GOVERNANCE ADVISORY COUNCIL

June 16, 2015

Attendees: Jackie Burns, Dr. Ben Caldwell, Dr. Jeanne Daffron, Cale Fessler, Ida Haefner, Shana Meyer, Dr. Murray Nabors, Dr. Kathleen O’Connor, Dr. Jon Rhoad, Sally Sanders, Brad Stanton

Others: Susan Bracciano, Noël Cross, Dr. Doug Davenport, Jessica Frogge, Dr. Judy Grimes, Carol Hare, Debbie Johnson, Tara Stoll, Jamie Sweiger

GAC #14-32 – Crisis Leave

Source of Proposal: Faculty Senate & Staff Association

Purpose of Proposal: New Policy

Current Policy or Procedure: None

Proposed Policy or Procedure: MWSU Policy Guide, Employment Policies

PURPOSE

The purpose of Crisis Leave is to provide additional paid leave for employees who have exhausted their accrued sick, vacation, personal, compensatory time and short term disability leave benefits as the result of their own life-threatening, emergent or serious illness or injury or the need to care for a spouse (husband or wife for purposes of marriage as defined by Missouri law, including common law marriage to the extent permitted by Missouri law), child (biological, adopted, foster child, stepchild, legal ward, or a child of a person standing in place of a parent, who is either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability) or parent (biological parent or an individual who stands or stood in place of a parent to you when you were a son or daughter) who is suffering from a life-threatening, emergent or serious illness or injury. Crisis Leave serves as a depository into which employees may voluntarily contribute leave for allocation to other employees. The purpose is not to provide unlimited sick leave for any medical reason.
SCOPE
This policy applies to all full-time and part-time benefit eligible faculty and staff in a leave-earning position.

POLICY
Employees may voluntarily donate accumulated sick and vacation leave hours for Crisis Leave to aid other employees who are unable to work due to a life-threatening, emergent or serious medical condition. Employees may donate leave at their individual pay rates and the recipient is credited with sick leave at his/her individual pay rate. Therefore, crisis leave will be paid at the receiving employee’s rate of pay. Departmental budgets will continue to be charged for an employee’s salary while they are using hours from crisis leave.

Employees in crisis leave will not be considered in paid leave status and will continue to receive benefits as appropriate. Since the employee is not considered to be in a paid leave status, Missouri Western’s policy for benefits is Missouri Western will maintain employer paid medical, dental, vision, life and LTD benefits while you are on paid or unpaid FMLA leave. Other benefits are not maintained at Missouri Western’s expense during unpaid FMLA leaves. Once FMLA is exhausted, it is MWSU’s policy to terminate benefits and offer the employee COBRA. Employees on crisis leave will not accrue paid leave. The use of leave from Crisis Leave that is not in accordance with procedures and requirements outlined in the policy may constitute payroll fraud and will be dealt with accordingly.

The terms “life-threatening, emergent or serious medical condition” are defined as a health condition involving a serious, extreme, or life-threatening illness, injury, impairment, or condition such as but not limited to: advanced or rapidly growing cancers, acute life-threatening illnesses, chronic life-threatening conditions in need of immediate care, life-threatening infections, severe injuries arising from automobile or other serious accidents and severe or life-threatening conditions involving failure of bodily organs or systems (e.g., heart attack) or any period of incapacity or treatment connected with inpatient/outpatient care in a hospital, hospice or residential medical facility. Pregnancy is not a qualifying condition unless “life-threatening, emergent or serious medical conditions” arise during the pregnancy.

Any receipt of donated leave time from Crisis Leave must be approved by the Human Resources.

A. Eligibility to Receive Crisis Leave

Faculty and staff may request Crisis Leave as follows:

a. Requesting employee must have exhausted all of his or her own sick, vacation, personal, compensatory time, and short term disability leave (as it relates to non-exempt employees) and not be receiving long term disability.

b. Requesting employee may apply for his/her own life-threatening, emergent or serious illness or injury, or for a certifiable illness or injury of an immediate family member, defined as:
i. Illness or injury of employee’s spouse
ii. Illness or injury of employee’s children
iii. Illness or injury of employee’s parent or parents

c. Requesting employee must have worked at least one year continuously and 1,250 hours in a benefit eligible position from his/her date of hire to apply for Crisis Leave benefits.

d. The maximum amount of Crisis Leave benefits accessible to a (full-time/part-time) recipient cannot exceed one-third of the beginning annual balance (as verified by Human Resources) of the Crisis Leave, or 150 hours (approximately 20 days and prorated for part-time), whichever is less, in a rolling twelve (12) month period beginning with the date of the recipient’s first Request for Donation form.

e. If an employee receives a medical release to return to work prior to using all hours granted, the unused balance of hours will not be paid to the employee and will be returned to the Crisis Leave bank.

f. If intermittent treatment is required, unused approved Crisis Leave benefits may be provided on an as-needed basis.

g. The estate of a deceased employee approved for Crisis Leave is not entitled to payment for approved unused Crisis Leave hours.

h. Crisis Leave hours may not be converted to cash.

i. Employees may not solicit or request other employees make donations to Crisis Leave on behalf of themselves or other employees.

j. In the event that there is no donated Crisis Leave available, no Crisis Leave will be distributed until more hours are deposited. If insufficient balances are experienced, Human Resources may send a communication to faculty and staff indicating such a need but may not under any circumstances coerce, or tolerate anyone coercing, an employee(s) to contribute leave time.

k. Requesting employee does not have to donate to Crisis Leave in order to receive donations from Crisis Leave nor do they have to have donated in the past.

l. Employees who use leave from Crisis Leave are not required to pay the Crisis Leave back for leave used.

m. Donated time will be available for use by the recipient in accordance with regular payroll procedures and deadlines.

n. Employees who are off work due to a workers’ compensation illness or injury are not eligible to receive leave from the Crisis Leave.
o. Intent to return to work, as communicated on the Request for Donation Form, is required in order to be eligible for Crisis Leave. Employees who utilize the maximum amount of approved Crisis Leave benefits must return to work for six continuous months following their last day of use of the donated time before they are eligible to apply for additional benefits from Crisis Leave.

p. Employees receiving a medical release for return to work on a part-time basis (i.e., fewer hours per day per week than the regular work schedule), may continue to use approved donated leave for the balance of the regular work schedule until medically released for full duty.

B. Eligibility to Donate Crisis Leave

Faculty and staff may donate leave as follows:

a. The donation of leave is strictly voluntary. No employee shall be coerced into donating leave time.

b. A contributor may not designate a particular employee to receive the donation.

c. Time must be donated in whole hours.

d. The maximum number of hours that may be donated during any rolling 12-month period is 40 hours.

e. Donated sick leave hours are no longer reportable towards MOSERS retirement benefits upon retirement, voluntary resignation or other separation from employment.

f. An employee is not eligible to donate to Crisis Leave upon separation, or within six months of planned separation, from the University.

g. A contributor must have a minimum balance of 240 sick leave hours (approximately 30 days) in their own sick leave balance at time of donation. Vacation does not require a minimum balance to donate.

h. The contributor’s identity will remain confidential, unless he/she chooses to self-identify.

PROCEDURES

A. To Request Leave

a. An employee or their designee requesting leave from Crisis Leave will download, print and complete an application form available at https://www.missouriwestern.edu/hr/wp-
and submit to the Human Resources Benefits Coordinator.

b. The application must be accompanied by a FMLA application or a FMLA application must already be on file with Human Resources.

c. The application form may be submitted up to 30 days in advance of need.

B. To Donate Leave

a. An employee wishing to donate leave to Crisis Leave will download, print and complete a donation form available at https://www.missouriwestern.edu/hr/wp-content/uploads/sites/254/2013/11/absence.pdf and submit the form to the Human Resources Benefits Coordinator.

b. After receiving a Donation form, the Human Resources office will verify the employee’s eligibility and status, including current accumulated sick (faculty and staff), and vacation (staff only) time.

c. Human Resources will hold an annual open enrollment period to allow employees to donate leave. This enrollment period will be held annually to coincide with the annual Benefits Open Enrollment period. Unused leave days will be carried over to the next donation year. If needed, Human Resources can request a Special Contribution Period where employees may be asked to voluntarily contribute additional hours of Crisis Leave if Crisis Leave needs to be replenished between Open Enrollment periods. There will be no other donation periods. The maximum amount of Crisis Leave that may be donated at any given time may have a value of no more than $20,000. If hours are at this level during the normal annual donation period, no annual donation period will be held.

d. For MOSERS participants: An employee’s donated sick leave hours will immediately reduce the employee’s sick leave accrual and will not be reported to MOSERS upon separation from Missouri Western.

C. Leave Approval

a. After receiving a Request for Donation form, the Human Resources office, to maintain confidentiality, will verify the employee’s eligibility and status, including current accumulated sick (faculty and staff), vacation (staff only), personal (staff only), compensatory time (non-exempt staff only) and short term disability (faculty and staff) leave balances.

b. The Human Resources Benefits Coordinator will provide the employee a decision within five (5) business days of receipt of the application.
c. If the application is approved, the Human Resources and Payroll offices will make the transfer of hours from the University’s *Crisis Leave* and apply the leave to the employee’s payroll on a payroll period basis.

D. *Crisis Leave* Appeals

a. Applicants may appeal decisions made by the *Crisis Leave* Committee by submitting a written appeal to the Human Resources Director within 10 working days of the receipt of the denial.

b. The HR Director’s response shall be in writing to the applicant and shall be provided within 7 working days of the date of the appeal. The decision of the HR Director is final.

COMMITTEES

A. *Crisis Leave Management* Committee

a. The *Crisis Leave Management* Committee shall be comprised of three (3) members: one (1) Staff Senate member (Salary & Fringe committee member), one (1) Faculty Senate member (Fringe Benefits member), one (1) Human Resources member (Benefits Coordinator - Committee Chairman).

b. All members of the *Crisis Leave Management* Committee shall each serve a two year term. In the event that the appointed Staff or Faculty Senate member’s term on Faculty or Staff Senate ends before the term on the *Crisis Leave* Committee, a new appointee will be appointed by his or her respective Senate.

i. Staff Senate (Salary & Fringe) member will be appointed by Staff Senate in even-numbered years.

ii. Faculty Senate (Fringe Benefits) member will be appointed by Faculty Senate in odd-numbered years.

iii. Human Resources member is a standing member.

iv. In the event that a committee member is unable to fulfill their term, the *Crisis Leave* Committee will request a replacement using the appointment procedures stated above in order to fulfill the vacated term.

c. The *Crisis Leave Management* Committee will review forms and language periodically for any needed revisions or updates.

d. The *Crisis Leave Management* Committee will provide an end of year report of activity and the amount of accumulated hours in the *Crisis Leave* to the President’s Cabinet. The following must be included as a part of the Annual Report:

i. Number of full-time equivalent (FTE) sick and vacation leave hours donated to the *Crisis Leave*;

ii. Number of full-time equivalent (FTE) hours granted from the *Crisis Leave*;
iii. Dollar value of hours donated based on the salary of the donor;
iv. Dollar value of hours used based on the salary of the recipient; and
v. Number of full-time equivalent (FTE) hours of Crisis Leave at the end of the year to roll over.

Points of Contact
Questions and/or concerns with the Crisis Leave program should be addressed to Human Resources.

Financial Impact:

The current budget allocation (salary, FICA and retirement (MOSERS/CURP) would not experience a direct impact as the salary is already budgeted. A department may not be able to replace an employee that has been granted an extended leave by the Crisis Leave program.

MWSU is required to maintain certain benefits while an employee is on FMLA. This policy would not change that, nor would it extend it. Even if Crisis Leave allowed an employee to remain in a paid status, if they are not within their FMLA window, required benefits would end and be offered to the employee through COBRA.

In most situations, employees would not be allowed to use sick leave beyond the 12 weeks of FMLA (Family and Medical Leave Act) available, except in certain cases where it may be reasonable to offer extended leave due to ADA (Americans with Disability Act) accommodations. This would need to be reviewed on a case-by-case basis. Anything beyond an extended three months of leave would most likely not be considered reasonable, and would not need to be continued beyond that time for a total of approximately six months of leave.

After six months of leave (180 calendar days, approximately 134 working days or 1005 hours) an employee becomes eligible for Long Term Disability at which time we recommend separation of employment.

This policy may allow employees additional leave to which they do not now have access. However, in the past five years, there have been less than 10 employees that have had a need to use Short Term Disability insurance due to the lack of sick leave available.

GAC Summary: This proposal will be forwarded to the President for his approval.

Presidential Action: This proposal was signed by the President on June 26, 2015.

GAC #14-38 – Revision of UG English Language Requirement

Source of Proposal: Academic Affairs

Purpose of Proposal: Policy Revision

Current Policy or Procedure: University Undergraduate Catalog, page 15-16
International Students (F1)

To be admitted in this category, applicants must provide:

3. Official TOEFL (Test of English as a Foreign Language) scores with a minimum of 500 on the paper exam, 61 on the Internet based exam, or 5.5 on the IELTS (International English Language Test System). You must submit official results as we cannot accept photocopies. To facilitate our immediate receipt of your TOEFL results, please use the code number for MWSU, which is 6625, when you take the exam. NOTE: If you do not meet the English requirement you may apply for the Intensive English Program.

Exchange Students (J1)

2. Official TOEFL (Test of English as a Foreign Language) scores with a minimum of 500 on the paper exam, 61 on the Internet based exam, or 5.5 on the (IELTS) International English Language Test System. You must submit official results as we cannot accept photocopies. To facilitate our immediate receipt of your TOEFL results, please use the code number for MWSU, which is 6625, when you take the exam. NOTE: If you do not meet the English requirement you may apply for the Intensive English Program.

Proposed Policy or Procedure:

International Students (F1)

To be admitted in this category, applicants must provide:

3. Proof of English language proficiency, includes the following but not limited to official TOEFL (Test of English as a Foreign Language) scores with a minimum of 61 on the Internet based exam, 500 on the paper exam, or 5.5 on the IELTS (International English Language Test System). You must submit official results as we cannot accept photocopies. The university prefers official test score from the appropriate testing agencies. However, a photocopy of the official score is acceptable, pending verification. To facilitate our immediate receipt of your TOEFL results, please use the code number for MWSU, which is 6625, when you take the exam. NOTE: If you do not meet the English requirement for direct admission, you may apply state interest in for the Intensive English Program on the online application form for conditional admission consideration.

Exchange Students (J1)

2. Proof of English language proficiency, includes the following but not limited official TOEFL (Test of English as a Foreign Language) scores with a minimum of 61 on the Internet based exam, 500 on the paper exam, or 5.5 on the IELTS (International English Language Test System). You must submit official results as we cannot accept photocopies. The university prefers official test score from the appropriate testing agencies. However, photocopy of the official score is acceptable, pending verification. To facilitate our immediate receipt of your TOEFL results, please use the code number for MWSU, which is 6625, when you take the exam.
NOTE: If you do not meet the English requirement for direct admission, you may apply state interest in for the Intensive English Program on the online application form for conditional admission consideration.

Changes effective Spring 2016. No cost associated with this change.

**GAC Summary:** This proposal will be forwarded to the President for his approval.

**Presidential Action:** This proposal was signed by the President on June 26, 2015.

GAC #14-39 – Staff Professional Development Monetary Award Change

**Source of Proposal:** Staff Association

**Purpose of Proposal:** Policy Revision

**Current Policy or Procedure:** MWSU Policy Guide

Professional Development Funding through the Staff Association is available based on allocation of funds by MWSU Foundation. This funding shall not exceed $750 per person per fiscal year.

**Proposed Policy or Procedure:**

Professional Development Funding through the Staff Association is available based on allocation of funds by the MWSU Foundation. This funding shall not exceed $200 per person per fiscal year.

**GAC Summary:** This proposal will be forwarded to the President for his approval.

**Presidential Action:** This proposal was signed by the President on June 26, 2015.

GAC #14-40 – Absences – Holidays – Floating Holiday

**Source of Proposal:** Human Resources

**Purpose of Proposal:** Policy Revision

**Current Policy or Procedure:** MWSU Policy Guide, Employment Policies, Absences

Under “Absences” in the Policy Guide falls the category of “Holidays:”

Holidays: The University will be closed to observe the following holidays:
- Martin Luther King Day;
- President’s Day;
- Memorial Day;
Independence Day;  
Labor Day;  
Fall Break (week of Thanksgiving);  
Winter Break - December 24 through January 1.

When Independence Day falls on a Saturday, the Friday before will be observed. When Independence Day falls on a Sunday, the following Monday will be observed.

Non-exempt employees who are required to work on a holiday shall be compensated in addition to their normal pay at 1 (one) times their regular rate for hours worked. In order to receive payment for a holiday, the employee must have leave accumulation (vacation, sick leave, personal or bereavement leave) to cover the day before and the day after the holiday if they are absent.

**Proposed Policy or Procedure:**

Holidays: The University will be closed to observe the following holidays:

- Martin Luther King Day;  
- President’s Day;  
- Memorial Day;  
- Independence Day;  
- Labor Day;  
- Fall Break (week of Thanksgiving);  
- Winter Break - December 24 through January 1.

When Independence Day falls on a Saturday, the Friday before will be observed. When Independence Day falls on a Sunday, the following Monday will be observed.

Non-exempt employees who are required to work on a holiday shall be compensated in addition to their normal pay at 1 (one) times their regular rate for hours worked. In order to receive payment for a holiday, the employee must have leave accumulation (vacation, sick leave, personal or bereavement leave) to cover the day before and the day after the holiday if they are absent.

All employees will receive 1 (one) floating holiday in lieu of the President’s Day holiday. The floating holiday accrual will be applied in Banner leave accruals as of July 1st of each fiscal year. This holiday will require a supervisor’s approval, as with other elective absences, and will not carry over from year to year.

**GAC Summary:** This proposal will be forwarded to the President for his approval.

**Presidential Action:** This proposal was signed by the President on June 26, 2015.
In addition, updates were provided for proposals #14-28, #14-29, #14-30, #14-34 and #14-35. Because of the anticipated budget for 2015-2016 that will be presented to the Board of Governors at their meeting on June 25, there are no new dollars available for these proposals.

For proposal #14-33, monitoring will continue to see if there is a Supreme Court ruling for domestic partner benefits.

Respectfully submitted,

Jennie McDonald
Secretary