

Human Resource Services Personnel Policies

Annual Leave

Date Adopted: 10/03/80
Last Revision: 04/15/02
References: 2-18-611-612, 614-617, M.C.A.; MUS 801.14.1; MOM 3-0305
Collective Bargaining Agreements

A. Definitions

As used in this procedure, the following definitions apply:

1. Annual Leave means, as provided in 2018-601 (8), MCA, "A leave of absence with pay for the purpose of rest, relaxation, or personal business at the request of the employee and with the concurrence of the employer."
2. Break in Service means, as provided in 2-18-601 (13), MCA, "a period of time in excess of five working days when the person is not employed and that severs continuous employment." A break in service shall result from a termination or resignation that actual severs the employment relationship between the employee and The University of Montana. Time on approved leave without pay is not considered in defining a break in service.
3. Continuous Employment means, for purposes of the qualifying period, working for The University of Montana without a break in service of more than five (5) working days.
4. Qualifying Period means the six (6) calendar month period an employee must be continuously employed to be eligible to use annual leave credits or to be eligible upon termination for a lump sum payment for unused annual leave credits.
5. Transfer means a change of employment from one department of The University of Montana- Missoula to another, from one campus of The University of Montana to another, from one unit of the Montana University System to another, or from a unit of the Montana University System to a State agency without a break in service.
6. Annual Leave Credits means the earned number of annual leave hours an employee is eligible to use upon completion of the qualifying period.

B. Accrual

Eligible employees earn annual leave credits from the first day of employment. Annual leave hours are accrued at the end of each pay period. Leave is available to use only after the applicable qualifying period and after it has accrued. Leave credits cannot be advanced nor may leave be taken retroactively. Annual leave credits are not accrued if an employee is on leave without pay status.

Accrual Rates:

- a. Fiscal-year faculty and academic administrators accrue academic annual leave at the rate of 14 hours per calendar month of continuous employment for which the employee is in a paid status.
- b. Non academic administrators, staff, and temporary employees accrue annual leave in accordance with the following schedule:
 - 1 day through 10 years = 15 working days per year
 - 10 years through 15 years = 18 working days per year
 - 15 years through 20 years = 21 working days per year
 - 20 years + = 24 working days per year
- c. Previous Service:

If an employee has been previously employed by The Montana University System, State of Montana, or a Montana County or school district, credit for prior service may be used to calculate the employee's rate of accrual. The employee must request such credit in writing to provide adequate documentation to the Human Resource Office. Certain military service may also be recognized as credit toward the accrual rate. When such credit is approved, the employee must serve a new qualifying period in order to use accrual annual leave. The employee's leave credit balance and the employee's accrual rate shall not be adjusted retroactively. The employee shall begin earning leave at an adjusted rate, where appropriate, at the beginning of the first pay period after the Office of Human Resource Services receives acceptable documentation.

Maximum accrual: Eligible employees may accumulate two times the total number of annual leave credits they are eligible to earn per year. Excess vacation leave credits will be forfeited unless taken by the employee within 90 calendar days from the last day of the calendar year in which the excess credits were earned (March 31) except as further set forth in this section.

The calculation of excess annual leave credits (those credits which must be used within the first 90 days of the next calendar year) will be made as of December 31 of each year.

In accordance with 2-18-617, MCA, if an employee makes a reasonable written request to use excess annual leave before the excess annual leave must be forfeited (March 31) and the supervisor denies the request, the excess annual leave is not forfeited and the supervisor shall ensure that the employee may use the excess annual leave before the end of the calendar year in which the leave would have been forfeited. A copy of the denied request shall be submitted to Human Resource Services to ensure retention of the excess hours.

C. ELIGIBLE EMPLOYEES

1. FACULTY

- a. Academic Year Appointments: Faculty members with academic rank who are appointed on an academic year basis shall accrue no annual leave. Faculty members who are appointed for teaching, research and/or public service for summer sessions accrue no annual leave.
- b. Fiscal Year Appointments: Full-time faculty members on fiscal year (12-month) appointments shall earn annual leave from the first month of employment at the rate of fourteen (14) hours per month. They are not entitled to use vacation leave with pay until they have been continuously employed for a period of six calendar months. Part-time fiscal year faculty members are entitled to prorated vacation leave credits if appointed for .50 FTE or more.
- c. Fiscal Year Faculty on Paid Sabbatical Leaves shall receive prorated annual leave in accordance with the sabbatical terms.

2. ACADEMIC ADMINISTRATORS

Full-time academic administrators holding academic rank on fiscal year appointments accumulate annual leave at the rate of fourteen (14) hours per month. If an academic administrator's status is changed from a fiscal year to an academic year appointment, the administrator shall be compensated for accrued vacation leave credits at the time of the status change or may elect to retain the accrued leave until such time as the individual terminates employment or returns to a fiscal year appointment.

3. NON-ACADEMIC ADMINISTRATORS AND STAFF

Accrual is prorated according to hours worked and based on years of continuous service. Hours in a pay status paid at the regular rate will be used to calculate leave accrual. Vacation leave credits will not accrue for those hours that are paid as overtime or recorded as compensatory time earned.

An individual simultaneously employed in two or more positions at the University will accrue vacation leave in each position according to the number of hours worked. Vacation leave credits will be used only from the position in which the credits are earned and with approval of the supervisor of that position.

4. TEMPORARY EMPLOYEES

Temporary employees accrue and are eligible to use annual leave in accordance with their employment status, as defined in these procedures.

D. QUALIFYING PERIOD

All employees must be continuously employed by The University of Montana or another unit of the Montana University System for the qualifying period of six calendar months to be eligible to use accrued vacation leave. Unless there is a break in service, an employee is only required to serve the qualifying period

once. After a break in service, an employee must again complete the qualifying period to be eligible to use annual vacation leave.

E. USE OF ANNUAL LEAVE

The dates when employees' annual leaves shall be granted are determined by agreement between each employee and the employee's supervisor, with regard to the best interests of the University and the best interests of each employee. In no case may the number of hours of annual leave taken exceed the number of hours the employee is regularly scheduled to work.

Vacation leave taken over a legal holiday will not be charged to an employee's vacation for the holiday.

At an employee's request, and with the approval of the supervisor, an absence due to the illness may be charged to annual leave after all sick leave benefits have been exhausted.

With prior approval of the supervisor, leave without pay may be used to extend regular vacation leave. Leave without pay provisions set forth in the applicable Personnel Policy shall apply.

F. TERMINATION OF EMPLOYMENT/TRANSFER/LAYOFF

Annual leave may not typically be used to extend or delay the effective date of termination. The last day actively worked by the employee is the date of termination. An employee who has worked the qualifying period and who terminates employment with the University shall receive cash compensation for unused annual leave unless such termination is for reasons reflecting discredit upon the employee (2-18-617, MCA). Unused vacation leave is compensated at the employee's rate of pay at the time of termination.

If an employee transfers from one University department to another, no cash payment is made at the time of transfer. The receiving department assumes the liability for the accrued vacation leave credits transferred with the employee. If an individual transfers from one unit of the Montana University System to a state agency, the receiving unit/agency has the option to assume the liability for the accrued vacation leave unless a break in service of more than five days occurs. If a break in service occurs, the employee shall receive a lump sum payment and must begin again the qualifying period for use of leave at the new unit/agency.

When an employee transfers from one unit of the University system to another without a break in service, the employee shall not receive cash compensation for accrued annual leave. The receiving unit shall assume liability for the accrued leave.

When an employee works in more than one department, upon termination from one position the employee may, at the remaining department's discretion, transfer leave credits to the remaining position. If the remaining department will not accept the transfer of credits, it is the responsibility of the department from which the employee is terminating to fund the pro-rated amount of annual leave payout to the employee.

In the event of a reduction in force, the employee shall have the option of receiving a lump sum payoff at the time of layoff or maintaining the annual leave credits with the University for a period not to exceed one year from the date of layoff. The election must occur at the time of layoff. The employee may request payoff for accrued annual leave and sick leave at any time after the initial request to maintain the accruals. Such request will be processed as soon as reasonably possible. The employee's choice to receive a lump sum payoff or maintain the accrual will also apply to the employee's sick leave accruals.

Sick Leave

Date Adopted: 10/30/80

Last Revision: 04/15/02

References: 3-0310 M.O.M.; 2-18-601, 606, 618, M.C.A.; Policy 241.0; ARM 2.21.5007(9); ARM 2.21.141; ARM 2.21.804-2.21.822; MUS Policy 801.7.1; Grant leave Project Pool Overview, August 1993; Collective Bargaining Agreements; HRS Policies

As used in this procedure, the following definitions apply:

Sick Leave, as provided in 2-18-601, M.C.A., is defined as: "a leave of absence with pay for a sickness suffered by an employee or his immediate family or for a permanent employee who is eligible for parental leave under the provisions of 2-18-606, M.C.A." In addition, it includes the following conditions: illness, injury, medical disability, maternity/paternity-related absence including prenatal care, birth, miscarriage, abortion, or other medical care for either employee or child; quarantine resulting from exposure to contagious disease; medical, dental, or eye examination or treatment; care of or attendance to an immediate family member or, at the supervisor's discretion, for another person; death or funeral attendance for an immediate family member or, at the supervisor's discretion, for another person.

Abuse of Sick Leave is the result of misrepresentation of the actual reason for charging an absence to sick leave, using sick leave for unauthorized purposes, failure to report sick leave, and may include chronic, persistent, or patterned use of sick leave.

Break in Service, as provided in 2-18-601, M.C.A., means "a period of time in excess of five working days when the person is not employed and that severs continuous employment." A break in service could result from a termination or resignation or could result from an absence of more than five working days in a row without approval.

Continuous Employment, as provided in 2-18-601, M.C.A., means "working within the same jurisdiction without a break in service of more than five working days or without a continuous absence without pay of more than 15 working days." An approved continuous leave of absence without pay exceeding 15 working days does not constitute a break in service.

Eligibility Non-student and non-faculty employees are eligible for sick leave in accordance with this procedure and MUS policy. Faculty covered by a collective bargaining agreement wherein sick leave has been negotiated are also eligible for sick leave as set forth in the contract.

Immediate Family includes the employee's spouse or partner, any member of the employee's household, or any parent, child, sibling, grandparent, grandchild, or corresponding in-law, including stepfamilies and family members of the employee's partner.

Qualifying Period is a 90 calendar-day period during which an employee must be continuously employed to be eligible to use sick leave credits or to be eligible for a lump sum payment upon termination for a portion of unused sick leave credits. This definition also refers to temporary employees.

Grant Leave Pool is a sponsored program (grant) leave pool developed to pay for all leave taken on sponsored program (grant) accounts as well as termination payoffs.

A. Accrual

Eligible employees earn sick leave credits from the first day of employment. Sick leave credits are earned at the full-time rate of one eight (8) hours for each month of service. There is no restriction on the number of days that can be accumulated.

Accrual credits are pro-rated according to regular hours worked and no credits accrue for an employee on leave without pay. Sick leave is not earned on overtime hours.

Sick leave credits are automatically retroactive to first working day for:

1. Temporary employees who move into permanent positions without a break in service, and
2. Temporary employees whose employment exceeds 90 days.

B. Eligibility

Eligible employees are specified in applicable collective bargaining agreements and MUS Policy # 708.1.1. Non-student and non-faculty employees are eligible for accrual and use of sick leave, as specified in these procedures.

C. Charges

Upon completion of the qualifying period, eligible employees are entitled to use sick leave credits earned, as appropriate.

Advancing sick leave after an employee's earned leave has been expended is prohibited. It is the responsibility of the employee and the supervisor to assure proper reporting of the use of sick leave.

With the approval of the supervisor, an employee may charge an absence due to illness to annual leave, leave without pay, and/or compensatory time. This practice is normally used after all sick leave is exhausted.

D. Reporting Responsibility

Any illness, medical appointment, or emergency, which necessitates the use of sick leave, must be reported to the supervisor as soon as possible. An employee's supervisor may require a physician's certificate or other evidence to substantiate a sick leave request.

E. Holidays

Holidays that fall during a period when an employee is on sick leave will be charged as holiday pay rather than sick leave. If an employee is sick during scheduled annual leave, sick leave may be substituted for time employee is sick upon proper notification and approval of the supervisor.

F. Termination Payoff

Employees who discontinue employment and who have completed the qualifying period with the University are entitled to a lump sum payment equal to one-fourth (1/4) of their unused, accumulated sick leave credits.

Employees of the College of Technology who discontinue employment with the University, and who have completed the qualifying period, are entitled to a lump sum payment equal to the following: one-half (1/2) of their unused, accumulated sick leave credits earned prior to 1989 and one-fourth (1/4) of their unused, accumulated sick leave credits earned after 1988.

Pay attributed to the accumulated sick leave is computed on the basis of the employee's salary at the time of termination.

Although no payment is made for credits earned prior to July 1, 1971, those credits are available to the employee to charge as sick leave during employment.

G. Transfer

If an employee transfers from one department to another or from one sponsored program to another within the University with no break in service, no cash payment is made at the time of the transfer. The receiving department assumes the liability for the accrued sick leave credits.

If an individual transfers from a state agency to the University, the University may elect whether or not to assume the liability for the accrued sick leave, unless there is at least a five-day break in service. If a break in service occurs, the employee receives a lump sum payment from their former department and must begin again the qualifying period for use of leave.

If an employee transfers to any other campus of the university system, the employee shall not receive cash compensation for unused sick leave. The receiving campus shall assume the liability for accrued sick leave.

H. Abuse

Abuse of sick leave is cause for dismissal. An employee may be dismissed for abuse that is substantiated by the employer and may forfeit the lump sum payment to which he/she would otherwise be entitled to upon termination.

I. Layoff

When an employee has been laid off and has been allowed to maintain sick leave credits the employee shall not take any accrued sick leave credits during the layoff period. The employee may take those sick leave credits if reinstated or reemployed or if employed by a state agency that agrees to accept the sick leave

credits. If the employee is not reinstated or reemployed within one year of layoff, the employee shall receive a lump sum payoff, at the salary rate the employee earned at the effective date of layoff.

J. Work-related Accident

An employee who is injured in a work-related accident may be eligible for workers' compensation benefits. Use of sick leave must be coordinated with receipt of workers' compensation benefits on a case-by-case basis.

K. Certification

When accrued sick leave charges are used, an employee must appropriately complete a departmental leave request form reflecting the charges and submit it to his/her supervisor for approval and signature. The supervisor signing the leave request form certifies that the sick leave charges are correct and accurate. Any questions regarding the departmental payroll reporting and recorded charges will be directed to the supervisor, rather than the employee, for verification and action.

L. Sick Leave Fund/DIRECT GRANT

The Sick-Leave Fund allows University employees to share accumulated sick leave with other eligible employees according to guidelines developed by the Board of Regents to comply with 2-18-618, M.C.A.

Employees may contribute sick-leave credits to the Sick-Leave Fund for use by fund members or transfer sick-leave credits by making a direct grant to a specific employee who suffers an extensive illness or accident.

1. Contribution means the number of hours of accrued personal sick leave which an employee must donate to the Sick-Leave Fund to become or to remain a participant in the fund.

2. Direct grant means the extension to an employee, who may or may not be a participating employee, of up to 160 hours of sick leave in a 12-month period which is donated by other University system employees, who may or may not be participating employees, for the specific use of the employee.

3. Grant means the extension to a participating employee of sick leave from the Sick-Leave Fund or through a direct grant.

4. Maximum allowable benefit means no more than 160 hours of sick leave in any continuous 12-month period received as either grants from the Sick-Leave Fund or as direct grants.

5. Participating employee means an employee of the University assigned to a position which has been designated as permanent or seasonal who has joined the Sick-Leave Fund by making the initial contribution of the number of hours required by this policy and who has contributed any hours subsequently requested by the Office of Human Resource Services.

6.Sick-Leave Fund means a pool established to accumulate and disperse voluntarily and irrevocably contributed accrued personal sick leave from University employees for the purpose of providing sick leave to participating employees.

To enroll in the Sick-Leave Fund, employees must meet the following requirements:

1. Complete a Sick-Leave Fund contribution form.
2. Complete the 90-day qualifying period for use of sick leave.
3. Maintain a minimum balance of 40 hours of sick-leave credits following each contribution.
4. Contribute a minimum of 8 sick-leave hours to the fund.
5. Continue to contribute 8 sick-leave hours annually to the fund after becoming a member. Human Resource Services will automatically transfer these hours annually to the Sick-Leave Fund unless the employee requests in writing to discontinue membership in the fund or terminates employment.

All contributions are voluntary, irrevocable, and automatic after initial enrollment. Employees may resign from the fund at any time by notifying Human Resource Services in writing. They may later rejoin the fund if they meet all eligibility requirements.

Sick leave accrued prior to July 1, 1971, may not be contributed to the Sick-Leave Fund. Employees may contribute no more than 40 hours in a 12-month period.

A minimum sick leave Fund balance of 400 hours shall be maintained. On March 1 each year, all members of the Sick Leave Fund must transfer an additional eight (8) hours to the fund. Human Resource Services will make the transfer automatically unless written notice is received from an employee who no longer wishes to participate in the Sick Leave Fund.

If the fund is depleted below the minimum 400 hours, Human Resource Services will request additional contributions of at least eight hours from fund members. If an employee does not contribute the additional credits within 45 days of the request, the employee's membership in the fund will be discontinued. Participating members of the fund who are exhausting or have exhausted sick leave due to an extensive illness or accident at the time of the request will not be required to contribute the additional sick-leave credits.

To be eligible to receive a grant of sick leave from the sick leave Fund, an employee must meet the following criteria:

1. Complete the 90-day qualifying period to take sick leave,
2. Suffer from an extensive illness or accident that results in absence from work of at least 10 consecutive working days,
3. Be ineligible for workers' compensation benefits,
4. Exhaust all personally accrued sick, annual leave and compensatory time,
5. Have taken 5 days leave without pay in addition to exhausting all other paid leave,
6. Provide the supervisor with a physician's certificate documenting extensive illness or accident,
7. Receive approval from the supervisor for a leave of absence and approval from the Dean/Director and Director of Human Resource Services to receive a grant of sick leave from the fund, and

8. Be a member of the Sick Leave Fund for at least 90 days.

Participation in the Sick Leave Fund or meeting the eligibility requirements does not guarantee that receipt of sick leave shall be approved.

An employee may request a grant from the Sick Leave Fund to provide "necessary care of or attendance to an immediate family member ... until other attendance can reasonably be obtained" (ARM 2.21.132). Immediate family member is defined as the employee's spouse and any member of the employee's household, or any parent, child, grandparent, grandchild or corresponding in-law who is suffering from an extensive illness or accident.

If an employee is incapacitated and unable to apply for leave of absence and a grant from the Sick Leave Fund, another person may do so on behalf of the employee.

Employees do not have to be participating members in the Sick-Leave Fund in order to give or receive direct grants. Employees may make a direct grant of sick leave to an employee who is suffering from an extended illness or accident that results in an absence from work of at least 10 consecutive days. To be eligible to make a direct grant, an employee must have completed the 90-day qualifying period for use of sick leave and have a minimum balance of 40 hours of accrued sick leave following the contribution, credited to his/her personal balance. An employee may grant a maximum of 40 hours of sick leave in a 12-month period through the direct grant program.

An employee may contribute no more than a combined total of 40 hours of sick leave to either the Sick Leave Fund or as direct grants in any 12-month period. The 12-month period is calculated from the first day an employee makes a direct grant or contribution to the Sick-Leave Fund. All contributions are irrevocable.

An employee may receive no more than a maximum of 160 hours of sick leave in any continuous 12-month period in direct grants. The 12-month period is calculated from the first day the employee takes sick leave that is a direct grant or a grant from the Sick-Leave Fund. To be eligible to receive a direct grant of sick leave, an employee must meet the following criteria:

1. Have met the 90-day qualifying period to take sick leave,
2. Suffer an extensive illness or accident that results in absence from work of no less than 10 consecutive working days,
3. Exhaust all personally accrued sick leave, annual leave, and other accrued paid leave and compensatory time,
4. Take 5 days of leave without pay following exhaustion of all accrued leave and compensatory time,
5. Receive approval from the supervisor for leave,
6. Receive approval from the Dean/Director and Director of Human Resource Services, and
7. Provide a physician's certificate to supervisor.

An employee may receive a direct grant of sick leave to provide necessary care of or attendance to an immediate family member until other attendance can reasonably be obtained.

An employee may receive a combined total of no more than 160 hours of sick leave from the fund or direct grants in any 12-month period.

The department employing the recipient of a grant from the Sick Leave Fund or a direct grant of sick leave shall pay all costs of the use of that sick leave.

Forms for requesting use of the Sick Leave Fund and for donating leave hours are available from Human Resource Services.

Permanent part-time employees are eligible to contribute and use sick leave, as defined above, on a pro-rated basis according to FTE.

Exceptions to this policy may be granted with the approval of the appropriate Executive Officer and Director of Human Resource Services.

Outside Employment- Employees Eligible for Overtime

Policy Number: 403.3

Date Adopted: 10/80

Revision Date: 1/90

References: MCA 2-2-1221

Approved By: Robert A. Durringer, Vice President for Administration & Finance

An employee may engage in outside employment that does not interfere with the employee's ability to perform his/her job duties with the University, and that does not involve the use of the University's property, facilities, authority or name.

Full-time employees who are eligible for overtime and who accept additional work in another University department must be paid overtime for the additional work. The overtime rate is determined by the employee's hourly rate in his/her full-time position.

Conflict of Interest and Financial Disclosure

Policy Number: 410

Date Adopted: 12/95

Revision Date: 12/97, 12/06

References: MUS Policy 770, MCA 2-2-101, 2-2-202, 2-2-304

Approved By: George M. Dennison, President

The University of Montana-Missoula (UM or University) and its employees are committed to conducting all UM work-related activities in accordance with the highest integrity standards and in full compliance with all ethical and conflict of interest legal requirements applicable to the University and its employees. Interactions with the private sector carry an increased conflict of interest risk. This policy sets forth principles for identifying such potential conflicts and procedures for reviewing and addressing potential conflicts that might occur.

This policy does not intend to regulate or eliminate all perceived conflicts of interest, but rather to enable University employees to recognize situations that may raise legal and ethical issues and ensure that such situations are properly reviewed and, if necessary, supervised or monitored in accordance with applicable state law and federal regulations.

Thus, an integral part of this policy is a disclosure mechanism whereby UM employees regularly analyze their activities. This policy and accompanying procedures are intended to maintain the professional autonomy of employees inherent in research, scholarship, teaching and all other UM research activities. Compliance with this policy by all UM employees is required.

The disclosure mechanism to be used is a one-page form entitled “**Conflict of Interest Disclosure Statement and Certification**”. The form must be completed by all UM employees and submitted no later than September 30th of each year.

I. Statement of Conflict of Interest Policy

A conflict of interest may exist when an employee’s professional actions or decisions may be, are, or have been influenced by considerations of personal or financial gain. This policy covers actual and potential conflicts of interest in sponsored research, in professional activities, and in UM work-related family relationships (nepotism).

The following are not considered conflicts of interest. They are allowable if consistent with other applicable federal and state laws and policies of UM and the Montana University System (MUS), including applicable UM and MUS consulting and intellectual property ownership and disposition policies:

1. UM Salary or other remuneration;
2. Any ownership interest in an associated entity approved by the Board of Regents under **BOR Policy #407**;
3. Any payments by UM to the employee resulting from royalty or license fee sharing;
4. Income from seminars, lectures, or teaching engagements sponsored by public or nonprofit entities;
5. Income from service on advisory committees or review panels for public or nonprofit entities; or
6. Any interest in a business that does not rise to the level of being “significant.” An employee has a **significant financial or other interest** in a business when the employee and the employee’s family own more than an aggregate of 5% equity in a business, serve as officers and/or directors of a business, or receive more than an aggregate of \$10,000 income from a business annually.

II. Conflicts of Interest in Sponsored Research

In sponsored activities, a conflict of interest occurs when the University determines that an investigator’s financial interests could affect, or have directly and significantly affected, the design, conduct, or reporting of a sponsored project.

The following is a representative, though not all inclusive, list of activities and external relationships covered by this policy. Any combination of activity and external relationship not specifically discussed that a faculty member believes or reasonably should believe, constitutes a potential conflict of interest must be reported in writing according to the procedures described within this policy before the UM employee proceeds with such activity.

- A. Activities Requiring Disclosure and Possible Conflict Management Plan
 1. Research and Scholarly Activity - Disclosure is required when an investigator has a **significant financial or other interest** in a business directly related to the investigator’s research interest, would be affected by the investigator’s research, or could affect the approval, design, conduct, or reporting of funded research.

2. Gifts - Disclosure is required when a gift in excess of \$10,000/year is made to the University from an associated entity in which the employee has a **significant financial or other interest**.
3. Intellectual Property - Disclosure is required when an employee is a named inventor of intellectual property owned by the University and the employee has a **significant financial or other interest** in a business entity related to the intellectual property.
4. Board Memberships – Disclosure is required when any UM employee receives research support (sponsored research or a gift) from a business in which the employee or the employee's immediate family serves on the board of directors or advisory board, whether or not compensation is received for such services.
5. External Activities – Disclosure is required when an employee holds an executive position in a business engaged in commercial or research activities directly related to the employee's UM responsibilities.
6. Administrative Responsibilities – Disclosure is required when:
 - a. An employee has administrative responsibilities (e.g., dean, department chair, or director) on behalf of UM with respect to the operation of UM or any UM affiliated organization that is beneficial to a business in which the employee, the employee's immediate family member, or an associated entity has a **significant financial interest**.
 - b. An employee has administrative responsibilities on behalf of UM with respect to any supported research activity (sponsored research or a gift) in which the employee, an immediate family member, or an associated entity has a **significant financial interest** in the sponsor or donor.
7. Professional Referrals - Disclosure is required when an employee, while performing UM duties, makes professional referrals to a business in which the faculty member/employee, an immediate family member, or an associated entity, has a **significant financial interest** of which the faculty member or employee is aware or reasonably should be aware. The exception to this general rule occurs when the employee is engaged in consulting activities conforming to applicable UM and MUS consulting policies.

B. Prohibited Activities

The following activities create a conflict of interest and are **not allowed**:

1. Purchasing goods or services: An employee participates in decisions to purchase goods or services for UM in a manner which violates applicable federal or state purchasing laws, plus applicable UM or MUS purchasing policies.
2. Improper employment relationship: An employee receives a significant, undisclosed financial interest or other benefit in return for employing another person on a UM project.

III. Conflicts of Interest in Professional Activities

See **UM Policy 101.5**: Faculty Consulting Policy and **UM Policy 409**: Compensated/Uncompensated Professional Activities Outside the University (Administrators & Other Contract Professionals).

In addition, all public employees of the State of Montana are governed by the Standards of Conduct – Code of Ethics, **Title 2, Chapter 2, Part 1 M.C.A.**

No UM employee may undertake consulting or professional assignments which would result in a conflict of interest with assigned University duties.

IV. Conflicts of Interest in Nepotism

See **UM Policy 401.3: Nepotism**. In addition, all public employees of the State of Montana are governed by Standards of Conduct – Nepotism, **Title 2, Chapter 2, Part 3, MCA. Policy Procedures**

Moving Expenses

Policy Number: 308

Policy: Relocation Expenses

Date Adopted: 10/07

Approved By: Robert A. Durringer, Vice President for Administration & Finance

The University of Montana may reimburse or pay directly the relocation costs for new employees hired in key positions such as executive officers, deans, directors, and coaching positions within The University of Montana. An Executive Officer or designee must authorize all relocation expenses in writing. The Executive Officer authorizing the relocation expenditure is responsible for budgeting sufficient funds to cover the cost(s) to relocate the new employee.

The University of Montana adheres to the IRS moving expense regulations as outlined in **Publication 521 Moving Expenses**.

Volunteer Employees

As of July 1, 2003, University volunteers were no longer covered by workers' compensation on any of the campuses of the Montana University System (MUS). An effort was made to provide basic medical coverage in the event of an accident for the many individuals who continue to donate time and energy to the campuses and the MUS obtained an accident/accidental death/dismemberment policy that provides supplemental insurance coverage to volunteers. Volunteers are defined as those individuals providing a direct service to the University and are not being compensated.

The policy features a medical expense limit of \$50,000 with a \$250,000 deductible and an accidental death and dismemberment limit maximum of \$10,000, depending on the type of injury. Please keep in mind this is an excess policy and the volunteer's own personal medical insurance is primary. This policy will only pick up excess or will become primary if the volunteer does not have other coverage. Lost wages resulting from an accident or injury while volunteering for the MUS are not covered by this policy.

The campuses will be required to report the total number of volunteers, along with types of activities or services provided by the volunteers, on an annual basis to State Risk Management and Tort Defense Division. Attached are forms for departments to fill out for each volunteer so we can track our volunteer activity as closely as possible. Volunteer forms will need to be filled out prior to the volunteer performing the work and returned to Kathy Benson.

Any injury to volunteers should be reported by contacting Kathy Benson at extension 243-2788 or via e-mail BensonKM@mso.umt.edu at which time she will forward the appropriate claim forms to be filled out by the volunteer. This claim form shall then be returned to Kathy Benson for processing with State Risk Management and Tort Defense Division.

Board of Regents Contracts

Date Adopted: 01/01/95

Last Revision: 04/15/02

References: Board of Regents Policy 711.1; HRS Policies

The criteria set forth in this document shall be used to determine specific categories of employees who may be considered for Regents Contracts.

- A. PROFESSIONAL
 1. A professional employee who has the authority to represent the institution to the public; or
 2. A professional employee who performs work requiring knowledge of an advanced type customarily acquired by, at a minimum, a Master's degree; or
 3. A professional employee who is; (a) engaged in production or delivery of educational services; as Principal Investigator in research; or (b) engaged in research with responsibility for designing projects, developing protocol, and writing and/or delivering final products.

- B. ADMINISTRATIVE
 1. An employee who is a senior administrator (i.e., President, Chancellor, Vice President, Vice Chancellor, Provost, Associate Provost, Dean); or
 2. An employee reporting directly to a President or Executive Officer in an executive capacity; or
 3. An employee who serves as director of a unit and is accountable for the unit's budget; formulates and recommends program direction.

Letter of Appointment

Date Adopted: 03/01/99

Last Revision: 08/22/02; 9/21/07

References: MUS 711.1; HRS policies

Employment automatically ends without notice at the end of the specified term. If funding is no longer available, termination may occur at any time during the specified period of employment upon 15 working days notice.

Letters of Appointment may be issued for a contract professional or administrator meeting Board of Regents criteria set forth in the "Criteria for Board of Regents Contracts" in the University Personnel Procedures. Letters of Appointment may be issued for researchers who are not eligible for UFA membership, subject to the Termination Section below.

Individuals on a Letter of Appointment are hired for a specified period, not to exceed employment in excess of one (1) year. Letters of Appointment cannot be used for individuals who hold an academic appointment and qualify for inclusion in the UFA

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bargaining unit or would otherwise be subject to the staff pay plan system.

An individual employed on a Letter of Appointment who subsequently meets the requirements for membership in the UFA will be transferred to a Montana University System Contract in accordance with the University Faculty Association Collective Bargaining Agreement.

Annual salary increases for individuals employed on Letters of Appointment will be defined within parameters set by the President of The University of Montana.

PROCEDURES

A. APPOINTMENT

Established recruitment and selection procedures will be followed when hiring an employee on a Letter of Appointment status. See Professional & Letter of Appointment Process at www.umt.edu/hrs/recruitment.html

Letter of Appointment renewals require a newly signed and completed Hiring Authorization Form.

The appropriate Executive Officer and the President must approve salary adjustments for employees on Letter of Appointment. Only one salary increase in any 12-month period is allowed absent specific approval by the appropriate Executive Officer and the President.

TERMINATION/NON-RENEWAL OF EMPLOYMENT

Employment expires automatically at the end of the term set forth in the Letter of Appointment. No additional notice concerning non-renewal need be provided. A termination form must be completed and submitted to Human Resource Services as soon as the appropriate administrator is aware that the Letter of Appointment will not be renewed.

- A. Except in situations involving termination for cause, the employment of individuals hired on a Letter of Appointment automatically ends without notice at the end of the specified term. Since individuals on a Letter of Appointment must be in an active work status, they are not eligible to take discretionary leave without pay. Individuals on a Letter of Appointment qualify for state and federally mandated leaves in accordance with eligibility requirements.
- B. Letters of Appointment shall include a notation that employment is contingent upon continuation of funding for the position. If anticipated funding is not forthcoming, an individual may be terminated at any time during the expected term of the contract upon 15 working days written notice.

BENEFITS

Employees hired on a Letter of Appointment will receive all applicable benefits set forth in State law, Regents' policy, and University policy. If appointments are of sufficient duration, eligible employees will be entitled to certain benefits (e.g., an individual who works six months or more at least .50 FTE is eligible for insurance benefits). Month-by-month employment notices given to Human Resource Services based on availability of

funding may preclude an employee's eligibility for certain benefits.

PAYROLL POLICIES

Classified Personnel and Temporary/Part-time Personnel

The Department of Intercollegiate Athletics will process payroll information for classified personnel and temporary/part-time personnel in the following manner:

- A. Each person will be furnished with a bi-weekly time record form.
- B. This form is to be completed and returned to the designated person by the required date. Completed means:
 - 1. Name
 - 2. Month/Year
 - 3. Hours worked (temp p/t only)
 - 4. Any annual or sick leave hours
 - 4. Signature
 - 6. Supervisor's Signature
- C. The completed bi-weekly time records will be turned in to the department business office and the information transferred to the monthly time roster furnished by Human Resources.
- D. The completed bi-weekly time rosters must be returned to Human Resources by the required date.
- E. Classified and temporary/part-time personnel will be paid bi-monthly with three payments in two months per year (the particular months vary each year).

THINGS TO NOTE:

If submission deadlines are missed, zero hours will be recorded which will result in no paycheck. Special checks will be written once a month on the 15th of each month. Therefore, it is very important to mark calendars or computers to be sure the deadlines are observed.

Contract Professionals

The Department of Intercollegiate Athletics will process payroll information for contract professionals (Regent's and LOA Contracts) in the following manner:

- A. Each contract professional will be furnished with a monthly time record form for each month.
- B. This form is to be completed and returned to the designated person by the deadline each month. Completed means:
 - 1. Name
 - 2. Month/Year
 - 3. Signature
 - 4. Supervisor's Signature
 - 5. Any Annual or Sick Leave Hours

- C. The completed monthly time records will be turned into the department business office and the information transferred to the monthly time roster furnished by Human Resources.
- D. The completed monthly time rosters must be returned to Human Resources per schedule provided by HR.
- E. Contract professionals will be paid on the first day of each month.

THINGS TO NOTE:

Scheduled annual and sick leave between the 22nd and end of the month should be recorded on the monthly time record in advance. Unscheduled leave between the 22nd and end of the month will be recorded on the monthly time record for the next month.

If submission deadlines are missed, zero hours will be recorded which will result in no paycheck. Special checks will be written once a month on the 15th of each month. Therefore, it is very important to mark calendars or computers to be sure the deadlines are observed.

Student Employees

Student Employee Pay Policy

- All new student hires will start at an entry pay of \$6.75/hour. If you believe the student performs duties that are highly specialized and warrant a higher starting pay, justification must be submitted to the Associate Athletic Director for approval. S/he will use HRS student pay guidelines in making a decision on special requests. Conversely, if the student has limited experience, a lower starting pay can be requested.
- If a flat rate pay system is utilized, the flat rate must still work out to \$6.75/hour. For example, if a student is working one game that equates to 2 hours, the flat rate paid to that student is \$13.
- Raises are given on a yearly basis and are merit-based. If exceptional circumstances exist to warrant a raise at midyear (i.e., a student steps up and takes a leadership role), submit request to the Associate Athletic Director.
- Raises will be within the range of 25-50 cents per hour.

For yearly raises, supervisor needs to submit to Associate AD a brief report that lists the students, their raises and the reason for the raise.

Payroll Process

The Department of Intercollegiate Athletics will process payroll information for students in the following manner:

- A. Students will use the same time cards for each pay period.
- B. Time cards are to be completed and returned to the designated person by the deadline each period. Completed means:
 1. Name
 2. UM ID Number
 3. Month/Year
 4. Signature
 5. Supervisor's Signature
 6. Hours Worked
- C. Time cards will be turned in to payroll each period per schedule provided by HR.
- D. Students will be paid semi-monthly.

THINGS TO NOTE:

If submission deadlines are missed, zero hours will be recorded which will result in no paycheck. Special checks will be written once a month on the 15th of each month. Therefore, it is very important to mark calendars or computers to be sure the deadlines are observed.

Athletically Related Income

The athletic department is required to provide the President with a detailed summary of athletic department staff members' (excluding secretarial or clerical personnel) athletically related income in accordance with NCAA Bylaw 11.2.2.

As such the following policy shall apply to the reporting of athletically related income to the President of The University of Montana.

- Each August, all athletics department staff members who receive athletically related income from sources outside of UM during the previous year shall notify the Compliance Office of all such income on the appropriate form. Such income shall include, but is not limited to:
 - Speaking engagements
 - Salary supplement (from outside the athletic department)
 - Endorsements of or consultation contracts with athletic shoe, apparel and/or equipment companies
 - Television and/or radio appearances or commercials
 - Annuities or bonuses based on performance
 - Sports camps
 - Courtesy car
 - Housing benefits
 - Country-club memberships

- The Compliance Office shall draft a summary of athletic department staff members' athletically related income and benefits, and forward the summary to the UM President. The summary shall include the following information for each staff member:
 - Staff member's position/title
 - Amount of the staff member's athletically related income and benefits
 - Source(s) of the staff member's athletically related income and benefits

Car Stipend Policies

The following shall apply to the Car Stipend Program:

➤ **Distribution of stipends**

Football	7
Men's Basketball	4
Women's Basketball	4
Volleyball	1
Golf	1
Women's Tennis	1
Men's Tennis	1
Track	1
Soccer	1
Administration	9

- The stipend amounts are set by the Athletic Director.

Blackberrys and other PDAs

The Director of Athletics shall approve the purchase of Blackberrys or other PDAs for departmental staff. The individual must demonstrate a working function that necessitates the use of a Blackberry. The maximum number of Blackberrys allowed per sport is the same as the distribution of car stipends (see above). For the allowable number of Blackberrys: all upfront costs for the device (licensing fees, service fees to link to Outlook and the Blackberry unit) shall be paid from private funding sources (i.e., Roundball, Hoop Club, Quarterback Club, etc.); and the Athletic Department will assume the monthly charges for the Blackberry data plan.

Any additional coaches or support personnel beyond the maximum wanting to upgrade to the Blackberry or other handheld email service can do so upon approval by the Director of Athletics, but all costs (upfront and on-going) will be paid via private funding sources.

Travel Issues

Van Certification

- University policy requires that anyone driving a passenger van for University activity must have successfully completed the van training course.
- University activity includes travel related to athletic competition, practices, shuttles to the airport, and the like.
- Athletic departmental policy prohibits students from driving vans which contain passengers at any given time while on University business.
- There are several individuals certified within the department that can assist teams with van travel.

Volunteer Coaches

- Volunteer coaches can not serve as the primary trip administrator for any team travel. A regular coach, one that is a UM employee, must travel with the team and serve as the trip administrator.

Team Transportation *Effective: July 1, 2008*

It is the primary responsibility of the UM Athletic Department and its staff members to protect and ensure the welfare of the student-athletes in their charge. Certain modes of team transportation expose student-athletes to more risk than other methods of travel. As such the following policies will apply to team transportation:

- Teams must use a bus or van with a professional driver (e.g., Beach Transportation). Vans/suburbans driven by coaches are no longer permissible.
 - Vans/suburbans can still be used to transport team members to the Missoula airport.
- Exceptions can only be made on appeal to the Director of Athletics.
- Cheer and dance travel will be determined on a case-by-case basis by the Director Athletics in consultation with the spirit squad director.