



## Working @ VCU: “Great Place” HR Policies

**Policy Type:** Administrative

**Responsible Office:** Human Resources, Vice President of Administration

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### Policy Statement and Purpose

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This policy provides the framework for Virginia Commonwealth University’s Human Resources plan (“HR Plan”) to hire and keep highly qualified talent in a very competitive market by being a great place to work — a place where faculty and staff can do meaningful work and a place of opportunity, where success is supported and careers thrive. It is developed pursuant to the Restructured Higher Education Financial and Administrative Operations Act. The purpose is to create human resource programs and procedures that support attracting and retaining talented individuals who enhance the quality of service provided to students, patients and all those the university serves. Through the HR best practices reflected in this policy, the university aligns its human capital with VCU’s mission, vision and core values; creates a vibrant learning and scholarly community; fosters change in a dynamic organizational culture; and by working together, achieves VCU’s strategic goals.

The first section of this policy defines the categories of university employment and creates a new employee group, University and Academic Professionals. All sections of this policy apply to this new group. Three sections of this policy, Performance Management, Career Development and Leadership Development, also apply to classified staff.

Noncompliance with this policy may result in disciplinary action up to and including termination. VCU supports an environment free from retaliation. Retaliation against any employee who brings forth a good faith concern, asks a clarifying question or participates in an investigation is prohibited.

In addition to the policy sections included here, the university also adopts the following policies of the commonwealth of Virginia Department of Human Resource Management (DHRM):

- Emergency Closings (Policy 1.35)
- Public and Private Employee Interchange (Policy 1.50)
- Virginia Sickness and Disability Program (Policy 4.57)
- Workers’ Compensation (Policy 4.60)
- Personnel Records Disclosure (Policy 6.05)
- Personnel Records Management (Policy 6.10)

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## Who should know this policy

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All university employees should be familiar with this policy because it initiates significant changes to the university's grouping and management of certain employees who are not employed as teaching and research faculty. As provided in this policy, certain university employees are affected by the new University and Academic Professional employment group that is the focus of the university's restructuring of its personnel system.

All sections of this policy apply to university and academic professionals. Three sections of this policy, Performance Management, Career Development and Leadership Development, also apply to classified staff.

This also applies to teaching and research faculty who supervise university and academic professionals and classified staff.

## Definitions

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Please see “Definitions” located at the end of this policy.

## Contacts

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VCU Human Resources (“HR”) officially interprets this policy. HR is responsible for obtaining approval for any revisions as required by the policy “*Creating and Maintaining Policies and Procedures*” through the appropriate governance structures. Please direct policy questions to HR.

## Policy specifics and procedures

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### I. Employee Groups

This section defines and distinguishes the categories of university employment. It also describes the process and procedure for converting certain employees to the University and Academic Professionals employment group developed pursuant to VCU’s restructuring of its personnel system. All employees of the university, regardless of employment group, are state employees. Some VCU employees are also eligible to receive state employee benefits. Salaried employees eligible for state employee benefits include university and academic professionals, classified staff and faculty members regularly employed on a salaried basis, regularly working at least one-half of a full-time equivalent position, and whose employment is not temporary or provisional. Adjunct faculty, wage employees, student employees, graduate assistants and postdoctoral scholars are not eligible for state employee benefits.

The following are the various employment groups at Virginia Commonwealth University:

1. **Faculty members.** Employees in teaching and research faculty (T&R faculty) positions have principal and regularly assigned responsibilities that include a significant commitment to teaching that includes the development and delivery of the university curriculum for students enrolled at VCU and/or a significant commitment to original research and scholarship that includes the creation, dissemination and application of new knowledge and/or artistic expression. T&R faculty positions:
  - Are generally full-time appointments to a faculty position with academic rank made under the ultimate authority and with the final approval of the board of visitors
  - Are the employee’s primary appointment
  - Involve principal and regularly assigned duties and responsibilities of teaching, research, scholarship or creative activity that represents the majority of the contractual time
  - Are subject to the criteria and expectations for promotion and/or tenure under the university’s “Faculty Promotion and Tenure Policies and Procedures” (2013 rev.)

Faculty members who have administrative responsibilities may concurrently hold an administrative faculty assignment with their teaching and research faculty position. These faculty are designated as academic administrators and generally serve as senior administrative officers of a college, school, program or equivalent and hold a faculty appointment (typically tenured) in a program, school or department. This term includes those in positions such as dean, associate or assistant dean, provost, vice provost, etc.

Faculty appointments are either tenured, probationary (tenure-eligible), term (non-tenured) or adjunct (non-tenured). Other faculty appointments include clinical, faculty affiliate, emeritus/emerita, eminent scholar and visiting faculty.

HR policies and procedures affecting faculty and academic administrators are coordinated by the VCU Office of the Provost.

2. **University and academic professionals.** Employees who support the mission of the university in non-faculty roles. This group includes:

- Salaried employees hired after July 1, 2016
- Those who elect the university and academic professional employee group as discussed in the “Procedures” section below
- Those who were formerly administrative and professional faculty

Positions in this employee group are designated as either exempt or nonexempt under the federal Fair Labor Standards Act (FLSA).

Academic professionals apply specialized professional qualifications in direct support of academic programs to enhance the practice and quality of teaching and learning. They perform high-level duties in academic, research and service missions of the institution. They have advanced degrees, often terminal degrees, and academic backgrounds that are similar to faculty in the professorial but 75 percent or more of their total assignment involves academic program management related to advising, curriculum development and instructional design. Academic professionals have significant expectations for research activity, including participation in peer-reviewed publications, juried exhibitions or performances, or professional presentations; the preparation and oversight of externally funded grants and contracts; and training and oversight of students in laboratories or studios. They do not hold tenure-track positions, are not eligible for tenure and do not accumulate probationary credit toward tenure. However, academic professionals typically hold concurrent faculty appointments that can either be affiliate faculty or adjunct faculty. For additional information see “Guidelines for Academic Professionals and Professional Faculty.”

Executive and senior administrators are the senior officers of the university, such as president’s cabinet, members of the president’s professional staff, senior leadership and direct reports to deans. This designation does not include academic administrators such as provosts, deans or vice provosts who are considered T&R faculty serving in an administrative assignment.

HR policies and procedures for university and academic professionals are coordinated by the VCU HR Office.

- Hourly employees.** Employees who perform similar work as university and academic professionals on a seasonal or temporary basis typically hired to assist with excessive workloads, interim replacements, short-term projects or jobs that do not require regular salaried employees. Hourly employees are paid an hourly rate and paid only for actual hours worked (rather than a fixed semi-monthly salary). Their employment status is temporary and may be terminated without notice or cause. Regardless of source of funds, they are limited to working 29 hours or less per week on average or 1,480 hours in the 12-month period from May 1 through April 30 of the following year, including regular and overtime hours, and any other hours worked in an overload job. Hourly employees are ineligible for benefits and do not accrue leave or holiday pay. They do not have access to the grievance procedure and are not subject to the performance management or career development policies.

HR policies and procedures affecting hourly employees are coordinated by the VCU HR Office.

- Classified staff.** Salaried employees hired prior to July 1, 2016, who do not elect the university and academic professional employee group. Classified positions are designated as either exempt or nonexempt under the federal FLSA. Classified staff are covered by the commonwealth of Virginia Personnel Act, Va. Code Sections 2.2-2900 through 2.2-2905 and the policies established by the Virginia Department of Human Resource Management.

HR procedures affecting classified staff are coordinated by the VCU HR Office.

- Postdoctoral scholars.** Individuals who come to VCU for the purpose of entering an advanced research training period following receipt of a Ph.D. or appropriate first-professional degree (e.g., M.D.). Postdoctoral scholars undergo a training period conducted under the mentorship and supervision of an established member of the VCU faculty who is at the assistant professor level or above. The primary objective is research training, but the specific program may include activity in one or a combination of research, teaching and service activities directed at enhancing the career development of the individual. While the specific nature of each individual program may vary, each must incorporate appropriate opportunities to foster research skills. Postdoctoral scholars are appointed at VCU for fixed terms (typically of one year's duration each) that generally do not total more than five years. There are three types of postdoctoral scholars:

- **Fellows:** Paid by VCU as employees
- **Trainees:** Paid by an extramural agency through a university account as stipends
- **Affiliates:** Paid by an extramural agency directly to the postdoctoral scholar and appointed at VCU "without salary"

HR policies and procedures affecting postdoctoral scholars are coordinated by the VCU Office of Research and Innovation.

- Graduate assistants.** Students enrolled in a VCU graduate or professional degree program to provide training to become more effective members of their chosen field through formal instruction and close interaction with faculty by assisting faculty in classrooms, research or administrative endeavors. Duties assigned are designed to foster student training and graduate learning experiences. Graduate assistants are regarded by the university as students and not as employees. As such, graduate assistants do not accrue paid sick leave, annual leave or holiday leave and are

limited to working 29 hours or less per week on average or 1,480 hours in the 12-month period from May 1 through April 30 of the following year.

A number of graduate assistantships are awarded each year on the basis of exceptional scholastic achievement, promise and competence for service in the departments of the university. Assistantships are generally also available in those departments that have government, foundation, business and industrial research grants and contracts. The duties of graduate assistants generally require work from 10 to 20 hours per week, depending on the stipend awarded. Graduate assistants must satisfactorily perform the duties assigned by their departments; make satisfactory progress in their programs as defined by the degree requirements and the regulations of their departments; and may not hold any employment or appointment of a remunerative nature during the term of their assistantship. This includes work outside of or within the university. However, additional opportunities for involvement in outside activities may arise in the course of the training period, some of which may provide for additional/supplementary compensation. Involvement or participation in such opportunities may assist the department in maintaining the research infrastructure, provide additional experience in instructional activity, assist other units of the university in the delivery of programs consistent with the missions of the institution, involve participation in university organizations and so forth. Such activities may include those for which supplementary compensation is provided.

HR policies and procedures affecting graduate assistants are coordinated by the VCU Graduate School and the applicable dean.

7. **Student employees.** Student employees are paid by the hour and are limited to working 29 hours or less per week on average or 1,480 hours in the 12-month period from May 1 through April 30 of the following year. There are two kinds of student employment: student workers and work-study students.

- Student workers - Must be enrolled at VCU a minimum of six hours undergraduate credits or 4.5 hours of graduate credits per semester. As such, they are exempt from federal FICA and Medicare payroll deductions and department budgets are not charged the hourly fringe rate. During the summer, they are subject to those deductions if they attend classes in fewer than 8 of the 12 weeks noted in the academic calendar as Summer Sessions, or they have more than a five-week break between classes.

HR policies and procedures affecting student workers are coordinated by the VCU HR Office.

- Work-study students - The Federal Work-Study Program is an employment and need-based program subsidized by the federal government that allows students to earn wages in special student employment positions. To apply for FWS, students must submit their Free Application for Federal Student Aid form no later than March 1 of each year to be considered for an FWSy award for the upcoming academic year. Undergraduate students must be enrolled full time (at least 12 credit hours) per semester and be degree-seeking students to be considered for FWS.

HR policies and procedures affecting work-study students are coordinated by the Financial Aid Office in the Division of Strategic Enrollment Management.

## Procedures

1. **Implement new employee groups:** Pursuant to the Restructured Higher Education Financial and Administrative Operations Act, the university is creating a new category of employment, university and academic professionals.
2. **Transition for classified positions:** The following process applies to existing classified staff:
  - Classified staff hired at VCU before July 1, 2016, have a choice to remain classified staff or elect the university and academic professional employee group.
  - The 90-day enrollment period to make this choice is scheduled for January to March 2018.
  - The choice is a one-time, irrevocable election.
  - VCU is required by the Restructured Higher Education Financial and Administrative Operations Act to provide an enrollment option at least every two years. Employees are provided side-by-side comparisons to assist them in making decisions. These enrollment processes are managed by Human Resources.
  - The effective date for those classified staff hired before July 1, 2016, who elect the university and academic professional employee group during the enrollment period is July 1, 2018.
  - Classified staff hired after July 1, 2016, convert to the university and academic professional employee group effective January 1, 2018.
  - After January 1, 2018, there will be no new hires as classified staff.
3. **Transition for administrative and professional faculty positions:** To convert existing administrative and professional faculty (A&P faculty) positions into the new university and academic professional employee group, the university:
  - Evaluates each A&P faculty position to determine which of several options is best suited. Positions that meet established criteria are converted to non-tenured T&R faculty positions on term contracts; some convert to academic administrators with a concurrent T&R faculty appointment, others convert to university and administrative professionals.
  - Reviews university and academic professional positions to determine which meet the criteria as defined in this policy to be designated as academic professionals and those to be designated executive and senior administrators.
  - Coordinates the timing of converting A&P faculty to university and academic professional to correspond with the annual contract renewal process, which generally entails notification in July 2017 with a change of employment status effective July 1, 2018.
  - Provides individuals in positions converted to the university and academic professional employee group the option to also receive an affiliate " or adjunct faculty appointment, if appropriate. See policies for Affiliate Faculty Appointments, Adjunct Faculty Appointments Procedures for Compliance with the Manpower Control Act, and Faculty Promotion and Tenure Policies and Procedures.
  - Designates university and academic professionals positions as either exempt or nonexempt under the federal FLSA, as appropriate.
  - Retains access to the VCU Optional Retirement Plan for those employees engaged in the performance of teaching, administrative or research duties.
  - After July 1, 2018, there will be no new hires as A&P faculty.

## II. Employment of University and Academic Professionals

This section establishes requirements for an efficient and competitive process for the recruitment and hiring of the best-qualified applicants as university and academic professionals regardless of the source of funds from which the salary of the affected employee is paid. This includes hourly employees and other part-time and non-faculty temporary appointments. This section also sets forth the requirement for a probationary period for all university and academic professionals.

### Procedures

1. **Post vacancies:** After a position is approved to be filled, the department prepares the posting based on the nature and characteristics of the position being advertised, required credentials and application materials, the scope of the search (e.g., internal, local, regional or national) and how long the posting is in place (e.g., for an internal or local posting, the period would ordinarily be five business days; for a national posting, 30 calendar days).

HR reviews the prepared posting to ensure that it conforms to university formatting, terminology and regulatory requirements, including notifying applicants that prior to being offered employment a criminal records background check must be completed and reveal nothing that would disqualify the applicant as a condition of employment. If applicable, postings also note that positions designated as “safety sensitive” are subject to additional pre-employment background checks. In addition:

- All new positions are posted in eJobs.
  - Postings for restricted positions must clearly state the end date or other applicable restrictions. Positions with 10 percent or greater of salaries funded by grants or contracts are posted as “restricted positions” and are not eligible for workforce reduction or severance benefits as outlined in the Employee Relations section of this policy.
  - In preparing the posting, consideration should be given to the equivalent of an “open-rank” posting. In this type of recruitment, either internal or external, the posting lists multiple job titles at different levels within a single job series (e.g., a position may be posted as an Accountant I, II or III). In such cases, the hiring department determines the appropriate job title for the person hired based on that person’s qualifications.
  - Specialized recruitment efforts and additional efforts to achieve diverse applicant pools may be required as described in the university’s affirmative action plan. More information on the university’s affirmative action plan can be found at [equity.vcu.edu](http://equity.vcu.edu).
2. **Create and use search committees or interview panels:** The creation and use of a search committee is required when filling executive and senior administrator positions and is optional when filling all other university and academic professional positions. When a search committee is used, it must conform to the university’s established search guidelines. When a search committee is not used, the use of a representative interview panel is required.
  3. **Evaluate applicants:** Applicants for positions are evaluated pursuant to the following considerations and criteria:
    - Applicants are screened based on the posted minimum and preferred qualifications for the position. Individuals not meeting the minimum qualifications are not considered “bona fide



applicants” and are removed from consideration for the position.

- The status of eligible veterans is taken into consideration, consistent with state and institutional policy, where the applicant meets the minimum qualifications for the position. See details in the “Veteran’s Preference Guidelines.”
- Interviews are a required step in the selection process. Generally, two or more applicants are interviewed for the position to be filled. An interview must be conducted before an offer of employment is made to that individual. In preparing for interviews, search committee or interview panelists:
  - Develop a uniform set of questions asked of the applicants being interviewed
  - Review the required application materials for the interviewed applicants, such as presentations, writing samples and other relevant work products
  - Consider requiring finalists for a position to demonstrate through oral or written presentations their competency for the position
  - Develop a uniform set of criteria to be used in evaluating each applicant’s strengths and weaknesses in comparison to the minimum and preferred qualifications

4. **Check references:** All applications for employment include authorization from the applicant to contact current and prior employers. Hiring departments must complete reference checks of current and prior employers before making an offer to an applicant for any position, following the guidelines set forth by HR. However, recognizing that in some cases contacting the current supervisor may place the applicant in a precarious position, the final reference check may become a condition in a contingent offer of employment. That is, the offer of employment may state that it is tentatively extended subject to receiving a reasonable reference check from the current supervisor.

- Former employees who have been terminated for cause by VCU are not eligible for rehire. Applicants excluded by this provision may request their status be reviewed if after a minimum of five years they can present evidence to the chief human resources officer that the behavior or competency deficiencies that led to their dismissal have been corrected.
- The hiring department must confirm that any licenses, certifications or degrees set forth in the position requirements or that are required to perform the essential duties of the position being filled are currently held by the applicant.

5. **Select, make an offer and confirm acceptance:** At the conclusion of the posting period, and after screening and considering all applicants, the hiring department selects the best-qualified applicant for the position. If no applicant is judged to be sufficiently qualified for the position, the hiring department, in consultation with HR, may repost the position, extend the search, reopen the search or explore other options for increasing the applicant pool to find a qualified applicant.

If the search process results in the identification of a best-qualified applicant, the hiring department notifies HR of its choice and sends HR the selection packet on the applicant. HR reviews the selection packet, including the anticipated hiring salary for the selected applicant (see the Compensation section of this policy for guidelines on setting salaries to be offered to new employees), and other incentives that may be offered such as signing bonuses, additional leave accrual, moving and relocation allowances or dual career assistance. After its review is complete, HR responds to the hiring department with approval to make an offer. Only after approval from HR does the hiring department have the authority to extend a formal offer of employment. No offer of

employment is binding unless extended in writing and signed by both the hiring official and the applicant.

HR advises or reconfirms with applicants offered employment of the following conditions of employment as applicable to the position offered:

- Criminal background check
  - Selective service registration requirement
  - Probationary period
  - 1,480-hour limitation for hourly employees
  - Employment restrictions that may be imposed by availability of funding by grants or other sources of restricted funds
  - Project end dates for limited-term appointments
  - Necessity for completing the Employment Eligibility Verification (I-9 form) on or before the first day of employment
  - Verification of employment eligibility through the federal E-Verify program
  - Child support disclosure
  - Drug-testing requirements and policy
  - Special requirements for certain jobs such as holding a commercial driver's license or other state and federal requirements for safety-sensitive positions
  - Any other special conditions of employment identified by the hiring department or HR for the position offered
6. **Other related employment policies:** Hiring departments are required to be knowledgeable about and comply with other related employment policies, including the employment of minors, relatives and retirees.
7. **Carry-out probationary period:** All new hires are subject to a one-year probationary period of employment at VCU. The following are requirements for the probationary period:
- The probationary period begins on the effective hiring date.
  - A mandatory interim performance review is conducted at the conclusion of the first six months of the probationary period.
  - VCU employees with a break in service serve a full one-year probationary period.
  - Employees hired from other state institutions or agencies serve a full one-year probationary period at VCU.
  - Probationary employees who voluntarily change positions prior to completing the one-year probationary period assume probationary status in the new position with the one-year clock restarted.
  - A&P faculty and classified staff who convert to university and academic professionals with less than one year of service at the time of conversion are considered to be in the probationary period for the remainder of the probationary year.
  - A&P faculty and classified staff who convert to university and academic professionals with more than one year of service are considered to have completed the probationary period.
  - Except as noted above, the probationary period is only served once at VCU. An employee who changes positions after having completed the probationary period is not required to serve another probationary period. Managers considering hiring VCU employees who have completed the probationary period in their current positions are expected to conduct a thorough screening

and evaluation of the employee under consideration. The fact that the employee has successfully concluded probationary status does not relieve the manager of the responsibility for checking references.

- Probationary periods may be extended under extenuating circumstances.
  - Employees are notified of the successful completion of their probationary period.
  - Termination of employment during the probationary period is not grievable.
8. **Use a recruitment waiver:** Consistent with the university's commitment to creating and sustaining a diverse workforce, recruitment searches seek to create pools of qualified applicants. However, a recruitment search may be waived by HR in the following instances:
- Transfers, demotions or temporary assignments
  - Reorganizations and reassignments
  - Reasonable accommodations of employees with disabilities as defined by law
  - Emergency hires
  - Interim and temporary appointments
  - Layoffs
  - Persons named to particular positions in a grant or contract, including principal investigators
  - Dual career hires
  - Multiple hires out of a single search
  - Career advancements and promotions in place (see Career Development and Compensation sections of this policy)

### III. Compensation of University and Academic Professionals

VCU is committed to providing competitive and equitable compensation that supports the university's goal of attracting and retaining a competent, engaged and diverse workforce. The university understands that the success of its mission, as set forth in its strategic plan, depends on its employees who are charged with the responsibility for implementing that plan. The university further understands that the viability, quality and dynamism of that implementation effort depend on employees who are fairly compensated. The purpose of this section of the policy is to ensure fair and transparent compensation practices, regardless of the source of funds from which the salary of the employee is paid.

#### Procedures

1. **Review job structure:** The job structure consists of university-established job titles, grouped by function into job families comprised of similar jobs, as maintained by HR. Departments, in consultation with HR as needed, determine the appropriate university job title for each position, based on review and analysis of the work performed as compared to the descriptions in the job family title summaries. To ensure fair and consistent administration of job titling and compliance with relevant federal laws, HR may change university job titles that are incorrectly assigned. Managers retain the discretion to establish reasonable working titles to describe the function of the position in greater detail or to be more easily recognized in terms of both internal and external communications.
2. **Determine market range:** Each university job title is given a salary range within the job structure based on fair and transparent compensation review conducted by HR. The salary range established for a job is based on market data (i.e., salary data for comparable work by employers similar to VCU)

and approved by HR.

Market data, drawn from the pertinent recruitment area (local, regional or national) based on the typical scope of the search for the job, including but not limited to other institutions of higher education and private-sector employers, is used to create the market range. Typically new employees or those recently promoted have salaries at the lower end of the market range; fully qualified employees who are strong performers and are proficient at fulfilling the responsibilities of their jobs have salaries in the middle of the market range; and employees with advanced qualifications, unique skills or capabilities, or who have sustained exceptional performance over many years have salaries at the upper end of the market range. Exceptions to the use of the market range are made in consultation with HR. Examples include, but are not limited to, high-demand areas and employees with competitive job offers.

3. **Establish new hire pay:** Starting base pay for new hires (both internal and external hires) is based on the person's qualifications and experience and use of the market range as provided above, along with the financial resources available. Managers have discretion to establish new hire pay based on these criteria within the first 75 percent of the market range. Offers in the top 25 percent of the market range are reviewed and approved by HR.
4. **Utilize pay for performance:** All pay increases are based on performance and are subject to the availability of financial resources. There are three basic ways to receive salary increases:
  - **Merit increases.** Managers determine salary increases based on the instructions provided by HR at the conclusion of the annual performance review cycle. These are also called "on-cycle" increases, and the majority of salary increases are awarded on cycle. Managers exercise their discretion in making such awards using the overall ratings from the performance review process and available financial resources. Merit increases awarded during the annual salary review process (on cycle) may also take into consideration the market for the skills of the employee, as well as internal alignment, retention and other factors to the salary decision that are pertinent to the individual employee.
  - **Career path advancement.** Managers award salary increases to employees who have successfully advanced through their career path in their current position as documented in their career development plan. Employees receiving a career path advancement are eligible for a salary increase typically in the range of 3 percent to 5 percent. Managers may, however, exercise their discretion in determining salary increases for employees receiving a career path advancement within the applicable market range using the same criteria as they would for a new hire.
  - **Promotion.** Promotions are typically accompanied by a higher salary using the market range for the position into which the employee has been promoted. Managers determine the appropriate salary increase for promoted employees using the same criteria as they would for a new hire.
5. **Determine appropriate use of other pay actions:** All salary actions are subject to the availability of necessary financial resources. When appropriate, the following actions are available:
  - **Off-cycle salary increases.** Under exceptional circumstances, managers may seek approval from the appropriate vice president or dean for a salary increase for an employee outside the annual performance review cycle. The award of such increases is intended to address

unanticipated situations.

- **Transfers.** Managers evaluate transfers into their areas of supervision to determine whether the qualifications, skills and experience of the transferred employee justify a salary increase within the market range. Based on, the salaries of transfers may increase, decrease or remain the same.
- **Demotions.** Managers decide when a position has changed or is changing so significantly as to warrant a reduction in the assigned job title and corresponding market range (i.e., involuntary demotion as described in the Steps of Progressive Discipline in the Employee Relations section of this policy), as well as respond to requests from employees for demotion where less responsibility, stress, or time on the job is desired, or other factors create the necessity for a demotion to be mutually desired (i.e., voluntary demotion). Typically there is a salary decrease with a demotion. Voluntary demotions can occur competitively, through the hiring process (i.e., the employee applies and is selected for a position in a lower market range), or non-competitively by agreement. With voluntary demotions, the salary within the new market range is determined based on the employee's qualifications and experience (see Establish New Hire Pay above).
- **Temporary pay.** Managers may award temporary pay, also referred to as acting pay, to employees who take on additional responsibilities substantially greater than those of the assigned position. Temporary pay is typically provided for no more than one year. Exceptions to the time limit may be granted in exceptional circumstances on a case-by-case basis with approval of HR.
- **Other salary incentives.** Managers may award other salary incentives such as non-base pay (i.e., bonuses) and non-monetary (i.e., additional paid leave) rewards. Non-base pay may be awarded up to \$5,000, or 10 percent of base pay, whichever is greater, in a fiscal year, and up to five days of non-monetary rewards in a calendar year. See Compensation Guidelines for additional information.

#### **IV. Performance Management for University and Academic Professionals and Classified Staff**

The purpose of this section is to provide a clear, consistent and fair foundation for meaningful performance management, including establishing performance goals that are strategically aligned with university goals, planning career and professional development goals, tracking employee progress, providing valuable feedback and evaluating overall performance. Performance management begins with the establishment of clear expectations and well-defined behaviors that cascade from the university's strategic priorities and values to the school or unit level to each employee, offering a direct line of sight from the individual's goals to the university's mission and vision. It includes a mechanism for discussing useful and meaningful feedback on accomplishments and competencies, with coaching discussions on career growth and for rewarding and recognizing high performers. The performance management process supports the university's commitment to ongoing employee development and includes active participation from employees and managers in all steps of the process.

All full-time and part-time university and academic professionals and classified staff participate in the university's performance management process set forth in this policy and the corresponding guidelines. This process consists of four components: performance and development planning; ongoing discussions, feedback and communication; performance calibration; and performance review. This policy also sets forth a process by which an employee may appeal a performance review with which they disagree.

## Procedures

1. **Take part in performance and development planning:** This is the process by which managers work with employees using the university's strategic priorities and core values to develop individual employee performance goals and expectations in three areas: goals, competencies and career development.
2. **Engage in ongoing discussions, feedback and communication:** In the performance management process, managers and employees mutually engage in effective, meaningful and ongoing communication to discuss:
  - How goals are being met
  - Feedback on the expected core competencies and specific behavioral indicators that employees demonstrate in the course of their work
  - Any changes necessary in individual performance goals over time to more accurately reflect the strengths of the employee
  - Any particular goals that are unrealistic or require additional resources to be achieved

Managers are ultimately responsible for establishing the goals by which an employee's performance is reviewed. Managers recognize accomplishments and address performance deficiencies with employees in a timely manner. Interim reviews are an available tool for mid-year feedback.

3. **Conduct performance calibration:** Reviewers and/or managers (depending on the size of the school/unit) meet at the beginning of the performance planning cycle to develop specific school or unit standards for employee performance that are strategically aligned to university goals. This process is meant to calibrate standards in light of information learned in the previous performance review cycle and to refine the answer to the question: "What are the accomplishments and behaviors that exceed, meet or are below expectations in our school/unit?" After managers complete individual performance reviews, a second round of calibration is conducted to apply these standards consistently across the school/unit. After the calibration process is conducted, performance reviews are shared with employees in one-on-one discussions. Reviewers and managers apply the knowledge and information gained during the calibration process to conduct reviews in the next performance cycle.
4. **Conduct annual performance review:** All employees covered by this policy receive a written annual performance review that documents employee success in meeting the goals established using the rating criteria set forth and described below, as well as the employee's demonstration of the core competencies using the sample behavior indicators as a guide. Each employee is required to complete a self-review as the first step of the performance review process. Managers use these self-reviews, and all other relevant and timely information, in completing performance reviews. Managers engage each employee in a performance review discussion, which includes how the employee has exceeded, met or failed to meet the established expectations in the areas of goals and competencies. The manager and employee should also discuss progress along the employee's career path..

A six-point rating scale is used: exceptional, advanced, successful, developing, needs improvement and below expectations.

5. **Performance management and progressive discipline.** Performance management and progressive discipline are integrated processes. Annual overall performance review ratings of “needs improvement” or “below expectations” may substitute for the initial steps (i.e., verbal and written warnings) of the progressive discipline process.

If an employee receives a “needs improvement” or “below expectations” rating, the employee must receive a notice of improvement needed in advance with an accompanying improvement plan. If the employee is not successful in addressing the areas of improvement as outlined in the improvement plan, the employee is placed on imposed probation as described in the Steps of Progressive Discipline section of this policy. Failure to successfully complete the imposed probation may result in disciplinary action up to and including dismissal. For more information, see Steps of Progressive Discipline in the Employee Relations section of this policy.

6. **Appealing annual performance reviews:** Employees may appeal a performance review with which they disagree. The procedures set forth here are the only way in which a performance review may be appealed. An employee who disagrees with a performance review first files a written request for reconsideration with the manager who completed the review. The written request may be an email. The request must be made within 10 business days of the employee receiving the review. A manager receiving a request may schedule a meeting to discuss the basis for the request or may deny, in writing, the request to reconsider the review. Failure of the employee to file the written request within the specified time will preclude any further appeal of the performance review.

The manager will take action in response to the employee’s disagreement within 10 business days of receiving the request for reconsideration. If the manager meets with the employee, they may affirm the original performance review or reconsider it and revise it in whole or in part. The manager will articulate the reasons for the decision.

If the employee’s disagreement with the performance review cannot be resolved with the manager or if the manager fails to respond to the request for reconsideration within 10 business days, the employee may, within 10 business days, file a written appeal with the person to whom the manager reports (i.e., the “reviewer”). In the process of deciding the appeal, the reviewer may schedule a time to meet with the employee and the manager to discuss the issues on appeal. The reviewer issues a written decision on the appeal to the employee, with a copy to the manager. The reviewer may affirm the performance review or reconsider it and revise it in whole or in part, setting forth the reasons for the decision.

Reasonable extensions of the time limits applying to the employee may be granted for good cause but only if the request for such extension is made in writing and received before the 10-day period has lapsed. Management may extend time limits set forth above within reasonable discretion as long as such extension is communicated to the employee. Human Resources is available for consultation with managers and employees.

## **V. Career Development for University and Academic Professionals and Classified Staff**

It is a fundamental goal of VCU to be a great place to work. A great place to work is a vibrant learning and scholarly community where employees are connected to the university's mission, vision, core values and strategic priorities. It is a place of opportunity, a place to do meaningful work and where success is

supported and careers thrive. By capturing the individual and collective potential of each employee, the quality of service provided to faculty, staff, students and patients is enhanced. Essential to this goal is an institutional commitment to substantive career planning and development throughout the university, including the managerial support necessary for employees to be successful. An effective career development program will allow VCU to attract and keep the best employees.

For purposes of this section, the term “career development” is used to encompass the full range of programs — from specialized, job-related and compliance training to meet the expectations of an employee’s current position to learning and development opportunities that prepare an employee for future career interests.

As an institution of higher education, lifelong learning is an integral part of VCU’s core values. As such, the university offers learning opportunities for employees to improve current job effectiveness, to prepare for career advancement and to enhance personal career development. VCU expects all employees to participate in training and educational opportunities that contribute to sustaining, enhancing and improving their skills and competencies. It is the expectation of the university that employees participate in such activities on a regular and ongoing basis and schedule at least one such developmental opportunity each year.

Employees are required to participate in all specific job-related and compliance-related opportunities deemed necessary by managers and the university. VCU will provide career programs designed to identify and develop successful competencies and behaviors. To realize the full potential of all VCU employees, managers are expected to support employees in pursuit of their career interests, to adopt practices that promote career development throughout their area, and to allow employee participation in appropriate opportunities for learning and growth.

## Procedures

1. **Create a career development plan:** Employees work with their managers to create an annual career development plan as part of the annual performance review process. The plan addresses personal and career needs related to the employee’s current position or to prepare the employee for future career interests and aspirations. The plan identifies specific opportunities to help the employee obtain knowledge, skills and abilities in the coming year. At the conclusion of the year during the annual performance review process, the employee and manager discuss the progress made against the prior year’s plan and develop a new career plan for the year ahead.

The following are the stages of career development that should be used for career planning:

- **Emerging.** Applies basic knowledge, skills and abilities (KSA) to perform the necessary responsibilities while developing new specialized KSAs; may need guided supervision; has no or limited experience, and tasks can be learned on the job; limited decision-making required
- **Proficient.** Applies learned KSAs to a variety of tasks and projects; performs focused assignments that require prior experience; may need minimal guidance in addressing situations that are not routine
- **Advanced.** Performs broad or focused assignments requiring significant experience or specialist training in a particular area; works under minimal supervision; applies KSAs to enhancing strategies and procedures; recognized by peers as a resource; engages in problem-solving that



- requires analysis of unique challenges without precedent or structure
  - **Expert.** Applies KSAs to multiple components; applies knowledge and skills across or in leading multiple projects or organizations; demonstrates knowledge of trends in the field; serves as leader or expert in their role; provides coaching to others; applies KSAs to creating, developing, implementing and enhancing strategies and procedures; has strategic focus
2. **Participate in job-related career development activities:** Attending job-related career development activities (e.g., conferences, workshops, seminars, webinars) during normal work hours is considered time worked, and charging leave time is not permitted.
  3. **Utilize resources:** In order to distinguish VCU as a great place to work — a place of opportunity, a place of continuous learning where employee success is supported and careers thrive — the university will create a comprehensive program that provides a variety of resources. In addition to financial resources provided where applicable and feasible, “career communities” will be created across the university to bring together practitioners in similar fields to create connections, share knowledge, increase collaboration, promote innovation, solve problems, strengthen competencies and enhance leadership opportunities. The career communities serve as a framework in which to provide a range of learning and development opportunities, including mentoring programs, to help employees stay current in their field, connect to university partners and resources, and provide and support a sustainable structure for ongoing career growth and development.

## VI. Leadership Development for University and Academic Professionals and Classified Staff

It is the expectation and goal of VCU that good leadership exists throughout its workforce. The purpose of this section is to set forth institutional expectations with respect to leadership development and the ways in which demonstrated leadership is recognized and rewarded. While all managers are expected to be leaders, VCU is well aware that not all leaders are managers. This section is directed at managers because of the critical role they play in creating work environments where leadership is encouraged, recognized and nurtured. For those employees who are not currently in management roles but aspire to be leaders, participation in leadership development activities is an optional part of their career development.

VCU supports managers in their leadership development and expects managers to participate in training and educational opportunities that contribute to sustaining, enhancing and improving their leadership skills. Other developmental resources include experiential learning, 360 feedback, coaching, mentoring, networking and team-based simulations to solve real problems. It is the expectation of the university that managers participate in such activities on a regular and ongoing basis and schedule at least one such developmental opportunity each year consistent with available resources. To realize the full potential of the VCU leadership competencies, managers are also expected to adopt practices that develop and reward leadership throughout their area.

From these expectations, two critical competencies have been identified for effective leadership at VCU: leading others and leading change. The university's leadership development curriculum is designed around these competencies so managers have the support and resources they need to be successful in living up to the high standards expected of those who serve in these challenging roles.

### Procedures

1. **Define leadership competencies with specific behaviors:** The competencies are further defined by sample behavioral indicators that are used in the hiring process for leadership positions, incorporated into a leader's performance reviews and development plans, and serve as the foundation for the university's leadership development programs. The specific sample behaviors are detailed below.

**Leading others.** To lead others, managers must demonstrate the ability to:

- Develop and manage people, engage employees in establishing goals that align with the university's vision and mission and help employees meet or exceed those goals
- Manage employee performance by providing clear expectations, effective feedback and coaching
- Motivate and support others to make the most of their current skills and empower them to be leaders
- Identify development needs, encourage employees to take advantage of opportunities to meet those needs and guide employees in aligning performance with success and achieving optimal results
- Promote and maintain an open and respectful workplace that fosters the development of others, demonstrate an open-minded approach to working with others, and facilitate collaboration and constructive resolution of conflicts

**Leading change.** To lead change, managers must demonstrate the ability to:

- Bring about strategic change to meet or exceed university/division/unit goals by establishing a vision and implementing it in a continuously changing environment
- Take a long-term, big picture view and inspire a shared vision in others
- Act as a catalyst for organizational change by inspiring and influencing others to translate vision into action
- Develop new insights into situations, question conventional approaches, and encourage new ideas and innovations
- Keep self and others focused on the objective, and anticipate potential problems and plan accordingly

2. **Evaluate candidates for leadership positions using leadership competencies:** Leadership competencies and sample behavioral indicators are used in the hiring process to evaluate applicants for leadership positions.
3. **Evaluate leadership competencies during annual performance review:** The sample behavioral indicators are also incorporated into the performance reviews of all managers in leadership positions.

VCU managers are held to high standards. They are expected to be role models in advancing the institutional mission through the vision and goals they embrace, and in their adherence to VCU's core values. Managers are not only accountable for their own behavior, but also they have a responsibility for creating work environments in which employees can do meaningful work, where

their voices are heard and where their contributions are valued. The VCU manager understands the important role they play in making the university a welcoming and diverse institution, a place of opportunity, where success is supported and careers thrive. By making VCU a great place to work, managers make it possible for the university to achieve its strategic priorities. Managers are held accountable for these expectations through the performance management process.

## **VII. Employee Relations (including Dispute Resolution, Employee Conduct, Disciplinary Procedures and Workforce Reduction) for University and Academic Professionals**

### **Dispute resolution**

VCU seeks to provide an environment in which employees can raise issues of concern related to their employment, openly discuss them with their managers without fear of intimidation or retaliation, and achieve timely resolution of those issues. This section sets direction and procedures to promote informal, timely and efficient resolution of employee concerns. If informal resolution is not possible, this policy also establishes a formal grievance process.

Employees will not be penalized for raising good-faith, employment-related concerns or for aiding another employee in the presentation of a complaint.

This policy does not cover complaints related to unlawful discrimination, including discriminatory acts that violate university policy. Employees who have reason to believe that they have experienced unlawful discrimination (including discriminatory harassment) or related retaliation, should consult Equity and Access Services ([equity.vcu.edu](http://equity.vcu.edu)) about filing a complaint with that office.

Employees report concerns about suspected misconduct, fraud, violations of laws, regulations or policies under the Duty to Report policy (<https://policy.vcu.edu/sites/default/files/Duty%20to%20Report.pdf>).

### **Procedures**

#### **1. Engage in the dispute resolution process.**

**Informal process.** Employees are required to attempt to seek resolution of any employment-related concern or complaint through the first two steps in the informal dispute resolution process outlined below regardless of whether the matter in question would qualify for the formal dispute resolution procedure. Resolving issues informally within the work environment helps create trust, builds stronger and more resilient working relationships and maintains professional and effective teams.

**Informal process steps.** The steps to be taken to resolve an issue through the informal process are as follows:

- Step 1: One-on-one meetings. Before pursuing further steps, employees meet with the person or persons against whom the employee has a complaint to seek resolution.
- Step 2: Manager involvement. Employees who are unable to resolve their complaints in one-on-one meetings contact their managers and seek their assistance in resolving the complaint. (Please note that if the complaint is against the employee's manager, "manager" in this context

means the manager's manager.)

Other recommended approaches to informal dispute resolution include:

- Facilitated conversations. If one-on-one meetings or manager involvement does not resolve the complaint, employees may contact the university ombudsman or HR to seek assistance in having facilitated conversations with the person or persons against whom they are complaining.
- Mediation. If all other attempts at achieving an informal resolution of the complaint fail, the university recommends mediation. Mediation requires the agreement of all parties to the dispute and their agreement to waive any applicable time frames that might otherwise be applicable in the formal process, to the extent necessary. Such agreement must be in writing before any mediation process may commence. For additional information on the university's mediation services, see [ombudsperson.vcu.edu/services/mediation/](http://ombudsperson.vcu.edu/services/mediation/).

Informal dispute resolution may not be appropriate in circumstances such as those related to a crime or a threat against an employee. In those cases, the employee should contact VCU Police or the Threat Assessment Team and also refer to the university Threat Assessment policy.

**Formal dispute resolution procedure.** If resolution of an employee complaint has not been achieved through the informal process, the formal dispute resolution procedure is available to all university and academic professionals who have completed an initial probationary period of employment. For each grievance, classified staff who chose to convert to university and academic professionals have the option of choosing either this procedure or the state grievance procedure but not both. See the state grievance procedure and Standards of Conduct [http://www.dhrm.virginia.gov/docs/default-source/hrpolicy/pol1\\_60.pdf](http://www.dhrm.virginia.gov/docs/default-source/hrpolicy/pol1_60.pdf) for more details.

The following procedural steps are followed in seeking to resolve any employee complaint that qualifies as a grievance. Employees and managers are strongly encouraged to seek an amicable resolution of the grievance at any stage of this procedure.

2. **What qualifies as a grievance?** To qualify a complaint as a grievance that may be pursued through the formal dispute resolution procedure, the employee submits to the employee's manager a grievance form. (Please note that if the complaint is against the employee's manager, the employee submits the form to the manager's manager.) If a disability accommodation is needed to file the complaint, the employee requests an accommodation consistent with the procedures for Accessibility and Reasonable Accommodation for Individuals with Disabilities Policy (ADA Policy). The grievance form includes the following:

- A clear and complete statement of the facts upon which the complaint is based with all dates of actions relevant to the complaint
- Copies of all documents in the employee's possession, and descriptions of documents not in the employee's possession, relevant to the complaint
- A statement of what law, policy or institutional practice has been violated in the action being complained about (Allegations of unlawful discrimination are not grievable through this procedure; rather they must be pursued through Equity and Access Services or as otherwise specified by university, state or federal policies or laws.)

- A statement of how the employee has been adversely affected by the action being complained about
- A statement of the specific relief sought

The following do not qualify as grievances:

- Complaints that are not pursued in a timely manner (To be timely, the grievance form must be delivered to the manager within 30 days of the date the employee learns about the action which is the subject of the complaint.) Termination of employment during a probationary period
  - Termination of restricted positions consistent with the terms of the position
  - Voluntary resignation
  - Performance management, including performance reviews
  - Job duties
  - Salary issues
  - Position reclassification, reassignment and transfer with no change in salary
  - Elimination of position through workforce reduction, restructuring or loss of funding
  - Verbal or written warning and imposed probation not involving discipline
  - Issues concerning the fairness or equity of laws, policies or institutional practices rather than their applicability to the employee
  - Issues where the relief sought is outside the authority of the university administration
  - Matters being adjudicated through another university, state, or federal process
  - Complaints made with malice or ill-intent, which are without merit, or made to harass or otherwise impede the efficient operation of the university
  - Complaints about management actions/omissions that are the subject of another grievance
3. **Define scope of the grievance.** At all stages of the formal dispute resolution procedure, the scope of the grievance is governed by the grievance form. The employee may not add issues or broaden the scope of the grievance after it is filed.
4. **Begin formal dispute resolution steps.** Where an employee has a complaint, the following steps must be followed.

**LEVEL ONE.** Upon receipt of the complaint, the manager enters the date of receipt on the grievance form and notifies HR that it has been received. Within 10 business days of receiving the employee's form, the manager provides a written response to the employee that states whether the complaint qualifies as a grievance. If it does, the manager states whether the complaint has merit. If the complaint is determined not to have merit, the reasons for this determination are fully stated in the response provided to the employee. If the complaint is determined to have merit, the manager states the reasons for the decision and grants relief to the employee. The relief granted may differ from that requested. If the manager agrees that the relief requested by the employee is reasonable and justified, but that relief is beyond the authority of the manager, the manager seeks the additional approvals necessary to grant the requested relief through the appropriate chain of command.

If the Level One response is satisfactory to the employee, the employee signs the grievance form as appropriate, and the grievance is concluded. If the employee does not agree with the Level One

response, including a finding of non-grievability, the employee may proceed to Level Two.

**LEVEL TWO.** To proceed to Level Two, the employee submits to the next level of management (“Level Two administrator”), within 10 business days of the date of the response from the manager, the grievance form along with the manager’s response and a statement about why the employee does not agree with said response. Upon receipt of the form, the Level Two administrator enters the date of receipt and notifies HR that it has been received. Within 10 business days of receiving the employee’s submission, the Level Two administrator schedules a meeting with the employee. The Level Two administrator may have the manager present at the meeting. The employee may also have another person of their choice present for support. The role of the accompanying person is to assist and support the employee but such individual does not actively participate in the meeting.

At the conclusion of the meeting, the Level Two administrator first determines if the complaint properly qualifies as a grievance. If they find the matter is grievable, the Level Two administrator then decides the appropriate relief to be granted. The Level Two administrator’s decision, containing all reasons in support of that decision, is communicated to the employee and the manager within 10 business days of the meeting. If the Level Two administrator agrees with the employee, the decision includes what relief will be provided. The relief granted may differ from that requested. If the Level Two administrator agrees that the relief requested by the employee is reasonable and justified, but that relief is beyond the authority of the Level Two administrator, the Level Two administrator seeks the additional approvals necessary to grant the required relief. If the Level Two administrator’s response is satisfactory to the employee, the employee signs the grievance form indicating conclusion of the grievance and forwards the form to HR.

If the employee does not agree with the Level Two response, including a finding of non-grievability, the employee may proceed to Level Three.

**LEVEL THREE.** If the employee is not satisfied with the response at Level Two, the employee may request a Level Three panel review by completing the section on the grievance form making such a request and submitting that form to HR, with all relevant supporting documents (the “Record”), within 10 business days of receiving the determination from the Level Two administrator. The employee’s request must clearly state the reasons for disagreement with the Level Two disposition.

**Pre-hearing determination.** HR reviews the request and makes a determination if it qualifies for a panel review. Requests that automatically qualify for a panel review include suspension, demotion and dismissal. Requests that may qualify for a panel review include those in which the claims or facts raise a sufficient question as to whether an adverse employment action has occurred as a result of one of the following:

1. Unfair application or misapplication of policies, procedures, rules and regulations
2. Retaliation for participating in the dispute resolution process; complying with any law or reporting a violation of law to a governmental authority; seeking to change a law before Congress or the General Assembly; reporting an incidence of fraud, abuse or gross mismanagement; or exercising any right otherwise protected by law

If HR determines that the employee’s complaint does not qualify for a panel review, the Level Two

response is final and may not be brought before a panel.

**Selection of the panel.** If HR determines that the employee's complaint qualifies for a panel review, a three-member panel is selected from a group of potential members previously nominated and selected through a process maintained by HR. Two of the three members of the panel must be employees of the university in the same job family as the employee. Mandatory training is provided to panel members. In addition to the three panel members, there is a non-voting chair of the panel who has not previously been involved in advising management during the process. The chair presides over panel proceedings, including scheduling meetings of the panel, scheduling hearing dates, ruling on matters prior to and at the hearing, drafting the final decision on behalf of the panel and generally providing administrative support and expertise to the panel.

Both the employee and manager are each entitled to object to one member of the panel without cause. Any other objections are left to the sole discretion of the chair. The ultimate composition of the panel is determined at the chair's sole discretion.

**Panel review.** The panel will review the grievance form and related attachments, including responses from the previous steps, and determine in its sole discretion whether a panel hearing is justified, or whether the issues can be resolved without a hearing. If the panel concludes that a hearing is not necessary to resolve the grievance, it recommends this outcome to HR within 10 business days of receiving the record. The panel's recommendation may be to affirm, modify or reverse the determination of the Level Two administrator. The chief human resources officer will consider the panel's recommendation and notify the members of the panel and the employee pursuing the grievance within 10 business days whether they accept or modify that recommendation. The chief human resources officer's determination is final and concludes the grievance.

If the panel concludes that a hearing is justified, it notifies the employee and HR within 10 days of receipt of receiving the grievance form and the record, and requests a list of all witnesses and other persons to be present at the hearing. The employee is entitled to have another person of their choice present for support. The employee may have legal counsel present to advise the employee during the hearing. The role of the accompanying person or legal counsel is to assist and support the employee and help ensure the employee explains their case as fully as possible so the employee puts forward all relevant information for consideration. The accompanying person or counsel may not directly participate in the hearing or question witnesses. The manager may also have an HR representative present for the hearing. The HR representative may not directly participate in the hearing or question witnesses. The panel may also have legal counsel present to provide advice over the course of the hearing, but such counsel may not directly participate in the hearing or question witnesses. Persons not directly involved in the grievance proceeding may not attend the hearing. Witnesses may only attend that portion of the hearing in which they are providing information or testimony. The panel may exclude any attendee whose behavior disrupts the hearing. The chair's procedural decisions in managing a hearing pursuant to the requirements of this section of the policy are final and not subject to appeal.

**Panel hearing.** A panel hearing is an opportunity for an employee to have a fair and impartial hearing before the employee's peers. While such hearings have some characteristics of legal proceedings, they are not judicial proceedings governed by formal rules of evidence or procedure.

For more information, see Guidelines for Conducting a Panel Hearing.

At the conclusion of the hearing, the panel will deliberate on its decision. Such deliberations are conducted in private. The panel reaches its decision by majority vote, based on a preponderance of evidence (enough to make it more likely than not) and, within 10 business days, provides its findings and recommendations to HR.

5. **Receive final decision after the panel hearing.** Within 10 business days of its receipt of the panel's recommendation, the chief human resources officer issues the final decision on the grievance. The chief human resources officer's decision is issued to the employee and the manager, including the reasons for the decision. This decision concludes the grievance.
6. **Grievance procedure for HR staff.** If the grievant is an HR employee, the process outlined above is followed except the final decision-maker is the vice president for administration.
7. **Adhere to prohibition of retaliation.** The university does not tolerate any form of retaliation against an employee who has filed, or expressed an intent to file, a grievance; a witness or other individual who is scheduled to participate in or has participated in a grievance; or anyone seeking in good faith to invoke and use this policy for its intended purposes. Employees are not penalized for raising good-faith, employment-related concerns or for aiding or encouraging another employee to invoke this policy and its procedures in good faith. In complying with this prohibition, managers must understand that retaliation consists of any adverse actions taken against the employee in retribution for pursuing relief under this policy. Acts motivated by concerns about employee performance or other legitimate management concerns do not constitute retaliation even if the employee affected is concurrently seeking to pursue relief under this policy.
8. **Observe time limitations.** Reasonable extensions of the time limits applying to the employee may be extended for good cause but only if the request for such extension is made in writing and received before the applicable time period has lapsed. Management may extend time limits set forth above within its reasonable discretion as long as such extension is communicated to the employee.

## Employee conduct

It is the expectation and goal of VCU that university employment be rewarding and that employees discharge their responsibilities conscientiously, with good judgment, and consistent with the requirements of law, the VCU Code of Conduct and the institutional mission as articulated by the university administration. Where performance or conduct issues arise, it is the goal of the university to approach such issues in ways that counsel and encourage employees in an attempt to modify behavior in positive ways and avoid the necessity for discipline. This policy sets forth the expected model for dealing with employee conduct issues and, where necessary, corrective actions including discipline.

## Procedures

### Steps of progressive discipline

University employees are expected to perform their jobs and conduct themselves consistently within the requirements of law and the VCU Code of Conduct.



The performance and conduct of employees is evaluated by managers as set forth in the Performance Management section of this policy. Where issues arise concerning employee performance or conduct, the university uses, whenever possible, a system of progressive discipline to respond to the issues raised. The steps in the progressive discipline process are intended to foster productive working relationships and to resolve conduct issues at the earliest and least confrontational stage, whenever possible. While there may be exceptions to the use of the progressive disciplinary process dictated by the seriousness of the conduct in question, use of the process is preferred for all but the most serious disciplinary issues. The steps in the progressive disciplinary process are as follows:

- **Verbal warning:** A manager may issue a verbal warning for minor and non-recurring substandard performance, attendance problems, minor misconduct, and other types of minor issues. When a verbal warning is given, the manager must clearly state that this is a verbal warning. The manager documents in writing when such warning is given, for what, the employee's response and what follow-up, if any, is contemplated. This documentation is retained in the employee's personnel file. Managers are encouraged to keep additional copies in their files. Recurring conduct that led to a previous verbal warning ordinarily does not result in further verbal warnings but rather in a written warning.
- **Written warning:** A manager may issue a written warning for minor performance or misconduct issues that the manager considers too serious for a verbal warning. A written warning is addressed to the employee as a memorandum setting forth fully the factual basis for the performance or misconduct in question, with a statement of the corrective action expected by the manager and a time frame for the action to be completed. If there has been a prior verbal warning concerning the same or similar issues, that fact is recorded in the written warning with the written documentation of the previous verbal warning attached. The manager meets with the employee, discusses the written warning, provides the employee an opportunity to respond and has the employee sign the written warning, acknowledging receipt. The signed written warning is retained in the employee's personnel file. If the employee refuses to sign the written warning, the manager indicates on the warning that the employee refused to sign before placing it in the employee's personnel file. An employee who receives three written warnings during an 18-month period may be dismissed without that employee having access to any further phases of the progressive disciplinary process.
- **Imposed probation:** A manager may place an employee on probation with the approval of that manager's manager and HR for 30, 60 or 90 calendar days. Imposed probation does not ordinarily occur prior to a written warning or unsatisfactory performance review. The manager prepares the Notice of Probation form which sets forth the reasons for the probation, its duration and the manager's expectations for the employee during the period of the probation. The manager then meets with the employee, presents the notice form, provides the employee an opportunity to respond and has the employee sign the notice, acknowledging receipt. If the employee refuses to sign the form, the manager indicates that the employee refused to sign before placing it in the employee's personnel file. The Notice of Probation is retained in the employee's personnel file. Managers are encouraged to keep additional copies in their own files. Employees who fail to meet the expectations set forth in the Notice of Probation during the probationary period may be dismissed or face further disciplinary action.
- **Suspension:** A manager may suspend an employee, with the approval of that manager's manager and HR, where behavioral, performance or misconduct issues pose substantial risk. Suspension may

occur after prior warning or may be imposed without notice where the behavioral, performance or misconduct issues pose immediate risk. Suspensions may be with or without pay. Suspensions without pay do not ordinarily exceed 10 working days. Where suspension is imposed, the manager presents the employee with a Notice of Suspension setting forth the reasons for the suspension and its duration and provides the employee an opportunity to sign the notice, acknowledging receipt. If the employee refuses to sign the notice, the manager indicates that the employee refused to sign before placing it in the employee's personnel file. The Notice of Suspension is retained in the employee's personnel file. Managers are encouraged to keep additional copies in their own files.

When an employee is under investigation for alleged criminal conduct that is related to the nature of the employee's job or to the university's mission, management may immediately suspend and remove the employee from the workplace without advance notice while continuing pay. In making this determination, management considers the employee's ability to perform their assigned responsibilities and whether the employee's continued presence may constitute negligence in regard to the university's duties to the public and/or other employees; may be harmful to the employee, other employees, clients, students or patients; may impair university operations; or may hamper the investigation by law enforcement.

An employee who is suspended with pay because of the alleged criminal conduct is continued in such status until the employee is formally charged with a criminal offense, or the criminal investigation is concluded without any formal charges being made.

When an employee is formally charged with an employment-related criminal offense, a manager may suspend the employee without pay for a period that is reasonable to conduct an investigation and determine an appropriate employment action. A manager gives the employee notice and an opportunity to respond that is reasonable under the circumstances. However, a manager may remove any such employee immediately if the employee's continued presence poses a substantial risk. The university has the option to allow employees to charge appropriate accrued leave to this period of suspension provided that the employee has sufficient leave balances. If the criminal investigation is concluded without any formal charges being made, or if the charge is resolved without the employee being convicted of the offense, the employee is returned to active status. Any accrued leave applied to the period of suspension without pay is reinstated.

An employee who is incarcerated and unable to perform the essential functions of the position may also be suspended without pay or dismissed.

Regardless of the status of any criminal investigation or process, the university may determine at any time to institute disciplinary charges against the employee under the Employee Conduct section of this policy, up to and including dismissal, based on the facts that prompted the criminal investigation or process.

- **Administrative leave with pay:** A manager may put an employee on administrative leave with pay, with the approval of that manager's manager and HR, based on a reasonable determination that it is in the best interest of the university.
- **Administrative leave without pay:** A manager may put an employee on administrative leave without pay, with the approval of that manager's manager and HR, where the employee's conduct gives rise to a reasonable basis for believing the safety of other workers in the unit or the unit's operations may

be jeopardized, or where an investigation needs to be conducted into the employee's conduct and the employee's continued employment during that investigation would impair that investigation. Administrative leave without pay may not ordinarily exceed 10 working days except in cases where criminal charges are involved.

- **Demotion.** A manager may demote an employee, with the approval of that manager's manager and HR, into a position with lesser qualifications and lower pay where that employee has demonstrated an inability to satisfactorily perform the essential functions of the current job. Demotion may also be used as a disciplinary measure. Demotions should not occur without prior notice from the manager of performance deficiencies with an opportunity for the employee to meet the essential job requirements. Demotions may be appropriate where the employee's skills are not well matched to the skills required to do the job. Where an employee is demoted, the manager presents the employee with a Notice of Demotion setting forth the reasons for the demotion. The notice is retained in the employee's personnel file. Managers are encouraged to keep additional copies in their own files.
- **Dismissal:** A manager may dismiss an employee, with the approval of that manager's manager and HR, where that employee has received three written warnings within an 18-month period, has been convicted of a felony or committed an act of serious misconduct, or has demonstrated a pattern of unsatisfactory job performance that has not been corrected after notice and an opportunity has been provided to correct identified performance deficiencies through the progressive discipline process. When an employee is dismissed, the manager presents the employee with a Notice of Dismissal setting forth the reasons for the dismissal. The notice is retained in the employee's personnel file. Managers are encouraged to keep additional copies in their own files.

For integration between progressive discipline and performance management, see the Performance Management section of this policy.

## **Workforce reduction and severance benefits**

The purpose of this section is to set forth the criteria and procedures for workforce reductions and layoffs from university employment. It is the university's commitment, when workforce reductions are required, to implement equitably such actions consistent with this policy and without unlawful discrimination. Restricted positions are not subject to this section of the policy.

### **Procedures**

1. **Demonstrate the need for a workforce reduction and define its scope.** Before any workforce reduction is implemented, the department consults with HR and documents the need for such action, including:
  - Reasons for the workforce reduction
  - Scope of the workforce reduction (i.e., specific departments, offices and entities of the university affected)
  - Description of actions that have been taken to prevent the workforce reduction or reduce its scope. Include actions that have been deemed ineffective in reducing the impact and why they were ineffective
  - Projected number of employees affected and in what areas of university employment

- Consideration of soliciting volunteer candidates for workforce reduction (Volunteers may not have already submitted a notice of resignation or be involved in an employment action likely to result in dismissal. Selected volunteers are eligible for the same severance benefits as described here.)
- Description of how employees are affected by the workforce reduction (e.g., layoffs, severances, involuntary demotions, reassignments, reductions in work hours)

The appropriate senior administrator must approve implementation before the department proceeds.

2. **Implement workforce reduction.** After approval is obtained and affected employees are notified, implementation of the workforce reduction commences. HR works with affected managers in making determinations about whether employees are involuntarily demoted, reassigned or laid off. Factors to be used in making these decisions include:

- Length of continuous employment with the university determined from the time of the approval
- Ratings on the three most recent performance reviews determined from the time of approval (For any year for which the employee does not have a performance review on record, that employee is considered to have had a positive review.)
- The employee's disciplinary record

In making decisions on workforce reduction, managers work with HR to ensure, as a general rule and to the extent possible, that employees with shorter periods of employment, poor performance evaluations or problematic disciplinary records are those primarily or exclusively affected by the workforce reduction. Exceptions to this general rule may be necessary where:

- An employee with more years of service or higher performance ratings does not have the necessary qualifications, and cannot be reasonably expected to acquire them in a reasonable period, to perform the duties of the new or reconfigured job that the employee will be doing
- An employee with more years of service or higher performance ratings has rights to rehire but does not have the necessary qualifications, and cannot be reasonably expected to acquire them in a reasonable period, to perform the duties of the new or reconfigured job that the employee will be doing

If a decision is made pursuant to either of the above exceptions, justification for the decision must be documented in writing by HR before implementing the workforce reduction. Such documentation is retained by HR pursuant to the applicable document retention schedule.

If the workforce reduction affects more than one job title, each title will be treated separately in identifying specific employees impacted, except where reductions are to be made in a career path series (e.g., accountant I, accountant II, accountant III). In those cases, the determination of specific employees impacted is made based on all employees in the career path series.

3. **Communicate with affected employees.** After approval, and before the workforce reduction is implemented, the department sends written notice to each affected employee stating:

- The reasons for the workforce reduction, with full explanation
- How the workforce reduction affects the employee (to the extent possible at the time of notice)
- A comprehensive description of the jobs throughout the university affected by the workforce reduction
- Benefits the employee is entitled to and what resources are available for more information or for questions
- A full explanation of the rights the employee has in the process of implementation of the workforce reduction

4. **Administer workforce reduction severance benefits.** An employee whose position is terminated due to a workforce reduction may choose to either receive benefits under the commonwealth of Virginia Workforce Transition Act (WTA) or to receive severance benefits offered by the university as outlined below, but not both. Under the university’s severance benefits, an employee is entitled to six months’ notice of the termination of employment pursuant to workforce reduction. To the extent the employee receives less than six months’ notice, the employee is entitled to severance pay. The amount of the severance pay will be determined on a graduated scale depending on the amount of notice, as detailed in the table below. Typically, an employee with 15 years of service or more would be eligible for more severance benefits under the WTA than the VCU policy. However, each employee whose position is terminated due to a workforce reduction should contact HR for assistance in making the decision of which benefit to choose.

VCU Severance Benefit Table

Severance notice	Severance pay
One month	Five months
Two months	Four months
Three months	Three months
Four months	Two months
Five months	One month
Six months	Zero

During the notice period, HR provides aid to any employee seeking assistance in finding positions within the university comparable to the position the employee currently holds. Such employees may apply for and be granted priority interview rights for positions for which they meet the minimum qualifications. Employees may turn down such positions without losing the right for priority interviews for other such positions for which they submit applications that may become available

during the notice period. If an employee accepts a comparable position during the notice period, the right to further priority search or severance benefits terminates.

An employee whose position is terminated pursuant to a workforce reduction is also entitled to a leave payout on the date of separation, one year of contributions to the employee's individual health and life insurance benefits, if WTA eligibility requirements are met, and retains priority interview rights as described above for one year. An employee is considered recalled when they accept an offer of employment made through this process. Other outplacement services such as resume writing and referral services, career counseling and career coaching may also be provided.

5. **Define grievance rights.** Employees affected by a workforce reduction may pursue all procedures, benefits and guidance available through this policy. However, as noted, employment decisions implemented pursuant to a workforce reduction are not grievable unless the workforce reduction procedures themselves have not been followed.

### **VIII. Alternative Work Arrangements for University and Academic Professionals**

It is the policy of VCU to support alternative work arrangements for employees as appropriate. Alternative work arrangements include such things as compressed, flex and staggered schedules; reduced schedules and job sharing; and telework. In reviewing requests for alternative work arrangements, the university will evaluate and balance the needs of the employee and the needs of the university with specific focus on the particular job and its role within the work unit. The university recognizes that, in certain circumstances or with certain positions, alternative work arrangements can be an effective management tool and may create increased productivity, reduce costs, advance the university's energy conservation goals and provide for a more vital work-life balance of its employees. Requests for alternative work arrangements will be handled on a case-by-case basis and are granted at the university's sole discretion.

It is also recognized that circumstances arise in which a temporary alternative work arrangement may be appropriate to accommodate short-term assignments or other circumstances. These informal situations are determined on an as-needed basis between the employee and the manager and are not subject to the formal process for extended arrangements as outlined below. If the temporary arrangement becomes regular or recurring, the formal procedures described below apply.

#### **Procedures**

1. **Determine eligibility for an alternative work arrangement:** Employees seeking an alternative work arrangement initiate a discussion with their manager about the possibility of such an arrangement. In response to such an employee request, the manager, in consultation with HR as needed, analyzes the employee's position, responsibilities and mode of work to determine if the requested arrangement is feasible. In making this determination, the manager:
  - Considers whether the employee has a record of requiring active supervision or has demonstrated an ability to work autonomously without frequent monitoring or oversight. Note: Employees who have a record of requiring frequent oversight and supervision are not good candidates for telework, or for any alternative work arrangement that results in having work-related responsibilities during times that active managerial supervision is not available.

- Considers whether the employee's position lends itself to the requested alternative work arrangement.
2. **Develop the alternative work arrangement:** If the manager approves an alternative work arrangement requested by the employee, the documentation includes:
    - The specifics of the alternative work arrangement as provided on the alternative work arrangement form
    - The terms of the alternative work arrangement, as agreed upon by the manager and employee, before the employee may work a schedule that differs from the university's core work hours; arrangement is to be authorized by the department head in consultation with the employee's manager, recorded in the employee's personnel record, and kept on file in the department for the duration of the agreement
    - Before commencement of approved arrangement, the written form is signed by the employee and the manager, and agreed to and signed by the manager's manager; form may be revised or amended for its duration, with consent of the parties, and arrangement may also be for a trial period in appropriate circumstances
  3. **Evaluate the arrangement:** This arrangement is reviewed periodically, typically as part of the performance management cycle. Renewal is not guaranteed; the alternative work arrangement, employee performance and other circumstances are considered by the manager in determining whether to renew the arrangement.
  4. **Terminate an alternative work arrangement:** The employee may request termination of the arrangement with two weeks' notice. The manager has the final authority to approve or deny the request. Continuation of an alternative work arrangement is at the manager's reasonable discretion and may be terminated at any time with a minimum of two weeks' notice.
  5. **Special considerations for an alternative work arrangement for telework:** If the arrangement involves telework, it must address the following:
    - If equipment is necessary to complete duties, who is providing and who is responsible for such equipment?
    - Is the employee reimbursed for work-related expenses pursuant to the same rules and procedures as would apply in the traditional work environment? Exceptions should be stated.
    - Nonexempt employees are required to record all hours worked. Hours in excess of the standard workweek, or in excess of the hours to be worked, if different from the standard workweek, must be authorized by the manager in advance in writing.
    - The authorized offsite worksite is considered an extension of the employee's office space in the traditional work environment.
    - Health or family needs should be addressed through the Family and Medical Leave Act, the Virginia Sickness and Disability Program, Workers' Compensation or other laws or policies meant to address such issues.
    - There is a strong presumption against granting a request for telework if there are conditions that would reasonably be deemed to interfere with the employee's capacity to dedicate full-time attention to work (e.g., caregiving in the home). However, other types of alternative work

arrangements may be feasible.

## IX. Paid Leave for University and Academic Professionals

This section establishes uniform leave benefits and procedural rules for university and academic professionals.

This policy is based on the recognition that a strong, viable and fair leave benefit constitutes an important part of a competitive recruitment and retention package; that work productivity and employee loyalty are strengthened by work environments that support and sustain the personal lives of employees; and that service to the community by university employees strengthens university-community relationships and benefits both the institution and the community.

It is the expectation of VCU that managers approach leave requests with an understanding of the importance of employees taking time off. Employees and managers work together in planning leave.. Managers are directed to consider leave requests fairly and equitably, and with consideration of the importance of the balance between work and personal life, while at the same time maintaining a focus on the efficiency of the workplace.

### Procedures

- 1. Understand eligibility and availability of leave balances:** This section of the policy provides for paid leave to be used for any purpose by employees. Approval of employee leave requests is subject to the discretion of managers. Managerial discretion may have to be exercised differently in responding to leave requests based on changing conditions in the workplace environment (e.g., the pressures of a particular project or priority, or understaffing because of illness or vacancies in the workplace). Managers are strongly advised to document the reasons for leave requests that are denied and to maintain such documentation as part of the employee's personnel file.

Employees are entitled to the following leave benefits per year based on their length of employment with the university, except for former A&P faculty with fewer than 20 years of service who are grandparented in at their current accrual rate. The leave service date includes credit for all periods of full- and part-time salaried state service, including non-continuous service, except for periods of leave without pay exceeding 14 days. It does not include hourly employment or service for any non-state entity. Years of service with the VCU Health System prior to 1997 may be counted toward the leave service date. The following table provides the accrual rate for full-time employees; part-time employees who are eligible for the leave benefit accrue leave at a proportional rate.

Table A: Paid Leave Plan			
Years of service	Days per year	Hours per year	Maximum annual leave carry forward (hours) at year end



0-3	28	224	224
4-6	30	240	240
7-9	32	256	256
10-14	34	272	272
15-19	36	288	288
20-24	40	320	320
25+	42	336	336
*Former A&P faculty with fewer than 20 years of service	39	312	312

2. **Administer leave:** The above leave entitlements are administered pursuant to the following guidance:

- **Conversion:** Upon election or conversion of existing VCU employees to the university and academic professional employee group, existing annual leave, sick, personal and family leave balances are credited toward balances under this section. However, sick leave balances of employees in the traditional sick leave program are preserved in a separate “bank” for future use. The traditional sick leave bank may be used for absences in excess of five work days for serious illness, injury or catastrophic or major chronic conditions that prevent the employee from performing the full duties of their job.
- **Effective dates of conversion:** The effective dates for leave benefits during the initial conversion are as follows:
  - January 2018 for classified staff hired July 1, 2016, or later who are converted to university and academic professional
  - July 2018 for classified staff hired prior to July 1, 2016, who elect to become university and academic professional during the January to March 2018 enrollment period
  - July 2018 for most administrative and professional faculty who convert to university and academic professional consistent with the contract renewal process, or for those with contract dates other than July, consistent with the applicable contract renewal date
  - For July 2018 effective dates, the leave accrual rate is prorated to reflect half-a-year benefit
  - The effective date for leave benefits after the initial conversion is the beginning of

the following pay period.

- **Transfers from other state agencies:** Employees transferring from another commonwealth of Virginia state agency are credited for years of service for purposes of leave accrual. However, leave balances from other state agencies or institutions are not transferrable.
  - **New hire proration:** New hires or rehires receive a prorated leave balance for the year in which they are hired or rehired based on their start date.
  - **Leave availability:** The full year leave benefit is available for use at the beginning of each leave plan year.
  - **Reporting increments:** Those considered to be nonexempt pursuant to the Fair Labor Standards Act report leave time taken pursuant to this policy in 15-minute increments; exempt employees only report leave time for absences of a half day (four hours) or greater. Non-routine or occasional absences of less than half a day (four hours) are considered incidental and not reportable.
  - **Holidays:** Officially recognized university holidays are granted in addition to the leave balances granted in this policy.
  - **University service:** Time an employee is engaged in official university service such as serving on committees and participating in university governance is not charged to any leave balance. However, prior approval of the supervisor is required.
  - **Carry forward:** The maximum number of hours that can be carried forward at the end of the leave year is equal to one year's leave accrual (see Table A). The carry-forward hours serve as the beginning balance on which the next year's leave time is added. Unused leave above the maximum carry forward is forfeited. Implementation of the maximum carry-forward process begins in January 2019.
  - **Reconciliation and payout upon separation:** Although employees receive the full annual accrual at the beginning of the leave year, providing employees with maximum flexibility in their use of leave time, the leave is actually earned on a per-pay-period basis. If an employee leaves the university during the course of the year, the time used and the time earned are reconciled. Leave earned, but not used, is paid to the employee at 100 percent of its value, while leave used but not earned is subtracted from the final paycheck.
3. **Use of special types of leave:** In addition to paid leave that can be used for any purpose as discussed above, leave benefits also include the following types of paid leave based on a leave plan year except where noted:
- **Short-term disability:** University and academic professionals, upon date of hire, are eligible for 100 percent salary replacement for up to six months to cover extended, medically related absences. For those who have partial-pay benefits through the Virginia Sickness and Disability Plan, this short-term disability benefit supplements their salary up to full pay. If the employee is unable to return to work at the conclusion of the six-month short-term disability period, the employee may be eligible for long-term disability benefits. For more information, see [hr.vcu.edu/current-employees/benefits/a-z-list-of-benefits/disability-insurance](http://hr.vcu.edu/current-employees/benefits/a-z-list-of-benefits/disability-insurance).
  - **Parental leave:** University and academic professionals with at least one year of service are eligible for paid parental leave benefits for childbearing and childrearing. Parental leave is taken within 12 months of birth, adoption or placement and is taken, at a minimum, in one-week blocks. To the extent it qualifies, leave granted under this category runs concurrent with coverage under the federal Family and Medical Leave Act. There are three types of parental

leave:

- “Maternity leave” of typically six to eight weeks as a medically approved absence covered under the university’s short-term disability benefit program. The absence covered by short-term disability is supplemented by additional paid time off of parental leave which combine for a total of no more than 12 weeks paid leave.
- Paid time off of up to six weeks is provided for the second parent for caregiving and bonding.
- Paid time off of up to six weeks is provided for either parent for adoption, surrogacy and foster care.
- **Caregiving leave:** University and academic professionals with at least one year of service are eligible for paid caregiver leave to serve as primary caregiver for a sick child, elder or other immediate family member (such as a spouse, parent, stepparent, sibling, grandparent, etc.). Caregiver leave provides up to 100 percent salary replacement for up to 80 hours (10 days) maximum per leave year through the VCU leave-sharing program. To be eligible, employees must first use 40 hours (five days) of their annual allocation of paid time off to receive 40 hours (five days) from the leave-sharing pool. The employee may be eligible for the remaining 40 hours (five days) after matching an additional 40 hours (five days) from their annual allocation of paid time off. To the extent it qualifies, leave granted under this category runs concurrent with coverage under the federal Family and Medical Leave Act.
- **Enhanced community service leave:** In addition to the 16 hours (two days) paid time off granted to participate in volunteer community service organizations; to meet with public or private school or daycare officials about their children; to attend school, daycare or homeschool functions in which their children are participating; to perform school-approved volunteer work in a public school (community service leave as provided under DHRM policy 4.40 School Assistance and Volunteer Service Leave), university and academic professionals are further granted an additional 16 hours (two days) paid time off to engage in volunteer service activities sponsored through VCU or VCU Health either individually or as part of a group.
- **Administrative leave:** Paid time off granted by the university for absences such as jury duty, testifying in court in response to a subpoena, service as an officer of election, state job interview, pre-disciplinary leave pending an investigation and suspension with pay.
- **Other leave benefits:** Other leave benefits provided to university and academic professionals as offered by VCU include holiday pay, FMLA, leave without pay,, compensatory leave, office closing and recognition leave.

In addition, the following leave is also offered based on the policies for classified staff as administered by the commonwealth of Virginia’s Department of Human Resource Management (DHRM):

- Civil and Work-Related Leave (DHRM Policy Number: 4.05)
- Educational Leave (DHRM Policy Number: 4.15)
- Emergency Disaster Leave (DHRM Policy Number: 4.17)
- Leave To Donate Bone Marrow or Organs (DHRM Policy Number: 4.37)

- School Assistance and Volunteer Service Leave (DHRM Policy Number: 4.40)
- Military Leave (DHRM Policy Number: 4.50)
- Public Health Emergency Leave (DHRM Policy Number: 4.52)
- VSDP (DHRM Policy Number: 4.57)
- Worker's compensation (DHRM Policy Number: 4.60)

## Forms

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1. Alternative Work Arrangement form
2. Grievance form
3. Notice of Imposed Probation
4. Development Plan
5. Improvement Plan
6. Notice of Demotion
7. Notice of Suspension
8. Notice of Dismissal

<https://insidehr.vcu.edu/forms/>

## Related documents

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1. Restructured Higher Education Financial and Administrative Operations Act, Va. Code §§ 23.1-1000 *et seq*
2. Wage Employment (Hourly and Student Workers)  
[https://policy.vcu.edu/sites/default/files/Wage Employment %28Hourly and Student Worker%29.pdf](https://policy.vcu.edu/sites/default/files/Wage%20Employment%28Hourly%20and%20Student%20Worker%29.pdf)
3. Postdoctoral Scholars [https://policy.vcu.edu/sites/default/files/Postdoctoral Scholars FINAL 2016.05.05.pdf](https://policy.vcu.edu/sites/default/files/Postdoctoral%20Scholars%20FINAL%202016.05.05.pdf)
4. Policies and procedures on graduate fellowships and assistantships  
<http://bulletin.vcu.edu/graduate/study/financing-graduate-school/policies-procedures-graduate-fellowships-assistantships/>
5. Affiliate Faculty Appointments  
<https://policy.vcu.edu/sites/default/files/Affiliate%20Faculty%20Appointments.pdf>
6. Veteran's Preference Guidelines <http://www.hr.vcu.edu/hr-partners/user-access-guides--training/compensation-and-hiring/veterans/http://www.hr.vcu.edu/hr-partners/user-access-guides--training/compensation-and-hiring/veterans/>
7. Safety Sensitive Positions Va. Code §2.2-1201.1 *et seq*
8. Affirmation of VCU's Equal Opportunity-Interim  
[https://policy.vcu.edu/sites/default/files/Affirmation of VCU%27s Equal Opportunity-Interim.pdf](https://policy.vcu.edu/sites/default/files/Affirmation%20of%20VCU%27s%20Equal%20Opportunity-Interim.pdf)
9. VCU Code of Conduct <http://www.codeofconduct.vcu>
10. Workforce Transition Act, Va. Code §§ 2.2-3200 *et seq*.
11. State Grievance Procedure, Va. Code §§ 2.2-3000, *et seq* and Standards of Conduct

[http://www.dhrm.virginia.gov/docs/default-source/hrpolicy/pol1\\_60.pdf](http://www.dhrm.virginia.gov/docs/default-source/hrpolicy/pol1_60.pdf)

12. Family and Medical Leave Act, 29 U.S.C. §§ 2601 *et seq.*
13. Virginia Sickness and Disability Program <http://www.dhrm.virginia.gov/docs/default-source/hrpolicy/pol457vsdp.pdf>
14. Fair Labor Standards Act (FLSA), 29 U.S.C. §§ 201 *et seq.*
15. Accessibility and Reasonable Accommodation for Individuals with Disabilities <https://policy.vcu.edu/sites/default/files/Accessibility%20and%20Reasonable%20Accommodation%20for%20Individuals%20with%20Disabilities%20Policy%20-%20Interim.pdf>
16. Threat Assessment and Violence Prevention <https://policy.vcu.edu/sites/default/files/Threat%20Assessment%20and%20Violence%20Prevention.pdf>
17. Duty to Report <https://policy.vcu.edu/sites/default/files/Duty%20to%20Report.pdf>

Additional related documents:

- Guidelines for academic professionals and professional faculty <https://insidehr.vcu.edu/guidelines/employee-groups/>
- Search guidelines <https://insidehr.vcu.edu/guidelines/employment/>
- Compensation guidelines <https://insidehr.vcu.edu/guidelines/compensation/>
- Performance management guidelines <https://insidehr.vcu.edu/guidelines/performance-management/>
- Career development guidelines <https://insidehr.vcu.edu/guidelines/career-development/>
- Alternative work arrangements guidelines <https://insidehr.vcu.edu/guidelines/alternative-work-arrangements/university-and-academic-professionals/>
- Guidelines for conducting a panel hearing <https://insidehr.vcu.edu/guidelines/employee-relations/university-and-academic-professionals/conducting-a-panel-hearing/>
- Side-by-side comparison <https://hr.vcu.edu/side-by-sides/>

## Revision history

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None - New Policy

## FAQ

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For FAQ, please see [greatplace.vcu.edu/FAQs](http://greatplace.vcu.edu/FAQs).

## Definitions

1. **Academic administrators.** Faculty members who have administrative responsibilities, generally serving as senior administrative officers of a college, school, program or equivalent and hold a concurrent faculty appointment (typically tenured) in a program, school or department. This includes those in positions such as dean, associate or assistant dean, provost, vice provost, etc.

2. **Academic professionals.** Employees who apply specialized professional qualifications in direct support of academic programs to enhance the practice and quality of teaching and learning. They perform high-level duties in academic, research and service missions of the institution. They have advanced degrees, often terminal degrees, and academic backgrounds that are similar to faculty in the professorial but 50 percent or more of their total assignment involves academic program management related to advising, curriculum development and instructional design.
3. **Administrative and professional faculty (A&P faculty).** Those employees and managers who are not tenure-track or tenured and perform an array of academic and administrative duties, including teaching, research, patient care and public service.
4. **Alternative work arrangements.** A work arrangement that differs from the standard workweek in the times of reporting to, and leaving, work, or which varies the designated workplace for fulfilling job-related duties, but does not alter the 40 hours worked per week. Alternative work arrangements may include compressed schedule, flextime, staggered scheduling or telework. An employee's compensation and benefits do not change as the result of an alternative work arrangement.
5. **Alternative work arrangement plan.** A written work plan setting forth an alternative work arrangement jointly developed by the employee and the manager and approved by the manager.
6. **Base pay.** The fixed rate of pay an employee receives annually for their official responsibilities to the university. Base pay does not include benefits and such enhancements to salary as overtime, bonuses or payments for additional services undertaken outside the scope of official responsibilities (see "Non-base pay" below).
7. **Bona fide applicant.** For purposes of federal and state compliance, a bona fide applicant is a job seeker who has:
  - Submitted an expression of interest in employment through the internet or related electronic data technologies (i.e., has submitted the eJobs application)
  - Been considered for employment in a particular open position
  - Submitted an expression of interest indicating that the individual possesses the advertised, noncomparative, objective and job-related basic qualifications for the position (i.e., the posted minimum qualifications)
  - At no point prior to an offer, indicated that the individual is no longer interested in employment in the position for which the employer has considered the individual
8. **Calibration.** The steps taken to make sure managers apply an appropriate and consistent set of standards in using the performance ratings.
9. **Career development.** The process by which employees establish their current and future career objectives; assess their current skills, knowledge, and experience; and implement appropriate courses of action to attain desired career objectives. Career development includes all opportunities for growth, enhancement of job-related skills, and the building of competencies that improve current performance and enhance future career aspirations.
10. **Career development opportunities.** Webinars, e-learning, workshops, conferences, seminars,

mentoring, special projects, job rotations, job shadowing, staff exchanges and coaching. This is not meant to be an all-inclusive list, but rather examples of the kinds of things employees can do to enhance their skills and competencies. Other university policies address educational opportunities that may also constitute career development opportunities as addressed in this policy.

11. **Career path.** The foundation of the new HR plan is a universitywide job structure that groups jobs by function using a standard set of job titles. Most titles have three levels (e.g., accountant I, accountant II, accountant III). Each job title has a unique market range. Career paths are visible and flexible career plans that provide opportunities for employees to advance through their careers by moving across the market ranges through proposed stages of emerging, proficient, accomplished and expert, as well as advancing up through the job title series as they gain competencies and experience. Different career paths are designed for individual contributors with deep subject matter expertise distinct from those who aspire to a supervisory, management or leadership role.
12. **Career path advancement.** The noncompetitive movement of an employee within or across a career path.
13. **Classified staff.** Classified staff are those employees and managers who are governed by the Virginia Personnel Act, Va. Code §§ 2.2-2900 through 2.2-2905, and developed by the Virginia Department of Human Resource Management.
14. **Compressed schedule.** A work schedule in which an employee works more than eight hours on some days of the workweek and fewer than eight hours on others. For nonexempt employees, the total hours worked for the workweek during a compressed schedule must equal 40. For exempt employees there is more flexibility.
15. **Core work hours.** The general university core work hours are Monday through Friday, 8:00 a.m. to 5:00 p.m. Departments have the discretion to set their own core hours to meet operational needs as necessary.
16. **Demotion.** A job change to a position with a lower market range.
17. **Executive and senior administrators.** The senior officers of the university such as president's cabinet, members of the president's professional staff, senior leadership, and direct reports to deans. This designation does not include academic administrators such as provosts, deans or vice provosts who are considered T&R faculty serving in an administrative assignment.
18. **Exempt employees.** Employees exempted from the wage and hour requirements of the Fair Labor Standards Act. Exempt employees' primary duties must involve the "exercise of discretion and independent judgment with respect to matters of significance" and fall within certain executive, administrative and professional categories established and defined by the FLSA.
19. **Flextime.** An adjustment of the standard workweek in which the employee starts and ends the work day earlier or later than the standard workweek schedule.
20. **Grievance.** The Formal Dispute Resolution Procedure lists those complaints that do not qualify as a grievance. All other employee complaints would be considered grievable under this policy.

21. **Job structure.** University job titles, grouped by function into categories comprised of similar jobs, as listed and maintained by HR.
22. **Leadership.** For purposes of this policy, leadership is broadly defined as performance that advances the university's mission and its success. Leadership is positively focused problem-solving which effectively addresses issues in ways that make improvements, create efficiencies or otherwise enhance the work environment.
23. **Line of sight.** The ability of employees and managers to see and describe how their daily job-related activities align with and support the university mission and the goals of their school/unit.
24. **Manager.** Those who have responsibility for one or more employees in the workplace. These responsibilities include setting clear goals and expectations; providing ongoing feedback of employee progress, performance and competencies; responsibly and equitably handling employee workplace requests and complaints; identifying and encouraging opportunities for employee career development; and effectively communicating work-related issues within the school/unit and the university. For purposes of this policy, managers are also employees who have their own duties and responsibilities to meet career-development-related goals.
25. **Market range.** The salary range established for a job based on market data for comparable work by other public and private employers drawn from pertinent recruitment areas and approved by HR. As guidance, typically new employees or those recently promoted will have salaries at the lower end of the market range; fully qualified employees who are proficient at fulfilling the responsibilities of their jobs and are strong performers will have salaries in the middle of the market range; and employees with advanced qualifications, unique skills or capabilities, or who have sustained exceptional performance over many years will have salaries at the upper end of the market range.
26. **Merit increases.** Annual salary increases awarded at the conclusion of the annual performance review cycle that are based on the performance of employees and available resources (see Performance Management and Evaluation section of this policy).
27. **New hire pay.** Starting base pay for new hires established by taking into consideration qualifications and experience. Managers have discretion to establish new hire pay within 75 percent of the market range. Offers in the top 25 percent of the market range must be reviewed and approved by HR.
28. **Non-base pay.** Lump-sum payments made to an employee in addition to base pay, including bonuses and other payments, or "spot awards," typically paid as a reward in recognition of exemplary performance, extraordinary diligence, or work above and beyond an employee's official scope of duties.
29. **Nonexempt employees.** Employees not exempted from the wage and hour requirements of the FLSA.
30. **Non-monetary rewards.** Additional paid leave typically granted as a reward in recognition of exemplary performance, extraordinary diligence, or work above and beyond an employee's official scope of duties.
31. **Off-cycle salary increases.** Salary increases awarded outside the annual performance evaluation



cycle in response to exceptional circumstances or to address unanticipated situations.

32. **Open-rank recruitment.** The new job structure for university and academic professionals is built by grouping jobs into job families using a standard set of job titles. Each job title has a unique market-based pay range. Most job titles will have three levels (e.g., accountant I, accountant II, accountant III) that create a job series. Level I is typically entry level; level II is mid-career; and level III reflects extensive experience. Much like faculty searches are conducted for an assistant, associate or full professor, the final rank is determined based on the credentials of the selected candidate. This strategy may also be used for university and academic professional positions. A search may be conducted for an accountant I, II or III, allowing applicants from a wide range of experience to be considered. The selected finalist is placed in the appropriate job title based on their individual qualifications.
33. **Performance management.** The process of establishing clear goals and expectations, providing ongoing feedback, reviewing progress and planning career development. Goals are cascaded from institutional priorities, to school/unit and then to individual employees to ensure that work efforts, job-related skills and workplace behaviors are in alignment with institutional mission, goals, strategic priorities and aspirations. Performance management consists of four major components:
  - Performance and development planning
  - Effective and ongoing communication between employees and managers to ensure mutual expectations are established and maintained about job-related performance
  - Timely review of employee progress, performance and competencies
  - Formulation and review of employees' career development plans (see the Career Development section of this policy)
34. **Personnel file.** The official employee record that encompasses all documents related to the employee's employment kept by the manager, the department or central HR. An employee has access to their personnel file, including records kept in the HR, supervisory, manager and department files, except for that information which may be withheld under applicable law.
35. **Promotion.** A job change to a position with a higher market range typically involving a salary increase.
36. **Restricted positions.** Employment pursuant to an explicit requirement that the employment is restricted by the job duties to be performed, a specified time period or availability of funds. This includes positions funded by grants and contracts. Employees in restricted positions are not eligible for severance benefits.
37. **Reviewer.** The manager's manager.
38. **Salaried employee eligible for state employee benefits:** An employee of Virginia Commonwealth University who is a university academic professional, classified staff or a faculty member; is regularly employed on a salaried basis; regularly works at least one-half of a full-time equivalent position; and whose employment is not temporary or provisional. Adjunct faculty, wage employees, student employees, graduate assistants and postdoctoral scholars are not included in this category.
39. **Severance.** Benefits offered to an employee impacted by a workforce reduction.

40. **Staggered scheduling.** A fixed attendance schedule in which employees work different, or staggered, schedules. For example, a manager could develop three alternative schedules, 7:00 a.m. to 4:00 p.m., 8:00 a.m. to 5:00 p.m., and 9:00 a.m. to 6:00 p.m., and assign employees work hours pursuant to those schedules.
41. **Standard workweek.** A work schedule designating when the employee reports for work and leaves work, including a meal break for those that work at least six hours. The standard workweek begins at 12:00 a.m. Sunday and ends at 11:59 p.m. the following Saturday.
42. **Telework.** An alternative work arrangement in which the employee works some days of the workweek from an alternative work location, such as the employee's home, instead of the employee's university worksite. Telework may either be pursuant to a regular schedule established by the manager or on an irregular basis dictated by occasional needs with prior approval of the manager.
43. **Temporary employees.** Employees hired on a temporary basis. Temporary employees may be hired for no stated duration for as long as their job duties are needed or for a specific period of time. In either instance, temporary employees have no expectation of continued employment and are ineligible for state benefits. Hourly, adjunct faculty and student employees are examples of temporary employees.
44. **Temporary pay.** Additional pay provided to employees who temporarily assume additional responsibilities substantially greater than those of their assigned position.
45. **Transfer.** A job change to a position with the same or similar market range. Salary on a transfer may increase, decrease or remain the same.
46. **University and academic professionals.** Employees who support the mission of the university in non-faculty roles. This group includes salaried employees hired after July 1, 2016; those classified staff who have elected to participate in this employee group; and those who were formerly administrative and professional faculty.
47. **Workforce reduction.** As used in this policy, workforce reduction includes layoffs, reductions in work hours or other reductions in workforce caused by financial stringency, reorganization, consolidation or discontinuance of departments or programs, reduction or elimination of services, work shortages, outsourcing or privatization, or losses of funding. However, the Workforce Reduction section of this policy does not apply to employees in restricted positions.