



UNIVERSITY  
*of* ARKANSAS  
AT PINE BLUFF  
1873

# The University of Arkansas at Pine Bluff Faculty/Staff Handbook 2024



1200 N University Drive  
Pine Bluff, AR 71601

**The information contained in this handbook is not intended to establish an employment contract of any kind or duration. This handbook supersedes previous editions.**

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## **Mission Statement**

The University of Arkansas at Pine Bluff is a public comprehensive HBCU 1890 Land-Grant Institution. The University embraces its land-grant mission of providing cutting edge research, teaching, outreach, and service programs that respond to the social and economic needs of the state and region. Its mission is to promote and sustain excellent academic programs that integrate quality instruction, research, and student learning experiences responsive to the needs of a racially, culturally, and economically diverse student population. Ultimately, the University is dedicated to providing access and opportunity to academically deserving students and producing graduates who are equipped to excel through their contributions and leadership in a 21st century national and global community.

## **Vision Statement**

The University of Arkansas at Pine Bluff will be widely recognized as the University of choice for students, faculty, staff, and future employers of our students. UAPB will be renowned nationally and internationally for excellence in teaching, research, service, and outreach with exceptional academic programs and globally competitive students. As a pre-eminent land-grant institution, UAPB will enrich the lives of people in the Arkansas Delta and beyond.

## **Core Values**

### **STUDENT FOCUSED**

UAPB promotes the intellectual, physical, social, and professional development of students in all facets of University life.

### **EXCELLENCE**

UAPB is committed to the highest levels of achievement in all aspects of operations.

### **INTEGRITY**

UAPB maintains the highest standards of ethical professional practices in all that it does.

### **ENGAGEMENT**

UAPB extends its reach and impact in the region through partnerships and collaboration with individuals, public and nonprofit agencies, community groups, educational institutions, and businesses.

### **QUALITY CUSTOMER SERVICE**

UAPB provides an environment of respectful, polite, and consistently excellent service to its internal and external constituents.

### **DIVERSITY**

UAPB respects and embraces diversity and actively supports efforts that combat prejudice, stereotyping, and discrimination.

### **GLOBALIZATION**

UAPB promotes internationalization and prepares globally aware and astute students for the 21st century.

### **ACCOUNTABILITY**

UAPB is a responsible steward of public and private resources and the public trust.

## **Philosophy of Education**

"The end of education is to know God and the laws and purposes of his universe, and to reconcile one's life with these laws. The first aim of a good college is not to teach books, but the meaning and purpose of life. Hard study and the learning of books are only a means to this end. We develop Power, Courage and Determination and we go out to achieve Truth, Wisdom and Justice. If we do not come to this, the cost of schooling is wasted".

**John B. Watson**

First President, AM&N College

## **1. EMPLOYMENT BASICS**

### **A. At-Will Employment**

Arkansas is an at-will employment state. Employees of the university may terminate their employment with the university at any time as outlined in university procedures for resignation. Full-time and part-time employees who hold regular positions may have their employment terminated by the University at any time in accordance with Board Policy 405.4, or immediately for cause. In the event of loss of funding, termination may be immediate. Termination of Graduate Assistants is addressed in Board Policy 500.1. Temporary and hourly employees not in an appointed or regular position and student workers may be terminated at any time without a written notice.

### **B. Equal Employment Statement**

The University of Arkansas at Pine Bluff (UAPB) is an equal opportunity institution committed to the principle of equal opportunity in education and employment, in compliance with Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title VI and Title VII of the Civil Rights Act of 1964, Age Discrimination Act of 1975, and other federal, state, and local laws. The University is committed to providing equal opportunity for all students and applicants for admission and for all employees and applicants for employment regardless of race, age, gender, sex (including pregnancy), religion, national origin, marital or parental status, disability, veteran status, sexual orientation, gender identity or any other characteristic protected under applicable federal or state law.

### **C. Policy Statement on Non-Discrimination/Affirmative Action**

#### **1. Policy Statement**

The University of Arkansas at Pine Bluff is committed to providing an environment that emphasizes the dignity and worth of every member of its community and that is free from harassment and discrimination. Such an environment is necessary for healthy learning, working, and living atmosphere. The University expects students, applicants for admission, employees, applicants for employment, affiliates, subcontractors, on-site contractual staff, community members, and visitors to uphold the University's commitment to nondiscrimination and harassment by conducting themselves in a manner that is appropriate and consistent with this policy. Accordingly, all acts of discrimination, harassment, and retaliation are prohibited. The University will take prompt and equitable action in response to complaints about such conduct.

#### **2. Policy Scope and Relationship to Title IX**

“Discrimination” under this policy refers to action or conduct that (1) is based on race, color, sex, religion, national origin, service in the uniformed services (as defined in state and federal law), veteran status, sex, age, pregnancy, physical or mental disability, gender identity, sexual orientation, or genetic information and (2) materially affects a term or condition of an individual's employment, education, living environment, or participation in a program or activity. “Harassment” under this policy means detrimental action or a course of conduct that is based on one of the foregoing categories and that is sufficiently serious (i.e., severe and/or

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pervasive) and objectively offensive to deny or limit a person's ability to participate in or benefit from the University's programs, services, opportunities, or activities or when such conduct has the purpose or effect of unreasonably interfering with an individual's employment. Reports and complaints regarding sexual harassment, sexual assault, relationship violence, stalking, and similar conduct should first be made to the Title IX Coordinator under the University's separate policy on sexual assault and harassment. Other forms of discrimination and harassment may be the subject of an initial complaint under this policy. In addition, this policy may be used to address complaints of sexual harassment or assault that may negatively affect the campus community but are dismissed by the Title IX Coordinator based on lack of jurisdiction. In such situations, the appropriate office will have discretion on whether to commence an investigation under this policy.

3. **Offices Hearing Complaints**

The Department of Human Resources is responsible for investigating complaints of discrimination and harassment against faculty, staff, and administrative employees. The Office of the Dean of Students is responsible for investigating complaints of harassment and discrimination against students. A complaint to the appropriate office, using the Complaint Form, should be made within 30 days of the act of discrimination or harassment. The time limit may be waived or extended by the Department of Human Resources or the Office of the Dean of Students if a good cause is demonstrated.

4. **Investigation**

After receiving the complaint, the appropriate office will explore whether the matter can be resolved informally, without disciplinary action or a finding that discrimination or harassment has occurred. If the issue can be resolved informally, no further action will be taken. If the complaining party chooses to proceed with a formal complaint, the individual against whom the complaint is filed (i.e., the "respondent") will be instructed to provide a written response to the allegations within 5 working days of the request. The matter will then be investigated promptly. After the investigation, the investigating officer will issue a written determination of responsibility and provide the decision to the complaint and respondent. The determination shall also identify any sanctions or remedies that the investigator believes should be imposed. In the case of employee respondents, the proposed sanctions and remedies shall serve as a nonbinding recommendation to the appropriate campus administrator. The institution reserves the right to address, as an administrative matter, conduct that does not constitute a violation of this policy but is inappropriate in a professional work or educational environment.

5. **Appeal**

If a student-respondent is dissatisfied with the decision, the respondent may request that the Dean of Students convene a hearing. The request for a hearing must be made within 5 working days of the decision. After receiving the request, the Dean of Students will promptly schedule a hearing that generally follows the procedures used for cases of student misconduct. If an employee-respondent is dissatisfied with the decision, the respondent may appeal the matter to the Chancellor or his/her designee. A respondent who chooses to appeal must, within 5 working days of receiving the decision, deliver a written statement to the Chancellor or designee that concisely explains why the decision should be overturned or modified. The Chancellor or his/her designee may elect to convene a committee to review the allegations, consider the evidence, and make a recommendation; alternatively, the Chancellor or designee may decide the matter in the absence of a committee. The final decision shall be rendered as soon as practical and ordinarily no later than 10 working days after receiving the written appeal.

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6. **Emergency removal and administrative leave**  
Emergency Removal: If, after the Behavioral Intervention Team undertakes a safety and risk analysis, the University determines that the respondent poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment, it may remove the respondent from the University's programs or activities. In such instances, the respondent will be provided with written notice of the reasons for the removal. Within 5 days of receiving the notice, the respondent may challenge the decision by requesting a meeting with the Vice Chancellor for Student Affairs. Administrative leave: Nothing in this policy precludes the University from placing a non-student employee respondent on administrative leave during the pendency of the grievance process.
7. **Retaliation**  
Retaliation It is a violation of this policy to take any action against an individual because that person has opposed any practices forbidden by this policy or because that person has filed a complaint, testified, assisted, or participated in an investigation or proceeding under this policy. Retaliation includes intimidating, threatening, coercing, or in any way discriminating against an individual because of the individual's opposition, complaint, or participation. Adverse action is retaliatory if it would deter a reasonable person in the same circumstances from opposing practices prohibited by this policy.
8. **Confidentiality**  
The University requests confidentiality from all parties and witnesses involved in an investigation. During an investigation, it may be necessary for the investigator to provide details to individuals with a legitimate need to know about the allegations. This may include (1) information provided to respondents to allow them to fully respond to the allegations, (2) information provided to witnesses or other people with whom investigators communicate to obtain or verify information; (3) where appropriate, the information provided to management during or following an investigation to allow any necessary actions to be taken. In addition, the identity of the investigation participants and the details of the investigation may become known for reasons outside the control of the investigator.
9. **False Reports**  
Willfully making a false report of discrimination (including discriminatory harassment) is a violation of University policy and is a serious offense. Any person who willfully makes or participates in making a false report under this policy may be subject to disciplinary action up to and including termination or expulsion.
10. **All new employees must receive training on prevention, reporting, and addressing discrimination (including discriminatory harassment within 30 days of beginning employment or enrollment. Employees must receive refresher training at least every two years.**
11. **EEOC and NSF Reporting**  
Although complainants are encouraged to resolve their grievances related to discrimination by utilizing this policy, they may have the right to file a complaint directly with the appropriate agency. The contact information for the EEOC and NSF are as follows: Equal Employment Opportunity Commission (EEOC) 820 Louisiana St., Suite 200 Little Rock, AR 72201 Toll Free: 1-800-669-4000 Telephone: 501-324-5060 TTY: 800-669-6820 Fax: 501-324-5991 National Science Foundation (NSF) Office of Diversity and Inclusion 2415 Eisenhower Ave. Alexandria, VA 22314 Telephone: 703-292-8020 Fax: 703-292-9072 Email: [programcomplaints@nsf.gov](mailto:programcomplaints@nsf.gov)

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**D. Title IX Statement**

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance” *Title IX, Education Amendments of 1972 (Title 20 U.S.C. §1681 1972 & 34 C.F.R. Part 106)*

**E. Jurisdiction – Sexual Misconduct/Discrimination/Retaliation Policy**

The University of Arkansas at Pine Bluff does not discriminate on the basis of sex in the education programs and activities that it operates and is prohibited from doing so by Title IX of the Education Amendments of 1972, 20 U.S.C.

§ 1681 *et seq.*, and the U.S. Department of Education’s implementing regulations, 34 CFR Part 106. The University’s nondiscrimination policy extends to admission, employment, and other programs and activities. Inquiries regarding the application of Title IX and 34 C.F.R. Part 106 may be sent to the University’s Title IX Coordinator, the U.S. Department of Education Assistant Secretary for Civil Rights, or both.

Jurisdiction and Scope. Sexual harassment as defined in this policy (including sexual assault) is a form of sex discrimination and is prohibited. Title IX requires the University to respond promptly and reasonably to sexual harassment in the University’s education programs and activities, provided that the harassment was perpetrated against a person in the United States. At the time that a formal complaint is filed, the complainant must be participating in (or attempting to participate in) an education program or activity of the University. An education program or activity includes locations, events, or circumstances over which the University exercised substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution.

This policy applies to allegations and complaints of sexual harassment, as defined herein. All other complaints of discrimination or misconduct that do not fall within the jurisdiction of Title IX may be made through other campus procedures.

This policy shall not be construed or applied to restrict academic freedom at the University. Further, it shall not be construed to restrict any rights protected under the First Amendment, the Due Process Clause, or any other constitutional provisions. This policy also does not limit an employee’s rights under Title VII of the Civil Rights Act.

**2. EMPLOYMENT CATEGORIES**

**A. Periods of Employment**

Most University staff employees have twelve-month appointments. Many faculty and some staff have nine-month, or academic year appointments. A few have appointments for other periods, including spring or fall semester appointments, summer appointments, or appointments for a specified period to coincide with a grant or project. An appointment is not an employment contract. Administrative and staff employees may be terminated at any time or dismissed for cause under University procedures.

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**B. Faculty, Administrators and Staff**

A faculty member is an employee who holds the rank of instructor, assistant professor, associate professor, professor or distinguished professor. Other titles that have faculty status and academic rank are dean of libraries, librarian, associate librarian, assistant librarian, curator, associate curator, assistant curator, instructional development specialist I and II and extension specialist I, II, III, and IV. Extension specialists hold academic rank only when they are appointed in academic units.

An administrator is an employee who holds the title of assistant director, associate director, director, assistant dean, associate dean, dean, assistant vice chancellor, associate vice chancellor, vice chancellor, assistant chancellor, associate chancellor, chancellor or one of the above titles modified by the term executive. Some administrators also hold faculty rank. A staff member is an employee who is neither a faculty member nor an administrator. Staff members may be classified or non-classified.

All job titles are authorized by the Arkansas General Assembly in the biennial appropriation act, and are designated non-classified. Each position has a minimum and a maximum salary for each year of the biennium.

**C. Exempt and Non-Exempt**

The Arkansas Department of Higher Education designates state job titles as exempt or non-exempt under the Fair Labor Standards Act (FLSA). The Human Resources Office is able to test specific positions for exempt or non-exempt status based on FLSA guidelines. The FLSA requires the payment of overtime for nonexempt work in excess of forty hours in a work week or the granting of compensatory time. For additional information concerning the classification of employment positions or eligibility for overtime compensation, contact the Human Resources Office.

**D. Extra Help Employees (Hourly)**

Employees may be hired on an extra-help basis either full-time or part-time. Extra-help employees are hired on a temporary, as-needed basis, are paid semi-monthly for hours worked and are not eligible to participate in the fringe benefits program. Non-student extra-help employees are eligible to be paid for University holidays equivalent to the number of hours per day worked provided they work the day before and the day after a University holiday, and they work twenty hours (half-time) or more per week. Hourly employees may also participate in the retirement plan although UAPB will not match their contributions.

***EXTRA-HELP EMPLOYEES ARE PROHIBITED FROM WORKING MORE THAN 1,250 HOURS IN A FISCAL YEAR.***

**E. Student Employment**

It is the policy of the institution to provide employment opportunities for students enrolled with the University of Arkansas at Pine Bluff. Students are employed as Extra Help will not replace regular employees.

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1. Hours of Work: The maximum number of hours a student may work during the academic school year (August 16 – May 15) when classes are in session is 20 hours per week. Graduate Assistants may work a maximum of 30 hours per week. When classes are not in session (official holiday breaks and summer when not enrolled), students may be permitted to work 40 hours per week. Any hours worked above 40 hours in a work week by a non-exempt employee during holiday breaks and summer shall be paid at a rate of time and one-half. Monitoring of hours worked shall be the responsibility of the immediate supervisor.
2. A student may be employed by no more than two supervisors or departments within the University at the same time. The student shall be responsible for informing the supervisors of dual employment and assuring the maximum hour limitation is not exceeded.
3. Students may not be employed in the same administrative unit as a family member having authority in the interest of the institution to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees; or the responsibility to direct other employees of the University, to adjust their grievances, or to effectively recommend an action if the exercise of authority is not of a merely routine or clerical nature, but requires the use of independent judgment. Relative is defined as husband, wife, mother, father, stepmother, father, mother-in-law, father-in-law, brother, sister, stepbrother, stepsister, half-brother, half-sister, brother-in-law, sister-in-law, daughter, son, stepdaughter, stepson, daughter-in-law, son-in-law, uncle, aunt, first cousin, nephew or niece.
4. Students on the Federal Work Study Program must follow guidelines and policies of the Federal Work Study Program as administered by Student Financial Services.
5. Employment eligibility (Form I-9) must be verified for all student employees.
6. International students shall receive approval to work through the International Student Representative who will determine employment eligibility.
7. A background check will be requested for students employed in positions requiring a background check.
8. No employee shall be allowed to report to work until after the hire business process is complete.
9. Time sheets must be signed by the employee and the hiring supervisor whose signature is on the Personnel Action Form. No timesheets shall be accepted with initials on the signature line.
10. Student employees may not be allowed to work on campus during a scheduled class period regardless if the class is held, online, or is cancelled.

**F. Concurrent Employment**

Provided approval has been received from the Arkansas Department of Higher Education, employees may work for state agencies, other institutions or other UAPB departments outside of their normal work day. The work performed for the second agency, institution or other

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UAPB department must not interfere with the proper and required performance of the employee's duties in the primary position. The combined salary payments from both positions must not exceed the maximum allowable salary for the higher paid position. The work for the second agency, institution or UAPB department must be performed outside of the employee's normal UAPB work day. Concurrent employment requests (internal and external) are subject to the approval of the Arkansas Department of Higher Education (ADHE) prior to commencement of the services.

**G. Professional and Consultant Services**

Persons who provide professional, consultant, technical, or day labor services to the University on a one-time or short-term basis are not considered University employees. Their pay, including honoraria and stipends, are arranged through the Office of Procurement. The Office of Procurement must be consulted to ensure compliance with the governing laws prior to obligating the University.

**3. EMPLOYMENT POLICIES AND PROCEDURES**

**A. Interpretation of Board Policy 405.1 (UASP 421.1)**

Board Policy 405.1 provides that the chairperson initiates promotion and tenure considerations. However, promotion and/or tenure consideration of a chairperson who is not tenured or who is not a full professor should be initiated by his/her dean or individual to whom he/she reports.

Further, a faculty member who is not recommended for promotion by his/her chairperson or other responsible individual may request that his/her file be forwarded for consideration at the next level of administrative review, in which case the individual's application will be considered as having received a negative recommendation from the chairperson or other responsible individual.

**B. Graduate Assistants (Termination of Employment)**

Graduate assistants, graduate associates, and teaching assistants (hereinafter collectively referred to as "graduate assistants") assist with University programs and research but are first and foremost students. Subject to the procedures set out below, their appointments may be terminated at any time for convenience or for cause, or due to abandonment of the assistantship, or may be terminated following notice for unsatisfactory performance.

- Termination for convenience shall be effected by giving written notice, at least sixty (60) days in advance of the end of the appointment.
- With respect to dismissal for cause 1, excluding unsatisfactory work performance, dismissal shall be effective immediately upon notification, and no advance notice shall be required, although the graduate assistant may seek post termination review of the action pursuant to the campus grievance procedures for graduate students.
- Termination due to abandonment of the assistantship shall be effective immediately upon notification.
- With respect to unsatisfactory work performance, graduate assistants shall be given written notice of the possibility of termination, with a statement of actions pertaining to the duties of the assistantship to be taken within a specific time period to achieve satisfactory performance.

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These expectations must be appropriate to the nature of the appointment. If a graduate assistant so notified does not meet the requirements of satisfactory performance within the time frame specified, the student may be terminated from his or her appointment immediately.

- In the case of grant termination or loss of appropriated funds, termination may be immediate or with reduced notice.

For purposes of this policy, expiration of appointment, or non-reappointment, is not a termination. Further, "graduate assistant" refers to all of those graduate students who are receiving a stipend and/or tuition benefits in exchange for duties associated with a University department or unit. These positions may be referred to as graduate associates, graduate assistants, senior graduate assistants, teaching assistants, fellows, or the like. 1 For purposes of this policy, grounds to terminate the appointment of a graduate assistant for cause include, but are not limited to those examples set out in Board Policy 405.1, which applies to faculty.

### **C. University and Distinguished Professorship**

The University of Arkansas acknowledges outstanding faculty through conferring the ranks of "University Professor" and "Distinguished Professor." These ranks are granted pursuant to Board Policy 405.1, governing Promotions and Tenure, and require Board approval. Promotion to the rank University Professor or Distinguished Professor is reserved for only a few and the very best faculty in recognition of sustained excellence in the performance of their duties. Faculty members holding these ranks are expected to conduct themselves in a manner commensurate with the status and importance of these positions in order to continue to hold these ranks.

Faculty who hold named or endowed professorships that contain the word "university" or "distinguished" in their title but whose appointments into such positions did not require Board approval as required pursuant to Board Policy 405.1 do not hold the rank of University Professor or Distinguished Professor as contemplated in this policy. Appointments for such professorships are subject to the policies and procedures for conferring the award established by a particular campus.

Each campus shall be responsible for establishing policies and procedures for promotions to the rank of University and Distinguished Professorships, consistent with the principles set forth below:

#### University Professor

The rank of University Professor is conferred only upon active faculty in recognition of an extended period of exemplary service in a spirit of collegiality at the faculty member's campus and a combination of service in their profession and to the public through their professional activities.

Appointments to this rank shall be made only when the faculty member has demonstrated an extended period of documented exemplary service to the campus and has gained wide recognition at the national or international level for sustained excellence in service, teaching, research or creative activity germane to the faculty member's respective discipline and academic role while serving as a member of the faculty of the campus.

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The rank of University Professor is limited to active tenured faculty who hold the rank of Professor, or incoming faculty who will be awarded tenure and who hold credentials of similar merit from another university or other venues. 1 Action taken by the Board to approve a salary over line item maximum (LIM) from an endowment or private fund that is associated with the named or endowed professorship does not constitute Board action pursuant to 405.1 for purposes of conferring the rank of University or Distinguished Professor.

Distinguished Professor

The rank of Distinguished Professor is to be reserved for those individuals who are recognized nationally and internationally as intellectual leaders in their academic disciplines for extraordinary accomplishments in teaching, published works, research, creative accomplishments in the performing arts or other endeavors, and who have gained such recognition for distinction at this or another university prior to appointment as distinguished professors.

Appointments to this rank shall be made only when clear indication exists that individuals so appointed will provide exemplary academic and intellectual leadership and continue their professional activities in such a way as to maintain national and international recognition and a commensurate level of accomplishment.

**D. Patent and Copyright**

While inventions are not the primary objective of university research, when they occur the University of Arkansas at Pine Bluff has the responsibility of insuring that such inventions are used and controlled in a manner that benefits the public, the inventor, and the university to the fullest extent possible. It shall be the policy of the university to acquire and retain legal title to all inventions created by any person or persons to whom this policy is applicable. Inventors shall retain rights in inventions which the university has chosen not to claim under this policy or pledged to a third party as a result of a grant, contract, cooperative agreement, or other sponsored research agreement. This policy shall apply to all persons employed, compensated or appointed by the University and to anyone using facilities owned, operated, or controlled by the University. It shall also apply to all inventions financed, in whole or in part, from funds under the control of the University. There are both University wide and UAPB campus Patent and Copyright Committees. The UAPB campus committee is responsible for implementing the University Patent and Copyright Policy for the campus and for the Division of Agriculture.

**E. Drug-Free Workplace**

It is the policy of UAPB to maintain an educational and working environment free from the influence of unlawful drugs. Therefore, the manufacture, possession, use or dispensing or distribution of drugs and/or alcohol by any employee, on any property owned or maintained by UAPB, or as a part of any UAPB activity, is strictly prohibited. Employees who violate this policy may be subject to disciplinary action, up to and including termination of employment, as well as state and federal law enforcement agencies.

**F. Alcohol (Board of Trustees Policy 705.2)**

UAPB is committed to providing a safe, comfortable and productive work environment.

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Employees who consume alcohol at work or who appear at work under the influence of alcohol, harm both themselves and the work environment. Such actions may result in disciplinary action up to and including termination.

**G. Smoking (Board of Trustees Policy 235.1)**

UAPB is a smoke-free campus. Smoking is not allowed in any building or work at any time. “Smoking” includes the use of any tobacco products (including chewing tobacco), electronic smoking devices, and e-cigarettes. The smoking of tobacco or tobacco products containing tobacco in any form is prohibited within twenty-five feet of an entrance to any building owned or leased by the State of Arkansas.

**H. Weapons**

Except as permitted by law, including, but not limited to, Ark. Code Ann. §5-73-322(g), possession, discharge or other use of weapons including, but not limited to, firearms, firearm ammunition, air pistols, air rifles, fireworks, incendiary devices, lock blade or fixed blade knives with a blade length of four inches or greater, blackjacks, metal knuckles, bows, arrows, nun chucks, Tasers, or other electrical stun devices, visible body armor and similar equipment, shields, smoke canisters, or any other such weapons of any description on any grounds, buildings, or vehicles owned or operated by the University, including University residence halls is prohibited. Storage of any weapon, including handguns, is prohibited at any such location, except that a concealed handgun may be stored in a licensee’s locked and unattended motor vehicle. Possession of tear gas type products in personal use quantities for the purpose of self-defense is permissible. The use of tear gas type products for other than self-defense is prohibited. The carrying of concealed weapons by licensed concealed carry holders with enhanced certification is addressed in detail by [UASP-290.1-Weapons.pdf \(uasys.edu\)](#). Violation of this policy may be punishable by disciplinary action up to and including termination.

**I. Nepotism and Related Conflicts of Interest (BP 410.1)**

1. Nepotism. Consistent with Ark. Code Ann. § 25-16-1002, no employees who are related shall be placed within the same direct line of supervision whereby one relative is a supervisory employee and responsible for supervising the job performance or work activities of another relative.
  - A. Supervision shall include:
    - (i) Authority to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline; or
    - (ii) The responsibility to direct, to adjust grievances, or to effectively recommend an action if the exercise of authority is not of a merely routine or clerical nature but requires the use of independent judgment.
  - B. Relative shall be defined as a husband, wife, mother, father, stepmother, stepfather, mother-in-law, father-in-law, brother, sister, stepbrother, stepsister, half-brother, half-sister, brother-in-law, sister-in-law, daughter, son, stepdaughter, stepson, daughter in-law, son-in-law, uncle, aunt, first cousin, nephew, or niece.

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2. Conflicts of Interest. Further, to avoid actual or apparent conflicts of interest which may result from such employment, immediate family members shall not supervise or participate in decisions to hire, retain, promote, evaluate, or determine the salary of the other.
  - A. For purposes of this policy, an immediate family member shall mean those listed in II. B, as well as an employee's domestic partner, a person with whom an employee is in a romantic relationship, children of an employee's domestic partner, and relatives of an employee's spouse or domestic partner. To the extent permissible under State law, any exceptions shall be approved by the CEO of the 410.1 2 campus, division, or unit; in a case involving the CEO, any exception shall be approved by the President.
  - B. Former spouses or domestic partners with continuing contractual or financial obligations to each other shall abide by the same restrictions as those currently in such a relationship.
  - C. Campuses, divisions, and units shall address situations covered under this policy through their respective conflict of interest policies.

**J. Recruitment**

All vacancies are listed with Human Resources. Employees seeking a promotion/transfer for a vacant position should follow the application process in the job announcement. For detailed information regarding Employment Procedures for staff and faculty positions contact Human Resources or visit the website at [Career Opportunities \(myworkdayjobs.com\)](http://myworkdayjobs.com).

**K. Probationary Period**

New employees, as well as current employees who are promoted to a higher level of responsibility, excluding faculty, will be subject to a ninety (90) day probationary period. The probationary period is intended to provide a supervisor with an opportunity to assess an employee's performance. During this period, if a supervisor observes an employee performing in an unsatisfactory manner, the supervisor should inform the employee of the area(s) of concern so the employee will have an opportunity to improve performance. Prior to the end of this period, an employee will be evaluated, and a determination made concerning whether employment will be continued beyond the probationary period. At the option of the institution, the probationary period may be extended.

**L. Performance Reviews**

The performance of all employees will be evaluated on an annual basis to allow supervisors and employees an opportunity to review and discuss job requirements and performance. The evaluation of an employee's performance is not limited to the annual review and should be viewed as an ongoing process. Depending on performance, the annual review may result in the employee being placed on a performance improvement plan (PIP) or other disciplinary action. Personnel reviews are not grievable.

**M. Access to Personnel Files**

Employee files are maintained by the Human Resources Department and are considered

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confidential. Employees have the right to inspect their own personnel files and make copies for a fee, but documents may not be removed from their file. Inspection by employees must be requested in writing to the HR department and scheduled at a mutually agreed upon time.

Employee personnel records may also be viewed by University officials who have a legitimate need to review them, such as a supervisor, prospective supervisor if the employee has applied for a promotion or transfer, persons involved in the investigation or settlement of a formal grievance or complaint filed by an employee, an attorney and others who are investigating state workers' compensation claims. In the event of law enforcement or agency investigation in which the employee's personnel records are relevant, they may be made available to University attorneys and others involved in the investigation or litigation. Personnel records may also be made available in response to a lawfully issued subpoena or court order.

The University will handle all responses under the Arkansas Freedom of Information Act in accordance with state law.

**N. Outside Employment**

While emphasizing the fact that full-time faculty and staff members are obligated to devote their working time and efforts primarily to the campus, UAPB recognizes that a limited amount of outside work for compensation may be advantageous to all concerned. Faculty and staff members are, therefore, encouraged to engage in outside employment that will affirmatively contribute to their professional advancement, or correlate with their position. Such employment should neither interfere in any substantial way with the employee's duties nor conflict with his/her schedule campus assignments. Written approval from department head and dean shall be obtained in advance of outside employment. Each dean or similar officer shall keep records on outside employment of personnel in his/her own area of responsibility, and determine that the employee does not act as an agent or representative of UAPB. UAPB property or facilities shall not be used for monetary gain except with special permission of the head of the campus.

**O. Health and Safety**

The University's efforts to maintain a safe and healthy campus environment involve the efforts of a number of departments and units, including:

1. Facilities Management or respective building manager for maintenance of buildings and grounds, safety assistance, and compliance with safety laws and regulations;
2. The UAPB Campus Police department for response to automobile accidents, serious injuries and medical emergencies, violent assaults, crime response and prevention, crowd control for University sponsored events, escort services, and property protection; and
3. Human Resources for work-related injuries or illnesses that may involve a Workers' Compensation claim.

If you become aware of any injuries, potentially unsafe or hazardous conditions, or criminal activities, please report them immediately to the appropriate department or unit or to your supervisor.

**P. Protection of Minors on Campus**

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The University of Arkansas at Pine Bluff is strongly committed to maintaining a safe and secure environment for children. This policy briefly summarizes important steps to protect children on campus or participating in programs that may be connected with the University, and to comply with applicable legal requirements and institutional policies.

*Reporting Suspected Child Maltreatment.* If any University employee or volunteer reasonably suspects or observes child maltreatment, he or she should immediately do the following, (and must immediately do the following if a mandated reporter):

- a. Report, as required by State law, the suspected maltreatment to the state's Child Abuse Hotline, at 1-800-482-5964. The hotline is toll-free and is staffed 24 hours per day. (In a nonemergency situation only, a report form available at the web site: [http://www.arkansas.gov/reportARchildabuse/report\\_child\\_abuse.html](http://www.arkansas.gov/reportARchildabuse/report_child_abuse.html) may be faxed to 1- 501- 618-8952.)
- b. Report the suspected maltreatment to the University of Arkansas at Pine Bluff Public Safety Department at 870-575-8102. This must occur immediately after the Hotline report is made. After receiving a report of suspected maltreatment, the UAPB Public Safety Department shall promptly coordinate an appropriate response with state officials and local law enforcement, as appropriate. In addition, the UAPB Public Safety Department shall notify the appropriate vice chancellor for any program, location or employee involved in the allegations.

Questions regarding mandatory reporting obligations may be directed to Chief of Police at (870) 575-8102.

*Background Checks.* The University of Arkansas System and this campus have adopted and begun implementing policies requiring certain types of background checks based on job duties. It is important for all units with programs or personnel involving care or supervision of minors to review and ascertain whether they have identified all positions (including part-time and student worker positions) that must be subjected to criminal background checks (including sex offender checks) as part of the hiring process.

Questions regarding background checks may be directed to the Office of Human Resources at 870-575-8400.

*Camps and Other Programs, Activities or Locations Involving Minors.* Numerous University units either operate, host programs, or permit third parties to use University facilities involving minors, such as camps. All campus units should carefully review all Page 2 of 2 programs that they operate or host which includes participation by minors, or locations that they control which are frequented by minors, to determine whether additional training or protocols may be needed to help prevent child abuse.

*For example:* Units that operate their own camps or similar on-campus programs should consider whether further training on preventing child sexual abuse or additional policies governing staffing patterns and interactions between minors and adults is needed. As another example, units should prohibit or strictly limit staff from being alone with children, especially in a place that is isolated or not easily visible to others.

Units that operate facilities or locations frequented by children, and where inappropriate interactions could occur, should consider whether additional policies or measures are needed.

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Campus units that host camps operated by non-University entities should require that contracts with such entities properly address such elements as criminal background checks, staffing patterns, training, and insurance/liability.

For information related to Mandated Reporters & Child Maltreatment reference the Protection of Minors on Campus Policy.

## **4. EMPLOYEE CONDUCT**

### **A. Confidential Information**

Employment at UAPB may result in an employee having access to academic, personnel, budgetary or other such confidential information. An employee is expected to respect the confidentiality of such information and not disclose it to anyone who does not have an official need for the information, except as required by law.

The Family Educational Rights and Privacy Act, also known as FERPA or the Buckley Amendment, prohibits, with certain limited exceptions, the release of information from a student's educational records unless the student has given written consent. Questions about FERPA compliance should be directed to the Registrar or the General Counsel.

The Health Insurance Portability and Accountability Act of 1996 (HIPAA). The HIPAA Privacy Rule provides federal protections for personal health information held by covered entities and gives patients an array of rights with respect to that information. The Office of Human Resources is the custodian of all HIPAA information.

### **B. Code of Ethical Conduct**

The University of Arkansas at Pine Bluff recognizes that its reputation is one of its most valuable assets and is committed to maintaining the trust and confidence of both the University community and the citizens of the State of Arkansas. Therefore, employees are required to meet certain ethical standards.

Employees shall conduct themselves in a manner that strengthens the public's trust and confidence by adhering to the following principles: • conduct that is beyond reproach and integrity of the highest caliber; • honesty and fairness; and • accountability, transparency and commitment to compliance.

1. Scope. This Code of Ethical Conduct applies to all University employees. It is intended to apply across the University at all affiliates and maybe amended or supplemented from time to time by the Board of Trustees.
2. Purpose. This Code of Ethical Conduct serves (1) to emphasize the University's commitment to ethical conduct and compliance with the law; (2) to set forth basic standards of ethical behavior; (3) to provide reporting mechanisms for known or suspected ethical violations; and (4) to help prevent and detect wrongdoing.

Given the variety and complexity of ethical questions that may arise in the course of carrying out the University's business, this Code can serve only as a general guide. Confronted with

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ethically ambiguous situations, employees should keep in mind the University's commitment to the highest ethical standards and seek advice from appropriate levels of University administration so as to ensure that this commitment is honored at all times.

**Ethical Standards**

*Compliance with Laws, Rules, and Regulations.* Obeying the law, both in letter and in spirit, is the foundation on which the University's ethical standards are built. In conducting the affairs of the University, employees must comply with applicable laws, rules, and regulations at all levels of government in the United States and in any other jurisdiction in which the University does business. Although employees are not expected to know all the details of these laws, it is important to know enough about applicable federal, state, and local laws to determine when to seek advice from appropriate levels of the University's administration.

*Fair Dealing.*

Whenever employees act on the University's behalf, and regardless of whether they are dealing with colleagues or third parties, employees are required to act honestly, in good faith, and with professionalism. No employee may take unfair advantage of another person through unlawful harassment, manipulation, abuse of privileged information, misrepresentation of material facts, or any other unfair practice.

*Protection and Proper Use of University Resources.*

Employees owe a duty to the University to advance its legitimate interests whenever possible, and they are prohibited from taking for themselves, or members of their immediate family, opportunities that are discovered through the use of University property, information, or position without the prior written consent of the University. No employee may use University property, information, or position for improper personal gain, and no employee may directly or indirectly compete with the University. Employees should protect the University's assets and ensure their proper and efficient use. University facilities and equipment should not be used for unauthorized non-University business. The obligation of employees to protect the University's assets includes, but is not limited to, its proprietary information. Proprietary information can include intellectual property such as patents, trademarks, and copyrights, as well as business plans, databases, records, employment information, and any unpublished financial data and reports. Unauthorized use of this information violates this University policy.

*Timely and Truthful Public Disclosures.*

Employees involved in the preparation of reports and documents (and information included therein) filed with or submitted to federal, state, and local authorities by the University are required to make disclosures that are full, fair, accurate, timely, and understandable. They may not knowingly conceal or falsify information, misrepresent material facts, or omit material facts. These same obligations also apply to other public communications made by the University.

To ensure transparency, sound business practice, and compliance with law, and because of its obligations as an organization entrusted with government and private funds, the University depends on rigorous observance of internal control, generally accepted accounting principles, financial recordkeeping and reporting policies, and on the maintenance of internal audit and compliance mechanisms. University employees must record, allocate, and document revenue, expenditures, time, effort and other information in a way that is accurate, clear, complete and timely.

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*Attestation.* Employees are asked to sign a statement at the start of employment declaring that they have read, understood and will comply with this policy.

*Reporting Known or Suspected Violations.* Employees are required to report promptly any known or suspected violations of this Code to the campus administration, unit compliance officials, the Office of the General Counsel and/or the Internal Audit Department. No retaliatory action of any kind will be permitted against anyone making such a report in good faith. The University will strictly enforce this prohibition.

*Accountability for Violations.* If an employee violates this Code, including (without limitation) by failure to report a violation or by withholding information relating to a violation, the offending employee may be disciplined, with penalties up to and including termination of employment. Violations of this Code may also constitute violations of law and may result in criminal and/or civil liability for the offending employee and the University. All employees are required to cooperate in internal investigations of possible misconduct.

*Guidance.* All employees must work together to ensure prompt and consistent enforcement of this Code of Ethical Conduct. In some situations, it may be difficult to know if a violation has occurred. Because it is impossible to anticipate every situation that will arise, it is important to be able to approach a new question or problem with confidence. Employees having questions about their obligations under this Code should consult the University's administration and/or the Office of the General Counsel.

**C. Employee and Contractor Ethical Conduct, Conflict of Interest and Commitment**

It is the policy of the University of Arkansas at Pine Bluff to ensure that employees of the University of Arkansas at Pine Bluff and persons or entities contracting with the university conduct their activities in an ethical manner and in accordance with applicable law, regulations, and University policies. This policy is established pursuant to Board Policy 330.1.

General Principles

A conflict of interest exists when financial, fiduciary, personal, or other outside interest of a University employee could improperly influence or reasonably appear to improperly influence that employee's performance of duties, responsibilities, or professional role. Employees shall not use or attempt to use their positions to secure special privileges for themselves, their families, or any enterprise in which they or an immediate family member hold any financial interest. A conflict of commitment exists when a University employee's time and effort given to outside activities and interests interferes or competes with that individual's obligations and responsibilities to the University. External activities must not substantially interfere with University duties or assignments.

(For purposes of this policy, "immediate family members" shall mean the employee's spouse, parents, siblings, children and grandparents, per Ark. Code Ann. 19-11-701).

All employees are required to complete and submit a disclosure of Potential Conflict of Interest and Commitment Form annually, no later than April 30. New hires are required to complete and submit the form during the orientation period. The form is submitted in Workday.

Adequate and timely disclosure of actual and potential conflicts of interest and commitment, and a method for resolving such conflicts, and shall be coordinated with campus policies to implement Board of Trustees Policy 450.1 regarding outside employment.

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Employees in purchasing, billing, collections, financial aid offices, and any other offices otherwise engaged in contracting for expenditure or receipt of funds shall not: (a) accept gifts or gratuities from persons or entities soliciting, contracting with, or otherwise engaged in business with the University, and (b) shall not participate in any matter pertaining to a contract or subcontract, or potential contract or subcontract, with the employee, with an immediate family member of the employee, or with a business in which the employee acts as a manager, officer, director or partner, in which the employee holds a financial interest, or is seeking prospective employment.

This policy requires that any conflict of interest-related requirements of federal research sponsors are met. Further, the campus policies shall ensure adequate disclosure and assessment of affiliations, gifts, and contracts involving foreign sources, including notification to the Office of the General Counsel of any suspected or actual violations of such policies that are established for this purpose. The term “foreign sources” includes a foreign government, a legal entity created solely under the laws of a foreign state, an individual who is not a citizen or national of the United States, and an agent for any of the foregoing. Examples of foreign activities subject to disclosure include, but are not limited to, research funded by a foreign entity, paid or unpaid service to a foreign entity, scientific collaborations with foreign persons/entities in connection with federally funded research, and participation in any foreign government talent recruitment program. Employees and persons or entities contracting with the University must be notified of this conflict-of-interest policy and policies adopted pursuant to it, provisions of the Ethics in Public Contracting Law and other applicable laws and rules dealing with conflict of interest and ethical conduct of public employees and contractors.

Employment Prohibited without Review and Approval

1. The University shall not, without the Chancellor or Chancellor’s designee hire the following persons.
  - a) Members of the Arkansas General Assembly during their term of office,
  - b) Constitutional officers during their term of office
  - c) Former members of the Arkansas General Assembly in any job created or enhanced by legislation in the two-year period immediately preceding the end of that person’s term of office
  - d) Former constitutional officers in any job created or enhanced by legislation in the two-year period immediately preceding the end of that person’s term of office, and
  - e) Immediate family members of members of the General Assembly, constitutional officers and state boards and commissions.
2. The Chancellor or other university official shall consult with the President prior to hiring of persons in categories 1 through 5 above.

Contracts and Grants Prohibited Without Review and Approval

1. The University shall not, without approval by the Chancellor or, enter into, extend, amend, or renew a contract with, or award a discretionary grant to, current or former:
  - a) members of the Arkansas General Assembly,
  - b) constitutional officers,
  - c) state board or commission members, or
  - d) state employees,
  - e) the immediate family member, including the spouse, of any of 1 through 4, or
  - f) any entity in which any person designated in 1 through 5 holds any position of control or holds any ownership interest of ten percent (10%) or greater.

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2. The Chancellor or other appropriate University official shall consult with the President prior to approving a contract with a current or former member of the Arkansas General Assembly, their immediate family member, or any entity in which such person holds any position of control or holds any ownership interest of ten percent (10%) or greater.

**D. Use of the University Name and Trademark**

The institution's name is used in many contexts and for a wide range of purposes. Use of the name "University of Arkansas at Pine Bluff" shall be limited to official UAPB activities. It is not to be used to imply endorsements or personal preferences for any political or corporate entities.

Brand and logo guidelines are maintained by the Office of Institutional Advancement/Communications. Visit the website at

[https://www.uapb.edu/administration/institutional\\_advancement/communications/branding\\_standards.aspx](https://www.uapb.edu/administration/institutional_advancement/communications/branding_standards.aspx)

**E. Political Activities**

University employees, as citizens, have the right to participate in political activity consistent with UA System Board Policy 465.1. ([Board Policy 465.1 Political Activity \(uasys.edu\)](#)) No employee may involve the institution's name, symbols, property or supplies in political activities.

An employee who intends to seek public office, or to assume a major role in a political campaign, is obligated to discuss his/her plans with the supervisor. If the supervisor determines that the activity will impinge to any extent upon the full discharge of the employee's responsibilities to UAPB, the plans must be reviewed through regular administrative channels to the president for a determination of work load and salary adjustment.

**F. Freedom of Information Act**

In accordance with the Arkansas Freedom of Information Act (FOIA), documents maintained by University Arkansas at Pine Bluff, with some exceptions, are considered public records, and must be made available to the public for inspection and review during regular business hours. FOIA requests must be responded to within twenty-four hours of the request during the regular business hours of the university unless the records are in active use or storage. If a determination is made that the records are in "active use or storage" as defined by the FOIA, the requester of the records must be notified, and the request must be responded to within three business days. If copies are requested and made, University of Arkansas at Pine Bluff may charge a fee for copying which shall not exceed the actual cost for the copies. If an employee receives a FOIA request, it shall be reported immediately to the department head and the administrator designated as custodian of the records for FOI requests who will work with General Counsel for guidance and advice. The unit possessing the requested documentation is responsible for researching, copying, and submitting records to the FOIA administrator.

**G. Public Contact**

The University is supported by the State of Arkansas and serves people through teaching, research, and public service. Success in carrying out the mission of the University depends largely on how employees treat the public. Each employee of the University must share in building and maintaining

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good relations with the public. The University is judged not only on the quality of its graduates, but also on the public's contact with employees. Discourteous treatment of any member of the public through correspondence (including electronic communication, i.e. e-mail, social media, etc.), telephone conversations, or interaction with visitors to the campus may result in disciplinary action.

**H. Workplace Appropriate Dress**

The supervisor will inform employees of any uniform dress code required for their position. If no dress code is required, good judgment should be used in the choice of clothing and personal grooming techniques.

Employees should be mindful of the fact that they are public employees and their image reflects on the University. Uniforms, if required, should be kept neat and clean at all times. Safety clothing (helmets, shoes, goggles, etc.) must be worn when required.

**I. Criminal Arrest, Charges and Convictions**

University employees must report to their supervisor within the first 72 hours on the first scheduled work day following the incident, any criminal arrest, criminal charges, or criminal convictions, excluding misdemeanor traffic offenses punishable only by fine. Employees must cooperate fully during any review process undertaken by the University. Failure to make such a report or to cooperate with such a review shall constitute grounds for disciplinary action, up to and including termination.

**J. Whistleblower Policy**

1. Introduction

The University of Arkansas System has a responsibility for the stewardship of University resources and the public and private support that enables it to pursue its mission. The University is committed to compliance with the laws and regulations to which it is subject and to promulgating University policies and procedures to interpret and apply these laws and regulations in the University setting. The University's internal control system is intended to detect, prevent and deter noncompliance with applicable laws, regulations and University policies. However, even the best internal control systems cannot provide absolute safeguards against wrongful conduct. The University has a responsibility within its established control system to investigate and report to appropriate parties' disclosures of suspected wrongful conduct and the actions taken by the University to address those disclosures. This policy is intended to encourage all University employees to report suspected or actual occurrences of alleged wrongful conduct without fear of retribution and to bring forward serious concerns to the University's management for review, prior to seeking resolution outside the University. The University will provide fraud and compliance hotlines for the purpose of soliciting information from whistleblowers about alleged wrongful conduct.

2. Definitions

A. Whistleblower. A person or entity making in good faith a protected disclosure on a matter of public concern is commonly referred to as a whistleblower. Whistleblowers may be University employees (academic or staff), applicants for employment, students, patients, vendors, contractors, or the general public.

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B. Wrongful Conduct. Wrongful conduct is an activity undertaken by a University employee in the performance of the employee's official duties or by an individual, corporation or other entity doing business with the University that are in violation of law as defined in Arkansas and federal whistleblower laws.

**3. Whistleblower Rights.**

Role and Responsibilities In accordance with the Arkansas Whistleblower Act, whistleblowers have the right to be protected from retaliation. A University employee who retaliates against a whistleblower who reports alleged wrongful conduct in good faith is subject to discipline up to and including termination of employment from the University. A whistleblower's right to protection from retaliation however does not extend to immunity for any complicity in the matters that are the subject of the disclosure or an ensuing investigation. The University also has the right to act upon the intentional filing of a false report, whether orally or in writing. Whistleblowers frequently make their reports in confidence and often wish to remain anonymous. Protection of a whistleblower's identity will be maintained to the extent possible under applicable state and federal laws. Whistleblowers should be cautioned that their identity may become known for reasons outside of the control of University administrators and investigators. Should the whistleblower choose to self-disclose their identity to the University, the University may not be able to maintain confidence over the identity. The whistleblower's role is as a reporting party. Whistleblowers provide information related to a reasonable belief that alleged wrongful conduct has occurred within the University's operations. Whistleblowers have a responsibility to be candid with the University's Board, management, or investigators to whom they make a report of alleged wrongful conduct and shall set forth all known information regarding any reported allegations. Persons making a report of alleged wrongful conduct should be prepared to be interviewed by University employees who have the authority to conduct investigations. A whistleblower has the right to be informed of the subsequent disposition of their disclosure unless the information is legally protected from release.

**K. Solicitation, Fund-raising, and Gifts**

University facilities are for the non-profit, tax-exempt use of the University's program of higher education and may not be used for raising money not connected with a University activity or for the conduct of private business. However, in certain limited areas, the University contracts with private businesses to provide services on campus for students, faculty, and staff.

University Development's goals are to see that gifts are deposited, disbursed, and processed in a timely manner, that donors are properly thanked and receipted within an appropriate time frame, that alumni and friends of the University are not inundated with requests for support, and that the campus' fund-raising priorities are addressed and met. The following guidelines are intended to ensure the efficient and effective operation of development programs and to maximize the campus' potential for receiving private support:

- (1) All annual fund programs and solicitation, especially direct mail solicitations, are to be carried out for the University's departments and colleges by the Office of Development/Athletics.
- (2) Campus units may not conduct major gift solicitations or fund-raising activities without the knowledge and consent of the Vice Chancellor for Institutional Advancement. All direct fund-raising solicitations should be cleared in advance by the appropriate dean or director. The Vice Chancellor for Institutional Advancement must also approve access to alumni addresses for fund-raising purposes. Procedures for processing gifts received by colleges, departments, or other campus units can be found on webpages for the Office of Development

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and Athletics.

**L. Relations with Legislators and Members of Congress**

The University of Arkansas Board of Trustees, through its policies and designees, is the only body with the authority to speak for the University on matters of public policy or public interest. An employee should not, unless specifically authorized, attempt to speak as an agent of the University in conversations or correspondence, regardless of the forum, with members of the Arkansas General Assembly, Arkansas' constitutional officers or any member of Congress. The Board of Trustees, President of the University, Vice President for University Relations, Chancellor or chief executive officer for each campus, division or unit, and their designees are the University officials responsible for communicating with candidates, elected officials and their staffs, and the media concerning legislation or programs potentially affecting any unit of the University. An employee who is interested in a particular matter and would like the University to consider a certain point of view should contact the appropriate official in the office of his or her Chancellor or chief executive officer for each campus, division, or unit. (USAP 465.1)

**M. Employment of Constitutional Officers and Spouses**

If an individual is elected to a constitutional office (including Governor, Lieutenant Governor, Secretary of State, Treasurer of State, Attorney General, Commissioner of State Lands, Auditor of State, member of the Arkansas House of Representatives, or member of the Arkansas Senate) he or she may not be hired by any state agency or institution after being elected and during the elected term, unless they resign the constitutional office prior to being hired.

If the individual was employed by a state agency or institution prior to being elected to a constitutional office, he or she can continue employment. However, their position cannot be reclassified unless it is a general reclassification affecting all positions in the employee class and grade equally. The employee will not be eligible to receive any pay increases, other than cost-of-living increases authorized by the General Assembly, without the prior approval of the Joint Budget Committee (or the Legislative Council if the General Assembly is not in session) and the Governor.

If the individual's spouse is elected to a constitutional office, the employee may not be hired by a state agency or institution after the spouse is elected and during the spouse's term of office without the prior approval of the Joint Budget Committee (or the Legislative Council if the General Assembly is not in session) and the Governor.

If the individual was employed by a state agency prior to the spouse being elected to a constitutional office, or if the employee is hired by a state agency during the spouse's term of office, the employee is subject to the following restrictions: (a) their position cannot be reclassified unless it is a general reclassification affecting all positions in the employee class and grade equally, (b) while the spouse serves as a constitutional officer and for two years after the spouse leaves office, the employee cannot be promoted or transferred without the prior approval of the Joint Budget Committee or the Legislative Council and the Governor, (c) the employee cannot receive any pay increases in excess of 15 percent without the prior approval of the Joint Budget Committee (or the Legislative Council if the General Assembly is not in session) and the Governor.

Former members of the General Assembly and their spouses cannot be employed by a state agency within 24 months after the legislator leaves office in any job which (a) was newly created by legislative action within 24 months prior to the legislator leaving or (b) had a maximum salary increase of more than 15% authorized by legislative action within 24 months prior to the legislator

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leaving office.

**N. Selection of Architects or Engineers for Small Projects and On-Call Contracts**

On-call architects or engineers shall be selected through the process described in Board Policy 740.1. No UA System level approval is required to begin the selection process.

*Scope of On-Call Contracts*

On-call architects or engineers may be used for any of the following types of projects where the estimated construction costs of such project do not exceed \$2,000,000: maintenance, repair or minor renovation projects, feasibility studies, programming studies, preliminary plans and budget estimates, technical assistance, and emergency damage recovery projects. Such projects are not subject to Board Policy 730.1 (Procedure for Capital Projects).

*On-Call Contract Terms*

The professional services contract for on-call architects and engineers may be for a term of up to four years and may be renewed for up to three additional years, or such longer term as may be authorized by Arkansas law. No retainer or other fee shall be paid except those associated with specific projects and the firm or firms selected to provide on-call architectural or engineering services shall not, by virtue of such contract, be assured of any specific amount of work under such contract. Contracts for on-call architectural or engineering services shall not provide expressly or by implication that the design professional or professionals providing such services will be awarded a contract for new construction or renovation related to or arising out of services performed under such contracts.

*Architects and Engineers for Small Projects*

The campus may retain architects and engineers for individual small projects without seeking Board approval where the fees for the services of the architect or engineer will not exceed the small procurement limit set by Arkansas law. (Ark. Code Ann. §19\_11\_204)

**O. Computer Usage Policy**

The Computer Usage Policy has been created to define what the University of Arkansas at Pine Bluff considers responsible and ethical behavior in using its computing facilities and resources and is applicable to all UAPB faculty, staff, students, and guests. This modern computer technology places a significant amount of power and information in the hands of its users. This power carries with it an equal amount of responsibility. Access to UAPB information, systems, and facilities must be consistent with the UAPB Technology Services Department.

Individuals who are granted computing accounts or use computing resources at the University of Arkansas at Pine Bluff accept responsibility with such access. Each user is expected to use accounts or resources within the University approved educational, research, or administrative purposes for which they are granted. Activities beyond these stated purposes are strictly prohibited.

A code of computing practices for the University is stated below. Violations of this code will be reviewed through established University judicial and administrative procedures. Actions to restrict computer usage may be challenged through the same procedures. For detailed information related information visit the Technology Services website.

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**P. Social Media**

This Policy is intended to provide the University of Arkansas at Pine Bluff employees with guidelines for appropriate online activity. Although this Policy cannot address every instance of inappropriate social media use, it is intended to offer guidelines to employees. This Policy applies to all employees' use of the Internet, including participation in and use of social media, regardless of whether such use occurs in the workplace and regardless of whether such use involves the University of Arkansas at Pine Bluff's electronic equipment or other property.

*"Social Media" Defined*

The rapid speed at which technology continuously evolves makes it difficult, if not impossible, to identify all types of social media. By way of example, social media includes: (1) social-networking sites (i.e. Facebook, LinkedIn); (2) blogs and micro-blogs (i.e. Twitter, Blogger); (3) content-sharing sites (i.e. Google+, SlideShare); and (4) images sharing sites (i.e. PhotoBucket, YouTube). This list is for illustrative purposes only, however, and all online activity is governed by this Policy.

*Application of Other Policies*

All University of Arkansas at Pine Bluff's employment policies apply to conduct that occurs online in the same way that they apply to conduct that occurs in the workplace. For example, Employees' online conduct must comply with the University of Arkansas at Pine Bluff's Anti-Discrimination, Anti-Harassment, Confidentiality, and Conflicts of Interest policies.

*Association with the University of Arkansas at Pine Bluff*

Employees who identify themselves online as being associated with the University of Arkansas at Pine Bluff must comply with the rules set forth in this section. If you disclose your affiliation or relationship with the University of Arkansas at Pine Bluff, for example in your online profile, you must use an appropriate disclaimer to make clear that you are speaking only on behalf of yourself and not on behalf of or as an agent of the University of Arkansas at Pine Bluff. An example of an appropriate disclaimer follows:

- a. The opinions and viewpoints expressed are those of the author and do not necessarily represent the position or opinion of the author's employer.
  
- b. To ensure continuity of the University of Arkansas at Pine Bluff's message, employees may not represent themselves to be speaking on behalf of the University of Arkansas at Pine Bluff unless expressly authorized to do so.

*Prohibited Conduct*

Employees are prohibited from engaging in any of the following in their online activities and posts: Disclosing any confidential or proprietary information belonging to the University of Arkansas at Pine Bluff or obtained by the employee as a result of his employment with the University of Arkansas at Pine Bluff; posting, uploading, or sharing any recording or images (including audio, pictures, and videos), taken in the workplace or at any University of Arkansas at Pine Bluff-sponsored event without express advance authorization; and, using University of Arkansas at Pine Bluff's email addresses to register on social networks, blogs or other online tools utilized for personal use. Examples include:

- a. Making any false or misleading statements;
- b. Promoting or endorsing violence;
- c. Promoting illegal activity, including the use of illegal drugs;
- d. Disclosing any confidential or proprietary information belonging to the University of Arkansas at Pine Bluff or obtained by the employee as a result of his employment with the University of Arkansas at Pine Bluff; and

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- e. Do not use University of Arkansas at Pine Bluff’s email addresses to register on social networks, blogs or other online tools utilized for personal use.

Nothing in this Policy is intended to or will be applied in a manner that limits employees’ rights to engage in protected concerted activity as prescribed by the National Labor Relations Act.

*Duty to Report*

Employees have an ongoing duty to report any violations of this policy by any other employees. The University of Arkansas at Pine Bluff considers the duty to report to be a critical component of its efforts to ensure the safety of its employees and to preserve the University of Arkansas at Pine Bluff’s reputation and goodwill in the community. Therefore, any employee who fails to report any conduct that reasonably appears to be in violation of this policy may be subject to discipline for such failure.

University of Arkansas at Pine Bluff prohibits taking negative action against any employee for reporting a possible deviation from this policy or for cooperating in an investigation. Any employee who retaliates against another employee for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.

*Questions about This Policy*

Social media changes rapidly and there will likely be events or issues that are not addressed in this policy. If, at any time, you are uncertain about the application of this policy or if a question relating to the appropriate use of social media arises that is not fully addressed by this policy, you should seek the guidance of the appropriate person before posting or otherwise engaging online. When in doubt, employees always should ask for guidance first because, once the information is online, it can never be deleted.

## **5. SCHEDULING POLICIES**

### **A. Work Hours**

Official hours of operation are from 8:00 a.m. to 5:00 p.m., Monday through Friday, with an hour for lunch. Two fifteen-minute breaks may be given. In departments where hours of operation differ from the regular hours of operation, employees are expected to adhere to the work schedule established by their supervisor or department head.

Exceptions to official hours of operation include holidays and closure due to inclement weather. Some employees may be required to work during this time.

### **B. Holiday Schedule and Pay**

The University System delegates authority to institutions to schedule official holidays each year. There are ordinarily twelve official paid holidays and one or two additional days when the University is closed and are charged annual leave.

Employees must be in a pay status for both the workday preceding and the workday following the paid holiday in order to get holiday pay.

The University of Arkansas at Pine Bluff is closed for the following paid holidays:

- Independence Day
- Labor Day
- Veteran’s Day – Observed during Christmas Break

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- Thanksgiving Day
- Friday following Thanksgiving (*subject to Governor's Proclamation*)
- Christmas Eve
- Christmas Day
- Employee's Birthday – Observed during Christmas Break
- New Year's Day
- Martin Luther King's Birthday
- Friday of Spring Break (in lieu of Presidents' Day/Daisy Gatson Bates Day)
- Memorial Day

*Winter Break.* Winter break occurs during the Christmas Holidays. Employees will be charged annual leave for any days during that period not covered by regular holidays, deferred holidays or additional holidays declared by the governor. Deferred holidays are one or more of the traditional holidays referenced above that the campus has designated for other use (i.e. Presidents' Day used for the Friday of Spring Break). At the discretion of the campus and subject to the following section (Holiday Occurring on the Weekend), university employees in nonexempt positions may work additional hours during the month of December, which may be substituted for annual leave on those days when the university is officially closed, which are not covered by holidays. Specific instructions will be sent to employees and department leave representatives annually.

*Holidays Occurring on the Weekend.* When a holiday, except December 25, falls on a Saturday, the preceding Friday is observed. When December 25 falls on a Saturday, the following Monday is observed. When a holiday, except December 24, falls on a Sunday, the following Monday is observed. When December 24 falls on a Sunday, the preceding Friday is observed.

*Other Holiday Work.* Employees who are assigned a work schedule that requires them to work on a regularly scheduled holiday may be granted time off on another date that is convenient for them and the department. If the workload in the department makes it difficult to arrange an alternate day to observe a holiday, employee may be paid for the holiday in accordance with provisions of the Fair Labor Standards Act.

*Part-time Employees and Student Workers.* Appointed employees who work less than full-time, but half-time or more, will receive holiday pay proportionate to the time worked. For example, for an employee that works half-time, holiday pay will be at a rate equivalent to four hours. To receive holiday pay, employees must be in a paid status (not on leave without pay) on the employee's normally scheduled workday before the holiday and the normally scheduled workday after the holiday. In the absence of different arrangements on the campus level, non-student, hourly employees who regularly work 20 or more hours per week are eligible for pay for university holidays at a rate proportionate to the number of hours the employee regularly works, provided the hourly employee works his/her scheduled day before and after the holiday. In the absence of different arrangements on the campus level, student hourly workers are paid only for hours actually worked. An hourly employee is not eligible for holiday pay, if the employee is taking six or more undergraduate credits or five or more graduate credits.

*Religious Holidays.* In instances where a religious holiday occurs outside of the published holiday schedule for the University, Supervisors shall make efforts to accommodate an employee's request to be away from work for religious holiday observances. However, nothing shall obligate the University to make accommodation if, in accommodating the request, it would result in undue hardship on the University. Supervisors shall consider the following factors in accommodating religious holidays:

- Whether the accommodation creates greater risks to health or safety,

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- Whether expenses to the University will increase by accommodating the request,
- Whether meaningful work can be provided under the circumstances in which the employee will be working, and
- Whether supervision can be provided if deemed necessary.

*Religious holidays shall be accommodated by:*

- Adjusting the work schedule of the employee to the extent that it does not significantly impact the rights of other employees, or
- Allowing the employee to exchange another holiday for the religious holiday. The unscheduled religious holiday and the substitute holiday shall occur in the same calendar year. If the religious holiday cannot be accommodated by the above, the employee shall use vacation leave, or, if necessary and appropriate, unpaid leave. Authorization by the employee's supervisor must be granted in advance via the appropriate leave request procedures.

**C. Breaks and Rest Period**

There is no designated formal rest period for employees. Where rest periods are allowed, they are limited to two fifteen-minute breaks per day (one in the morning and one in the afternoon). Each department must be sure that adequate staff are always on duty.

Neither state nor federal law requires an employer to provide a break or a meal period. Meal breaks of less than 20 minutes are considered work time, and the employer must pay covered employees for those breaks. Federal law considers these short breaks time for which employees must be compensated. Bona fide meal periods (typically lasting at least 30 minutes), serve a different purpose than short rest or snack breaks and, thus, are generally not time for which employees must be compensated.

Employees working six (6) hours or more must take a lunch break.

**D. Time and Attendance**

This policy assures nonexempt employees at the University of Arkansas at Pine Bluff of its practice to accurately compensate them, to do so in compliance with all applicable state and federal laws, and to correct mistakes when they are called to its attention. It is expected, therefore, that all employees at the University of Arkansas at Pine Bluff will review their pay document promptly each time compensation is received and report any perceived error to the Director of Administrative Services, Payroll Manager, or the Personnel Manager.

UAPB will fully investigate every report of perceived error or violation of this policy, take corrective action when appropriate, and will make a good will effort to avoid violations in the future. In addition, UAPB will not allow any form of retaliation against individuals who report alleged violations or who cooperate in any investigation of such reports. Any form of retaliation in violation of this policy will result in disciplinary action, up to and including termination.

*Definitions*

Nonexempt employees are those whose positions do not meet Fair Labor Standards Act (FLSA) exemption tests and who are paid or receive compensation at one-and-one-half times their regular rate of pay for hours worked in excess of 40 in a forty-hour workweek. Exceptions to the 40 hours per week standard apply to police officers who receive compensation at one-and-a half times their regular rate of pay for hours worked in excess of 43 hours in a workweek. This definition is based on

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provisions of the FLSA and state law (See <http://www.dol.gov/compliance/laws/comp1flsa.htm>).

FLSA does not require overtime pay for work on weekends, holidays, or regular days of rest, unless time worked causes the employee to work in excess of 40 hours during the work week, or, in the case of police officers, in excess of 43 hours during the work week.

*Time Procedures*

The work schedule for nonexempt employees begins at 8:00 a.m. and ends at 5:00 p.m., with two 15-minute breaks – one in the morning and one in the evening - Monday through Friday excluding official UAPB recognized holidays or when the campus is otherwise closed, with a one-hour break for lunch. In departments where shifts are required (e.g. Public Safety, Residential Services), nonexempt employees' work schedules will vary.

Employees are required to enter time for leave taken only.

When operating requirements or other needs cannot be met during regular working hours, employees may be scheduled to work overtime hours. A nonexempt employee will be expected to work overtime when necessary to meet the needs of UAPB. When possible, advance notification of these mandatory assignments will be provided. All overtime work must receive the employee's supervisor's prior written authorization.

In lieu of overtime compensation, compensatory time off at the rate of not less than one and one-half (1½) hours may be awarded for each hour of employment for which overtime is required. Payment is made for compensatory time exceeding 240 hours with the exception of non-exempt public safety personnel who is paid for time exceeding 480 hours in accordance with DOL Fact Sheet #8.

A Nonexempt employee may not work any hours that are not previously authorized in by the employee's supervisor. A nonexempt employee will not be paid for voluntarily arriving at the worksite before their regular starting time or remaining at the worksite after their shift. No overtime, no matter how slight, may be worked without prior written approval from the supervisor.

A Nonexempt employee does not start work early, finish work late, work during a meal break or at their desk or workstation, take work home, work weekends, or perform any other unauthorized extra or overtime work without written authorization from the supervisor. A Nonexempt employee is prohibited from performing "off-the-clock" work, i.e., work performed and not reported.

*Attendance Procedures*

To maintain a safe and productive work environment, UAPB expects employees to be punctual and reliable in reporting for scheduled work. Nonexempt employees are expected to be at their jobs during their regularly scheduled hours. When absent or tardy, it disrupts the work in the department. Therefore, absence from work will not be excused under circumstances that can reasonably be avoided. The following rules apply to all non-exempt employees:

- a. Regardless of the reason for absence or tardiness, the employee must always notify his or her supervisor as far in advance as possible, but no later than one (1) hour prior to the start of the scheduled work time. A department may designate another minimum notification requirement. Public Safety Officers require a four (4) hour prior notification.

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- b. If, because of an emergency, the employee is unable to notify his or her supervisor, the employee should have someone contact the supervisor on his or her behalf.
- c. The employee is expected to give the reason for absence or tardiness and the date and time when he/she expects to return.
- d. Unless it is a prior approved leave of absence, the employee must call in each day of his or her absence.
- e. Chronic and repeated tardiness without acceptable reason is cause for disciplinary action up to and including termination.
- f. In the case of a prolonged absence, a leave of absence must be approved in advance. If the prolonged absence is due to personal illness, a physician's release will be required prior to return to work. (See FMLA policies).
- g. If the employee is absent without notification, he or she will be considered as having abandoned the job and will be terminated.
- h. An excused absence occurs, provided the employee still has available leave time or the absence is otherwise approved, when the employee notifies the supervisor of his or her absence no later than one (1) hour prior to the start of the scheduled work time 4 hours for police officers, or as soon as possible in the case of an emergency. An unexcused absence occurs when an employee fails to notify the supervisor of his or her absence, when notification is received less than one (1) hour prior to the start of the scheduled work time (4 hours for police officers), when permission is not granted by the supervisor for justifiable reasons, or in any case when there is no leave time available and the leave is not otherwise approved.
- i. Two consecutive days of unexcused absences will result in disciplinary action. Two or more incidents of unexcused absences within any six-month period will result in disciplinary action up to and including termination of employment.
- j. Attendance records are maintained in the system. Written reprimands, which are placed in the employee's personnel file, become part of the employee's record.
- k. Employees are not allowed to use sick days for reasons other than personal illness, illness of an immediate family member or for the care of others as prescribed by federal or state law. Unless otherwise approved for leave under the Family and Medical Leave Act or to accommodate a disability under the Americans with Disability Act, a supervisor may require a physician's statement when abuse of sick leave is suspected.
- l. If a supervisor confirms that the leave is being abused, a written warning may be issued, and a copy placed in the employee's personnel file. Such warnings may lead to further disciplinary action up to and including termination of employment.
- m. Any non-exempt employee, who submits a false record pertaining to her or his time or attendance, misrepresents time worked, works beyond her or his work schedule without written authorization or otherwise violates any provision of the *Time and Attendance Policy for Nonexempt Employees*, may be subject to disciplinary action up to and including termination.

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**E. Attending Professional Meetings**

Members of the teaching, research, administrative, and extension are encouraged to attend professional meetings, when attendance is beneficial to both the employee and the University. Brief leaves from official duties may be granted by the department head for attendance at such meetings when circumstances permit. The University will reimburse part of the travel expenses when travel funds are available and to the extent allowed by University travel regulations. Applications for leave and for travel allowances in connection with attendance at professional meetings must be approved in advance. Human Resources can provide information about Fair Labor Standards Act provisions for travel time for non-exempt employees.

**F. Flex Time**

Certain departments are required to remain open twenty-four hours a day. Through mutual consent, the supervisors and employees may establish a forty-hour week at a time different from the regular daily schedule if the needs of the university are better served.

Work schedules should be stated in writing and have the appropriate management approval. Upon approval, a copy must be sent to the Office of Human Resources to be included in an employee's personnel file.

**6. DISCIPLINARY ACTION AND COMPLAINT RESOLUTION**

**A. Disciplinary Actions**

Discipline is a serious matter, and the level of discipline should take into consideration the conduct/behavior of the employee and its impact upon the working environment. Discipline may vary depending upon the nature and severity of the offense. There are various forms of discipline, including but not limited to, the following:

1. **Written Warning:** Notice that an employee's performance, actions and/or behavior is unacceptable. A written warning shall be documented and placed in the employee's personnel file.
2. **Probation:** Notice that an employee's performance, actions and/or behavior over a period of time, or for a serious incident, is unacceptable. Generally, probation does not exceed ninety days. At the beginning of the probationary period, notice is provided that the employee's continued employment is in jeopardy due to unsatisfactory job performance, repeated violations of policies, procedures, rules or standards, and/or the seriousness of the violation. A decision to place an employee on probation shall be documented and placed in the employee's personnel file.
3. **Suspension:** Notice that an employee has engaged in a serious violation or repeated violations of policies, procedures, rules or standards resulting in disciplinary leave with pay. A decision to suspend an employee without pay shall be documented and placed in the employee's personnel file.
4. **Dismissal:** Termination of the employment relationship is governed by Policy 405.4

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for staff members and academic employees in positions for which tenure may not be awarded.

Faculty members, and other academic employees in positions for which tenure may not be awarded, may be terminated for convenience at any time or dismissed for cause by written notice by the chief academic officer or other senior designee of the campus, division or unit, following verbal or written notice and opportunity to respond. Although a dismissal for cause may be effective immediately, employees under this section may seek review of a for-cause dismissal in accordance with the review policies of the campus, division or unit. If no review policy applies, these employees shall have the opportunity to seek, within five working days of dismissal, review of the matter to the chief executive of the campus, division, or unit, or a designee selected by the chief executive, who shall make a final decision on the for-cause termination. Termination for convenience is affected by giving written notice at least 30 days in advance of the date the employment is to cease.

## **B. Grievance Procedures**

### *INFORMAL*

Employees should make every attempt to resolve problems encountered at work informally through discussion with the other persons involved and in a spirit of goodwill and cooperation. If potential problems are addressed early, they are less likely to escalate into grievances. The supervisor or department head may be able to help resolve complaints and other problems with as little disruption and distress as possible.

Unless excluded below, a grievance is a complaint of a staff employee against the university concerning: the interpretation, application or claimed violation of a specific term or provision of university policy, or other matters that affect the employment relationship of the employee to the university.

*Excluded from the procedure are complaints relating to:*

- wages and salaries;
- falsification of application materials;
- retrenchment of employees pursuant to Board Policy 405.5;
- matters involving reappointment, performance evaluation and promotion that do not concern a claimed failure by the university to follow established policy;
- Termination for convenience.

### *FORMAL*

All employees are provided a grievance process in an effort to resolve internal conflicts. Prompt and impartial consideration shall be given to such grievances. An employee who submits a grievance may do so without fear of penalty or reprisal. ***Probationary and extra-help employees do not have grievance rights.***

In the event that a problem cannot be resolved informally, the following grievance procedures are available for Non-Academic and Academic employees.

## **C. Non-Academic Grievance Procedures**

As part of affirmative action processes, non-academic employees are provided a grievance

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process in an effort to resolve internal conflicts. Prompt and impartial consideration shall be given to such grievances. An employee who submits a grievance may do so without fear of penalty or reprisal.

**Step 1:** An employee who has a grievance concerning the terms and conditions of employment should discuss the matter with his/her immediate supervisor. Within five working days following the date the grievance is presented to the supervisor, the supervisor shall attempt to resolve the grievance. In the event the grievance concerns the immediate supervisor, the employee shall submit the grievance to his/her dean or director.

**Step 2:** If the grievance is not satisfactorily resolved within five working days following the date it is presented to the supervisor, the employee may submit a written grievance and a copy of the Step 1 decision to the next level supervisor. The supervisor shall review the grievance and render a decision within five working days following receipt of the grievance. Copies of the decision shall be furnished to the employee and immediate supervisor.

**Step 3:** Depending upon the number of supervisors within the chain of command, Step 2 shall be repeated with each increasing level of supervision through the appropriate vice chancellor.

**Step 4:** The employee may appeal the decision of the supervisor to the appropriate vice chancellor by forwarding the grievance, in writing, together with a copy of the Step 1, 2 and 3 decisions within five working days following its receipt. The appropriate vice chancellor shall review the matter and render a decision within five working days following receipt of the grievance. Copies of the decision shall be furnished to the employee and supervisors.

**Step 5:** If the grievance is not satisfactorily resolved through the preceding steps, the employee may submit the written grievance and preceding decisions to the chancellor. The chancellor may elect to convene a committee to review the grievance, or may decide the grievance in the absence of a committee. The decision of the chancellor shall be rendered within ten working days following receipt of the grievance. Copies of the decision shall be furnished to the employee, appropriate vice chancellor and supervisors.

In the event the chancellor determines that the grievance will be addressed by a committee, the chancellor shall forward the grievance, along with all relevant materials, to the chair of the Employee Hearing Committee with a written request that the Committee consider the grievance.

#### **D. Employee Grievance Committee**

The Employee Hearing Committee is a standing appeals committee. Its jurisdiction covers cases involving appeals from a dismissal for cause, suspension or demotion. It also exercises authority over grievances that allege discrimination on the basis of race, national origin, sex, age and disability. There is **no** grievance right for an employee who has received notice of termination upon written notice of at least thirty days in accordance with Board of Trustees Policy 405.4, except for allegations of discrimination.

The Committee shall be appointed by the chancellor and is comprised of five full-time employees - two staff members, two faculty members, and an administrator. The chair shall be appointed by the chancellor.

In instances where the chancellor refers a grievance to the Committee, the Committee may hear

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the grievance only after all steps of the informal grievance procedure have been exhausted. The grievance must be filed with the chancellor's office no later than five working days after the informal stages of the grievance procedure have been exhausted. In those instances, where the chancellor refers a grievance to the Committee, every effort will be made to present a recommendation to the chancellor within fifteen calendar days after receipt of the grievance. An additional period of time may be granted by the chancellor. The director of the work unit in which the grievance originated and the aggrieved employee, shall be notified of the hearing date by the chair of the Committee. The parties may present witnesses and information to the Committee. The hearings will be recorded. An advisor may be permitted to assist the parties, but may not directly participate during the hearing. Upon request of the Committee, the supervisor shall arrange for designated employees to be present for the hearing.

The Affirmative Action Officer, Director of Human Resources, or other UAPB officials may be requested to act in an advisory capacity to the Committee.

The Committee will summarize its written recommendation to the chancellor within five working days subsequent to conclusion of the hearing. After reviewing the Committee's recommendation, the chancellor will make a final decision concerning the grievance.

**7. LEAVE POLICIES**

**A. Annual Leave for Nonexempt Employees**

*For the purposes of this policy "nonexempt" means an employee who is entitled to overtime pay under the Fair Labor Standards Act.*

*Annual Leave Accrual.* All employees who work 1,000 hours or more per year in a non-exempt regular salary position are eligible to accrue annual leave. Annual leave is accrued at the end of each month and is cumulative. Full-time eligible employees accrue annual leave in accordance with the following schedule while employees who work less than full time but more than 1,000 hours per year accrue annual leave in the same proportion to the time worked:

Years of Employment	Monthly	Annually
Through 3 years	8 hours	12 days
3 through 5 years	10 hours	15 days
5 through 12 years	12 hours	18 days
12 through 20 years	14 hours	21 days
Over 20 years	15 hours	22.5 days

*Use of Annual Leave.* Use of accrued annual leave may be requested by an employee at any time. The appropriate supervisor will grant the request when it least interferes with the efficient operation of the department.

*Annual Leave Carryover Limit* No employee may have in excess of 30 days (inclusive of holidays) on December 31 of each year. During the calendar year accrued annual leave may exceed 30 days, but those days in excess of 30 will be lost if they are not used before December 31 of each year.

*Other Limitations.* Annual leave does not accrue during a period of leave without pay when such leave is for ten or more days within a calendar month. Annual leave is granted on a basis of

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workdays, not calendar days. Non-workdays such as weekends and holidays falling within a period of annual leave are not charged as annual leave.

Annual leave must be earned before it can be authorized and is deducted from the employee's accrued leave in increments of not less than 15 minutes. Upon termination, resignation, retirement, death or other action by which a person ceases to be an active employee of the University, the amount due the employee or his/her estate from accrued annual leave or holiday leave, not to exceed 30 working days, inclusive of holidays, shall be included in the final pay to the employee. No employee receiving such additional compensation shall return to the university employment until the number of days for which he/she received additional compensation has expired.

**B. Annual Leave for Exempt Employees**

*For the purposes of this policy "exempt employee" means an employee who is exempt from the overtime pay requirements of the Fair Labor Standards Act.*

*Annual Leave Accrual. General Rule.* Except as provided in Section II(B) of this policy, eligible exempt employees will receive 22.5 days of annual leave from the on-set of employment, earned at a rate of 15 hours per month of service, with accrual at the end of each month. While administrative duties cannot be limited to a five-day, 40-hour week, for purposes of annual leave the normal work week shall be considered Monday through Friday.

For all eligible employees' annual leave is accrued at the end of each month and is cumulative.

*Exceptions to General Rule.*

(1) Employees holding positions for which annual leave accrual is addressed in special appropriation language will accrue leave on the basis and at the rate provided in the special appropriation language.

(2) Campuses, units and divisions may adopt, but only after review by the Office of General Counsel and approval by the President, campus annual leave accrual policies that differ from this policy for specialized categories of exempt employees. Any such policy must specifically identify any position categories affected and how they are affected. In no instance shall the accrual rate, eligibility, annual carryover, or payout of annual leave exceed that provided in this Policy.

*Eligibility.* Except as provided in Section II (B) of this policy, annual leave is granted to all exempt non-student employees on 12-month appointments of one-half time or more, with part-time employees earning leave in proportion to the time worked. An employee whose period of employment is scheduled to be changed from a 12-month basis to a nine-month basis must take all accrued, unused vacation before the end of the 12-month period. An employment period shall not be extended for the purpose of paying an employee for unused vacation, and neither shall lump sum terminal payment be made unless an employee terminates employment with the University.

Employees who are employed pursuant to employment contracts or appointment letters that exclude annual leave as a benefit are not eligible for annual leave. However, any such contract or appointment letter excluding annual leave must be either approved by the President or executed pursuant to a Chancellor-approved campus policy that specifically identifies the position categories that do not accrue leave.

*Use of Annual Leave.* Use of accrued leave may be requested by an employee at any time. The

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appropriate supervisor will grant the request when it will least interfere with the efficient operation of the department. Annual leave shall not be taken before it is accrued.

*Annual Leave Carryover Limit.* Annual leave is cumulative; however, no employee may have in excess of 30 days on December 31 of each year. During the calendar year accrued leave may exceed 30 days, but those days in excess of 30 (inclusive of holidays) will be lost if they are not used before December 31 of each year. An exception may be made when an end-of-year vacation is postponed for the convenience of the University. Any such exception must be approved by an appropriate University official

*Other Limitations.* Annual leave may not be accumulated while an employee is on leave without pay or on catastrophic leave. Upon termination, resignation, retirement, death, or other action by which a person ceases to be an active employee of the University, the amount due the employee or his or her estate from accrued annual leave or holiday leave, not to exceed 30 working days inclusive of holidays, shall be included in the final pay to the employee. No employee receiving such additional compensation shall return to University employment until the number of days for which he or she received additional compensation has expired.

*Annual Leave for Graduate Study.* Annual leave for graduate study may be granted to otherwise eligible employees under the following terms:

1. Accrued leave with pay may, if used for graduate study, be accumulated for two calendar years preceding the date of the leave if it is used by January 1 of the third year.
2. Permission to carry over such credit must be requested in writing by the employee and approved by the President in advance of the commencement of vacation accrual.

The President may approve a modified application of the regulation where circumstances warrant, not to exceed the earned annual leave for two years.

### **C. Sick Leave**

*Definition.* Sick leave is a benefit available to university employees who are employed half-time or greater and on at least a nine-month appointment period. Paid sick leave is not granted as vacation leave and can be used only when: (1) the employee is unable to perform the employee's regular duties because of sickness or injury or (2) for treatment by or consultation with a licensed health care provider.

Sick leave may also be granted to employees due to the death or serious illness of a member of the employee's immediate family. Immediate family shall mean the employee's parent, sibling, spouse, child (including an adoptive child), grandparent, grandchild, in-law, or any individual acting as a parent or guardian of the employee. Serious illness for the purpose of this policy includes pregnancy- and maternity-related health conditions.

*Requests for Sick Leave.* An employee shall be required to furnish to his or her supervisor a certificate from an attending health care provider for five or more consecutive days of sick leave and may be required to furnish a certification for purposes of the Family and Medical Leave Act (FMLA) for a serious health condition that continues for three or more consecutive days. An employee may also be required to provide a medical certification for other absences under a campus, division or unit attendance policy reviewed by the Office of General Counsel. A certificate

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from a Christian Science practitioner listed in the Christian Science Journal may be submitted in lieu of a physician's certificate.

Employees must make timely notifications to supervisors in the event that unscheduled sick leave is required, and regarding return-to-work procedures. Requests for sick leave shall be submitted in advance, unless the circumstances make this impracticable. In that event, a request for sick leave must be submitted within two days after the employee returns to work.

*Sick Leave Accrual.* An eligible, full-time (100%) employee accrues sick leave at the rate of eight hours for each complete month of service, up to a maximum annual carryover of 960 hours (120 days) on January 1 of each year. Eligible employees working less than full time accrue sick leave in the same proportion to time worked. Employees who are on leave without pay for 10 or more days do not accrue sick leave

*Use of Accrued Sick Leave*

*General.* Sick leave is granted on a basis of work days and not calendar days. It is deducted from the employee's accrued sick leave in increments of not less than one-fourth hour. Non-workdays such as weekends and holidays when the employee would not ordinarily work falling within a period of sick leave are not charged as sick leave.

Sick leave may be granted only for a period when the employee is in an appointed status. For the purpose of this policy, academic employees who are in paid status during the summer term will be considered to be in appointed status. For academic employees on less than a 12-month appointment, sick leave that begins during the Spring Semester shall not extend into the Summer Session and may resume in the Fall Semester if the employee is otherwise eligible for sick leave and has received a benefits eligible appointment for the Fall Semester.

Absence due to illness or disability, except in case of leave for pregnancy- or maternity-related health conditions, is charged first to sick leave, and next to any remaining available leave in the order dictated by payroll procedures.

*Workers Compensation and FMLA.*

An employee who is absent from work due to a temporary occupational injury or illness and who is entitled to Worker's Compensation Benefits may, upon proper application, utilize their accrued sick leave as a supplement to Worker's Compensation so as to receive weekly benefits from both sources equal to but not in excess of their normal weekly pay at the time of the injury or onset of illness. This option, when exercised, will reduce the employee's accrued sick leave on a basis proportional to the sick leave pay being claimed. An employee receiving Worker's Compensation benefits for a permanent disability is also eligible to utilize accrued sick leave. Sick leave shall run concurrently with leave taken under the Family and Medical Leave Act.

**D. Military Leave**

*Twelve-month Employees.* Twelve-month employees who are members of the National Guard or the Reserve Component of any of the branches of the Armed Forces of the United States, shall be granted a maximum of 15 days leave each calendar year for annual training requirements or other duties performed in an official duty status. Such leave shall be granted without loss of pay and in addition to regular leave time. Unused portions of military leave will be carried over into the succeeding calendar year with a maximum of 30 military leave days available in any one calendar year.

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*Nine-month Employees.* Nine-month academic and administrative employees are encouraged to take any needed military leave during the three months they are not under appointment to the University.

*Requests for Military Leave and Reemployment.* Each employee who requests military leave shall furnish a copy of his or her orders to the employee's vice chancellor or other University official responsible for the employee's department or academic unit. An employee who is recalled to active duty in the Armed Forces of the United States or who volunteers for military service that would exceed the employee's accumulated leave shall be placed on extended military leave without pay. For an employee whose tour of military duty is more than 30 days but less than 181 days, the employee must apply for reemployment within 14 days of the effective date of his or her release from active duty. For an employee whose tour of duty exceeds 181 days, the employee must apply for reemployment within 90 days of the effective date of his or her release from active duty. Employees who comply with the terms of this policy and the Uniformed Service Members Employment and Reemployment Rights Act (USERRA) shall be reinstated to the position vacated or to an equivalent position at no loss of seniority or any of the other benefits and privileges associated with their employment. An employee who accumulates five years of military absence as defined by USERRA forfeits his/her reemployment rights.

*Emergency Duty.* Military personnel called to duty by the Governor or by the President of the United States in emergencies, as defined by A.C.A. § 21-4-212(c), shall be granted leave with pay not to exceed 30 working days after which leave without pay will be granted. This leave shall be granted in addition to regular time but not in addition to regular military leave. Additionally, employees whose tour of duty exceeds 30 days may be eligible for proportionate salary payments in accordance with A.C.A. § 21-5-1202.

**E. Court and Jury Leave**

*Employees as Jurors.* Any employee serving as a juror shall be entitled to full University compensation in addition to any fees paid by the court for such services. Such absences shall not be counted as annual leave. Where service on a jury would substantially interfere with the execution of the University work schedule, the chief administrative officer of the campus may, after consulting with the University's Office of General Counsel, petition the judge in writing to exempt an employee from such service. However, if an exemption is denied or if no response is received prior to the date jury duty is to begin, the individual must report for jury duty. An employee who is summoned to serve on jury duty shall not be subject to discharge from employment, loss of sick leave or vacation time, or any other form of penalty as a result of his or her absence from employment due to such jury duty, upon giving reasonable notice to his or her supervisor of the summons. Employees serving as jurors should return to work as soon as their services are no longer needed by the court.

*Employees as Witnesses.* When an employee is subpoenaed as a witness it will be determined through the employee's administrative chain, in consultation with the Office of the General Counsel, if the employees' testimony is within the scope of their employment. Due to the nature of their employment, law enforcement employees may be treated differently. Employees who are called as witnesses for cases in which their testimony is in the scope of their employment are entitled to their salary with no charge to leave for their absence. Depositions or statements which involve the University may be taken during duty hours. Employees who are called as witnesses on

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matters outside of the scope of their employment shall take annual leave. Nine-month employees, if subpoenaed to testify on matters not related to the University or their scope of employment, will coordinate the scheduling of testimony with their administrative chain to ensure that the absence does not interfere with their University employment duties and is in keeping with applicable leave policies. Use of depositions is preferred for non-scope of employment testimony and should be handled during off-duty time or while the employee is in leave status.

*Employees as Expert Witnesses.* An employee who intends to serve as an expert witness in a legal matter must comply with University conflict of interest policies, which require disclosure and review of all possible conflicts of interest and commitments. This includes the requirement to comply with all applicable outside employment rules, including Board of Trustees Policy 450.1. Outside employment, which requires prior approval of all outside employment by all full-time faculty and specified staff members. Employees who are retained by a party or by a court as expert witnesses and paid a fee in excess of the normal witness fee set by statute or court rule shall take annual leave for the time required for such testimony. Employees who do not accrue leave should coordinate their absence with their administrative chain to ensure no disruption of their University employment duties.

**F. Bereavement Leave**

Employees may use sick leave when absent from work because of the death of a member of the employee's immediate family. Immediate family includes mother, father, sister, brother, husband, wife, child, grandchild, grandparents, in-laws, or any individual who acted as the employee's parent or guardian during childhood. If the employee wishes to attend the funeral of anyone outside the employee's immediate family, the employee must submit a request, as far in advance as possible, to the employee's supervisor. Absences will be charged to compensatory time first (if applicable), then annual leave.

**G. Educational Leave**

A regularly appointed employee may be granted educational leave by the President of the University on the following basis:

1. The employee will continue in the service of the University for a period of time as statutorily required or in the absence of a specific law, at least twice the length of his or her course of training. Any employee who does not fulfill these obligations shall be required to pay to the University the total cost or a proportionate share of the cost of the out-service training and compensation paid during the training period.
2. A written contract setting forth all terms of the agreement shall be signed by the employee and the President or Chancellor. The employee shall retain all rights in the position held at the time when the leave was granted or in one of comparable security and pay. The amount of salary paid during the training period will be agreed upon by the employee and the President or Chancellor but may not in any case exceed the regular salary paid the employee. Payments for tuition, fees, books, and transportation may be made only if such sums have been specifically appropriated by the General Assembly for such purposes. (Board Policy 420.7)

**H. Family Medical Leave Act**

In accordance with the Family and Medical Leave Act (FMLA) of 1993, the University provides

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eligible employees up to 12 work weeks or 480 hours of unpaid job protected leave, continuation of group health benefits (but the employee must continue to pay the employee's share of health benefit premium), and reinstatement to the same or equivalent job upon return from leave, unless identified as a highly compensated key employee.

*Leave Entitlement*

An eligible employee may take up to 12 work weeks of FMLA within a 12-month period measured forward from the first date an employee takes FMLA leave. The next 12-month period begins the first time the employee takes FMLA leave after the completion of the prior 12-month period. Leave granted under the FMLA will be counted against the annual 12 work weeks or 480-hour entitlement.

Eligible employees may take up to 26 work weeks of leave during a single 12-month period to care for a covered service member with a serious service-related injury or illness when the employee is the spouse, son, daughter, parent, or next of kin of the service member.

Under some circumstances, employees may take FMLA leave on an intermittent or reduced schedule basis. That means an employee may take leave in separate blocks of time or by reducing the time he or she works each day or week for a single qualifying reason. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the University's operations.

If FMLA leave is for the birth, adoption, or foster placement of a child, use of intermittent or reduced schedule leave requires the supervisor's approval.

*Eligibility Requirements*

An eligible employee is one who has at least 12 months of employment with a campus of the University within the last 7 years. The 12 months of employment do not have to be consecutive. In addition, the employee must have worked at least 1,250 hours during the 12-month period immediately preceding the beginning of the leave, and experienced an FMLA-qualifying event. FMLA Qualifying Events Eligible employees may take FMLA for one or more of the following qualifying events:

- The birth of a child and to bond with or care for the newborn child within one year of birth;
- The placement with the employee of a child for adoption or foster care, and to bond with or care for the newly-placed child within one year of placement;
- To care for the employee's spouse, child, or parent who has a serious health condition, including incapacity due to pregnancy and for prenatal medical care;
- For a serious health condition in which the employee is unable to perform the essential functions of his or her job, including incapacity due to pregnancy and for prenatal medical care; or 30
- For any qualifying exigency arising out of the fact that a spouse, child, or parent is a military member on covered active duty or call to covered active duty status.

An employee's spouse, child, or biological parent are immediate family members for the purposes of FMLA.

The FMLA defines a "son or daughter" as a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis. The in loco parentis relationship exists when an individual intends to take on the role of a parent to a child who is under 18, or 18 years of age or older and incapable of self-care because of a mental or physical disability. Supporting documentation may be required as proof of the parent/child relationship. For questions regarding qualifying relationships, contact the Department of Human Resources.

*Notification Requirements*

An employee must provide at least 30 days' advance notice to the immediate supervisor or the

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Department of Human Resources before FMLA leave is to begin if the need for leave is foreseeable. If a 30-day notice is not practicable, notice must be given as soon as possible. Additionally, when scheduling medical treatments or related activities, the employee should work with the immediate supervisor to attempt to schedule times that will fit the employee's needs and least interrupt operations of the department.

*Departmental Expectations*

When an employee has been away from work more than three consecutive working days, a supervisor or departmental leave administrator should contact the Department of Human Resources on the employee's behalf to start the FMLA process.

*Requesting FMLA Leave*

An employee should request FMLA by completing the Family and Medical Leave Request Form and submitting the signed form to the Department of Human Resources.

*Medical Certification*

Eligible employees must provide a completed Certification of Health Care Provider Form and submit it to the Department of Human Resources within 15 calendar days. Failure to provide the certification may result in denial of FMLA until the completed certification is received. The University may request re-certification for continual FMLA usage.

In cases in which the University designates leave as FMLA, the employee will receive written notification of that decision.

*Concurrent Leave*

The FMLA does not mandate payment for leave. However, UA Little Rock requires employees to use any available accrued leave, which will run concurrently with FMLA. 31 The accrued leave is used for as much of the twelve (12) week period as it will cover before an employee moves into an unpaid leave status. In cases of maternity leave, the employee may elect to use unpaid leave without exhausting accrued paid leave. All applicable accumulated paid leave must be exhausted before Leave without Pay (LWOP) will be granted except for maternity leave requests. Leave is used in the following order:

- earned sick leave
- earned vacation leave
- earned compensatory leave
- leave without pay

*Employee Benefits*

The University will continue health benefits for an employee on FMLA designated leave, but the employee must continue to pay the employee's share of the health benefit premium. An employee on unpaid FMLA leave must make arrangements to pay the employee's share of the premium. If the employee does not continue to pay the employee portion of the premium, the insurance may be canceled. If an employee goes into an unpaid status, the employee will be expected to pay the employee's portion of benefits to keep the benefits active.

The Department of Human Resources will remit a billing invoice for benefit payments. These payments will be made to the UA Little Rock's Bursar's Office. The University's obligation to maintain health benefits under the FMLA ceases when an employee informs the employer of the employee's intent not to return from leave, the employee fails to return from leave, or the employee exhausts FMLA entitlement.

The University will recover any premium payment missed by the employee and may recover the University's share of premiums if the employee fails to return to work or if leave expires, except in certain stipulated circumstances.

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An employee may choose not to retain insurance coverage during FMLA. However, upon returning to work, the employee is entitled to reinstatement on the same terms as prior to taking the leave. Employees who have questions regarding their benefits while on leave should contact an HR Benefits representative.

*Job Restoration*

When an employee returns from leave, the FMLA requires an employer to restore the employee to the same or equivalent job. The job must have the same pay, benefits, and working conditions, unless the employee is identified as a key employee.

*Returning to Work*

If FMLA is granted for the employee's own serious health condition, the employee must provide a statement from the healthcare provider stating that the employee is able to return to work. The medical release must be submitted to the Department of Human Resources on or before the return-to-work date. Any work restrictions must be identified on the statement and approved prior to returning to work. The work restrictions or modified duty may not be available in all departments. An employee may be dismissed if the employee fails to report to work promptly at the expiration of the approved FMLA period. If the employee is unable to return to work, the employee must contact the Department of Human Resources and the department supervisor prior to the end of the approved leave or the day the employee is scheduled to return to work to discuss leave options. If an accommodation is needed, the employee is encouraged to follow the University's Americans with Disabilities Act (ADA) procedures.

*Retaliation*

FMLA protects employees from interference and retaliation for exercising or attempting to exercise their FMLA rights.

*Leave Abuse*

Any employee who knowingly and/or purposefully provides false information in an attempt to gain approval of FMLA may be subject to disciplinary action, up to and including termination. Any employee who knowingly abuses the use of approved FMLA leave for the purpose of monetary gain, recreational pleasures, or any such actions that are deemed contrary to the basic intent of the Family and Medical Leave Act (FMLA) may be subject to disciplinary action, up to and including termination.

*Working While on FMLA*

Employees approved for FMLA are expected to be unable to perform their job duties while on leave. If an employee performs work during continuous FMLA or outside of the agreed upon intermittent period, the employee may be subject to disciplinary action, up to and including termination. If an employee works for another employer during the approved leave period, the employee may be subject to disciplinary action, up to and including termination.

Employees forfeit the benefits of FMLA by resignation or termination of employment with the University.

**I. Off-Campus Duty Assignment**

The Chancellor of the University is authorized to assign staff members to duties at locations other than the campus when the relocation is to the benefit of the University.

If you are a faculty member or a non-classified administrator who has completed six years of

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continuous full-time employment with the University or six years of continuous full-time service since a previous Off-Campus Duty Assignment, you may apply for an Off-Campus Duty Assignment. The application must be prepared in accordance with campus regulations available from the Vice Chancellor for Academic Affairs and must describe the project which you wish to undertake, where it is to be done, and the anticipated value to you and to the University. To be approved, the proposed assignment must be consonant with the needs, objectives, and mission of the campus.

The Off-Campus Duty Assignment is a privilege, not a right. A limited number may be approved by the Board of Trustees each year upon the recommendation of the Chancellor and the University of Arkansas System President. Assignments should not exceed one semester (or six months for employees on twelve-month appointments) at full salary, or two semesters (or one year for those on twelve-month appointments) at half salary. Within sixty days after returning from an Off-Campus Duty Assignment, you must submit a written report of your activities and accomplishments during the Off-Campus Duty Assignment. In accepting the Off-Campus Duty Assignment, you agree to return to the University for at least one year following the end of the assignment.

**J. Children Educational Activities Leave**

All full-time employees shall be entitled to eight (8) total hours of leave (regardless of the number of children) each calendar year for the purpose of engaging in and traveling to or from the educational activities of a child. An educational activity is a school-sponsored activity. For purposes of this policy, child generally means a person enrolled in an educational program for prekindergarten through grade twelve (pre K-12) who is of the following relation to the employee: natural child; adopted child; stepchild; foster child; grandchild; ward; or any other legal capacity in which the employee is acting as the parent for the child. Child also includes a person over the age of eighteen (18) who meets the foregoing criteria and has a developmental disability as defined by Arkansas law, or who has declared legally incompetent.

Unused leave may not be carried over to the next year and is not payable to the employee at the time of termination.

**K. Leave without Pay**

*Approval of the President and Duration*

The President's approval, upon the recommendation of the chancellor or chief executive officer is required for any employee's request for a leave of absence without pay, unless such leave is requested in accordance with the provision for military leave, the Family and Medical Leave Act, or the Americans with Disabilities Act, in which case the request may be approved by the chancellor, chief executive officer, or a designee.

Leave of absence without pay shall not exceed six months, provided that the President may under special circumstances approve leave without pay for an additional six months.

*Limitations*

Leave without pay is not to be granted, except in the case of a maternity-related health condition (See Section IV. B. of Board Policy 420.3), until all of the employee's accumulated annual leave has been exhausted, and any employee on a leave of absence without pay does not accumulate annual leave, participate in the group insurance programs to which the University makes a contribution, or receive pay for any legal holidays. An employee may continue participating with the insurance programs provided arrangements are made in advance with the campus human

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resources office to assume full payment of the premium costs.

*Disciplinary Actions*

The chief executive office of a campus, division or unit may place an employee in a leave without-pay status for disciplinary reasons consistent with other Board and UA System Policies and Procedures and in accordance with the written employment policies of the unit involved. In this instance, the individual is not required to exhaust annual leave and sick leave before being placed in leave-without-pay status.

**8. COMPENSATION POLICIES AND PROCEDURES**

**A. Payroll Distribution**

Payroll is issued semi-monthly on the 15th and the last day of each month. If either of these days falls on a Saturday, Sunday, or holiday, checks will be available on the Friday or the last working day before the weekend or holiday. Checks are distributed by the cashier's office to the department, or through direct deposit.

**B. Direct Deposit**

The payroll process is entirely paperless for all employees. to include graduate assistants, full time, and adjunct employees. The paperless process includes pay checks and earnings statements. Upon hire all employees must complete a payroll election form and return it to the Payroll Office.

Workday allows employees to access and print information about their check, direct deposit, earnings statements, and W-2 from the employee profile after each payroll cycle is completed. Employees can login and examine the information online and print copies of pay information processed within a twelve-month period and W-2 information for a two-year period. For more information, contact the Payroll office.

**C. Career Service Recognition**

*Purpose*

Arkansas law allows the state to recognize the longevity of state employees and non-faculty employees of institutions of higher education for years of service to the state.

*Specific Provisions*

Employees and non-faculty employees of institutions of higher education who meet the eligibility requirements shall be eligible for annual career service recognition payments on the anniversary date of the completion of such service according to the following schedule:

<b>Career Service</b>	<b>Annual Payment</b>
10 through 14 years of state service	\$800
15 through 19 years of state service	\$1000
20 through 24 years of state service	\$1200
25 or more years of state service	\$1500

To receive the full amount of the recognition payment, the service must have been in either elected positions or regular full-time positions, classified or non-classified.

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Employees who work part-time in regular salary positions may receive annual career service recognition payments on a pro rata basis.

Periods of authorized leave without pay and leave of absence for military service when veteran's reemployment rights are exercised shall not negate eligibility for the payment.

The Chief Fiscal Officer of the State shall make the determination that there are sufficient funds available for career service recognition payments to be made.

Career service recognition payments shall be subject to withholding of all applicable state and federal taxes. Career service payments shall be included by retirement systems in determining benefits.

**D. Fair Labor Standards Act**

A regular work week is forty hours, and overtime work for classified employees is generally not allowed unless it is necessary. If the workload in a department necessitates working beyond regular hours, overtime payment may be made with the prior approval of the supervisor and appropriate vice chancellor for non-exempt employees defined by the Fair Labor Standards Act, or for the performance of non-exempt work by an exempt employee, or compensatory time may be granted to the employee.

Overtime pay is calculated at a rate of one and one-half times an employee's regular hourly pay for each hour worked over forty hours in a work week. Paid holidays, vacation, sick leave, or other leave shall not be counted as hours worked. Equivalent time-off should be granted to employees working on a holiday or other regularly scheduled day off. An employee's entitlement to earn overtime pay depends upon whether he or she is classified as an exempt or a non-exempt employee, and the type of work performed by the employee exceeding the forty-hour work week.

It is the employee's responsibility to notify Human Resources and the department head immediately of any salary payment errors, including overpayments. Pay advices are issued in advance of payday to help you identify such errors before the erroneous salary payments are made. Department heads are expected to assist and cooperate fully with Human Resources and the Payroll Office in efforts to recover salary overpayments.

It is the policy of the state of Arkansas and of the university that an individual may not profit from an error in paying an employee or vendor. The university will vigorously pursue collection of all salary overpayments from former employees in the same manner as it pursues other debts to the university. Salary overpayments that are not repaid immediately will be referred to the Arkansas Department of Finance and Administration overpaid wages to be collected from the employee's state income tax refunds.

To reduce the likelihood of salary overpayments to terminating employees, payments for accumulated annual leave will not be made until the 15th of the month following your last work day. During this time, you and your department are responsible for ensuring the accuracy of your leave record.

If a salary overpayment is made while the employee is still employed by the university, the overpayment will be deducted from the employee's next pay deposit or check.

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Any funds owed the university may be deducted from the employee's paycheck or from other payments due, such as payment for accrued, or unused leave at the time of termination. A repayment plan may be set up with the department owed to prevent an involuntary payroll deduction. If you are no longer employed, your final settlement with the university will be for the entire amount owed.

**E. Offset of Amounts due to the University by an Employee (Employee Debts)**

Pursuant to Board Policy 405.2, UAPB has the right to set off amounts due to UAPB by an employee against amounts due and payable to the employee.

*Offset Right and Limitations*

The University shall have the right to set off against any amounts due and payable to an employee, including a student employee, those liquidated amounts due and payable by the employee to the University for any reason. Amounts owed by the employee, and categories which may be appropriate for voluntary payroll deductions, may include, but are not limited to, parking charges and fines, rent, tuition, fees, travel advance overages, and other charges or category of payroll deductions approved by the President. In the case of involuntary set off the University may apply the offset, and then pay the net amount remaining to the employee in full satisfaction of his or her wages or other amount due as follows:

- A. If the amounts owed by the employee to UAPB were the result of money advanced to the employee or misappropriation by the employee of money or personal property belonging to the university, the university may set off amounts owed to the University against all wages or other money owed to the employee.
- B. In all other cases of offsets against an employee's wages, the University may only set off amounts owed the University against those wages which are above the statutory minimum hourly wage.
- C. If the amounts owed to student employees constitute payments for work-study or are student loans under a program guaranteed or established by the U.S. Government, any set off shall be subject to laws and regulations governing those programs.
- D. The University may also set off amounts owed to the University against any other sums owed to an employee.

**F. Garnishments and Salary Liens (UASP 440.9)**

Any employee is subject to having wages and/or other amounts due seized by a court order of garnishment or by a governmental lien. UAPB is required to comply with an order of garnishment where it is issued after a legal judgment has been entered against the employee-debtor. Governmental liens such as those arising from claims for unpaid taxes and from bankruptcy claims must also be honored.

For garnishments against compensation due an employee, federal law restricts the amount which may be seized for any work week to twenty-five percent of disposable earnings, or the amount by which disposable earnings exceed thirty (30) times the federal minimum hourly wage, whichever is less, and subject to certain restrictions.

Upon receipt of two orders of garnishment, two salary liens, or a combination of one of each type of seizure against the salary of an employee during any period of twelve months starting from receipt of the first order, grounds shall be deemed to exist for termination of an employee.

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Multiple garnishment orders arising from the same debtor and same judgment shall be treated as a single garnishment, and multiple salary liens arising out of the same bankruptcy order or same debt for taxes due the same governmental unit shall be treated as a single salary lien. The Human Resources Office shall notify the immediate supervisor and chancellor when two orders are received concerning the same employee within a twelve-month period.

**9. BENEFITS**

**A. Health Insurance**

The University provides a self-insured medical plan that is administered by a third-party administrator. The University's medical plan is administered offers three options for coverage: 1) Health Savings Plan, 2) Classic Plan and 3) Premier Plan. All three medical plans:

- Offer a nationwide network of providers and facilities. The Health Savings Plan and Premier Plan offer coverage for out-of-network benefits.
- Cover preventive care in-network **at no cost to the employee**. This includes well-baby visits; routine physical exams, immunizations, mammograms, colorectal cancer screenings, Pap smears, nutritional counseling; and certain preventive care drugs. Some preventive care is subject to yearly limitations.
- Include [prescription drug coverage](#) through MedImpact, which has a nationwide network of pharmacies, including most national drug store chains and many independent pharmacies.
- 

Complete plan descriptions are available at: <https://benefits.uasys.edu/health-wellness/medical/>.

**B. Dental Insurance**

The University provides a self-insured dental plan administered by a third pay administrator. Premiums are cost shared by the university with the employee's share deducted from the employee's pay. The university's dental plan offers coverage for preventive, basic and major services, and orthodontia services. The annual maximum benefit per person per calendar year is \$1,750.

All information on the plan description coverage and claims is available at:

[Dental | University of Arkansas System Benefits Faculty and Staff Benefits || University of Arkansas at Pine Bluff \(uasys.edu\)](#)

**C. Life Insurance**

The university provides basic term life insurance at no cost to employees who are active, regular appointed employees not in a student title and who works at least 20 hours a week. The employee must complete an enrollment form and designate beneficiaries. The plan pays beneficiaries a benefit equal to the employee's annual salary, up to a maximum of \$50,000. When the employee's pay increases, coverage is automatically adjusted. For employees age 70 or older, benefits will be reduced. The benefits section of Human Resources can provide further information about this and other insurance benefits.

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An employee may buy additional life insurance through the university for him/herself and dependents. Employees pay the full cost of this coverage, and must enroll within 31 days after the first day of work, unless proof of insurability is provided. Optional life insurance increases the employee's coverage, and pays the beneficiaries amounts equal to one, two, three or four times the employee's annual salary, up to a maximum of \$500,000.

Dependent life insurance is available for the employee's spouse and eligible dependents. The policy allows the employee to choose \$10,000, \$15,000 or \$20,000 coverage on a spouse. Eligible dependents are biological children, adopted children, stepchildren, and children for whom the employee have legal guardianship and are under age 26. Eligible children are covered for 50% of the spouse's coverage.

Accidental Death and Dismemberment Insurance is available for eligible dependents. If the employee or a covered dependent die as the result of an accident, on or off the job, the beneficiary will receive a benefit based on the amount of coverage the employee selects. The employee may choose coverage for him/herself in increments of \$25,000 up to \$300,000. If dependent coverage is chosen, the spouse's coverage is 60% of the employee's amount, and each eligible dependent is covered for 20% of the employee's amount. The plan may also pay partial benefits if a covered person is seriously injured or loses a limb or eyesight.

**D. Long-Term Disability Insurance**

The University pays the full cost of basic long-term disability insurance policy for active, regular appointed employees who works twenty hours a week or more. Coverage is automatic, starting with the first day of work. Employees with an annual salary of more than \$20,000 may purchase additional optional long-term disability coverage to increase benefits. The employee will pay the total cost of the optional coverage, which will be deducted from the employee's paycheck. Both the basic and optional long-term disability insurance policies are designed to coordinate with other forms of disability insurance, such as social security and workers' compensation, to provide total monthly payments, until the employee retire or reach age 65, equal to 60% of the employee's salary before becoming disabled. Payments begin in the seventh month of long-term disability.

**E. Vision Insurance**

Employees on a regular appointment of 50% or greater, are eligible to enroll in a separate group vision care plan that covers eye examinations, glasses, and contact lenses. There is a copay and some limitations on frames, lenses, and lens coatings. Employees do not have to be enrolled in the group medical insurance plan to participate in the vision care plan. The University will continue to offer this plan only if there is sufficient enrollment. An eye examination is offered every year under the University's health insurance plan, with a co-pay of \$25.

For more information go to: [Vision | University of Arkansas System Benefits Faculty and Staff Benefits || University of Arkansas at Pine Bluff \(uasys.edu\)](#)

**F. Employee Assistance Program**

The University provides an Employee Assistance Program (EAP) for all employees who are 50% appointed or greater and who are not students. Employees and their immediate family members who live in the same household may use the EAP's services. The EAP is designed to help identify and resolve personal and job-related problems that may affect job performance. These include health, marital, family, financial, legal, emotional, stress, alcohol, drug, and other similar concerns.

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The EAP also offers training sessions and workshops that address personal and organizational issues that may affect work performance and provides consultation for supervisors dealing with a variety of work-related issues. The EAP will provide stress debriefing in the event of a critical incident that affects the campus.

Use of the EAP is voluntary. Choosing to participate in the programs of the EAP, or not to participate, will not affect job status or opportunities for promotion, but it will also not excuse an employee from following University policies and procedures concerning job performance and conduct. The employee may decide to make an appointment to visit the EAP or the supervisor may refer an employee to the EAP if there are problems with work performance or conduct at work. However, it is the employee's choice to accept or not accept your supervisor's referral to the EAP. It is the employee's choice to accept the decision of the EAP if it refers the employee to another source of help. It is also the employee's responsibility.

All aspects of contact with the EAP are confidential and will not be disclosed without the employee's written authorization. An exception is that state and federal laws require, for example, that the EAP report to the appropriate authorities if a threat is made to the employee or someone else's life. EAP records are maintained in the EAP offices and will not become a part of, or be referred to personnel files, benefits file, medical file, or any other file that may be accessed by any individual, department, or organization.

Employees may visit the EAP during work hours if visits are coordinated with the supervisor. Annual leave or sick leave will not be charged if arrangements are made with the supervisor. The EAP may confirm to the supervisor that the appointment was kept and how long the appointment lasted, but not what was discussed during the appointment or the reason for the visit with the EAP. The EAP can schedule appointments outside of work hours or accrued sick leave or annual leave may be used if you the employee wishes to keep visits to the EAP confidential.

The services of the University's EAP are free to all benefit eligible employees and members of their household. If the EAP makes a referral to an outside provider, the employee will be responsible for any costs associated with those services that are not covered by the employee's medical insurance.

Visit or call the benefits section of Human Resources Department for additional information.

**G. Tuition or Registration Fees Remission**

**I. Eligibility**

All full-time active employees, not on leave without pay other than workers compensation, military, or family medical leave, employed as of the final day of regular registration in any particular session or semester, their spouses, and their dependent children (as defined by the Internal Revenue Service) are eligible. Surviving spouses, who have not remarried, and dependent children of deceased employees who died while in the full-time employment of the University of Arkansas are also eligible. All enrollees must meet normal admissions requirements, and audits should be on a space available basis only. For employees hired after May 1, 2017, eligibility as described above shall begin with the final day of regular registration following continuous employment in a full-time position with the University for one complete fall or spring semester.

**II. Transferability**

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The tuition waiver benefit is available to any employee, employee's spouse, or employee's dependent children at any on-campus unit of the University of Arkansas regardless of the site of employment. Individual units may also allow tuition waivers in specified off-campus classes when enrollment in the class in which enrollment is sought already has sufficient student enrollment by full-fee paying students to meet the minimum enrollment (as established by the offering unit) to recover the costs of offering the class. Waiver benefits are applicable to web based or distance education courses offered through any campus unit of the University of Arkansas. Waiver benefits are applicable to tuition only. All applicable fees are to be paid in full for any enrollment. The waiver benefit is applicable to credit classes only.

III. Extent of Waiver

- A. Employees may take up to 132 undergraduate semester credit hours at any UA academic institution at 50% of the cost of tuition. A Chancellor or chief executive officer may offer a greater employee discount or offer an employee waiver for graduate degree programs or offer waivers for additional hours for employees enrolled in programs at the employee's campus. A Chancellor or chief executive officer may also choose to reimburse a percentage of tuition for employees taking undergraduate or graduate courses at another UA academic institution. If a campus elects to offer reimbursements or additional waivers, the campus or unit must first adopt a policy that has been approved by the Office of General Counsel.
- B. Employees of the University of Arkansas System office, the Cooperative Extension Service, the Agricultural Experiment Stations, the UAMS Area Health Education 440.1 2 Centers, and other divisions and units that do not offer undergraduate degree programs shall designate one campus as the "employee's campus" for purposes of this policy. The designated campus shall remain the same for the term of employment unless the site of employment changes. These employees should receive the same employee and/or dependent tuition waiver available for undergraduate education on the designated "employee's campus" that is available for employees of the designated campus. These employees may only receive a waiver or reimbursement for graduate education tuition if their employing unit adopts a policy to offer this benefit through reimbursement to either the employee or the campus where the employee is enrolled.
- C. Spouses and dependent children may take up to 132 undergraduate semester credit hours and receive a 50% tuition discount at the employee's campus or 40% tuition discount at any other campus within the University of Arkansas. A student may not receive discounts as both an employee and as a spouse or dependent child of an employee. A Chancellor or chief executive officer may offer a greater tuition discount for the spouse/dependents of employees on their home campus. If a campus or unit elects to offer a greater discount, the campus or unit must first adopt a policy that has been approved by the Office of General Counsel.
- D. Further Guidance for Tuition or Registration – Fees Remission (UASP 445.1)
  1. Purpose

The following guidelines are in furtherance of Board Policy 440.1, which extends educational benefits at reduced rates to full-time employees, their spouses and dependent children.
  2. Guidelines
    - A. Employee Enrollment and Work Assignment Responsibility

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1. Employee enrollment at reduced rates shall not exceed eleven semester credit hours per semester.
2. All enrollment at reduced rates shall be approved by an authorized supervisor.
3. This policy does not assume that release time from regular working hours will be automatically permitted. Release time is not a right but a privilege that is granted at the authorized supervisor's discretion. Many factors, including but not limited to, the employee's performance, direct applications of the course work to the employee's position, overall benefit of the course work to the employee and the institution, and maintenance of office hours and functions to the students, faculty, staff, and general public are considered prior to the granting of release time. All requests for release time must be approved by the authorized supervisor and may be subject to additional approval requirements established by the campus or unit.
4. Exceptions to A.1 may be granted by the chief executive officer of the campus or unit upon recommendation of the employee's authorized supervisor and the chief academic officer; if such exceptions are for enrollment at a campus or unit other than the site of employment, the chief executive officer of the receiving unit, or designee, must also approve the exception.

**B. Spouse and Dependent Enrollment**

Spouses and dependent children establish eligibility using forms established by the University. The forms are for use in approving employment enrollment and establishing spouse and dependent eligibility.

**C. Employee's Enrolled in Degree Programs Prior to May 1, 2017**

Employees continuously enrolled in a degree program at reduced rates under Board Policy 440.1 prior to May 1, 2017, will receive their original discount level as long as they remain continuously enrolled in the degree program. Continuous enrollment is defined as a degree-seeking student who completes at least three credit hours in a given calendar year.

## **H. Retirement Benefits**

All employees on the university payroll are eligible to participate in an unmatched 403(B) on a voluntary basis, and Roth 403(b). Employees not eligible for benefits may make voluntary contributions but will not receive employer contributions to their plan. TIAA-CREF and/or Fidelity Investments may be selected as retirement plan options. Within the IRS limits, employees may enroll, end, increase, decrease or suspend contributions at any time.

Employees with a half-time or greater appointment and are not a student employee, graduate assistant, or adjunct are eligible for retirement benefits under the University's 403(b) and 457(b) defined contribution plans or the Arkansas Public Employee Retirement System defined benefit plan. If the employee's initial appointment with the University started on or before January 1, 1994, the employee is included in the University's plan, unless the employee specifically elects, within 31 days of appointment, the alternative coverage offered by the Arkansas Public Employee Retirement System. The choice made within 31 days of appointment is irrevocable. It cannot be changed later. The employee must complete all enrollment documents for the plan chosen. Participation will begin on the first day of the month coinciding with or following enrollment.

The University will contribute an amount equal to five percent of the employee's regular salary to the retirement account. In addition, the University will match the employee's contribution, up to ten

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percent. The university will contribute an amount equal to a certain percentage of an employee's regular salary to an employee's retirement account. UAPB will match an employee's contribution up to a maximum of ten percent. The employee may elect to make retirement contributions in pre-tax dollars, by completing a salary reduction agreement that designates the percentage of regular salary he/she chooses to contribute to his/her retirement account. That amount will be credited to the retirement account before federal and state taxes are deducted. Contributions are subject to limitations under the Internal Revenue Service code.

The current funding sponsors for the University's 403(b) and 457(b) defined contribution plans are Teachers Insurance and Annuity Association - College Retirement Equities Fund (TIAA1CREF) and Fidelity Investments. Funds are transferable within and among several investment fund choices. Specific information is available from the Human Resources Office.

Contributions to a retirement account are immediately vested for a faculty member, non-classified staff member, and classified staff members whose initial employment was before January 1, 1985, and who made contributions prior to that date. Effective January 1, 2014, employee vesting occurs after one year of employment. Employees who work for the University in positions not normally eligible for benefits may participate in the retirement plan, but they will not receive matching contributions from the University.

Visit or call the benefits section of the Human Resources Department for additional information.

## **I. Flexible Spending Accounts**

The University offers flexible spending accounts, under a Section 125 cafeteria plan, which allows you to use pre-tax dollars to pay for medical care and care for dependents. Each year, you may designate a portion of your salary which will be placed in an individualized account before federal, state, and social security taxes are deducted. You may then be reimbursed from your account for eligible health or dependent care expenses. The flexible spending account may allow you to reduce your taxes while increasing your spendable income. There are two types of flexible spending accounts:

- a. The medical care reimbursement account can be used to pay certain out-of-pocket medical expenses not covered by your insurance plans, such as unreimbursed dental expenses, medical expenses, copayments, coinsurance, annual deductibles, and prescription cost.
- b. The dependent care reimbursement account can be used to pay those costs for care of your dependents that allow you and/or your spouse, if you are married, to work. Expenses that are eligible for reimbursement include day care or after-school care expenses for your child who is under age 13 and care for your spouse or other adult dependent who is incapable of self-care.

Although you may set up both types of account, you may not use your medical care reimbursement account to pay for dependent care nor your dependent care reimbursement account to pay for medical expenses. It is important, therefore, to estimate your needs for each purpose as accurately as possible at the beginning of every year and to anticipate any changes that may occur during the calendar year, such as your pre-school child starting kindergarten in the fall. If you do not use your annual elected amount for medical or childcare reimbursement, during that allotted year, you will lose it.

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**J. Wellness Programs**

The University of Arkansas at Pine Bluff has two wellness programs to aid in the physical, mental, social and financial well-being of our employees.

*Mission Statement*

The mission of the University of Arkansas wellness program, (On Life) is to improve the health of University of Arkansas faculty, staff, and covered spouses through empowerment, education, and participation.

*Vision*

By providing the employees and families of the University of Arkansas with tools that empower them to make better health and lifestyle choices, the health and wellbeing of these beneficiaries will be increased. By preventing diseases that are linked to unhealthy behaviors and thereby avoiding the complications that develop, the health care costs for the University of Arkansas will be decreased thus making health care more affordable for those who participate.

*Confidentiality*

Personal health information disclosed through participation in the wellness program will be subject to all HIPAA confidentiality guidelines. No individual identifiable health information will be disclosed to the University of Arkansas. Only aggregated and summary data will be reported in order for the University of Arkansas Health Plan to establish priorities in developing wellness goals and initiatives.

*Goals*

- Empower employees to make positive health choices by assisting individuals at risk for the development of certain diseases (diabetes, hypertension, heart disease) through a voluntary, confidential Personal Health Assessment (PHA).
- Provide a Health Action Plan to assist those at risk based on data from Personal Health assessments.
- Offer counseling on lifestyle changes through health coaching.
- Provide individuals with the opportunity for cost savings in medication copayments through participation in disease management programs.
- Promote use of zero out-of-pocket cost for preventive care services and early screenings.
- Foster and support campus individuality in system supported program.
- Foster and empower employees to have improved communications with primary care physicians.

The University of Arkansas at Pine Bluff Wellness program, **Black and Gold, Fit and Bold** mission is to promote and improve the wellness of the campus community by empowering each employee to become physically active and demonstrate health-promoting behaviors with Page 2 of 2 the intent that the benefits gained individually and collectively by each employee will be compounded and manifested throughout the campus community.

*The goals of the program are to:*

Promote physical activity, healthy behaviors and wellness among members of the campus community. Educate employees on the benefits of physical activity and healthy behaviors and/or risk factors associated with chronic disease and reduced health/wellness.

Offer programs emphasizing awareness, prevention, and positive health behavior changes.

*To achieve these goals, it is the aim of the program to:*

Provide on-campus physical activity programs and promote other opportunities on UAPB campus and in the community that encourage employees to be active.

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Provide materials for knowledge and skills to improve and maintain health that may enhance academic and/or work performance.

The **Black and Gold, Fit and Bold Program** offers various physical activities to our employees throughout the year for a small fee. Some of those physical activities include line dancing exercise, water aerobics, aerobics, Zumba, and lap swimming. The community may participate in these activities for a fee. Visit or call the benefits section of the Human Resources Department.

### **K. Unemployment Compensation**

The University of Arkansas at Pine Bluff contributes to the state unemployment insurance fund, and under certain circumstances, an employee be eligible for unemployment compensation benefits when the employee is no longer employed by the University. A claim for unemployment benefits may be filed at the Department of Workforce Services.

### **L. Workers' Compensation**

If an employee becomes injured or ill while at work due to a work-related incident, the employee may be eligible to receive Workers' Compensation. Workers' Compensation is available by law to ensure that employees get appropriate and reasonable medical care for injuries or illnesses sustained while you are on the job. Should your injury or illness require that you take an extended period of absence from work, you may be eligible for disability benefits through Workers' Compensation. Leave taken because of a serious health condition for which Workers' Compensation benefits are received will be designated as Family and Medical Leave if it meets the definitions. Workers' Compensation claims are submitted to the Office of Risk Management. Determination and payment of claims is made by the Public Employee Claims Division located in Little Rock.

Procedure for Reporting and Treatment of an On-the-Job Injury or Illness When an incident occurs which may have resulted in an employee being injured, please follow these procedures: If the employee indicates that he/she does not need medical treatment follow these procedures:

- a. Have the employee complete, sign and date an incident report. The form is located on Human Resources' website  
[http://www.uapb.edu/administration/finance\\_administration/human\\_resources.aspx](http://www.uapb.edu/administration/finance_administration/human_resources.aspx)
- b. b. Keep the incident report form on file in your department. If the employee later indicates he/she needs medical treatment, call the toll free number (1-855-339-1893) for workers' compensation claims reporting and follow the steps for reporting the injury and send a copy of the completed incident report form to the Public Employee Claims Division at 1- 501-371-2733.

If the employee indicates that he/she needs medical treatment, follow these procedures:

- a. If it is a life-threatening emergency, call 911 and obtain medical care for the injured employee as soon as possible. The supervisor should call the toll free number (1-855-339- 1893 to report the claim as soon as medical treatment is secured for the employee.
- b. If it is not a life-threatening emergency, the employee (and the supervisor, if he or she is available), should call the toll free number (855) 339-1893 to report the injury (This service is available 24 hours/day 7 days/week). When calling the toll free number please have the code for your agency (QR132) that is printed on the wallet cards or posters (distributed by the Human Resources Office) to provide to the Company Nurse Representative.

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- 1) The injury information will be taken and entered into a database and forms will be prepared by the Company Nurse. The injured employee (and/or supervisor, if available) will speak to a Registered Nurse (RN) who will triage the injury and direct the injured employee to receive care in an appropriate medical facility in the state's preferred provider organization (PPO).
- 2) Within minutes of conclusion of the reporting phone call, the forms are e-mailed to the designated person in the Human Resources Office at the state agency who is responsible for making sure the Workers' Compensation Commission Form N and PECD Form 1 are reviewed for accuracy and signed by the injured employee.
- 3) As soon as possible, the injured employee should come to the Human Resources Office to sign and date or make changes to the Form N and PECD Form 1. The injured employee should sign and date both the front and back of the Workers' Compensation Form N. Human Resources or the agency designated contact should make sure the Workers' Compensation Commission Form I-A1 and PECD Form 2 are accurate. Human Resources will submit the completed and signed forms to the Public Employee Claims Division at (501) 371-2733.
- 4) Human Resources or the agency designated contract will provide the injured employee with a temporary prescription form to take to the pharmacy to fill any prescriptions issued by the treating physician for the workers' compensation injury. This form will be faxed to the Public Employee Claims Division by the Human Resources Office.
- 5) Please submit to the WC Claims Analyst or WC Claims Specialist with the Public Employee Claims Division handling the claim at 501-371-2724 or Human Resources any information provided by the physician's office regarding your medical condition including, follow-up appointment dates; diagnosis of the injury or illness; prognosis for recovery; any specific work restricts; and the date you can return to full duty.
- 6) Whenever there is a change in the employee's work status after the initial reporting of the injury – either being taken off work by the physician or returning to work, you should notify the WC Claims Analyst or WC Claims Specialist with the Public Employee Claims Division handling the claim at 866-278-8066 (toll free) or the Human Resources Office.
- 7) If you have any questions regarding the claim, please contact the WC Claims Analyst or WC Claims Specialist at the Public Employee Claims Division of the Arkansas Insurance Department designated to handle the claim.

Injured employees are entitled to receive reimbursement for mileage for trips to and from medical treatment and to and from the pharmacy related to compensable workers' compensation claims. The Public Employee Claims Division does have a mileage reimbursement form available for the injured employee to use in submitting their reimbursement requests.

Contact Information: Toll Free Number for Reporting Claims 1-855-339-1893 (This service is available 24 hours a day, 7 days a week). Claims Administrator Public Employee Claims Division, Arkansas Insurance Department, 1200 West Third Street Little Rock, AR 72201. Phone: (501) 371-2700 main number, (866)278-8066 toll free, (501) 371-2724 fax (bills, forms, physician reports, statements, etc.) (Hours: 8 am to 4:30 pm – Monday through Friday.

## **10. SEPARATION OF EMPLOYMENT**

### **A. Resignation**

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If an employee wants to terminate employment with the University of Arkansas at Pine Bluff, the employee should give a at least two weeks advanced written notice to the supervisor or administrative head of the department. A response notice of acceptance or rejection of the resignation should be given to the employee within five working day of receipt of the letter of resignation. An employee who voluntarily terminates employment with proper advance notice, whose work record has been satisfactory, will be considered for re-employment.

The employee must return to the supervisor any UAPB property, including but not limited to keys, cellular phones and computers or related equipment the employee has in his/her possession before any refunds are made or the final check is released. Receipt of resignations shall be addressed in accordance with Board of Trustees Policy 405.3.

## **B. Termination**

### Administrative Employees

The President of the University shall serve at the pleasure of the Board of Trustees, unless otherwise provided by contract. The vice presidents, members of the System staff, and the Chancellors or chief executive officers of each campus, division or unit shall serve at the pleasure of the President, unless otherwise provided by contract. Vice chancellors, associate vice chancellors, and assistant vice chancellors shall serve at the pleasure of their appropriate Chancellors or chief executive officer, unless otherwise provided by contract. Similarly, associate vice presidents, assistant vice presidents, and department heads shall serve at the pleasure of the Vice President for Agriculture, unless otherwise provided by contract. Persons in such positions are “at-will” employees and may have their employment terminated by the university for convenience at any time or may be dismissed immediately for cause. Although a dismissal for cause may be effective immediately, an administrator may seek review of a for-cause dismissal in accordance with the policies of the campus, division or unit. If no review policy applies, the administrator shall have the opportunity to seek, within five (5) working days of dismissal, review of the matter to the chief executive of the campus, division, or unit, or a designee selected by the chief executive, who shall make a final decision on the for-cause termination.

### Faculty Employees

- A. Faculty members who have been awarded tenure have a right to continuous employment except for a disciplinary suspension, dismissal for cause (according to the procedures in Section IV., C. of Board Policy No. 405.1) or for termination in the event of demonstrably bona fide financial exigency, reduction or elimination of programs, retirement, resignation, or job abandonment.
- B. Faculty members in tenure-track positions who have not been awarded tenure, may be terminated at the end of the appointment period by a written notice, given in advance, according to the following schedule of time: When a tenured faculty member is serving in an administrative position as contemplated by this section, only the tenured faculty member’s administrative position is “at-will”. (See definition in Board Policy 405.1.) [405.1 Appointments, Promotion, Tenure, Non-Reappointment, and Dismissal of Faculty - University of Arkansas System \(uasys.edu\)](#)
  - i. For the first year of service, not later than March 1, if the appointment expires at the end of that academic year; or at least three months in advance of its termination if the appointment expires at some other time during the year.
  - ii. For the second year of service, not later than December 15, if the appointment expires at the end of that academic year; or at least six months in advance of its termination if an appointment expires at some other time during the year.

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- iii. After the second year of service, at least twelve months before the expiration of the terminal appointment. The terminal appointment will be for the academic or fiscal year, according to the appointment last held by the individual.

These termination notice periods are those specified under IV.B., "Non-Reappointment", in Board Policy 405.1. In addition to termination as outlined here, these employees may be dismissed for cause, or terminated in the event of demonstrably bona fide financial exigency, reduction or elimination of programs, retirement, resignation, or job abandonment pursuant to Board Policy 405.1.

- C. Clinical or other non-tenure track faculty who have received a multi-year term appointment under merit-based campus procedures approved by the President, may be terminated upon the expiration of their appointment or under campus procedures for such purpose, or they may be dismissed for cause by written notice of the chief academic officer of the campus, division, or unit, following verbal or written notice and opportunity to respond. Although the dismissal for cause may be effective immediately, the faculty member may, within five (5) working days of dismissal, appeal such termination directly to the Chancellor or chief executive officer of the campus, division or unit, with such decision to be final, or appeal in accordance with the grievance policies of the campus, division or unit. Further, such faculty may be terminated in the event of demonstrably bona fide financial exigency, reduction or elimination of programs, retirement, resignation or job abandonment. Terminations for bona fide financial exigency, reduction or elimination of programs, retirement, resignation or job abandonment are not appealable or grievable events.
- D. Other faculty members and other academic employees in positions for which tenure may not be awarded (part-time faculty in the ranks of assistant professor, associate professor, professor, University professor, and distinguished professor; clinical, research, teaching adjunct, or visiting faculty; research associates or research assistants; instructors, advanced instructors, senior instructor, master lecturers and lecturers; executive in residence; professor of practice and faculty in clinical attending positions at the University of Arkansas for Medical Sciences notwithstanding that such faculty may be designated as assistant professor, associate professor or professor) are considered "at will" employees and may be terminated for convenience at any time, or dismissed for cause by written notice by the chief academic officer or other senior designee of the campus, division or unit, following verbal or written notice and opportunity to respond. Although a dismissal for cause may be effective immediately, employees under this section may seek review of a for-cause dismissal in accordance with the review policies of the campus, division, or unit. If no review policy applies, these employees shall have the opportunity to seek, within five working days of dismissal, review of the matter to the chief executive of the campus, division, or unit, or a designee selected by the chief executive, who shall make a final decision on the for-cause termination. For appointments through June 30, 2018, termination for convenience is effected by giving written notice at least 60 days in advance of the date the employment is to cease. Thereafter, termination for convenience is effected by giving written notice at least 30 days in advance of the date the employment is to cease.

Staff Employees-Appointed or Regular Positions

All staff employees of the university, whether full-time or part-time, who are appointed or hold regular positions, are "at-will" employees and may have their employment terminated by the university for convenience at any time or may be dismissed immediately for cause. In the case of grant termination or loss of appropriated funds, termination may be immediate. Although a dismissal for cause may be effective immediately, a staff member may seek review of a for-cause dismissal in accordance with the review policies of the campus, division, or unit. If no review policy applies, the

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staff member shall have the opportunity to seek, within five working days of dismissal, review of the matter to the chief executive of the campus, division, or unit, or a designee selected by the chief executive, who shall make a final decision on the for-cause termination.

All Other Employees and Student Workers (excluding Graduate Assistants)

All other employees (for example, temporary and hourly employees who do not hold an appointed or regular position) and student workers (excluding Graduate Assistants, who are addressed in Board of Trustees Policy 500.1) may be terminated at any time without advance written notice. While advance written notice is not required, termination should be communicated to the employees and documented.

Non-Eligibility for Rehire.

Pursuant to Board Policy 405.3, an employee who has been dismissed for cause as defined by the policy or who has been designated by a University of Arkansas System campus, unit or division as not eligible for re-hire shall not be eligible for re-employment within and of the University of Arkansas Systems' campuses, units or divisions. (UASP 405.6) [UASP 405.6, Termination of Employment \(uasys.edu\)](#)

**C. Termination Pay**

When an employee terminates employment and clears the university, the amount due from unused accrued annual leave not exceeding thirty days or 240 hours, any accrued compensatory time accrued as a result of authorized overtime work, and any accrued holiday time, if the employee is non-exempt, will be paid to the employee on the 15<sup>th</sup> of month following employee's termination date. If the employee is transferring to another state agency or institution of higher education, the employee will be paid for any accrued unused compensatory time. Annual leave will be transferred. Sick leave balance will also be transferred for an employee transferring to another state agency or institution of higher education. . If an employee dies while an active employee, payment for leave due the employee will be made to the employee's estate.

**D. Consolidated Omnibus Budget Reconciliation Act (COBRA)**

When an employee is terminated for any reason other than as a result of gross misconduct while covered by the health insurance plan, or if an employee reduces his/her workload to a part-time position and is no longer eligible for coverage under the health insurance plan, the employee may continue coverage, at his/her own expense, for up to eighteen months or until the employee is covered by another plan, whichever comes first, under the provisions of the federal Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA). Covered dependents may also be eligible for COBRA coverage under certain circumstances.

**E. Voluntary Retirement Incentives for Tenured Faculty (Board Policy 425.6)**

*Program Description*

The Board of Trustees is authorized by Arkansas law 1 to offer voluntary retirement incentives ("Program Incentives") to tenured faculty members in order to effect a net savings in personnel costs. An employee's participation in the University of Arkansas Voluntary Early Retirement Incentives Program for Tenured Faculty (the "Program") is optional and may not be mandated. Likewise, the decision to grant or withhold Program Incentives is at the discretion of the Board.

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Only tenured faculty members of a campus, unit or division of the University of Arkansas are eligible for Program Incentives under this policy. Program Incentives may be made available when a savings to the University can be demonstrated and the terms and circumstances of the proposed retirement would not be detrimental to the University or its programs, or to the department, campus or unit from which the individual is retiring. A retirement agreement and the Program Incentives will be evidenced by a written agreement (the "Program Agreement") which includes the faculty member's immediate retirement and relinquishment of tenure.

Each Program Agreement is subject to Board approval and shall be on a standard form approved by the General Counsel of the University.

*Minimum Requirements*

To be eligible for Program Incentives, a tenured faculty member must meet the following minimum requirements:

- 1 May not be on leave-without-pay, receiving long-term disability benefits, or receiving workers'-compensation benefits for total disability, unless applicable law restricts or forbids consideration of one of these requirements;
- 2 Is age 55 or older on the effective date of Program Agreement, and
- 3 Has at least 15 years of continuous service in a tenured or tenure track faculty position with the University of Arkansas or the University of Arkansas System Office on the effective date of the Program Agreement. 1 Ark Code Ann. § 24-7-101 2 The following apply to the determination of whether the minimum requirements are met: "Tenured or tenure track faculty position" shall have the meaning assigned in Board Policy 405.1. For purposes of the Program, individuals who held a tenured faculty position prior to or contemporaneous with the assumption of administrative duties such as in connection with the positions of President or other System administrator, Chancellor, Vice Chancellor for Academic Affairs, Dean, or Department Head/Chair, and who continue to hold tenure throughout their employment as administrators, shall be considered as holding a tenured or tenure track faculty position during such period of administrative service. "Years of service" will be calculated in whole year increments. Service time in leave without-pay status will not be counted in computing years of service. In the case of an individual on a twelve-month appointment, fractions of years of service that are six months or less will be rounded down to the next lowest full year of service, and fractions of years of service that are greater than six months will be rounded up to the next highest year of service. In the case of an individual on less than a 12-month appointment, years of service will be calculated with the fall and spring semester each representing half a year. "Service ...with the University of Arkansas" means service at any of the campuses, units or divisions of the University of Arkansas or at the University of Arkansas System Office. Service time spent in an authorized off campus duty assignment is counted in computing continuous years of service. Authorized leave-without-pay status is not a break in continuity of service unless at the time leave begins the faculty member has accumulated a combined total of more than three years of authorized leave without pay during the immediately preceding 15 years of service.

*Program Requirements*

Program Incentives are only available when the proposed Program Agreement will provide a net savings in personnel costs within seven years of the effective date of the Program Agreement. Net

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savings in personnel costs will be determined by aggregating the annual cost savings for each year of the seven-year period. A. Annual cost savings for each year will be calculated using the following formula: Annual cost savings = Retention Cost - (Retirement Cost + Replacement Cost). For purposes of this calculation: "Retirement Cost" means the cost of all employee compensation and any other benefits to be paid under the Program Agreement, plus the anticipated 3 cost of compensation, benefits and other employment related costs for future part-time teaching or research of the retiring faculty member. If the retiring faculty member proposes to continue in or return to employment in any capacity with the University at any time during the seven years immediately following retirement, the proposed work schedule and duty assignments must be identified when calculating Retirement Cost. "Replacement Cost" means the estimated salary, fringe benefits and other employment related costs of the individual or individuals who will be employed to fill the position or responsibilities of the retiring faculty member; "Retention cost" means the current annual salary and fringe benefits cost of the retiring faculty member, including any increases in salary or fringe benefits approved prior to the effective date of a Program Agreement.

*Available Incentives*

The value of incentives that can be received under a Program Agreement may not exceed the lesser of the current annual salary of the retiring faculty member or the amount of the net savings in personnel costs. The faculty member's current annual salary shall be based upon the academic year (for faculty members on less than a 12- month appointment) or fiscal year (for faculty members on twelve-month appointment).

Available benefits may take several forms including, but not limited to:

1. Stipend without requiring work;
2. Wages for part-time work, not exceeding 19 hours per week, provided such employment is not prohibited by law;
3. Contribution to the faculty member's account in the University of Arkansas 403(B) Retirement Plan,
4. Eligibility for continued participation in such University benefits programs as are available to similarly situated retirees,
5. Payment to the faculty member for the cost or some portion of the cost of the faculty member's participation in the University's available retiree benefit programs. Payment will be based upon the University's costs of such a program.

Any return to employment with any campus, unit or division of the University not specifically identified in the Program Agreement requires the written approval of the President of the University. Wages for part-time work are included in Retirement Cost when calculating Annual Cost Savings.

*Voluntary Retirement Incentive Program Procedures and Approval*

Any tenured faculty member meeting the minimum qualifications listed in this policy may request participation in the program. The request must be submitted in writing by the faculty member to the head of the faculty member's department or unit. Each campus will be responsible for developing and informing faculty of a time schedule for submission of voluntary retirement incentive requests.

The terms of the proposed Program Agreement (which must be consistent with this policy) should be discussed between the faculty member and the head of the faculty member's department or unit. Each campus, unit or division may also designate one or more individuals to consult with the faculty member

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in evaluating the Program Agreement. The designated campus, unit or division representative is not authorized to furnish legal, tax or other professional advice to the faculty member.

In developing the Program Agreement each faculty member must be apprised of any rights under the Age Discrimination in Employment Act and the Older Worker's Benefit Protection Act and must be advised to seek the advice and counsel of attorneys, accountants, tax professionals and others who can provide the faculty member with information to assist in making an informed decision. In all cases, the faculty member shall be given at least 45 days to consider participation in the Program, unless the faculty member waives this requirement in writing. Waivers shall be in a standard form approved by the General Counsel of the University.

If the faculty member and the head of the faculty member's department or unit agree on an voluntary retirement incentive request that is consistent with this policy, a Program Agreement in a standard form approved by the University's General Counsel shall be completed and forwarded for approval through the unit's administrative channels, together with a letter of recommendation from the appropriate Chancellor or Chief Executive Officer, to the President of the University. Each Program Agreement must be accompanied by:

A statement signed by the requesting faculty member assuring University officials that the faculty member's participation in the Program is voluntary; and

A voluntary retirement incentive "early retirement worksheet," in a form substantially corresponding to the form attached to this policy. E. Each Program Agreement must be approved by the Board prior to the effective date of retirement of the faculty member.

*Special Campus Program Approval by President*

The Chancellor or Chief Executive Officer of any campus, unit or division may submit for the President's approval a proposal for a special voluntary retirement incentive program applicable only to tenured faculty members at that campus, unit or division. Such a proposal may provide for benefits or incentives for a limited period of time beyond the benefits set forth in this policy. The proposal may also modify the eligibility criteria described in this policy and may include an option for relinquishment of tenure under a phased retirement agreement whereby the faculty member reduces workload over a period of not more than three years. Incentive payments for a phased retirement proposal may include special allowances and/or payment for ail or a portion of insurance coverages. Any such proposal must be consistent with Board Policy and applicable law, must meet the general purposes set forth in this policy, and must be justified by the Chancellor or Chief Executive Officer of any campus, division or unit with such substantiation as the President might direct.

**F. Voluntary Retirement Incentives for Non-Tenured Faculty**

*Program Description*

The Board of Trustees is authorized by Arkansas law 1 to offer to non-tenured faculty and staff voluntary retirement incentives ("NTFS Program Incentives") in order to effect a net savings in personnel costs. An employee's participation in the University of Arkansas Voluntary Early

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Retirement Incentives Program for non-tenured faculty and staff (the "NTFS Program") is optional and may not be mandated. Likewise, the decision to grant or withhold NTFS Program Incentives is at the discretion of the Board.

Only non-tenured faculty and staff of a campus, unit or division of the University of Arkansas are eligible for NTFS Program Incentives. NTFS Program Incentives may be made available during a specific period of time approved by the President (the "Window Incentive Period"), when a savings to the University resulting from an eligible employee's retirement can be demonstrated, and when the terms and circumstances of the proposed retirement would not be detrimental to the University or its programs, or to the department, campus or unit from which the individual is retiring. A retirement agreement and the NTFS Program Incentives will be evidenced by a written agreement for each participating individual (the "NTFS Program Agreement") that includes the employee's immediate retirement.

Each NTFS Program Agreement is subject to Board approval and shall be on a standard form approved by the General Counsel of the University.

*Minimum Requirements*

To be eligible for NTFS Program Incentives, an employee must meet the following minimum requirements:

- A. May not be on leave-without-pay, receiving long-term disability benefits, or receiving workers' - compensation benefits for total disability, unless applicable law restricts or forbids consideration of one of these requirements; 1 Ark Code Ann. § 24-7-102 2
- B. Is age 55 or older on the effective date of the NTFS Program Agreement; and
- C. Has at least 15 years of continuous full-time employment with the University of Arkansas or the University of Arkansas System Office on the effective date of the NTFS Program Agreement. The term "full-time employment" means appointment on at least a half-time basis.

The following apply to the determination of whether the minimum requirements are met:

"Years of service" will be calculated in whole year increments. Service time in leave without-pay status will not be counted in computing years of service. In the case of an individual on a twelve-month appointment, fractions of years of service that are six months or less will be rounded down to the next lowest full year of service, and fractions of years of service that are greater than six months will be rounded up to the next highest year of service. In the case of an individual on less than a 12 month appointment, years of service will be calculated with the fall and spring semester each representing half a year.

"Service ...with the University of Arkansas" means service at any of the campuses, units or divisions of the University of Arkansas or at the University of Arkansas System Office.

Service time spent in an authorized off campus duty assignment is counted in computing continuous years of service.

Authorized leave-without-pay status is not a break in continuity of service unless at the time leave begins the employee has accumulated a combined total of more than three years of authorized leave without pay during the immediately preceding 15 years of service.

*Program Requirements*

The NTFS Program will only be available during a Window Incentive Period approved for the employees of a specific campus, unit or division. To implement the NTFS Program, the Chancellor or

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Chief Executive Officer of a campus, unit or division will submit to the President for approval a program applicable only to employees of the specific campus, division or unit who also meet the minimum qualifications ("Eligible Employees"). The proposal for a Window Incentive Period shall provide for benefits or incentives to be available for a limited period of time. The proposal may modify the eligibility criteria described in this policy upon a demonstration of substantial necessity. Any such proposal must be consistent with Board Policy and applicable law and must be justified by the Chancellor or Chief Executive Office of the campus, division or unit with such substantiation as the President might direct.

NTFS Program Incentives are available to an Eligible Employee only during an approved Window Incentive Period and only when the proposed NTFS Program Agreement will provide a net savings in personnel costs within seven years of the effective date of the NTFS Program Agreement. Net savings in personnel costs will be determined by aggregating the annual cost savings for each year of the seven-year period.

The aggregate cost of NTFS Program Incentives that may be offered is limited by Arkansas law. In the event that requests for NTFS Program Incentives exceed this limit, requests will be considered in the order that written requests are received by the campus, unit or division human resources office.

- A. Annual cost savings for each year will be calculated using the following formula:  
Annual cost savings= Retention Cost- (Retirement Cost+ Replacement Cost). For purposes of this calculation:

"Retirement. Cost" means the cost of all employee compensation and any other benefits to be paid under the NTFS Program Agreement, plus the anticipated cost of compensation, benefits and other employment related costs for future part-time teaching or research of the employee.

If the employee proposes to continue in or return to employment in any capacity with the University at any time during the seven years immediately following retirement, the proposed work schedule and duty assignments must be identified when calculating Retirement Cost

"Replacement Cost" means the estimated salary, fringe benefits and other employment related costs of the individual or individuals who will be employed to fill the position or responsibilities of the retiring employee;

"Retention cost" means the current annual salary and fringe benefits cost of the retiring employee, including any increases in salary or fringe benefits approved prior to the effective date of an NTFS Program Agreement

- B. The maximum dollar value of benefits that can be received under an NTFS Program Agreement shall be an amount established by the campus, unit or division for a Window Incentive Period and approved by the President, or such lesser amount as is necessary to show a cost savings to the University within seven (7) years.

*Available Incentives*

- A. The Value of incentives that can be received under an NTFS Program Agreement may not exceed the lesser of the current annual salary of the retiring employee or the amount of the net savings in personnel costs. For the purpose of this calculation, the employee's current annual salary shall be based upon the academic year (for faculty members on less than a 12-month appointment) or fiscal year (for employees on twelve-month appointments).

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- B. Available benefits may take several forms including, but not limited to:
  - 1. Stipend without requiring work,
  - 2. Wages for part-time work, not exceeding 19 hours per week, provided such employment is not prohibited by law,
  - 3. Contribution to the employee's account in the University of Arkansas 403(B) Retirement Plan,
  - 4. Eligibility for continued participation in such University benefits programs as are available to similarly situated retirees,
  - 5. Payment to the employee for the cost, or some portion of the cost, of the employee's participation in the University's available retiree benefit programs. Payment will be based upon the University's costs of such programs.
- C. Any return to employment with any campus, unit or division of the University not specifically identified in the NTFS Program Agreement requires the written approval of the President of the University.

*Voluntary Retirement Incentive Program Procedures and Approval*

- A. Following the announcement of an approved Window Incentive Period an Eligible Employee may request participation in the NTFS Program. The request must be submitted in writing by the employee to the head of the employee's department or unit and to the campus, unit or division human resources office. Each campus, unit and division will be responsible for developing, and informing employees of, a time schedule for submission of voluntary retirement incentive requests.
- B. The terms of the proposed NTFS Program Agreement (which must be consistent with this policy) should be discussed between the employee and the head of the employee's department or unit. Each campus, unit, or division 2 Wages for part-time work are included in Retirement Cost when calculating Annual Cost Savings. 5 may also designate one or more individuals to consult with the employee in evaluating the NTFS Program Agreement. The designated campus, unit or division representative is not authorized to furnish legal, tax or other professional advice to the employee.
- C. In developing the NTFS Program Agreement each employee must be apprised of any rights under the Age Discrimination in Employment Act and the Older Worker's Benefit Protection Act and must be advised to seek the advice and counsel of attorneys, accountants, tax professionals and others who can provide the employee with information to assist in making an informed decision. In all cases, the employee shall be given at least 45 days to consider participation in the NTFS Program, unless the employee waives this requirement in writing. Waivers shall be in a standard form approved by the General Counsel of the University.
- D. If the employee and the head of the unit agree on an voluntary retirement incentive request that is consistent with this policy, an NTFS Program Agreement in a standard form approved by the University's General Counsel shall be completed and forwarded for approval through the department or unit's administrative channels, together with a letter of recommendation from the appropriate Chancellor or Chief Executive Officer, to the President of the University. Each NTFS Program Agreement must be accompanied by:
  - 1. A statement signed by the requesting employee assuring University officials that the faculty member's participation in the Program is voluntary; and
  - 2. A voluntary retirement incentive "early retirement worksheet," in a form substantially corresponding to the form attached to this policy.

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- E. Each NTFS Program Agreement is contingent on approval by the Board prior to the effective date of the employee's retirement. November 22, 2019

**G. Retrenchment**

Retrenchment is a reduction in programs and/or services which results in the termination of employment because of (1) a bona fide financial exigency or (2) formal academic planning including Board approved changes in institutional missions, substantial program changes, (pursuant to UA System Board Policy 620.1), or major reallocations of resources for academic or support services. In the implementation of retrenchment, fair and humane treatment of faculty, staff, and students is of great concern. Serious efforts shall be made to relocate affected faculty and staff in other parts of the program area or in a different program area of the same campus or division. See UA System Board Policy 405.5.

**11. CAMPUS SERVICES**

**A. Security**

The Police and Public Safety Department provides 24-hour professional police services to the UAPB community. Security cameras are located throughout the campus, as well as emergency telephones with direct access to the Department. The Department may also be reached by calling 575-8102 or by dialing 911 on campus. The Department should be contacted in the case of emergencies such as automobile accidents, medical emergencies or violent assaults. The Department also provides assistance with crowd control for UAPB-sponsored events.

**B. Health Services**

In the case of an emergency, health services support will be available for faculty, staff and visitors.

**C. Parking**

A faculty member, staff member and students who operate a motor vehicle on campus is required to register the vehicle with the Police and Public Safety Department - Parking Division, and purchase a parking permit. There is an annual fee for the permit which can be paid through payroll deduction. A limited number of designated parking permits are available at a higher fee.

**D. Arkansas AM&N College Federal Credit Union**

Founded in 1952, Arkansas A. M. & N. College Federal Credit Union is a not-for-profit financial cooperative owned and controlled by its members who save and borrow money. Membership is limited to University of Arkansas at Pine Bluff employees and their spouses. As a member, an employee is eligible to select from several saving options, borrow at low cost and take advantage of consumer friendly benefits not offered by other financial institutions. Savings and loan payments may be made through payroll deduction. The credit may be reached at (870) 534-1990 or at [Arkansas AM & N College FCU \(virtualcu.net\)](http://ArkansasAM&NCollegeFCU.virtualcu.net).

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**E. Health Physical Education Recreational (HPER) Complex**

Swimming pool, handball/racquetball courts, tennis courts, dance studio, resistance exercise room, arena and lecture room are the basic activity areas available to faculty and staff members. Use of the dance studio, swimming pool, resistance exercise room, basketball court for walking and jogging, and lecture hall are generally free of charge to currently enrolled UAPB students, current, retired, part-time and emeritus faculty and staff upon presentation of valid UAPB identification. Use of the tennis courts and the handball/racquetball courts is available at a reduced rate for the above-mentioned groups. Reservations must be made through the building manager. Scheduled classes have priority use of classrooms, conference rooms and arena. Meetings and other activities may be held in these rooms when not used for classes upon approval of the building manager.

**F. Library Reference Services**

Telephone reference services for faculty and staff members, and walk-in services for students, are available in the library. Bibliographies are prepared for faculty members, and computer searches of various national databases are conducted in cooperation with the Computer Center. Scheduled tours and lectures on the use of the library are conducted for faculty members, classes and students.

**G. Laboratory School**

The Laboratory School, which is required by the State for Home Economics Education programs, is available to children of faculty and staff members, and to the general public on a first-come-first serve basis. Children aged two-and-a-half years to five years of age before October 1 are eligible to attend. The maximum capacity of the Laboratory School is twenty-eight children. Operating hours are 8:00 a.m. to 4:00 p.m. For further information concerning the Laboratory School, the chair of the Human Sciences Department should be contacted.

**H. Food Service**

Dining facilities are available for faculty, staff, students and guests at the casual meal rate during the three meal periods each day. Hours are subject to change during holidays and summer sessions. Catering services are available upon arrangement with the Food Service Manager.

**I. Building Use Policy**

University facilities exist for the primary purpose of serving a planned and scheduled program of educational activity. At times when not required in the regularly planned educational program, University facilities may be made available for extra-curricular use to colleges, departments, and other organizational units of the University; to organizations composed exclusively of faculty and staff; to organizations which exist solely for the benefit of the University; and to recognized student organizations with the approval of the faculty advisor.

University facilities under the law cannot be made available to other organizations for their own purposes. However, when a facility is in use neither for a regularly scheduled educational activity nor for an extra-curricular use by one of the University organizations listed above, the President or Chancellor is authorized to approve the use of the facility when such use serves the educational objectives of the University. It is an objective of the University to provide

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opportunities for University and broader communities to see and hear major leaders from throughout the state, nation, and world.

Speeches and debates by or on behalf of candidates for major state or national offices may be scheduled in University facilities under arrangements which allow reasonable opportunities for opposing candidates or points of view. It must be made clear that the University neither supports nor opposes the views stated by and/or the candidacy of such individuals.

*UAPB University Use Policy*

Physical spaces on the UAPB campus will be allocated in the best interests of the university in consultation with Facilities Management and the Division of Finance and Administration.

*The STEM Building and Conference Center Use Policy*

The STEM Building and Conference Center will house UAPB STEM academic programs. Space recommendations for the building use will be determined by the Vice Chancellor for Academic Affairs based on the greatest needs of the STEM academic units, the STEM Academy and the related needs of the university. The Dean of the School of Arts and Sciences will serve as the Building Manager. The building will be used throughout the day for traditional academic uses. The STEM Academy will be given priority on scheduling the Conference Center. However, the Conference Center will be available for scheduling for campus-wide use when it is not scheduled by the STEM Academy or one of the STEM academic units. Biology Department offices will be relocated to the STEM Building. STEM academic departments and the STEM Academy program will have first rights to the Conference Room. However, the main meeting room and kitchen area will not be exclusively used by these units and programs. Like other rooms on campus, they will be available to be scheduled for faculty and staff use when they are not in use for university-endorsed STEM purposes. First rights do not imply exclusive rights or bumping rights for space that has been properly requested and approved.

**K. Vehicle Use Policy**

*Purpose*

The University of Arkansas at Pine Bluff vehicle driver safety program is intended to ensure maximum safety for all drivers and passengers of University of Arkansas at Pine Bluff vehicles by minimizing accidents and injuries resulting from vehicle incidents; eliminating the operation of unsafe vehicles; providing adequate training to all University of Arkansas at Pine Bluff drivers; and defining clear lines of responsibility for vehicle safety.

The purpose of this policy is to inform employees of the University of Arkansas at Pine Bluff of the uniform procedures and guidelines to be followed for operation of University owned vehicles, vehicles rented or leased for use for official University business, or private motor vehicles used to conduct University business.

Divisions should define those positions that contain employees who drive as a condition of employment or on a frequent basis. Before an applicant is hired for one of these positions, an MVR check should be conducted.

*Policy*

All campuses within the University of Arkansas System Risk Management Program must participate in the on-line Arkansas State Vehicle Safety Program. The Arkansas Department of Finance and Administration sponsors this Program and participation is at no cost to the campuses.

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The University of Arkansas at Pine Bluff is currently checking the Motor Vehicle Record (MVR) on employees who must drive as a condition of employment. An employee is eligible to drive a University of Arkansas at Pine Bluff vehicle if he/she has a valid driver's license for the vehicle being driven. Those drivers who accumulate 10 points or more as assigned by the State Office of Driver Services will be subject to appropriate disciplinary action if the accumulation of points has a detrimental effect on their abilities to perform their university duties. Drivers who accumulate 14 points or more will not be allowed to operate a University of Arkansas at Pine Bluff vehicle until after a period of suspension, reference appendix c.

Pool vehicles must be signed out and operated within the territory approved. Maintenance policies are established by the motor pool, Department of Facilities Management at each campus following manufacturers suggested vehicle preventative maintenance programs. Employees are encouraged to use "pool" vehicles rather than personal vehicles. Use of personal vehicles must be approved by a supervisor. Drivers who accumulate excess points may lose the privilege of having access to a State Vehicle. Assigned vehicles should be used primarily for "official business". Personal use is strongly discouraged.

The University of Arkansas at Pine Bluff strongly discourages use of cell phones while driving. If an employee receives a call while driving, the employee should pull over to complete the call if this can be done in a safe manner or wait and return the call once the vehicle has stopped. Same applies to handheld or hands free phones.

Drivers must report accidents and traffic violations to their supervisor as follows:

- a. When operating a state vehicle – within 24 hours of occurrence or by the following business day; and
- b. When operating a private vehicle on state business – within seven (7) days of the occurrence.

Defensive Driving Classes may be required for employees who have an accumulation of 14 points over a three-year period. Enrollment in, attendance at, and payment for Defensive Driving Classes are the responsibility of the employee. Drivers who have an at-fault accident must attend a Defensive Driving Class. Written confirmation that the course was completed must be provided by the employee to the Motor Pool in Facilities Management, and a copy to the employee's personnel file.

Drivers are personally responsible for resolving any parking citations received while using a state vehicle and for the payment of any parking fines arising from the use of a University Vehicle.

*Authorization to Operate University of Arkansas at Pine Bluff and Private Vehicles on University of Arkansas at Pine Bluff Business*

All drivers must maintain a valid driver's license appropriate for the vehicle to be driven, in accordance with the requirements of all applicable Arkansas State Laws. University of Arkansas at Pine Bluff Divisions and or Department Heads should contact the State CDL-Coordinator, Donna Morgan at DFA-Revenue Division-Office of Driver Services, phone number (501)-682-1434, to determine the specific driver's license that is required for the operation of each type of motor vehicle and the license requirements for non-resident drivers.

All drivers will be provided with copies of the University of Arkansas at Pine Bluff Vehicle Safety Program Driving Safety Tips.

Access to driving records for resident drivers will be provided through the SVS System (State of Arkansas Website) through Information Network of Arkansas. Driving records for non-resident drivers will be obtained by sending the Authorization to Obtain Traffic Violation Record to the Department of Finance and Administration, Office of Drivers Services. Please note that there is a 3 to 5 year look back period for driving record violations. The total points assigned to each violation will be used to initiate administrative action, not the overall point displayed on the SVS system. Any disciplinary employment action beyond what is described in the "Procedures" section below should be approved through legal counsel.

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*Student Drivers*

Student drivers should only be used to drive a University of Arkansas at Pine Bluff vehicle if a University of Arkansas at Pine Bluff employee is not available. Students driving a University of Arkansas at Pine Bluff owned, rented or leased vehicle for an authorized curriculum-related activity are covered under the University of Arkansas at Pine Bluff insurance policy provided they follow the guidelines listed below:

- a. at least 21 years of age,
- b. they are renting, leasing or driving a University of Arkansas at Pine Bluff vehicle for a school sponsored event and,
- c. the vehicle use has been authorized by a school or department,
- d. they have met the age requirements of the rental car company if applicable,
- e. they have met all requirements of this policy and have a completed and signed 'Authorization to Drive' form for the University of Arkansas at Pine Bluff Business on file with the Office of Human Resources,
- f. motor Pool will not issue a vehicle until clearance is received from the Office of Human Resources and,
- g. They meet the point requirements as outlined within this policy.

The University of Arkansas at Pine Bluff will not authorize or complete any Additional Insured Endorsement forms on behalf of student drivers.

*International Car Rentals*

When traveling for business internationally, a University of Arkansas at Pine Bluff traveler should accept the loss damage waiver (LDW) and liability coverage. The University of Arkansas at Pine Bluff will reimburse the traveler for these charges when traveling on University of Arkansas at Pine Bluff business.

*Personal Automobiles*

University of Arkansas at Pine Bluff employees or students using their own automobiles to travel on University of Arkansas at Pine Bluff business must maintain adequate insurance for their protection and for the protection of any passengers.

University of Arkansas at Pine Bluff will not reimburse employees or students for any vehicle repair costs or the deductible portion of their collision coverage. If driving your own vehicle, your policy must cover vehicle damage and is primary for liability.

*Reporting Accidents and Traffic Violations*

Drivers must report accidents and traffic violations to the Motor Pool within the Office of Facilities Management. When operating a University of Arkansas at Pine Bluff vehicle—within 24-hours of the occurrence or by the following business day. When operating a private vehicle on University of Arkansas at Pine Bluff business—within 7-days of the occurrence

*Backing of Vehicles*

Whenever possible, the driver will position his vehicle to avoid the necessity of backing later. Before entering the vehicle, the driver will check the rear clearance of the vehicle. The driver will not back the vehicle unless such movement can be made with reasonable safety and without interfering with other traffic.

The driver of a large vehicle with an obstructed view to the rear will not back such vehicle unless a spotter signals that it is safe to do so. Before and during backing movements, the driver will: (1)

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check blind zones for objects not visible in rear view mirrors; (2) watch both sides for proper clearance; and (3) back very slowly.

*Misuse of University of Arkansas at Pine Bluff Vehicles*

The following conditions are considered to be a misuse of University of Arkansas at Pine Bluff vehicles:

- a. Driving a University of Arkansas at Pine Bluff vehicle without authorization by proper campus officials.
- b. Driving without a valid Arkansas operator's license of the appropriate class for the type of vehicle being driven.
- c. Permitting a person not defined as a University of Arkansas at Pine Bluff authorized driver to drive a University of Arkansas at Pine Bluff vehicle.
- d. Noncompliance with traffic/motor vehicle laws and regulations.
- e. Unsafe practices, including failure to use and ensure that all passengers use all available safety equipment in the vehicle being operated. Safety equipment includes seat belts and/or shoulder harnesses.
- f. Falsification of travel logs, travel authorizations, defensive driver training program certificates, accident reports, or other forms relative to the use of the vehicle.
- g. Improper storage or parking of University of Arkansas at Pine Bluff vehicles.
- h. Personal use or allowing passengers other than persons directly involved with University of Arkansas at Pine Bluff business, except with the approval of employee's immediate supervisor for each trip.

Failure to comply with any law, regulation, or policy associated with the use of University of Arkansas at Pine Bluff vehicles, including the requirement that one must have satisfactorily completed a University of Arkansas at Pine Bluff approved defensive driver course.

*Procedures*

Administrative action is required as follows (See the "Assessment of Points" for the point values assigned for each moving violation by the Office of Driver Services):

- a. *Drivers who have accumulated 10 through 13 Points on their current Traffic Violation Report.* Authorization to drive to University of Arkansas at Pine Bluff business will be reviewed by the employee's supervisor and administrator. Recommendations will be made to the appropriate campus official, who will make the final decision. If denied authorization to drive on University of Arkansas at Pine Bluff business, the driver will be required to complete a defensive driving course. Once the course has been completed, the employee Page 5 of 6 may begin driving again.
- b. *Drivers who have accumulated 14 through 17 Points on their current Traffic Violation Report.* Authorization to drive on University of Arkansas at Pine Bluff business will be suspended for no less than five (5) working days. Authorization will be reinstated only after evaluation and approval by the appropriate campus official. A Defensive Driving Course must be completed within sixty (60) days after the suspension began.
- c. *Drivers who have accumulated 18 through 23 Points on their current Traffic Violation Report.* Authorization to drive on University of Arkansas at Pine Bluff business will be suspended for no less than ten (10) working days. Authorization will be reinstated only after evaluation and approval by the appropriate campus official. A Defensive Driving Course must be completed within sixty (60) days after the suspension began.

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- d. *Drivers who have accumulated 24 Points or more on their current Traffic Violation Report.* Authorization to drive on University of Arkansas at Pine Bluff business will be suspended for no less than twenty (20) days. Authorization will be reinstated only after evaluation and approval by the appropriate campus official. A Defensive Driving Course must be completed within sixty (60) days after the suspension began.
- e. *Drivers whose driving privileges have been suspended or revoked by the Office of Driver Services.* Will not be permitted to drive on the University of Arkansas at Pine Bluff business for the duration of the suspension or revocation. Drivers with restricted permits may be authorized to drive on University of Arkansas at Pine Bluff business as allowed by the restricted permit. Employees whose jobs require them to drive may face termination or other serious disciplinary action as a result of suspended, revoked, or restricted licenses.

Administrative action is required as follows (See the “Assessment of Points “for the point values assigned for each moving violation by the Office of Driver Services):

*Drivers who have accumulated 10 through 13 Points on their current Traffic Violation Report.* Authorization to drive on University of Arkansas at Pine Bluff business will be reviewed by the employee’s supervisor and administrator. Recommendations will be made to the appropriate campus official, who will make the final decision. If denied authorization to drive on University of Arkansas at Pine Bluff business, the driver will be required to complete a defensive driving course. Once the course has been completed, the employee may begin driving again.

*Drivers who have accumulated 14 through 17 Points on their current Traffic Violation Report.* Authorization to drive on University of Arkansas at Pine Bluff business will be suspended for no less than five (5) working days. Authorization will be reinstated only after evaluation and approval by the appropriate campus official. A Defensive Driving Course must be completed within sixty (60) days after the suspension began.

*Drivers who have accumulated 18 through 23 Points on their current Traffic Violation Report.* Authorization to drive on University of Arkansas at Pine Bluff business will be suspended for no less than ten (10) working days. Authorization will be reinstated only after evaluation and approval by the appropriate campus official. A Defensive Driving Course must be completed Page 6 of 6 within sixty (60) days after the suspension began.

*Drivers who have accumulated 24 Points or more on their current Traffic Violation Report.* Authorization to drive on University of Arkansas at Pine Bluff business will be suspended for no less than twenty (20) days. Authorization will be reinstated only after evaluation and approval by the appropriate campus official. A Defensive Driving Course must be completed within sixty (60) days after the suspension began.

*Drivers whose driving privileges have been suspended or revoked by the Office of Driver Services.* Authorization to drive on University of Arkansas at Pine Bluff business will not be permitted for the duration of the suspension or revocation. Drivers with restricted permits may be authorized to drive on University of Arkansas at Pine Bluff business as allowed by the restricted permit. Employees whose jobs require them to drive may face termination or other serious disciplinary action as a result of suspended, revoked, or restricted licenses.