



MEMORANDUM

TO: University Council

FROM: **Lori Erickson**, Assistant Vice President for Human Resources;
Jessica Vodden, Chief Marketing and Communications Officer;
Kay Lennon-McGrew, Deputy University Counsel

DATE: June 6, 2024

RE: Policies for June 10, 2024 UC Meeting

I. Compensatory Time and Worked Holidays.

A. Policy Purpose.

This policy specifies the rules related to Compensatory Time, Paid Overtime, and Worked Holidays.

B. Public Comment Period.

This policy was posted for public comment from May 15, 2024 through May 29, 2024. No public comments were received.

C. Legal Review.

The Office of University Counsel completed its review of this policy on May 20, 2024 and found no legal issues.

D. Recommendation.

IN CONSIDERATION of all of the above, the Office of University Counsel confirms the requirements under the Policy and Development and Administrative Rulemaking Policy have been met and the Office of Human Resources recommends **APPROVAL** of the Compensatory Time and Worked Holidays Policy.

II. Employment Classification.

A. Policy Purpose.

This policy specifies how employees at East Tennessee State University are classified for reporting and benefits purposes..

B. Public Comment Period.

This policy was posted from for public comment from May 15, 2024 through May 29, 2024. No public comments were received.

C. Legal Review.

The Office of University Counsel completed its review of this policy on May 21, 2024 and found no legal issues.

D. Recommendation.

IN CONSIDERATION of all of the above, the Office of University Counsel confirms the requirements under the Policy and Development and Administrative Rulemaking Policy have been met and the Office of Human Resources recommends **APPROVAL** of the Employment Classification

III. Leave Policy- Sick Leave Banks.

A. Policy Purpose.

This policy specifies requirements, and procedures for the ETSU employee sick leave banks.

B. Public Comment Period.

This policy was posted from for public comment from April 24, 2024 through May 8, 2024.

Comment from Katie Sellers: *“The two paragraphs at the beginning of Section II are both about eligibility, which is also covered in Section I A and B; consider combining all eligibility components into one Section.*

Section II says participants are not eligible for sick leave bank hours for Pre-existing Conditions until after 6 months of membership, and the Pre-existing Conditions indicates that medical certification may be required. This medical certification is not described in the policy nor the procedure sections. The procedures section should include an exceptions or appeal process.

Section II says “Participants eligible for compensation under Worker’s

Compensation, short-term disability or long-term disability are ineligible to receive hours from the ETSU sick leave banks.” This reads as though all full-time benefits eligible employees would be ineligible to participate in the banks even if they opt out/waive these particular coverages. Consider editing the language to “Participants receiving compensation under...”

The policy does not address if employees using leave granted from the Banks will continue to accrue leave and remain benefits eligible as they do when using their own accrued sick leave.

In the definition of Approved Injury or Illness it says it must be the same as the FMLA qualifying event for the employee, and goes on to list events that are not eligible for sick bank leave including illness of any member of the individual's family. This conflicts with Section II. A. Kids that says grants may be made for illness of a minor child. Consider refining the policy and definitions for alignment of eligibility and use. The definition includes a numbered list of events not to be granted leave; 4 and 5 are incomplete as worded. It appears that 3 is meant to encompass 4 and 5 as well; consider renumbering or rewording. The definition includes further components of eligibility, and it would be useful to combine all of the eligibility in one section rather than in pieces throughout the policy document.

Given that the Sick Leave Policy and the FMLA Policy both allow use of sick leave hours for medical appointments for the employee or their immediate family as well as for caring for immediate family with illness or injury, it seems unnecessarily limiting to prohibit this use for members of the Sick Leave Banks. As an institution where people come first, our policies and supports should be developed with this in mind.”

Sponsor’s Response: Thank you for your comments. Medical certification is dependent on the condition and is determined on a case-by-case basis; thus, a detailed explanation would be difficult to include in the policy. There is not an exception or appeal process. The policy does address the accrual of leave and benefits by referring to the Sick Leave and Annual Leave policies which address your questions. We appreciate your feedback.

Comment from Sharon McGee: “Section 1 states: “Contributions of sick leave days are nonrefundable and nontransferable.” Although not a common case, what happens if someone's status moves from faculty to non-faculty or vice versa? Will they have to “start over” in the sick leave bank for their new status as an “initial enrollment”? What happens in these cases is not clear (at least to me) in the policy.”

Sponsor’s Response: Thank you for your comments. A person would lose eligibility to the sick bank if their status changed, and would be required to re-enroll in the bank to which they are newly eligible.

Comment from Susan Epps: *“In Section II (Requests), there are references to grants, hours, and days - a single term would be clearer and more consistent unless there is a specific difference in requesting hours or days.*

The defined term “approved illness or injury” is more of what it is NOT rather than what one IS. If the definition is “An FMLA-qualifying event” (with a reference to what those are), that would provide a definition rather than an exclusionary list.”

Sponsor’s Response: Thank you for your comments. FMLA qualifying events are part of the FMLA policy.

C. Legal Review.

The Office of University Counsel completed its review of this policy on May 7, 2024 and found no legal issues.

D. Recommendation.

IN CONSIDERATION of all of the above, the Office of University Counsel confirms the requirements under the Policy and Development and Administrative Rulemaking Policy have been met and the Office of Human Resources recommends **APPROVAL** of the Leave Policy-Sick Leave Banks Policy.

IV. Leave Policy - Sick Leave Transfer.

A. Policy Purpose.

This policy specifies the parameters for ETSU employees, who are participants of the ETSU Sick Leave Banks, to donate sick leave to another participant of the ETSU Sick Leave Banks.

B. Public Comment Period.

This policy was posted from for public comment from April 24, 2024 through May 8, 2024. The following comment was received:

Comment from Mary Musick: *“Can a non-sick bank employee donate sick leave days to another employee?”*

Sponsor’s Response: Not under this policy.

C. Legal Review.

The Office of University Counsel completed its review of this policy on May 7, 2024 and found no legal issues.

D. Recommendation.

IN CONSIDERATION of all of the above, the Office of University Counsel confirms the requirements under the Policy and Development and Administrative Rulemaking Policy have been met and the Office of Human Resources recommends **APPROVAL** of the Leave Policy - Sick Leave Transfer Policy.

V. Pay and Timekeeping Policy.

A. Policy Purpose.

This policy specifies paydays and timekeeping for employees

B. Public Comment Period.

This policy was posted from for public comment from May 15, 2024 through May 29, 2024. The following comment was received:

Comment from Marina Young: I am a Temporary Employee. I am the only one in the office where I work. Towards the bottom of page 2 of your Payday & Timekeeping Policy, it says in "Procedures; 1. Timekeeping Procedures; A. Time worked; ... Temporary Employees will use the time clock to enter time worked."

At the moment, I have set hours in the afternoons when I arrive at work and when I am done. I report these through a webpage as the number of hours and parts of an hour that I work. Most days it is either 4 or 5 hours. Occasionally I have extra duties and have additional of 1.5 to 2 hours. Since we don't have a time clock, the exact minute that I walk into the office or leave the office is not recorded.

Will this be a problem going forward or will a time clock need to be installed.

Sponsor's Response: This is not an issue at the moment and will be addressed in the new ERP system.

C. Legal Review.

The Office of University Counsel completed its review of this policy on May 20, 2024 and found no legal issues.

D. Recommendation.

IN CONSIDERATION of all of the above, the Office of University Counsel confirms the requirements under the Policy and Development and Administrative Rulemaking Policy have

been met and the Office of Human Resources recommends **APPROVAL** of the Pay and Timekeeping Policy.

VI. Personnel Records.

A. Policy Purpose.

This policy specifies that the Office of Human Resources is responsible for maintaining personnel records and what information may be made available upon request.

B. Public Comment Period.

This policy was posted from for public comment from April 24, 2024 through May 8, 2024. No public comments were received

C. Legal Review.

The Office of University Counsel completed its review of this policy on May 6, 2024 and found no legal issues.

D. Recommendation.

IN CONSIDERATION of all of the above, the Office of University Counsel confirms the requirements under the Policy and Development and Administrative Rulemaking Policy have been met and the Office of Human Resources recommends **APPROVAL** of the Personnel Records Policy.

VII. Public Content Accessibility Policy.

A. Policy Purpose.

This policy specifies ETSU's strategies and commitment to ensuring that all public-facing, ETSU-affiliated digital content, including videos, social media content, presentations, documents, and webpages, are accessible to individuals with diverse abilities.

B. Public Comment Period.

This policy was posted from for public comment from May 15, 2024 through May 29, 2024. The following comment was received.

Comment from Ashley Sergiadis: *“Sherrod Library and Archives of Appalachia recommend Digital Commons@ETSU (<https://dc.etsu.edu/>) for documents that need to be preserved and publicly shared such as minutes/agendas, newsletters/magazines, reports, etc. This online archive is public-facing and ETSU-affiliated and may include documents that do not follow current accessibility standards given the age of the documents. For example, we have born-digital theses/dissertations*

created ~20 years ago and born-digital minutes/agendas created ~7 years ago.

Please ensure that the policy does not affect us from archiving born-digital materials in Digital Commons@ETSU. Accessibility is very important but we need to have an exception for archival purposes.”

Sponsor’s Response: In response to this comment, the policy was updated by adding a definition of Archived Web Content that aligns with the recently issued federal rule and specifies Digital Commons at ETSU as an acceptable archiving platform

C. Legal Review.

The Office of University Counsel completed its review of this policy on May 6, 2024 and found no legal issues.

D. Recommendation.

IN CONSIDERATION of all of the above, the Office of University Counsel confirms the requirements under the Policy and Development and Administrative Rulemaking Policy have been met and the Office of Human Resources recommends **APPROVAL** of the Public Content Accessibility Policy.

VIII. Standard Business Hours and Worked Hour Requirements.

A. Policy Purpose.

This policy specifies the standard business hours of East Tennessee State University and the worked hour requirements for non-faculty Regular Employees.

B. Public Comment Period.

This policy was posted from for public comment from May 15, 2024 through May 29, 2024. The following comment was received.

Comment from Susan Epps: *“In the policy section: Part-time Regular Employees’ hours are pro-rated according to their percentage of effort.*

How is “effort” being defined? How is their “effort” measured? A word that more specifically states what this refers to would be better.”

Sponsor’s Response: Effort is an industry standard term and as indicated in the policy it relates to the percent of employment. It does not relate to the quality or amount of actual effort someone puts into their work product. A full-time employee who works 37.5 hours per week has an effort calculation of

100%. A part-time employee who works 30 hours per week would be categorized as 80% effort. This is a concept that carried over from TBR.

C. Legal Review.

The Office of University Counsel completed its review of this policy on May 20, 2024 and found no legal issues.

D. Recommendation.

IN CONSIDERATION of all of the above, the Office of University Counsel confirms the requirements under the Policy and Development and Administrative Rulemaking Policy have been met and the Office of Human Resources recommends **APPROVAL** of the Standard Business Hours and Worked Hour Requirements Policy.

VI. Leave Policy- Military Leave.

A. Policy Purpose.

This policy specifies and affirms ETSU's commitment to complying with federal and state law related to military leave.

B. Public Comment Period.

This policy was posted from for public comment from April 24, 2024 through May 8, 2024. No public comments were received.

C. Legal Review.

The Office of University Counsel completed its review of this policy on May 7, 2024 and found no legal issues.

D. Recommendation.

IN CONSIDERATION of all of the above, the Office of University Counsel confirms the requirements under the Policy and Development and Administrative Rulemaking Policy have been met and the Office of Human Resources recommends **APPROVAL** of the Military Leave Policy.