



**FACULTY SENATE PROPOSAL
FSP 2021/2022-04**

I. Proposal Name

FACULTY HANDBOOK CHAPTER 4 PROPOSED REVISIONS

II. Committee Assigned/Sponsoring Committee

Faculty Handbook and Academic Affairs

III. Proposal Statement

The Faculty Handbook and Academic Affairs Committee has attached proposed changes (Chapter 04) to the handbook.

IV. Background and Justification

The Faculty Handbook Editorial Board has proposed the attached changed to the Faculty Handbook.

V. Office(s) Affected

UCO Faculty Association

This proposal submitted to the UCO Faculty Senate on 13 January 2022 by:

Jerry Green
Faculty Handbook and Academic Affairs Committee

PASSED/NOT PASSED ON 10 March 2022.

A handwritten signature in black ink, appearing to read 'Jennifer Barger Johnson', written over a horizontal line.

JENNIFER BARGER JOHNSON
UCO Faculty Senate President



SENT TO FACULTY SENATE REP – December 10, 2021

The specific information and policies pertaining to faculty in *Chapter 4* of the *University of Central Oklahoma Faculty Handbook* were taken directly from the current University Policies and Procedures located on the People and Culture internal repository The Hub. University Policies and Procedures as well as Human Resources, Benefits, and the *Family Medical Leave Act (FMLA)* information is included.

4.1.9 TUITION WAIVER PROGRAM

The University of Central Oklahoma (UCO) offers a tuition waiver benefit that is designed to provide an opportunity to participate in educational opportunities through course work at UCO. This policy applies to UCO full time faculty and staff (employees), their dependents, and UCO defined retired university employees.

Definitions

- a. Full time – Classified as full time and benefit eligible
- b. Retiree – Former UCO employee retired through Oklahoma Teacher’s Retirement System with ten years of consecutive service to UCO immediately preceding their retirement.
- c. Spouse – Person whom is legally married to UCO employee.
- d. Child – Biological child, stepchild, adopted child or legal guardianship.

Policy Statement

Benefit

This policy applies to UCO full time faculty and staff (employee), their dependents, and UCO defined retired university employees.



Waiting Period

Eligibility for this benefit is effective after completion of six months of continuous permanent full-time employment starting with the semester which begins after the six-month waiting period is met. Six months of continuous permanent employment must occur prior to the tuition due date. Employees may transfer their benefit to their dependents after completion of the six-month waiting period.

Waiver Guidelines and Eligibility:

Faculty and Staff

Faculty and staff using the tuition waiver must submit an application for every semester needed, including the summer session, seven (7) days prior to the tuition due date. The waiver will go through an approval process and, if approved, will be applied to the Faculty or Staff's bursar account. The waiver will not be applied unless an application is submitted.

Dependent Spouse

An eligible faculty or staff member may transfer the tuition benefit to their legal spouse. A proof of relationship may be required before the waiver is approved. Valid documentation includes:

- Marriage Certificate

AND

A document that shows current financial responsibility and a shared address*

- Utility bill
- Tax Form 1040



- Bank Statement
- Car Insurance Statement

**Please edit out all financial information and social security numbers
An application form must be completed (7) days prior to the tuition due date every
semester for consideration.*

Dependent Child/Children

An eligible faculty or staff member may transfer the tuition benefit to their dependent child/children. The benefit is limited to children under the age of 26 at the time of the tuition due date. A proof of relationship may be required before the waiver is approved. Valid documentation includes:

- Birth Certificate
- Court documents establishing legal guardianship

Retirees

A former UCO employee retired through the Oklahoma Teachers Retirement System (OTRS) with ten (10) years of consecutive service at UCO is eligible to audit coursework at UCO up to six (6) hours per semester, but credit hours are not transferable.

Limitations

Faculty and Staff members receiving the tuition benefit must observe academic and enrollment management policies and procedure requirements. If the employee wishes to enroll in a class that meets during regular work hours, they must obtain approval from the department supervisor prior to enrollment. Work time lost must be made up or charged as vacation leave. Supervisor will authorize the most appropriate resolution based on departmental needs.

The tuition waiver benefit cannot be applied toward courses that do not meet eligibility for federal financial aid and other courses at the discretion of the University. This benefit is funded



on availability of budget allocations and may be cancelled, modified, or amended by authorized university personnel or other regulating entities at any time.

Taxable Benefits

The tuition waiver benefit received by faculty and staff members and transferred to an eligible dependent may be taxable.

EDUCATIONAL BENEFIT TAXATION			
Course/Type	Employee	Spouse	Child(ren)
Undergraduate	Non-taxable	Non-taxable	Non-taxable ²
Graduate < \$5,250 in year	Non-taxable	Taxable ³	Taxable ³
Graduate > \$5,250 in year	Taxable ¹	Taxable ³	Taxable ³
¹ In instances in which the educational benefit exceeds the IRC § 127 limit of \$5,250, the employee may qualify for the working condition fringe benefit as outlined by IRC §§ 132 and 162.			
² A child that is NOT an IRS tax dependent is subject to taxation.			
³ An exception may apply in limited cases, if the student is a graduate teaching or researching assistant as outlines by IRC § 117(d)(5).			

Original Effective: January 08, 2013
 Revision: July 28, 2021
 Effective: August 6, 2021

4.3.3 FAMILY MEDICAL LEAVE ACT

The University of Central Oklahoma complies with Federal Law regarding the Family Medical Leave Act (FMLA) but has specific policies that are unique to the University. Because federal law can change, contact UCO’s Human Resources department for up-to-date information regarding procedures and policies on FMLA.



Introduction

Policy regarding leave due to family or medical emergency.

Scope

This policy applies to UCO full time faculty and staff

Definitions

Policy Statement

Basic Leave Entitlement

The University provides up to 12 weeks per rolling 12-month period measured backward from the date an employee uses any *FMLA* leave of unpaid, job-protected leave to eligible faculty and staff for the following reasons:

- For incapacity due to pregnancy, prenatal medical care, or child birth;
- To care for the faculty/staff's child after birth, or placement for adoption or foster care;
- To care for the faculty/staff's spouse, son or daughter, or parent, who has a serious health condition; or,
- For a serious health condition that makes the faculty/staff unable to perform their job.

The 12 week leave entitlement will be shared by two faculty/staff experiencing the same qualifying event.

Military Family Leave Entitlements

Eligible faculty/staff with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use



their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible faculty and staff to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

Benefits and Protections

During FMLA leave, the University will maintain the faculty/staff's health coverage under any "group health plan" on the same terms as if the faculty/staff had continued to work.

Upon return from FMLA leave, most faculty/staff must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Eligibility Requirements

Faculty and staff are eligible after one year of employment, with a minimum of 1,250 hours worked over the previous 12 months.



Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition involving either an overnight stay in a medical care facility, or continuing treatment by a healthcare provider for a condition that either prevents the faculty/staff from performing the functions of the faculty/staff's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by hospitalization, a period of incapacity of more than three (3) consecutive calendar days combined with at least two (2) visits to a healthcare provider, or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave

Faculty and staff do not need to use this leave entitlement in a continuous manner. Leave may be taken intermittently or on a reduced leave schedule when medically necessary.

Faculty and staff must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt University operations. Leave due to qualifying exigencies also may be taken on an intermittent basis.

Substitution of Paid Leave for Unpaid Leave

The University requires use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, faculty and staff must comply with the University's normal paid leave policies. For staff working in a 9-month position or faculty members, leave will



be taken out in accordance with the school's academic calendar. Faculty and staff who work different hours from the standard 40 hours-per-week will still be held to the 12-week limit of job-protected leave, and their FMLA hours allotted would be based on the average number of hours worked per week. An example of this would be a faculty/staff who works 30 hours-per-week, as they would receive 360 hours total of FMLA.

Faculty/Staff Responsibilities

The faculty/staff shall provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days' notice is not possible, the faculty/staff must provide notice as soon as practical and must comply with the University's established absence notification procedures. The faculty/staff or the faculty's chair/staff's supervisor must submit the FMLA Request form to Benefits.

The FMLA Request Form provides sufficient information for the University to determine if the leave may qualify for FMLA protection, the anticipated timing and duration of the leave and information that may include the employee is unable to perform job functions, a family member is unable to perform daily activities, hospitalization or continuing treatment by a healthcare provider, or circumstances supporting the need for military family leave. Faculty and staff are required to provide a certification (verification), and periodic recertification for continuous, intermittent FMLA leave.

Employer Responsibilities

The University will inform faculty and staff requesting leave whether they are eligible under FMLA. If eligibility requirements are met, the notice will specify any additional



information required as well as the faculty/staff's rights and responsibilities. If eligibility is not met, the University will provide a reason for the ineligibility.

The University will inform faculty/staff if the leave meets requirements to be designated as FMLA-protected, and the amount of leave to be counted against the faculty/staff's leave entitlement. If the University determines that the leave is not FMLA-protected, the faculty/staff will be notified.

Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Faculty and staff may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer. FMLA does not affect any Federal or State law prohibiting discrimination or supersede any State or local law or collective bargaining agreement that provides greater family or medical leave rights.

FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulations 29 C.F.R. § 825.300(a) may require additional disclosures.

Original Effective: October, 15, 2019

Revision: September 25, 2019

Effective: October 15, 2019

Effective: October 15, 2019

4.3.4 FUNERAL LEAVE

The purpose of funeral leave is to provide full-time faculty and staff members with time to attend funerals of family members and to handle related affairs without disrupting income.

The maximum amount of funeral leave granted for bereavement will be determined by the relationship of the faculty/staff member to the deceased, as listed below.

1. Regular full-time faculty/staff will be granted paid leave for a death in the immediate family as needed up to three days without the absence being charged against vacation or sick leave. Immediate family is defined as parent, spouse, child, brother, sister, mother-in-law, father-in-law, grandparent, brother- or sister-in-law, son- or daughter-in-law, step-parent, step-brother or sister, step-children, grandparent-in-law, grandchild, or persons who live in the same household of the employee.
2. Regular full-time faculty/staff may be granted time off from work without loss of regular pay or deductions from leave balances for attending the funeral of a relative not a member of their immediate family but not to exceed one (1) work day of eight (8) hours. This includes uncles, aunts, nieces, nephews, first generation cousins, and in-laws not defined in the above paragraph.
3. Admittedly, some close friends may be more emotionally significant to an individual than those for whom paid leave is granted. However, it would be nearly impossible for the university to judge or to write policy on all the various situations that can arise. Therefore, vacation leave (or personal leave with the approval of the Department Chair/School Director) must be taken for any situation not covered by this policy statement.

This policy has been established in an effort to ensure impartiality.

Leave must be requested and approved in Paycom. Arrangements should be made with the department chair/school director in advance, by telephone if necessary, so that work



may be planned. If the department is not notified, the faculty/staff may be required to take leave without pay.

Original Effective: December 1, 2005
Revision: July, 12, 2019
Effective: July, 30, 2019

4.3.7 LEAVE SHARING POLICY

Introduction

To alleviate the hardship caused by a severe or extraordinary illness or injury which forces faculty and staff to exhaust all leave time (including vacation and compensatory time) earned by that faculty/staff and subsequently have no leave time available, resulting in an extended loss of income.

Scope

This policy applies to UCO Staff, and Faculty

Definitions

- a. Related person-defined as immediate family: spouse, son, daughter, parent, or in loco parentis. Leave Share for the care of relatives not defined here is subject to committee approval.
- b. Dependent – defined by the IRS-approved guidelines to determine dependent status.

Policy Statement

This program is intended to bridge the financial gap for faculty and staff that have exhausted their leave due to a hardship caused by a severe or extraordinary illness or injury.



- Faculty/staff must be employed full-time by the University for a minimum of twelve (12) consecutive months. Must be an active faculty/staff and have a minimum sick leave balance of at least (80) hours during the 12 months period immediately prior to the request for leave share. Any exception to this eligibility requires approval by the Leave Share committee.
- Faculty/staff has exhausted or will exhaust all annual leave and sick leave due to illness, injury, impairment, physical or mental condition, which is of an extraordinary or severe nature, and involves the faculty/staff or a related person of the faculty/staff. To receive Leave Share for the care of a related person, an appropriate licensed medical professional's statement must be submitted to the Human Resources Office documenting the faculty/staff as the primary caregiver and the related person is subject to provisions outlined in the FMLA policy.
- Faculty/staff must be off work for at least two (2) consecutive weeks, whether paid or unpaid, prior to application for Leave Share.
- Faculty/staff's injury or illness is not covered by the Oklahoma Workers' Compensation System.

Revision Effective: July 25, 2019

- Leave Share ends when the faculty/staff (or their related person) has been released by an appropriate licensed medical care professional's statement, death, or the faculty/staff has been on leave for three (3) months, whichever comes first.

- Leave Share will run concurrently with the *Family Medical Leave Act*. Leave Share does not apply to FMLA-approved bonding time. Faculty/staff will contact the Human Resources Office to complete FMLA forms.
- If Leave Share is requested more than once during a 12-month period measured backward from the date faculty/staff uses any Leave Share, the Leave Share committee will review the request and make a judgment based on their findings. Regardless, a maximum of three (3) months full pay is available in any twelve (12) month period.
- Approval or denial of Leave Share is final and is not subject to any appeal, grievance or arbitration procedure applicable to faculty/staff.

Original Effective: December 1, 2005
Revision: July 12, 2019
Effective: July, 25, 2019

4.3.9 PERSONAL LEAVE

Personal leave draws from sick leave hour accrual. Up to 40 hours/5 days per fiscal year. It is used for events which only the employee can attend to such as, last minute repair needs; child's school; closing on the purchase or sale of a home; etc. Use of personal leave is approved by the employee's supervisor. Leave must be submitted and approved in Paycom.

07/12/2019



4.3.11 SICK LEAVE

Sick leave is a period of time during which an employee is unable to work because of illness, injury; medical, surgical, dental or optical examinations; appointment or treatment for the employee and/or immediate family member(s); if the employee is on approved FMLA leave; or if the employee has been exposed to a contagious disease and presence at work would jeopardize the health of others. Consecutive use of sick leave in excess of five working days/40 working hours may require certification under FMLA.

Policy Statement:

- I.** Eligible on the first day of the month following full-time hire.
- II.** Personal or family member illness, injury, or medical appointment
- III.** Full-time accrual is 10 hours per month. Accrual is adjusted for full-time equivalence less than 1
- IV.** 1,040 hours / 130 days maximum accrual
- V.** Leave must be submitted and approved in Paycom

See also "*Family and Medical Leave Act (FMLA)*" Policy

Date Modified: 07/12/2019

4.6 RETIREMENT

Introduction

The University of Central Oklahoma (UCO) offers the following policy regarding retirement.

This policy applies to UCO faculty and staff members.

Policy Statement



Social Security

Every faculty, staff and student employee will participate in Social Security as provided by law.

Oklahoma Teachers' Retirement

Oklahoma Teachers' Retirement System (OTRS) participation is mandatory for all classified positions. Non-classified positions make a one-time irrevocable election to join OTRS at the start of their employment.

Participation is recommended for eligible part-time positions, but not required unless currently participating with another entity. The University of Central Oklahoma will pay contributions to OTRS for all qualified earnings and benefits over \$10,000.; faculty and staff are responsible for OTRS contributions on the first \$10,000 of qualified earnings and benefits.

Supplemental Retirement Annuity

A defined regular full-time employee hired by one of the Oklahoma regional institutions of higher education prior to July 1, 1995, may qualify for a supplemental retirement annuity to be paid by the University of Central Oklahoma.

the

Retiree Insurance

For information regarding retiree insurance, refer to the Regional University System of Oklahoma policy 5.4.3 of the RUSO Policy Manual.

Original Effective: January 08, 2013
Revision: November 1, 2021
Revision Effective: November 12, 2021



4.6.1 RETIREES RETURNING TO WORK

Oklahoma Teachers' Retirement System regulations require a minimum of 60 calendar days between a retiree's last day of pre-retirement public education employment and any such post-retirement employment. Retirees may return to work as part-time employees, but only within the parameters established by the Oklahoma Teachers' Retirement System. Copies of the regulations and further information are available through the Office of Benefits.