



# ***Staff Handbook***

June 2021

LUTHER  
COLLEGE

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## **MESSAGE FROM THE PRESIDENT**

We are pleased to provide you with a copy of the *Luther College Staff Handbook*. The handbook is intended to serve as both a guide and a reference source. If you have questions concerning any of the information, I encourage you to talk with your supervisor or contact the Office of Human Resources.

The strength and resiliency of the Luther College community is directly related to the dedication shown by its most valuable resource, the faculty and staff. Each of you plays a vital role in the teaching and learning mission of this institution, and it is a joy and privilege to join with you in this important work.

Sincerely,

Jenifer K. Ward, Ph.D.  
President

## INTRODUCTION

This staff handbook is designed to acquaint staff with Luther College and to provide information about working conditions, benefits, and some of the policies affecting employment. It is your responsibility to read, understand, and comply with all provisions of this handbook.

No handbook can anticipate every circumstance or question regarding college policy. Accordingly, the college reserves the right to amend, supplement, interpret, rescind, or deviate from any policies or portions of the handbook from time to time as it deems appropriate, in its sole and absolute discretion. This handbook supersedes and revokes all prior statements of policy at the college, whether oral or written, as well as any provisions of prior individual employment agreements.

If this handbook does not address a matter of interest to you, or if you are uncertain about something after you have read the applicable policy, please do not hesitate to ask your supervisor or to contact the Office of Human Resources.

### **Nature of At-Will Employment**

Employment at Luther is voluntarily entered into, and as an employee you are free to resign at will at any time, with or without cause, and with or without notice. Similarly, the college may terminate the employment relationship at will at any time, with or without cause, and with or without notice. None of the policies in this handbook are intended to alter the at-will nature of your employment, nor does anyone at the college have authority to alter the at-will nature of the employment relationship, except through a written agreement signed by the President of the college.

**The policies set forth in this handbook are not intended to create a contract, nor are they to be construed to constitute contractual obligations of any kind or a contract of employment between Luther College and any of its employees.**

## HISTORY OF LUTHER COLLEGE

After discussions extending over several years, the Norwegian Evangelical Lutheran Church in America decided on October 10, 1857, to found a college and began to gather subscriptions for a building fund. In the same year it also decided that, until such time as suitable buildings could be erected, students should be sent to Concordia College and Seminary in St. Louis, and that a Norwegian professorship should be established there. The first three students went to St. Louis in 1858 and five more followed the next year. The Norwegian professorship was filled in 1859, when Rev. Laur. Larsen was appointed, entering officially upon his duties October 14, 1859. Hence October 14 was designated as Founders' Day by the college.

With the outbreak of the Civil War, disorders arose in St. Louis. Concordia College and Seminary closed in April, 1861, and Professor Larsen and students returned home. At its meeting in June 1861, the church decided to proceed at once to establish its own college. In August, although a building in Decorah had been rented and partially renovated, college authorities decided to make use of a newly erected vacant parsonage at Halfway Creek, Wis., about 13 miles north of La Crosse. There the school opened September 1, 1861, with two teachers, Laur. Larsen and F. A. Schmidt. Larsen and Schmidt also served as pastors for the immigrants then living in the area. The enrollment for the year was 16.

In the summer of 1862 the school was transferred to Decorah; its first home was the building, still standing, at the northwest corner of Winnebago and Main streets. The first building on the college campus was "Main," dedicated October 14, 1865. The present Main building is the third "Main" to stand on the same site, the two preceding having been destroyed by fire in 1889 and 1942. Though college work was begun in 1861, the Civil War, illness, and other causes left none of that year's freshman class to graduate in 1865. The first graduating class, therefore, was that of 1866.

The classical curriculum established by the founders of the college was changed in 1932 when the requirement that all students take both Greek and Latin was dropped.

For 75 years the school admitted men only; then in 1936 Luther College became coeducational. When the institution celebrated its centennial in 1961, it had an enrollment of 1,357 and a staff of 74 full-time and 12 part-time teachers.

Expansion has marked the college's second century, and when Luther celebrated its sesquicentennial in 2011, there were 2,500 students and 180 full-time faculty. The college has grown physically as well with an extensive building program that began in the 1960's.

Luther has also expanded its academic program to include the professional areas of nursing and social work, several pre-professional programs, and a robust study abroad program—all grounded in the college's commitment to the liberal arts.

## **MISSION OF LUTHER COLLEGE**

In the reforming spirit of Martin Luther, Luther College affirms the liberating power of faith and learning. As people of all backgrounds, we embrace diversity and challenge one another to learn in community, to discern our callings, and to serve with distinction for the common good.

As a college of the church, Luther is rooted in an understanding of grace and freedom that emboldens us in worship, study, and service to seek truth, examine our faith, and care for all God's people.

As a liberal arts college, Luther is committed to a way of learning that moves us beyond immediate interests and present knowledge into a larger world—an education that disciplines minds and develops whole persons equipped to understand and confront a changing society.

As a residential college, Luther is a place of intersection. Founded where river, woodland, and prairie meet, we practice joyful stewardship of the resources that surround us, and we strive to be a community where students, faculty, and staff are enlivened and transformed by encounters with one another, by the exchange of ideas, and by the life of faith and learning.

## **EQUAL OPPORTUNITY**

It is the policy of Luther College to provide equal educational opportunities and equal access to facilities for all qualified persons. The college does not discriminate in employment, educational programs, and activities on the basis of age, color, creed, disability, gender identity, genetic information, national origin, race, religion, sex, sexual orientation, veteran status, or any other basis protected by federal or state law. This commitment includes the provision of a campus environment that is free from discrimination and harassment. The college will not tolerate any form of illegal discrimination or harassment and will not condone any actions or words that constitute such. See Nondiscrimination Statement Policy at [www.luther.edu/hr/policies](http://www.luther.edu/hr/policies)

Any employee who believes that he or she has been unlawfully discriminated against should contact his or her supervisor or the Director of Human Resources.

### **Guidelines for Diversity in Employment**

Luther College is committed to recruiting and retaining a diverse workforce through specific guidelines regarding employment searches, diversity training, assessment of recruitment and retention for diversity, and curricular and co-curricular programs that seek to enhance intercultural understanding. See Guidelines for Diversity in Employment Policy at [www.luther.edu/hr/faculty-staff/guidelines-for-staff-diversity/](http://www.luther.edu/hr/faculty-staff/guidelines-for-staff-diversity/)

### **Persons with Disabilities**

The college will make reasonable accommodations in accordance with the Americans with Disabilities Amendment Acts, Amended 2008. An employee who believes that he or she needs reasonable accommodations should contact his or her supervisor or the Director of Human Resources.

## **CLASSIFICATIONS OF EMPLOYEES, WORK SCHEDULE, ATTENDANCE AND PAY**

### **Classifications of Employees**

Positions at Luther College are divided into two classifications, consistent with the Fair Labor Standards Act (FLSA). These classifications determine how hours of work are recorded and compensated. Some benefits at the college also vary according to whether a position is classified as exempt or nonexempt.

Those positions exempt from minimum wage and overtime provisions of the FLSA are paid on a salaried basis. Nonexempt positions are paid on an hourly basis.



**Nonexempt Employees**

Nonexempt employees are eligible for overtime pay for hours worked in excess of 40 hours per week.

**Exempt Employees**

Exempt employees are paid on a salary basis and do not receive payment for overtime.

**Employment Categories**

In addition, the benefits an employee receives may depend on whether he or she holds a regular or temporary position, and whether the position is full-time or part-time. These categories are defined below.

**Regular and Temporary Employees****Regular Employees**

A regular employee is one who works on an ongoing basis and may be eligible for benefits.

**Temporary Employees**

A temporary employee is one who is employed for a short term to complete a special project or to be on call during a department's peak load period, etc. Temporary employees may be paid on an hourly or monthly basis, depending on the variability of their work schedules and whether the position is classified as exempt or nonexempt. Generally, temporary employees are not eligible for benefits. See Temporary Employee Policy at [www.luther.edu/hr/faculty-staff/policies](http://www.luther.edu/hr/faculty-staff/policies)

A temporary employee with a .75 or more FTE who is subsequently appointed to regular status will be credited with length of service from the date hired in the temporary assignment. However, if there has been a break in service, the date of hire will be determined from the date hired in the regular position.

**Full-Time Equivalent (FTE)**

Full-time equivalent (FTE) is a unit that indicates the annual workload of an employee that is comparable across various contexts. An FTE of 1.0 is equivalent to a full-time worker, while an FTE of .50 signals half of a full workload. Luther College uses FTE and weekly FTE to determine benefit eligibility, holiday pay, PTO accrual rate, and leave programs.

To calculate FTE, divide the number of hours scheduled annually by a full workload (40 hours per week, 52 weeks per year).

*For example:*

- a) *A 12-month, 40 hour per week employee will have a 1.0 FTE.*
- b) *A 12-month, 32 hour per week employee will have a .80 FTE.*
- c) *A 9-month, 40 hour per week employee will have a .75 FTE.*

Similarly, weekly FTE is the normal number of hours scheduled per week divided by a full workload (40 hours per week).

*For example:*

- a) *A 12-month, 32 hour per week employee will always have a .80 FTE.*
- c) *A 9-month, 40 hour per week employee will have a 1.0 weekly FTE during those 9 months and a 0.0 FTE during the three months off.*

### **Full-time and Part-time Employees, for benefit purposes**

#### **Full-time Employees**

Full-time employees are those who are scheduled to work 40 hours per week with a scheduled work year of at least 9 months

#### **Part-time Employees**

Part-time employees are those who are scheduled to work fewer than 40 hours per week or fewer than 9 months per year.

### **Orientation Period**

All new staff employees enter into an orientation period of employment. The period is generally set for an initial period of 60 days. The supervisor may direct that the orientation period be terminated, curtailed, or extended depending upon the progress being made by the new employee.

During the orientation period, new employees should receive the necessary advice and training from their supervisors to help them learn their assignments and perform to expectations. A written performance review will normally be conducted at the end of the 60-day orientation period for all staff employees.

Normally, vacations will not be scheduled during the 60-day orientation period. Successful completion of the orientation period does not alter the employment-at-will status or confer any greater right to employment than previously existed.

### **Hours of Work**

Normal operating hours for the college are 8:00 a.m. to 5:00 p.m. Monday through Friday. The hours of work in particular departments or for particular employees are established by the appropriate vice president and/or the supervisor.

The normal work week for full-time employees is 40 hours. Overtime may be required under certain circumstances. Every effort will be made to give the employee as much

advance notice as possible.

## **Recording Work Time**

### **Nonexempt Employees**

Nonexempt employees record their hours of work through the online Norse Hub time entry process. The lunch period may not be included as hours worked if it is longer than 20 minutes. However, 15-minute breaks are normally taken in the middle of each four-hour work period and are counted as time worked. The supervisor must approve scheduling of break times. Break time will not be used to compensate for time away from work and will not be accumulated.

Employees must electronically “sign and submit” their hours worked by noon on the Monday following the end of the pay period. The appropriate supervisor will then electronically approve the time record. Authorizations must be completed by Wednesday noon following the end of the pay period.

### **Exempt Employees**

Exempt employees record their days of work through the online Norse Hub time entry process. Exempt employees must electronically “sign and submit” their days worked (expected to work) for the month by midnight on the 17<sup>th</sup> of the current month. The appropriate supervisor will then electronically approve the time record midnight on the 18<sup>th</sup>.

Unexpected changes to days worked after the 17<sup>th</sup> of the month must be reported to the appropriate supervisor. The supervisor must then forward the request to adjust time for PTO to HR at [hr@luther.edu](mailto:hr@luther.edu). HR will adjust the employee’s PTO record accordingly.

## **Overtime**

### **Nonexempt Employees**

Nonexempt employees are entitled to overtime pay at the rate of one-and-a-half times the normal hourly rate of pay for all hours worked, including holiday hours, in excess of 40 hours in a workweek. Time off can be taken in lieu of overtime during the same workweek at an hour per hour exchange. If an employee works over 40 hours in the first week of a pay period, they may take time off at time-and-a-half during the second week of a pay period. Luther’s workweek for payroll record-keeping purposes commences at 12:01 a.m. on Saturday and ends the following Friday at midnight.

Time off permitted under PTO or other paid time off will not be counted as hours worked for purposes of determining whether an employee is entitled to receive overtime pay or compensatory time off.

Anyone who works on a holiday will receive overtime pay for actual hours worked.

Working overtime will only be permitted if authorized in advance by an employee supervisor.

Information about the federal wage and hour regulations may be found on the U.S. Department of Labor website:  
[https://www.dol.gov/whd/overtime/general\\_guidance.htm](https://www.dol.gov/whd/overtime/general_guidance.htm)

### **Exempt Employees**

Exempt employees are ineligible for overtime pay.

### **Regular Attendance and Punctuality**

Punctuality and regular attendance are important to the smooth operation of departments. If an employee is late or absent, Luther's ability to serve its students and perform other work is affected, and an extra unfair burden is placed on an employee's fellow workers. Unless an absence is permitted under Luther's holiday, PTO or other leave programs, employees are responsible for being at work and arriving on time. If an employee is going to be absent or late, it is the employee's responsibility to call his or her supervisor as soon as possible (but not later than one hour after the start of the workday). An employee must notify his or her supervisor each day that he or she is absent.

An employee who is absent for reasons other than those permitted by Luther's holiday, PTO or leave programs, or who fails to provide notice as required, may be subject to appropriate corrective action ranging from a spoken warning to termination. Employees who have more than three days of absences not permitted under a holiday, paid time off, or leave program in a 12-month period will be subject to review by the employee's immediate supervisor.

### **Children in the Workplace**

Luther College values families and welcomes employees to bring their family members to campus to learn in community, attend campus events and to use campus facilities as appropriate. The College also encourages employees' children to attend campus programs specifically designed for children or to attend events accompanied by a parent or guardian. This would include but is not limited to athletic, cultural, educational, religious or social events.

Luther College recognizes that there may be circumstances when children may need to be on campus for short, limited periods of time for the convenience of the employee such as the timing of a medical appointment, weather related emergencies, or other unexpected circumstances. Employees facing these situations may, at the discretion of their supervisor, accommodate their children provisionally if the children are well supervised at all times.

Please see the full [Children in the Workplace Guidance](#) for more details and conditions.

### **Pay Periods and Deductions from Pay**

Payments are made by direct deposit into the bank account(s) authorized by the employee. Payroll deposits will be made the 25th of the month for exempt positions. Payroll deposits for nonexempt positions will be made on Wednesday, the 12th day following the end of the pay period. If a payday falls on a holiday, Saturday, or Sunday, direct deposits will be made on the previous workday.

The college is required by law to take certain deductions from an employee's pay. These include federal income tax, state income tax, and withholdings for Social Security and Medicare (listed as FICA). Employees wishing to change the amount being withheld should contact the Office of Human Resources.

Luther College prohibits improper deductions from pay and promptly reimburses employees for all improper deductions. If you have questions about deductions from your pay, please contact Human Resources immediately. If you believe your wages have been subject to any improper deductions or your pay does not accurately reflect all hours worked, you should report your concerns to a supervisor immediately. If a supervisor is unavailable or if you believe it would be inappropriate to contact that person (or if you have not received a prompt and fully acceptable reply within three business days), you should immediately contact the Director of Human Resources at ext. 1415. If you have not received a satisfactory response within five business days after reporting your concern to Human Resources and you are unsure who to contact to correct the problem, please immediately contact your vice president.

In addition, an employee may authorize the college to make voluntary deductions for such purposes as flexible benefit plan, a supplemental retirement annuity, or a contribution to the United Way, etc. Information concerning these voluntary deductions is available from the Office of Human Resources.

In rare and extenuating circumstances, salary advances may be arranged through the immediate supervisor and the Office for Financial Services, not to exceed two per 12-month period.

### **Performance and Salary Review**

Both exempt and nonexempt employees usually receive annual performance reviews conducted by their supervisor. The performance review process for employees provides an intentional means for a position description, professional development, and job performance to be discussed by the supervisor and staff member.

Compensation increases are normally made on an annual basis and are based upon the college's financial position. Employees whose performance needs improvement may not receive the full salary increase. This determination is made by the employee's vice president with the advice of the employee's supervisor. Employees are advised each summer of their salary for the following academic year.

## HOLIDAYS AND PAID TIME OFF (PTO)

### Holidays

The college observes a total of nine paid holidays per academic year. These holidays are normally as follows, but may be adjusted from year to year as appropriate. In addition to the nine official holidays the college will be closed between Christmas and New Year's Day and staff will be paid according to their regular work schedule.

- Thanksgiving Day
- Day after Thanksgiving
- Christmas Holiday (2 days)
- New Year's Holiday (2 days)
- Good Friday
- Memorial Day
- Independence Day

When the holiday falls on a weekend, it will be observed on either the Friday or Monday. A college holiday that falls on a normal business day during an employee's PTO is not counted as PTO.

If an individual is a regular, full-time employee, he or she will be eligible for holiday pay. Holidays will be pro-rated based on weekly FTE and will not exceed 8 hours. Holidays during unscheduled periods are without pay. (Unpaid leaves will not be eligible for holiday pay.)

Temporary employees scheduled to work at least 20 hours per week and at least 9 months per year will be eligible for pro-rated holiday day pay based upon their normal weekly FTE.

If work is required on a day which is observed as the paid holiday, a nonexempt employee will be paid at the rate of one-and-a-half times the normal hourly rate of pay for hours worked plus 8 hours holiday pay. Holiday pay is included in the overtime calculation.

Part-time, regular employees scheduled to work at least 20 hours per week and at least 9 months per year will be eligible for pro-rated holiday pay based upon their normal weekly FTE.

*For example:*

- a) *A regular, full-time nonexempt employee will receive 8 hours pay for each holiday.*
- b) *A 12-month, 6 hour per day, 5 days per week nonexempt employee will receive 6 hours pay (8 hours x .75 weekly FTE) for each holiday.*
- c) *A 12-month, 8 hour per day, 4 days per week nonexempt employee will receive 6.4 hours pay (8 hours x .80 weekly FTE) for each holiday.*

- d) *A 12-month, 10 hour per day, 4 days per week nonexempt employee will receive 8 hours pay for each holiday. The supervisor should adjust the employee's schedule in order to complete a 40-hour work week.*
- e) *A 9-month, 40 hour per week nonexempt employee will receive 8 hours pay (8 hours x 1.00 weekly FTE) for each holiday that occurs during the 9-month period. Holidays during the 3-month unscheduled period are without pay.*

### **Veteran's Day**

An employee who is a veteran may take time off on Veteran's Day, November 11. Employees must provide reasonable notice to their supervisor if they intend to take this day off. It will be unpaid unless the employee uses paid time off.

### **Paid Time Off (PTO)**

The college provides a Paid Time Off (PTO) program for providing staff with the opportunity to take time away from work without loss of compensation. The policy provides for an opportunity to build a bank of hours to be used for time off to take a vacation, illnesses for employee or family, or for personal reasons, as needed. The PTO program does not include paid time off for the regularly scheduled holidays. Employees are encouraged to both use PTO for vacations, illnesses, doctor appointments, etc., but also be diligent in saving PTO to cover the unexpected circumstances and illnesses that occur.

For more information, please see the Paid Time Off (PTO) Policy at <https://www.luther.edu/policies/last-section/>.

## **LEAVE PROGRAMS**

To apply for any leave offered by the college, an employee should contact the supervisor or the Office of Human Resources. If an employee applies for a leave, he or she will be required to complete the appropriate leave of absence forms. The supervisor or the Office of Human Resources will inform the employee what type and duration of leave, if any, has been approved and will also tell him or her requirements, such as certification of a health condition, he or she must fulfill.

All leaves are granted for a specific period of time. If an employee foresees being unable or unwilling to return to work at the end of the leave period, he or she should apply for any other leave for which he or she is eligible, including an extension of the current leave. If an employee does not return to work at the end of an approved leave period including any extensions, his or her employment will be terminated as of the date the



leave ends.

**Limited Disability Leave (Short-Term Disability)**

Employees with an FTE of .75 or greater are eligible for limited disability leave benefits. See the Limited Disability Leave Benefits (Short-Term Disability) Policy at [www.luther.edu/hr/faculty-staff/policies](http://www.luther.edu/hr/faculty-staff/policies).

### **Parental/Adoption Leave**

The college recognizes the need for parents to have time away from work following the arrival of a newborn, adopted, or surrogate child. Accordingly, the following benefits are available upon hiring to all employees who have an FTE of .75 or more.

An employee who is the parent of a newly born, adopted, or surrogate child may request an extended parental leave of six weeks continuous leave to be taken immediately following the birth or arrival of the child. If both parents are employees of Luther College, only one extended paid parental leave is permitted per family. Instead, the parent not eligible for paid parental leave may take one week of paid leave and up to 11 weeks of unpaid leave under our Family Medical Leave Policy below.

Parents do not receive additional leave for multiple births or adoptions.

If a female employee needs a leave longer than six weeks due to medical complications of pregnancy, childbirth, or related conditions, she has the right to additional leave under the College medical leave policies.

Parental leave will be extended by the number of holidays that fall during the paid leave period. If, because of the employee's normal work schedule, the employee would not be working and unpaid during some or all of the period of the parental leave, the leave period will also be unpaid. For example, if the employee typically works from August through May of the academic year and the baby is born or adopted during June, the employee would not be eligible for paid leave because the time missed is not part of the employee's regular paid work schedule.

Paid parental leave will count as time in service for salary increases. During all paid parental leaves, the College's contribution to benefits will continue. Retirement benefits will be proportionate to salary earned.

Employees who become foster parents are not eligible for paid parental leave. However, they are entitled to up to twelve weeks of unpaid leave under the Family Medical Leave policy below.

All paid leave taken for childbirth or parenting will count toward the twelve weeks of leave that may be taken under the Family and Medical Leave Act.

A request for parental leave should be made in writing, signed by the employee, and submitted to the employee's supervisor and Human Resources as soon as the need for a leave is identified, so that arrangements to cover workload can be made in a timely fashion.

*For example:*

*An employee is expecting the birth of a baby and is eligible for twelve weeks of Family Medical Leave. The first six weeks are paid under parental leave. The remaining six weeks will be unpaid under the Family Medical Leave Act. Only earned PTO may be taken in conjunction with the Family Medical Leave.*

## **Family Medical Leave**

Family medical leave is available to eligible employees pursuant to the Federal Family and Medical Leave Act.

### **The Family Medical Leave Policy states:**

*Employees who have worked for Luther College for at least 12 months and have worked at least 1,250 hours for Luther College during the previous 12 months are eligible to take up to 12 weeks of unpaid family/medical leave within any 12 month period and be restored to the same or an equivalent position upon their return from leave. A “rolling” 12-month period measured backwards from the date an employee takes leave will be used for computing the period within which the 12 weeks of leave may be taken.*

### **Reasons for Leave**

Employees may take family/medical leave for any of the following reasons: (1) the birth of a son or daughter and in order to care for such son or daughter; (2) the placement of a son or daughter with an employee for adoption or foster care and to care for the newly placed son or daughter; (3) to care for a spouse, son, daughter or parent (“covered relation”) with a serious health condition; or (4) because of the employee’s own serious health condition which renders the employee unable to perform an essential function of the employee’s position.

### **Notice of Leave**

Employees must notify Luther College of their need for leave by completing a Request for Family/Medical Leave Form, available from the Office of Human Resources. Employees should give 30 days prior written notice, or as much advance written notice as possible, prior to the requested leave.

### **Medical Certification**

If employees are requesting leave because of a serious health condition (their own or that of a covered relation), they and the relevant health care provider must supply appropriate medical certification of their eligibility for leave. Employees may obtain the Medical Certification Form from Human Resources. Whenever possible, the Medical Certification should be supplied prior to the commencement of leave. Further, Luther College, at its expense, may require an examination by a second health care provider designated by the College. If the second health care provider’s opinion conflicts with the original Medical Certification, Luther College, at its expense, may require a third, mutually agreeable, health care provider to conduct an

examination and provide a final and binding opinion. Luther College may also require a subsequent medical re-certification. Failure to provide requested certification within 15 days, if such as practicable, may result in delay of further leave until it is provided.

### **Reporting While on Leave**

If employees take leave because of their own serious health condition or to care for a covered relation, they must contact the Associate Director of HR or supervisor at least once every two weeks regarding their status and their intention to return to work. In addition, employees must give notice as soon as practicable (within 2 business days if feasible) if the dates of leave change, are extended, or initially were unknown.

### **Intermittent and Reduced Scheduled Leave**

Leave because of a serious health condition may be taken intermittently (in separate blocks of time due to a single health condition) or on a reduced leave schedule (reducing the usual number of hours worked each workday) if medically necessary. If leave is unpaid, Luther College will reduce salary based on the amount of time actually worked. In addition, while employees are on an intermittent or reduced schedule leave, Luther College may temporarily transfer them to an available alternative position that better accommodates their recurring leave and which has equivalent pay and benefits.

### **Military Family Leave Entitlements**

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

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

### **Leave is Unpaid**

Family medical leave is unpaid leave, although employees may be eligible for other paid time off during a family medical leave. All unpaid leaves will not be eligible for holiday pay. Paid time off will not be accrued during this unpaid time. Other policies providing for paid time off are generally described elsewhere in this handbook. If employees wish to use accrued sick and PTO as part of their family medical leave, they must indicate the PTO time on the my.luther.edu web time entry timecard or

absence report. For more information regarding use of accrued paid time off, or eligibility for disability and/or workers compensation insurance payments, employees should talk with their supervisor.

### **Medical and Other Benefits**

During an approved family medical leave, Luther College will maintain employee health benefits as if the employee continued to be actively employed. However, if an employee elects not to return to work at the end of the leave period, the employee will be required to reimburse Luther College for the cost of the health insurance premiums paid by Luther College for maintaining coverage during the leave, unless the employee cannot return to work because of a serious health condition or because of other circumstances beyond the employee's control.

### **Returning From Leave**

When an employee is able to return to work following a leave because of the employee's own serious health condition, the employee should attempt to give Luther College at least one week's notice by mailing to his/her supervisor medical certification stating that the employee is able to resume work. Employees may obtain Return to Work Medical Certification Forms from their supervisor.

### **Military Leave**

Military leave is granted in full compliance with the Uniform Services Employment and Reemployment Rights Act of 1994 (USERRA), which was amended December 10, 2004. If an employee is a participant in the military reserve or National Guard unit and is required to spend time on active duty, Luther will pay the difference between military pay and regular pay for a period of up to 20 consecutive days and continue all benefits. For military leaves longer than 20 days, health care benefits will be continued during the period of military leave for up to 24 months with the employee responsible for the COBRA premium. All other benefits will be discontinued. For details concerning the processing of military leaves, please consult the Office of Human Resources.

### **Jury Duty**

If an employee is required to serve on a jury, he or she will be paid his or her regular pay for a period of up to 20 consecutive days. Upon completion of jury duty, the employee must submit a check to Payroll for the amount of the jury duty stipend received from the government. The employee should keep any mileage reimbursement. Regular benefits will be continued during the period of jury duty. If an extended trial is expected, the immediate supervisor will discuss with the Director of Human Resources means of covering the expected absence.

### **Funeral Leave**

Funeral leave with pay, generally five work days per occasion, will be granted a regular employee in the case of a death of spouse, child, or parent of either employee or spouse.

Three work days per occasion will be granted a regular employee in the case of a death of a sibling of either employee or spouse. A one-day leave on a scheduled workday will be allowed a regular employee for attending the funeral of a grandparent, grandchild, niece/nephew or aunt/uncle of either employee or spouse. If an extended absence is required, PTO or unpaid time may be used.

### **General Leave of Absence**

If an employee requires a leave of absence longer than the standard leave policies allow, he or she may request a general leave of absence from his or her vice president. In most cases, a general leave of absence will be without salary or benefits, although other arrangements may be negotiated in particular circumstances. Whether to grant a general leave of absence and/or the conditions of any such leave will be determined solely by the college. In most cases, a general leave of absence will not be granted for a period exceeding one year. A return to the same position may not be guaranteed.

### **Study or Training Leave**

The purpose of a leave is to provide an opportunity for study, research, and creative activities that foster professional growth and revitalization, thereby enhancing Luther College. Sabbaticals or study leaves need to be directly related to the staff member's job responsibilities. See Sabbatical or Study Leave Policy for Exempt Staff at [www.luther.edu/hr/faculty-staff/policies](http://www.luther.edu/hr/faculty-staff/policies)

### **Elections**

Pursuant to Iowa law, if an employee does not have three consecutive non-working hours available during the time the polls are open; he or she may leave work, with pay, for the period of time necessary to vote in municipal, state, or federal elections. This period shall not exceed three hours and must be arranged in advance with his or her supervisor.

### **Blood Donation**

The college encourages all who are able to participate in the periodic college-sponsored blood donation. When occurring on a regularly scheduled workday, any employee may, with the approval of their supervisor, be given the necessary time off with pay for purposes of donating blood.

### **Chapel and Convocation Attendance**

Chapel is an integral part of life at Luther College, and all employees are encouraged to attend. Employees wishing to participate in the chapel service may do so as their morning break.

An all-campus convocation is held at the beginning of each fall and spring semester. Except for essential services, offices should be closed to allow employees to attend convocation.

## **INSURANCE PROGRAMS AND OTHER EMPLOYEE BENEFITS**

The following is a brief description of benefits made available by Luther College to its employees. The details of these benefit programs are outlined in separate summary plan descriptions and can be obtained from the Office of Human Resources.

Eligibility for each of these programs depends upon the terms of the benefit plan involved. In the event of any inconsistency between the language of this handbook and the language of a benefit plan, the language of the benefit plan will control.

From time to time, the benefits described in this section may be changed. Further, although the college does not expect to terminate any benefit, plan, or program, it reserves the right to do so. In addition to the benefits outlined below, all employees also receive Social Security, workers compensation, and unemployment compensation benefits in accordance with applicable laws.

Most benefits become effective the first of the month following the date of hire, unless the hire date is the first working day of the month, in which case benefits become effective on the date of hire.

### **Health Care Plan**

All employees of the college that either:

- have at least a .50 FTE, or
- work at least 30 hours per week, for nine or more months per year

may elect health care coverage for themselves, their spouses, and their children until December 31st of the year following their 26th birthday.

Coverage for employees with less than .75 FTE (and who work less than 30 hours per week) will be on a pro-rated, cost-sharing basis.

Employees electing coverage will pay a health care premium, based on the coverage selected, that will be deducted from their pay. As explained in the summary plan description, covered services are subject to an annual deductible and out-of-pocket maximum.

Contact the Office of Human Resources for more information or visit the Human Resources website at [www.luther.edu/hr/benefits/plan-info/health-plan](http://www.luther.edu/hr/benefits/plan-info/health-plan).

### **Dental Care Plan**

The college sponsors a voluntary dental care plan, with all premiums paid by the employee. All regular employees with a .50 or more FTE are eligible to participate in this plan.

Contact the Office of Human Resources for more information and a summary plan description or visit the Human Resources website at [www.luther.edu/hr/benefits/plan-info/health-plan](http://www.luther.edu/hr/benefits/plan-info/health-plan).

### **COBRA Coverage**

In compliance with federal law, Luther College provides employees, their spouses, and their dependent children with the opportunity to temporarily extend their health and/or dental care coverage if the employee loses coverage as a result of a reduction in hours or the termination of employment. COBRA coverage is administered through a third-party administrator.

### **Flexible Benefit Accounts**

The college sponsors a program allowing employees to allocate specific, pre-tax amounts of each paycheck for medical/dental premiums and for the reimbursement of certain medical/dental care and/or dependent care expenses.

Additional information on flexible reimbursement accounts, as well as reimbursement forms, is available from the [Office of Human Resources](#).

### **Health Savings Accounts (HSA)**

For employees enrolled in the high deductible health plan, the college sponsors a program allowing employees to allocate specific, pre-tax amounts of each paycheck for medical/dental premiums and for the reimbursement of certain medical/dental care and/or dependent care expenses.

Additional information on health savings accounts is available from the Office of Human Resources.

### **Group Life Insurance**

Every regular employee with a .50 or more FTE is provided with group life insurance. The college pays all premiums.

The amount of life insurance is twice the annual base salary for death due to natural causes, subject to certain limitations as outlined in the plan description. In the event of accidental death, the amount of life insurance is four times the annual base salary.

The policy also provides benefits in the event of dismemberment, loss of sight, hearing, or speech. In the event of total disability, group life insurance premiums are waived and full coverage remains in force.

In compliance with state regulations, Luther College provides employees, their spouses, and their dependent children the opportunity to continue their life insurance if the



employee loses coverage as a result of a reduction in hours or the termination of employment. This option is available at the expense of the employee.

Contact the Office of Human Resources for more information and a summary plan description.

### **Long-Term Disability Insurance**

All regular employees with .75 or more FTE are eligible for long-term disability insurance coverage. Benefits begin after six months of total disability. The college pays all premiums. The benefit received, in conjunction with Social Security disability pay, is 60% of monthly base salary up to a maximum of \$5,000.

Contact the Office of Human Resources for more information and a summary plan description.

### **Employee Assistance Program**

The Work-Life Balance employee assistance program helps you find solutions to simple and complex life concerns through confidential and professional services. Contact the Office of Human Resources or visit the Human Resources website at [www.luther.edu/hr/faculty-staff/eap](http://www.luther.edu/hr/faculty-staff/eap).

### **Worldwide Emergency Travel Assistance**

Worldwide emergency travel assistance services are available with one phone call. When traveling for business or pleasure, in a foreign country or just 100 miles or more away from home, you and your family can count on getting help in the event of a medical emergency. Contact the Office of Human Resources or visit the Human Resources website for more information.

### **Retirement Plan**

#### **Eligibility**

All regular employees working at least 1,000 hours per year and at least age 21 are eligible to begin participation in a TIAA/CREF retirement plan the first of the month following the date of hire. Participation will begin the first day of employment if the employee start date is the 1<sup>st</sup> of the month. Contact the Office of Human Resources to determine eligibility.

#### **Contributions**

Under this plan, the college will make regular monthly contributions to TIAA equal to 5% of an employee's base salary as long as the employee contributes a minimum of 3% to either a pre or post tax supplemental retirement account (suspended for the 2020-21 fiscal year). Employer contributions for new employees are subject to a

2-year cliff vesting period. Contact the Office of Human Resources for more information and a summary plan description or visit the Human Resources website at [www.luther.edu/hr/benefits/plan-info/tiaacref](http://www.luther.edu/hr/benefits/plan-info/tiaacref).

### **Retirement Planning**

Employees considering retirement are encouraged to contact the Director of Human Resources at least three months prior to the intended date of retirement to obtain information concerning procedures for applying for TIAA retirement benefits. The college is interested in assisting in the period of transition to retirement and encourages exploration of alternatives with appropriate individuals.

### **Tax Deferred Annuity (TDA) Plan**

All employees (regardless of whether they are eligible for the employer contribution) are eligible to participate in a tax deferred salary reduction program. This allows employees to receive a tax advantage while saving for their own retirement. All employees are also eligible to participate in an after-tax Roth account.

Contact the Office of Human Resources for more information and a summary plan description.

### **Staff Retiree Designation**

Exempt and nonexempt staff members will be considered a “Luther staff retiree” if they worked for Luther a minimum of 15 years and are at least 62 years old. The retiree and his/her spouse:

- Are invited to campus events such as the service of dedication and the annual faculty/staff Christmas party
- Receive an ID card, which allows access to campus facilities, athletic events and book shop discounts, etc.

### **Retiree Health Insurance**

Staff between the ages of 62 and 65 who retire after 15 years of service are eligible to continue health insurance with Luther contributing 50% of the single full monthly premium. (Their actual coverage may be single, employee + 1, or family.)

### **Employee Education Benefits**

Luther College offers several education benefit options for employees, their spouses, and their dependents. To be eligible for any of the education benefit programs, the employee must have a .75 or more FTE in the year in which the benefit is received.

Luther College provides two general categories of education benefits: 1) the education

benefit for enrollment at Luther College for employees, spouses, and dependents; and 2) three different tuition exchange benefit programs that allow dependents to receive full or partial tuition remission at participating ELCA institutions, institutions participating in the National Tuition Exchange program, or the Associated Colleges of the Midwest program.

The education benefit policy at Luther is subject to change by the Board of Regents and is not considered a contractual obligation. These programs are currently not taxable; however, should these benefits be declared compensation subject to either federal or state taxes, Luther College will not be financially liable for such taxes. All inquiries concerning benefits should be directed to the Vice President for Enrollment Management's office. The Tuition Benefit Program Guidelines, Application for Tuition Benefit Program, and the Tuition Benefit Confirmation forms are available on the Human Resource website at [www.luther.edu/hr/benefits/tuition-benefit](http://www.luther.edu/hr/benefits/tuition-benefit).

Should a full-time employee who has been with the college for at least seven years retire, his/her dependent children are eligible, if enrolled as Luther students or are to be enrolled within a year, for the same tuition remission and/or exchange as would have accrued to the children had the person remained in active service to the college.

The term “retire” is used herein to mean retirement either at age 65 or earlier. If the retirement is at an earlier age than age 65, it will be either as the result of a special mutual agreement between the employee and the college, or because of a disability as defined under the terms of the long-term disability insurance program carried by the college.

Should a full-time employee die (after completing a minimum of one year of service), his/her dependent children are eligible, if enrolled as Luther students or are to be enrolled within a year, for the same tuition remission as would have accrued to the children had the person remained in active service to the college.

“Dependent” will herewith be defined according to the criteria as outlined on the Free Application for Federal Student Aid (FAFSA) form. If the employee has more than one dependent child attending college at one time, the eligibility for education benefits applies to each dependent separately. For more information visit <https://fafsa.ed.gov/>

The maximum time period during which a dependent or spouse will be eligible to receive any of the education benefits is the equivalent of eight full-time semesters or completion of the undergraduate degree, whichever comes first. Full-time is defined as 12 or more credit hours per semester. Summer courses taken at Luther College will not be counted against the 8 semesters of eligibility.

## **EDUCATION BENEFIT FOR ENROLLMENT AT LUTHER COLLEGE**

### **Part-Time Enrollment**

Eligible employees, spouses, and dependents may each enroll at Luther College for a

maximum of eight credits per academic year without cost on a space-available basis. Post-Secondary Enrollment Options Act (PSEO) funded classes do not count towards the eight eligible credits. An academic year is defined as September 1 of a given year through May 31 of the following year. Employees must receive approval from their supervisor and complete the Part-Time Tuition Credit Application found in the Registrar's Office and at [www.luther.edu/hr/faculty-staff/common-forms](http://www.luther.edu/hr/faculty-staff/common-forms).

An eligible dependent high school student may enroll for classes at Luther with permission of the high school. The student is required to sign up for the college classes through the Post-Secondary Enrollment Options Act if available. Information on this program is available through the high school guidance office. If a student wishes to enroll for a Luther class that cannot be covered by the act, he or she may enroll for one class per semester without affecting the eight full-time college semesters of education benefit eligibility. Participation and continuation in this program is dependent on the student's ability to successfully undertake college-level work at Luther College.

Eligible spouses and dependents may each enroll for summer courses at Luther College without cost on a space-available basis. As a general rule, a full-time, 12-month employee will not be eligible to enroll in either a J-term or summer course unless the employee's supervisor and vice president approve the request. If a spouse or eligible dependent registers part-time for credits above the eight free credits but below 12 credits, the benefit will be a 65% reduction in the per credit charge for the additional credits. The length of service, as outlined below, determines the proportion of the full benefit that applies.

Part-time enrollment at Luther College (less than 12 credits per semester) for eligible employees, spouses, and dependents is on a space-available basis. Registration for courses must take place at the Office of the Registrar on the first day of classes. Course fees, music lesson fees, technology fees and other miscellaneous fees are not part of the tuition benefit and must be paid by the student. The enrollment fee for eligible employees that are also degree-seeking students will be waived.

### **Full-Time Enrollment**

The regular full benefit for full-time enrollment at Luther College (12-17 credit hours per semester) for spouses and dependents is a maximum of 90 percent of the established tuition at Luther College. This benefit is dispersed based on the length of service by the employee at Luther College according to the following schedule:

1st year employed.....	20% of regular full benefit
2nd year employed.....	40% of regular full benefit
3rd year employed.....	60% of regular full benefit
4th year employed.....	80% of regular full benefit
After 4th year.....	100% of regular full benefit

Dependents and spouses enrolled full-time are required to file the Free Application for Federal Student Aid form (FAFSA) to determine eligibility for state and federal aid

programs. The FAFSA is available in the Student Financial Aid Office. Eligibility for state and federal need-based programs may increase the overall assistance up to full tuition depending on demonstrated financial need and current federal regulations. The Student Financial Aid Office will send an aid award highlighting the total financial assistance.

If an eligible spouse or dependent receives a grant or scholarship from Luther College (such as a Regent Scholarship, Presidential Scholarship, Music Scholarship or EPIC matching grant), the grant or scholarship will become a portion of the total education benefit.

If an eligible spouse or dependent receives a scholarship or grant from an outside agency, the amount of the scholarship may be applied above the benefit. If the spouse or dependent is eligible for need-based financial assistance, the outside scholarship will adjust the benefit only if required by federal aid regulations. For specific eligibility questions concerning the coordination of the education benefit with other assistance, contact the Student Financial Aid Office.

### **Tuition Exchange Benefit Programs**

#### **Application**

Applications are processed through the Vice President for Enrollment Management's office. The application must be turned in by November 1 each year with notification of approval of this benefit by January 15 each year.

All tuition exchange agreements with other institutions are subject to the following conditions:

- a) Eligibility for the program is determined by Luther College to ensure that only eligible dependents may participate. The receiving institution shall retain the privilege of admitting the student on the basis of tuition exchange availability.
- b) The maximum time during which a dependent will be eligible for tuition exchange is eight semesters of undergraduate education. The receiving institution, not Luther College, determines terms of eligibility. Eligibility for summer school depends upon regulations established at the receiving institution.

#### **ELCA**

Luther participates in the ELCA Tuition Exchange program. Eligible dependents of employees may attend another participating ELCA college (receiving institution) through this program. Dependents receive a tuition benefit at the receiving institution that is generally equivalent to the benefit that the receiving institution provides for its own full-time employees. Luther dependents applying at other ELCA institutions should contact the admissions office at the receiving institutions to determine their eligibility. Applications for the ELCA Tuition Exchange program are processed through the Student Financial Aid Office. Applications for this program must be mailed to the receiving

institution early to determine eligibility for these benefits.

### **National Tuition Exchange**

Luther participates in the National Tuition Exchange program with many other colleges and universities. A list of participating institutions can be found on the Internet at [www.tuitionexchange.org](http://www.tuitionexchange.org). The tuition benefit at the receiving institution is normally the equivalent of full tuition at the receiving institution, subject to a tuition exchange cap. The program may be limited at the receiving institution by student import and export quotas placed on each member institution. Generally, only undergraduate programs leading to the baccalaureate degree are included in the Tuition Exchange program. Contact the Vice President for Enrollment at Luther to apply for this program.

### **Associated Colleges of the Midwest (ACM)**

#### **Tuition Remission Exchange Program (TREP)**

Luther participates in the Associated Colleges of the Midwest (ACM) Tuition Remission Exchange Program (TREP). Eligible dependents of employees may attend another participating ACM college (receiving institution) through this program. The benefit at the receiving institution is 80% of tuition (50% of the tuition cost is covered by the receiving institution and 30% is provided by Luther).

## **RESIGNATION AND TERMINATION**

### **Resignation**

Employees who voluntarily terminate their employment with Luther College are expected to provide at least a two weeks' notice. Employees are expected to contact the Office of Human Resources to complete the checkout process and schedule an exit interview.

### **Termination**

Employment with Luther College is at will, meaning that either the college or the employee may terminate the employment relationship at any time, with or without cause, and with or without notice. Luther College does not have tenure or guaranteed employment for staff employees. An employee's service may be terminated because of changes in the college's needs, when the employee's performance or conduct does not meet the college's expectations, or for other reasons determined by the college. Although inadequate performance of specific job duties, failure to comply with college policies, or other misconduct may result in the termination of employment, the college may also terminate employment without cause at its sole discretion. Employees are expected to contact the Office of Human Resources to complete the checkout process and schedule an exit interview.

### **Reinstatement/Re-employment**

When an individual who has previously been a regular employee of the college is

reinstated/re-employed, a new appointment is subject to the same 60-day orientation period as a new employee. If the individual returns to the college within a period of 12 months or less, previous service with the college is credited to establish the PTO accrual rate and years of service but may not be used to establish eligibility for the dependent tuition program.

## **PROFESSIONAL CONDUCT AND RESOLUTION PROCEDURES**

### **Professional Conduct and Corrective Action**

College personnel are expected to comply with all College policies, to uphold professional standards, and to perform satisfactorily their job responsibilities. Failure to do so may result in corrective action, up to and including termination of employment.

The corrective action process used in response to employee performance problems and employee misconduct will be determined by the college in light of the facts and circumstances of each case. Corrective action measures may include oral or written warnings, probation, suspension without pay, or immediate discharge. Each situation will be considered in light of a variety of factors, including but not limited to:

- The seriousness of the situation
- The employee's past conduct and length of service
- The nature of the employee's previous performance or incidents involving the employee

Luther College's expectations of staff are primarily focused on work-related behavior. However, the College may also address:

- Outside conduct by employees who represent the College
- Outside conduct that negatively impacts the College and its relationships
- Outside conduct that disrupts the College's educational environment or workplace

### **Employee Problem-Solving Procedure**

Luther strives to provide a positive work environment. Where an employee has a problem or concern, the college will endeavor satisfactorily to resolve the problem wherever possible. The college cannot guarantee that a consensus will be reached on every issue, however, or that every issue will be resolved in the manner requested.

In general, employees seeking to resolve problems or concerns should refer to the following procedures:

#### **Supervisor Accessibility**

All supervisors at the college are available to their employees as an avenue for resolving problems or concerns. Thus, if an employee has a problem or concern about work-related issues, he or she is strongly encouraged first to communicate

those issues openly and directly with his or her immediate supervisor. If reporting to his or her immediate supervisor would be uncomfortable or inappropriate, he or she should discuss the issues with another supervisor or with the Director of Human Resources.

### **Additional Avenues**

If, after discussing the situation with a supervisor, the problem or concern remains unresolved, an employee may request a meeting with Human Resources or their vice president. Human Resources and the vice president will work together to resolve the issue.

Luther College is committed to conducting its operations with integrity by engaging in lawful, ethical, and respectful practices. For this reason, we have encouraged members of the campus community to make any concerns known to the college. Whether these concerns relate to fraud or crime, security or internet abuses, or fraudulent financial or business practices, violations, or ethical concerns, the doors of college administrators, supervisors, and the Office of Human Resources are always open.

Occasionally, though, an employee has a concern that he or she would like to express anonymously. For these occasions, the college provides a confidential conduct and ethics hotline service. Because the hotline is operated by an independent organization, any calls made through this hotline are completely confidential. More information is available at the following:

- [www.luther.edu/hr/faculty-staff/conduct-and-ethics-hotline/](http://www.luther.edu/hr/faculty-staff/conduct-and-ethics-hotline/) Conduct and ethics hotline (24 hours/day) 1-877-409-0108

### **Unprofessional Conduct**

Luther College, in keeping with its mission to be “a community of faith and a community of learning,” is committed to creating and maintaining an atmosphere in which all members of the community—students, faculty, and staff—are treated with respect and dignity. The following policies were designed not to limit the legitimate exercise of academic freedom, but rather to achieve and maintain the common good. Employees are expected to comply with the policies; non-compliance will be subject to corrective action.

It is not possible to list all the forms of behavior that are not acceptable at work, though many are listed throughout this Handbook. Unprofessional conduct includes but is not limited to:

- Unexplained absences from work
- Insubordination or refusal or failure to follow directions from supervisor or College officials
- Uncivil behavior, such as discourtesy, rudeness, or profane language, whether directed at colleagues, students, or guests of the college
- Harassment that becomes so severe or pervasive as to interfere with an



- individual's ability to work, learn or participate in the College's programs
- Inappropriate or offensive behavior, on or off campus, that jeopardizes the College's reputation or relationships
  - Falsifying time records or other documents
  - Unauthorized disclosure of confidential information
  - Theft or misappropriation of college funds or supplies
  - Misuse of campus computing resources
  - Violation of College safety or health rules
  - Negligence or intentional conduct that causes or could have caused injury to other people or damage to property, equipment, or vehicles
  - Possession of unauthorized dangerous materials, such as explosives or weapons, at work
  - Violating any Luther College policies, whether described in this Handbook or elsewhere

Unprofessional conduct also includes conduct prohibited under all other College policies, including those policies highlighted in the following sections below:

- Bias Incidents, Hate Acts, Hate Crimes, Discrimination, and Harassment
- Sexual Misconduct and Interim Title IX
- Intracampus Relationships
- Social Media Policy
- Anti-Violence Policy
- Drug and Alcohol Policy

### **Bias Incidents, Hate Acts, Hate Crimes, Discrimination and Harassment Policy**

It is the policy of Luther College to provide equal educational opportunities and equal access to facilities for all qualified persons. The college does not discriminate in employment, educational programs, and activities on the basis of, or a person's association with, a person(s), age, color, creed, disability, gender identity/expression, genetic information, national origin, race/ethnicity, religion, sex, sexual orientation, political affiliation, veteran status, or any other basis protected by federal or state law. This commitment includes the provision of a campus environment that is free from discrimination and harassment. The college will not tolerate any form of discrimination or harassment and will not condone any actions or words that constitute such.

The Bias Incident, Hate Act, Hate Crime, Discrimination, and Harassment Policy and Procedures describes prohibited bias incidents, hate acts, hate crimes, discrimination, and harassment, identifies resources and support provided to individuals who may have experienced such conduct, and establishes procedures for reporting and adjudicating incidents. This policy is an elaboration of the Staff Handbook. A bias incident, hate act, hate crime, discrimination, or harassment is violation of the Staff Handbook and is subject to the same jurisdiction, regulations, conduct procedures, and sanctions as defined

in the policy and/or listed below.

## **Sexual Misconduct**

This policy uses the term “sexual misconduct” to refer to all forms of inappropriate sexual communication or gender-based behavior, including that which takes the form of sexual harassment, rape, fondling, stalking, dating violence, domestic violence, and sexual exploitation.

The Luther College Interim Title IX Policy and Procedures prohibits sexual harassment, rape, fondling, stalking, dating violence, and domestic violence.

Luther College also prohibits sexual exploitation, defined as harassing sexual or gender-based behaviors that become so severe or pervasive as to interfere with an individual’s ability to work, learn or participate in the College’s programs; these behaviors can be verbal, physical, visual, communication-based, or any combination thereof, and will be assessed using the totality of the circumstances

- Voyeurism and invasion of sexual privacy:
  - Observing or allowing others to observe a person undressing, using the bathroom, engaging in sexual activity, or in other private situations in which there is a reasonable expectation of privacy, without consent
  - Taking pictures, video recording, or audio recording of a person undressing, using the bathroom, engaging in sexual activity, or in other private situations in which there is a reasonable expectation of privacy, without consent
  - Disseminating or threatening to disseminate pictures, video, or audio recording of a person undressing, using the bathroom, engaging in sexual activity, or in other private situations in which there is a reasonable expectation of privacy, without consent (revenge porn)
- Misappropriation of another person’s identity on apps, websites, or other venues designed for dating or sexual benefit (catfishing)
- Intentional unwanted disclosure or threats to disclose an individual's sexual orientation, gender identity, or gender expression
- Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually-transmitted disease (STD) or infection (STI), without informing the other person of the infection
- Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person’s ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity
- Prostituting another person or engaging in sex trafficking
- Knowingly soliciting a minor for sexual activity
- Creation, possession, or dissemination of child pornography

All incidents that fall within the scope of Title IX will be addressed using the procedures found in the Interim Title IX Policy. Violations of the prohibition against sexual

exploitation, and incidents of sexual harassment, rape, fondling, stalking, dating violence, and domestic violence that fall outside the scope of Title IX will be addressed using the complaint, investigation, and resolution procedures below.

### **Intracampus Relationships**

There are inherent risks in any romantic or sexual relationship between individuals in unequal positions (such as faculty member or staff member and student or supervisor and employee). These relationships may, in reality, be less consensual than perceived by the individual whose position confers power or authority.

Consensual romantic or sexual relationships in which one party maintains a direct supervisory or otherwise evaluative role over the other party are inherently problematic and employees are required to report these relationships to the College. Romantic or sexual relationships between a student and an employee responsible for teaching, supervising, or otherwise evaluating that student are strictly prohibited.

For more information, please see the Expectations Regarding Intracampus Relationships Policy.

### **Social Media Policy**

The College's Social Media Policy is intended to help anyone speaking on behalf of or associated with Luther College to engage in productive, meaningful and intentional social media practices, as well as identify and avoid potential issues that may arise.

For more information, please see the Social Media Policy.

### **Anti-Violence Policy**

Any acts or threats of violence against employees, students, or visitors on college property are strictly prohibited. Specifically:

- a) No form of weapon is permitted on college property or at college sponsored events. Examples of weapons include switchblades, guns or other firearms, explosives, and toxic substances. Employees who bring such weapons or substances on college property or to college-sponsored events, or who state or imply that they have such weapons or substances, will be subject to appropriate corrective action up to and including termination of employment.
- b) Threatening or intimidating behavior or assaults against any person on the campus or at college-sponsored events are strictly prohibited. This includes verbal or nonverbal threats to another employee or person, or an expression of intent to inflict injury or damage to another employee or person. This also includes such disorderly conduct as fighting or using abusive or threatening language toward another. Employees engaging in such behavior will be subject to appropriate corrective action up to and including termination of employment.
- c) Defacing or damaging property of the college, its employees, or students is

strictly prohibited. Employees engaging in such actions will be subject to appropriate corrective action up to and including termination of employment.

Employees are encouraged to report immediately any threatening behavior or the presence of weapons or other prohibited substances on college property or at college sponsored events to their supervisor or to the Director of Security. Reprisals against an employee who reports or experiences any form of workplace violence will not be tolerated.

If the situation warrants, employees should not hesitate to alert local authorities by calling 911.

**Drug and Alcohol Policy (Federal Drug Free Workplace Act<sup>1</sup>)**

Luther College highly values its students and employees and is therefore committed to maintaining a safe and healthful learning environment and workplace free from chemical substance abuse. To help fulfill this commitment, the college has established a Lifetime Wellness Program. The following policy outlines ways the college will also fulfill this commitment while complying with the provisions of the Drug Free Workplace Act (1988) and the Drug Free Schools and Communities Act of 1986 and Amendments of 1989. This policy will be shared annually with all students and employees by the Student Life Office.

The college prohibits its employees (“employees” or “employee” includes student workers in this policy) from reporting to work or performing work for the college while impaired by or under the influence of illegal drugs or alcohol.

The illegal use, possession, dispensation, distribution, manufacture, or sale of alcohol or other drugs by an employee in the workplace, or while the employee is on duty or official college business or by a student is prohibited. This standard of conduct applies to all college-sponsored on-campus and off-campus activities.

Federal law contains further prohibitions against the manufacture, possession with the intent to distribute, or distribution of controlled substances, including narcotic drugs, marijuana, depressant, or stimulant substances.

Iowa law prohibits the manufacture, delivery, possession with the intent to manufacture or deliver, and possession of controlled substances. Local and state laws prohibit possession of open containers of alcoholic beverages outside of a residence or licensed liquor establishment. Possession of alcoholic beverages is prohibited for persons under the age of 21. Operating a motor vehicle while intoxicated is also prohibited.

The college recognizes all these regulations in its commitment to maintaining a healthful campus and workplace. A summary of federal, state, and local sanctions applicable to violations mentioned above is on file in the Human Resources and Student Life offices.

Luther College promotes wellness and recognizes chemical dependency as a major threat to wholeness of personal health. The college is therefore committed to seeing that all its students and employees understand that:

- The use of alcohol and/or illegal drugs can interfere physically, mentally, socially and spiritually with the ability to perform important functions
- These drugs impair physical coordination and mental alertness and may damage the immune system, resulting in irreversible health problems and death
- Social behavior following use of alcohol or illegal drugs may be destructive to relationships

A summary of the effects of using controlled substances is available from the Lifetime Wellness Program Office. This office coordinates programs to inform employees and students about the dangers of drug and alcohol abuse, the college’s policy, counseling or

rehabilitation programs in the community, and penalties for violations.

The Luther College Counseling Service provides evaluation and counseling for students in relation to abuse of alcohol and other drugs and refers students to other resources that might be appropriate for them. Lists of community and area evaluation and counseling services are available from the following offices: Counseling Services (1375), Health Service (1045), and the Lifetime Wellness Program Office (2075).

Violations of the standards of conduct described previously will result in:

- corrective action up to and including dismissal/termination as described in the respective staff, student and faculty handbooks, and students' residence hall contracts and/or
- required satisfactory participation in a drug and alcohol abuse evaluation or rehabilitation program

Any employee or student employee who is convicted of violating any criminal drug statute in such workplace situations as described above, must report that conviction to the Office of Human Resources no later than five days after the conviction.<sup>2</sup>

Within 10 days after receiving notice of such conviction from an employee who is a participant in a federal grant or contract, the Office of Human Resources will notify the granting agency of an employee's conviction for violation of the standards of conduct identified for the workplace. Within 30 days of the employee's conviction the college will impose corrective action on the employee, and/or require satisfactory participation in the drug abuse assistance program.<sup>2</sup>

<sup>1</sup>The Drug Free Workplace Act [1988] applies to employees of the college and students who are Pell Grant recipients. It requires the college to certify that as a federal grantee it will provide a drug-free workplace. The Drug Free Schools and Communities Act [1986] and Amendments [1989] require that as a condition of receiving funds or any other form of financial assistance under any federal program, an institution must certify that it has adopted and implemented a program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students. While these are distinct regulations, the college is stating with this single policy its intent to comply with both.

<sup>2</sup>Stipulation of the Drug Free Workplace Act

## **Misconduct Reporting and Resolution Procedures**

### **Reporting Requirements of Supervisors or Department Heads**

Supervisors or department heads who become aware of any incidents or alleged incidents of discrimination, harassment, or sexual misconduct must immediately report them directly to the college official(s) identified above. Any supervisor or department head who fails to report allegations of discrimination, harassment, or other prohibited conduct or who otherwise fails to deal properly with such allegations will be subject to corrective

action, up to and including dismissal.

### **Reports and Complaints**

Individuals who become aware of employee misconduct or think they have been subject to discriminatory or harassing conduct are strongly encouraged to contact Human Resources, their immediate supervisor, their vice president, the Title IX Coordinator, or the college's Employee Grievance Investigators. Individuals may either file a report to seek support or a formal complaint requesting a formal investigation.

Even if a formal complaint is not filed, the college may undertake an independent investigation as circumstances warrant and implement remedial measures.

### **Resolution Procedures**

The College will take prompt action to address complaints of employee misconduct. The director of Human Resources will appoint investigator(s) to interview the parties, interview witnesses, and gather evidence. These investigators will typically be selected from the Human Resources office, the Employee Grievance Investigators, and Campus Safety and Security.

Investigations will be carried out in a manner that is prompt, fair, and free from bias. The investigators will interview witnesses and gather evidence. The investigators will draft a memorandum detailing the alleged policy violation(s), the report and investigation process, the information gathered during the investigation, their recommendation as to whether the respondent should be found responsible for violating college policy, and their recommended sanctions. This memorandum is presented to the respondent's vice president, who may accept the investigator's recommendations, modify the investigator's recommendation, or ask that additional investigation be performed.

Upon conclusion of the investigation, the College will take immediate and appropriate action to resolve the complaint informally or through corrective action. Any employee found to have engaged in misconduct will be subject to corrective action, from an oral or written warning up to and including discharge. Immediate and appropriate steps will also be taken if any non-employee (such as a student, vendor, or supplier) is found to have acted unprofessionally.

### **Files and Confidentiality**

Information related to complaints of unprofessional conduct will be kept confidential to the extent possible, consistent with the need for a thorough investigation. Unprofessional conduct investigation files will be placed in confidential envelopes within employee files.

### **Non-Retaliation**

The College will not retaliate or take any form of reprisal against any complainant or witness to discrimination or harassment, and any such retaliation or reprisal by a college employee is forbidden. Any employee who retaliates against another employee, student, or witness because of a complaint of discrimination or harassment, or because of participation in any investigation, will be subject to corrective action up to and including

termination of employment.

### **Implementation**

The College's intent in preparing, implementing, and distributing this policy is to maintain a campus environment free from inappropriate conduct and harassment. The College expects the cooperation of all employees in making this policy work in compliance with federal, state, and local laws. This policy is not intended to impose any contractual obligations on the college or any of its employees or representatives. Questions about this policy should be directed to the Director of Human Resources or the Employee Grievance Investigators.

## **STATEMENT OF RESPONSIBILITY FOR THE SECURITY AND CONFIDENTIALITY OF DATA AND DATA NETWORKS**

### **Statement of Responsibility**

Security and confidentiality of all data is a matter of concern for all members of the Luther community who have access to records and files, paper and computerized, and the data infrastructure and networks owned by Luther College. Employees are asked to electronically sign an agreement with Library and Information Services. For more information visit [www.luther.edu/lis/about/policies/data networks](http://www.luther.edu/lis/about/policies/data_networks).

## **HEALTH AND SAFETY**

### **Emergency Procedures**



### Accident or Injury

If an employee is seriously ill or injured, call 9-911. Describe the emergency and location, and then call the Security Office at 2111. The Office of Human Resources should also be notified so that family members can be contacted if appropriate.

### Report of Accidents

Any employee sustaining an illness or injury on the job must complete a Workers Comp Reporting Worksheet as soon as possible. This report is needed even if the injury does not appear serious enough to justify consulting a doctor. See Workers Compensation Reporting Worksheet at [www.luther.edu/hr/faculty-staff/common-forms](http://www.luther.edu/hr/faculty-staff/common-forms)

### Emergency Procedures Guide

Procedures detailing emergency conditions are explained in the Emergency Procedures Guide. All employees will receive this document and updates as necessary. Additional copies are available at the Office of Human Resources.

## **Workers Compensation Insurance**

Every Luther employee is covered by workers compensation insurance for work-related illnesses and injuries while on duty. Any illness or injury, however small, should be reported immediately to an employee's supervisor. In addition, a Workers Compensation Reporting Worksheet, available from his or her supervisor or the Office of Human Resources must be completed and submitted to Human Resources. Failure to report an illness or injury in a timely manner may result in a claim denial. The college will not retaliate against any employee for reporting a workplace illness or injury or for seeking workers compensation insurance.

Contact the Office of Human Resources for more information. See Workers Compensation Reporting Worksheet at [www.luther.edu/hr/faculty-staff/common-forms](http://www.luther.edu/hr/faculty-staff/common-forms)

## **College Keys**

Campus security is important to all college employees. If you are issued a building or office key, it should be kept in your possession; you should not loan it to anyone. The privilege of carrying a key is not transferable. A lost key must be reported at once to the employee's supervisor and the Facilities Services office. See College Key Policy at [www.luther.edu/policies](http://www.luther.edu/policies)

## **Smoking Policy**

On July 1, 2008, the State of Iowa passed a law that prohibits smoking on all property maintained or owned by Luther College. The use of pipes, hookahs and other smoking devices such as e-cigarettes or vapor cigarettes is also prohibited. For a complete description please refer to the Iowa Code 142D: The Smokefree Air Act (the Act). Individuals in violation of the Act will be subject to the following Luther College

penalties:

- Employees who have been reminded and continue to smoke will be reported to Human Resources. A \$50 fine may be levied to individuals after adequate warning. Corrective action, including possible termination, may occur if smoking on campus continues.
- See Smoking Policy at [www.luther.edu/policies/O-Z](http://www.luther.edu/policies/O-Z)

## **Bloodborne Pathogens**

Current medical evidence indicates that the actual safety risks created for the transmission of Hepatitis B (HBV) and HIV (AIDS) viruses are low in the college's normal academic and employment setting. Any employee who may be exposed to body fluids in the course of employment duties will be given protective wear in order to minimize the risk of transmission of communicable disease. The college will make available the Hepatitis B vaccination series to all employees who have the potential for occupational exposure. Training is provided at the time of initial assignments to tasks where occupational exposure may occur and will be repeated within 12 months of the previous training.

Faculty and staff are not authorized to clean **any** spills of body fluids unless they have received training in infection control and been offered a Hepatitis B vaccine. For more detailed information, contact the supervisor or the Office of Human Resources.

## **Campus Security Act**

The college is in willing compliance with the Campus Security (Clery) Act and, supported by compiled statistics, believes the environment to be a low crime area, particularly when individuals use common safety precautions. A complete report is available, upon request, from the Student Life or Admissions office, or via the Student Life website.

## **Solicitation Policy**

To protect employees, no outside solicitors will be permitted to approach employees on the college's premises. Employees may engage in solicitation only as described below.

During working time, employees should focus on their work duties and not interfere with other employees' work. Therefore, no employee may engage in solicitation or accept solicitation on behalf of any club, society, religious organization, political party, labor union, or similar association, or for any other purpose, during the working time of either the solicitor or the person being solicited. "Working time" means the time during which an employee is required to be performing work duties.

## **Pet Policy**

Animals can present a health concern in the form of allergies and disease. Animals can also pose a potential damage to the buildings and vehicles in the form of stains and odors. The only exceptions to the policy would be for service animals and educational purposes. See Pet Policy at <https://www.luther.edu/policies/last-section/>

ORGANIZATIONAL CHARTS FOR ADMINISTRATIVE STRUCTURE 2021-22

