

## ADMINISTRATIVE COUNCIL

### M I D W E S T E R N   S T A T E   U N I V E R S I T Y

Meeting No. 08-04

March 31, 2008

The Administrative Council met Monday, March 31, 2008, at 2:00 p.m. in the Hardin Administration Building Board Room. Present were Dr. Jesse W. Rogers, Chairman; Dr. Friederike Wiedemann, Mr. Juan Sandoval, Dr. Howard Farrell, Dr. Robert Clark, Mr. Keith Lamb, Dr. Robert Redmon, Mr. Dominique Calhoun, Ms. Debbie Barrow, Ms. Janus Buss, Ms. Dianne Weakley, Mr. David Spencer, and Ms. Cindy Ashlock.

#### MSU Policies and Procedures

The Council discussed the following policy changes at length.

##### Policy 2.331, Administration Selection Process

This item was pulled from consideration at this time.

##### Policy 2.xxx, Staff Senate

Ms. Weakley stated that an ad hoc committee had met several times since January 2008 with regard to the establishing of a Staff Senate at MSU. The committee reviewed staff senate policies at other Texas institutions and drafted the attached policy for consideration (see **Attachment 1**). She stated that membership would be based on the number of staff employees in each of the EEO categories. After a short discussion, Dr. Rogers suggested that the draft policy be reviewed by the vice presidents and their directors. If no concerns were noted, the policy would be placed on the May Board of Regents agenda.

##### Policy 3.341, Family and Medical Leave

Ms. Weakley stated that an amendment to the Family and Medical Leave Act was adopted by the Department of Labor January 28, 2008. She recommended changes to MSU's current policy to bring it in compliance with the new legislation. The change added two types of leave for active duty military.

#### Key Requests

The following key requests were approved.

<b>FACULTY</b>		
Karen Simpson	Ferguson Master	Adjunct Faculty—needs access to building after hours
<b>STAFF</b>		
Gina Averette	Ferguson Master	New secretary - needs access to all rooms in Ferguson
Shahala Hanks	CSC Master	New Greek Life Coordinator

Shane Perry	GGM70	New employee – PC/Network Lead Technician
Shane Perry	GGMK	New employee – PC/Network Lead Technician
Shane Perry	Mercantile Master	New employee – PC/Network Lead Technician
Diane Spiller	Hardin South Outside	Moving from Library to HS209
Linda Wilbur	Dillard Master	Needs access to building – new secretary
Gregory Williams	Hardin Master	Web CT Trainer
<b>STUDENT</b>		
Kristin Cook	Sikes Lake Center Outside	Fitness Instructor
Kendall Goldberg	Ligon Master	GA – needs access for tennis
Kendall Goldberg	Ligon Master	GA – needs access for tennis
Kendall Goldberg	Ligon Master	GA – needs access for tennis
Ashley Mills	Sikes Lake Center outside	Fitness Instructor
Ashley Mills	Sikes Lake Center outside	Fitness Instructor
Amanda Snook	Bolin Outside	GA needs access to building
Agnes Williams	Ligon Outside	Rec. Sports – open/close free play

Dr. Rogers asked that Mr. Sandoval review and update the key policy.

Adjournment

There being no further business, the meeting was adjourned at 2:35 p.m.

Original Minutes Signed

\_\_\_\_\_  
Jesse W. Rogers, Chairman

Original Minutes Signed

\_\_\_\_\_  
Cindy Ashlock, Secretary

**PROPOSED NEW POLICY**  
**Staff Senate Purpose and Constitution**

**Purpose**

The Staff Senate shall serve as an advisory body to the president regarding matters affecting staff employees.

**Article I**

**Eligibility**

Membership on the Staff Senate is limited to regular full-time employees who have served in benefits-eligible, non-faculty positions at Midwestern State University for at least 12 continuous months immediately preceding January 1 of the year in which they are nominated.

**Article II**

**A. Membership Representation**

The number of senate seats shall be allocated proportionally within each EEO job classification category based on the most current information as provided by the Director of Human Resources.

1. EEO Job Classification Categories:
  - a. Officials and Administrators (Excluding president, vice presidents, provost, and associate vice presidents)
  - b. Administrative Support
  - c. Non-faculty Professional
  - d. Skilled Craft Workers
  - e. Service and Maintenance
  - f. Technicians and Paraprofessionals

2. Allocation Chart

Number of Staff Employed Within EEO Classification	Number of Staff Senate Representatives
29 or less	1
30-59	2
60-89	3
90-119	4
120 +	5

**B. Officers**

The officers of the Senate shall be the Chairperson, Vice Chairperson, Secretary/Treasurer, and Parliamentarian, which will constitute the Executive Committee. During the month of May, senators who will serve in the term beginning the following

September, will hold an organizational meeting to elect officers for the new term. The current Chairperson will preside over the organizational meeting and no other business will be conducted. Members elected to the Executive Committee shall serve as officers for a one year term beginning September 1. The Chairperson of the Staff Senate shall be a voting member of the Administrative Council and shall attend the meetings of the Board of Regents. The Executive Committee may appoint ad hoc committees within the membership as deemed necessary.

**C. Terms**

Members shall serve two-year terms beginning September 1. The terms will be staggered in such a manner to ensure that no less than one-half of the terms will expire each year. Members will be limited to two consecutive terms and may be re-elected after an absence from the senate of one year. In order to initially establish the staggered terms, the forming committee shall, as evenly as possible, allocate one and two-year terms to each EEO job classification with the stipulation that a seat in a representative classification having only one senate seat shall initially be filled by a two-year term. In the event that two or more new seats are added, the initial terms should be set so that the fifty-fifty balance of the Senate is maintained, with an odd seat, if it exists, elected for a two-year term.

**Article III**

**A. Elections**

Elections will be held each April to fill seats which will be vacant on the following September 1. The nomination process will be held during the month of March. Eligible staff may self-nominate if they have an interest and desire to serve. The senate will determine the deadline for nominations, conduct the election through secret ballot, and notify the nominees. All benefits-eligible, non-faculty staff members are eligible to vote for nominees within their respective EEO classification. In the event of a tie, a run-off election will be held. The election results will be published within ten working days after the election.

**B. Vacancies**

Senate seats which become vacant prior to a regular election shall be filled by alternates from the respective EEO job classification, in succession beginning with the alternate receiving the highest number of votes in the most recent election. Alternates will serve until the next regular election and time served as an alternate will not be counted against the term limits. If no alternate from the respective classification is available to serve at the time the vacancy occurs, the seat will remain unfilled until the next regular election.

**Article IV**

**A. Meetings**

The Executive Committee will schedule regular monthly Senate meetings with a minimum of six regular meetings held within each fiscal year. One week prior to the scheduled meeting, the Executive Committee will meet to set the agenda. The agenda of the next scheduled meeting along with the publication of the minutes from the most

recent meeting shall be announced to the university community at least three working days in advance of the meeting date. Meetings will be open to the university community except when in the judgment of the Executive Committee it is determined that the meeting should be held in closed session. Individuals wishing to address the Senate or place items on the agenda may submit a written request through the membership. A quorum shall consist of a simple majority of the membership. Members shall be allowed a reasonable amount of time to devote to Staff Senate meetings and senate work as part of their normal working duties. Members must inform their supervisors well in advance of time required to conduct the Senate's business. Procedure will be determined by *Roberts Rules of Order* unless dictated by policy.

**B. Expulsion**

A member who is absent from three consecutive regular senate meetings shall relinquish his or her senate seat. An appeal for reinstatement may be filed with the Executive Committee by presenting documentation of good cause. In the event the Executive Committee upholds the decision to expel the member, the next alternate in the respective EEO classification will be notified to serve.

**C. Amendments**

Any full-time benefits-eligible staff member currently employed at Midwestern State University may propose a Staff Senate constitutional amendment by placing the item on a Senate meeting agenda. Constitutional amendments require approval by a majority vote of the Staff Senate and approval of the president and the Board of Regents.

**3.341 FAMILY AND MEDICAL LEAVE**

**Date Adopted/Most Recent Revision: 08/04/2006**

**B. General**

In compliance with the Family and ~~m~~Medical Leave Act (**FMLA**), effective August 5, 1993, **as amended January 28, 2008**, **Midwestern State University will provide up to twelve (12) weeks of unpaid leave during a 12- month period to eligible employees for:**

1. Childbirth
2. Adoption or foster care **placement**
3. Recovery~~ing~~ from a serious illness or injury
4. ~~Caring of~~ **Caring of** for a seriously ill spouse, son, daughter, or parent. (Children must be less than nineteen (19) years of age or, if over eighteen (18) years of age, they must be mentally or physically disabled.)
5. **A qualifying exigency which is the result of the spouse, child, or parent of the employee being on active duty or notified of an impending call to active duty in support of a contingency operation of the Armed Forces.**

**C. Service Member Family Leave**

**An eligible employee who is the spouse, child, parent, or nearest blood relative of a covered service member shall be entitled to a total of 26 workweeks of leave during a single 12-month period to care for the covered service member. During this single 12-month period, an eligible employee shall be entitled to leave for a total of 26 workweeks in combination with other types of leaves under paragraph A, 1-5.**

**D. Covered Service Member**

**A “covered service member” is a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is on the military’s temporary disability retired list, for a serious injury or illness.**

**Reinstatement**

~~Upon expiration of the approved leave, Midwestern State University will reinstate the employee to the same or equivalent position held before taking the leave.~~

**E. Eligibility**

To be eligible for FMLA leave an employee must have worked for the university for at least twelve (12) months and for at least 1,250 hours during the 12 months preceding the start of the FMLA leave.

**F. Reinstatement**

**Upon expiration of the approved leave, Midwestern State University will reinstate the employee to the same or equivalent position held before taking the leave. An employee who has been on FMLA leave due to his or her own serious health condition is required to provide medical certification of fitness for duty.**

G. **Continuation of Benefits**

State-paid employee health benefits will be maintained during the approved leave, ~~provided the employee continues to pay the premiums for dependent and optional coverage in force.~~ **Employees must pay their portion of optional dependent and other insurance to maintain optional coverage in force.** However, ~~Longevity~~, sick leave, and vacation leave accruals will not be authorized **during unpaid FMLA leave.** If the employee does not return to work after the leave period, for any reason other than a serious health condition or circumstances beyond the employee's control, the employee will be responsible for reimbursement to the university for the health insurance premiums paid during the leave.

H. **Serious Health Conditions**

A serious health condition is any illness, injury, impairment, physical, or mental condition which involves **inpatient care in a hospital, hospice, or medical care facility** ~~or continuing treatment by a health care provider for a chronic or long-term health condition. that is incurable or so serious that if not treated would result in a period of incapacity.~~ **As applicable to a covered service member, a serious injury or illness is one incurred by the member in the line of duty while on active duty in the Armed Forces that renders the member medically unfit to perform assigned duties.**

I. **Advance Notice Notification**

Employees are expected to give as much **advance** notice as possible when requesting FMLA leave. ~~Employees are expected~~ **and** to make all reasonable efforts to minimize the disruption caused by their absence; i.e., ~~maximum advance notice~~, rescheduling of medical treatments whenever possible, etc. **In the event the employee does not request FMLA leave, supervisors should promptly notify the Human Resources Department if they suspect that an employee is absent due to an FMLA event. Questions may be asked of the employee to confirm whether the leave needed or being taken qualifies for FMLA purposes. Employees shall be notified in writing that an absence is being designated by the university as FMLA leave. If the university was not aware of the reason for the leave, leave may be designated as FMLA retroactively while the leave is in progress or within two business days of the employee's return to work.**

J. **Intermittent Leave**

Employees may request that the FMLA leave be taken on an intermittent basis when the condition is medically necessary. Intermittent leave for the birth **of a child or placement of an adopted or foster** ~~or adoption of a child~~ may only be taken upon approval of the university. **Subject to advance notification, a reduced leave schedule or intermittent use of leave may be granted to an employee for a qualifying exigency due to the active duty of a spouse, child, or parent in support of a contingency operation of the Armed Forces.** ~~If an employee and their spouse both are employed by the university, the total combined leave authorized for the birth/adoption of a child will be twelve (12) weeks.~~ During a prolonged period of intermittent leave, the university may require the employee to transfer to another position which offers equivalent pay and benefits.

K. **Spouses Employed by the Same Employer**

**If a husband and wife both are employed by the university, in some instances, the total FMLA leave entitlement of both employees must be aggregated.**

1. **Combined leave taken for the birth of a child or placement of an adopted or foster child is limited to 12 workweeks in a 12-month period.**
2. **Combined leave taken to care for a sick child is limited to 12 workweeks in a 12-month period.**
3. **Combined leave taken for a qualifying exigency as the result of a contingency operation of the Armed Forces is limited to 12 workweeks in a 12-month period.**
4. **Combined leave taken to care for a covered service member is limited to 26 workweeks during a single 12-month period.**

L. **Application Procedures**

Midwestern State University employees requesting FMLA leave ~~without pay~~ shall follow these procedures:

1. Prepare a written leave request indicating the nature of the **FMLA leave family problem or and,** (if a medical condition), the relationship of the patient, the duration of the condition, and the medical facts regarding the condition. Certification from the health care provider should be attached verifying the above conditions. This information ~~is will~~ is ~~will~~ required if the medical condition applies to the employee or if the condition involves a member of the immediate family (spouse, child, or parent). If a second medical opinion is required, costs for this service will be paid by the university. The employee may be required to furnish additional certifications to substantiate the need for continuing leave. **A request for leave related to active duty or a call to active duty in support of a contingency operation must be supported by a certification.**
2. The written request for FMLA leave will be provided to the employee's immediate supervisor, who shall forward the request through the supervisory channels to the appropriate Vice President. The Vice President will forward the request to the Director of Human Resources who will review the request and verify that the leave satisfies the requirements set forth in this policy.
3. **The employee is required to substitute any available accrued paid leave for any part of the applicable 12 or 26 weeks of leave provided under the Family Medical Leave Act.** Requests for **unpaid** FMLA will only be approved after the employee has **exhausted** ~~used~~ all available accrued leave, if applicable. ~~Leave taken from all sources will be applied to the twelve (12) week leave period authorized by the Family Medical Leave Act of 1993.~~
4. Staff employees will record all FMLA leave time taken on their monthly time sheet. Faculty members will submit an itemized list of all FMLA leave taken, including the beginning and ending dates of leave, **on the monthly faculty sick leave form** ~~immediately upon their return to work.~~

**Employee Rights**

**Employees who exercise their rights under the Family and Medical Leave Act are guaranteed protection from discrimination and retaliation by the university.**