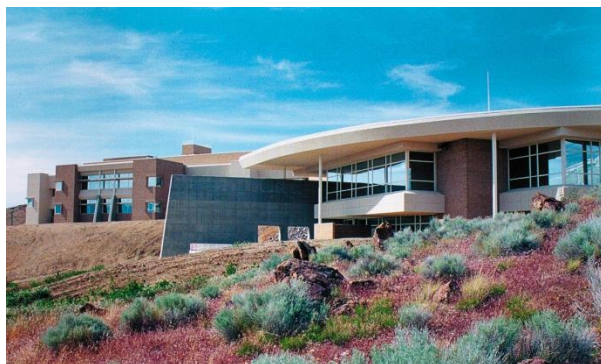




# Technologist Manual



**March 2018**  
DRI President approved

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# TECHNOLOGIST MANUAL

## Desert Research Institute

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## DISCLAIMER

The policies and information contained in this *Technologist Manual* are not to be interpreted as a contract between the Desert Research Institute (DRI) and any of its technologists. Information is current as of the time of manual approval (March 27, 2018) and all previous versions of the Technologist Manual are null and void. When the President of DRI is referenced for decisions throughout this Technologist Manual, the decision may be made by the President or the President's designee. If you have any questions regarding the information in this manual, contact the Human Resources Office.

**TECHNOLOGIST ADVISORY COUNCIL BYLAWS**  
**DESERT RESEARCH INSTITUTE NEVADA**  
**SYSTEM OF HIGHER EDUCATION**  
(Revised 5/28/20)

**ARTICLE I - NAME**

The name of this council shall be Technologist Advisory Council (TAC) of the Desert Research Institute (DRI), Nevada System of Higher Education (NSHE).

**ARTICLE II - PURPOSE**

The purpose of the Technologist Advisory Council (TAC) of the DRI is to serve as an advisory group to the President of the DRI or his/her designee. The council shall be concerned with all matters involving the DRI *Technologist Manual*, matters of personnel administration, employee relations involving technologists, excluding matters of formal appeals and hearings, professional development, and other contributions to the Institute. The council shall receive, consider and make recommendations on matters of personnel administration, policies and procedures; provide a regular forum for hearing of technologists' suggestions, questions or complaints, but not individual appeals relating to disciplinary matters; and provide a means of communication for disseminating information to technologists of the Institute regarding the programs of the DRI.

**ARTICLE III - MEMBERS**

1. The Technologist Advisory Council (TAC) shall consist of an odd number of at least *seven (7)* technologists who are voting members. Members shall represent the technologists of, and shall be selected from, the following DRI units:
  - Administration 1
  - Division of Atmospheric Sciences 1
  - Division of Earth and Ecosystem Sciences 1
  - Division of Hydrologic Sciences 1
  - At-Large Members 3
2. Technologists shall elect members from a list of interested candidates from each DRI unit. Technologists shall vote for the representative of their respective units. The council will conduct DRI-wide at-large elections. These elections shall be held yearly in May, or as soon as possible thereafter.
3. Members shall serve a (3) year term and may not stand for re-election for one year after the expiration of that term; however, a member serving the remainder of an unexpired term to which he/she was appointed but not elected, may stand for election for a full (3) year term.
4. Terms of members shall be staggered so that a given number of terms will expire at each election. These terms shall expire on a 2, 2, and 3 person rotation.
5. If a vacancy occurs on the council, the council shall ask technologists within the affected DRI unit to appoint a replacement, with the appointee's name to be submitted to the council prior to its next scheduled meeting. However, if no replacement is forthcoming from that unit, the council shall appoint a replacement from the technologist's at large to represent the affected unit.
6. Council members shall establish bylaws for itself, which are not in conflict with the DRI Bylaws, and which are approved by the President of the DRI or his/her designee.

7. At the council's request, the immediate past chairperson may act as an advisor to the council.
8. Any member with three (3) consecutive unexcused absences from council meetings will be considered to have resigned and his/her position will be declared vacant.
9. To prevent unexcused absences, when a voting member of the council knows in advance he/she cannot attend a council meeting, he/she must appoint an alternate, who shall have voting rights, and notify the council chairperson of this action.

#### ARTICLE IV - OFFICERS

1. The officers of the council shall consist of a Chairperson, a Vice Chairperson, and a Secretary. The officers shall perform the duties prescribed by these bylaws and by the parliamentary authority adopted by the council. Collectively, these officers shall comprise the Executive Committee.
2. *Duties of the Officers.* The Chairperson shall preside at meetings of the council and serve as liaison between the President of the DRI or his/her designee, other groups, employees and the council, and may serve as ex-officio member of council committees. The Chairperson, in consultation with the Executive Committee members, shall prepare the agenda of each council meeting. *The Chairperson*, or his/her designee, shall communicate to the President of the DRI or his/her designee, the results of council deliberations on matters of the *Technologist Manual*, and personnel administration, policies and procedures, and involvement in the Institute's missions. The Chairperson, with advice and direction from the Executive Committee and members of the council, may establish standing and ad hoc committees and appoint committee members. Members of the committees shall serve until discharged by the Chairperson. The Chairperson or his/her designee shall attend Executive Staff and Faculty Senate meetings and report proceedings to council.
3. *The Vice Chairperson* shall perform all of the duties of the Chairperson in his/her absence and serve as chairperson in the event that office becomes vacant. The Vice Chairperson shall also maintain a record of annual council expenditures and costs, and this record shall be presented at each meeting to the council for review. The Vice Chairperson shall also serve as Chairperson-elect but shall be subject to a confirmation vote of the council before assuming the office of Chairperson. It is encouraged that the newly elected Vice Chairperson will have served one year as a TAC member before serving in the position.
4. *The Secretary* shall keep a summary record of all matters considered and recommended by the council and shall transmit such minutes to council members, the President of the DRI or his/her designee, and others as directed by the council. As Secretary, this officer shall also be responsible for all correspondence of the council and maintenance of the council's historical files.
5. Council officers and members shall attend and participate in all council meetings and shall assist the Institute and the council by serving as the council's liaison with technologists within their own DRI unit, and otherwise, as defined in these bylaws.
6. Technologists, who are not members of the council, may attend council meetings and bring items of interest before the council as appropriate, but may not vote on issues before the council. Such attendance shall be arranged with their supervisor. The use of either leave or compensatory time is required for such attendance.

7. As necessary, the council shall review the *Technologist Manual*. Recommended changes, deletions and/or additions shall be submitted to the President of the DRI or his/her designee for approval.
8. *Election*. The TAC shall select officers yearly from members of the council. Officers shall serve a minimum of one (1) year and a maximum of two (2) years in a single position.

## **ARTICLE V- COMMITTEES**

1. *Bylaws Committee*. The purpose of this committee is to review and update, as appropriate, the Bylaws of the TAC. This includes documenting the standing rules as deemed appropriate by current members. The committee shall consist of three (3) TAC members. The committee shall elect the chairperson.
2. *Employee Enhancement Committee*. The purpose of this committee is to review existing programs involving technologist recognition, including the coordination of the Technologist Employee of the Year Award. The committee may also create and implement plans for professional development and activities involving employee relations. The committee shall consist of one council member as chairperson, the previous year's recipient, and one other technologist.
3. *Manual Revisions Committee*. The purpose of this committee is to review and update, as appropriate the *Technologist Manual*, according to the procedure outlined therein. The committee shall consist of one council member as chairperson and at least two other technologists.
4. *Program and Budget Committee*. This committee will work with the Controller as well as the Vice President for Research (VPR) and the Faculty Senate in reviewing budgets and allocations. The committee's input will be advisory only and shall reflect the interest and concerns of the TAC. The committee shall be composed of the TAC Vice Chairperson, current Chairperson, immediate past Chairperson and one additional technologist.
5. *Reclassification and Equity Review Committee*. The purpose of the committee is to review reclassification packets sent from the Director of HR. Recommendations will be made by analyzing the current and revised Assignments and Standards and the Position Description Questionnaire as to the grade placement and comparing those documents based on similar positions. Recommendations then go to the President. The committee is composed of three TAC members, one of which shall be a member who has previously served on the committee.

## **ARTICLE VI - MEETINGS**

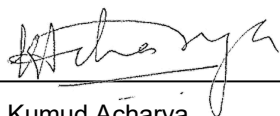
1. The council shall meet at least quarterly or upon the call of the Chairperson, or upon petition of three of the members. Executive Committee meeting may be held at any time.
2. The council shall determine the dates and times of regular council meetings, and a notice of the meeting shall be distributed at least one week prior to each meeting.
3. Council and committee members shall be allowed reasonable time from their regular duties to prepare for, and to attend, regular council meetings and functions, and to conduct council business as necessary.
4. Four (4) members of the council will constitute a quorum.

## ARTICLE VII• PARLIAMENTARY AUTHORITY

1. The rules contained in the current edition of *Roberts' Rules of Order, Newly Revised* shall govern the council in all cases to which they are applicable and in which they are not inconsistent with these bylaws and any special rules of order the council may adopt.

## ARTICLE VIII• BYLAWS

1. Adoption of these bylaws shall be by a majority vote of the TAC and by approval of the President of DRI or his/her designee.
2. A copy of the TAC Bylaws shall be included in the *Technologist Manual*.
3. *Amendments.* A majority or quorum vote may amend council bylaws, with amendment approval by the President of the DRI or his/her designee. Amendments may be proposed, reviewed and recommended by members of the council, the chairperson, and the President of the DRI or his/her designee.
4. The Bylaws Committee shall review these bylaws periodically for additions, deletions, and appropriateness.



Kumud Acharya  
President

June 30, 2020

Date



## INTRODUCTION

### ***Purpose of the Technologist Manual***

This manual provides the personnel policies, practices, and procedures of the regular technologist and temporary technologist staff of the Desert Research Institute (hereinafter, DRI).

The Nevada System of Higher Education (NSHE) Board of Regents may devise and establish personnel policies and procedures in connection with the operation of contractual or sponsored research activities of the Institute, separate and apart from those personnel policies and procedures established for the professional personnel of other colleges and universities of the NSHE.

The Board of Regents originally approved the *Technologist Manual of the Desert Research Institute* in January 1988 on a pilot basis with authority given to the President of DRI to make necessary changes over a one-year period. In April 1989, the Board of Regents officially approved the Manual and it has been periodically updated since.

Recommended changes, deletions, and/or additions shall be approved by the Technologist Advisory Council (TAC) and submitted to the President of DRI for approval and signature.

### **A. Manual Revisions**

The usefulness of the *Technologist Manual* depends on it being revised and updated to reflect changing circumstances and needs. Although the manual is maintained by TAC, all technologists are encouraged to submit suggestions for revisions to the manual.

### **B. Process for Revisions**

The Manual Revisions Committee is responsible for updating the *Technologist Manual* as appropriate and distributing the revised draft for review and approval. Approvals of the revised draft will be tracked on the DRI Manual Policy Approval form. The process for manual revisions will be as follows:

1. The Manual Revisions Committee identifies the sections in the manual that may need to be updated and suggests changes for those sections. The edited version of the manual will show the words changed in track changes.
2. The committee sends the revised draft to TAC for review before sending the draft to Human Resources for review.
3. If there were are any suggestions from Human Resources, the committee will send the draft back to TAC for review and approval. A majority vote by TAC voting members is needed to approve the proposed changes.
5. After the changes have been reviewed and approved by TAC, the committee sends the edited version of the manual to the President of DRI for approval and signature.

### ***Technologist Advisory Council (TAC)***

#### **A. Purpose**

The Technologist Advisory Council (TAC) is the representative body of DRI's non-exempt technologist personnel that serves as an advisory group to the President or his/her designee and is the designated records repository for the *Technologist Manual*. The council shall be concerned with all aspects of technologists' involvement as employees of the Institute.

## **B. Composition, Selection, and Size**

Each department shall have representation on TAC. The number of representatives and the process of their selection are specified in the TAC Bylaws.

## **C. Goals**

TAC shall be concerned with matters of nonexempt technologist personnel administration and employee relations, except in matters of appeals and hearings, and may:

1. Receive and consider matters of personnel policies and procedures and make recommendations for possible changes to the *Technologist Manual*;
2. Provide a forum for hearing technologists' suggestions, questions, or concerns (but not formal grievances);
3. Provide a means of communication and dissemination of information for technologists; and
4. Review reclassification requests and make recommendations regarding approval to the Director of Human Resources (HR), who provides recommendations to the President who makes the final decision.

## ***Affirmative Action Statement***

Desert Research Institute follows the policies of the Nevada System of Higher Education (NSHE) on affirmative action. See the NSHE Board of Regents Handbook for specific policy statements, which can be found on the NSHE website under Policies & Reports.

## ***Approval Process***

Approvals will follow a standard one-over-one process, which requires the members of the management chain to review and sign off on recommendations. This ensures that any recommendation is considered and approved by a second person to which the first person is accountable. Any approvals that do not follow the standard management chain approval process will be specifically stated in the *Technologist Manual*.

## I. REGULAR TECHNOLOGISTS

### A. Recruitments

Recruitments must be conducted for all new or vacant regular technologist positions. Recruitments must begin with a five-workday internal posting period, during which time only regular technologists may apply. A request to waive the internal posting period can be made in writing to the HR recruiting point of contact. If a suitable reason is provided, the Director of Human Resources approves the request. Temporary technologists, hourly employees, and/or graduate research assistants of DRI may apply only after the requisite internal posting period. All applicants must complete an online employment application and submit the names and contact information for three (3) professional/work-related references.

### B. Benefits

All regular technologists who are employed on a 51% FTE or greater qualify for health, dental, vision, grant-in-aid, and life insurance. See Section IV for details about annual leave and sick leave benefits.

New eligible technologists are required to participate in the Public Employees Retirement System (PERS) of Nevada. PERS provides two contribution plans—The Employee/Employer paid plan requires the employee and employer to pay equivalent contributions. The Employer Paid Plan requires the employer to pay the entire contribution on behalf of the employee. The employees' portion must be in lieu of an equivalent salary increase or by salary reduction. Please refer to the PERS Official Policies at <https://www.nvpers.org> for details of this plan.

### C. Probationary Period

All new or reinstated regular technologist hires will be placed on a *six-month probationary period*. A performance evaluation based on each technologist's Work Performance Standards will be required at the end of the third, sixth, and eleventh month from date of hire. The employee's immediate supervisor(s) or designee will provide training to the employee for the position for which he/she was hired.

A member of the management chain may dismiss a probationary employee for any legal reason at any time during the probationary period. During this probationary period, the employee *does not have a right to appeal*. However, if neither the employee nor the HR Office receives a report of separation by the close of business on the last working day of the probationary period, the employee will be considered to have satisfactorily completed the probationary period and will acquire regular technologist status.

Time not counted toward completion of the probationary period includes:

1. Authorized military leave for training beyond the 15 paid working days in any one calendar year;
2. Any leave without pay in excess of 15 working days that began during the six-month probationary period; and
3. Any hours worked that exceed 40 in a week.

### D. Change of Position

A continuing regular technologist who is reclassified, transferred laterally, or offered a recruited position will receive their scheduled annual performance evaluation, as defined in Section V. If the technologist is performing unsatisfactorily in their new position (as outlined in Section X), the immediate supervisor(s) may take action as outlined in Sections III.E. and V.

**E. The DRI Technologist Advisory Council (TAC)**

Technologists in regular (not temporary) status may serve on TAC. They are not eligible to serve on the Faculty Senate or vote on Faculty Senate issues.

**F. Reduction of Hours (FTE)**

For programmatic or adverse institutional financial conditions, the Executive Director or appropriate VP and an employee may reduce the employee's work hours to less than full time.

By mutual agreement, the supervisor and the employee may reduce the employee's work hours for a satisfactory reason to less than full-time.

## **II. TEMPORARY TECHNOLOGISTS**

If there is an immediate need for additional staff for up to a 12-month period and the need is for 51% FTE or more, a temporary technologist may be employed without a recruitment being conducted. The position, which is designated as temporary, must have specific job performance criteria (Work Performance Standards) established that justify the grade of the position. All temporary technologists are required to be given a three-month and six-month evaluation. During this period, the temporary technologist may be dismissed for any legal reason. After the six-month probationary period is completed, a one-week notice of employment termination must be given. There is no appeal process for temporary technologists.

If, at least eight weeks before the end of the 12-month period, the supervisor determines the position is needed on a continuing basis, he/she must request a recruitment to fill the position and all recruitment policies and procedures for regular technologist positions must be followed. A temporary employee is not eligible to apply during the five-workday internal posting period.

The person in the temporary position may apply for the regular position through the external recruitment process. If that temporary employee is hired, service under the temporary employment immediately preceding employment in a regular position will be credited toward annual leave and merit salary increases.

An extension of one month to the 12-month temporary position may be requested by a member of the management chain. The HR Director can then approve or disapprove the extension to allow completion of the recruitment or for reasons of business necessity.

### **A. Benefits**

With the exception of grant-in-aid, computer loans, physical-exam reimbursement, annual leave sellback, and long-term disability, all benefits and benefit restrictions for temporary technologists are identical to those of regular technologists.

### **B. Evaluations**

A performance evaluation based on each temporary technologist's Work Performance Standards will be required at the end of the third and sixth month from the date of hire. If a temporary technologist is hired as a regular technologist, the supervisor may waive the customary probationary period and/or specify special arrangement in writing as long as a performance evaluation was conducted for the individual's first year of temporary employment.

### III. COMPENSATION

The compensation schedule for DRI technologists consists of a range of pay grades with a number of specific steps (pay rates) per grade. Increases from step to step are based on merit and are not automatic. Technologists receive a base salary that is paid semimonthly. The salary is based on the position's grade and step. If a technologist has less than a full-time FTE, his/her salary, retirement benefit, and leave benefits will be prorated accordingly, but all technologists at 51% FTE or more will receive full insurance benefits.

#### A. Merit Salary Adjustment/Performance Evaluations

Merit salary adjustments are based on the overall rating indicated on an employee's annual performance report, in accordance with the following procedures:

1. For all ratings, the supervisor must detail the extent to which the employee performs duties according to the Work Performance Standards for his/her position; displays unusual initiative; performs a specially assigned, complex task; etc. The Executive Director or appropriate VP and the Director of HR (or designee) will review these specific performance comments and will return the evaluation to the supervisor if there are not sufficient facts to support the assigned rating.
2. An overall evaluation of *Outstanding* receives an increase in salary based on a merit increase of three (3) steps on the employee's date of record, up to the top step.
3. An overall evaluation of *Above Standard* receives an increase in salary based on a merit increase of two (2) steps on the employee's date of record, up to the top step.
4. An overall evaluation of *Standard* receives an increase in salary based on a merit increase of one (1) step on the employee's date of record, up to the top step.
5. If the overall rating is *Needs Improvement*, the employee is not eligible for an increase in salary based on merit.
6. If an employee's overall rating is *Unacceptable*, he/she is not eligible for an increase in salary based on merit (see Section V.B.7-9).
7. Employees who do not receive a performance evaluation by their date of record will be considered to have *Standard* performance. They will receive a merit increase of one step whether the delay is due to an administrative or clerical error, or an unanticipated delay by the supervisor.
8. If a performance evaluation received after the date of record has an overall rating of *Above Standard* or *Outstanding*, it will be processed for accurate pay, effective retroactively to the employee's date of record within the evaluation year. Late evaluations received with a score of less than *Standard* will not affect the pay increase already received by the employee.

#### B. Initial Rate of Salary

Each grade has a specified minimum, midpoint, and maximum step. Salaries offered near the minimum usually reflect employees new to that job (grade) who meet the minimum qualifications. Employee salaries offered near the midpoint usually reflect employees with required and preferred experience who have been performing the duties of the job for at least ten years. Offers above the midpoint must have HR consultation and approval before a salary offer is made.

### **C. Reinstatement**

If an employee is reinstated to a position that is at the same grade or a lower grade than that of his/her former position, he/she may be paid at or below the step he/she held in his/her former position, except as provided in Section III.G.

### **D. Reclassification or Promotion**

See Section VII for changes in compensation based on a reclassification or a promotion.

### **E. Demotion**

An employee may request a demotion to a position in a lower grade level if the employee meets the minimum qualifications of that grade and if a member of the management chain approves. He/she will be paid at a step that is equal to his/her present salary or equivalent to a decrease of not more than two steps, unless the decrease does not fall within the lower grade. In that case, the employee will be paid at the highest step in the lower grade.

Involuntary demotion may be used if other forms of disciplinary or corrective action have proved ineffective. A member of the management chain may demote an employee for any of the reasons cited in Section X.

### **F. Reemployment After Layoff**

If a person is reemployed at the same grade level he/she held before a layoff, there must be no change in the step previously designated.

If a person is reemployed at a lower or higher grade following a layoff, he/she must be placed at a step that most closely corresponds to the grade and step held at the time of the layoff.

### **G. Special Adjustments to Salaries**

HR may approve special adjustments for the following reasons:

1. *To meet a difficult recruiting problem.* If a specific recruitment fails to produce three to five qualified applicants, the salary becomes negotiable within the assigned grade level.
2. *To hire a person with superior qualifications* (i.e., experience and education exceed stated requirements and are directly related to the duties of the position). The salary in this situation is also negotiable within the grade of the position.
3. *To make a temporary salary adjustment* for an employee who works out of grade on a continuing basis for six months or less at the request of his/her supervisor. In no case may a supervisor require a technologist to work out of grade beyond six months. To request a special adjustment to salary, appropriate documentation must be completed by a member of the management chain, and forwarded to the HR Office to be processed. A temporary special adjustment authorized by this section does not constitute a promotion and will not adjust the employee's title.
  - a. If an employee assumes the majority of the duties and responsibilities of a position with a higher-grade level for fifteen (15) consecutive workdays, he/she will receive an adjustment in salary that shall be retroactive to the first workday he/she assumed said responsibilities.
  - b. The adjustment will be within a pay grade that is equitable to the job responsibilities, duties, and skills that he/she is temporarily assigned.

- c. The salary adjustment for working out of grade must be revoked when the conditions out of grade cease to exist. The employee's salary will then return to what it was prior to the temporary adjustment.

#### **H. Dangerous Duty or Duty Involving Physical Hardships**

Dangerous duty means work performed under such dangerous circumstances that an accident could result in serious injury or death. Duty involving physical hardship work that involves extreme physical discomfort that is not adequately alleviated by protective or mechanical devices.

Additional compensation equal to 10% of an employee's basic rate of pay must be paid for each hour in which he/she performs any dangerous or physical-hardship duty. This compensation applies only to employees who are subject to unusual physical hardship or dangerous duties that are not an inherent part of the job. These duties may appear in the job description, but must not be performed with sufficient regularity to constitute an element in determining the grade of the position or in evaluating the performance of the employee.

Under the conditions described above, the following groups are entitled to receive increased pay for dangerous or physical hardship duty:

1. Employees engaged in scuba or skin diving;
2. Employees who perform duties at a height of more than 16 feet above the floor in a building or 16 feet above ground level outside of a building, if the work is performed on portable equipment or outside of railed or protected areas;
3. Employees (except pilots) for time spent in single-engine aircraft or helicopters when required to do so by the supervisor; and
4. Others as may be recommended by a member of the management chain and approved based on the management chain.

#### **I. Compensation for Being Called Back to Work**

An employee must be credited with at least two (2) hours of work at the rate of time and one half of the employee's hourly rate, as specified on the Technologist Compensation Schedule, when he/she is called back to work on an unscheduled basis if:

1. The work begins more than one hour after completion of the work shift, but ends more than one hour before the next scheduled work shift, and the time for beginning the work was not set at his/her request.
2. He/she is called back to work without having been notified before the completion of his/her last normal workday; or
3. He/she is called back to work on his/her regularly scheduled day off, holiday, or annual leave day.

This section does not apply to any employee who performs duties that are not in the nature of an emergency and do not require immediate action. It applies to duties that are performed pursuant to an understanding with the supervisor whereby the employee is given discretion as to the time of performance of the duties and the duties are initiated by the action of the employee. In such a case, the employee receives compensation at the appropriate rate only for the actual time spent in the performance of those duties.



## **J. Compensation for Working on Holidays**

In addition to regular pay, an employee who is required to work on a holiday must document "Holiday worked" in Workday for hours worked up to a maximum of 40 hours in the workweek. These hours will be paid as additional straight time and are eligible for PERS salary contributions. For any additional hours worked over 40 hours in the holiday workweek, please document the additional hours as "Overtime-Weekly" in Workday. The additional overtime-weekly hours worked will not count as a PERS contribution. (Effective 1/1/18)

## **K. Computation of Payment for Holidays**

An employee must be in paid status on the workday before or after the holiday to qualify for holiday pay. If an employee is on leave without pay on the workday before or after the holiday, his/her holiday pay will be prorated at the rate of one hour of holiday pay for every two hours in paid status. An employee who terminates employment the day before a holiday or who is hired the day after the holiday does not receive any holiday pay.

## **L. Overtime**

### **1. Definition**

According to the Fair Labor Standards Act (FLSA), all nonexempt employees are eligible for overtime pay when an employee works in excess of 40 hours in one workweek (see Section IV for workweek definition) or 8 hours in a day if their wage is less than 1.5 times the minimum wage. Overtime must be kept to an absolute minimum to be consistent with the basic purpose and operating procedures of the Institute. If overtime is necessary, it must be authorized and communicated in advance by the supervisor to the employee at least four (4) hours before being worked, unless an unpredictable emergency prevents prior approval and communication.

Credit for overtime worked by technologists must be earned at the rate of time-and-one half. Paid leave status is considered as time worked in calculating overtime.

### **2. Preapproval Required for Estimated Overtime**

If an employee identifies the need for overtime, he/she first must acquire the authorization for that overtime from the supervisor. Preapproval is required to ensure continuing fiscal accountability to sponsors of DRI, fairness for all its employees, and compliance with the FLSA, which mandates that nonexempt employees be compensated for all overtime worked. In accordance with policies of the NSHE and the State of Nevada, all overtime of 15 minutes or more (i.e., quarter-hour increments) must be reported. Workday will automatically round overtime in six minute increments.

After one hour of overtime is accumulated in any pay period, the technologist must receive approval from a member of the management chain to work additional overtime, who then approves it electronically in Workday.

### **3. Compensation for Overtime**

- a. Overtime Pay: All overtime worked by a technologist must be recorded for reimbursement in the pay period during which it was worked.
- b. Compensatory Time Off in Lieu of Pay: Per the FLSA, employees of a public agency may receive compensatory time off in lieu of overtime compensation, also at one-and-one-half times the regular rate. Within the parameters that follow, compensatory time may be taken at a time that is mutually agreeable to both parties. The goal is to balance to the extent possible the needs of the department and the employee's request.

### Section III: Compensation

Compensatory time must be taken either within two months of the date(s) the overtime was worked; OR, depending on which comes first, before the end of a fiscal year; OR, if the employee's salary/overtime is charged to a grant or contract, one month prior to a contract's end date. The employee and the division/department business manager must have a Technologist Compensatory Time Agreement form on file and will record and use compensatory time in Workday.

**NOTE:** *If any of these parameters prevent an employee from taking compensatory time off for overtime earned, the employee shall receive payment for the overtime worked.*

- c. Employees working less than full time but at least 51% FTE will earn straight time for additional hours worked up to 100% FTE within a work week. Compensatory time can be requested in lieu of straight time pay, which is then earned hour for hour until 100% FTE is met.

#### 4. Compensation for Standby (On-call) Status

A technologist is entitled to receive additional pay, at the rate of 5% of his/her regular hourly rate for every hour he/she is on standby status. This compensation policy, approved by the State, directly impacts the DRI technologists on the Custodial/Maintenance and Safety/Security staff who are required to rotate phone duty on weekends in the event of a safety or security problem at one of the Institute's facilities.

An employee is considered on standby status under the following circumstances:

- a. He/she is directed to remain available for notification to work during specified hours that are outside his/her customary work schedule;
- b. He/she is prepared to work if the need arises, even though the need to work may not arise;
- c. He/she is able to report to work within a reasonable time to perform on-call duty;
- d. He/she is directed by the supervisor to carry a phone, provide a telephone number where he/she may be contacted throughout the time he/she remains on standby status, or provides any other acceptable means for immediate notification; and
- e. He/she is allowed to use for personal pursuits the time that he/she is waiting for notification to work.

When an employee begins the performance of regular duties after receiving notice to work during the standby period, he/she ceases to be on standby status, and thus qualifies for straight time or overtime pay, whichever is applicable, for the actual time worked. Upon completion of the work, he/she returns to standby status and compensation for the remainder of the time he/she has been directed to be available to work.

### M. Compensation for Time Spent Traveling/Training

#### 1. Travel

Travel that is not the ordinary home to work that was performed for DRI's benefit and at its request and is part of the principal activity must be compensated time for a technologist. Generally, travel time of a technologist during the workday, such as travel to and from field sites and time spent traveling to a central location to receive instructions or pick up equipment will be counted as hours worked.

- a. An employee who is otherwise entitled to pay for overtime may earn overtime for traveling if:
  - i. His/her actual work time and the travel time exceed the normal workday of at least 8 hours; or

- ii. The travel occurs on his/her regularly scheduled day off.
- b. Such an employee begins traveling when he/she leaves the work station, or home if so authorized, and continues until he/she reaches the geographical location for his/her work assignment.
- c. In determining the amount of travel time granted, the overtime claimed for additional reimbursement must be justified against the "normal" travel time. If the additional travel time was caused by the employee's choice of transportation, overtime compensation will not be paid for the portion of travel time that exceeds the "normal" travel time. Unless the appointing authority determines that the additional travel time is justified, an employee who has travel layovers or delays in his/her transportation is limited to 4 hours of overtime, if applicable, plus per diem expenses. An employee may not be compensated for the time spent traveling during the normal time he spends commuting to and from work.
- d. An employee who must travel and stay over to continue work on the next regularly scheduled workday is not considered to be working on his/her regularly scheduled day off and is not eligible for overtime pay. Such an employee is allowed to claim the standard per diem expenses.
- e. Any travel by an employee on a holiday will be compensated pursuant to Section III.J, K.

2. Training

Compensability for an employee's time spent in training programs, lectures, and safety meetings depends on the following and must be met for the activity not to be counted as work time:

- a. Attendance must occur outside the employee's regular working hours;
- b. Attendance must be voluntary;
- c. Employee must not do any productive work while attending; and
- d. Programs, lectures, or meetings should not be directly related to employee's job.

**N. Compensation for Emergency and Campus Closures**

See DRI Administrative Manual.

**O. Retained Rates of Pay**

- 1. An employee who is reclassified downward through no fault of his/her own is entitled to a retained rate of pay if either of the following conditions exists:
  - a. Immediately preceding the downward reclassification, the employee had been in the same grade for a full-time equivalency of six months (if less than six months, the rules for demotion, Section III.E. apply); or
  - b. The reclassification is the result of reorganization or another legitimate reason over which the employee has no control.
- 2. If an employee is entitled to a retained rate of pay, the following procedures apply:
  - a. The employee's pay remains unaffected for 24 calendar months from the date of the downward reclassification (with the exception of COLA). If the employee's salary does not fall within the

range of the lower grade within this 24-month period, the pay will be adjusted to the highest step within the lower grade.

- b. If the employee voluntarily accepts another position within the 24-month time period, he/she may no longer retain his/her previous rate of pay.

**P. Cost of Living Adjustment (COLA)**

A cost of living adjustment is an increase in an employee's salary to address increases in the cost of goods and services. COLA is only authorized when the State of Nevada, NSHE, and DRI all formally approve a COLA pay adjustment. All regular and temporary technologists employed on July 1 of a year in which a COLA is authorized will be eligible to receive a COLA salary adjustment based on the Technologist Salary Schedule for that Fiscal Year.

**Q. External Equity Adjustments**

**1. Definition**

- a. An external equity adjustment is an increase in the salary of a position "to address recruitment and retention problems based on market disparity" (NV Senate Bill 84). When instances of such disparity place the Institute at risk of losing valued employees, a technologist or a member of the management chain may request an external salary review from the HR Office.
- b. A person who is new to a position must be in place for a minimum of six (6) months before an equity adjustment can be considered.

**2. Requirements and Process**

- a. To ensure comparability of position(s) with market position(s), a current copy of the position's Work Performance Standards for each employee holding that position must be on file in the HR Office or provided along with the Request for Equity Review of Salary Form.
- b. When the Director of HR receives a request for a review of external salaries for comparable position(s), he/she will:
  - i. Conduct the market survey with input from the supervisor and employee(s) to ensure that comparable market positions are being reviewed; and
  - ii. Forward a copy of the request and all market survey data to the current members of the TAC Reclassification and Equity Review Committee.
  - iii. The Director of HR and the TAC Reclassification and Equity Review Committee will assess, independently of each other, whether the results of the market survey justify an equity adjustment.
  - iv. The TAC Reclassification and Equity Review Committee will forward its recommendation to the Director of HR who will forward both TAC's and the Director of HR's recommendations to President for final decision.
  - v. The effective date of the approved equity adjustment will take place on the date the request was received in the HR Office or, if a member of the management chain requests it, to a date that is retroactive to the date that the request was received by the Executive Director or appropriate VP.

3. *Basis for Equity Adjustment Denial*

- a. An equity adjustment may be denied by a member of the management chain if the salary increase has a detrimental financial impact on the department's budget or there is a restructuring and/or reorganization of the work unit(s). The reason for delaying an equity adjustment must be documented in writing.
- b. If the equity adjustment is merited but the financial impact does not allow the increase, the request automatically will be reconsidered the following fiscal year.

**R. Date of Record**

1. The date of record indicates the first day of the month that annual performance evaluations are scheduled, which is the first day of the month in which the employee was assigned to their current grade or new position. The date of record changes with reclassification/promotion of a grade, as a result of a lateral transfer from a recruited position, or a paid/unpaid absence of more than a month.
2. If an employee receives a promotion/reclassification that results in an increase of at least a grade, he/she must receive a new date of record that corresponds to the first day of the month in which the promotion or reclassification took effect.
3. An employee who is demoted retains the date of record of his/her former position.
4. If the date of an eligible employee's promotion/reclassification coincides with his/her date of record, an increase in salary based on merit must be granted first and the promotional increase must be applied to the higher rate.
5. An employee's date of record must be adjusted for the amount of time in excess of a month's absence (consecutive working days) of paid leave, leave without pay, or catastrophic leave in an employee's evaluation year.

## IV. ATTENDANCE AND LEAVE

### A. Workweek

1. The normal workweek for DRI employees is 40 hours. The workweek begins at 12:00 a.m. on Sunday and ends at 11:59 p.m. on Saturday.
2. The normal workday for DRI employees consists of two, 4-hour work periods separated by a half-hour to 1-hour meal period. During each 4-hour work period, an employee may take an additional 15-minute paid break. Employees are required to take a half-hour unpaid meal-break after a maximum of 6 hours worked.
3. Each employee shall, during his/her hours of duty as an employee and subject to such other laws or regulations as pertain thereto, devote his/her full time, attention, and efforts to DRI employment.

### B. Flexible Work Schedule

Employees, with the approval of their supervisor, may work a flexible schedule within a workweek. The employee should record the amount of time worked each day and the week's total should equal the FTE for the position's workweek. If an employee works more than the scheduled hours per day, he/she can adjust the remaining work hours to equal 40 hours per week.

### C. Employees Are Required to Report Absences

Within 15 minutes of the employee's customary starting time, an employee who will be absent from duty shall report the absence and the reason for it to his/her supervisor or designated representative. Unauthorized and unreported absences will be grounds for progressive disciplinary action, up to and including termination.

### D. Annual Leave

Technologists accrue annual leave of 1.25 days (10 hours) for each month of continuous, full-time service based on years of service from years one through four. A part-time employee will earn a prorated amount of annual leave based on the FTE worked. During the first six months of employment, annual leave is earned but no leave may be taken.

#### 1. Annual Leave: Long-term Employees

- a. An employee who has completed 5 years or more but fewer than 10 years of continuous full-time DRI or NSHE service is entitled to 1.5 days (12 hours) of annual leave for each calendar month of service.
- b. An employee who has completed 10 years or more, but fewer than 15 years of continuous full-time DRI or NSHE service is entitled to 1.75 days (14 hours) of annual leave for each calendar month of service.
- c. An employee who has completed 15 years or more of total full-time DRI or NSHE service is entitled to 2 days (16 hours) of annual leave for each calendar month of service.
- d. The date an employee becomes eligible for an increased rate of annual leave must be delayed one day for each day of leave without pay in excess of 30 working days in any one calendar year.

2. Annual Leave: Authorized Use

A member of the management chain shall determine the time when annual leave is taken after considering the needs of the department, seniority, and requests from other work-unit employees. Annual leave must be approved before the time off is taken and it may not be granted in excess of the annual leave balance available on the leave program.

If an employee submits a written request for annual leave at least two months in advance, it must be honored except for good and sufficient reason. The approval or denial must be in writing within 15 workdays after receipt by the supervisor of the written request for leave.

3. Annual Leave: Payment upon Termination of Employment

Upon termination of employment from DRI after six months of continuous service, an employee must be paid a lump-sum payment for any unused annual leave that was earned through the last day worked. If this date is earlier than the last day of the month, the annual leave balance must be prorated.

4. Annual Leave: Credit upon Reemployment

If an employee returns to DRI following a resignation of less than one year, the employee may use annual leave immediately upon accruing it. If the break in service is more than one year, the employee is eligible to use annual leave after 6 months of continuous service. Any employee returning to DRI after more than one year from the date he/she resigned will begin accruing leave at the initial rate of 10 hours/month.

5. Annual Leave: Credit upon Reinstatement

An employee who is reinstated within one year after being laid off is eligible to accrue annual leave at a rate based on total DRI service, use annual leave immediately upon accruing it, and have the amount of unpaid annual leave restored in the event that the employee had not completed six months of employment prior to the layoff.

6. Annual Leave: Limitation

Annual leave may be accumulated from calendar year to calendar year and may not exceed 30 working days (240 hours). Any accumulated annual leave in excess of 30 working days will be forfeited at the end of the business day each December 31<sup>st</sup> or the last business day of the calendar year.

7. Annual Leave: Sell Back

If a full-time employee has accrued at least 120 hours (prorated for reduced FTE) of annual leave and if the employee takes annual leave of a minimum of 5 consecutive work days, then the employee may sell a minimum of 5 days of annual leave back to DRI at his/her average hourly rate of pay at the time of the absence. The maximum amount of leave that may be sold is equal to the amount of leave that the employee actually takes, subject to the restriction that the balance of accrued annual leave remains  $\geq 0$  hrs.

**E. Sick Leave**

Technologists accrue sick leave with pay of 1.25 working days for each full-time month of service. Part-time employees accrue sick leave on the prorated basis of 1.25 days of credit for the equivalent of one month of full-time service. Sick leave may be used as it is accrued according to the leave balance indicated in the leave program. Sick leave cannot be used before it is fully earned each month and an employee cannot borrow leave and pay it back later.

## Section IV: Attendance and Leave

### 1. Sick Leave: Authorized Use

An employee is entitled to use sick leave when:

- a. Unable to perform the duties of his/her position because of sickness, injury, or physical incapacitation due to a medical condition;
- b. Quarantined;
- c. Receiving required medical, psychological, vision, or dental service or examination (only under special circumstances will sick leave travel time greater than ½ day each way be granted with approval by HR and the supervisor);
- d. Receiving counseling through the Employee Assistance Program for a condition that would qualify under this section; or
- e. There is an illness or other authorized medical need in his/her immediate family (defined below) or other members of his/her household. A member of the management chain may require that the request for sick leave be accompanied by certification from a physician or other qualified person as to the actual need for the employee's assistance. The certification must identify the family member's or other household member's illness and contain:
  - i. An explanation of the seriousness of the illness;
  - ii. An estimate of the probable length of time the employee's assistance will be required; and
  - iii. An explanation of the exact role of the employee while in attendance.
- f. A member of the management chain may also request that the employee submit supplemental information.

### 2. Sick Leave: Death of a Member of the Employee's Family or Other Household Member

If there is a death in the employee's immediate family (defined below) or other member of his/her household, the employee may use accumulated sick leave for bereavement leave. The employee and supervisor should discuss prior to the employee's departure the mutual needs of the employee and the employee's work unit. Any days used for such bereavement leave that are not covered by accrued sick leave may be charged to the employee's annual leave account. If the employee depletes both sick and annual leave, any bereavement leave taken thereafter will place the employee in leave without pay status.

Bereavement leave may be used for family members, in-laws, or step relatives within the third degree of consanguinity or relationship, or members of the household.

### 3. Sick Leave: Absences in Excess of Three Work Days

A member of the management chain may authorize sick leave after determining that the absence was for an authorized reason. For absences in excess of three consecutive work days, or for cases of suspected abuse, a member of the management chain may require that the employee submit substantiating evidence, which may include but need not be limited to a medical provider's certification. In instances of hospitalization or an absence covered by sick leave for more than three (3) consecutive workdays, an employee *must complete a request for family and medical leave (FML) and if that leave request qualifies as a reason under the Family and Medical Leave Act (FMLA), his/her medical provider needs to complete the FMLA Certification.*



4. *Sick Leave: Payment upon Termination*

Upon retirement, voluntary termination, termination through no fault of his/her own, or death while in DRI employment, the employee or his/her beneficiaries are entitled to payment for the employee's unused sick leave in excess of 120 hours, or prorated based on the starting FTE:

- a. for 5 years of service or more, but fewer than 10 years, not more than \$1,500
- b. for 10 years of service or more, but fewer than 15 years, not more than \$2,500
- c. for 15 years of service or more, but fewer than 20 years, not more than \$4,000
- d. for 20 years of service or more, but fewer than 25 years, not more than \$6,000
- e. for 25 years of service or more, not more than \$8,000

To calculate the unused sick-leave payout, the HR Office will subtract 120 hours, or prorated hours based on the starting FTE, from the accrued sick leave balance and multiply the amount by the hourly rate (per Technologist Compensation Schedule) for a subtotal. Then the number of full-time years of service or the prorated equivalent will be determined. If the amount calculated exceeds the maximum payout for the number of service years (as shown above), the employee will receive the lesser amount.

5. *Sick Leave: Placing Employee on Sick Leave*

A member of the management chain may place an employee on sick leave if, due to a known or suspected illness, the employee is not performing at the level required by his/her position or the illness is such that it appears to be contagious.

6. *Sick Leave: Limitation*

The employee may accrue a maximum of 90 working days (720 hours) of sick leave, which he/she is entitled to carry forward from one year to the next. Any sick leave in excess of 90 working days will be forfeited at the end of the business day each December 31<sup>st</sup> or the last business day of the calendar year.

7. *Sick Leave: Separation from Service*

An employee who is being separated from service earns sick leave through the last working day for which he/she is entitled to pay. If the last working day occurs earlier than the last day of the month, the sick leave must be prorated.

8. *Sick Leave: Credit upon Reemployment or Reinstatement*

An employee who is reemployed within one calendar year of resignation or layoff is entitled to the restoration of the unpaid, unused sick leave with which he/she was credited at the time of termination, if the employee had not completed five years of employment at the time of termination.

Employees who may be reemployed more than one calendar year after separation or who had more than five years of service at the time of separation will not have any sick leave credited upon reemployment.

9. *Sick Leave: Maternity/Paternity*

Maternity leave is not a separate type of leave but it may consist of a combination of sick leave, annual leave, and leave without pay. The provisions of the FMLA may apply to a leave requested for

this purpose. Paternity leave for the birth/care of a newborn or the adoption of a child is granted under the eligibility guidelines of the FMLA.

If an employee has any reason to believe that either they or their unborn child may be affected by a condition at their workplace, they shall report the continued exposure to health hazards related to pregnancy to DRI HR. A member of the management chain may take steps to protect the employee's health, modify their working conditions or make an appropriate adjustment to work assignments or schedules in conjunction with HR.

#### **F. Family and Medical Leave Act (FMLA)**

See the FMLA documents under the Human Resources Policies on the DRI intranet.

#### **G. Catastrophic Leave**

Catastrophic Leave is sick leave that has been donated by individual technologists and/or professionals for the use of a technologist who is facing catastrophic illness or injury. An employee must exhaust their available sick leave and annual leave before qualifying for catastrophic leave and they do not accrue annual leave while on catastrophic leave. Additional details are available in the DRI Administrative Manual.

#### **H. Leaves of Absence without Pay (LWOP)**

With authorized approval, leave without pay (LWOP) may be used when annual and/or sick leave are exhausted or when the employee is not eligible to use annual leave. The Executive Director or appropriate VP may grant leaves of absence without pay for up to 6 months for a satisfactory reason that does not have an adverse impact on the work of the unit or if the reason for the absence would be beneficial to DRI. The President may grant leaves of absence without pay in excess of 6 months.

An employee does not accrue annual leave or sick leave when on LWOP. An employee in LWOP status for one entire calendar month, unless on FML, will be responsible for paying both the employee and employer portions of all insurance premiums. Leave without pay is submitted on a *Leave without Pay* form and sent to the HR Office before LWOP is taken.

If/when the reason for granting the leave no longer exists or for any other *bona fide* reason, a member of the management chain may revoke the leave after notifying the employee in writing (via mail and/or e-mail). The employee must return to work or provide additional justification for extending the leave within 3 working days or the position will be considered abandoned.

#### **I. Civil Leave with Pay**

##### **1. Jury Duty or Serving as Witness**

Civil leave with pay will be granted to an employee who is required, during normal hours of work, to serve on a jury or to serve as a witness in a court or at an administrative hearing, unless he/she is a party to the action. An employee who is granted the leave will be paid his/her regular salary while on the leave, and may retain any fee received for service as a juror or witness. Serving as an Expert Witness for pay requires that the technologist use annual leave.

##### **2. Voting**

Civil leave with pay will be granted to allow an employee time off to vote if it is impractical to vote before or after his/her hours of employment. Request for leave of absence to vote shall be made to the supervisor prior to the day of the election. The supervisor will designate the leave time the employee will take to vote, according to the distance from the place of employment to the polling site up to a maximum of 3 hours.

3. Volunteer Firefighters

All employees shall be paid their regular salary for any time spent away from their regularly scheduled employment while acting as volunteer firefighters of a duly recognized fire department in the protection of life or property during working hours.

4. Public Emergency

The Executive Director or appropriate VP may grant civil leave to an employee whose absence from the job is necessary to meet a public emergency.

**J. Administrative Leave with Pay (ALWP)**

A member of the management chain may grant employee(s) administrative leave with pay (to be charged to a general DRI account to be determined by the President) as follows:

1. To relieve the employee of the duties of his/her position during an active investigation by a law-enforcement agency of a suspected criminal violation or alleged wrongdoing by the employee.
2. For up to 2 hours to donate blood.
3. For participation in or attendance at activities that are directly or indirectly related to the employee's job or employment with the DRI, but which do not require him/her to participate or attend in an official capacity as an Institute employee or any other appropriate reason determined by a member of the management chain.
4. Closure of the employee's office or work site caused by a natural disaster or other similar adverse condition. For example:
  - a. The employee is scheduled to work or is working, but is threatened by hazardous emergency conditions at the work site.
  - b. There is an official closure of an alternate work site where an employee is scheduled to work or is working.
  - c. Any disability situation, such as the employee is unable to climb stairs due to a disability, the elevator in the employee's building is inoperable, and the employee's office is not on the first floor of the building.
  - d. For a required appointment and one follow-up appointment if the employee receives counseling through the Employee Assistance Program.

Time spent in ALWP does not affect the employee's sick or annual leave balances or accrual rate.

**K. Military Leave of Absence**

In accordance with federal law 38 U.S.C. Sec 2021, any employee of DRI who is an active member of a military reserve or the National Guard must be relieved from his/her duties to serve under orders. There will be no loss of regular pay for a period of not more than 15 workdays in any year from October 1 and ending September 30. Such absence will not affect the employee's annual leave balance or accrual.

An employee who performs active military service under the provisions of any national military service or training act or who voluntarily serves in the Armed Forces of the U.S. in time of war is, upon application, entitled to LWOP for the period of such service, plus a period not to exceed 90 days. If your gross State pay is more than your gross military pay, you will be eligible to receive differential pay to supplement your military pay. If within that period he/she applies for reinstatement, he/she must be reinstated to his/her

former position or to a position that has like seniority, status, and pay. If these positions have been abolished, appointment must be to the nearest approximation thereof that is consistent with the circumstances.

**L. Absences without Leave**

An unauthorized or unreported absence must be considered an absence without leave and a deduction of pay will be made for the absence. A deduction of pay may be made for a reported but unauthorized absence when the Executive Director or appropriate VP declines to authorize the leave for reasons that are substantial and justifiable. Unauthorized and/or unreported absences will be grounds for progressive disciplinary action, up to and including termination.

## V. REPORTS OF PERFORMANCE

A technologist's annual performance evaluation cycle is based on each employee's date of hire, adjusted to the first day of the month in which he/she began working at the DRI. A reclassification of one grade or more requires a new *date of record*, which then governs the performance evaluation cycle.

### A. Establishing Work Performance Standards

The Work Performance Standards form provides a written statement of an employee's principal responsibilities and the standards by which both the supervisor and the employee can assess when and how well assignments are being performed.

1. Supervisors are responsible for ensuring that every technologist who reports to them has a copy of his/her current Work Performance Standards, and that the original document is in the employee's personnel file in the HR Office. A member of the management chain must sign approving the Work Performance Standards.
2. The Work Performance Standards must be reviewed annually by employee and supervisor and amended if/when appropriate.

### B. The Annual Appraisal and Development Process

1. The supervisor is responsible for ensuring that each regular and temporary technologist is evaluated annually, regardless of his/her FTE.
2. The Technologist Performance and Evaluation Review form and the preestablished Work Performance Standards must be used in the appraisal process.
3. The evaluation process should include a discussion between the employee and supervisor to ensure that both have an opportunity to revise, delete, add, and understand the assignments for the upcoming year and discuss the performance rating.
4. Each employee is encouraged to keep a record of tasks he/she has performed, which describes the performance of her/his position as stated in the Work Performance Standards, and provide that self-evaluation to his/her supervisor prior to the employee's evaluation. If the employee does not agree with the evaluation, it should be so noted on the employee section of the evaluation form within 5 days of the evaluation. He/she may ask for a member of the management chain to review the rating and they must respond within 10 days of receiving the request. The employee can provide comments on why he/she believes the rating should be changed. Any change of rating will be made with the approval of the President or a VP.
5. Appraisals must be completed the month before an employee's date of record (hence, the required performance evaluation at the end of a new hire's eleventh month with the Institute).
6. If an employee has not received a report of performance by his/her date of record, it must be assumed by the HR Office that he/she has a *Standard* rating until the evaluation is completed and received in the office.
7. No appraisal will be official until it bears the signatures of the members of the management chain. The Director of HR (or their designee) will conduct a final review to determine if sufficient evidence exists to support ratings of *Outstanding*, *Above Standard*, *Standard*, *Needs Improvement*, or *Unacceptable*.

8. If an overall evaluation of *Needs Improvement* is given, another report of performance must be conducted within 60 days. More frequent reports may be made at the supervisor's discretion, but if the rating is not *Standard* or better at the end of the 60-day period, the supervisor shall recommend termination, which is subject to the Hearings and Administrative Review procedures detailed in Section XI.
9. If an overall evaluation of *Unacceptable* is given, the supervisor shall recommend termination, which is subject to the Hearings and Administrative Review procedures in Section XI.

**C. Evaluations at Reclassifications**

A technologist who is reclassified will receive a new date of record. Reclassification will not be considered until after 6 months from the employee's date of record. When a supervisor/employee completes an employee's evaluation they indicate on what date the current Work Performance Standards were established and if they are an accurate reflection of the position's responsibilities. At this evaluation time, any changes to the position duties should be noted in the Work Performance Standards. If the new Work Performance Standards show an increase in the complexity of tasks that have been successfully completed for six months, a request for reclassification should be submitted.

**D. Evaluations at Lateral Transfers**

A technologist who is laterally transferred will receive a new date of record. If six months has expired from his/her previous date of record, an ending evaluation will be completed by the current supervisor. The technologist will receive one merit step if he/she has satisfactorily met the standards of their original position. The new supervisor has the option of increasing the technologist's steps by a maximum of two additional steps at the time of hire into the lateral position.

## **VI. PROFESSIONAL DEVELOPMENT**

### **A. Seminars and Workshops**

Technologists are encouraged to participate in seminars and workshops that will enhance their technical skills, promote their professional development, and improve performance. Paid time will be granted and expenses paid for seminars/workshops that are attended at the request of the supervisor.

If the employee requests permission to attend a seminar/workshop, the supervisor may:

1. Authorize payment of registration fees, travel allowance, and per diem, if appropriate and only if job related;
2. Authorize paid time, but not overtime;
3. Require the employee to use annual leave for work time while attending training; or
4. Deny the request.

The supervisor should document approval or denial in writing based on the appropriateness of the training to job responsibilities.

Technologists are encouraged to join professional associations and to participate in their meetings. Permission to use annual leave to attend association meetings must be made well in advance and will not be unreasonably denied. If the employee is presenting a professional paper at an association meeting, he/she may request paid time.

### **B. Grant-in-aid**

Regular technologists who have completed their probationary period and who are employed 51% FTE or more may be provided with grant-in-aid for up to six (6) credits per fall and spring semester and a total of 3 credits for any summer session for the payment of a specified portion of the tuition at NSHE institutions. If a technologist transfers to DRI from another NSHE institution, completion of six (6) months of continuous NHSE service qualifies the technologist for grant-in-aid during their six (6) month DRI probationary period.

Grant-in-aid for the payment of a specified portion of the tuition may be granted to the legal spouse or domestic partner (if registered with the Office of Nevada Secretary of State) and/or financially dependent child(ren) of a regular technologist who is eligible for grant-in-aid. There is no restriction on the number of credits that meet these criteria.

Employees must be in active status at the time each semester begins. Employees voluntarily resigning or retiring one month or less into the beginning of each semester will have their grant-in-aid benefit deducted from their final paycheck. Refer to the grant-in-aid policy in the DRI Administrative Manual for qualifications.

### **C. Professional Development/Compensated Time**

If a member of the management chain requires any courses or training sessions, paid time may be granted to attend the class.

When the employee requests the course, a member of the management chain may:

1. Grant paid time but not overtime if the course is job related;
2. Authorize a flexible work schedule;

3. Require the employee to use annual leave for the work time spent to attend class; or
4. Deny the request for work time.

Approval must not be unreasonably withheld and reasons for denial must be provided to the employee in writing and filed in the employee's personnel file.

#### **D. Mandatory Training**

1. Occupational Health and Safety Training

NRS 618.376 requires employers to provide workplace safety information to all new employees. All technologists may use either the *Nevada Workplace Safety* brochure or a tape entitled *Nevada Workplace Safety: Your Rights and Responsibilities*. Documentation that the required information was supplied will be maintained in the employee's personnel file.

2. Sexual Harassment

Per Title VII of the Civil Rights Act, amended 1991, sexual harassment in the workplace is illegal. All new employees—whether they have supervisory responsibilities or not—must understand what constitutes sexual harassment, what behaviors will/will not be tolerated, and what the Institute's complaint procedures are in the event that an employee perceives he/she is being sexually harassed. It is mandatory that within each employee's first three months of employment with DRI that he/she attend a Sexual Harassment Training Program and receive a copy of the Board of Regents' Sexual Harassment Policy. This training must be repeated every 2 years from the date of original training completion.



## **VII. RECLASSIFICATION AND PROMOTION: Procedures, Requirements, and Criteria**

### **A. Reclassification from One Technologist Grade to Another**

If an individual hired at a particular grade level is given or assigned and assumes, for a minimum of six months, a degree of responsibility and/or independent decision making more appropriate to a position at a higher-grade level, a possible reclassification should be considered. This is especially true when there is a marked increase in the scope, complexity, and/or degree of independent decision making and if the increased level of responsibility has become a regular rather than a temporary part of the job. Such increases are usually accompanied by a marked reduction in the amount of supervision the employee requires. Typically, such changes evolve gradually over time and are a result of:

1. The changing needs of the work unit, which the technologist proves capable of addressing; and/or
2. The employee's specific capabilities, which prove over time to exceed the level of responsibility originally assigned to his/her position and have clearly become part of his/her job.

Each technologist has the right to request a supervisor's review of the position for possible reclassification. It is the supervisor's ultimate responsibility to be proactive to ensure that each employee is receiving a salary consistent with the changing requirements and expectations of his/her job and consistent with other employees in the organization with a comparable set of requirements/expectations.

An employee or his/her supervisor may request that a position be reviewed for possible reclassification. All such requests are made on the Request for Reclassification form with attachments of the Position Description Questionnaire (PDQ) and Work Performance Standards and must provide evidence that the applicable requirements and criteria have been met and will continue to be required of the position.

To ensure that all the DRI employees are treated equitably and consistently, the Director of HR may also initiate such a review if he/she becomes aware of a possible inequity at a particular grade level or of a possible inconsistency between the level of responsibilities of one position's grade level when compared to the level of responsibilities of another position's grade level.

The review of and approval to proceed with a reclassification request follows a specific sequence, with the starting point being determined by the person who initiates the request.

- Employee initiates: Supervisor must review; determine whether to proceed.
- Supervisor initiates: Supervisor must forward to a member of the management chain for approval to proceed; the Executive Director or appropriate VP must forward to the Director of HR all requests he/she approves for review.
- Director of HR initiates: The Executive Director or appropriate VP must review the request, determine whether to proceed and advise the Director of HR accordingly.

When the Request for Reclassification form and documentation is received in the HR Office, the Director of HR must forward a copy of the request and its attachments to the current members of the TAC's Reclassification and Equity Review (RER) Committee. At that point, the Director of HR and the members of the TAC RER Committee independently analyze the employee's existing and revised (shown with tracked changes) Work Performance Standards and the PDQ for the position and compare them to those of other grade levels. The analysis shall be based on such criteria as:

1. Complexity of job duties;
2. Degree of supervision required;
3. Level of independent decision making;

## Section VII: Reclassification and Promotion

4. Level of mental processes required;
5. Scope of knowledge/skills required; and
6. The potential impact, positive or negative, that the employee's performance may have on the credibility and reputation of his/her work unit, Division, the Institute, its sponsors, NSHE and/or the public at large.

Reaching the top step within a grade is not a valid reason for requesting or approving a reclassification. The Director of HR forwards the recommendations from the TAC RER Committee and the Director of HR to the President. The President makes the final decision.

### **B. Evaluations at Reclassification**

See Section V.C. for evaluations at reclassification.

### **C. Compensation for Reclassifications and Promotions**

If the position an employee holds is reclassified or he/she is promoted, he/she must be placed at the lowest step in the higher grade that meets one of the following requirements:

1. If the employee moves one grade above his/her former grade, he/she must be placed at a step in the new grade that is equivalent to an increase of one step above the former salary.
2. If the employee moves two or more grades above his/her former grade, he/she must be placed at the step in the new grade that is most equivalent to an increase of two steps in the former grade or at the lowest step in the new grade, whichever salary is higher.
3. An additional step, up to 2 steps maximum, may be added to the newly reclassified employee's pay based on performance that has occurred and been documented on the interim evaluation where the reclass occurs more than 6 months after their last evaluation. This additional step or steps should be requested and justified in the reclass package submitted and approved by the submitting manager. Consideration for the number of steps should be based on documented performance, skills, capabilities, and benchmark comparison to other employees in the new classification.

### **D. Promotional Opportunities**

Position announcements of all regular vacancies are placed on DRI's internal and external webpages and are announced at each campus. Regardless of grade level, any regular technologist may apply for a posted professional or technologist position by completing the application process.

## VIII. CONVERSION OR PROMOTION OF A TECHNOLOGIST POSITION (NONEXEMPT) TO A PROFESSIONAL POSITION

See the DRI Administrative Manual for the policies and procedures related to the conversion of a technologist position to a professional position.

### A. Transfer of Benefits when a Technologist is Hired into a Professional Position

#### 1. Leave Accruals

- a. All sick and annual leave accrued for a technologist remaining in Public Employees' Retirement Systems (PERS) will be carried forward not to exceed the maximum accrual allowable for professionals.
- b. A continuing technologist who was recruited into a professional position and enrolls in the Retirement Plan Alternative (RPA) program begins his/her appointment accruing annual and sick leave at the professional rate of two days per month as of the first day of their professional appointment. Accrual rates are prorated for reduced FTEs. To enroll in the RPA program, the employee must have one working day break in service and cash out all accrued annual and sick leave. A refund of contributions must be requested from PERS in order to transfer to the RPA program.
- c. Employees who stay in PERS may transfer all sick and annual leave to their professional leave balances and begin accruing at the professional rate (prorated per FTE). If the employee chooses to cash out their technologist sick leave they will be credited 30 days of professional sick leave (prorated for FTE) and will not accrue sick leave for one year. Technologists with less than five years of service will forfeit their sick leave accrued as a technologist, and then will be credited 30 days of sick leave (prorated for FTE) on the first day of their professional appointment. Sick leave then will begin accruing at the professional rate beginning one year after their initial appointment.
- d. Upon termination, if a technologist was recruited into a professional position and had no sick leave forwarded, 120 hours of sick leave or prorated hours based on the starting FTE will be deducted from their sick leave balance for pay out purposes instead of 240 hours as a professional.

#### 2. Retirement Benefits

A continuing technologist (nonexempt) who moves to a professional position through recruitment or conversion has the option of remaining in the PERS Employee/Employer Paid Plan or enrolling in the Retirement Plan Alternative (RPA) program, under certain conditions. A technologist who wants to enroll in the RPA must terminate employment and request a refund of contributions from PERS. Technologists enrolled in the PERS Employer Paid Plan are not eligible to transfer into the RPA.

- **Remaining in PERS:** A technologist who accepts a professional position and remains in PERS will begin accruing annual and sick leave at the professional rate on the first day of their appointment. No additional sick leave will be credited to the sick leave account.
- **Option to enroll in Retirement Plan Alternative (RPA) program:** A technologist who would like to enroll in the RPA program must have a one working day break in service that must occur on the last working day of the month the employee is in his/her technologist position. The employee must terminate employment from a technologist position and have all his/her unused annual leave paid out as of his/her last working day and will begin accruing annual leave at the professional rate as of the first day of their new appointment. A refund of contributions for an employee who is in the Employee-Employer Paid Plan must be requested from PERS in order to transfer to the Retirement Plan Alternative Program.

## IX. TERMINATION OF EMPLOYMENT

### A. Resignations

#### 1. Regular Technologist

A regular employee who intends to resign may do so by notifying his/her supervisor and a member of the management chain in writing specifying its effective date. The employee should submit the resignation at least two weeks before leaving DRI. After three working days, the supervisor will accept the resignation in writing and forward the resignation to the HR Office. After a resignation has been accepted, it cannot be rescinded without the approval of a member of the management chain. The employee will check out with the HR Office on his/her last day of work to complete exit forms.

#### 2. Temporary Technologist

An employee in temporary employment is required to submit a minimum one-week notice of intent to resign. The employee will check out with the HR Office on their last day of work. A temporary employee must receive at least one-week notice of termination of employment following their six-month probationary period.

#### 3. Benefits at Termination

- Payment of annual leave upon termination of employment (see Section IV.E.3).
- Payment of sick leave upon termination of employment (see Section IV.F.4).

#### 4. Unemployment Insurance

Desert Research Institute contributes to the State pool to fund Unemployment Insurance (UI). This program is managed by the State of Nevada Department of Employment, Training, and Rehabilitation, which sets the eligibility criteria to receive benefits. In the event of an employee's termination, the employee should apply for unemployment benefits at a UI Office.

### B. Layoff

A member of the management chain may lay off a technologist whenever it is deemed necessary due to a shortage of work, funding, elimination of a position, or other material changes in duties or organization.

#### 1. Layoff Notice

A layoff notice shall provide a minimum of 10 working days for employees with one year or less of service. Thereafter, layoff notices will be computed at one day per month of continuous employment, not to exceed 30 working days. Accrued annual leave shall not be considered a part of the termination period and will be subject to separate monetary reimbursement unless expended during the termination period by the mutual consent of the employee and a member of the management chain.

#### 2. Layoff Procedures

A member of the management chain shall determine in what classification the reduction in staff will have the least detrimental effect on the operation of the unit and shall specify layoffs accordingly.

All employees within the classification who are not regular must be laid off before any continuing employee in the following order: temporary employees, then probationary employees. If any additional reductions are necessary, continuing employees must be laid off on the basis of seniority, performance, skills, and abilities. Seniority is only one factor that will be considered in making layoff determinations. Seniority is not controlling.

3. Determining Seniority for Layoff

- a. All continuous time served at the Institute will be counted when computing layoff seniority. This includes all continuous time in a technologist position, as well as in a professional position if it was held immediately before being appointed to the technologist position;
- b. Seniority must be projected and counted up to the established date of layoff;
- c. Seniority for part-time employment must be prorated to its full-time equivalent;
- d. For each annual performance rating of *Unacceptable* or *Needs Improvement* received in the four years prior to a situation requiring layoffs, an employee's seniority will be reduced by one year; and
- e. Authorized leave without pay for more than 30 days in a year will not be counted.

4. Layoff Reemployment

If within one year from the date of layoff, the conditions that caused the layoff no longer exist and the positions are again available, they will be offered to employees who received layoff notices in the order of seniority.

## **X. PROHIBITIONS: Examples of Actions for Disciplinary Action**

No technologist shall, directly or indirectly, give, render, pay, offer, solicit, or accept any money, service, or other valuable consideration for or on account of any employment or proposed employment, promotion or proposed promotion to, or any advantage in a position in the technologist service.

Technologists shall not engage in any employment, activity, or enterprise that is determined to be inconsistent, incompatible, or in conflict with their duties as employees or with the duties, functions, or responsibilities of other employees.

No technologist may seek or accept any gift, service, favor, employment, engagement, or economic opportunity that would tend to improperly influence a reasonable person in his/her position to depart from the faithful and impartial discharge of his/her duties.

On personal time, employees may vote as they choose and express their political opinions on all subjects without any repercussions. However, no employee may engage in political activity during the hours of his/her employment or at any time engage in political activity to secure a preference for a promotion or salary advancement.

Disciplinary action should be corrective and provide the employee with the opportunity where necessary to improve conduct and/or job performance to a standard acceptable by DRI. Disciplinary action is appropriate when an employee performs the examples of prohibited activity listed below:

### **A. Prohibited Activity**

The following conduct, being incompatible with the purposes of an academic community, is prohibited for all employees of the System, shall constitute cause for discipline and may lead to the procedures and disciplinary sanctions established in Section XII.

1. Failure to perform the duties for which the technologist is employed.
2. Failure to maintain a required level of performance as indicated by a rating of standard or higher.
3. Incompetence or inefficiency in performing the duties for which the technologist is employed.
4. Insubordination.
5. Falsification of employment applications or documents submitted to DRI, its member institutions, or its special units or making other false or fraudulent representations in securing employment.
6. Dishonesty.
7. Conviction of any criminal act involving moral turpitude.
8. Being under the influence of intoxicants, or, without a valid medical excuse, being under the influence of controlled substances as defined in the Nevada Revised Statutes 284.406, while on duty, due consideration being given to NRS 284.379. In compliance with the Drug-Free Workplace Act of 1988, the unlawful manufacture, distribution dispensing, possession, or use of controlled substances is prohibited in the work place.
9. Unauthorized absence from duty.
10. Abuse of leave privileges.

11. Personal or professional conduct which shows that the technologist is unfit to remain in the employment position or which has an ascertainable harmful or adverse effect on the efficiency of the technologist's administrative unit.

**B. Additional Prohibited Activity**

1. Commission of any of the acts specified in NSHE Code Title 2, Chapter 2, Section 2.1.4.
2. The use or threat of force or violence against any member or guest of the NSHE community, except when lawfully permissible.
3. Interference by force, threat, or duress with the lawful freedom of movement of persons or vehicles on the premises of the NSHE.
4. The intentional disruption or unauthorized interruption of functions of the NSHE, including but not limited to classes, convocations, lectures, meetings, recruiting interviews and social events, on or off premises of the System.
5. Willful damage, destruction, defacement, theft or misappropriation of equipment or property belonging to, in the possession of, or on premises occupied by the NSHE.
6. Knowing possession on any premises of DRI of any firearms, explosives, dangerous chemicals or other instruments of destruction, or other dangerous weapons as defined by the laws of the State of Nevada, without the prior written authorization of the President of DRI or the president's authorized agent, unless such possession reasonably relates to duly recognized DRI functions by appropriate members of the faculty, staff, or students.
7. Continued occupation of buildings, structures, grounds, or premises belonging to or occupied by the NSHE after having been ordered to leave by the President or the President's designee.
8. Forgery, alteration, falsification, or destruction of DRI documents or furnishing false information in documents submitted to the NSHE.
9. Making an accusation that is intentionally false or is made with reckless disregard for the truth against any member of the NSHE community by filing a complaint or charges under any applicable established grievance procedures in the NSHE.
10. The repeated use of obscene or abusive language in a classroom, laboratory, or public meeting of DRI where such usage is beyond the bounds of generally accepted good taste and which, if occurring in a class or laboratory, is not significantly related to the teaching of the subject matter or accomplishing the mission of the lab.
11. Willful incitement of persons to commit any of the acts herein prohibited.
12. Disorderly, lewd or indecent conduct occurring on DRI premises or at a DRI-sponsored function on or off such premises. Any act prohibited by local, state, or federal law which occurs on DRI premises or at a DRI-sponsored function on or off such premises.
13. The use of threats of violence against an employee or employee's family in order to secure preferential treatment for employment or other service or privilege accorded by the NSHE.
14. Any act of unlawful discrimination based on any legally protected category including race, creed, color, gender (including pregnancy related conditions), sexual orientation, age, disability, whether actual or perceived by others, military status or military obligation, gender identity or expression, genetic information, religion or national origin, or any act of employment or educational retaliation against any person who has made a complaint about such discrimination.

## Section X: Prohibitions

15. Sexual harassment includes sexual violence, sexual assault, dating violence, domestic violence, stalking, and coercion or similar acts in violation of state or federal law. Sexual harassment, defined as unwelcome sexual advances, requests for sexual favors, and other visual, verbal or physical conduct of a sexual or gender-bias nature constitute sexual harassment when:
  - a. Educational Environment:
    - i. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's academic status ("quid pro quo"); or
    - ii. Conduct that is sufficiently severe, persistent, or pervasive so as to interfere with or limit a student's ability to participate in or benefit from the services, activities, or opportunities offered by the institution ("hostile environment").
  - b. Workplace Environment:
    - i. Submission to or rejection of the conduct is used as a basis for academic or employment decisions or evaluations, or permission to participate in an activity ("quid pro quo"); or
    - ii. Conduct that is sufficiently severe, persistent, or pervasive so as to create a work environment that a reasonable person would consider intimidating, hostile, or abusive, and which may or may not interfere with the employee's job performance ("hostile environment").
16. Acts of academic dishonesty, including but not limited to cheating, plagiarism, falsifying research data or results, or assisting others to do the same.
17. Willfully destroying, damaging, tampering, altering, stealing, misappropriating, or using without permission any system, program, or file of the NSHE.
18. Acts of hazing. Hazing is defined as any method of initiation into or affiliation with the NSHE community, a student organization, a sports team, an academic association, or other group engaged in by an individual that intentionally or recklessly endangers another individual.
19. Any other conduct that violates applicable stated prohibitions, policies, procedures, rules, regulations, or bylaws of the Board of Regents, NSHE, or a System institution.
20. Dating Violence.

Dating Violence is an act committed by a person who is or has been in a "dating relationship" with the victim: The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. "Dating relationship" means frequent, intimate associations primarily characterized by the expectation of affection or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.
21. Domestic Violence.

Domestic Violence is an act that includes but is not limited to violence which occurs when a person commits one of the following acts against or upon the person's spouse or former spouse, any other person to whom the person is related by blood or marriage, any other person with whom the person is or was actually residing, any other person with whom the person has had or is having a dating relationship, any other person with whom the person has a child in common, the minor child of any of those persons, the person's minor child or any other person who has been appointed the custodian or legal guardian for the person's minor child:

  - a. A battery.
  - b. An assault.



- c. Compelling the other person by force or threat of force to perform an act from which the other person has the right to refrain or to refrain from an act which the other person has the right to perform.
- d. A sexual assault.
- e. A knowing, purposeful, or reckless course of conduct intended to harass the other person. Such conduct may include, but is not limited to:
  - i. Stalking
  - ii. Arson
  - iii. Trespassing
  - iv. Larceny
  - v. Destruction of private property
  - vi. Carrying a concealed weapon without a permit
  - vii. Injuring or killing an animal
- f. A false imprisonment.
- g. Unlawful entry of the other person's residence or forcible entry against the other person's will if there is a reasonably foreseeable risk of harm to the other person from the entry.

22. Stalking:

Stalking is defined to be when a person who, without lawful authority, willfully or maliciously engages in a course of conduct that would cause a reasonable person to feel terrorized, frightened, intimidated, harassed, or fearful for the immediate safety of a family or household member, and that actually causes the victim to feel terrorized, frightened, intimidated, harassed, or fearful for the immediate safety of a family or household member. Stalking includes but is not limited to:

- a. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
  - i. Fear for the person's safety or the safety of others; or
  - ii. Suffer substantial emotional distress.
- b. For the purpose of this definition:
  - i. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person's property.
  - ii. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
  - iii. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

23. Sexual Violence:

Sexual violence is a severe form of sexual harassment, and refers to physical sexual acts or attempted sexual acts perpetrated against a person's will or where a person is incapable of giving consent, including but not limited to rape, sexual assault, sexual battery, sexual coercion, or similar acts in violation of state or federal law.

Sexual coercion is:

- a. the use of violence or threats of violence against a person or the person's family or property;
- b. depriving or hindering a person in the use of any tool, implement, or clothing; or

- c. attempting to intimidate a person by threats or force;
- d. when committed with the intent to compel a person to do or abstain from doing an act that the person has the right to do or abstain from doing.

In the context of sexual misconduct, coercion is the use of pressure to compel another individual to initiate or continue sexual activity against an individual's will. Coercion can include a wide range of behaviors, including intimidation, manipulation, threats, and blackmail. A person's words or conduct are sufficient to constitute coercion if they wrongfully impair another individual's freedom of will and ability to choose whether or not to engage in sexual activity. Examples of coercion include threatening to "out" someone based on sexual orientation, gender identity, or gender expression and threatening to harm oneself if the other party does not engage in the sexual activity.

### **C. Mental or Physical Incapacity**

The inability or incapacity to perform the duties for which the technologist is employed due to mental or physical reasons may lead to suspension or termination of employment with consideration being given to the provisions of NRS 284.379.

### **D. Sexual Harassment**

1. See Sexual Harassment Policy in the Board of Regents Handbook - Title 4, Chapter 8, Section 13.
  - a. Because of the particularly offensive and degrading nature of sexual harassment, the danger of academic or employment retaliation for accusations of sexual harassment and the difficult and tense academic or employment environment which can result while allegations of sexual harassment are investigated or heard, it is the policy of the Board of Regents that, pending the completion of an investigation and/or disciplinary hearing into the allegations of sexual harassment, and only to the extent deemed necessary by the facts of each case, contacts between the complainant(s) and the person accused of sexual harassment shall be kept to a minimum or eliminated altogether by physical separation, assignment to other duties or classes or placement on administrative leave.
  - b. Such action shall be deemed to be without prejudice to any person involved or determination of the truth or falsity of the allegations
  - c. Any such action shall be taken or maintained in such a manner as to afford the least possible disruption to the day-to-day activities of the institution but the ease of reassigning students or employee subordinates in place of instructors or supervisors shall not be a factor in taking such action.
2. An alleged victim of sexual harassment shall have the opportunity to select an independent advisor for assistance, support, and advice. The alleged victim shall be advised at the beginning of the complaint process that he or she may select an independent advisor and it shall become the choice of the alleged victim to utilize or not utilize the independent advisor. The independent advisor may be brought into the process at any time at the request of the alleged victim. The institutional affirmative action officer or the administrative officer shall advise the alleged victim of this right. The means and manner by which an independent advisor shall be made available shall be determined by each institution or unit.
3. Interim measures as described in NSHE Handbook, Title 4, Chapter 8, Section 13, except for administrative leave, may be implemented without a hearing and are not subject to grievance procedures. Interim measures remain in force throughout the disciplinary process and may be made permanent if they are necessary to prevent the reoccurrence of sexual harassment.

## **XI. DISCIPLINARY ACTION**

All decisions shall be based on a preponderance of the evidence (i.e., evidence that establishes that it is more likely than not that the employee violated the rules of conduct).

### **A. Oral Warnings and Written Reprimands**

1. If an employee's performance falls below standard or if an employee's conduct corresponds to any of the examples noted, the supervisor shall inform the employee promptly and specifically of the deficiencies through an *oral warning*, which must be documented in writing and placed in the employee's personnel file. If appropriate and justified, following a discussion of the matter, a reasonable period of time for improvement or correction may be allowed before initiating additional disciplinary action.
2. In situations where an oral warning does not cause a correction of the condition or where a more severe initial action is warranted, a *written reprimand* must be presented to the employee and a copy placed in the employee's personnel file in the HR Office. A written reprimand may not be appealed beyond the Executive Director or appropriate VP.

### **B. Suspensions**

If a written reprimand has not resulted in improvement or correction, or if the seriousness of the offense or condition warrants, an employee may be *suspended without pay* by a member of the management chain for a period not to exceed 30 calendar days for any example listed in Section IX.

### **C. Demotions and Dismissals**

If other forms of disciplinary or corrective action have proved ineffective or when the seriousness of the offense or condition warrants, a member of the management chain may *demote or dismiss the employee* for any of the cited disciplinary examples. A member of the management chain, at his/her discretion, may reappoint a demoted employee to his/her former position (if applicable).

### **D. Operating a Motor Vehicle under the Influence as Grounds for Disciplinary Action**

An employee who is convicted of operating a motor vehicle under the influence or of any other offense for which driving under the influence is an element of the offense and the offense occurred while he/she was driving a DRI or a privately owned motor vehicle on DRI business, or who is convicted of the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance at work or on DRI business is subject to the following disciplinary action as determined by the Executive Director or appropriate VP:

1. First offense:
  - a. Suspension for not less than 30 calendar days, or
  - b. Demotion or dismissal.

An employee who is suspended or demoted under this subsection must agree to be evaluated through the Employee Assistance Program and must complete any rehabilitation program recommended by the evaluation. If he/she fails to complete the program, he/she will be dismissed.

2. Second offense within five years, dismissal.

## **XII. HEARINGS AND ADMINISTRATIVE REVIEW; GRIEVANCES**

### **A. Notice of Hearing**

When a supervisor proposes that a regular *employee be dismissed, demoted, or suspended*, the following hearing procedure will be followed unless waived in writing by the employee.

1. The employee must be given at least 10 working days written notice of the proposed action in person or by mail. If mailed, the notice must be sent to the employee's last known address using the U.S. Postal Service's verification of delivery.
2. The date stamped on the verification notice by the U.S. Postal Service is the official date of delivery.
3. The notice of the proposed action must be drafted in consultation with HR and signed by the Executive Director or appropriate VP or his/her designated representative. Upon its receipt, the employee must be advised that his/her signature is not an admission of any of the allegations set forth in the notice and be asked to sign the notice. If he/she refuses to sign the notice, the refusal must be noted in writing on the notice along with the date on which the employee refused.
4. The notice must:
  - a. Specify the proposed date on which the action is effective;
  - b. Specify the charges, and reasons on which the proposed action is based; and
  - c. Inform the employee that a hearing has been scheduled on his/her behalf and specify the date, time, and place of the hearing.

The Executive Director or appropriate VP or his/her designated representative shall conduct the hearing. If the Executive Director or appropriate VP is the supervisor or is otherwise involved with the employee's demotion, dismissal, or suspension, the employee may request that an objective designated representative be chosen to conduct the hearing procedure. The designated representative must be a person with authority to recommend a final decision.

The hearing may not be scheduled on a day that is not a regular workday for the employee. If the Executive Director or appropriate VP or his/her designated representative and the employee agree, the date of the hearing may be changed to the next available working day.

If the employee does not understand the reasons for the proposed action or the procedure, the employee may seek an explanation from the Director of HR or another person in the Institute familiar with the procedure.

5. At any time after receiving the notice and before the hearing, the employee may examine all materials that are to be used by the person conducting the hearing. Upon request by the employee, he/she is entitled to receive a total of up to eight hours of administrative leave with pay to prepare for any hearing regarding his/her suspension, demotion, or dismissal. The employee may respond both orally and in writing at the hearing.
6. The employee must be informed in writing of the Executive Director or appropriate VP's decision regarding the proposed action on or before the effective date of the action.
7. The employee may waive his/her right to a hearing in writing. If the employee does so, he/she may not be dismissed, suspended, or demoted before the proposed effective date.
8. This process is an informal proceeding between the Executive Director or appropriate VP or his/her designate and the employee to determine the reasonableness of the action. Witnesses are not

usually permitted to attend but each party may be accompanied by a person of his/her choice. The administrator hearing the matter has the discretion to allow witnesses to testify in extraordinary circumstances.

9. In computing any period of time prescribed by this section, the day of the act, event or default from which a designated period of time begins to run shall not be included. The last day of the time period shall be counted, unless it is a Saturday, Sunday, or legal State holiday, in which case the time period runs until the end of the next day which is not a Saturday, Sunday, or legal State holiday.

#### **B. Notice and Hearing Procedure under Unusual Circumstances**

The 10-day working notice before dismissing or suspending a regular employee need not be followed if the circumstances give the Executive Director or appropriate VP a reasonable cause to believe that the retention of an employee on active duty poses a threat to life, limb, or property, or increases the risk of harassment, or may be seriously detrimental to the interest of the Institute.

Under these circumstances the Executive Director or appropriate VP may temporarily assign the employee to duties in which the same or similar circumstances do not exist. If a temporary assignment is not feasible the supervisor may:

1. Immediately place the employee on administrative leave with pay until the notice and hearing procedures have been followed; or
2. Immediately suspend, demote, or dismiss the employee. In this case, the Executive Director or appropriate VP shall attempt to inform the employee before the action is taken of the charges against him/her and provide the employee with an opportunity to rebut the charges. The notice and hearing procedure must be followed as soon as practicable after the immediate action.

#### **C. Administrative Review**

Within five working days after the effective date of a dismissal, demotion, or suspension, an employee may request in writing an administrative review before the President to determine the reasonableness of the action.

The President shall grant the employee an administrative review within 20 working days after receipt of the employee's written request unless the time limitation is waived in writing by the employee or there is a conflict with the calendar of the President, in which case the administrative review must be scheduled for the earliest possible date after the expiration of the 20 days.

After an administrative review and consideration of the evidence, the President shall render his/her decision in writing, setting forth the reason(s) therefore. If the President determines that the dismissal, demotion or suspension was without just cause, the action must be set aside and the employee must be reinstated with full pay for the period of the dismissal, demotion, or suspension. The decision of the President is binding on the parties.

#### **D. Procedures when Sexual Harassment is Alleged**

The following additional procedures apply in proceedings alleging sexual harassment:

1. An alleged victim of sexual harassment (complainant) and the employee charged (respondent) shall each have the opportunity to select an independent advisor for assistance, support and advice. The complainant and respondent shall be advised at the beginning of the complaint process that he or she may select an independent advisor and it shall become the choice of the complainant or respondent to utilize or not utilize the independent advisor. The independent advisor may be brought into the

process at any time at the request of the complainant or respondent. The institutional affirmative action officer or Title IX Coordinator shall advise the complainant and respondent of this right at the beginning of the process.

2. The complainant may choose to not permit the matter to be resolved by the informal resolution process or may terminate the informal resolution process at any time prior to a written determination being signed. If sexual assault is alleged, the informal resolution process may not be used.
3. The complainant must be given the opportunity to participate in any pre-hearing procedures.
4. In a hearing involving more than one charged employee, the review board may require a charged individual to be absent from any testimony that is not relevant to that charged individual.
5. The complainant must receive a list of all witnesses at the same time it is received by the respondent.
6. The findings and recommendation of the Title IX Coordinator pursuant to NSHE Handbook, Title 4, Chapter 8, Section 13 shall be considered.
7. The complainant may present witnesses and other evidence at the hearing.
8. The complainant shall be served a copy of the recommendation of the Executive Director or VP and of the decision of the President, except for the discipline imposed upon the charged employee unless the discipline directly relates to the complainant.
9. If the complainant is aggrieved by the recommendation of the Executive Director or VP or by the decision of the President, the complainant has the right to appeal the decision to the President in the same manner as the respondent.
10. With respect to an institutional disciplinary proceeding alleging sexual assault, domestic violence, dating violence or stalking offense, the accuser and the accused must be informed simultaneously of the outcome.
11. The hearing shall be closed unless the complainant requests an open hearing.

#### **E. Resignations during Ongoing Investigations, Hearings, and Appeals.**

In the event a person against whom disciplinary proceedings have been commenced pursuant to Section X or XI resigns, verbally or in writing, from the person's employment prior to the completion of any investigation, hearing, or appeal commenced before receipt of the resignation, then:

1. The provisions of Section VIII.A.1, 2, 3, applicable to resignations shall not apply. The resignation need not be accepted by the appointing authority (or designee), and shall be effective immediately. Unless otherwise mandated by law, the person submitting the resignation shall not be permitted to revoke the resignation under any circumstances.
2. The pending investigation, hearing, or appeal shall immediately cease.
3. In cases involving gender discrimination or sexual harassment, the Title IX Coordinator shall take appropriate action, which may include completing the investigation to the extent reasonably practicable, in order to prevent the reoccurrence of and to remedy the effects of the alleged misconduct.
4. The facts and circumstances of the charge(s) may be cause for denial of an application of employment or work as an independent contractor.

#### **F. Nondiscrimination and Harassment**

Employees who feel aggrieved because of alleged acts of discrimination that are in violation of rights guaranteed by the Institute's Equal Employment Opportunity/Affirmative Action policy statement shall follow the procedures set forth in DRI's Nondiscrimination and Harassment Policy.

### **G. Grievance Defined**

A grievance is an act, omission, or occurrence that an employee feels constitutes an injustice relating to any condition arising out of the relationship between an employer and an employee not related to discrimination and/or harassment, which must be reported or filed pursuant to NSHE Handbook, Title 4, Chapter 8, Section 13. This includes but is not limited to compensation, working hours and conditions, membership in an organization of employees, or the interpretation of any law, regulation, or disagreement. The act, omission, or occurrence must be established with factual information including but not limited to the date, time, and place of the act, omission, or occurrence and the name(s) of other person(s) involved.

It should be understood that DRI has the right to take the following actions in order to carry out its regular operations:

1. Determine the Institute's objectives and determine the methods, means, and number of personnel needed to carry out those objectives;
2. Hire, assign, or transfer employees, introduce new or improved methods of facilities and maintain the efficiency of its operation;
3. Direct employees in the performance of their duties;
4. Change existing methods or facilities;
5. Temporarily lay off or permanently discharge employees due to lack of work or funds;
6. Contract for goods or services;
7. Determine grades, steps, salaries, merit salary increases, and special salary adjustments in accordance with recognized standards;
8. Assign and change work schedules, including hours of work, rest periods, and lunch periods;
9. Discipline or discharge for cause;
10. Take whatever actions may be necessary to carry out its responsibilities in situations of emergency; and
11. Revise or establish procedures.

### **H. Processing a Grievance**

If, through informal discussion, an employee's grievance is not resolved, he/she may seek relief by following the steps below in the sequence shown.

1. An employee who feels aggrieved and wishes to file a formal grievance shall state his/her grievance in writing within twenty (20) working days of the origin of the problem or the date the employee learns of the problem and shall give his/her statement to his/her immediate supervisor. This statement shall contain the following:
  - a. Employee's name;
  - b. Position title;
  - c. Research or administrative unit;

## Section XII: Hearings and Administrative Review; Grievances

- d. Mailing address;
  - e. A brief statement of the nature of the grievance;
  - f. A proposed solution to the grievance;
  - g. Signature of the employee; and
  - h. Date on which the employee signed the written statement.
2. If correction of the matter appealed is beyond the control of the employee's supervisor or if the submission of the grievance to the supervisor is perceived by the employee to be a useless act, the aggrieved employee may appeal directly to the Executive Director or appropriate VP.
  3. If within ten (10) working days after delivery of his/her statement to the immediate supervisor, the employee has not received satisfactory relief, he/she may forward the request to the Executive Director or appropriate VP within ten (10) working days after receiving the immediate supervisor's reply.
  4. If the employee has not received satisfactory relief within ten (10) working days after delivery of the written request to the Executive Director or appropriate VP, he/she may file his/her request with the Vice President for Research (VPR) of the Institute. This must be done within ten (10) working days after receiving the reply from the Executive Director or appropriate VP. If the VPR can resolve the grievance to the satisfaction of the employee, the grievance will terminate at this point.
  5. If the VPR cannot resolve the grievance within ten (10) working days, he/she must hold a hearing within twenty (20) working days after receiving the employee's request. The VPR will convene an Appeals Board, consisting of three members whose responsibilities will be to determine facts and make recommendations to the President. The three members of the Board will be:
    - a. A technologist, to be selected by the employee filing the appeal;
    - b. A member of the department as determined by the President, and agreed to by the concerned Executive Director or appropriate VP; and
    - c. A third member to be mutually agreed upon by the first two members. This third member will serve as Chair of the Appeals Board.

Each party to the grievance (employee and Executive Director or appropriate VP) shall prepare a preliminary written statement outlining the issue and their arguments. These statements will be presented to the Chair and reviewed by members of the Appeals Board prior to the formal convening of the Appeals Board.

The technical rules of evidence shall not apply. However, all testimony and exhibits offered must be relevant to the matter in contention. It shall be the responsibility of each party to the grievance to collect and present all pertinent evidence and to request desired witnesses to appear before the Appeals Board. If there is difficulty in doing this, the party(ies) shall inform the Chair as far in advance of convening of the Appeals Board as possible.

If the employee elects to be represented by legal counsel, at his/her own expense he/she must notify the Chair at least five (5) working days prior to the hearing. Legal counsel also may represent the Executive Director or appropriate VP. Testimony may be presented in statement or question-and-answer form and, at the discretion of the Board, may be recorded and transcribed.



## **I. Grievance Procedures**

The Chair of the Appeals Board shall convene the Appeals Board at the time and place specified for the purpose of hearing the appeal. Written notice of the time and place of the hearing shall be furnished to the parties at least two (2) working days in advance.

The Chair of the Appeals Board shall state the subject of the hearing and the names of the principals. The parties must appear in person and may be represented by counsel. All testimony shall be under oath administered by the Chair. The matter then shall be heard in the following manner:

1. Opening statement for employee;
2. Opening statement for employer;
3. Presentation of employee's case, followed by cross-examination;
4. Responsive presentation by employer, followed by cross-examination;
5. The parties may then respectively offer rebutting testimony only, unless the Board, in its discretion, shall permit additional evidence upon the original cause;
6. Argument for the employee;
7. Argument for the employer;
8. Closing argument for the employee;
9. Closing argument for the employer; and
10. Submission of the case.

At the conclusion of the hearing, the Appeals Board will take the case under submission and will make known its findings and recommendations to the President in writing within five (5) working days. Within five (5) working days after receiving the recommendation of the Appeals Board, the President shall render his/her decision to dismiss the charge, sustain the charge, or take whatever other corrective action he/she deems necessary.

The Appeals Board reserves the right to modify or alter the foregoing procedures where experience and circumstances indicate such action, so long as interested parties have proper notice of any procedural changes, are not prejudiced thereby, and agree to these changes. The Appeals Board may call any employee of the Institute or any other person to give evidence. Employees called by the Appeals Board must appear as directed.

## **J. Grievance Procedures: Work Time Available**

An employee will be allowed reasonable time to process an appeal during his/her normal working hours as necessary without charge to his/her leave. However, this will be limited to discussion of the appeal or filing of the appeal with appropriate officials. Time spent in developing evidence, obtaining witnesses or preparing statements, must be conducted on the employee's own time, either during non-working hours or through the use of authorized leave. Employees who are witnesses will be allowed time off from work, without a charge to their leave account, for time spent in appearing before the Appeals Board.

**K. Providing Assistance to Employee**

Any employee filing a grievance may be assisted and/or represented by any person of his/her choosing if such person agrees to act in this capacity at any step of the procedure except in the initial informal discussion with the employee's immediate supervisor. If the individual assisting is also an employee of the DRI, he/she shall assist on his/her own time. No employee who informally seeks or formally files a request to have his/her grievance reviewed, shall be discriminated against in any personnel action for doing so or for testifying on behalf of another employee or assisting another employee in preparing a grievance report or acting as a representative of any employee requesting a grievance review. The HR Office also has resources and consultation available to all parties to provide assistance in resolving an employee grievance. All hearings on grievance appeals shall be confidential and closed to the public except when both parties agree to an open hearing. The time limitation at various steps in the grievance procedure may be extended by mutual consent.

### **XIII. DEFINITION OF TERMS**

Unless the context states otherwise, the terms used in this manual have the following meanings:

**Break in Service:** Any employment separation.

**Catastrophic Leave:** Catastrophic Leave is sick leave that has been donated by individual technologists and/or professionals for the use of a technologist who is facing catastrophic illness or injury. To qualify, an employee must have an illness or injury that is life threatening (certified by a physician to cause substantial risk of death) or require a lengthy convalescence (more than 6 weeks) or illness, injury, or death of a member of the employee's immediate family. An employee must exhaust their available sick leave and annual leave before qualifying for catastrophic leave and they do not accrue annual leave while on catastrophic leave.

**Continuing Employee:** A regular employee who remains in active status, even if he/she is promoted, demoted, transferred within the Institute, or for any other change in status, so long as his/her service remains continuous (within 12-month rolling period).

**Continuous Service:** Service that is not broken by a separation of employment, regardless of the reason.

**Date of Hire:** The date an employee begins or, after a break in service of more than 12-months, resumes his/her paid employment with the DRI.

**Date of Record:** Indicates the first day of the month that annual performance evaluations are scheduled. The date of record is the first day of the month in which the employee was assigned to his/her current grade or new position. Date of record changes with reclassification/promotion of a grade, as a result of a lateral transfer/promotion from a recruited position, or a work absence of more than a month.

**Day:** Unless specified herein as a workday, the term day refers to a calendar day.

**Demotion:** Any movement of an employee to a position with a lower grade than the position the employee previously held.

**Flexible Schedule:** Employees, with the approval of their supervisor, may work a flexible schedule within a workweek. The employee should record the amount of time worked each day and the week's total should equal the FTE for the position's workweek.

**Full-time Equivalent (FTE):** Percentage of time scheduled to work out of a full 40 hour work week.

**Grade:** The designation of a salary range for a position.

**Grant-in-Aid:** The payment of a specified portion of the tuition at the NSHE institutions for qualified regular technologist and their dependents.

**Lateral Transfer:** Indicates an employee's transfer into a recruited position that is at the same grade as the employee's previous position grade.

**Management Chain:** The management chain follows a standard one-over-one approval, which means that approval of a second organizationally more senior person is required in addition to the approval of the primary supervisor.

**Nonexempt Employee:** The Fair Labor Standards Act (FLSA) defines nonexempt as positions eligible for overtime pay at time-and-one-half for regular rate of pay for all hours worked over 40 hours in a workweek.

**Paid Status:** The time an employee is working or is on approved leave with pay.

**Part-time Employment:** Working less than 100% time or 1 FTE, but greater than 50% or 0.5 FTE.

## Section XIII: Definition of Terms

**Position:** A group of duties and responsibilities that have been assigned to a single job.

**Probationary Period:** The first six months of employment, during which time DRI may terminate employment without advance notice or justification.

**Promotion:** Advancement into a position secured through a recruitment that has a higher grade than the one previously held.

**Reclassification:** A reassignment or change in a position's grade level due to a change in the position's responsibilities. The reclassification may raise the position to a higher grade, reduce it to a lower grade, or move it to another position at the same grade, depending on the significance of changes in the type of work performed and the level of difficulty and/or responsibility associated with such changes. (See Section VII for detailed policies and procedures governing reclassifications.)

**Re-employment:** The employment of an inactive or former employee to a position for which he/she has re-employment rights due to military service, layoff, or reclassification of his/her position to a lower grade.

**Regular Status:** The standing an employee achieves when he/she was recruited into a position and has successfully completed the probationary period for the position.

**Reinstatement:** The employment of a former continuing employee to a position he/she formerly held or to a comparable position. (If the employee resigned from the DRI in a regular position and in good standing, he/she may be reinstated into a same or similar position within one year following termination.)

**Standard Workweek:** A work schedule with the same number of work hours each day and a maximum of 40 hours per week throughout the year. The standard work schedule is Sunday 12:00 a.m. to Saturday 11:59 p.m.

**Step:** A specific rate of pay within a grade.

**Technologist:** Nonexempt employees who have special technical experience, training, and other qualifications that enable them to accomplish the responsibilities necessary to achieve the research goals of the Institute. The technologists provide support in the areas of instrumentation design, laboratory and/or fieldwork, administration, accounting, reception, and facilities support/maintenance.

**Temporary Technologist:** A position that is 51% FTE or more and will not exceed 12 months in duration. When a supervisor determines the need for a temporary technologist, the person may be employed without a recruitment being conducted.

**Workday:** For the purpose of a grievance or an appeal, a workday means a weekday (Monday through Friday, inclusive, excluding holidays.)

**Work Performance Standards:** Written statements of the job duties and results and/or behaviors expected of an employee in an assigned position.

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