

ISSUED: March 25, 2017
POLICIES **Responsible Official:** Vice President for Finance and Administration
 Responsible Office: Human Resources

Policy Statement

It is the policy of Austin Peay State University to provide efficient and appropriate administration of personnel.

Purpose

The following General Personnel Policy is hereby adopted to delegate to the president the authority and responsibility hereinafter specified concerning personnel, which the Board of Trustees finds to be necessary and appropriate for the efficient administration of the University, and to establish standards, guidelines, and reporting requirements for the exercise of the delegated authority.

Contents

Definitions

- Promotion
- Demotion
- Reclassification
- Lateral transfer
- Immediate Family

Procedures

- Responsibility and Authority
- Position Establishment
- Permanent Employment
- Temporary Employment
- Promotions, Demotions, and Transfers
- Emergency Hires
- Student Employment
- Affirmative Action Review
- Background Check Process
- Scope of Delegation

- Appointments
- Nature of Appointments
- Compensation
- Changes of Status and Terminations
- Personnel Transactions
- Budgetary Considerations
- Transaction Forms, Employment Agreements, Contracts and Letters of Agreement
- Immigration Expense Allowance
- Transaction Records and Reports

Links

- Fair Credit Reporting Act
- APSU College Work-Study Program
- APSU General Campus Work Program
- APSU PeopleAdmin User Manual

Definitions

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| Promotion | Defined as an increase in position or rank brought about by means of assuming the duties of a vacant position of higher classification, or assuming duties which warrant a reclassification of present position to one at a higher level. |
| Demotion | Defined as a decrease in position or rank brought about by means of assuming the duties of a vacant position of lower classification, the realignment of duties presently performed which warrant a reclassification of present position to one at a lower level, or the assignment of a position at a lower classification subsequent to the disciplinary procedure or disqualification from present duties as a result of mental or physical incapacity to perform the required work. |
| Reclassification | When an employee's duties and responsibilities change and may include an appropriate salary adjustment. |
| Lateral transfer | Defined as the assumption of duties of another position at the same level. |
| Immediate Family | Defined as any of the following named members of the employee's household at the time he/she reports for duty at his/her new official station: spouse, children (including stepchildren, adopted children, or foster children) unmarried and under 21 years of age or physically or mentally incapable of |

supporting themselves regardless of age, or dependent parents of the employee and the employee's spouse.

Procedures

Responsibility and Authority

The final responsibility and authority for the establishment of new positions and employment of personnel resides with the President (or as maybe delegated to the vice presidents and other university officials as the President designates). As a matter of practice, advertising for employment for all positions other than faculty will be done by the Office of Human Resources. The following provisions pertain to employment of all persons except faculty unless faculty are specifically mentioned.

The President is authorized to approve exceptions to the provisions of this policy when necessary to ensure completion of goals and objectives of the University.

Position Establishment

Any individual holding a position of budget authority and responsibility such as a vice president, dean, director, department head, or supervisor may initiate a request for the establishment of a new position. If the request is disapproved by the division head, it will not be submitted to the President for further consideration.

Permanent Employment

Permanent employment is defined as a regular employee who will be working for the University on a full or part-time basis for a period exceeding twelve (12) months. A new position must be approved by the Board of Trustees before an applicant can be hired for any permanent position.

Temporary Employment

Temporary employment is defined as an employee who will be working for the University on a full-time or part-time basis for a period which does not exceed twelve (12) consecutive months.

Unless an exception has been granted by the President or designee, temporary employees will be paid at a rate which does not exceed the rate paid to permanent employees with similar duties and responsibilities.

Temporary employees will not be employed longer than twelve (12) consecutive months. After a fourteen (14) day break in employment has occurred, the employee may be rehired if necessary using normal employment procedures.

**Promotions, Demotions,
and Transfers**

Promotions, demotions, or transfers of personnel from within the institution or of personnel from other State of Tennessee institutions can be used to fill an existing permanent position that is currently vacant. In order to use one of these methods the employee must meet all requirements for the new position. As these are non-competitive actions, they can be approved only within the parameters of the institution's Affirmative Action Plan and must be reviewed and certified by the Director of Equal Opportunity and Affirmative Action. An exception to the above will be allowed if the promotion, demotion, or transfer will assist the institution in meeting its goals for a given category of employment. In addition, any vacant position created by that promotion must be filled within the provisions of this Policy and applicable guidelines.

Emergency Hires

On occasion, there may be a requirement to fill a permanent position quickly because of previously scheduled activities or a demanding workload. When these situations occur, the position may be filled on an emergency basis without going through the advertising process. Emergency hires can extend no longer than one year. At the end of the year, or sooner if desired, the position must be advertised in order to fill it on a permanent basis. Requests for emergency hire will be submitted via PeopleAdmin as a Request to Fill an Existing Position (or such other mechanism as may be currently designated for use by the Office of Human Resources) and plainly notating that the request is for an emergency hire. Justification for the emergency hire will be documented upon submission. The justification must clearly outline the reason an emergency hire is necessary and explain any delays from the time the vacancy was identified until submission of the request. The President will be the final approval on all emergency hire requests.

Student Employment

Any student working on campus will be employed under the College Work-Study Program (CWSP) or the General Campus Work Program (GCWP). The Student Financial Aid Office assigns students working under CWSP and the Office of Human Resources assigns student employment under GCWP.

General Campus workers may not be hired by a department if the department does not have a General Campus position budgeted. If a department needs to employ unbudgeted workers, they must first complete the budget revision process to transfer the needed funds.

The process to hire CWSP can be found at
<http://www.apsu.edu/financialaid/FWS.htm>

The process to hire GCWP can be found at
<http://www.apsu.edu/human-resources/student-workers>

Affirmative Action

The Director of Equal Opportunity and Affirmative Action **or his/her designee** will review applications for all positions to assure that qualified applicants who are members of underrepresented groups receive proper consideration in the selection process and are not discriminated against in any way. Should there be an inadequate representation of underrepresented and female applicants, it may be necessary to reopen the search or extend the deadline for applications. Prior to interviewing applicants, the list of persons to be interviewed will be provided to the Office of Equal Opportunity and Affirmative Action. The Director of Equal Opportunity and Affirmative Action or his/her designee will approve those applicants to be interviewed and may discuss with the supervisor or search committee other applicants who are strong candidates in underrepresented groups who were not previously selected to interview.

At the completion of the selection process for faculty, and administrative/professional positions, , the hiring manager will attach via PeopleAdmin (or such other mechanism as may be currently designated for use by the Office of Human Resources), the Interview Notes/Evaluation Forms for all interviewed applicants and the and the Reference Check Forms for all applicants interviewed in person. Three (3) references are required for each applicant interviewed in person.

At the completion of the selection process for clerical/support positions, the hiring manager will attach via PeopleAdmin (or such other mechanism as may be currently designated for use by the Office of Human Resources), the Interview Notes/Evaluation Forms for all interviewed applicants and the Reference Check Forms for the applicant recommended for hire. Three (3) references are required for the applicant recommended for hire.

A recommendation to hire (Hiring Proposal) will not be sent to the appropriate hiring authority until all the appropriate paperwork has been completed and has been reviewed by the Office of Equal Opportunity and Affirmative Action.

Background Check Process Austin Peay State University requires job-related background information of final candidates (including students) for specified

positions and employees (including students) who are appointed (including but not limited to hired, promoted, reclassified, or transferred) into specified positions. This process is necessary to ensure that individuals are selected who possess the qualifications to perform the duties of the position most effectively and who are best able to serve the University. Background checks may include but will not be limited to the confirmation of an individual's identity, review of an individual's criminal conviction record, if any, or verification of any license, certificate or degree required for appointment. The President (or such other university officials as the President may delegate) shall designate positions requiring background checks within the institution.

Appointment to or continued employment in a critical position is contingent upon successful completion of a background check. Students being considered for internships, assistantships, work-study, and/or regular employment in specified positions, are also subject to this requirement. Any appropriate background check is completed prior to appointing a person to a critical position. Should a check be initiated after employment has begun, the results shall be used to assess the employee's suitability for continued University employment.

Prior to beginning regular employment, all individuals are subject to an agency background check. Employment contracts should state that employment is conditioned on a satisfactory background check. The offer of a regular position is conditional upon the candidate's successful completion of the agency background check. Whenever an offer is made in writing, this conditional statement must be included. The Office of Human Resources will determine and maintain the list of what types of checks will be required based upon responsibilities of the position. Examples of positions (including those held by students as internships, assistantships, work-study and/or regular employment) which may require multiple types of checks include but are not limited to: positions with access to master keys, positions with direct access to/or responsibility for the institution's financial, payroll/ personnel, and or purchasing systems, positions with responsibility for operation of APSU vehicles, child care positions, campus security, and law enforcement positions, positions working in residence halls, positions which require a professional license, the absence of which could expose the institution to legal liability and/or adverse public reaction, internal auditor positions, and dispatchers.

The Office of Public Safety faxes or sends via software the "agency background check request" to the background check agency. The background check agency will normally respond within 24 to 48 hours of receipt of the form. The Office of Human Resources will notify the hiring department of the job-related results.

Detention and/or arrest without conviction do not constitute valid grounds for employment decisions and cannot play a part in the decision-making process. Only criminal convictions will be considered in determining an applicant's suitability for employment. In determining an applicant's suitability for employment where the applicant has criminal convictions on his/her record, consideration will be given to the specific duties of the position, the number of offenses and circumstances of each, the age of the conviction(s), and the accuracy of the explanation on the application.

In all instances where information is obtained that would disqualify the candidate for hire, the Office of Human Resources will discuss the information with the Vice President for Legal Affairs and Strategic Planning to ensure the decision not to hire is fair and legal based upon the information. [The Fair Credit Reporting Act](#) (FCRA) provides that written notice and the name of the background check agency be given to individuals when employment is denied based upon information received from the reporting agency.

The agency conducting the check will charge a fee for each check that is conducted. The fee will automatically be charged to the department or office that is hiring the position.

The Office of Human Resources will serve as the custodian of the records for background check results. Results on individuals who become employees should be kept in the employee's personnel file. Background checks on individuals who do not begin employment should be kept with the search material.

Scope of Delegation

A. President

1. The appointments and terminations which require the prior approval of the president:
 - a. All Vice Presidents or other executives reporting directly to the President (academic, business, student affairs, etc.) including all interim appointments;

- b. Directors and chairs of the Centers of Emphasis and Excellence, including interim appointments;
- B. The President is authorized to appoint, determine the compensation and change of status of, and terminate all other employees at the University subject to the provisions of this and other relevant APSU policies and procedures and the Board approved Compensation Plan.
- 1. The president may delegate the foregoing authority to a designated person or persons at the University provided that all appointments and compensation of faculty and administrative personnel shall be subject to the approval of the president.
 - 2. Subsequent references to the president of the University include the president or his or her appropriate designee.
- C. Notwithstanding any other policy or agreement, in the event of a severe state budget shortfall or state impoundment, the President may reduce compensation across the board for the remainder of the fiscal year, to mandate furloughs without pay and/or to reduce the amount of time to be worked.
- 1. The President shall provide a notice to the Board which will include a description of the campus constituent groups represented on the President's committee advising on the budget reduction process.

Appointments

- A. The President is authorized to appoint and employ personnel within the scope of delegation provided in the section above for positions at the University which have been approved by the Board in an operating budget (work program) at a level of compensation which does not exceed the amount specified in the operating budget; provided that new appointments to approved positions may be made at a level of compensation in excess of the amount specified where funds are available.
- B. No employment agreement, or contract, or letter of agreement shall be used in the appointment or employment of personnel unless the form of agreement, contract, or letter has been approved by the President.
- C. New administrative positions shall not be established in the University's administrative organization, and no major change in the administrative organization of the University shall be made, unless approved by the President.

- D. The minimum qualifications for the appointment of faculty at the University shall be the Minimum Rank Criteria for Professional Personnel in Instruction, Public Service, and Research set forth in APSU Policy 2:062 and 2:063, which is incorporated herein by reference.
 - 1. All part-time or temporary faculty must be appointed according to the provisions of APSU Policy.

- E. The minimum qualifications for the appointment of all personnel other than faculty shall be determined by the president or designee, based upon the duties and responsibilities of the position, and shall be recorded and maintained by the University, subject to any minimum qualifications for personnel positions which may be established by the Board.

Nature of Appointments

- A. Faculty at the University shall be employed pursuant to the types of appointments specified in APSU Policy 2:062 and 2:063, which is incorporated herein by reference.

- B. Personnel other than faculty shall be appointed to serve at the pleasure of the president.

- C. All full-time personnel, including faculty, shall be required to devote a minimum of 37.5 hours per week to the University, and shall maintain appropriate office hours as determined by the president (or his or her designee)
 - 1. The President is authorized to use flexibility as appropriate in determining the structure of the work week for faculty to recognize variations from traditional instructional formats such as afforded by online instruction, distance education, or other unique methods of instructional delivery.
 - 2. Calculation of the 37.5-hour week shall follow such guidelines as promulgated by the President.

- D. Within the requirement of a minimum of 37.5 hours per week, faculty at the University shall be required to carry a full teaching load, which shall be fifteen (15) credit hours or the equivalent per term for undergraduate courses, twelve (12) credit hours or the equivalent per term for graduate courses, two hundred and twenty-five (225) non-credit contact hour or the equivalent per term. All equivalent teaching load activities shall be subject to prior review and approval by the president (or his or her designee).

- E. In addition to the requirement of Section D above, full-time administrative personnel shall be required to devote sufficient time to complete their assigned duties and responsibilities. When administrative personnel are appointed on an academic year basis, such personnel shall be required to devote sufficient time to fully perform the administrative responsibilities for the academic year, including periods preceding or following the academic year.
- F. Personnel at the University who are appointed on an academic year basis shall be on duty for not less than nine months, which shall commence from the time designated by the president prior to the University's registration for the fall term of each year through the time designated by the president at the end of the spring term, and shall be subject to call for duty during that period regardless of whether classes are in session.

Compensation

- A. The president is responsible for compliance with all federal and state laws and regulations, and all APSU policies and directives, concerning compensation for employees, and compensation for employees shall be subject to limitations imposed by the Board or the General Assembly.
- B. All regular full-time salaried personnel, whether on an academic or fiscal year appointment, shall be paid twelve (12) monthly installments each year, provided that exceptions may be made upon termination, or as approved by the President.
- C. All full-time and part-time employees are required to participate in the automatic deposit program for the direct deposit of their salaries. Each campus has the option to require student workers to participate in the direct deposit program as long as there is no charge to the student unless exempted by Federal Work Study Guidelines.
- D. Part-time instructional personnel shall be paid on the basis of the credit or non-credit hours taught, pursuant to such guidelines and/or schedules as may be established by the Board.
- E. The president shall ensure that all employees shall be paid equal wages or salaries for equal work in positions the performance of which requires equal skill, effort and responsibility, and which are performed under similar

working conditions, except where pay differentials are based upon:

1. market factors,
2. a merit or evaluation system,
3. length of service, or
4. any other proper, non-discriminatory basis.

When any of the foregoing bases are relied upon to justify pay differentials for employees in similar positions as described above, the basis and the attendant circumstances shall be substantiated in writing and maintained by the University.

- F. Overtime payments and compensatory time are available to employees not exempt from the FLSA. The President is authorized to issue guidelines relative to the use of compensatory time and payment of overtime and the rates pertinent to each.
- G. The University shall develop policies and procedures for the administration of the compensation system at the University subject to the approval of the President, and subject to the Compensation Plan approved by the Board. This includes reclassifications and degree changes.
- H. Faculty members may be asked to temporarily assume administrative responsibilities which entail moving from an academic year to a fiscal year contract with the assignment of additional duties. This temporary appointment may be on a long-term or short-term basis but is still considered a temporary appointment subject to this policy. This does not apply when a faculty member is hired into a permanent administrative position such as a deanship which requires a twelve-month contract.
- I. Temporary administrative responsibilities may necessitate the awarding of an administrative stipend in addition to the previously established salary. The stipend amount or any other understanding concerning compensation must be set out in a newly-executed contract. The contract;
1. Should include a statement that the stipend is awarded as compensation for the additional administrative responsibilities and will be removed at the time the administrative responsibilities end; or
 2. Should otherwise address how compensation would be affected at the end of an administrative appointment.

- J. The awarding of an administrative stipend is an issue separate from that of conversion from an academic year to a fiscal year basis. When the conversion is to take place, the University should just convert the salary from the academic year contract by adding 25% and then adding any stipend amount determined necessary.
1. The following illustrates the procedure defined above.
 - a. A faculty member making \$20,000 on an academic contract is converted to a fiscal year contract at a salary of \$25,000.
 - b. In addition, a \$1,500 administrative stipend is added and so indicated because of additional duties. The total amount of salary is then \$26,500.
 - c. At the time the faculty member serving as administrator returns to a faculty position on an academic year basis, the administrative stipend will end.
 - d. Then the base faculty salary is reduced to an academic year contract at a rate no less than 80% of the fiscal year contract. The University may choose to exceed the 80% number on the basis of comparable faculty salaries, including rank, merit, length of service, experience, degrees and yearly percentage increase in salary.

Changes of Status and Terminations

- A. The president is authorized to approve changes of status (i.e., transfers, promotions, demotions, or other changes in duties or responsibilities) of personnel within the scope of the delegation provided for in Scope of Delegation Section, provided that when a change of status would cause the employee to be within the scope of positions subject to approval of the President, the change of status will be subject to the President's approval.
- B. The president of the University may establish procedures for accomplishing promotions, demotions, and transfers between institutions in such manner as to ensure fair and equitable treatment to all personnel, and in accordance with established APSU policies. Any such action must be taken within the parameters of the University's Affirmative Action Plan, and must be reviewed and certified by the University's Affirmative Action Officer.
- C. Inter-institutional promotions, demotions, and transfers must be discussed and approved by the appointing authorities of the two institutions concerned prior to any discussion with

the candidate. Any candidate promoted must meet all established minimum qualifications as determined by the appointing authority.

- D. Promotion of Faculty - The promotion of faculty shall be subject to APSU Policy 2:062 and 2:063.
- E. Promotion of Non-faculty - Promotions of personnel other than faculty should be made pursuant to established and written criteria developed by the University. Promotions and transfers are an acceptable means of filling vacancies. However, such promotions and transfers must be achieved within the parameters of the University affirmative action plans. In addition, any vacant position created by that promotion must be filled within the provisions of this Policy and applicable guidelines.
- F. Terminations and Transfers - The president is authorized to terminate and transfer all personnel within the scope of the delegation of authority, provided that terminations of faculty shall be pursuant to the provisions of APSU Policy 2:062.
- G. Termination for Gross Misconduct
 - 1. Gross misconduct may include, but is not necessarily limited to:
 - a. Any act or omission which may seriously disrupt or disturb the normal operation of the University;
 - b. Any work-related conduct which would subject the employee to criminal conviction;
 - c. Theft or dishonesty;
 - d. Gross insubordination;
 - e. Destruction of University property;
 - f. Falsification of records;
 - g. Acts of moral turpitude;
 - h. Reporting for duty under the influence of intoxicants;
 - i. The illegal use, manufacture, possession, distribution, or dispensing of controlled substances or alcohol;
 - j. Disorderly conduct;
 - k. Provoking a fight;
 - l. And/or such other similar acts involving intolerable behavior by the employee.
 - 2. In determining eligibility for unemployment compensation benefits, the definition of gross misconduct utilized by the Tennessee Department of Employment Security is not affected by the definition outlined in this section.

3. In the case of gross misconduct, immediate disciplinary action up to and including termination should be taken.
4. An employee suspected of theft of institutional property may not resign as an alternative to discharge after the investigation has been completed.
5. Any exceptions to this requirement must be made by the President.
6. If the employee resigns during the investigation, the employment records must reflect the situation at the date of resignation and the outcome of the investigation.
7. Refer to Leave Policy 5:020 regarding the loss of unused leave if termination of employment is due to gross misconduct. Refer to T.C.A. §§ 8-35-124 and 8-50-807d for the loss of retirement benefits related to gross misconduct termination.

H. Reduction in Force

1. The university shall develop a consistent and equitable method of notifying and terminating faculty and non-faculty employees in the event that a reduction in force, reorganization or elimination of any occupational classification within a unit becomes necessary.
2. The method should include a written rationale to the reduction, review of the institution's operations, identification of the functional area(s) affected, a review of the budgetary implications involved, and development of the specific written criteria to be used in identifying the duties that will be reassigned and/or eliminated in the event of a reduction.
3. Only after specified functions/duties have been identified by unit heads and approved by the president/director does the review of individual personnel begin.
4. Unit heads in consultation with human resources' staff will assess the specified areas and the employees in those areas in order to make recommendations to the President relative to the specific personnel changes to be made.
5. In making personnel recommendations to the President, the factors used in reaching the recommended decisions may include, but are not limited to:
 - a. Length of service in the position and/or length of service at the institution or college;
 - b. Past written performance appraisals;
 - c. Functional needs of the unit; and
 - d. Qualifications needed to perform remaining duties of the affected units.

6. Prior to a final decision by the president/director and notification to the employees and in consultation with the staff of General Counsel, the impact of the recommendations shall be considered in light of non-discriminatory requirements listed in Section F of this policy.
 7. In the event of one of the above actions, it is permissible to transfer qualified individuals to vacancies at other departments/divisions, or State of Tennessee public institutions.
 8. Written notification to the affected employees must be given as far in advance of the effective date as possible.
 9. Employees affected by a RIF must receive notification when vacancies occur for like positions at their former campuses within 12 months of the RIF.
- I. Absence from Duty - An employee who is absent from duty for more than three (3) consecutive business days without giving notice to the appointing authority or appropriate manager concerning the reason for such absence and without securing permission to be on leave or who fails to report for duty or to the immediate supervisor or the appointing authority within two (2) business days after the expiration of any authorized leave of absence, absent unusual circumstances causing the employee's absence or preventing the employee's return, is considered as having resigned not in good standing.

Personnel Transactions

- A. The President is expected to follow Board policies, affirmative action plans, and fair employment practices when making appointments.
1. All appointments, regardless of salary, including promotions and transfers, must be reviewed and certified by the Director of Equal Opportunity and Affirmative Action or his/her designee prior to action.
- B. Minimum Requirements for All APSU Appointments
1. The following actions or procedures are mandatory:
 - a. Establish an Affirmative Action Plan which sets goals for all categories of employment.
 - b. Develop appropriate recruitment and selection procedures to ensure fairness in employment.
 - c. Determine in a discussion with the Director of Equal Opportunity and Affirmative Action whether the institution has met the affirmative action goal for the

area or department (job group in which the vacant position occurs).

1. Even if the institution has met the overall institutional goal in an employment category, i.e., executive/administrative/managerial; faculty; professional non-faculty; secretarial/clerical/technical and paraprofessionals; skilled crafts; service/maintenance, there may be a goal for the area or department (job group) in which the vacant position is located which has not been met.
 1. For example, the overall institutional faculty goal of 4.5% black representation has been met, but the vacancy is in the job group of Arts and Sciences.
 2. Availability data in Arts and Sciences supports the affirmative action plan's goal of 7.0% black representation, which is higher than the overall institutional goal.
 3. (c) In this case, the efforts to recruit for the Arts and Sciences position will be directed toward qualified black candidates since the availability data shows the applicant pool should contain some qualified black candidates.
2. A second example relates to the availability of women in the particular job group vacancy.
 1. The total institutional faculty goal for women is 40%, but a higher number of women are available in the particular job group category.
 2. Therefore, in both examples cited above affirmative action recruitment must occur.
 3. In summary, the institution has an obligation to use the availability figures applicable to the particular vacancy to recruit qualified minorities.
2. Prior to taking any recruitment action, the person directing the hire and/or the search committee must submit to the Office of Equal Opportunity and Affirmative Action a written recruitment plan.
 - a. There may be a standard plan for any EEO category which has been approved in advance.
 - b. EEO categories 4, 5, 6, and 7 may be more easily standardized.

- c. There may be a need for occasional modification to this standard plan, depending on the nature of the position and the availability data.
- d. The plan includes, but is not limited to:
 - 1. The proposed job description, which has been reviewed by the Office of Equal Opportunity and Affirmative Action;
 - 2. Method of directing the hire, i.e., individual supervisor or search committee;
 - 3. Composition of the search committee and responsibilities of the members, i.e., direct contacts, references, interviews, etc.;
 - 4. An advertising plan, which provides the following:
 - 1. Advertisement of the position in appropriate publications, and/or newspapers and/or professional discipline-specific journals and/or the Tennessee Employment Security Office; and/or the internet;
 - 2. Requests for nominations, from professional organizations, discipline-related groups, and organizations devoted to leadership training for the position;
 - 3. Diverse membership on all search, selection, or advisory committees, when practicable; and,
 - 4. Direct contacts to assure that underrepresented groups are aware of the vacancy and are encouraged to apply.
- 3. Approval of the recruitment plan must be granted by the Director of Equal Opportunity and Affirmative Action or his/her designee prior to the commencement of the recruitment process.
- 4. The applicant pool must generally reflect the availability data for the defined vacancy in that discipline or field as determined by the appropriate job group in the institutional affirmative action plan. Direct contacts will be required to assure the diversity of protected groups in the applicant pool.
- 5. The Director of Equal Opportunity and Affirmative Action or his/her designee must review all applicant pools and approve their composition prior to the scheduling of interviews.
- 6. In the case of appointments of adjunct faculty, equal employment opportunity efforts must include

advertisement to establish and build diverse pools from which adjunct employees are chosen.

7. **IMPORTANT:** If the University has met its affirmative action goals, equal employment opportunity is required. Race or sex cannot be used as a plus factor in hiring. However, affirmative action efforts are appropriate in the recruitment process to assure a representative pool. Discrimination on the basis of race, religion, color, national origin, age, handicapped status, veteran status, or other illegal basis is a violation of law.
8. The University believes that it is important to check references to limit employer liability, verify information, and reduce cost of rehiring and retraining. Checks will produce authenticity of information as it relates to such areas as work history, credential problems and criminal backgrounds.
9. The University shall conduct appropriate and timely checks in conjunction with each employment offer.
 - a. As an option, the University may choose to participate in a contract with a third party vendor who conducts background screening and checks.
 - b. The University shall develop procedures which will include the specific types of checks and specific positions included.
 - c. When using the third party vendor, the campus shall notify the applicant that a background check will be conducted prior to conducting the background check.

Budgetary Considerations

- A. Pursuant to this policy, where a transfer of funds is necessary for appointments with compensation in excess of funds available, the transfer is subject to confirmation by the President.
 1. No approval is necessary unless the transfer of funds is from one functional area to another; adjustments of line item salary amounts within a functional area may be made by the president if sufficient funds are available, subject to applicable guidelines and limitations.

**Transaction Forms,
Employment Agreements,
Contracts and Letters of
Agreement**

- A. Transaction Forms
 1. The University may develop internal personnel transaction forms for administrative purposes. These forms may relate to management information system and contain fiscal and personnel data deemed necessary by the University.

B. Employment Agreements, Contracts and Letters of Agreement

1. Pursuant to this policy, the President or designee must approve employment agreements, contracts, and letters of agreement used in the appointment and employment of campus personnel.
 - a. Approved provisions for personal, professional, consultant, and dual service agreements are addressed in APSU Policy 4:013.
2. The nondiscrimination statement e must be included on all forms.
3. The language concerning the Drug Free Workplace Act must be included on all initial employment contracts.
4. In order to comply T.C.A. § 49-7-133 the following sentence must be included on all contracts:
 - a. "It is a Class A misdemeanor to misrepresent academic credentials."

C. Attached are the following personnel transaction forms, which are recommended for the use of institutions. Forms F-1 through F-8 (Exhibit 2 through 9) are for use in connection with the employment of faculty; Form G-1 (Exhibit 10) for use in connection with the employment of graduate assistants/graduate instructors; Forms S-1 through S-4 (Exhibit 11 through 14) are for use in connection with the employment of all personnel other than faculty. Form E-1 (Exhibit 17) is for use in connection with the employment of all personnel. Following are explanatory notes concerning the use of the recommended forms:

1. Form F-1, Notice of Tenure-Track Appointment and Agreement of Employment for Faculty, is recommended for the initial employment of any faculty member in a tenure-track appointment. Designate the salary rate by crossing through the word "monthly" or "annual" as appropriate, and designate whether an academic or fiscal year appointment. Also, designate the appropriate beginning and ending months for the pay period as found in paragraph 2. Paragraph 8 should include any special conditions concerning the appointment, such as the policy requirement for separate contracts or agreements with regard to patents or copyrights, or such as any credit for prior service which is agreed to by the institution [not to exceed three (3) years]. The same form may be used for the re-employment of probationary faculty who are re-appointed in tenure-track appointments following a

break in service. In this situation, execution of the forms should be timed in conformance with the institutions policy on notice of non-renewal, and specification of the number of year's creditable service should be included in paragraph 8.

2. Form F-2, Notice of Renewal of Tenure-Track Appointment for Faculty, should be sent to all faculty on tenure-track appointments whose appointments will be renewed and where no new special conditions concerning the appointment are necessary. Even though renewal occurs automatically in the event a tenure-track appointee does not receive notice of renewal by the proper date, it's required that renewal occur by affirmative action rather than default, and that this notice be sent no later than the institution's last date for notice of non-renewal. A signature line for the faculty member has been added which must be signed and returned to be valid and binding. You may wish to incorporate the content of Form E-1 when issuing this form rather than sending the Notice of Recommended Salary at a later time; if so, you must make any necessary changes. Designate whether an academic or fiscal year appointment.
3. Form F-3, Notice of Renewal of Tenure-Track Appointment and Amendment of Agreement of Employment for Faculty, should be used to renew a tenure-track appointment where an express amendment to the terms of the initial appointment, Form F-1, is deemed necessary. You may wish to incorporate the content of Form E-1 when issuing this form rather than sending the Notice of Recommended Salary at a later time; if so, you must make any necessary changes. Designate whether an academic or fiscal year appointment.
4. Form F-4, Notice of Award of Tenure, is used to notify an employee that tenure has been awarded. A notice of tenure must be given, and Form F-4 is a model of one you may use. As indicated, you should note in which department, division, or academic organizational unit the person is awarded tenure.
5. Form F-5, Notice of Non-Renewal of Appointment, is a notice of non-renewal. This notice must be sent prior to the required date for notice of non-renewal, and should be hand delivered or sent certified mail, return receipt requested; consult the University policy or practice for the method for which notice will be affected. Also, refer to APSU Policies 2:062, 2:063, 2:052 concerning when notices should be given.

6. Form F-6, Notice of Temporary Employment and Employment Agreement for Faculty, should be used for the employment of all full-time non-tenure track faculty on temporary appointments (Form F-8 should be used for employment of adjunct faculty and faculty for the summer term). Regular part-time faculty percentage (60% appointment) may be listed as a condition in paragraph 9. Designate the salary rate by crossing through the word "monthly" or "annual" as appropriate. Renewal or non-renewal of these appointments will not be subject to the same conditions as for tenure-track appointments, and the form expressly provides that any renewal is subject to a subsequent written agreement. The same form would be used each year for employment of temporary full-time faculty for more than one year, not to exceed three years. Note that this form contains a 30-day notice provision in paragraph 8.
7. Form F-7, Notice of Term Appointment and Agreement of Employment for Faculty, is a term appointment for full-time non-tenured faculty and applies only to the community colleges and colleges of applied technology. This form was devised to help meet the special problems of career/vocational programs where markets are volatile and changing - examples: computer programming, legal assistant program, and some allied health programs. In order to decide whether to use a temporary agreement, F-6, or a term agreement, F-7, look at the projected need for the program. The term agreement is to be used when the projected need is beyond three years, but not for a sufficient time to create a tenure-track position. Designate the salary rate by crossing through the word "monthly" or "annual" as appropriate.
8. Form F-8, Notice of Employment of Adjunct Faculty, will be used for the hiring of adjunct faculty and summer term faculty. Adjunct faculty are temporary appointments based on demand each semester, may be full or part-time and are not eligible for employment benefits. The method of salary payment should be specified. No notice provision has been included. For regular faculty, the institution should cross out paragraph 4 and have the parties to the agreement initial. For tenured faculty teaching during the summer, the institution should cross out paragraphs 4 and 6 and have the parties initial.
9. Form G-1, Notice of Agreement of Employment for Graduate Assistant/Instructor, will be used for the hiring of graduate assistants/graduate instructors on a temporary

- basis. The method of payment, length of the appointment, and whether full or part-time should be specified.
10. Form S-1, Notice of Appointment and Agreement of Employment, should be used for all regular staff except faculty. Notices of renewal and non-renewal are not necessary for these appointments, and the appointments are subject to termination at any time by the institution (see paragraph 4). Designate the salary rate by crossing through the word "month" or "year" as appropriate. Please note the option to add additional language to paragraph 2. Such statements need not be included if the employee is put on notice of this practice through employee orientation or other employee information documents given at the time of initial hiring.
 11. Form S-2, Notice of Modified Fiscal Year Appointment and Agreement of Employment, should be used to appoint regular administrative, clerical and support staff to modified fiscal year appointments. Fill in the blank in paragraph 3 as appropriate. Designate the salary rate by crossing through the word "month" or "year" as appropriate.
 12. Form S-3, Notice of Temporary Employment and Agreement for Non-Faculty Administrative/Professional and Clerical/Support, will be used for the hiring of non-faculty on a temporary basis for employees who will work longer than 60 days and who do not work on an "as needed" basis. The method of salary payment should be specified.
 13. Form S-4, Notice of Termination, is the form notice of termination for non-faculty personnel and provides no reason for termination whatsoever. Institutions may wish to provide notice of the opportunity for an oral statement of the reason similar to that specified in Form F-5 for faculty. It is assumed that employees should be aware of the reasons for termination under an effective personnel system. Form E-1, Notice of Recommended Salary, should be used to notify all personnel of the recommended salary for the ensuing academic or fiscal year. Notice of the recommended salary is not included in the notices of renewal for faculty since the recommended salary may not be known at the time of such notices. However, you may wish to add the language of this form to Forms F-2 and F-3.
 14. Form V-1, Statement of Understanding/Agreement between Institution and Volunteer, will be used for volunteer workers. In order for a volunteer worker in an

institution supported program to be eligible for reimbursement of the costs of defense in the event of a claim arising out of their actions, the institution is required by T.C.A. § 8-42-101(3)(B) to register the name of the volunteer with the Tennessee Board of Claims (Exhibit 15). If the institution fails to register the volunteer and the state pays attorney fees or a judgment based on the volunteer's actions, cost and awards will be funded through the institution's budget. In addition, if the volunteer is a medical professional providing direct health care as a volunteer, he/she is only considered a "state employee" under the defense reimbursement provisions for purposes of medical malpractice.

15. Form E-1 Notice of Recommended Salary

Immigration Expense Allowance

- A. New employees may receive reimbursement for immigration expenses when considered to be in the interest of the institution and when such payment is a part of the employment negotiation with a new employee or the relocation of a current employee from another employer or institution.
- B. Reimbursement/fee allowance for immigration fees must be approved in advance by the President or his/her designee.
- C. This provision applies only to candidates who are required to pay immigration fees to work and live in the U.S.
- D. No APSU employee may receive reimbursement more than once.
- E. No payment shall be made unless the employee agrees in writing to remain in the service of the institution for a period of twenty-four (24) months following the effective date his/her employment agreement, unless separated for reasons beyond his/her control and acceptable to the institution.
- F. The service agreement statement should be maintained in the employee's personnel file. In case of a violation of such an agreement, any funds expended by the institution for such allowance shall be recoverable from the employee as a debt due the institution in the same manner as educational allowance payments (Exhibit 16).
- G. Reimbursement shall be in the maximum amount of \$4500 and shall not exceed the employee's actual, documented

expenses. The allowance cannot be used to defray non-immigration-related costs or any costs not associated with the individual employee's immigration expenses.

- H. Reimbursable fees include:
 - 1. Fees charged by a licensed immigration attorney retained in connection with the application;
 - 2. Filing fee;
 - 3. Permanent residence fee;
 - 4. Fee for any application to enter the U.S.;
 - 5. Fee for application to remain in the U.S.; and
 - 6. Associated fees required in the application process, such as medical examinations, fingerprinting, photo identification, postal/courier fees, and costs of evaluating foreign academic credentials or translations of foreign documents.
- I. The employee is responsible for making arrangements for representation, completion of paperwork, assistance in the immigration process, and submission of all bills and/or invoices for which reimbursement is sought.
- J. Faculty may submit a claim for reimbursement by sending a request with original receipts to the Provost.

Transaction Records and Reports

- A. Transaction Records
 - 1. The University shall develop and maintain adequate records to document all personnel transactions.
 - 2. As provided in this policy, all transaction records for an employee must be maintained as provided in APSU Policy 4:017.

Links

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|---|---|
| Fair Credit Reporting Act | https://www.ftc.gov/enforcement/rules/rulemaking-regulatory-reform-proceedings/fair-credit-reporting-act |
| APSU College Work-Study Program | http://www.apsu.edu/financialaid/FWS |
| APSU General Campus Work Program | http://www.apsu.edu/human-resources/student-workers |
| APSU PeopleAdmin User Manual | http://www.apsu.edu/human-resources/peopleadmin |

Revision Dates

APSU Policy 5:011 (previously 5:022) – Rev.: March 25, 2017

APSU Policy 5:011 – Rev.: February 24, 2009

APSU Policy 5:011 – Issued: February 8, 2006

Subject Areas:

| Academic | Finance | General | Human Resources | Information Technology | Student Affairs |
|----------|---------|---------|-------------------------------------|------------------------|-----------------|
| | | | <input checked="" type="checkbox"/> | | |

Approved

President: signature on file
