacity of more than three consecutive days that also includes treatment two or more times by a health care provider or such treatment on at least one occasion resulting in a regimen of continuing treatment;
- 3) incapacity due to pregnancy or for prenatal care;
- 4) chronic conditions requiring treatments;
- 5) permanent/long-term conditions requiring treatment; or
- 6) multiple treatments for non-chronic conditions.

Family and Medical Leave does not apply for less serious health conditions. For purposes of determining whether a condition is a serious one, a regimen of continuing treatment that includes taking over-the-counter medications and activities that can be initiated without a visit to a health care provider are usually insufficient, by themselves, to indicate the presence of a serious health condition.

Family and Medical Leave may be taken intermittently or on a reduced leave schedule under certain circumstances. Flex schedules, such as working fewer days in a week or fewer hours in a day, may be utilized. Intermittent Leave may be taken when medically necessary.

IHL approval is required for all Family and Medical Leave, including leave taken on an intermittent basis. While some instances may require approval as soon as possible after a medical emergency has passed, prior approval is required under most circumstances.

The employee is to request Family and Medical Leave under this policy in writing stating the purpose of the leave and the period of leave requested. This request must be made to Human Resources. If the leave is requested to be taken on an intermittent or reduced-time basis, a description of the schedule is to be provided. A certificate from a physician or medical practitioner is required for any leave which will be in excess of four days (whether consecutive days or intermittently 32 hours due to the same condition). When the leave is based upon care for a child, a



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certificate of birth or legal adoption or documentation of foster parent status may be required for Family and Medical Leave.

When possible, employees are to make a reasonable effort to schedule medical treatment for minimum disruption to IHL. The employee must provide IHL at least 30 days advanced notice before the use of Family and Medical Leave if the need for the leave is foreseeable based upon expected birth, adoption, foster care placement, or the planned medical treatment of the employee or family member. If 30 days is not practicable, notice must be given as soon as reasonably possible.

The employee is responsible for providing IHL with sufficient information for determining if the requested leave is covered by FMLA. If asked by IHL whether a medical leave request is also intended FMLA leave, 15 days is a reasonable time for the employee to provide certification in most circumstances.

Once IHL has reason to believe that the leave is being taken for a reason covered by FMLA, IHL will notify the employee that leave is designated as FMLA leave (although any failure to provide such notice will not determine whether FMLA applies). Because it is possible that an employee may be granted major medical leave but not qualify for FMLA Leave, it is important that employees timely follow the above certification process if the employee wishes to have the leave covered under the FMLA.

IHL reserves the right to request information updating the employee's condition and any medical updates regarding the employee's return to work date.

The IHL will continue to pay the employee's portion of IHL's group health insurance during a period of paid leave. The premium cost of the health care coverage may not be paid by IHL during such time as the employee is not either working or utilizing accrued leave.

If both spouses are employed by IHL, both are eligible for FMLA leave. However, for the birth or placement of a child or the care of a sick parent, the husband/wife together are limited to only one 12-week period during the 12-month period. However, if leave is for a seriously ill spouse or child or for the employee's own serious illness, both are entitled to a 12-week period.

A son or daughter is defined to be a biological, adopted, or foster child; a stepchild; a legal ward; or a child of a person standing in loco parentis (in place of a parent). The child must be less than 18 years of age, or 18 or older and incapable of self-care because of a mental illness or physical disability.

When required by the FMLA, the employee will be restored to his/her original or equivalent position with equivalent pay, benefits, and other terms of employment when returning from FMLA leave.

The 12-month period for this policy is defined as the Forward Method. The period is measured forward from the day the employee's first FMLA leave begins. For example, if an employee takes Family and Medical Leave for 12 weeks for the period June 5 to August 25, 2014, that employee would not be eligible for additional leave covered by the FMLA until June 5, 2015. Stated differently, each employee has 12-weeks of available FMLA leave per any consecutive 12-month period.

5.4 Disability Leave



Any regular full-time employee who suffers from sickness or disabilities which make him or her unable to perform assigned duties, may be granted a leave of absence without pay for a reasonable time but not to extend normally beyond a twelve-month period. Accrued personal and major medical leave should be exhausted before the granting of a leave of absence without pay.

IHL reserves the right to require medical statements in support of uses of benefits under this policy. The physician's statement must include the beginning date of the sickness or disability, and to the extent known, the ending date of the disability or sickness as well as the return to work date. When the employee returns to his or her duties, the employee shall submit a statement from his or her physician which reflects the physician's opinion that the employee has the ability to return to work.

Failure to provide requested necessary documentation may result in leave not being approved and/or termination of employment for job abandonment. The fact that accrued personal and/or major medical leave exists does not prevent termination of an employee; however, an employee may be protected from termination when the leave falls under FMLA.

5.5 Terminal Leave Pay

Upon termination of employment, each employee shall be paid for unused personal leave not to exceed 30 days/240 hours. Upon termination of employment, unused personal leave in excess of 30 days/240 hours shall be counted as creditable service for purposes of PERS. Major medical leave is not available for payment upon termination unless permitted by the applicable state law and IHL policy; however, accrued major medical leave shall be counted as creditable service for purposes of PERS.

Should a deceased employee have an accumulated personal leave credit, the wages or salary for the total unused personal leave shall be paid to the person designated by the employee for this purpose or, in the absence of such designation, to the beneficiary of such employee as recorded with PERS.

The date of termination for retirement purposes occurs when the employee is no longer performing any work and has no plan or intention to return to work. Note that terminations submitted and approved prior to cut-off dates will be processed with the next scheduled pay period. Those terminations not received by cut-off will be processed and paid (less any appropriate deductions) in the next subsequent payroll period.

5.6 Re-employment and Leave

When IHL rehires a former employee who has a break in service, personal and major medical leave time will be earned as a new employee. Applicable and current PERS regulations should be followed regarding re-employment of retirees.

5.7 Vacations

Vacations shall be scheduled by department heads with attention to the needs of IHL but also with consideration of an employee's continuous service credit and amount of personal leave accrued and unused. Within the requirement to maintain work schedules, each department of IHL will attempt to accommodate the employee's personal schedule preferences in that employees are encouraged to use earned personal leave. Deficit leave balances should not generally be approved by supervisors and, for salaried employees, will result in a pay adjustment.



5.8 Leave Beneficiary

If a deceased employee has a positive balance of accrued personal leave, the wages or salary for the total unused personal leave time shall be paid to the person designated by the employee, or to the beneficiary of such employee as recorded with PERS.

5.9 Bereavement Leave

An employee may use up to three days of major medical leave in any calendar year because of a death in the immediate family. Absences beyond three days will be charged to personal leave. No use of personal leave will be required prior to use of major medical leave for this purpose. The immediate family includes spouse, parents, stepparents, siblings, children, stepchildren, grandchildren, grandparents, sons-in-law, daughters-in-law, mother-in-law, father-in-law, brothers-in-law and sisters-in-law.

5.10 Administrative Leave

Administrative leave is not counted against the earned leave credit of employees.

Administrative leave with pay may be granted to an employee serving as a witness or juror as verified by the clerk of the court. It may also be granted in the event of extreme weather conditions or authorized closings. The granting of administrative leave is within the discretion of the Commissioner.

Compulsory paid administrative leave may be implemented by IHL, as deemed appropriate on a case by case basis, during certain types of investigations.

In the event that IHL closes due to inclement weather, an emergency, or a declared holiday by the Commissioner, employees will be given time off with pay for those hours. Individuals who are on personal or major medical leave during the closing will not be charged for the official absence. Areas that are required to work during such leave will be paid over-time when required by federal law or the employees may be compensated with time off at a later date. If compensatory time is chosen by the employee or IHL, the exact number of hours IHL is closed will accrue as compensatory time unless the work involves a non-exempt employee performing over 40 hours in the work week.

5.11 Holiday Leave

The objective of this policy is to establish a uniform number of holidays and to define payment of holidays for all IHL employees. IHL will recognize the following days as holidays:

- New Year's Day
- Martin Luther King, Jr. Day
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Friday after Thanksgiving Day
- Christmas Day and a Christmas leave period as designated by the Commissioner



- Floating Holiday

Additional holidays may be designated by the Commissioner, not to exceed a total of 15 days per year.

5.12 Eligibility for Holiday Pay

All regular full-time or part-time employees on the active payroll will be eligible for holiday pay. Part-time employees are paid holiday pay on a pro-rata basis according to the number of regularly scheduled work hours in a normal work day. Part-time employees that are not benefits eligible do not receive holiday pay. Holiday pay is at the employee's normal rate of pay.

Any official IHL holiday(s) or declared closing of IHL by the Commissioner which falls within a period of an employee's approved personal and/or major medical leave shall be considered holiday leave and shall not be deducted from the employee's accrued personal leave.

5.13 Pay for Worked Holidays

In accordance with Miss. Code § 25-3-92 (1), when a regular full-time or part-time employee is required to work on an official state holiday, the employee shall receive credit for compensatory leave at a rate based upon the number of actual hours worked on the state holiday. As such, an employee will not be paid at a regular or over-time rate of pay for worked holidays, unless an overtime accrual rate is required by the Fair Labor Standards Act. Unless the holiday work is over 40 hours in the week for a non-exempt employee, each hour the employee works on an official state holiday, shall entitle the employee to one hour of compensatory leave.

5.14 Religious Holidays

Full-time or part-time employees who desire to observe a religious holiday, in accordance with their religious preference, may do so with their director's approval. The Monthly Leave Record should reflect time taken as personal (vacation) leave unless the holiday falls on an official IHL holiday.

5.15 Military Leave

Regular full-time employees who are called to active duty on short notice as the result of national emergencies may be granted a military leave of absence (without pay) beginning on the date of the call to military service. A leave of absence with pay may be granted for no more than 15 working days per calendar year to a regular full time employee who, as a member of the National Guard or official militia of Mississippi or a member of any of the reserve components of the Armed Forces, is ordered to active duty.

When an IHL employee, who is a member of the National Guard or Reserve, is ordered to active duty for a period in excess of fifteen days, the employee is entitled to a leave-of-absence, continuation of insurance benefits and use of accrued personal leave. The employee may not use accrued major medical leave during this absence.

Approval for any military leave must be secured in advance from Human Resources. A copy of the military orders shall be filed with Human Resources. The employment position (or an equivalent one) must be held for the employee during the military leave period.



5.16 Leave Abuse

Employees who falsify leave records or misrepresent absences (whether the amount or the reasons for the absences) are subject to disciplinary action including termination.

VI. BENEFITS POLICIES

6.1 Retirement

All benefits eligible employees are required to participate in PERS. However, when an individual who works part time for IHL (regardless of the number of hours or length of service) and is a member of PERS at his/her other place of employment, the employee must participate in PERS as a condition of employment.

Students of any state educational institution employed by IHL should consult with Human Resources for PERS membership eligibility.

Contributions are taken in payroll deductions under a pre-tax arrangement so that funds contributed are taxable only at retirement or termination. Employees who terminate from IHL may choose to withdraw contributions they have made to the system in a lump sum amount (at which point the contributions become taxable and may have a penalty), or they may leave the contributions in PERS until retirement or transfer to another state agency. Employees who are not vested must withdraw his/her funds or roll the funds over into another retirement instrument.

More detailed information is available in Human Resources or by contacting PERS.

6.2 Retirement Credit

Upon termination, an employee will be given retirement service credit for unused personal and major medical leave based on the following schedule:

Combined Personal and Major Medical Leave	Credit Equivalent
15 to 77 days	.25 year
78 to 140 days	.50 year
141 to 203 days	.75 year
204 to 266 days	1 year
267 to 329 days	1.25 years
330 to 392 days	1.5 years
393 to 455 days	1.75 years
456 to 518 days	2 years



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519 to 581 days	2.25 years
582 to 644 days	2.5 years
645 to 707 days	2.75 years
708 to 770 days	3 years

6.3 Social Security

The federal government requires contributions from both the employee and the employer under the Social Security Act. All IHL employees are required to pay social security premiums. For information regarding social security benefits, employees should contact the local Social Security Administration Office or visit its website at <http://www.ssa.gov/>.

6.4 Group Health Insurance

Group health insurance is provided or offered to all benefit-eligible employees. A waiver must be signed by all employees who do not desire to receive this benefit. Dependent coverage is offered only to those employees who are covered by the plan. Application must be made within 30 days of acquiring an eligible dependent. Coverage for spouses and dependents requires additional cost to the employee, and employees may have premium charges for their coverage depending upon the type of coverage available and selected. Employees who retire under PERS may continue coverage by making appropriate contributions.

Questions about the group health insurance plan can be directed to Human Resources, or information is available online at www.knowyourbenefits.dfa.ms.gov.

The *State and School Employees' Life and Health Insurance Plan* allows for an open enrollment to occur one time during the calendar year. An open enrollment period is announced each year prior to the plan anniversary date. Cancellation of participation or changes to benefit plans may only occur during the open enrollment period, which often occurs in October. However, changes can occur outside of the open enrollment period due to changes in family status (marriage, divorce, death of a spouse or dependent child, birth or adoption of a child, and termination or employment of a spouse).

6.5 COBRA

The federal law known as Consolidated Omnibus Budget Reconciliation Act (COBRA) requires that all employees and employee family members who are covered under the group health plan are entitled to continuation of insurance coverage for a period of time following the employee's termination from employment. Continuation coverage is an option for temporary extension of health coverage, but it requires the insured to pay the cost of premiums. Continuation coverage under the group health plan will be made available to covered persons in the event of employment termination, divorce, separation, death, and certain other instances. In the case of a termination, coverage, if elected and paid for by the insured, is extended for 18 months. For other specific qualifying events, qualified beneficiaries must be provided 36 months of continuation coverage. The procedure for claiming COBRA benefits, as well as other plan information, is described in the Plan Document which can be accessed through the



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Mississippi Department of Finance and Administration's website under the Know Your Benefits page through the link for publications. The web address for this link as well as a federal informational site are as follows:

http://knowyourbenefits.dfa.state.ms.us/Ins%20PDFs/2015_Plan_Document.pdf

<http://www.dol.gov/dol/topic/health-plans/cobra.htm>

6.6 Cafeteria Plan (Tax Exempt Benefit Program)

IHL offers a pre-tax benefit program called a cafeteria plan that is permitted under Section 125 of the Internal Revenue Code. This program allows certain benefits to be paid with before-tax dollars rather than with after-tax dollars, increasing the amount of take-home pay and lowering tax liability. The cafeteria plan allows for medical reimbursement and dependent child care reimbursement with a pre-determined amount of pre-taxed dollars. For questions about this plan, contact Human Resources.

The cafeteria plan does not affect the state retirement contributions nor in any way change benefits available to employees when they retire. However, because social security is deducted after the tax exemptions it does affect social security contributions. Participation and changes to the cafeteria plan may only be made during open enrollment or due to a change of status. Contact Human Resources for more information.

6.7 Additional Group Policies

An employee may choose to enroll him or herself, as well as dependents, in optional group plans during the period of open enrollment. Group policy options include life insurance, supplemental hospital insurance, hospital intensive care insurance, cancer insurance, dental insurance, vision insurance, life insurance, and 403(b) annuities. Additional information about these offerings can be obtained from Human Resources.

6.8 Workers' Compensation

IHL provides workers' compensation coverage under a self-insurance program in accordance with Mississippi law. The cost of the workers' compensation insurance is borne entirely by IHL and it provides benefits for employees who are harmed in the course and scope of their employment with IHL. These benefits include paying for the cost of reasonable and necessary medical treatment as well as paying indemnity (lost time) benefits in appropriate cases. The combined benefits payable from accrued leave and workers' compensation may never exceed the regular rate of pay of the employee at the time of injury.

All on-the-job injuries and illnesses should be reported immediately to the employee's supervisor and to Human Resources. A form (First Report of Injury or Illness) will be completed for claim purposes. Questions regarding the workers' compensation program should be referred to the Office of Risk Management (Risk Management).

6.9 Tort Liability

Risk Management shall promptly be provided a copy of any notice of claim, demand letter, or legal complaint which alleges wrongful conduct against IHL or any of its employees while acting in the scope of his or her employment. Liability insurance coverage is provided through the IHL Self-Insured Tort Plan, and the Director of Risk Management is responsible for making timely and appropriate assignments of defense counsel. If an employee is



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sued in his or her individual or official capacity, the IHL Self-Insured Tort Plan will pay for the employee's legal defense in many but not all circumstances. Employees may be protected from liability under the Mississippi Tort Claims Act.

6.10 Tuition Remission for Staff

Full-time employees at IHL may, with the approval of the Commissioner, and upon recommendation by the Assistant or Associate Commissioner of the employee's departmental unit, register without payment of tuition up to six credit courses per term at any institution of higher learning under the governance of the Board of Trustees.

In order to participate in the free course benefit, the IHL employee must first complete admissions requirements (be admitted or re-admitted to the applicable university) prior to registering for the free course(s). For newly hired employees to receive this benefit they must be employed prior to the last official day of late registration of the semester. There are no exceptions to this policy.

All full-time IHL personnel are eligible for the free course benefit of 6 hours per semester. Part-time IHL employees are not eligible for free courses.

If an IHL employee is seeking a degree, he or she must maintain an overall 2.0 GPA to continue the free course benefit. An employee who fails to maintain the required overall GPA will not receive the free course until such time as his or her overall GPA meets the 2.0 minimum.

Course work that is not job-related or taken on a space-available basis may have tax consequences based upon whether or not the benefits may be excludable from gross income. Employees are responsible for their own individual tax obligations and IHL will not provide individual tax advice on this issue.

Employees are expected to enroll in evening classes, and supervisors are not required to approve flex schedules to accommodate daytime classes. Further employees are prohibited from using work hours to work on class related work/assignments or study for tests. For minor overlaps between class times and work time, a supervisor may authorize a flex schedule as long as the employee puts in his or her full amount of work for IHL and IHL is not negatively affected. An employee must use personal leave for all time away from work outside of his or her regular or approved flex schedule.

The tuition benefit extends only to in-state tuition. Employees are responsible for any applicable out-of-state tuition, costs for books or materials, registration or drop-add fees, or any other associated costs. Employees who are enrolled in this course benefit program but who terminate employment with IHL prior to mid-term will be required to pay tuition if they continue in the course. Reimbursement of tuition fees, which are paid by the department, will be in accordance with established refund percentage policies.

Interested staff members should contact Human Resources for more information and to complete the Registration Appointment Form. This form should be completed and returned to Human Resources at least a week prior to the start of the applicable semester. Any Individual who violates this policy will become ineligible for the free course benefit.

6.11 Tuition Remission for Dependents



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Single dependent children of full-time employees are eligible for undergraduate tuition remission at any state institution of higher learning under the jurisdiction of the Board of Trustees. Employees hired on or after July 1, 1977 are eligible for a 50 percent tuition remission for their eligible dependent children.

In order to receive a 50 percent tuition remission or full tuition remission (if both parents are IHL employees), a dependent child must gain admission to one of the universities under the jurisdiction of the Board of Trustees, and make a formal written request to the Office of Financial Aid of the respective institution.

A dependent may receive undergraduate tuition remission (consistent with the continued employment of the parent or guardian) which may be continued until the degree requirements for one baccalaureate degree are met or until the child's attainment of his/her 25th birthday. The scholarship is automatically renewable on a semester to semester basis provided a 2.5 overall grade-point average is maintained. In the event the student fails to maintain the required 2.5 grade-point average, he or she will be ineligible for the scholarship until he or she can demonstrate a 2.5 overall grade-point average.

This benefit is not eligible for former or retired employees and their dependent children as those employees are no longer full-time employees of the executive office.

VII. BUSINESS POLICIES

7.1 Independent Contractors

IHL utilizes a standard form contract for independent contractors and consultants. This contract has been reviewed and approved by legal counsel. Any changes to the standard language or any use of alternative contracts require legal review and approval. Any contract which intends to pre-pay for services requires pre-approval by the commissioner.

The determination of an individual's status as an employee or independent contractor must be made prior to an engagement to perform personal or professional services.

An individual or entity may be retained for the purpose of providing services as an independent contractor or consultant. However, ethics laws generally prohibit a state agency from contracting with one of its employees in addition to and outside of the employment relationship. While a number of factors determine whether an individual is acting as an employee or an independent contractor, a primary factor is whether the worker controls the details of the work. A contractor is usually tasked with delivering a finished outcome but relies upon his or her decisions in how best to proceed with the details of the work. An employer typically controls the details of an employee's work. A worker is more likely to be an employee when the employer provides the necessary equipment or tools, when the worker is paid wages or salary that is not dependent upon the completion of a specific project, when the worker can be hired or fired by the employer, and when the understanding between the employer and worker is that an employment relationship exists. The opposite of these factors indicates an independent contractor relationship, such as when a contract exists that states the intent for an independent contractor relationship, the employer identifies an outcome and the worker relies on his or her expertise in performing the details of the work, the worker provides his own tools or equipment, and the employer lacks the ability to hire or fire the individual worker.



7.2 Ethics and Conflicts of Interest

IHL employees must endeavor to act consistent with the highest degree of ethical conduct. State ethics laws, which include laws that require the avoidance of conflicts of interest, apply to all state employees.

Public employees are required to act so as to avoid any appearance of impropriety. This means that employee actions shall not raise public suspicion nor reflect unfavorably upon the government. Employees are prohibited from realizing personal gain, for themselves or for any relative or business of which he or she is materially associated, through his or her official conduct, other than as provided by law or as a natural consequence of the position.

Employees are required to act in accordance with the statements below.

IHL Resources. IHL resources and equipment, including vehicles, shall not be used for private purposes.

Vendors. No IHL employee may also be a vendor or contractor with IHL.

Duty of Loyalty. Employees owe their employer a duty of loyalty. No IHL employee shall work for a third party or independently in a way that competes with or adversely affects IHL.

Gifts. No IHL employee may receive or solicit anything of value (other than the pay established by the employment relationship with IHL) in return for influencing or exercising his or her discretion or job duties. Honorary gifts of a *de minimus* (very insignificant) value are excluded from this prohibition.

Donations. Public funds, resources, and services cannot be donated or given to any third party without adequate value received in return. No person shall diminish, waive, or relinquish an obligation or claim held or owned by the state, without adequate and legal consideration exchanged.

Extra Compensation. No employee can receive extra compensation or a bonus for performing work which was already contemplated within his or her broad description of job duties.

Records. Records are to be prepared carefully and honestly. Employees shall safeguard confidential information and only disclose such information to appropriate persons by appropriate means.

Legal Requirements. No IHL employee shall engage in any employment practice that is a violation of federal, state, or local law.

Duty to Cooperate. Every IHL employee has a duty to cooperate with IHL investigations and, unless the employee is an adverse party in the specific litigation, to cooperate with IHL in defense of litigation.

Contracting. No employee shall intentionally attempt to enter any contract without authority or without following IHL's process. Any contract made in violation of state ethics law may be declared void and the contractor shall retain or receive only the reasonable value, with no increment for profit or commission, of the property or the services provided prior to the date of receiving notice that the contract has been voided.

Executive directors and heads of state agencies who are paid from state funds must file a statement of economic interest as required by Miss. Code Ann. §§ 25-4-25 and 25-4-27.



7.3 Salaried Employees

Human Resources must receive leave documents by the 5th of the month after leave is taken, unless instructed otherwise. Information received by this date will be reflected on the payroll statement distributed at the end of the month. Information received after the 5th will be delayed until the following month's payroll statement. Forms require both the employee's and supervisor's signatures. It is the supervisor's responsibility to ensure forms are accurate and submitted timely.

7.4 Deductions

New employees of IHL are required to report to Human Resources for in-processing and orientation. The employee will complete and sign all applicable forms necessary to begin the pay schedule and will be advised regarding fringe benefits and insurance programs available through IHL.

Mandatory deductions include federal and state tax withholdings as well as retirement contributions to PERS. Non-mandatory deductions may apply based upon elections made by the employee. Premiums will be deducted from the payroll check and they are deducted in advance so that premiums paid in the current month pay for coverage in the next month.

Employees desiring to change deductions or premium payments should contact Human Resources. All tax changes and insurance benefit changes require completion of new forms and the employee's signature. The benefits or deductions that are part of the cafeteria plan (IRS Code Section 125) can only be made during open enrollment each year except for changes in status.

7.5 The Fair Labor Standards Act

The Fair Labor Standards Act (FLSA) is a federal law that sets a limit on the number of hours in a standard work week. The FLSA also addresses issues such as minimum wage, overtime pay, equal pay, and child labor standards for employment. IHL complies with the recordkeeping requirements of the FLSA.

7.5.1 Employee Classification: Exempt and Non-Exempt

Human Resources will coordinate with supervisors to ensure that employees are properly classified as exempt or non-exempt.

Non-exempt employees are required to receive overtime pay (or compensatory time) at the rate of time and a half for time worked in excess of 40 hours in a work week, while exempt employees are not. Both exempt and non-exempt employees are subject to recordkeeping requirements.

Exempt employees fall into one of five categories – highly compensated, executive, administrative, professional and computer. The FLSA regulations on exemption address the actual job duties of the employee and are not concerned with job titles. Exempt employees are not paid overtime, nor do they receive compensatory leave.

7.5.2 Minimum Wage



IHL will pay all employees at least the minimum wage. The FLSA does not require extra pay for working on Saturdays, Sundays, or holidays.

7.5.3 Standard Workweek and Pay Periods

The workweek is defined as Saturday 12:01 a.m. through midnight on the following Friday. Leave time and holidays do not count as time worked. IHL employees are paid on a monthly basis. The pay date is the last working day of the month. If the pay date falls on an IHL holiday or over a weekend, the pay date will be the last working day of that month. Employees may request direct deposit or a paper check. On the last working day of the month, direct deposits are posted to the employee's account, and paper checks are handed out to the employee. All offices shall be open during the hours 8 a.m. to 5 p.m., Monday through Friday, except on official IHL holidays or administrative closings. Final paychecks may be paper versus by direct deposit, at the discretion of IHL.

7.5.4 Overtime Policy

Overtime will only be paid to employees when required by federal law, and such pay is only available to employees classified as non-exempt.

Overtime pay must be paid at a rate of not less than one and one-half (1.5) times the non-exempt employee's regular rate of pay for each hour worked in a workweek in excess of 40 hours. However, government employers can provide compensatory time versus paying overtime to non-exempt employees that work in excess of 40 hours per week. Supervisor approval is required prior to overtime work occurring. Employees doing work for another department that might result in overtime hours for the employee during a workweek must have the work approved by the supervisor prior to doing the work. Failure to receive prior approval will not prevent IHL from paying overtime, but it may result in disciplinary action against the employee and/or the supervisor.

Work performed by a non-exempt employee for a unit or department outside of his or her department will be compensated at the overtime rate when the combined hours worked in the workweek exceed 40 hours.

Work which occurs during a lunch break, during breaks, before the official work day, and after the normal end to the work day must all be counted as hours worked for purposes of overtime. Holidays, sick days, vacation days, or other days off do not count as hours worked.

7.5.5 Rest Periods

Rest periods or breaks may be offered at mid-morning and mid-afternoon and will not exceed 15 minutes per break. Such are not required and may be withdrawn by the supervisor or the budget authority.

Time not used for rest periods cannot be substituted for time off at the end of the work period, extension of the lunch period, or at the beginning or end of a vacation or sick leave period. It cannot be accumulated to provide for a prolonged time-off period. Scheduling of rest periods for individuals should not interfere with the department's normal operations.

7.5.6 Holiday Pay



Extra pay is only required for non-exempt employees (those employees subject to overtime pay) if they work more than 40 hours in a standard workweek. Mississippi State Law requires that the employees who are required to work on IHL holidays will earn compensatory time rather than be paid for the holiday. See Miss. Code Ann. § 25-1-98.

7.5.7 Recordkeeping Policy of Hours Worked

FLSA requires that employers keep certain records for all employees in accordance with federal law. The records must be detailed enough to permit recalculation for each pay period. Human Resources will maintain a copy of the records it receives in accordance with IHL record retention policies.

7.5.8 Time Record Violations

A supervisor who signs a time record must have personal knowledge of the hours worked by the employee. An employee may not be asked to alter the record to record more or fewer hours than were actually worked. To do so will subject the supervisor to disciplinary and/or legal action up to and including discharge.

7.5.9 Emergency Call Back Policy

An emergency callback occurs when a non-exempt employee is asked by management to return to work after leaving IHL premises following his or her work shift to take care of some work-related emergency. In this situation, the non-exempt employee must be paid for his or her actual time working, which will include the commuting time spent by the employee that was in addition to his or her usual commute.

The additional commuting time due to the emergency will be accounted for in the calculation of overtime pay (if more than 40 hours are worked during the work week).

7.5.10 On-Call and Call Back Status

All employees are required to be available for work before and after normal working hours. Employees may be placed in an on-call status and non-exempt employees may be eligible for on-call pay under the terms of this policy.

An employee in an on-call status must inform his or her supervisor where he or she can be reached and must report to his or her work assignment within 30 minutes of being notified. On-call status will end once the employee reports to his or her workstation or when the on-call status schedule ends, whichever occurs first.

When an employee is actually called back to work, call-back status is implemented and on-call status is canceled. Call-back status will begin after the employee arrives on campus for work and ends at the conclusion of the work. The employee will be paid for actual hours worked. Whether on-call status is considered compensable time will be determined on a case-by-case basis, and will consider factors such as the restrictiveness of being on-call (whether the employee can effectively use on-call time for personal purposes), the frequency of calls, whether the compensation is agreed to by the employee, and other factors.

The employee must be paid overtime for any hours worked which exceed 40 hours per workweek.

7.6 Paycheck Distribution



Human Resources is responsible for releasing the checks to a departmental representative. The departmental representative is then responsible for distributing the checks to employees.

Direct Deposit is a benefit available to employees who have a balance of at least forty (40) hours of personal leave. New employees may enroll in direct deposit by completing the necessary paperwork with Human Resources after their personal leave balance reaches at least forty (40). Employees whose personal leave balance falls below forty (40) hours will be removed from direct deposit. These employees may be placed back on direct deposit once they accumulate a balance of sixty (60) hours of personal leave.

7.7 Equal Pay Policy

The Equal Pay Act prohibits discrimination on the basis of gender for work requiring equal skills, effort, and responsibility when it is performed under similar working conditions. The act applies equally and regardless of gender whether the employee is classified as an exempt or a non-exempt employee. This Act shall not be used as a basis for wage reductions.

7.8 Child Labor

Minors between the ages of 14 and 16 are permitted to work in any nonagricultural occupation not deemed hazardous by the Secretary of Labor as long as the employment does not interfere with their school, health, or wellbeing.

7.9 Compensatory Time

The FLSA allows flexibility for public employees regarding compensation for statutory overtime hours. The law authorizes a public agency to provide compensatory time off for non-exempt employees in lieu of monetary overtime compensation at a rate of not less than one and one-half (1.5) hours of compensatory time for each hour of overtime worked. A non-exempt employee may accrue up to 240 hours of compensatory time hours, which is reflective of 160 hours of actual overtime worked. Written prior approval must be obtained before earning compensatory time, and approval should only be granted in exceptional circumstances.

In all cases when an employee must work during an official IHL holiday, the employee shall receive credit for compensatory leave for hours worked on such holiday. Compensatory time will accrue with one hour of compensatory time earned per one hour worked except that non-exempt employees will accrue at the time-and-a-half rate for overtime hours worked.

7.10 Use of Compensatory Time

An employee who has accrued compensatory time and requests use of the time must be permitted to use the time off within a reasonable period. However, a request may be denied to prevent an adverse effect to IHL operations. The employer cannot force employees to schedule and use compensatory time that has been accrued, but the employer can choose to substitute a cash payment for the time. Employees are encouraged to use compensatory time.

Unused compensatory time is not counted as creditable service for purposes of PERS, and state employees



generally do not have a right to payment for accumulated compensatory time. However, non-exempt employees who have received compensatory time in lieu of overtime pay must be paid for their compensatory time at the time of termination. Such compensatory time payments are based upon the employee's regular rate of pay at the time of termination or the average regular rate over the prior three years, whichever is greater.

For exempt staff, there is neither a payout of compensatory leave nor a transfer of compensatory leave to another state agency (including a university). Compensatory time for exempt staff is not considered to be provided in lieu of cash payments for work performed, but rather provides for time off from work due to the number of exceptional hours worked.

VIII. ADMINISTRATIVE POLICES

8.1 Purchases or Contracts

Prior to making any purchases or entering into a contract on behalf of IHL please contact the agency Procurement Officer and/or the Office of Contracts and Grants office.

8.2 External Disclosure of Information

8.2.1 Purpose

In order to maintain accuracy and consistency in the release of information from IHL, an Information Transfer Protocol Guideline has been developed. All employees are required to follow this protocol. Failure to do so may result in disciplinary action.

8.2.2 Disclosure Guidelines

- 1) Public Statements. To ensure consistency in responding to the media, official comments on behalf of IHL may only be made by the Commissioner or Director of Communications. Other IHL staff members may do so only after approval from one of these two individuals. Inquiries for statements should be referred to the Director of Communications.
- 2) Surveys. All IHL surveys and responses to surveys will have the input and written approval of the appropriate Assistant or Associate Commissioner(s) to ensure accuracy and consistency of the data.
- 3) Public Records. Requests for analysis, interpretations and/or unpublished IHL information are to be put in writing by the original requestor. These requests will first be copied to the Attorney General's staff assigned to represent the Board of Trustees or to the Associate Commissioner for Legal Affairs for legal review. The appropriate Assistant or Associate Commissioner(s) will review and provide written approval of the information prior to release. All responses to the media will be coordinated with the Director of Communications, as should all official communications by IHL staff. The process for responding to public records requests is set forth by IHL Bylaw 301.0804.
- 4) Legal or Contractual Matters. For information relating to the Ayers case or other IHL legal or contractual matters, the Assistant or Associate Commissioner shall review and approve the terms. Additionally, the



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Associate Commissioner for Legal Affairs or another IHL attorney assigned by him shall review the responses and provide written approval prior to release of the information.

- 5) IHL Board and Legislative Requests. No written request is required for Board member and legislative requests. These requests shall be routed to the Associate Commissioner for Legal Affairs before any responses are made. All responses are to be reviewed legal staff assigned to represent the Board of Trustees prior to release. The Commissioner will be informed of these requests by legal staff. IHL's Director of Legislative Services shall be notified of all legislative requests.
- 6) Assistant or Associate Commissioner Review. All IHL materials, prior to release to the press, public, legislators, or others, must be reviewed and/or edited by the appropriate Commissioner(s).

8.3 Travel Policies

8.3.1 Prior Approval for Travel

Section 25-1-83 of the Mississippi Code requires written approval from the department head for employee attendance at any convention, association or meeting in order for expenses to be reimbursed. The Travel Authorization Form is designed to incorporate the necessary approvals.

A Travel Authorization form must be completed for the following categories of travel:

- All in-state travel to conferences/workshops that requires an overnight stay.
- All out-of-state travel that requires an overnight stay.
- Travel beyond the continental United States.

After the Travel Authorization Form has been completed, it should be routed for signatures in the following order:

- 1) Department Head or Director
- 2) Office of Contract and Grant Compliance (only if externally sponsored grants or contracts will be charged for travel costs)
- 3) Travel Coordinator (Finance and Administration)

Travel outside the continental United States requires Commissioner approval for all employees. No employee can approve his/her own travel costs.

The Travel Coordinator will monitor the department budget for availability of funds. If funds are not available, the Travel Coordinator will return the authorization to the department. A copy of the approved Travel Authorization will be made and returned to the appropriate department.

The Travel Authorization should be submitted to the Travel Coordinator's office at least one week prior to departure date. Each employee should have an approved authorization in hand before making the trip. When travel is by private automobile, the total travel expenses reimbursed, including meals and lodging, shall not exceed the cost of the lowest unrestricted air fare unless a written justification is approved by the employee traveler's budgetary authority.



8.3.2 Cancellations or Changes to Travel

If it becomes necessary to cancel or change a Travel Authorization, a memo or email should be submitted to the Travel Coordinator as soon as possible. The memo should explain the reason for the cancellation or change. If the projected cost of the trip increases, the appropriate Department Head approval must be secured.

8.3.3 Travel Advances

Travel advances may be provided to employees while traveling on official business. The advances must be repaid by submitting a travel reimbursement voucher. Travel advances should be kept to a minimum. Money will not be advanced earlier than three days prior to the meeting or conference. Travel advances may only be issued for trips outside of Mississippi that require an overnight stay. Employees must note on their Travel Authorizations if they wish to receive an advance. If a travel advance was received, the Travel Coordinator will first apply any reimbursement against the advance. If the reimbursement does not exceed the amount advanced, the employee must immediately pay the difference. It is the employee's responsibility to clear the outstanding advance. If an advance is not settled within 10 working days after the end of the month in which the travel was completed, the employee's paycheck may be deducted to resolve the amount owed by the employee.

8.3.4 Travel Reimbursements

It is the policy of IHL that all reasonable and necessary expenses for official travel incurred by its employees are reimbursed according to the laws of the State of Mississippi. IHL will not pay expenses resulting from unofficial stopovers, side trips, personal charges, or any other items of a personal nature.

The Travel Reimbursement Voucher (standard form 13.20.10) must be submitted to the Travel Coordinator. The filing of this form should be made no later than seven working days after the travel period. Travel Reimbursement Vouchers should be typed or completed in ink.

8.3.5 Guidelines for Allowable Amounts

1) Meals

The Mississippi Department of Finance and Administration has established a maximum daily expenditure limit for meals for in-state and out-of-state travel. Although meal receipts are not required, each employee traveler should report actual meal costs in the appropriate columns on the Travel Reimbursement Voucher. If the actual meal costs exceed the maximum daily expenditure limit, the Travel Coordinator will only approve meals up to the maximum daily limit. The maximum daily rates are dependent on the city and are available to view online through the U.S. General Services Administration website. Meal tips and meal taxes are included in the per diem rates.

Meal reimbursements can only be made for travel that involves an overnight stay. Alcoholic beverages are not reimbursable.

If conference registration fees include certain meals, do not claim the covered meals as a separate item of expense on the Travel Reimbursement Voucher.



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Taxable Meals are meal expenses that occur during official travel where overnight stay is not required. Taxable Meals will not be reimbursed.

2) Lodging

All lodging expenses must be necessary and reasonable. The government rate must always be used if it is the lowest rate available. Rates must be confirmed at the time of the reservation and again at check-in.

Lodging expenses must be documented with a paid itemized original receipt. Express checkout receipts that do not provide an itemization of lodging charges are not acceptable documentation for reimbursement.

If the employee traveler stays with a relative or friend, an explanation to that effect should be noted on the Travel Reimbursement Voucher to address the absence of lodging costs.

If an IHL employee on official travel status is accompanied by someone who is not an employee of IHL, the employee traveler is only entitled to reimbursement at the single room rate.

3) Miscellaneous Charges

Telephone calls, postage, and other expenses included in the "other authorized expenses" column of the Travel Reimbursement Voucher must be for valid, business purposes only. Personal telephone calls are not reimbursable.

Reimbursement for taxis or limo fares (airport shuttle services) as well as parking in excess of \$10.00 requires a receipt, which must be attached to the Travel Reimbursement Voucher.

Registration Fees for conferences or seminars are reimbursable, and require a receipt attached to the Travel Reimbursement Voucher.

8.3.6 Motor Pool

To serve the transportation needs of our employees, IHL has a small fleet of vehicles available for conducting official business. To reserve a vehicle, contact the Accounts Receivable Coordinator. The following applies to the use of an IHL vehicle.

- 1) Employees are required to check for availability of a motor pool vehicle before renting a vehicle from an outside vendor or electing to use their own personal vehicle. Vehicle availability will be confirmed by the Accounts Receivable Coordinator. An employee who chooses to use his or her personal vehicle when an IHL vehicle was available will be reimbursed at the reduced personal vehicle rate, unless permission to use a personal vehicle was obtained from the Commissioner's Office in advance of travel.
- 2) Only IHL employees and Trustees with a valid driver's license may drive an IHL vehicle. This license must have the appropriate classification and any required endorsements needed for operating the vehicle assigned to the operator.
- 3) Employees are responsible for reporting changes in their driver's license status to the Accounts Receivable Coordinator.



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- 4) All drivers are responsible for operating IHL vehicles in accordance with applicable state and federal laws. Operators must not drive while under the influence of alcohol, illegal drugs, or any other substance that impairs their ability to drive. Transportation of alcohol in state vehicles is prohibited.
- 5) All passengers must wear seat belts. The driver is responsible for ensuring that all occupants have fastened their seatbelts prior to the operation of any vehicle. The number of seatbelts in a vehicle establishes the maximum number of passengers a vehicle can hold. Supplemental restraint systems (airbags) should not be disabled. Loose material inside passenger compartments should be kept to a minimum.
- 6) Smoking as well as the use of other tobacco products is prohibited in IHL vehicles.
- 7) The driver is responsible for payment of all moving/parking violation fines and fees.
- 8) Hitchhikers and/or children are never permitted to ride in or operate IHL vehicles. An exception may be made for children when such need is clearly connected to official IHL business or an emergency.
- 9) The operator is responsible for promptly reporting any damages or problems with the vehicle to the Accounts Receivable Coordinator.
- 10) Keep the informational binder provided by the Accounts Receivable Coordinator in the motor pool vehicle at all times, as it contains the proof of liability insurance coverage.
- 11) In an event of an accident involving an IHL vehicle, regardless of the seriousness of the accident, contact the local police or highway patrol. A camera should be in each vehicle's glove box, and photographs of any damage resulting from the accident should be taken.
- 12) Employees who regularly operate an IHL vehicle shall upon request provide authorization for a background check which will include a motor vehicle record check. For insurance purposes, motor vehicle record checks occur annually for employees with regular driving responsibilities.

Vehicle keys and a binder containing information and the fuel card are to be picked up from and returned to the Accounts Receivable Coordinator.

Typically, motor pool vehicles should be picked up on the day the official travel begins and returned the day the travel ends. Employees may keep vehicles overnight at their home before or after a trip when doing so is in the best interest of IHL and approved by the employee's supervisor. Examples include situations when the location of the employee's home saves time and distance traveled, or when the departure or return occurs outside of normal business hours.

IHL vehicles may not be used for personal purposes.

8.3.7 Motor Pool Cost and Maintenance



Use of IHL vehicles result in a departmental charge to include maintenance costs. The Accounts Receivable Coordinator will monitor and schedule the vehicles for routine maintenance needs and proper registrations and markings.

8.3.8 Fuel Card

A Fuelman credit card and a list of merchants accepting the card by Mississippi city in alphabetical order is located in the front pouch of the informational binder. A listing of merchants accepting the card by out-of-state city can be provided if requested in advance. The vehicle's gas tank must be full before the user returns the keys and binder. All fuel receipts are to be given to the Accounts Receivable Coordinator upon return.

8.3.9 Auto Liability Insurance

Risk Management administers IHL's vehicle liability coverage. Proof of coverage is located in the binder provided the employee when checking out the vehicle. Employees who are injured in the course and scope of their employment are eligible for workers' compensation benefits.

In the event of an accident, report the accident to the local police or highway patrol, notify the Accounts Receivable Coordinator, and notify your supervisor. For questions regarding insurance, contact Risk Management.

8.3.10 Rental Vehicles

IHL will allow use of rental cars when there is demonstrated cost savings over other modes of transportation. An original rental receipt is required for reimbursement. No reimbursement will be made for a rental car used for personal use. Contact Purchasing to determine if a state contract presents the best value for the rental vehicle.

8.3.11 Airline Fares

Airline fares may be secured through different methods:

State Contract Agency – When IHL contracts with a travel agency, the IHL employee should contact the travel agent and request the contract fare and the lowest penalty fare. Avanti Travel Incorporated is currently the travel agency with the contact number (601) 981-9111.

Because less expensive fares may be available through the internet, employees may conduct a cost comparison and select a less expensive fare than the state contract fare. To purchase the non-state contract fare, a cost comparison that indicates that the internet fare is less expensive must be submitted with the Travel Reimbursement Voucher to the Travel Coordinator. If the contract fare was less expensive, then employee reimbursement will be limited to the lesser fare.

Passenger airline receipts and the itinerary must be attached to the Travel Reimbursement Voucher.

8.3.12 International Travel



All travel outside of the continental limits of the United States must be approved by the Commissioner prior to departure. Approval may only be granted upon a finding that the travel outside of the Continental United States will be extremely beneficial to IHL, and such finding and approval must be documented in writing.

8.4 Property Guidelines

Purchasing will account for all furniture and equipment owned or loaned to IHL as well as the transfer, destruction, or removal of equipment from IHL's inventory.

Department heads are responsible and accountable for all furniture and equipment in their departments and he or she is to maintain internal control over such inventory. Purchasing will assist in the development and evaluation of a department's furniture and equipment inventory control procedures.

Generally, items under \$1,000 will not have to be logged on the inventory record although exceptions exist. Contact Purchasing to ensure that inventory is property inventoried and tagged.

Purchasing will furnish each department a report showing acquisition, disposal, and transfer of property. This report should be filed in the department's office. All furniture and equipment transactions are reported monthly to the Mississippi Office of the State Auditor.

8.4.1 Control of IHL Property

IHL property may not be used for personal use, and a change of location away from IHL requires the department head's approval. Inventories are the responsibility of the department head. When it is determined that an item listed on the equipment inventory is lost or stolen, the department head shall report it to Purchasing.

If damage or loss to property occurs, an employee may be personally held responsible in some situations. The employee will be given an opportunity to explain the damage or loss prior to a determination regarding fault.

8.4.2 Maintenance of Property

Records for property requiring routine maintenance should be kept on file within the department in order that the required maintenance or calibrations are conducted. Property not in use should be stored responsibly.

8.4.3 Repairs of Property

Records must be kept on any item sent to be repaired. Purchasing shall be notified prior to shipping for tag removal and documentation. Departments shall check on the property status and notify Purchasing if the item is returned, replaced, or lost. If repair costs exceed the value of the property, notify Purchasing.

8.4.4 Audit of Department Inventory

Each department's inventory will be audited by Purchasing or the Internal Auditor whenever necessary. The Mississippi Office of the State Auditor audits each agency's inventory as well. A report of this audit is sent to the Commissioner and the President of the Board.



8.4.5 Liability for Failure to Make Inventory

If any officer or employee of any state agency shall refuse or fail to make any inventory or supplemental inventory, the State Auditor shall proceed to make, or cause to be made, the inventory or supplemental inventory and the expense thereof shall be personally borne by said officer or employee.

If items are missing from IHL's inventory, the State Auditor has the authority to proceed to recover the value of the missing items. The demand shall be made against the head of the agency, the agency's property officer, and/or the appropriate officer or employee, if identified.

8.4.6 Change of Department Head

Whenever a change in department head occurs, all items shall be accounted for by the outgoing department head. The incoming department head will accept the responsibility and accountability of the department inventory when he/she assumes duties as department head. The department head is designated as the person responsible for the department unless the department head delegates this responsibility to another individual within the department. Before a department head leaves the position, he or she shall contact Purchasing and request a complete inventory prior to the change. Purchasing shall be notified of the change in property responsibility and will assist with the audit and changeover.

8.4.7 Inventory at Termination

Staff leaving IHL's employment must be cleared by the responsible department head via completion of the Exit Clearance Checklist provided by Human Resources. All IHL property must be returned and verified before termination is completed.

8.4.8 Transfers of Property

Furniture or equipment received by a department through transfer from another State or external agency, including federal agencies, will be handled by Purchasing. The department will receive an acquisition receipt and report.

Furniture or equipment may be transferred to any institution, department or agency of the State of Mississippi. Proper documentation must be initiated by first contacting Purchasing. Purchasing will complete necessary documentation, assist with the property transfer, adjust IHL's inventory records, and complete required reports to the Mississippi Office of the State Auditor, Department of Property Audit. All transfers of IHL equipment must be channeled through the receiving agency or university property officer.

8.4.9 Disposition of Government Owned Property

When an externally funded contract or grant expires, a written request for disposal instructions is submitted to the government agency that furnished the equipment. This request is submitted by the Office of Contracts and Grants Compliance. Upon receipt of requested instructions, the equipment will be disposed of in accordance with the instructions. Should the agency require that the equipment be returned, the item will be removed from the inventory listing and returned to the agency. The agency will in turn furnish written acknowledgment of its receipt of the property. Property forms confirming the disposal are then submitted to the agency by the Office of Contracts and



Grants Compliance in conjunction with Purchasing.

8.4.10 Useless or Obsolete Property

Worn-out, broken or junk property with no cash value shall still be reported to Purchasing, and this office will inspect all useless or obsolete property before it is removed from the department's inventory. IHL utilizes a Salvage Committee to address useless, obsolete, or property damaged beyond its usefulness to IHL. No IHL property should be discarded or disposed of without following procedures which involve the Salvage Committee.

8.4.11 Stolen or Missing Property

Furniture or equipment that is missing, stolen or has disappeared shall be reported to Purchasing as soon as determined. The description, serial number, inventory number, and other information about the lost or stolen item should be included in the report. To remove the property from the inventory, a notarized affidavit must accompany the deletion report. A detailed explanation of the loss showing the law enforcement agency to which this loss was reported, as well as the report/case number filed on this loss is required. A copy of the law enforcement agency's report shall also be attached. The affidavit must be signed by the executive head of the agency, the person in charge of property records, and the employee directly responsible for the property which was stolen, lost, or disappeared. The Affidavit form is available from Purchasing. Purchasing will secure the necessary approval for disposition from the Salvage Committee, and the department will be notified of the Salvage Committee's decision. Purchasing will delete the property from the inventory record, and send a report to the Mississippi Office of the State Auditor.

If the stolen or missing property is due to the fault of an employee, that employee will be provided an opportunity to explain the loss. If the loss is then determined to be the fault of the employee's, then the employee may be held personally responsible for the loss under certain circumstances.

8.4.12 Interdepartmental Property Transfers

Interdepartmental transfers must be reported to Purchasing in writing. Purchasing will assist in transferring furniture or equipment from one department to another. The department head to which the item was assigned originally will remain accountable until Purchasing is notified of the transfer.

8.4.13 Cannibalization

Cannibalization is the removal of serviceable components or parts from otherwise unserviceable Government property. Property should not be cannibalized unless it has no reasonable prospect for sale or use as serviceable property without major repair or alterations, but has some value in excess of its scrap value. Cannibalized property must be deleted from IHL's master listing when it loses its identity. If the remainder of the property has no recovery value, it may then be discarded through the Salvage Committee.

8.4.14 Loan of IHL Equipment

IHL equipment may only be loaned to other state agencies following a review of the proposed transaction by IHL legal staff and may be only be used for public purposes. All loans of IHL property require approval of Purchasing unless such equipment was previously approved as part of an IHL or MEMA emergency response plan. Even in the case of the emergency response exception, Purchasing should be notified as soon as possible.



IX. GENERAL POLICIES

9.1 On-the-Job Injuries

All on-the-job injuries should be reported to the department supervisor, Human Resources, and Risk Management immediately or as soon as possible. Throughout medical treatment and recovery, the employee should keep his or her supervisor and Human Resources updated in regard to his or her condition, treatment, and return-to-work status. Workers' compensation will pay for all charges associated with reasonable and necessary medical treatment as related to the work injury. Medical benefits are authorized by IHL's Third Party Administrator.

In the event of a life threatening injury, immediately call 911 and then notify the Security Office at (601) 432-6598. In these serious situations, the employee should not be moved, but rather wait until Emergency Medical Services arrive.

After any work-place injury, the injured employee should notify their supervisor, Human Resources, and Risk Management. Supervisors are notified so they will know the status of the injured employee, be able to adjust work assignments accordingly, and take steps to prevent similar injuries from occurring. A supervisor should notify Human Resources and Risk Management of the injury in case the employee fails or is unable to do so. Human Resources and Risk Management will work together to process an employee's claim. A first report of injury form will be completed.

9.2 Automobile Claims

Whether in a personal or IHL vehicle, auto accidents which occur in connection with IHL business must be reported to the Accounts Receivable Coordinator and to Risk Management. Risk Management will ensure that IHL's auto liability insurer is timely notified.

9.3 Insurance Review

To aid the Board by coordinating insurance coverages and ensuring compliance with Board policy as well as applicable laws, Risk Management will review all insurance provisions in contracts as well as insurance purchases prior to binding coverage.

9.4 Use of Technology

This policy governs the use of all computers, communications networks, and related equipment owned and/or operated by IHL, including technology related equipment purchased using external grant funds.

IHL owns technology resources which includes its systems. IHL may limit access to its systems or technology within its discretion. All information stored on IHL property or systems is the property of IHL and not any individual employee. IHL does not guarantee the confidentiality of user files, including mail or email. Users should be aware that they have no reasonable expectation of privacy in using IHL technological resources and should always be mindful of the open environment in which they use network resources and e-mail communication.



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Other IHL policies, including the expectation of professionalism and civility of employees, applies to use of email. IHL email shall not be used for an unauthorized or illegal purpose. Personal advertisements or solicitations are prohibited. Personal use of IHL technology resources is considered outside the scope of employment and should not occur during working time.

IHL does not assume any responsibility for the contents of any outside network or for the actions of employees which are outside the scope of employment.

Hardware and/or software purchased by IHL, and any material downloaded from the internet, shall be used for its intended purposes according to its licensing agreement and copyright laws. Images downloaded from the internet cannot be used for IHL purposes without consent, authorization, or a license from the images owner.

9.4.1 Unauthorized Access

Unauthorized access of the technological resources or information owned and/or operated by IHL is prohibited. Unauthorized access may result in loss of privileges, disciplinary action (including termination), and possible legal sanctions under federal, state and/or local laws. All computer systems must be shut down at the end of each business day.

9.4.2 Digital and Electronic Copyright Infringement Policy (DECIP) Statement

Copying, downloading, storing, displaying, or distributing copyrighted material using IHL systems or networks without the express permission of the copyright owner, except as otherwise allowed under the copyright law, is prohibited. Infringements of copyright by a user can result in termination of the user's access to IHL systems and networks, and further prosecution as is warranted by state and federal laws and the Federal Digital Millennium Copyright Act.

It is the policy of IHL that any illegal peer-to-peer file sharing over IHL's network is prohibited. All users who access the IHL network acknowledge that they are aware of and agree to this policy. A complete copy of the DECIP is available by contacting the Network Administrator.

9.4.3 User Passwords

User passwords are required to access the system resources owned and/or operated by IHL. Users are required to protect these access codes from use by any unauthorized individuals. These passwords should not be shared with other individuals or left in plain sight. The failure to change a password when directed to do so will result in the suspension of the user account; reinstatement of the user account requires a written statement to IT which will be shared with the employee's supervisor.

9.4.4 Electronic File Storage

Users are strongly encouraged to store their work on the network resources. The network is backed up on a regular basis and information will be easily available.

Employees may contact the Network Administrator for questions related to IHL technology usage.

9.5 Mass Email Communications



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All mass electronic communications must be relevant to IHL's core mission, or is important in protecting physical, financial or human assets. As such, user capability of sending mass emails is limited to those IHL departments and appointed contacts who routinely communicate information within this framework. All other requests to send a mass emailing must be approved by Human Resources in conjunction with the Commissioner's Office and the Director of Communications.

9.6 Policy Formation

IHL requires that all policies are formally approved, printed in a consistent format, and maintained centrally. Proposed new policies or revisions of current policies should be submitted to Human Resources. Human Resources is responsible for obtaining the appropriate approvals on all proposed new policies or the revision of existing policies. This handbook and any other IHL policy shall be written and interpreted consistent with the IHL Bylaws. It is understood that the IHL Board of Trustees' Policies and Bylaws manual, state law, and federal law take precedence over the policies in this handbook as well as other policies approved by the Commissioner or a designee.

9.6.1 Policy-Making Authority

Policy-making authority exists solely with the Commissioner so long as policies are consistent with the IHL Bylaws. The Commissioner may delegate policy-making authority for a particular area by written delegation letter. Such delegation letter will be kept on file by the Commissioner and a copy will be provided to the Associate Commissioner for Legal Affairs as well as Human Resources.

9.6.2 Policy Formation

Supervisors and Directors exercise authority over employees and processes in their areas. These decisions and guidelines generally do not need the approval of the Commissioner. For purposes of the process described below, policy shall mean processes, procedures, rights, guidance, and rules that apply to or affect more than one IHL department. Departmental or employee-specific guidelines must not be contrary to any approved policy.

Any person with ideas for new policies or ways to improve existing policies is encouraged to share their suggestions with their supervisor. The Associate Commissioners and Assistant Commissioners are accountable for the drafting, updating, and implementing of policy affecting their areas. One of the commissioners, or his / her designee, reviews the final drafts of proposed policies under their purview as well as the reasons for the policy. Proposed policies or changes to policy which affect other departments should be shared with the executive cabinet prior to recommendation to the Commissioner for approval. IHL will use either a routing form or an original copy of the policy with signature lines to indicate the date that the new or revised policy was reviewed and approved by legal counsel and the date upon which the Commissioner approves the policy. In appropriate situations, the Commissioner may alter this process and approve or rescind a policy within his or her discretion.

New or revised policies, along with the documentation showing Commissioner approval, will be forwarded to Human Resources. Human Resources will keep a centralized copy of all policies on file, and will coordinate with appropriate staff to ensure employees are notified of policies and are able to access them. Employees will be required to comply with new policy as soon as they receive actual or constructive notice of the policy.

Every IHL employee is responsible for knowing the policies in this handbook, and every employee is deemed to have



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constructive notice of IHL policies which are posted on IHL's website and/or emailed to an employee's IHL email account.

Each Associate and Assistant Commissioner is responsible for implementing and enforcing policy in the areas under their supervision and in the areas which fall under their essential duties.

9.7 Drug Free Workplace Policy

IHL prohibits the unlawful possession, use, or distribution of illicit drugs and alcohol by employees on IHL property or in connection with any IHL activities.

IHL will maintain a drug-free workplace. The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance, as defined by State and Federal law, is prohibited on IHL property. Individuals who violate these laws are subject to discipline, including possible termination of employment, as well as any penalties imposed by a court of law.

IHL employees may use at no cost The University of Mississippi Medical Center's (UMMC) physician referral employee assistance program. Under such program, a physician will meet with the employee and then make a referral to an appropriate physician, psychologist, counselor, or service provider. The employee then becomes responsible for treatment and the subsequent payment. The services are provided in a confidential manner.

Employees are encouraged to seek assistance voluntarily on a confidential basis by contacting the person's immediate supervisor or the Assistant or Associate Commissioner of the unit in which the individual is employed.

Employees may accept or refuse assistance under this program. For information regarding whether health insurance may pay for treatment, contact the health plan regarding its benefits. IHL will not be responsible for treatment costs.

9.8 Drug and Alcohol Testing

In furtherance of IHL's interest to maintain a drug-free workplace, IHL reserves the right to require an employee to submit to testing for alcohol and/or controlled substances when (1) there is a reasonable suspicion that the employee may be under the influence of alcohol or controlled substances while at work, (2) the employee is involved in an accident or injury while working, or (3) IHL decides to test all employees or an entire group of employees (neutral selection testing) based upon a rational reason. See Miss. Code Ann. § 71-3-121. If the employee refuses to submit himself to drug and alcohol testing immediately after an alleged work-related injury, then a rebuttable presumption arises that the accident was caused by intoxication or illegal drug use. This policy applies regardless of whether or not the IHL employee was at fault in the accident. If IHL elects to conduct drug or alcohol testing, rather than demand the employee to submit to a test by a third party, then IHL must follow the requirements specified in Miss. Code Ann. § 71-7-1, et seq.

Supervisors should immediately notify Human Resources when an employee in their department has been involved in a vehicle accident or work-place injury. Post-accident alcohol tests should be conducted within two hours following the vehicle accident. Drug tests should be conducted within 32 hours following the vehicle accident.

Prior to any drug or alcohol testing for reasonable suspicion, the department must coordinate with Human



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Resources. Supervisors should notify Human Resources of the need for the testing. When reasonable suspicion exists, the individual who made the observations should submit a written record to the Human Resources Administrator documenting the basis for the suspicion. The Human Resources Administrator, or a designated representative, will review the individual circumstances with the employee's unit head and recommend appropriate action.

Supervisors are responsible for arranging for the employee to be escorted to the location where the testing is to be conducted. Employees who test positive, or refuse to submit to testing, will not be permitted to return to driving IHL vehicles until negative test results have occurred and may permanently lose the privilege of driving an IHL vehicle. In addition, those employees may be subject to follow-up tests a minimum of six times over the first 12 months following their return to work. Supervisors should consult with Human Resources regarding options for disciplinary action.

IHL may test, or require the employee to submit to a test, for drugs or metabolites including the following: marijuana, cocaine, opiates, amphetamines, phencyclidine, alcohol, and other controlled substances. Testing for controlled substances not specifically named above can only be done if an appropriate federal agency has established an approved protocol and positive thresholds for each substance.

Job applicants shall be notified in writing upon application and prior to collection that such applicant may be tested for drugs or their metabolites.

Prior to testing, the employee will have the opportunity to confidentially report prescription or non-prescription medications. Obtain a form from the alcohol and drug test administrator.

A release of information form must be signed by the employee or applicant prior to IHL receiving the results of a drug test for employment purposes. The form allows the disclosure of information to the employer. Refusal to sign the form may result in rescinding of an employment offer, discharge, or discipline by IHL. IHL may temporarily suspend or transfer an employee to another position after obtaining the results of a positive initial test. IHL may discharge an employee after obtaining the results of a positive confirmed test. An employee who receives a positive confirmed alcohol or drug test may contest the accuracy of or explain that result. The initial and confirmation tests will be at IHL's expense, but any additional costs for testing will be borne by the employee or applicant for employment.

If IHL determines that discipline or discharge is not necessary or appropriate following a positive confirmed test result, information on opportunities for assessment and rehabilitation will be made available to the employee.

9.9 Smoking Policy

IHL wishes to achieve an environment that is close to smoke-free and which prevents the people from being exposed to unwanted smoke. Therefore, smoking is prohibited in all indoor areas and the parking garage. Smoking is prohibited in outdoor areas that are shared in close proximity by the public. These outdoor areas include building entrances and IHL-owned vehicles. Smokers must maintain a distance of 20 feet from building entrances.

Complaints regarding violations of the policy should be referred to the violator's immediate supervisor.

9.10 Internal Controls Policy



IHL will maintain internal financial controls which will minimize the risk of loss and fraudulent acts. All employees are responsible for reporting possible losses and/or fraudulent activity. Mississippi law prevents a person guilty of public embezzlement (whether pleaded guilty or convicted) from being employed by IHL.

Each supervisor is responsible for identifying and preventing the types of improprieties that might occur in his or her area. Any identified risks or suspicious activity should be reported to the Associate Commissioner for Finance and Administration. When appropriate, law enforcement will conduct an investigation of any suspected loss or fraudulent activity. IHL may choose to delegate specific investigations to a third party.

Finance and Administration will develop internal controls guidelines which will be shared with appropriate offices.

9.11 Complaint Procedures for Equal Opportunity and Discrimination

All complaints from employees or applicants for employment should be made to Human Resources. Complaints from students should be made to Human Resources or to the Director of Risk Management. Any IHL employee who becomes aware of an incident of sexual violence or harassment occurring at IHL's campus or allegedly by an IHL employee shall also notify Human Resources or the Director of Risk Management.

Employees, applicants for employment, or other participants in IHL programs or activities, who believe that they have been discriminated against on the basis of race, color, gender, religion, national origin, age, disability or veteran status are entitled to seek relief through the following procedure.

Any individual who believes he or she has been the object of discrimination or harassment and is unable to resolve the issue on an informal basis may bring a complaint through the procedure outlined below.

The complaint should be submitted in writing to the Human Resources Administrator. Complaints must be submitted within 60 days of the alleged discriminatory action (including sexual harassment). In certain circumstances, at the discretion of the Human Resources Administrator, and in consultation with Board Legal Counsel, complaints that are not reduced to writing or that fall outside of the specified time limit may be investigated. All allegations of sexual harassment and sexual assault will be investigated. The Human Resources Administrator and/or designee will investigate, or cause to be investigated, complaints pursuant to the following guidelines:

- 1) The Human Resources Administrator and/or an assigned designee may seek to resolve the matter informally. The complainant will be notified of any attempted informal resolution which affects the complainant.
- 2) The Human Resources Administrator or designee will conduct an investigation, the nature and scope of which will be determined on a case-by-case basis.
- 3) An administrative hearing may be used if deemed beneficial by IHL. If a formal hearing panel is formed, it will consist of at least three persons other than the Human Resources Administrator or assigned designee. No member of the hearing panel should be from the same department as the complainant or respondent. The Human Resources Administrator or designee will be the non-voting chair of the panel. A court reporter may be retained to record the proceedings at the discretion of the chair. The primary role of the chair will be to guide a fair hearing process. The panel members will make a decision in a timely manner. The decision



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may include findings of fact as well as a recommended resolution. The panel's decision shall be a recommendation to the appropriate Assistant or Associate Commissioner who may accept the panel's recommendation or make a different determination. If the managing Assistant or Associate Commissioner is one of the accused parties, the panel's recommendation shall be made to a different disinterested Assistant or Associate Commissioner for consideration.

The hearing will be conducted as an administrative hearing without restrictions as to the technical rules concerning evidence. The burden of proof shall be what the fact-finder deems probable (a more-likely-than-not standard), without any preference for or against a particular position. It will, however, avail the parties the right to present witnesses and other evidence.

- 4) Upon the conclusion of the investigation and/or hearing, the Human Resource Administrator or designee will present the panel's findings and recommendations to the appropriate Assistant or Associate Commissioner (based upon the reporting line of the accused person or program responsibility in the organizational structure). The employee's supervisor or other appropriate person(s) may be consulted and may be a part of the decision-making process if desired by the Assistant or Associate Commissioner. The complainant will be informed of the decision by the Assistant Commissioner or designee, although details regarding confidential information may be limited when appropriate. A Title IX complainant is entitled to be informed of actions taken.
- 5) The complainant may appeal the decision by submitting an appeal, in writing, to the Commissioner. Such an appeal must be made within 5 days of the receipt of the decision of the respective Assistant or Associate Commissioner.
- 6) The Human Resources Administrator and/or the assigned designee may develop more detailed written guidelines for investigations or administrative hearings. Such guidelines may differ from this Policy when made for the purpose of compliance with federal or state regulatory guidance (which evolve from time to time and may vary depending upon the type of complaint). Any such guidelines will be provided to all persons directly involved in the corresponding process. Neither this Policy nor developed guidelines shall restrict the ability of IHL to effectively conduct investigations within its discretion.

For a copy of guidelines or guidance related to grievance or complaint processes, contact Human Resources.

9.12 Policy Against Sexual Harassment

IHL is committed to fostering a positive working environment that is free from sexual harassment. It is the policy of IHL to not discriminate against any person on the basis of gender in violation of any applicable law. Any employee who violates this policy will be subject to disciplinary action up to and possibly including termination. This policy applies to all IHL employees but not to complaints regarding employees at universities which are subject to the university's policy. If the alleged harasser is an IHL vendor, consultant, or contractor, Human Resources will advise the Associate Commissioner for Finance and Administration so that he or she can address the issue with the external person or entity.

Employees who believe that this policy has been violated are strongly encouraged to report the allegations of sexual harassment as promptly as possible. Delay in making a complaint of sexual harassment may make it more difficult for IHL to investigate the allegations.



IHL considers all allegations of sexual harassment to be an extremely serious matter. Every written complaint of sexual harassment submitted to IHL in accordance with this Policy will be reviewed and investigated. The submission of false claims may result in disciplinary action.

9.12.1 Definition of Sexual Harassment

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

- 1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or educational standing;
- 2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or as the basis for participation in an IHL program or activity, or status in an academic course; or
- 3) such conduct is so pervasive or severe that it has the purpose or effect of unreasonably interfering with an individual's work performance or educational opportunity so as to create an intimidating, hostile, or offensive environment.

In determining whether alleged conduct constitutes sexual harassment, IHL will consider the nature of the sexual advances and the context in which the alleged incidents occurred. A determination of the appropriateness of a particular response or action will be made from the facts on a case-by-case basis.

9.12.2 Consensual Relationships

Any romantic or sexual relationship between individuals where one party possesses direct administrative, supervisory, evaluative, or counseling authority over the other party presents ethical and administrative problems. Inherent in these types of consensual relationships exist the potential for conflicts of interest, exploitation, favoritism, harassment, and bias. Employees shall not have romantic or sexual relationships with individuals who they currently have the responsibility for evaluating or directly supervising. If such a relationship exists in this context, the organizational structure should be altered to remove the appearance of a conflict.

9.12.3 Retaliation

Retaliation against an employee for making a good faith complaint or for participating in an investigation is prohibited.

9.12.4 Complaints of Sexual Harassment

Complaints should be in writing and submitted to Human Resources. However, verbal complaints will also be investigated. For purposes of this policy, complaints must be filed with Human Resources within 60 days of the alleged misconduct or adverse action.

The complaint will be processed and investigated consistent with IHL's Complaint Procedures for Equal Opportunity



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and Discrimination, which is set forth above in this handbook. IHL will take interim remedial action when appropriate during any investigation.

9.12.5 Confidentiality

To the fullest extent practicable and consistent with IHL's need to investigate and take corrective action, complaints of sexual harassment will be processed confidentially. However, the name of the complainant may be revealed, as well as all alleged material circumstances, if IHL determines that such action is necessary to resolve the complaint or to provide an accused individual a meaningful opportunity to defend him or herself.

9.12.6 Recusal

If the performance of any duty or responsibility presents any actual or apparent conflict of interest as determined by IHL legal counsel duties and/or responsibilities of such employees may be reassigned on a case-by-case basis to avoid such conflict or violation. Any person serving on a hearing committee who believes they cannot be impartial, or viewed as impartial, due to a conflict of interest has an obligation to inform others of such conflict and to remove or recuse him or herself from the investigative or administrative hearing process. Questions regarding the existence of a conflict of interest should be directed to IHL legal counsel.

9.12.7 Election and Waiver

Once an individual has elected to pursue a complaint in one of IHL's procedures and has exhausted the administrative process, the individual waives any right to rehearing those specific issues in any future IHL process. Similarly, a complaining employee cannot re-submit an issue to IHL's internal process if that specific issue has previously been addressed in a court of law or other government body when IHL is subjected to such entity's authority. If the complaint includes issues already resolved or adjudicated, those issues will not be revisited in another IHL complaint, grievance, or administrative hearing.

9.13 Political Involvement

IHL employees are encouraged to vote and are allowed to leave work without taking personal leave in order to do so. Employees may exercise their right of free speech in regard to their political views on matters of public concern, but employees may not directly use their official IHL position to solicit support for a political campaign unless such action is part of his or her job duties.

9.14 Records Retention and Legal Hold Policy

Purpose. The purpose of this Policy is to provide guidance in regard to retention, retrieval, and destruction of the official records of IHL.

Official Records. For purposes of this Policy, records shall include all documents, whether electronic, paper, or in any other media, that are in the possession and control of IHL.

IHL Office Responsibility. Each IHL department is responsible for maintaining its files and managing its records during the records' useful life and for at least as long as the minimum time period required by law, governing organizations, or specified in this Policy. This Policy does not address the specific organization of office or

departmental files, provided that records shall be kept in a manner which is reasonably accessible so that records can be pulled within 72 hours or less under normal circumstances.

Record Retention and Destruction or Deletion

- Time Period. The length of time in which a record should be retained depends upon the type of document and its usefulness. Generally, records should only be retained during their business usefulness and for the period of time recommended or required by law or regulation. Each employee is responsible for knowing the retention time period for records of which he or she routinely works, and questions regarding specific types of records should be directed to IHL Legal Affairs or the Universities Division of the Attorney General (“IHL Legal Counsel”).
- Electronic Records. Electronic records include email, word processing documents, spreadsheets, presentations, e-faxes, electronic calendars, voicemail, and other electronic information, provided they are stored on IHL systems or equipment. Electronic records or data in IHL’s possession and control, including emails on IHL’s email system, are the property of IHL and employees do not have a reasonable expectation of privacy relating to these records. The IHL Network Administrator is responsible for developing procedures for automated or routine backup and/or deletion of electronic records, but each employee is responsible for backing up his or her work documents which require attention in that the email or server will not store electronic records indefinitely.
- Personal Electronic Records. Electronic records which are of a personal, rather than work-related nature, should immediately be destroyed, deleted, or removed from IHL’s systems, unless the employee has been notified otherwise (due to a litigation hold or pending investigation). Non-work-related records and/or data on IHL systems, equipment, or employer-issued technology may be subject to inspection or monitoring by IHL.
- Work-Related Electronic Records. The employee who creates or receives an electronic record is responsible for identifying the type of record for determining the time period which the record must be maintained. If a record falls under multiple categories, the document should be retained for the longest recommended time frame. Records which do not fall within a listed category, and which are not subject to a litigation or investigation hold, should be deleted at such time as they no longer have value or usefulness to IHL business.
- Separating Employees. When an employee separates from his or her employment, the employee’s supervisor is responsible for contacting the IHL Network Administrator to coordinate archival of emails prior to the email account being closed. The supervisor is also responsible for determining which emails are required to be retained, although guidance may be sought by contacting IHL legal counsel. Generally, email accounts will be closed 30 days after an employee’s employment terminates, although business records contained in emails and attachments shall be saved in accordance with this policy, including whenever a record is subject to a litigation or investigation hold.

Hold for Litigation or Investigations (“Legal Hold”)



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- Internal Notification. When any member of IHL is made aware of pending or threatened litigation against IHL, including any of its Board Members or employees in their official capacities, he or she should immediately notify the Universities Division of the Office of the Attorney General and the IHL Office of Risk Management.
- Hold Directive. Legal counsel for IHL or the Director of Risk Management will review the pending or threatened litigation and, in appropriate cases, issue a written hold directive within five business days of having been informed of the matter. The hold directive will copy the IHL Network Administrator for assistance and coordination in that electronic records may be subject to the hold directive.
- Effect of Legal Hold. No IHL employee who has been notified of a hold directive may alter, delete, or destroy any records which fall within the scope of the hold, until such time as he or she is notified by IHL legal counsel or the Director of Risk Management that the hold is released. Violation of the hold may subject the individual to disciplinary action, up to and possibly including termination. A litigation or investigation hold shall override the normal retention time period so that relevant records will be maintained until the hold is released. All IHL employees will comply with litigation or discovery requests from IHL's legal counsels.
- Hold Release. IHL legal counsel or the Director of Risk Management shall issue a written hold release at any appropriate time after the litigation or investigation matter is closed. The hold release marks the end of the legal hold period so that records can be kept or disposed of as appropriate.

Disposal and Destruction of Records

- "Sensitive or Confidential Information". Sensitive or Confidential Information shall include non-public personnel information which includes, but is not limited to, social security numbers, pay roll deductions, leave information, and medical records. Other non-public information, such as records subject to legal privilege or statutorily recognized as confidential, are included in this category of information.
- Records Not Containing Sensitive or Confidential Information. Records which do not contain sensitive or confidential information may be disposed of, deleted, or erased by any responsible method, including recycling when possible.
- Records Containing Sensitive or Confidential Information. Records which contain sensitive, privileged, or confidential information should be destroyed or disposed of by a method which reasonably prevents any inadvertent disclosure of the information.

The recommended destruction method for paper documents with sensitive or confidential information is shredding. Emails may simply be deleted, although this does not ensure disposal or destruction. The Network Administrator should be contacted in regard to the disposal or destruction of hardware and electronic media, such as old discs, computers, or hard drives. Any disposal of equipment must be coordinated with the IHL Salvage Committee. Media or hardware should be physically destroyed, after its useful life, when confidential information cannot cost effectively or practically be removed. Records that contain protected health information are subject to additional considerations before disposal and guidance



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should first be sought from IHL legal counsel.

- Records of Historical Value. Records which are arguably of historical value must be retained and not destroyed unless proper procedures are followed. The reproduction, storage, and destruction of public records of enduring or archival value is regulated by the Mississippi Department of Archives and History which provides mandatory rules and standards as well as guidance in this area.
- Security of Electronic Records. The Network Administrator shall be responsible for development of security measures relating to electronic records.
- Use of Personal Electronic Devices or Email for Official IHL Work. When an IHL email account is accessible for the employee's use, IHL employees are prohibited from conducting IHL business on personal email accounts. Although this policy does not prohibit the temporary use of personal electronic devices for work purposes, IHL records shall not be stored indefinitely on personal electronic devices. To the extent IHL records are temporarily saved to a personal electronic device, email account, cloud, or "drop box", the record, if subject to retention, should be filed or electronically saved in IHL's possession and subsequently deleted from the personal location.
- Re-Assignment of Equipment. IHL reserves the right to delete or sanitize (electronically clean) information on its electronic devices, and this should occur when a device holding information is transferred or reassigned from one employee to another, so long as the information to be deleted is not subject to a legal hold. The Procurement Officer and Network Administrator will coordinate this process when appropriate.
- Leased Equipment. Leased Equipment such as copiers which store electronic information should have that information deleted or sanitized prior to return to the third party. In the alternative, other reasonable steps may be taken which protect against disclosure of this information. For example, the third party may have the capability to clean the memory of the equipment, which is acceptable provided that documentation is obtained which certifies that this process occurred promptly and in a responsible manner.
- Export Controls. While beyond the scope of this policy, technology reflected in records may be deemed an export under federal export control laws. Guidance from IHL legal counsel should be sought by those who store or transport sponsored research which may fall under these regulations. The transporting or storing outside of the United States of export controlled records may result in criminal and civil penalties under certain circumstances.

9.15 Whistleblower and Ethics Point

Policy

IHL Executive Office employees are expected to abide by IHL Policy, as well as state and federal laws and regulations. Furthermore, IHL Executive Office employees cannot be compelled by a supervisor or director to violate a law or IHL Policy. In the interest of the Executive Office and its employees, individuals who have knowledge of specific acts which he or she reasonably believes violate the law or policy are strongly encouraged to disclose those acts to an appropriate Executive Office official, or through the IHL's whistleblower hotline (EthicsPoint®).



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In addition to protecting an individual who makes a good faith disclosure of suspected wrongful conduct, this policy

- Encourages individuals to disclose violations of law and serious breaches of conduct covered by Executive Office policies;
- Informs individuals how allegations of wrongful conduct may be disclosed;
- Protects individuals from reprisal by adverse academic or employment action taken within the Executive Office as a result of having disclosed wrongful conduct; and
- Provides individuals who believe they have been subject to reprisal a process to seek relief from retaliatory acts that fall within the authority of the Executive Office.

This policy supplements the existing Miss. Code §§25-9-171 through 25-9-177, and protects reporting individuals who make a good faith report (as defined below in this policy) from retaliatory employment action (solely because of making a report) including reprisal in annual reviews, promotion decisions, discharge, reassignment, demotion, suspension, harassment, or wrongful discrimination.

Procedure

The IHL Executive Office shall devise procedures for handling a Good Faith Report of Wrongful Conduct and for responding to complaints of reprisal or retaliation against individuals making such reports. Such procedures shall conform to the guidelines detailed below.

Definitions

Wrongful Conduct/Good Faith Report

- 1) "Wrongful Conduct" is defined in this policy to be:
 - A violation of applicable state and/or federal laws and regulations;
 - A serious violation of IHL and/or Executive Office policy; or
 - The use of Executive Office property, resources, or authority for personal gain in violation of state ethics laws or IHL policy.
- 2) "Good Faith Report" is defined in this policy to be an allegation of Wrongful Conduct made by individual who believes that Wrongful Conduct may have occurred. A complaint may be considered to be made without Good Faith if it lacks a basis in fact, alleges facts the complainant knows to be false, or if it is clearly false based upon facts available to the complainant.

Making Disclosures: See Something, Say Something

Employees who have a reasonable belief that misconduct may be occurring or has occurred, have a duty to report their concerns. Suspected misconduct may be reported to an employee's immediate supervisor, director, department head, the Office of Internal Audit, the Office of Human Resources, or the Office of Legal Affairs. Employees who wish to report anonymously may do so at the NAVEX EthicsPoint® Hotline.



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<https://secure.ethicspoint.com/domain/media/en/gui/30951/index.html>. If the complainant believes the responsible office may be involved in the wrongful conduct, the complainant shall make the report directly to the next higher level of management and/or the Office of Internal Audit.

Complaints of Reprisal

Individuals who have been subjected to an adverse employment action based on his or her Good Faith Report of alleged Wrongful Conduct may contest the action by filing a written complaint of reprisal with the Executive Office's Legal Affairs Office, or the Office of Human Resources.

Nothing in this policy is intended to interfere with legitimate employment decisions.

9.16 Additional Policies

As new policies are approved, a copy of each will be kept in Human Resources. To determine if a policy exists which is not included in this handbook, or to request a copy of a policy referenced in this handbook, employees should contact Human Resources.