

Drake University
Staff Employment Handbook
Updated 06.08

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INTRODUCTION TO THE DRAKE UNIVERSITY STAFF EMPLOYMENT HANDBOOK

Updated 01.08

This handbook summarizes the principal features of Drake University's policies relating to staff employment. Given the diversity of University operations, this handbook is not designed to anticipate every situation or workplace concern. Individual managers or departments may also have work rules or guidelines for employees based on their unique operations. In the event you have a question not addressed by this handbook, you are encouraged to consult with your manager or a Human Resources representative for further guidance. This handbook is updated from time-to-time to reflect changes in policies. However, policy changes may be communicated either via the web or using campus communication vehicles before changes are made to the handbook.

"Staff" for the purposes of this handbook refers to all non-faculty employees of Drake University. If any provision of this handbook conflicts with any applicable collective bargaining agreement, the applicable collective bargaining agreement will govern with respect to the union employees covered by such agreement. Drake University may change, rescind, or add to any policies, benefits or practices described in this handbook at its discretion with or without notice.

"Manager" is used in this handbook to indicate the person to whom you directly report. At Drake, that typically is the person who conducts and signs your performance evaluations. Each job description designates the appropriate manager for that position.

"Human Resource Designees" as described in this handbook are individuals throughout the University who assist in human resource matters in their particular area. These designees typically work with Human Resources when job openings occur.

Collective bargaining agreements and benefit plan documents are binding documents that supersede any of the provisions of this handbook. Therefore, if any collective bargaining agreement (CBA) or benefits plan document conflicts with the provisions of this handbook, the CBA and/or plan document shall govern.

In some cases, grant-funded programs may have policy provisions that conflict with University policies due to operational differences, grant requirements or deviations in fiscal calendars. Grant employees should check with their HR Designate or Human Resources with questions.

I. EMPLOYMENT

UNIVERSITY NONDISCRIMINATION STATEMENT

The principles of equal access and equal opportunity require that all interactions within the University be free from invidious discrimination. Drake University therefore prohibits discrimination based upon race, color, national origin, creed, religion, age, disability, sex, gender identity, sexual orientation or veteran status.

(Adopted by the Board of Trustees, October 9, 2004)

Consistent with the nondiscrimination statement above, Drake University prohibits harassment as outlined in the Policy on Sexual or Other Discriminatory Harassment found in Section VII of this Handbook.

AMERICANS WITH DISABILITIES ACT

The Americans with Disabilities Act (ADA) protects individuals with disabilities from discrimination in the workplace. The purpose of the law is to give people with disabilities equal access to employment. A disability is defined as a mental or physical impairment that substantially limits one or more major life activities. An individual with a disability is protected if he or she: a) has an impairment, b) had an impairment, c) is regarded as having an impairment, or d) is associated with someone who has an impairment.

An individual with a disability must be able to perform the essential functions of the job and must meet all other qualifications for that position (education and experience), but may need a reasonable accommodation in order to perform the functions of the job.

If you need an accommodation under the ADA, or have questions about what may be covered, please contact Human Resources. Medical certification will be required for all requests for accommodation.

For information about accommodations for students see the Reasonable Accommodation for Qualified Students With Disabilities Policy, as printed in the Student Handbook, found at <http://www.drake.edu/dos/handbook/procedures.php>

BACKGROUND CHECKS

Drake University may perform background checks on candidates for open positions pursuant to the Background Check Policy found in Section VII of this handbook.

AT-WILL EMPLOYMENT

Staff employment at Drake University is considered "at-will" meaning that you and the University may end your employment at anytime, with or without cause. One exception to this may be an employee who has signed an employment contract with the University. Statements contained in this handbook and in other Drake University publications, including statements made during performance appraisals and wage or salary reviews, are not intended as legal documents, employment contracts, or an expressed or implied promise of continuing employment.

OPEN DOOR POLICY

Drake has an "open door" policy that encourages you to discuss ideas, concerns or problems with your manager, your manager's manager or a Human Resources representative. All employees are welcome to provide ideas and input into university policies, procedures, events and initiatives by contacting the appropriate committee, administrator or other governing body.

If you feel you have been treated unfairly in violation of the Drake University nondiscrimination statement or the Policy on Sexual or Other Discriminatory Harassment you should immediately report your feelings to your manager, your manager's manager, a Human Resources representative or any Drake University administrator. You, and anyone who assists you in the complaint process, are protected from retaliation for raising your concerns.

EMPLOYMENT AND RETENTION OF RELATIVES

The University recognizes that equal employment opportunities are available to all people regardless of their relationship to others employed by Drake University. If a relative of an employee is hired, to avoid actual or perceived favoritism, conflict of interest or adverse treatment, the University discourages a direct reporting structure between these employees, and may reassign employees who report to a relative. For purposes of this policy, relatives are defined as a spouse/partner, mother, father, grandparent, brother, sister, child (or the same relatives of spouse/partner.)

POSITION OPENINGS AND JOB POSTINGS

Position openings are generally posted by Drake University Human Resources for a minimum of five (5) working days. Employees of Drake University are welcome to apply for any open positions for which they are qualified. Information about job openings is available on the Human Resources web page. Departmental restructuring, expansion of existing job duties and temporary reassignment are examples of situations where an internal posting may not be appropriate. Please contact Human Resources for additional information.

TRANSFERS AND PROMOTIONS

It is Drake University's policy to transfer and promote internal candidates whenever it is in the best interest of the University. If you are interested in a transfer or believe you qualify for a promotion, you are encouraged to discuss the matter with your manager. You may also discuss job requirements and the application process with a Human Resources representative. Should you accept a position with another University Department you may be asked to assist with the transition by remaining in your position for a period of time beyond the normal notice period on a full or part-time basis. The managers in each area should work cooperatively in an effort to agree on an appropriate transition schedule.

PERSONNEL RECORDS

Personnel records are maintained in Human Resources Please notify Human Resources of any change, such as address, name, telephone number, emergency numbers, marital status or beneficiary changes. Some benefit changes require such notification within 31 days of the date of the qualifying event. You may review your personnel file by contacting Human Resources to schedule an appointment. Former and current employees may receive a copy of their personnel file by submitting a written request to the Director, Human Resources, The Point, 1331 27th Street, Des Moines, IA 50311. Copying costs may be charged for such requests.

REQUESTS FOR PERSONNEL INFORMATION

Human Resources does not provide employee home addresses or telephone numbers to third parties, except vendors or administrators with whom Drake University has contracted to administer or audit its benefit plans. Human Resources may, however, provide employee home addresses to internal departments for university-sponsored initiatives or events, such as those sponsored by Marketing and Communications, Alumni and Parent Programs, and Athletics.

SEPARATION FROM EMPLOYMENT

Drake University is an "at-will" employer, meaning both you and the University may end the employment relationship at any time or for any reason. The only exception to this may be an employee who has signed an employment contract.

Giving Notice of Separation

For a voluntary resignation, written notice of two (2) weeks for non-exempt positions, and thirty (30) calendar days for exempt positions is required unless waived by the University. Should you accept a position with another University Department you may be asked to assist with the transition by remaining in your position for a period of time beyond the normal notice period on a full or part-time basis. The two impacted departments should work cooperatively in an effort to agree on an appropriate transition schedule. If necessary, Human Resources can assist with the transition schedule.

Financial Obligations

Prior to your last day of employment, Human Resources will contact internal departments to notify them that your employment is ending. These offices may contact you regarding any outstanding financial obligations. The University will deduct from your final payroll any personal outstanding obligations such as library, telephone, parking and travel expenses, pro rata tuition rebates or those of your dependents, cost of rekeying/lost keys, unearned payroll advances or for any other lawful purpose accruing to your benefit.

University Property

Employees are also responsible for returning all property belonging to the University prior to the last day of employment. Employees should make arrangements with their management to return such items, redistribute work, change voice messages, notify remaining staff or clients, and close or reassign email accounts.

Rehired Employees

In the event a regular full-time staff employee voluntarily separates employment from Drake University and is rehired within six (6) months from the date of separation, the employee will be reinstated as though no break in service occurred for purposes of determining eligibility for certain benefits, including vacation and sick leave. For complete information regarding each benefit and its application to a break in service situation, please contact Human Resources or refer to the Summary Plan Description and/or Plan Document of the applicable benefit plan.

In the event a regular full-time staff employee separates employment from Drake due to the elimination of his/her position and is rehired within one-year from the date of separation, the employee will be reinstated as though no break in service occurred for purposes of determining eligibility for certain benefits, including vacation and sick leave. For complete information regarding each benefit and its application to a break in service situation, please contact Human Resources or refer to the Summary Plan Description and/or Plan Document of the applicable benefit plan.

DEATH BENEFITS

In the event of the death of a regular full-time employee in active work status, the employee's estate will be paid a death benefit equal to the amount of compensation that would have otherwise been payable through the next regular pay day following the 30th day from the date of the employee's death.

SOLICITATION AND DISTRIBUTION

Persons not employed by Drake University may not solicit or distribute literature in the work place without the expressed permission of University Administration. The University recognizes that administrators and staff may have interests in events and organizations outside of the work place. (Examples include school candy sales, Girl Scout cookie sales, pledge requests or raffles.) However, you may not solicit or distribute literature concerning such activities during working time or through the use of the University's electronic or campus mail systems. Working time does not include lunch periods, work breaks or any other periods in which you are not actively on duty at work.

Internal electronic and manual mailing facilities and bulletin boards are for university business and university-sponsored activities only.

II. WORKPLACE CONDUCT

PERFORMANCE EXPECTATIONS

Drake University expects all employees to maintain professionalism and integrity while in the workplace and when representing the University. In addition, managers and departments may set standards of performance and communicate expectations. Any employee who does not meet the expectations of the University may be subject to discipline, up to and including termination. In some cases, immediate termination may be warranted. If you have questions about the expectations of your department or the University, you should discuss them with your manager.

COMMUNICATION

Drake University provides employees various means of communication. These include, but are not limited to, facsimile, telephone, voicemail, electronic mail, and internet use. While it is acceptable to use these forms of communication for personal use in moderation, there are certain uses, which are not acceptable. Employees should not use these communication systems to engage in behavior that would violate any university policy. Such inappropriate behavior may include:

- Excessive use of any system for personal use
- Use of any system for personal profit or entrepreneurial purposes
- Sending inappropriate messages, which contain any material, which may be considered to be harassing or discriminatory
- Using the systems for gambling or other illegal activity
- Viewing, storing, downloading, or sending pornographic images

All electronic communication systems are property of the University and may be monitored to ensure proper use. Other Information Technology policies also govern the use of University communication systems. It is your responsibility to comply with those policies referenced at the sites listed below:

<http://www.drake.edu/it/help/documents/Fac-Staf10-07-2005.pdf>

http://www.drake.edu/it/help/documents/ICN_prohibited_activities.php

http://www.drake.edu/it/help/documents/webpolicy_v2_8.pdf

http://www.drake.edu/shared/shared_it/Portal_Policies_Version_3.0.pdf

DRUG-FREE WORKPLACE

Drake University is committed to providing a drug-free workplace. The cooperation of all employees and a similar commitment from them is expected and is a part of everyone's job duties. It is our intent and obligation to provide a drug-free, healthful, safe and secure work environment. Consistent with this commitment, Drake complies with all federal and state laws, regulations and orders, which pertain to providing a drug-free workplace.

The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance on university premises, or while conducting university business off-campus, is absolutely prohibited. Violations of this policy will result in disciplinary action, up to and including termination, and may have legal consequences.

The University recognizes drug dependency as an illness and a major health problem. The University also recognizes drug abuse as a potential health, safety and security problem. Individuals needing help in dealing with such problems are encouraged to use the Employee Assistance Program located at 505 Fifth Avenue, Suite 600, in Des Moines 515-244-6090 or 1-800-327-4692 and university health insurance plans, as appropriate.

All Drake employees must, as a condition of employment, adhere to the terms of the above policy and report any conviction under a criminal drug statute for violations occurring on or off university premises while conducting university business. A report of a conviction must be made within five (5) days after the conviction.

Any inquiries regarding coverage under these provisions should be directed to the Director, Human Resources, Drake University, 1331 27th Street, Des Moines, IA 50311 (515-271-3962).

For some positions at Drake University, post-offer, pre-employment drug testing may be required as a condition of employment. In the event such pre-employment testing is required, applicants will be provided with notice of the requirement and a copy of the applicable drug testing policy.

DRAKE UNIVERSITY ALCOHOL POLICY

The use of alcoholic beverages, though acceptable for persons of legal age, is a matter of University concern, because the University is committed to maintaining an academic and social environment conducive to the intellectual and personal development of students and to the safety and welfare of all members of the University community. The University feels that it cannot deny persons of legal age the right to use alcoholic beverages, but sees its responsibility as preventing the abuse of drinking privileges by encouraging individuals to behave in an appropriate and responsible manner where the use of alcoholic beverages is concerned.

The full Drake University Alcohol Policy is on the web at:

<http://www.drake.edu/dos/handbook2/appendices/appendixa.php>

VIOLENCE-FREE WORKPLACE

Drake University does not tolerate threatening behavior or physical violence in the workplace made by an employee or non-employee. Non-employees may be people we work with, such as consultants or temporary employees, or people from our personal lives such as spouses or partners. The University feels that each employee and student should be provided with a work environment where they can safely work, educate and learn.

Unacceptable violent behavior may include, but is not limited to:

- Verbal threats or insults; abusive language
- Bringing weapons or firearms onto the premises
- Threats of physical harm
- Physical or verbal assaults, including fighting

Reporting Violence in the Workplace

Please see the reporting procedures under the Harassment Policy, Section VII. As with all reports of inappropriate behavior, the individual reporting or participating in an investigation will be protected from retaliation.

III. WORK SCHEDULES AND JOB CLASSIFICATIONS

REGULAR WORK WEEK

For most positions at Drake University the regular workweek is comprised of 37-1/2 hours. The regular workday is from 8:00 a.m. to 4:30 p.m. with one hour allowed for lunch. The actual number of hours worked in a workweek varies by job classification as determined by the manager and in accordance with statutory regulations and university requirements.

Employees required to track their hours may count holiday, vacation, and personal time as time worked when computing the total number of hours for that workweek. For time reporting purposes, the workweek begins at 12:01 a.m. Monday and ends at 12:00 midnight the following Sunday.

FLEXIBLE WORK SCHEDULES

Alternate flexible work schedules are available with prior management approval. University business needs, department size, and impact on co-workers are all important factors in determining whether a flexible work schedule is appropriate in a given situation. A flexible work schedule may be approved on a regular, on-going basis or for a specific time period.

The University offers the following flexible work schedules: (a) part-time, regular appointments, (b) nine, ten, or eleven month appointments, and (c) eighty (80) percent appointments. Benefits may need to be adjusted for a flexible work schedule.

A flexible work schedule approval form must be completed. This form is available electronically on the Human Resources web page.

SUMMER HOURS

Summer hours allow employees to adjust their workweek to allow time away from work for summer activities. The ability to accommodate summer hours is subject to manager approval and operational needs. A typical example of a summer hour schedule may be, 7:30 a.m. - 4:30 p.m. Monday - Thursday (Lunch: 45 minutes), 7:30 - Noon - Friday. When considering these hours, both employees and managers should remain mindful of operational needs, department size and impact on co-workers. At all times, we want to maintain a high level of service to our constituents. Things to consider about summer hours:

1. Offices will remain open for normal business operations.
2. Offices will need to be properly covered by staff employees in order to ensure a high level of service to our constituents.
3. A summer schedule may be approved for one or more weeks. This will depend on such factors as the availability of personnel, department activities, and other business and operational needs.
4. An approved summer schedule requires the same number of work hours per week.
5. Managers should keep in mind such things as operational needs, department size and impact on co-workers.
6. Managers are encouraged to discuss with employees particular times during which summer hours may not be feasible.
7. If summer hours are scheduled during the week of the Fourth of July holiday, an additional 45 minutes will need to be worked during the same week.

The Summer Hours Program will be offered beginning with the Monday following the last day of spring semester classes and ending the last Friday of summer session classes, unless otherwise

communicated. If you have any questions or would like guidance in determining whether to grant a request for summer hours, please contact Human Resources.

A summer hours program approval form must be completed. This form is available electronically on the Human Resources web page.

EMPLOYMENT CLASSIFICATIONS

For employment and benefit eligibility purposes, the University defines positions, hours worked, duration of employment and job classifications as follows:

Positions

University positions are classified as either exempt or non-exempt according to guidelines of the Fair Labor Standards Act (FLSA).

1. Exempt: Pursuant to the FLSA, these positions are excluded from minimum wage and overtime FLSA provisions. Exempt employees are paid on a salary basis. The duties of the position may require exempt employees to work beyond a regular workday or workweek. Therefore, there is no overtime paid nor is compensatory time available for these positions. Moreover, pursuant to federal and state law, no time reporting is required.

For additional information about how exempt employees are paid see the FLSA Safe Harbor Policy in the Special Policy Statements Section of this handbook.

2. Non-Exempt: Positions are subject to minimum wage and overtime FLSA provisions. The FLSA requires that non-exempt employees report hours worked. Time reporting is completed by staff members with management approval and submitted to the Payroll Office. Non-exempt employees are paid on an hourly basis.

At times, the phrase "administrators and staff" will also be used to describe all non-faculty positions for purposes of policy and other announcements.

Hours Worked

University positions are identified by hours worked and length of employment.

- Full-Time: Employment on a regular basis of 32 hours or more during the normal work week
- Regular Part-Time: Employment on a regular basis of 20 - 31 hours during the normal work week
- Part-Time, Less Than 20 Hours: Employment on a regular or temporary basis to work less than 20 hours during the normal workweek
- Temporary/On-Call: Positions requiring work upon request as business need requires, regardless of the number of hours worked in a particular week

INDEPENDENT CONTRACTORS

Independent contractors (consultants, contract workers) are not Drake employees. Independent contractor arrangements require prior approval of the Controller.

EXTRA COMPENSATION FOR UNIVERSITY STAFF

Overtime Pay, Non-Exempt Employees

If you are a full-time non-exempt employee and work more than a regular Drake workweek (37 1/2 hours), you will be paid an overtime premium of 1-1/2 times your regular hourly rate for those hours worked. While state and federal law require overtime after a 40-hour work week, Drake has elected a more generous benefit with the 37 1/2hour workweek.

Time cards, web time entry and time clocks must be an accurate record of time worked and reasons for time not worked. Management must approve all overtime before it is worked.

Employees should avoid overtime pay, when possible. To accomplish this, an employee can take time off before or after a regular workweek has been worked. The time off, however, must be taken within the same workweek as when the extra hours are worked. For example, if you need to work on Saturday, you may be approved to take the same amount of time off earlier in the week. If you have any questions about this policy, contact a representative from Payroll or Human Resources.

The duties of an exempt position may require work in excess of the regular workweek. Exempt employees do not receive overtime and should not take compensatory time off for hours worked beyond a normal workweek.

Teaching, Non-Faculty Employees

If a non-faculty employee of Drake University is asked or agrees to teach a course outside their normal workday, compensation will be provided for that assignment pursuant to the policies and practices of the applicable academic unit. If, however, an exempt employee teaches a course during their regular workday, compensation above the employee's regular pay will not be paid, regardless of when the course is developed or when course preparation takes place.

Overload Compensation

Except in the case of teaching, which is addressed above, an employee may be awarded for additional work or duties when each of the following criteria is met:

- 1 The additional work and duties are clearly beyond the scope of the primary employment duties, and, in most cases, require a higher level of work and/or responsibility. The additional work and duties are not reasonable extensions of regular job duties as outlined in the job description document or appointment letter.
- 2 The performance of the additional work and duties will not, in any manner, compromise or adversely affect the performance of services covered by the recipient's regular assignment.
- 3 The additional work and duties are limited in duration and will not become a regular part of the recipient's job duties.
- 4 Approval for extra compensation is secured before the performance of such duties. No commitment to the employee of such compensation shall be made before such approval is secured.

Approval Process

All requests for extra compensation are to be made in writing at least five business days in advance of the work or assignment's commencement via the *Request for Additional Compensation (Overload) Form*, found through the Office of Business and Finance at www.drake.edu/busfin/forms_folder/payroll_overload_staff.doc . Failure to secure approval prior to the performance of duties will result in no additional compensation being awarded.

No commitments to the staff member should be made prior to approval for extra compensation has been secured.

Requests must include a statement addressing each of the criteria above and be forwarded for approval or disapproval to the appropriate unit head(s) and then to the Provost (if an academic unit) or the Director, Human Resources (if a non-academic unit).

No requests for additional compensation will be processed without a signed copy of the Request for Additional Compensation (Overload) Form.

Other Considerations

Due to legal and regulatory requirements of the Fair Labor Standards Act and State Wage and Hour Laws, extra compensation or overload is generally not available to nonexempt (hourly) employees. In any case, Human Resources may deny the request to consider extra compensation for a non-exempt hourly employee if it is not practicable due to legal or regulatory constraints.

For staff positions, if additional duties are assumed as part of the regular job duties of a position, the upgrade and promotion procedures of the Staff Salary Administrations Guidelines apply.

Performance Bonus Programs

Drake University may, from time to time, provide for a performance bonus program for faculty and/or staff. No unit or department, including grant-funded programs, may provide a performance bonus to any of its faculty or staff unless such bonus is part of a University wide performance bonus program.

UNIVERSITY CLOSINGS, DELAYS AND CLASS CANCELLATIONS

Official class cancellations, university delays or closings are infrequent events. In certain circumstances such as inclement weather, power outages or other extreme conditions the Provost or President will make the decision regarding class cancellations, university delays or closings after consulting with appropriate members of the University community.

It is important to distinguish between class cancellations, university delays and closings.

- **Class Cancellations:** Under some conditions, Drake classes will be canceled; however, the University will remain open to maintain student access to most university services.
- **University Delays:** Under some conditions, a delay in opening of the University is made. In these circumstances, weather and other reports suggest that conditions will improve early in the day. The delay allows students, staff, and faculty additional time to arrive at work or class; limits the number of people commuting during the rush hour and allows for clearing of parking lots.
- **University Closings:** In circumstances where the University is closed, no classes are held and most offices are closed. There are certain personnel who must report for work even when the University is closed so the institution can serve the residential students. Their respective departments identify these personnel groups. This decision is made when extreme conditions that are widespread in the city or area threaten life. Often the decision is the result of recommendations from state and local police and safety officials.

Under some conditions, certain offices will be operating only under limited hours even when the University is closed. These specifics are included in the closing and/or cancellation announcements.

Decision To Cancel, Delay Or Close

Day Classes, University Closings or Delays: All efforts are made to make the decision by 6:00 a.m. so the information can be disseminated to media outlets and the University's cancellation line before most people begin their trip to campus.

Evening Classes: All efforts are made to make the decision by 2:30 p.m. so the information can be posted on media outlets before most people begin their trip to campus. For these purposes, classes that begin after 4:30 p.m. are considered evening classes.

Other Circumstances: Require individual decisions and individual contacts by faculty, school, and college administrators, such as weekend workshops and classes and off-site Drake classes.

Notification

The most accurate and detailed information can be found on the cancellation line, 2714545, or on the Drake web site at www.drake.edu. The local television and radio stations will also be notified.

Pay During Emergency Closings

If you are a non-exempt employee (hourly), you are paid for hours worked. When an emergency condition arises while you are at work, and the University closes early, you are paid in full for that day. When an emergency condition arises prior to the start of your workday and the University is closed, you will be paid in full for that day. "Paid in full" means paid for the hours you were scheduled to work on the day of the closing.

If you, in exercising your best judgment with respect to personal safety, elect to leave work early or not come in when university offices have not been closed, you may receive pay by using vacation, or if you elected to stay home the full day, you may take personal time. You may also make up the time during the same workweek at straight-time rates, with your manager's prior approval. Otherwise, the time is treated as unpaid.

If you are an exempt employee (salaried), you are expected to work the hours required to effectively fulfill your position's responsibilities. Accordingly, exempt employees' salaries will not be impacted by normal emergency closings. Exempt employees who elect to leave early, or to not come in when the University does not close, must take vacation for hours actually missed, take a personal day, or make up the time with their manager's prior approval.

In the event of an unusual emergency situation, causing the University to be closed for more than five (5) business days, the University reserves the right to revisit the provisions of this policy pertaining to continued pay status.

Early Start Time

Some employees with earlier starting times may not have closing information prior to the time they typically leave home for work. These employees should discuss with their managers the procedures for reporting to work on days when emergency conditions are likely to cause university offices to close. If business needs allow, managers may permit employees with early starting times to wait until the deadline for making an announcement has passed before leaving home for work.

Essential Personnel

Employees designated by the Provost and/or the Vice President of Business and Finance, as "essential personnel" may be required to work even when the University is closed. For normal emergency closings related to severe weather, such non-exempt essential personnel are paid double time for the greater of: actual hours worked during the closing period, or the equivalent number of paid time off hours provided to administrative staff during the closing period. For purposes of this policy, "closing period" shall begin in accordance with the closing time announced by the President (or the

President's designee) and shall end at the time specified in the announcement for reopening. If not specified in the official closing announcement, the reopening time will be deemed to be 8:00 a.m. on the following day. Essential personnel required to work during the period of official delay will be paid double time for the hours worked during the period of delay (i.e. from the beginning of the shift until the time of reopening.) Employees who are on sick leave, vacation or other paid time off on a day of closing or delay will not receive additional compensation.

For essential personnel working weekend shifts, normal emergency conditions relating to weather will result in the premium pay described in the paragraph above if the President (or the President's designee) determines that weather conditions were severe enough to warrant premium pay.

For unusual emergency situations not involving current weather conditions, the payment of essential personnel who are required to work will be determined on a case-by-case basis, but in no event will such pay be less than their regular straight-time rate.

IV. ATTENDANCE, TIME-OFF, AND LEAVES

ATTENDANCE

Prompt and regular attendance is essential to productivity, teamwork and the achievement of university goals. Excessive absences increase co-workers' workloads, interfere with workflow, have a negative impact on productivity, and reduce employee morale. For these reasons, Drake expects employees to begin work as scheduled and maintain good attendance.

If you will be late for the beginning of your workday or you are unable to report to work for the day, you must notify your manager prior to the start of your shift. Discuss with your manager the specific requirements of the department regarding notification of absenteeism or reporting late for work. If you fail to report for work as a no/call or no/show, this may be considered a voluntary resignation, and your employment may be terminated.

Making Up Lost Time

Non-exempt employees may be asked or allowed to make up time lost due to absences. This time must be made up during the workweek within which the absences occur. Overtime should not be used for non-exempt employees to make up absences.

Exempt employees are expected to fulfill the responsibilities of their positions with early, late, or weekend time as necessary.

PERSONAL DAY

To provide flexibility to employees in meeting the demands of home, family, personal commitments and work, Drake University provides employees with two personal days (up to a maximum of 16 hours, which can be taken in one-hour increments) in addition to other time-off benefits. All regular full-time employees receive two personal days each fiscal year. The personal days are not available for carry-over from one fiscal year to the next and are not paid out upon separation from employment.

SICK LEAVE

Drake University provides sick leave and long term disability benefits for when an illness or injury prevents you from working. Following is a discussion of sick leave benefits for full-time regular employees. For more information about your long-term disability benefits, see the HR web page, LTD Summary Plan Description or contact Human Resources.

Eligibility for Sick Leave

Staff in full-time regular positions are eligible for sick leave benefits in the event of nonoccupational illness or injury or the illness of an immediate family member. For information on occupational injury or illness see the Workers' Compensation section of the employee handbook or contact a Human Resources representative.

Accrual Rates

All staff accrue sick leave at the rate of 12 hours per month of service (1.5 days), so long as the employee is in a paid status. The maximum accrual for any staff member is 65 business days (520 hours). The Drake University Sick Leave policy is designed to offer protection in the event of a serious illness. That is why accrual up to 520 hours (65 business days) is allowed; to give you the opportunity to save the amount necessary to provide you a bridge to long term disability benefits, should you need them.

Exceptions

Effective June 1, 2002, Drake University enhanced its long-term disability benefit by reducing the waiting period from 120 calendar days to 90 calendar days. Drake also changed the maximum sick leave accrual rates to reflect the change in waiting period. To transition to the new accrual maximum, however, Drake elected to allow employees with more than 65 days (520 hours) accrued as of June 1, 2002, to retain and use their accrued sick leave. Once such accruals are used, however, additional sick days will not accrue until such employees fall below 520 hours of accrued sick leave. Thereafter, they may accrue sick leave at the regular rates and the 65 business day/520 hour accrual cap will apply.

When Sick Leave May be Taken

Sick leave is to be used for when an employee's health condition prevents him or her from working. In addition, accrued sick benefits may be used for personal or immediate family illness or injury requiring the care of the employee. Immediate family is defined as spouse/partner, mother, father, grandparent, brother, sister, child (or the same relatives of your spouse/partner).

Sick leave is not available for routine doctor visits or check-ups. Personal and or vacation time should be used for such appointments scheduled during work hours. You may also work with your manager to make up time within the same workweek for time off due to routine doctor's visits.

If you are absent due to illness or injury, you must notify your manager as soon as possible. If you are gone for more than three consecutive days, you or your manager should contact Human Resources. (See the Family and Medical Leave Policy.)

Upon request by your manager or Human Resources, you must provide a physician's verification of illness or injury. In the case of sick leave for the care of an immediate family member, you may also be asked to provide verification from the treating physician confirming the sickness or injury that required your care.

Sick leave is to be used only when you must be gone due to your own illness or injury or the illness or injury of an immediate family member. Sick leave is not paid out when you leave the University.

This sick leave policy, like all benefit policies at Drake University, can be changed at any time.

Reporting Sick Leave

Non-exempt employees report sick hours on their time card or web time entry. If your time away from work is both sick leave and FMLA leave, this should also be indicated on your time card or web-time entry.

Exempt employees should report sick leave along with vacation on a monthly report to Business and Finance.

When You Leave Drake

Sick leave is to be used only when you must be gone due to your own illness or injury or the illness or injury of an immediate family member. Accrued sick leave is not paid out when you leave Drake.

Less than 12 Month 100% Appointments

The above sick leave policy assumes a 12-month, 40 hour per week assignment. For full-time assignments of less than 12 months, 40 hours per week (but more than 9 months, 32 hours per week) sick leave is pro-rated.

VACATION

Time away from work is important for your physical and psychological well-being. Vacation is one means of providing this time to eligible employees. Administrators and staff in regular full-time positions* as well as twelve-month faculty are eligible for vacation pursuant to the following schedule:

Exempt Full-Time Employees

Years of Service Annual Vacation 0 - 19 160 hours 20+
200 hours

Non-Exempt Full-Time Employees

Years of Service Annual Vacation 0 - 3 80 hours 4 - 5 96
hours 6 - 10 120 hours 11 - 19 160 hours 20+ 200 hours

**Some 9-month instructional staff positions may not be eligible for vacation. Contact the HR Designate in your school or college for more information.*

On June 1 of each fiscal year, an employee receives annual vacation amounts for use during the fiscal year. If an employee has a service anniversary anytime during the fiscal year, the annual vacation amount for the corresponding year of service will be effective June 1, prior to the anniversary date.

Vacation is a paid time-off benefit for active employees provided at the beginning of each fiscal year, and is not accrued each month. Vacation cannot be carried over from one fiscal year to the next. Unused vacation is not paid out when you leave Drake. All vacation is subject to manager approval.

Annual vacation cycles may vary slightly for certain grant programs. In such cases, the applicable grant program will communicate these differences to impacted employees.

Employees Hired After June 1

Eligible employees hired after June 1 will receive prorated vacation amounts for use during the first year of employment.

Vacation Amounts for Part-Time and 9, 10, and 11 Month Appointments

Regular, part-time staff working more than 20 hours per week and staff with nine, ten or eleven month appointments receive annual vacation on a pro-rated basis.

Reporting

Department managers are responsible for maintaining vacation records for exempt and non-exempt employees. Vacation totals for all exempt employees must be submitted to payroll on a monthly basis. Vacation hours must be accurately reflected on time cards or web-time entry and be approved by the appropriate manager.

Scheduling Vacation

While time away from work is important, it is also critical to make sure you discuss your vacation schedule with your manager. Your manager may approve or deny your request in whole or in part. Time of year, university or departmental activities, events or projects as well as the vacation schedules of others in your department all may play a role in whether your manager approves your vacation request.

HOLIDAYS

If you are employed in a full-time, regular position, you are eligible for paid holiday benefits at the time of your employment. If employed in a part-time, regular position, your holiday pay will be based on the normally scheduled number of work hours. If you work a flexible schedule, such as a four-day workweek, you will receive the holiday benefit only for those days you would otherwise be regularly scheduled to work. Unless you are on approved vacation or other excused absence (such as FMLA leave), you are expected to work all scheduled hours the day before and the day after a holiday to be eligible for holiday pay.

Holidays Observed

Drake provides the following paid holidays:

New Year's Day
Labor Day
Martin Luther King, Jr. Birthday
Thanksgiving (2 days)
Memorial Day (observed)
Christmas (2 days)
Fourth of July

Additional holidays before or after a holiday may be approved, depending upon when the holiday falls each year. A holiday schedule is made available prior to the beginning of the new fiscal year (June 1), and is found online at

http://www.drake.edu/hr/policies/policies/Holiday_Schedule_07-08.pdf

If you are employed in a full-time, regular non-exempt position and are required to work on an observed university holiday (including the holiday week described below), your pay will be based on the total number of hours worked plus the holiday. If employed in a part-time, regular position, you will receive prorated holiday pay based on the number of hours actually worked.

HOLIDAY WEEK

In addition to vacation, holidays and personal time, Drake University may elect to close university offices during the last week of the calendar year. This additional "holiday week" is provided at the discretion of Drake University. Individual departments may elect to require coverage for certain services even when the University closes during this time period. In cases where special events, programs or operational needs require the University to remain open during this week, employees will be notified in advance.

JURY DUTY

Drake supports your civic responsibilities to serve as a juror on judicial proceedings. At all times, you must report to your manager your attendance for jury duty. When you are not required to be present for jury duty, you are expected to report to work. Full time and regular part-time employees on jury duty retain full salary and benefits for a period of ninety calendar (90) days. You are not required to reimburse Drake for any amounts paid you for jury duty.

An employee who is subpoenaed for a non-work related case will be required to use vacation or personal time to cover the absence from work, or the absence will be unpaid.

PERSONAL LEAVE OF ABSENCE

In rare circumstances, an individual may require a personal leave of absence. A personal leave would be unrelated to a medical condition, which may be covered under Family Medical Leave or unrelated to Military service, which may be covered under Military Leave. A personal, unpaid leave of absence may be granted upon approval of management and Human Resources. Holiday pay is not available for holidays that fall within the unpaid leave period.

Pay and Benefits

Personal leave time is intended to be unpaid. An employee may be required to use vacation time while on leave. Short-term leaves of less than twelve (12) consecutive weeks do not affect continuation of insurance benefits. If an unpaid leave of absence is extended more than twelve (12) consecutive weeks, the participant is responsible for payment of full cost of health and dental benefits. Sick leave accrual does not continue during an unpaid leave of absence and staff members are not paid for holidays that fall within the leave period.

FAMILY AND MEDICAL LEAVE

The Family and Medical Leave Act of 1993 (FMLA) requires most employers to provide up to 12 workweeks of job protected, unpaid leave per 12-month period to eligible employees for: the birth or adoption or foster care placement of a child to care for a family member with a serious health condition the employee's own serious health condition

Please refer to the complete Family Medical Leave policy in Section VII.

MILITARY LEAVE OF ABSENCE

Employees in the uniformed services—voluntarily or involuntarily—are covered under the Uniformed Services Employment and Reemployment Rights Act (USERRA), a federal statute signed into law in 1994, which clarifies uniformed service military-leave rights for employees. These services include the U.S. Army, Navy, Marine Corps, Air Force, Coast Guard, and Public Health Service commissioned corps. The reserve components of each of these services are included as well. Federal training or service in the Army National Guard and Air National Guard also is covered under USERRA.

Please refer to the complete Military Leave policy in Section VII.

BEREAVEMENT LEAVE

Drake provides time off without loss of pay to attend a funeral, make funeral arrangements, or assist in the grieving process for a member of your immediate family. For the purpose of this policy, the following people are considered immediate family: spouse/partner, mother, father, grandparent, grandchild, brother, sister, child (or the same relatives of spouse/partner). A maximum of five (5) working days of funeral leave is generally available during a fiscal year to an employee who is employed in a full-time, regular position. You and your manager depending upon the situation determine the time allowed. As approved by your manager, you will be paid for the normal workdays absent.

V. EDUCATIONAL PROGRAMS

EXCELLENCE IN LEARNING AND DEVELOPMENT

Drake University values life-long learning among its faculty, staff, and students. The Drake University Excellence in Learning and Development Program is designed with that in mind; emphasizing that varied and frequent learning opportunities enhance personal and professional growth and effectiveness.

The Excellence in Learning and Development Program includes many diverse offerings from which to choose. Participants may earn an Excellence in Learning and Development Certificate and be recognized at an event during the summer following the conclusion of the program. Additional program information can be found at <http://www.drake.edu/hr/learning/>.

LEARNING AND DEVELOPMENT LEAVE

Purpose

The Drake University Learning and Development Leave Program provides all non-bargaining full-time 12-month staff* an opportunity for paid time off for comprehensive in-depth learning activities that will contribute to the growth of the employee and further the strategic initiatives of Drake University. Learning and development leave is not designed for the pursuit of academic degrees.

*For purposes of this policy staff includes all non-faculty, non-bargaining employees of Drake University, subject to the eligibility criteria set forth in this policy. For faculty leave information please see the sabbatical policy set forth in the Faculty Handbook.

Eligibility

All full-time staff of Drake University with six years of continuous full-time employment, working 12 months per year, are eligible to apply for learning and development leave, subject to approval and criteria below.

Length of Leave

The length of learning and development leave available is four (4) weeks. This leave is available for extensive or in-depth learning above and beyond that typically available through regular training programs or learning opportunities and, therefore, four (4) weeks is what is contemplated as an appropriate amount of leave time under this policy in most cases. However, the appropriate cabinet level administrator may approve shorter leaves. In unusual circumstances a learning and development leave opportunity may require longer leave periods, but such leaves can only be granted with the approval of the University President. One four (4) week leave is available during any six (6) year period.

Compensation

Because learning and development leave supports the strategic goals of the University through employee development and growth, it is fully paid. Participating employees will continue participation in all employee benefit plans in which the employee participated prior to the leave, pursuant to the terms of such plans. During approved learning and development leave, participants are eligible for normal salary adjustments.

Learning and development leave cannot be used for other employment, including work as a consultant or contractor. However, external funding for research (e.g. grants) and special projects are not prohibited so long as such funding is consistent with the proposed plan and the overall purposes of the approved learning and development leave.

Dissemination

Upon return from approved learning and development leave, the findings, results or reflections from the leave experience are to be disseminated. The applicant may work with Human Resources and/or their manager, to determine the most appropriate way to achieve maximum benefit for the institution and employee as a result of the dissemination process. Possibilities include: a report to be posted on a common web site; a presentation to the department or other appropriate audience; an actual project (such as development of a program, policy or process); or a report to senior administrators, the Board of Trustees or other appropriate group.

Committed Service Upon Return

Upon return from approved learning and development leave, an employee agrees to remain employed with Drake University for at least one year from the first day of leave. When the employee does not return for the requisite time period, the individual must refund any salary received during the leave period and any leave expenses paid by the University.

Application

Eligible employees must submit a Learning and Development Leave Application to their manager. Generally, eligible employees must submit a Learning and Development Leave Application to their manager at least three (3) months prior to the leave's commencement. Exceptions may be made at the discretion of the manager.

The employee's immediate manager and department head or applicable senior administrator will determine whether to recommend approval of the leave to the appropriate member of the President's cabinet.

Managers and the approving member of cabinet may determine whether to grant or deny the application taking into account operational and staffing needs, the length of the requested leave, prior leave opportunities, individual performance and other factors appropriate to determining whether the leave is mutually beneficial to the University and applicant.

TUITION REBATE PROGRAM

Eligibility

You are eligible for tuition rebate benefits for yourself, spouse/partner, and eligible dependent children if you are employed in a full-time, regular position and are on the university payroll the first day of classes of a semester or summer term. Eligibility covers on-campus audited and credit courses provided by Drake University.

The following programs and fees are not covered by tuition rebate:

- Travel courses (including study abroad)
- Tutorial or private instruction
- Applied music lessons offered through the Music Department, unless included as a required part of a credit course
- Non-credit music lessons (such as those offered by the Community School of Music)
- Doctoral and Law Programs for spouse/partner and eligible dependent children
- Mandatory and Non-Mandatory Fees. Examples include (but are not limited to):

1. Mandatory Fees:
 - a. Olmsted Center
 - b. Health Center
 - c. Student Activity
 - d. Technology

2. Non-Mandatory Fees:
 - a. Parking
 - b. Overload (Charged to students taking more than 18 credit hours)
 - c. Music
 - d. Laboratory
 - e. Study Abroad

Questions about which fees are not covered by tuition rebate can be referred to Student Accounts.

Some foreign exchange programs may qualify for tuition rebate. Contact Human Resources for information.

Faculty and Staff Tuition Coverage

All full-time regular employees may carry a maximum of eight (8) credit hours of free tuition during each fall and spring semester, and no more than eight (8) credit hours during the interim term and all summer terms combined. To be eligible for tuition rebate, an employee must be a full-time regular employee on the first day of classes of that semester or session and obtain manager approval for courses taken during scheduled work hours.

When Courses May be Taken

Employees in exempt positions may take day classes with permission of their manager or dean and their division vice president. It is expected they will continue to fulfill the duties of their regular assignment as a condition of continued release during the normal workday. Employees in non-exempt positions are expected to take classes outside of their regular work hours. Under certain circumstances (such as a course necessary for completion of a degree when the course is not offered outside of regular work time), a manager or dean may authorize attendance during work hours. To receive full pay, the individual must make up the time during the same work- week in which the absence from work occurs. If a credit course is considered by the manager or dean as necessary for current job performance, authorization may be granted to the individual to take the class on the basis of on-the-job training. The time is considered paid time and does not need to be made-up. Only one on-the-job training credit class can be approved for fall and spring semesters and one credit class during the summer session.

Fees and Assessments

Fees and assessments (mandatory and non-mandatory) are not covered by tuition rebate and are paid by the student/employee.

Tuition Rebate Application Flow

The first step in applying for tuition rebate benefits is to complete a tuition rebate form and return it to the Office of Student Financial Planning. The financial aid staff will coordinate the student's potential tuition rebate eligibility with other forms of financial aid for which the student may have applied. The Office of Student Financial Planning will forward the tuition rebate form to Human Resources for confirmation of eligibility for the tuition rebate program for the specified academic term. Once the tuition rebate form has been approved by Human Resources, it will be sent to the Office of Student Accounts where the benefit will be applied to the student's account.

Tuition Benefits for Dependents, Spouse/Partner

For purposes of this tuition rebate program, a child is considered a dependent if the child has not yet reached age 26, is not employed full-time and is claimed by you as a dependent on your income tax return or can demonstrate that you provide principal support during the period for which tuition benefits are used.

The benefit levels for dependents, spouse/partner are as follows:

| Undergraduate Tuition Waiver | |
|------------------------------|---------------------|
| 0-1 year of service | 50% waiver benefit |
| 1+ years of service* | 100% waiver benefit |

*Employees must have completed one year of service on the first day of classes of the semester or session to be eligible for the 100% waiver benefit.

| Masters Level Graduate Tuition Waiver | |
|---------------------------------------|---------------------|
| Employed on or after 1/1/69 | 50% waiver benefit |
| Employed on or before 12/31/68 | 100% waiver benefit |

| Law Tuition Waiver | |
|--------------------------------|----------------------|
| Employed on or after 1/1/69 | No benefit available |
| Employed on or before 12/31/68 | 100% waiver benefit |

| Doctoral Programs | |
|----------------------|--|
| No benefit available | |

| PharmD Tuition Waiver | |
|------------------------------|---|
| Freshman, Sophomore, P1 & P2 | Undergraduate Tuition Waiver; P1 & P2 taxable as income |
| P3 & P4 | Graduate Tuition Waiver |

Limitation on Dependent Participation

There is a limit of two persons, either one spouse/partner and one dependent or two dependent children (this limit includes dependent children participating in the Tuition Exchange Program), in any one school session. (Individual employee participation does not count toward the two-person limit).

A Special Note About Taxability of Pharmacy Tuition Waiver

Doctor of Pharmacy students are charged graduate level tuition beginning with their 3rd year (P1). However, for purposes of Tuition Rebate, qualifying students receive the undergraduate benefit for the first four years of their program. Tax rules require that payment for course work in a graduate level program is taxable income. Accordingly, tuition rebate benefits become taxable income beginning with the 3rd year (P1) of the pharmacy program and federal, FICA and state taxes will be withheld on this taxable benefit and the taxable income will be reported on the employee's W-2.

Taxation on Graduate Courses

Graduate tuition benefits for all tuition rebate participants are reported to tax agencies as taxable income with appropriate withholding amounts. The amount of tuition benefits is included as taxable gross wages on the employee's payroll statement and W-2. Appropriate taxation amounts are withheld from pay received during September through December for the fall term, January through May for the spring term, and June through August for the summer terms. (It is vital to submit the Application for Tuition Reduction before the first day of the term.) Any change such as drops, adds and withdrawals must be reported immediately to Payroll and Student Financial Planning so that proper adjustments may be made to the employee's salary and withholding records.

High School Students - Post Secondary Enrollment Options (PSEO) Act

This program provides high school students an opportunity to earn college credits while they are still in high school. The Postsecondary Enrollment Options Handbook can be viewed on the Iowa Department of Education web page at

<http://www.state.ia.us/educate/ecese/asis/pseoa/index.html>

High school students, who are dependents of Drake University employees and eligible to participate in this program, will be required to apply for the PSEO program through their school district when enrolling to take course-work at Drake. Tuition rebate will be available to these dependents for courses that do not qualify for the PSEO program or after eligibility under the PSEO program has been exhausted.

Fully Disabled, Retired, or Deceased Faculty and Staff

If an employee is either tenured or has been employed for at least five (5) years, their spouse and dependent children can receive the benefits under this policy to which the spouse and dependent children would have otherwise become entitled had the employee not become fully disabled or retired. The spouse (so long as the spouse does not remarry) and dependent children of a deceased employee can also receive the tuition benefits, under this policy to which the spouse and dependent children would have otherwise become entitled, had the employee not died.

Application forms for tuition rebate may be obtained from the Human Resources web page at <http://www.drake.edu/hr>. Questions about the tuition rebate program should be directed to a representative in Human Resources (271-4804).

Waiver of Waiting Period

In the event a newly hired employee was eligible for a 100% undergraduate tuition rebate benefit for dependents at another institution immediately prior to accepting employment with Drake, such employee will become immediately eligible for undergraduate tuition rebate for their dependents under this policy at the 100% level.

Eligibility under this waiver provision requires that the following conditions be met:

The employee met all eligibility requirements for tuition rebate at the prior institution of employment, including years of service, employment status and any other condition of eligibility; The employee produces written documentation of eligibility from the prior institution in the form of a letter from the Director of Human Resources or other person responsible for administration of the tuition rebate policy; and The employee was employed with the prior institution immediately prior to employment at Drake University (on the day an offer from Drake is accepted the employee must be employed with the prior institution).

TUITION EXCHANGE PROGRAM

Drake University is a member of Tuition Exchange, Inc., a nationwide association of colleges and universities that have mutually agreed to remit under certain arrangements and with limitations the tuition of children of member schools. Details are available in the Office of Student Financial Planning. Students who are eligible for tuition rebate benefits on the Drake campus may be eligible for tuition exchange, subject to the terms and conditions of that program and any participating institution.

Additional program information can be found at www.tuitionexchange.org

VI. UNIVERSITY HEALTH SAFETY AND SECURITY

WORK RELATED INJURIES and ILLNESSES

Non-Emergency Medical Treatment

If you are injured or become ill as a result of your work, you must immediately inform your manager. As needed, a medical appointment will be scheduled at the University's designated medical clinic. A copy of your job description should be taken to the clinic to assist in determining any work restrictions. If the treating physician releases you to return-to-work, every effort will be made to accommodate any restriction. After a work-related accident occurs, your manager will meet with you to complete an on-line accident report. All work-related accidents must be reported, including accidents that occur during weekends, holidays and non-business hours.

The on-line accident report can be found at:

http://www.drake.edu/hr/forms/claim_forms_folder/report_of_injury.php

Emergency Medical Treatment

For emergency medical response, dial 911 and then call Security at 811 to report an emergency, work-related injury or illness.

Workers' Compensation Insurance

Drake provides workers' compensation insurance to all eligible employees. This insurance provides medical, surgical and hospital treatment along with payment for lost wages resulting from work-related injuries and illnesses.

CAMPUS SECURITY

Drake employs campus security officers who patrol the campus on foot and in vehicles around the clock.

Security phones and/or call boxes with direct lines to Campus Security are located inside major buildings and in various outside locations across campus. Call Drake Security at 811 in an emergency situation or 2222 in a non-emergency situation.

EMERGENCY PROCEDURES

To be prepared in the event of an emergency, the Drake Emergency Reference Guide is posted in major campus buildings. The guide is designed as a reference to help you respond immediately and effectively to a wide range of emergency situations. You are encouraged to read the reference guide in your location. Contact your dean or manager about specific emergency evacuation procedures for your college or department.

Drake has a contingency plan that will be activated in situations affecting the University community which is available at

<http://www.drake.edu/ehs/formsplansprocedures/emergencyresponse.php>

SMOKE-FREE CAMPUS ENVIRONMENT

EFFECTIVE JULY 1, 2008 IOWA LAW PROHIBITS SMOKING ANYWHERE ON THE DRAKE UNIVERSITY CAMPUS, INCLUDING IN UNIVERSITY OWNED OR LEASED VEHICLES AND ANY VEHICLES PARKED IN UNIVERSITY PARKING LOTS. Employees who leave campus to smoke must have manager approval to do so. Time used for smoking during the regular workday is unpaid, but may be made up by taking a shorter lunch

or extending the workday, with manager approval.

VII. SPECIAL POLICY STATEMENTS

COMMUNITY, DIVERSITY, AND FREEDOM OF EXPRESSION

Statement of Principles

Drake University's purpose is to transmit knowledge, pursue truth, and encourage the intellectual and moral development of its students through the activities central to academic life: teaching, research, rigorous analysis, debate, study, and service. In pursuit of these goals, Drake encourages and protects diverse perspectives and the free flow of ideas and discussion among its members. Such diversity and differences of opinion generate debate that produce knowledge and a greater understanding of what it means to be fully human.

Drake values the fact that it is a community consisting of men and women of different races, nationalities, religions, physical abilities, sexual orientation, ages, political perspectives and other diverse characteristics. While acknowledging our differences, we affirm the dignity and freedom of every individual. We abhor acts of oppression, be they denial of freedom of expression; discrimination in its various forms of sexism or racism, or intolerance of religion, age, sexual orientation, or political beliefs; or harassment of any member of the University community.

Drake's students, faculty, and staff share the responsibility of respect for each other and for new and opposing ideas. We seek affirmatively to cherish and celebrate difference. We intend that our purpose and commitment to community pervade our campus — our classrooms, libraries, offices, social and academic organizations, studios, recreational facilities, living units — buoyed by freedom, responsibility, and respect for all people. It is education in the most humane and liberating sense to which Drake is dedicated. Drake University upholds freedom of thought and freedom of expression as central to its educational mission. Drake therefore carefully refrains from restricting the exchange of ideas or regulating the content of speech. We realize that freedom of thought and freedom of expression produce conflict and challenge. We encourage civil debate and discussion of divergent perspectives and opinions in a manner that affirms our community. We seek to create a community in which shared purpose transcends difference and respect for human dignity transcends conflict.

The encouragement of civility does not, however, mean that Drake seeks to avoid public debate or suppress open and candid discussion of troubling and controversial issues. Nor do we seek to discourage or chill the expression of unpopular opinions or challenging perspectives. To preserve the University's central role as a public forum of ideas, Drake upholds the right to express unpopular and provocative viewpoints, including expression that may be dramatic, emotive, or imperfectly articulated. We affirm the principle that thoughts and opinions should be subject to the crucible of debate and be judged only in the free marketplace of ideas. Ideas will not be suppressed because they are presently viewed as unpopular or inappropriate by current authorities, nor will expression of those ideas be infringed because it may be perceived as harmful to a particular group or organization. Although the frank and open discussion of social, cultural, artistic, religious, moral, scientific and political issues may be disturbing and even hurtful for some individuals, the principle of free exchange and inquiry takes precedence as it is so fundamental to the educational enterprise.

While cherishing and defending freedom of speech to the full extent protected by the First Amendment of the United States Constitution, Drake University declares its abhorrence of statements that demean, denigrate, humiliate or express hatred toward members of the University community. Words do indeed have consequences. Words may be hurtful. Speech should be a thoughtful process. Speaking irresponsibly can negatively affect morale, motivation, and community. Responsibility calls us to be sensitive to the harmful effects of hostile speech and to refrain from speaking in demeaning and discriminatory ways.

Any individual who uses bigoted or vicious speech and thereby betrays the ideal of mutual respect and goodwill toward all members of the University community may expect strong and public censure by the administration, faculty and students. Even if expression that is hostile in nature does not rise to the level of harassment which is subject to disciplinary sanction, no person is ever exempt from being reproved by the administration or from being chastised by fellow students, faculty, or staff. To rebuke a speaker for the error of his or her ideas or for the odious nature of their expression is part of the robust and vigorous public debate which is the central purpose of the University. Indeed, every member of the Drake University community has a responsibility to promote civility and mutual respect for every other individual and to thoughtfully challenge those who undermine our community.

Moreover, while the University defends freedom of expression, it will not tolerate acts of harassment. When an individual engages in harmful conduct or threatens a member of or a visitor to the University community, Drake University will take such disciplinary action and respond with such sanctions as are deemed appropriate.

POLICY ON SEXUAL AND OTHER DISCRIMINATORY HARASSMENT Revised and Adopted 10/06

INTRODUCTION

Drake University strives to foster respect for the dignity and worth of all members of the University community by providing an educational and professional environment free of harassment. Harassment in violation of this policy stifles the realization of the victim's full potential as a student, faculty or staff member. Harassment is especially serious when it threatens relations between teacher and student or supervisor and subordinate by unfairly exploiting the power differential between the parties in the relationship. Likewise, Drake University does not tolerate harassment between people of equal University status.

It is the policy of Drake University to widely disseminate this policy and ensure its availability to all students, faculty and staff. Drake University will continue its commitment to sensitizing faculty, staff and students to the issue of harassment through appropriate communications with each group.

STATEMENT OF POLICY ON SEXUAL HARASSMENT

Sexual harassment of students, faculty or staff is prohibited at Drake University. Sexual harassment undermines the mission of the University through its insidious and detrimental impact on individual students, faculty, staff, and on the University community as a whole.

A. Definition of Sexual Harassment

Sexual harassment is defined as unwelcome advances, requests for sexual favors, or other unwelcome verbal or physical conduct aimed at another because of sex when:

- Submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment or status in a course, program or activity;
- Submission to or rejection of such conduct is used as a basis for an employment or educational decision affecting an individual, or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance or of creating an intimidating, hostile, or offensive environment for work or learning.

These definitions are intended to be in accordance with federal and state law.

B. Examples of Sexual Harassment

Sexual harassment occurs in a variety of circumstances. Often, sexual harassment involves relationships of unequal power, and contains elements of coercion as when compliance with requests for sexual favors becomes a condition of employment, work, education, study or benefits. Sexual harassment may also involve unwelcome relationships among equals, as when repeated sexual advances or demeaning verbal or physical behavior have a harmful effect on a person's ability to study or work at the University.

Examples of sexual harassment include, but are not limited to, the following unwelcome behaviors:

- physical assault, indecent exposure, or physical contact of a sexual nature;
- direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion, grades or letters of recommendation etc.;
- direct propositions of a sexual nature;
- a subtle pressure for sexual activity or a pattern of conduct (not legitimately related to the subject matter of a course, if a course is involved) intended to denigrate, distress or humiliate through sexual comments or sexually explicit statements, questions, jokes or anecdotes. This pattern of conduct may include unnecessary touching, unwanted staring, patting, hugging or brushing against a person's body; remarks of a sexual nature about a person's clothing or body; or remarks about sexual activity or speculations about previous sexual experience;
- a pattern of conduct that would denigrate, distress or humiliate a reasonable person of the same sex as the person at whom the conduct was directed. The pattern of conduct may, but need not, be of a sexual nature so long as it is directed at another because of sex. Examples include but are not limited to
 - name-calling jokes or negative comments about the person's sex/gender
 - physical intimidation, vandalism or pranks
 - displays of reading materials or pictures containing negative material about a particular sex, including electronic materials

STATEMENT OF POLICY ON OTHER DISCRIMINATORY HARASSMENT

Definition of Other Discriminatory Harassment

In addition to sexual harassment defined above, Drake University specifically prohibits harassment based on any other characteristics set forth in its nondiscrimination statement as follows: race, color, national origin, creed, religion, age, disability, sex, gender identity or sexual orientation. Like sexual harassment, harassment based on one of these protected characteristics undermines the mission of the University through its insidious and detrimental impact on individual students, faculty, staff, and on the University community as a whole.

Prohibited harassment is conduct based on one of these characteristics when such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance or of creating an intimidating, hostile, or offensive environment for work or learning.

Examples of Other Discriminatory Harassment

Examples of the types of behavior that could be considered harassment based on these characteristics include any patterns of conduct aimed at another because of a protected characteristic that would denigrate, distress or humiliate a reasonable person, such as

- name-calling, jokes or negative comments about the protected characteristics
- physical intimidation, vandalism or pranks
- displays of reading materials or pictures containing negative material about these characteristics, including electronic materials

PROCEDURES – SEEKING GUIDANCE AND FILING A COMPLAINT

A. Questions or Guidance

Any member of the Drake faculty, staff or student body who has questions about this policy or believes he/she may have been subjected to harassment or knows someone who may be subjected to harassment should contact the Dean of Students, Director, Human Resources or Provost or anyone designated by such individuals to respond to questions under this policy.

B. Filing A Complaint

All individuals who believe they have or may have been harassed pursuant to this policy should file a complaint with the Director, Human Resources or other person designated by the President. In the event the complaint is against the Director, Human Resources or an employee who directly reports to the Director, Human Resources a complaint may be filed with the Provost or Dean of Students.

Complaints should be promptly reported so that appropriate action may be taken and an investigation completed while events are still relatively recent. Complainants are encouraged, but not required, to file a complaint within 180 days from the date of the last incident.

Verbal complaints should be reduced to writing by either the complainant or the individual who receives the complaint in order to preserve an accurate record. The written complaint should identify the parties involved; describe the harassing behavior; when and where it occurred; and identify by name or description any witnesses.

All complaints of discrimination related to sexual harassment will be handled promptly and treated with as much discretion as practicable. Access of information provided by the Complainant will be available only to those persons on a reasonable need-to-know basis.

C. The Investigation

The Director, Human Resources or his or her designee, will conduct a prompt, thorough and impartial investigation of the complaint or any report of harassment in violation of this policy. The parties to the complaint will each be interviewed as part of the investigation. The parties will also be informed of the status of the investigation as deemed appropriate.

A confidential record of the investigation will be kept on file in the office Human Resources.

D. Remedial Action

If a finding of harassment in violation of this policy is made, appropriate remedial action will be taken. Such action may range from counseling to termination of employment, and may include such other forms of disciplinary action as appropriate under applicable University procedures. Any such action will be subjected to the official hearings and appropriate grievance procedures set forth in the applicable student code of conduct, student handbook, staff handbook, faculty manual, bargaining unit contract and Academic Charter. If the report recommends action against a faculty member that could lead to severe sanctions, including possible dismissal, Human Resources shall recommend that the dean of the school or college of the faculty member initiate the process leading to official hearings in accordance with the principles and procedures specified in the Academic Charter and in its appendices and in the Statements on Policy and Procedure for the Dismissal of Tenured or Nontenured Faculty applicable to the Standing Committee of the Faculty Senate on Academic Freedom and Tenure (April 1991). If it is determined that no violation has occurred, such findings shall be communicated to the complainant and the alleged harasser.

If the results of an investigation show that the complainant knowingly filed false accusations of harassment, or that a witness gave false statements, such individuals will be subject to appropriate

disciplinary action. A finding for the accused does not constitute a finding that the complaint was made in bad faith.

RETALIATION PROHIBITED

Retaliation of any kind against anyone seeking guidance, filing a complaint or participating in an investigation under this policy is prohibited. Examples of retaliation include, but are not limited to, any action that has an adverse impact on the complainant's employment, compensation or work assignments, or, in the case of students, grades, class selection or any other matter pertaining to student status.

ADDITIONAL RESOURCES

The following resources are available to students and/or employees who may want to talk to someone about alleged harassment. Neither of these resources take complaints of harassment, but offer a source of support. These resources should not replace the reporting procedures set forth in this policy above.

Employee Assistance Program - The **Employee Assistance Program (EAP)** is a free, confidential service designed for the benefit of Drake employees and their families. Confidentiality is the cornerstone of the EAP program and your use of EAP is strictly confidential within the limits of state and federal regulations. Your job security and promotional opportunities will not be jeopardized due to involvement in the employee assistance program. The EAP is offered through Employee and Family Resources. You may reach the EAP 24-hours a day, 7-days a week at 1800-327-4692.

Student Counseling Center – The Student Counseling Center works with students on a wide variety of issues and concerns. All information obtained in counseling is confidential within the limits of state law and not released without the written consent of the student. The Student Counseling Center is open 8 a.m. to 5 p.m. Monday through Friday. It is located at 3116 Carpenter Ave., Des Moines, IA 50311. The Counseling Center phone number is (515) 271-3864.

BACKGROUND CHECKS POLICY

General Information

This policy is intended to help the University protect its interests and the well-being of its students, staff, faculty, and the public. This policy establishes parameters for criminal history and related background checks on individuals who are offered employment at the University. Convictions or other issues disclosed or discovered in the employment process may influence the selection of the applicant. Likewise, failure to be forthcoming about criminal history or any misrepresentation of education or work history may also influence the selection of the applicant.

Policy Provisions

When are background checks required?

Background checks are required for any new hire into the positions identified. The University reserves the right to perform background checks for other positions and/or under other circumstances.

Do current employees have to undergo background checks?

Generally, current employees do not have to undergo background checks unless a transfer, promotion, reclassification, or change in their job duties moves their position into an identified

category. The University reserves the right to perform background checks on employees under other circumstances.

Which positions are identified?

For purposes of this policy, all full-time positions in the following areas are pre-identified for background checks:

- Athletics
- Facility Services
- Residence Life
- Security

For all other positions, including part-time positions in each of the areas above, the hiring department, in consultation with Human Resources, will determine whether a background check is appropriate, based on the duties and responsibilities of each position.

What information will be obtained as part of the background check?

Each background check will, at a minimum, consist of:

- Social Security Number Trace Search
- Criminal Record Search
- Sexual Offender Database Search

Additional information such as, but not limited to, education verification, work history, and driving record may also be requested.

Does a background check include checking into a person's credit history?

Generally, no. However, some positions, such as financial positions, may require additional background checks, including checking into a person's credit history.

Access and Privacy

Who will have access to the background check results?

Human Resources will retain the results of background checks. If there are no criminal convictions or other issues revealed in the background check, Human Resources will notify the department to complete the hire. If there are criminal convictions or other issues revealed in the background check, Human Resources will notify the hiring manager, review the results with him or her, and collectively make a final determination regarding the suitability of the candidate for the specific position.

How will the University protect an individual's privacy?

Drake University conducts background checks through Sterling Testing Systems. Human Resources will serve as the Office of Record for all background check results and will strive to maintain confidentiality. Departments will not receive any details of a background check, except as otherwise contemplated by this policy. Drake University policy prohibits University employees and others from seeking out, using, or disclosing background check information except within the scope of their assigned duties and this policy, and/or as allowed by applicable laws.

Where will background check information be maintained?

If the individual is hired as an employee, the background check results will be filed in and become a permanent part of the employee's personnel file in Human Resources. If the individual is not hired as an employee, the background check results will be maintained with the individual's application in Human Resources.

Hiring Issues**Can employees be hired before the background check has cleared?**

An offer can be extended with the understanding that actual employment is dependent upon acceptable results with respect to the background check.

Does a criminal conviction automatically preclude an applicant from employment or a current employee from a reclassification or promotion?

No. If there is a criminal conviction or other issue revealed in the background check, Human Resources and the hiring manager will review the results and make the final determination regarding the individual's suitability for employment in the position. In some instances, the Human Resources may recommend additional controls that a department would need to implement before employing, promoting, or reclassifying a person convicted of a crime or with other issues revealed in the background check. Consideration will be given to many factors, including but not limited to, the specific duties of the position, the number of offenses and circumstances of each, and whether the convictions or other issues were disclosed during the application process.

Are there certain kinds of convictions that will generally preclude hiring into one of these identified positions?

Individuals with criminal convictions for theft, embezzlement, identity theft or fraud generally will not be hired into positions with fiduciary responsibilities. Likewise, convictions for child molestation and other sex offenses will generally preclude an individual from employment that involves direct, unsupervised contact with students or access to residence facilities. Workplace or domestic violence, or other convictions for behaviors that would be inappropriate for specific jobs may also be grounds for denial of employment. This list is not inclusive, but serves to illustrate the decision-making criteria.

Process & Forms What specific forms and documents are needed for this process, and where can they be obtained?

Candidates who are extended a conditional offer of employment must complete a Consent and Disclosure form that informs the candidate that Drake University will be utilizing the services of Sterling Testing Systems to conduct the background check and requests specific information necessary to complete the background screening. In addition, the candidate must be given a copy of A Summary of Your Rights Under the Fair Credit Reporting Act. The Consent and Disclosure form and the Summary of Rights document can be obtained from the Forms Library on the Employee tab in blueView or by contacting Human Resources.

FLSA SAFE HARBOR POLICY

Some employees at Drake University are classified as exempt employees who are exempt from the minimum wage and overtime requirements of the Fair Labor Standards Act (FLSA). To qualify for exempt status, employees generally must be paid at not less than \$455 per week on a salary basis. These salary requirements do not apply to outside sales employees, teachers, and employees practicing law or medicine. Exempt computer employees may be paid at least \$455 on a salary basis or on an hourly basis at a rate not less than \$27.63 an hour.

Being paid on a “salary basis” means an employee regularly receives a predetermined amount of compensation each pay period on a weekly, or less frequent, basis. The predetermined amount cannot be reduced because of variations in the quality or quantity of the employees work. Subject to exceptions listed below, an exempt employee must receive the full salary for any workweek in which the employee performs any work, regardless of the number of days or hours worked. Exempt employees do not need to be paid for any workweek in which they perform no work. If the employer makes deductions from an employee’s predetermined salary, i.e., because of the operating requirements of the business, that employee is not paid on a “salary basis”. If the employee is ready, willing and able to work, deductions may not be made for time when work is not available.

Deductions from pay are permissible when an exempt employee: is absent from work for one or more full days for personal reasons other than sickness or disability; for absences of one or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for salary lost due to illness; to offset amounts employees receive as jury or witness fees, or for military pay; or for unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions (see employer’s policy on penalties for workplace conduct rule infractions). Also, an employer is not required to pay the full salary in the initial or terminal week of employment; for penalties imposed in good faith for infractions of safety rules of major significance, or for weeks in which an exempt employee takes unpaid leave under the Family and Medical Leave Act. In these circumstances, either partial day or full day deductions may be made.

It is Drake’s policy to comply with the salary basis requirements of the FLSA. Therefore, we prohibit all supervisors from making any improper deductions from the salaries of exempt employees. We want employees to be aware of this policy and that Drake does not allow deductions that violate the FLSA.

If you believe that an improper deduction has been made to your salary, you should immediately report this information to your direct supervisor, or to the Director of Human Resources.

Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, you will be promptly reimbursed for any improper deduction made.

FAMILY AND MEDICAL LEAVE

The Family and Medical Leave Act of 1993 (FMLA) as amended by the National Defense Authorization Act for FY 2008 (NDAA), Public Law 110-181, requires most employers to provide up to 12 workweeks of job protected, unpaid leave per 12-month period to eligible employees for:

- the birth or adoption or foster care placement of a child
- to care for a family member with a serious health condition
- the employee's own serious health condition
- a "qualifying exigency" arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a "contingency operation"

Drake University has developed the following guidelines for complying with the FMLA. Because this policy is designed to ensure compliance with the FMLA, many of its provisions reflect the language and terminology of the statute.

I. Eligibility

1. Individuals employed for at least 12 months or 52 weeks (need not be consecutive) by Drake University and who have worked at least 1,250 hours for Drake University during the 12-month period immediately preceding the commencement of the leave are eligible for FMLA leave.
2. Hours are calculated based upon actual hours that the employee worked, including overtime.

To determine eligibility, the University will use its records of hours worked for non-exempt (hourly) employees. In the case of exempt (salaried) employees, the University will assume that any employee employed full-time for seven and one-half months during the twelve-month period immediately preceding the commencement of leave satisfies the 1,250 hours requirement. The fact that an exempt (salaried) employee has not worked full-time for seven and one-half months during this period does not automatically make the employee ineligible under the FMLA or this policy.

Work Site Exception

The University will attempt to accommodate all leave requests, regardless of the number of employees at a particular work site. However, if the University employs fewer than 50 employees within 75 miles of the employee's work site, the FMLA does not apply. Therefore, unless a different state law applies, the University may deny a leave request from an employee at a work site that does not meet this 50-employees-within-75-miles test, if granting the leave would adversely affect the operations of that site.

II. Reasons for FMLA Leave

The University will grant an eligible employee unpaid leave for up to 12 workweeks during a 12-month period for any of the following reasons:

1. Due to the birth of a child of the employee, in order to care for that child

2. Due to the placement of a child with the employee for adoption or foster care
3. In order to care for a "family member" if that family member has a serious health condition
4. Due to the employee's own "serious health condition" which makes the employee unable to perform the functions of his or her position
5. Due to a "qualifying exigency" arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a "contingency operation"

Employees are limited to a maximum of 12 workweeks unpaid leave for any of these purposes. For example, an employee cannot take 12 workweeks parental leave and 12 workweeks sick leave during the same 12 month period. If the leave is for the birth of a child or placement of a child for adoption or foster care, the leave must be completed within 12 months of the date of birth or placement.

Servicemember Family Leave

The University will grant an eligible employee who is the spouse, son, daughter, parent, or "next of kin" of a "covered servicemember" up to 26 workweeks of leave during a 12-month period to care for the servicemember, subject to the following:

1. The leave described in this paragraph shall only be available during a *single* 12-month period, and
2. During the single 12-month period just mentioned, an eligible employee is only entitled to a combined total of 26 workweeks of leave for servicemember leave and other FMLA leave. For example, an employee cannot take 26 weeks of servicemember family leave, plus 12 weeks of parental leave in a single 12-month period.

The 12-Month Period

Available leave is calculated by determining the amount of leave used by an employee for the 12 months prior to each day for which leave is requested and subtracting that number from the total number of days equal to 12 workweeks. This is referred to as the "rolling" or "looking back" method of calculation.

Example: An employee who is eligible for 12 workweeks of FMLA leave uses 4 weeks of leave in June of 2008, another 4 weeks of FMLA leave in November of 2008, and 4 weeks in February of 2009. At that point, all allotted 12 workweeks of FMLA leave have been used. If no additional FMLA leave is taken, at the end of June of 2009, the employee will have 4 weeks of FMLA leave available, as the 4 weeks used in June of 2008 will no longer be counted. Assuming no additional FMLA usage, the employee would pick up 4 more weeks of FMLA leave eligibility by the end of November 2009, and be back to 12 weeks of FMLA leave available as of the end of February of 2010.

Spousal Exception

If a husband and wife both work for the University, and are eligible for leave, the aggregate number of workweeks of leave to which both are entitled is limited to 12 workweeks during any 12 month period for leave taken for a child's birth or placement for adoption or foster care, or to care for a sick parent. The aggregate 12 workweeks will be calculated in the same manner as leave for an individual employee.

In the case of servicemember family leave, the aggregate number of workweeks of leave to which both the husband and wife are entitled is limited to 26 weeks.

Intermittent Leave

An employee taking leave for (1) his or her own serious health condition; or (2) the serious health condition of a family member; or (3) because of a “qualifying exigency” arising out of the fact that the employee’s spouse, son, daughter, or parent is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a “contingency operation” may take leave on an intermittent basis, or by reducing the employee’s scheduled work hours, if the employee provides certification from the health care provider confirming that such leave is medically necessary, or from the military branch of the covered servicemember, as appropriate. The total amount of leave to which the employee is entitled will be reduced by the amount of leave actually taken on an intermittent basis or pursuant to a reduced work schedule. The University may require an employee to temporarily transfer to an alternative position with equivalent pay and benefits that better accommodates recurring periods of leave.

III. Definitions

Family Member—“Family member” is defined in the FMLA as an employee’s spouse, son, daughter, or parent (but not a parent “in-law”). For purposes of Drake’s Family and Medical Leave Policy, spouse means a husband or wife as defined or recognized under State law for purposes of marriage in the State where the employee resides, including common-law marriage in States where it is recognized, or a partner of an employee who is eligible for other spousal/partner benefits of the University. Partners (domestic partners) are unmarried same sex partners as attested to in a domestic partner affidavit. Parent means an employee’s biological parent or an individual who assumed day-to-day and financial responsibility for the employee when the employee was a son or daughter.

Son or daughter means the employee’s biological, adopted, or foster child, a stepchild, a legal ward, or a child whom the employee supervises on a day-to-day basis and for whom the employee is financially responsible. A son or daughter must either be under age 18, or age 18 or older and “incapable of self-care because of a mental or physical disability.”

For purposes of confirmation of family relationship, the University may require the employee giving notice of the need for leave to provide reasonable documentation or statement of family relationship. This documentation may take the form of a simple statement from the employee, or a child’s birth certificate, a court document, or other appropriate documentation.

Serious Health Condition—“Serious health condition” is defined as an illness, injury, impairment or physical or mental condition that involves one of the following:

- Hospital Care
Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity or subsequent treatment in connection with such inpatient care.
- Absence Plus Treatment
A period of incapacity¹ of more than three consecutive calendar days (including any subsequent treatment or period of incapacity relating to the same condition), that also involves:

¹ Incapacity is defined to mean inability to work, attend school or perform other regular daily activities due to the serious condition, treatment for such condition, or recovery from such condition or treatment.

1. Treatment² two or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider.
 2. Treatment by a health care provider on at least one occasion that results in a regimen of continuing treatment³ under the supervision of the health care provider.
- Pregnancy
Any period of incapacity due to pregnancy, or for prenatal care.
 - Chronic Conditions Requiring Treatments
Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which meets one or more of the following criteria:
 1. Requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider.
 2. Continues over an extended period of time (including recurring episodes of a single underlying condition).
 3. May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.)
 - Permanent/Long-term Conditions Requiring Supervision
A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.
 - Multiple Treatments (Non-Chronic Conditions)
Any period of absence to receive multiple treatments (including any period of recovery from such treatment) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis).

Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomach, minor ulcers, headaches other than migraine, routine dental or orthodontia problems, periodontal disease,

² Treatment includes examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations.

³ A regimen of continuing treatment includes, for example, a course of prescription medication (e.g., an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition. A regimen of treatment does not include the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bed-rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider.

etc., are examples of conditions that do not meet the definition of a serious health condition and do not qualify for family and medical leave.

Substance abuse may be a serious health condition if the conditions of this term are otherwise met. However, family and medical leave may only be taken for treatment for substance abuse by a health care provider or by a provider of health care services on referral by a health care provider.

For more information on other programs available to Drake employees who need time away from work to care for themselves or an immediate family member, see the applicable Sick Leave Policy.

Health Care Provider—A "health care provider" includes, but is not limited to, a doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices; or a podiatrist, dentist, clinical psychologist, optometrist, or chiropractor (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in the State and performing within the scope of his or her practice as defined under State law; or a nurse practitioner, nurse-midwife or clinical social worker who is authorized to practice under State law and who is performing within the scope of his or her practice as defined under State law. A Christian Science practitioner is a health care provider to the extent defined under regulations issued by the U.S. Department of Labor.

Active Duty—Active duty, used with respect to servicemembers, means duty under a call or order to active duty under a provision of law referred to in 10 U.S.C. § 103(a)(13)(B).

Contingency Operation—Contingency operation, used with respect to servicemembers, means a military operation that—

(A) is designated by the Secretary of Defense as an operation in which members of the armed forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or

(B) results in the call or order to, or retention on, active duty of members of the uniformed services under section 688, 12301(a), 12302, 12304, 12305, or 12406 of this title, chapter 15 of this title, or any other provision of law during a war or during a national emergency declared by the President or Congress.

Next of Kin—"Next of kin," used with respect to servicemembers, means the nearest blood relative of that individual.

Covered Servicemember—Covered servicemember means a member of the Armed Forces, including the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in "outpatient status," or is otherwise on the temporarily disabled retired list, for a serious injury or illness.

Outpatient Status—Outpatient status, used with respect to servicemembers, means the status of a member of the Armed Forces assigned to—

(A) a military medical treatment facility as an outpatient, or

(B) a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

Serious Injury or Illness—"Serious injury or illness," used with respect to servicemembers, means an injury or illness incurred by the member in the line of duty on active duty in the Armed Forces that

may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.

IV. Paid/Unpaid Leave

The FMLA requires certain employers to provide eligible employees up to 12 workweeks (26 in the case of leave to care for servicemembers) of unpaid leave for circumstances described above. At Drake, however, an employee on FMLA leave may continue in a paid status by using accrued time-off benefits. Employees must utilize all available paid leave during the FMLA leave, except for five vacation days, which may be saved by the employee for non-FMLA use. **The employee must indicate in writing a desire to exempt up to 5 days of accrued vacation at the time the request for FMLA qualified leave is made.**

For example, accrued sick leave pay must be used when an employee is unable to work due to the employee's own serious health condition. If the employee uses all of his or her accrued sick time, the employee will be required to use his or her unused personal day(s) and then all unused vacation benefits, **except that up to 5 days may be saved for later use as described above.** Any FMLA leave remaining, after sick leave pay, personal day(s) and accrued vacation benefits have been exhausted, will be without pay.

Exempt employees, who have exhausted their paid time off during the FMLA period, receive a reduction in pay if they take leave in increments of one or more days.

V. Procedures for Requesting Leave

1. Procedure

You may request family or medical leave by contacting your immediate supervisor to inform him or her that you are making a request for FMLA leave through Human Resources. This will assist the University in working out appropriate schedules. For faculty members, Human Resources will coordinate leave approval with the Provost's Office and/or the appropriate Dean's Office.

2. Foreseeable Leave

If the need for family or medical leave is foreseeable, the employee must, to the extent practicable, give notice to the University of his or her intention to take leave at least 30 days before the date the leave is to begin. If a 30-day notice is impracticable, the employee shall provide as much advance notice as is practicable. Leave may be denied for failure to give such notice unless there is a reasonable excuse for the failure to give notice. If leave is denied for lack of notice, the employee may designate leave to start 30 days after notice is given.

In the case of leave due to a "qualifying exigency" arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a "contingency operation," the employee shall provide reasonable notice to the University as soon as practicable.

3. Scheduling

If the leave is for the planned medical treatment of the employee or a family member, or requires intermittent or reduced schedule leave, employees should consult with the University and make a reasonable effort to schedule their leave so as to not unduly disrupt University or departmental operations. Employees are ordinarily expected to consult with the University prior to the scheduling of treatment in order to work out a treatment schedule which best suits the needs of both the University and the employee. Employees should discuss with their manager intermittent leave schedules, prior to

the start of such schedule or arrangement. If an employee who provides notice of the need to take FMLA leave on an intermittent basis for planned medical treatment neglects to consult with the University to make a reasonable attempt to arrange the schedule of treatments so as not to unduly disrupt the University's operations, the University may initiate discussions with the employee and require the employee to attempt to make such arrangements, subject to the approval of the health care provider. An employee on intermittent leave may be transferred temporarily to an available position with equal pay and benefits that better accommodates reoccurring periods of leave.

4. Unforeseeable Leaves

If the need for family or medical leave is not foreseeable, the employee must give notice as soon as possible and practicable. Except in the case of extreme medical emergencies, employees are expected to call to advise their supervisor and Human Resources as soon as they know of the need for and expected duration of leave. In emergencies, the employee or a family member should contact the University and give the same information by telephone, fax, or by leaving a telephone or e-mail message, and a number where the employee or his or her representative can be reached.

5. Additional Information

After receiving a request for leave, Human Resources will provide additional information regarding the procedures for obtaining leave.

VI. Medical Certification

1. Medical Certification

Drake University requires the timely submission of a medical certification form by an appropriate health care provider for leave due to the serious health condition of a family member (including next of kin in the case of servicemember family leave) or the employee's own serious health condition. Drake requires that a form provided by Human Resources be used and include the following:

- The date on which the serious health condition commenced;
- The probable duration of the condition;
- Which part of the definition of "serious health condition" applies, and the appropriate medical facts regarding the condition;
- An estimate of the amount of time that the employee is needed to care for a family member, or a statement that the employee is unable to perform his or her job functions; and
- In cases of medical leave, an explanation of the extent to which the employee is unable to perform the function of the employee's position.

Certifications must be submitted within 15 calendar days of the date requested by the University, unless it is not practicable under the circumstances to do so despite the employee's diligent, good faith efforts. Where an employee fails to provide the required certification, FMLA leave may be delayed or denied, in which case time off work will be considered unexcused absences.

Re-certifications will be required by the University as allowed by federal regulation at the employees' expense. The employee must provide the requested re-certification within 15 calendar days after the University requests re-certification, unless it is not practicable under the circumstances to do so despite the employee's diligent, good faith efforts. Where an employee fails to provide the requested

re-certification, FMLA leave may be delayed or denied, in which case time off work will be considered unexcused absences.

If intermittent leave or leave on a reduced hours basis is requested, the certification also must contain:

- The dates of any planned medical treatment;
- A statement of the medical necessity for and expected duration of intermittent leave or leave on a reduced hours basis; and
- In the case of leave to care for a family member, a statement that intermittent leave or leave on a reduced hours basis is necessary for the family member's care or to assist in their recovery, and the expected duration and schedule of the requested leave.

2. Second Opinions

When the University has reason to doubt the validity of a medical certification, the University may require a second opinion from an independent medical provider selected by the University. The University will pay for the second opinion. If the two opinions conflict, the conflict may be resolved by a third opinion by a provider agreed to by the University and the employee. The third opinion will control the FMLA eligibility determination. The University will pay for the third opinion.

Re-certification / Periodic Reporting

Employees on leave may be required to report periodically (i.e. weekly, monthly) on their status and intent to return to work. During leave, the University may request re-certification in connection with an employee's leave under the FMLA. Depending on the circumstances, re-certification may be required every 30 days, or if the minimum duration of the period of incapacity specified on a certification furnished by the health care provider is more than 30 days, then whenever that minimum duration has passed. Re-certification may be requested even sooner than the periods identified above if:

1. The University obtains information that casts doubt on the continuing validity of the employee's original certification;
2. The employee requests an extension of his/her leave during leave that was supposed to last a specified length of time; or
3. Circumstances described in the original certification have changed significantly.

For pregnancy, chronic, or permanent/long-term conditions under continuing supervision of a health care provider, the University will request re-certification no more often than every thirty days and only in connection with an absence by the employee, unless either condition (a) or (c) identified above are satisfied. For intermittent leave, the anticipated duration of the need for intermittent leave must be specified on the Certification of Health Care Provider form. Re-certification of the need for FMLA qualified intermittent leave will be required when the anticipated duration of the need for intermittent leave specified on the Certification of Health Care Provider form has passed, or sooner if any of the conditions (a, b, or c) identified above are satisfied. If no anticipated duration of need for intermittent leave is specified on the Certification of Health Care Provider form (i.e. the anticipated duration is reported as indefinite) then re-certification will be required every six months, or sooner if any of the conditions (a, b, or c) identified above are satisfied

Part-Time or Intermittent Leave after Birth, Adoption, or Foster Care Placement

Requests for reduced schedule (part-time or intermittent) leave after the birth, adoption, or foster care placement of a child not required by medical necessity, will be considered on a case-by-case basis.

The request should be made to the employee's manager. As a general rule, reduced schedule arrangements, if granted, are:

- for a maximum of twelve months after birth, adoption, or foster care placement;
- for leaves in increments of four hours or one day (such as five four-hour days or three eight-hour days);
- subject to the ability of the employee's manager to ensure that work is completed through scheduling changes or job-sharing; and
- subject to the employee's consent to alter schedules or work longer hours on an emergency basis, such as when other employees are out sick.

Reduced schedule arrangements may be cancelled or changed by the University as operational needs require.

Leave is Contingent on Eligibility

All employee requests for FMLA leave are contingent upon a determination by the University that the employee is eligible for FMLA leave and has complied with the provisions of this policy. Leave is also contingent on any second or third opinions that may be required. Because these procedures may take time, it is possible that a final determination may not be made until after the employee is on leave or has returned to work.

Confidentiality

The University will keep confidential all information relating to requests for family or medical leave. This information will be used only to make decisions in regard to the provisions of this policy. Supervisors will submit all medical information to Human Resources and should not retain any copies in their files or should retain them in separate medical files.

VII. Benefits

Health Benefits

Subject to the conditions of this policy, Drake will maintain the employee's coverage for health and dental benefits for the duration of the FMLA leave. The employee continues to pay the employee's contribution for any health and dental benefits normally deducted from the employee's paycheck. If the employee is in a paid status, the employee's contribution will continue to be made through payroll reduction. If the employee is in an unpaid status the employee:

1. must submit his or her contributions to Business and Finance, no later than the date of their regular payday, by tendering a check payable to Drake University. If the employee fails to make the required payments for health and/or dental coverage within 30 days of the date that such payments are due, coverage may be discontinued. The University will provide written notice to the employee that the payment has not been received. Such notice will be mailed to the employee at least 15 days before coverage is to cease, advising that coverage will be dropped on a specified date at least 15 days after the date of the letter unless the payment has been received by that date. The University may recover the employee's share of any premium payments missed by the employee for any FMLA leave period during which the University maintains health coverage by paying the employee's share after the premium payment is missed. Such

amounts may be recovered by deducting them from the employee's pay upon return if the employee submits a written request authorizing Drake to withhold such amounts from his or her paychecks. Upon return to work, employees must contact Business and Finance to work out an appropriate repayment schedule for any employee premiums or co-payments made by the University during leave; or

2. may elect to prepay employee contributions for health and/or dental coverage that will become due during their FMLA leave by submitting a written request authorizing Drake to withhold such contributions from the pay period(s) prior to the leave. Prepayment of employee contributions may be made for the length of the FMLA qualified leave period only.

Other Benefits

An employee's entitlement to benefits other than health and dental benefits during a period of FMLA leave will be determined by the University's established policy for providing such benefits when the employee is on other comparable forms of leave. Generally, other benefits normally provided to an employee shall be provided to the employee only if permitted by the plan document governing the provision of benefits and in accordance with the provisions of the written document, and the employee makes any required co-payments.

Consistent with the University's policy for providing such benefits when the employee is on other forms of unpaid leave, unused benefits that accrued before the date unpaid leave began will be retained, but the employee will accrue no seniority or employee benefits that would have otherwise accrued during the period of unpaid family and medical leave.

The University may, upon the employee's return from leave, deny reinstatement to any benefit or condition of employment that has been discontinued.

VIII. Reinstatement

General

Subject to limitations provided by applicable law, an employee returning from leave taken under this policy will be restored to the employee's same position or to an equivalent position, at the election of the University, unless the employee would have been terminated in the absence of any leave. Taking of leave will not result in any loss of benefits or conditions of employment accrued prior to the beginning of the leave period.

Fitness-For-Duty Examinations

The University will require a fitness-for-duty certification prior to restoration for all employees taking leave for their own serious health condition. Such certification will not be required where the employee takes intermittent leave. Unless the employee provides either a fitness-for-duty certification or a new medical certification for a serious health condition at the time FMLA leave is concluded, the employee may be terminated. An employee who fails to return to work or contact the University regarding his or her status

following the conclusion of FMLA leave will be considered to have voluntarily quit his or her employment as of the conclusion of the FMLA leave.

The University reserves the right to make additional medical inquiries and/or require follow-up examinations, at its expense, to ensure that employees can safely perform all the functions of the position.

Key Employee Exception

If a salaried eligible employee has gross income that is within the top 10% of the University's employees within 75 miles of the employee's work site during the calendar year in which leave is taken, the University reserves the right not to restore the employee to his or her prior position with the University if the University will suffer substantial and grievous economic injury because of the restoration.

At the time that leave is granted under this policy, the University will inform the employee that the employee is within the top 10% and also explain the possible consequence that restoration may be denied.

If the University determines during the employee's leave that the employee is not to be restored to employment, the employee will be notified immediately and given the opportunity to return from leave and be restored to his or her position. Such notice will be in writing and served either in person or by certified mail. If the employee does not return from leave, the employee can petition for reinstatement at the end of the leave period and will be notified, by certified mail, whether the employee will not be restored because doing so would cause the University substantial and grievous economic injury.

Consolidated Omnibus Budget Reconciliation Act (COBRA)

When an employee notifies the University that he or she is not returning from leave, the University shall terminate the employee's health and/or dental benefits and he or she shall no longer have a right to restoration to the same or equivalent position. The employee shall be entitled to continuation of health and/or dental benefits only in accordance with COBRA and the provisions of the health and/or dental plan.

Repayment of Premiums

If the employee **(1)** gives notice that he or she is not returning to work with the University, **(2)** simply fails to return to work with the University, or **(3)** returns to work but remains employed for fewer than 30 days after leave has ended, then the employee shall owe the University the cost of any benefits provided during leave, including both the University and any employee premiums and co-payments for health benefits. No such amount shall be owed if there is a continuation, recurrence or onset of a serious health condition, or in the opinion of the University, there is a change of circumstances beyond the employee's control. The benefits of a key employee who is not restored shall not be terminated prior to the end of leave unless the employee gives notice that he or she no longer wishes to return to work. Moreover, the key employee who is not restored shall not be responsible to the University for such benefits other than the normal employee contribution.

If repayment can be required due to the employee's failure to return to work, the employee must repay all premiums within 60 days after receiving notice from the University of the amount owed.

Failure to Return to Work

Employees who fail to return to work after FMLA leave shall be treated as having voluntarily terminated their employment.

IX. Miscellaneous Provisions

Administrator

Drake University is the sole administrator of this policy and, as such, is the exclusive interpreter of its terms. All provisions of this policy shall be interpreted consistent with the Family and Medical Leave Act of 1993 as amended by the National Defense Authorization Act for FY 2008 (NDAA), Public Law 110-181.

Changes

Drake University reserves the right to modify or terminate this policy at any time.

No Employment Rights

This policy does not create any employment rights to any individual other than specifically stated in the policy.

Limitations

Except as otherwise stated, this policy is not intended to create any rights greater than that conferred on employees by the Family and Medical Leave Act of 1993 as amended by the National Defense Authorization Act for FY 2008 (NDAA), Public Law 110-181.

Rights and Obligations

Employees and employers have various rights and obligations under FMLA. For further information, contact the Human Resources Department.

MILITARY LEAVE OF ABSENCE

Employees in the uniformed services—voluntarily or involuntarily—are covered under the Uniformed Services Employment and Reemployment Rights Act (USERRA), a federal statute signed into law in 1994, which clarifies uniformed service military-leave rights for employees. These services include the U.S. Army, Navy, Marine Corps, Air Force, Coast Guard, and Public Health Service commissioned corps. The reserve components of each of these services are included as well. Federal training or service in the Army National Guard and Air National Guard also is covered under USERRA.

Under USERRA, "uniformed service" is defined as active duty, active duty training, inactive duty training (such as drills), initial active duty training, and funeral honors duty performed by National Guard and reserve members. Additionally, anyone who needs to be absent from his or her job to take a fitness exam for military service is covered.

Requesting Military Leave

Contact Human Resources and your manager when requesting Military Leave. Allow as much time as possible when notifying the University of your upcoming leave. Be prepared to supply the date the leave will begin, your last day of work, the expected duration of your leave, and your expected return to work date.

Pay During Leave

Military leave is unpaid. However, an employee may choose to use accrued vacation and/or the personal day for the purpose of military leave.

Benefits During Leave

If the Military Leave is extended twelve (12) consecutive weeks or more, the participant is responsible for payment of full insurance premiums. Vacation and sick leave accrual does not continue during leaves of absence and staff members are not paid for holidays that fall within the leave period.

Returning to Employment

If the period of military service is less than ninety-one (91) days, the returning employee is entitled to the job he/she left or the job he/she would have attained if he/she had not left, whichever is better. For longer periods of military service, the employee is entitled to the job he/she left, the job he/she would have attained, or a job of like seniority, status and pay to the job left or the job that would have been attained, whichever is best. The employee must not exceed the five-year statutory limit on cumulative periods of service. If there have been lay-offs or downgraded jobs and the returning employee would have been adversely affected had he/she been there, the employee may be reemployed in a lower job or, in some cases, not reemployed at all. A returning employee must meet the following criteria:

1. Temporary positions and positions with pre-determined not-to-exceed dates, provided that the employment period is not significant, fall outside this criterion. The "at-will" basis of a position is a non-issue for this criterion.
2. The employee must give notice to the employer that he/she will be leaving for military service. Notice need not be written. There is no requirement for published orders.
3. The employee must not exceed the five-year statutory limit on cumulative periods of service. The five-year period begins with military service after December 12, 1994. Annual training and monthly drills are not counted against the cumulative total.
4. The employee must be released from service under "honorable conditions."
5. The employee must report back to the University in a timely manner or submit a timely application for reemployment. After a period of military service of thirty one (31), one hundred and eighty (180) days, the employee is to submit to the University an oral or written application

- for reemployment no later than fourteen (14) days after completion of the period of service.
6. After a military service up to thirty (30) consecutive days, the employee must report back to work for the first full regularly scheduled work day, following the completion of the period of service, safe transportation home, plus an eight (8) hour period of rest.

A returning employee must still be qualified to perform the essential functions of the position in order to return to the same position or one of equal status and pay.