BOARD OF HIGHER EDUCATION

MASSACHUSETTS STATE UNIVERSITIES

NON-UNIT PROFESSIONALS

PERSONNEL POLICIES HANDBOOK

JULY 2016

Excluded Executive and Professional Employees
Summary Description of Employment Policies

This document contains a summary description of the policies that apply to those executive and professional employees of the University who are excluded from coverage under any collective bargaining agreement. All references to "employee" or "employees" are therefore references only to such excluded executive and professional employees.

Except in matters governed by particular provisions of law, the University reserves the right to revise, supplement, or rescind any policy from time to time, in its sole and absolute discretion, with or without notice.

No provision of this document or of any other document developed or disseminated by the University constitutes an employment contract or an agreement to continue your employment or any other obligation on the part of the University in regard to your employment. The University reserves the right to change the specific conditions of your employment without notice or negotiation.

Except in matters governed by particular provisions of law, the final interpretation of the policies described in this document or in any other documents developed or disseminated by the University is the exclusive responsibility of the University.

This document has effect on and after July 1, 2016. It supersedes all prior descriptions of the employment policies that apply to the University's employees, including those contained in the document styled "Employee Benefits, Massachusetts State College Non-Unit Professional Administrators" that had effect on March 29, 2012.

For more detailed information about particular benefits, including current rules governing their availability and use, employees should address themselves to the University's human resources office.

1. Salaries

The salary of each employee, including an initial starting salary, is fixed by the University with reference to any salary range that may be of application to the position the employee holds and otherwise with reference to what the University judges to be the relevant market and to the employee's qualifications and experience.

All employees are paid bi-weekly (generally an annual total of 26 pay periods) by direct deposit through the Commonwealth of Massachusetts Human Resources and Compensation Management System (HR/CMS).

Each employee's salary is generally adjusted on an annual basis with effect on July 1, the first day of the Commonwealth's fiscal year. Those adjustments when made are made having regard to guidelines published by the Department of Higher Education, the quality of the employee's performance generally and his or her success as a leader and manager, including the assumption of increased or special responsibilities.

The president will make any such arrangements as he or she thinks appropriate for the annual assessment of each employee's performance.

2. Statutory Benefits

As employees of the Commonwealth, employees are entitled to the following statutory benefits.

a. Retirement

i. State Employees' Retirement System

All employees who are not eligible for enrollment in the Optional Retirement Program (see below) must enroll in the State Employees' Retirement System in accordance with the provisions of chapter 32 of the General Laws. The system establishes a defined-benefit plan in which an employee is vested after accumulating the equivalent of ten years of full-time state service. The amount of an employee's mandatory pre-tax contributions is a percentage of regular salary; the percentage has been fixed by law on the basis of the employee's date of entry into the retirement system.

An employee's retirement allowance is determined by a formula based on these factors:

- age at retirement.
- total years of creditable state service
- average of the highest three consecutive years' salary
- group classification

More information about the State Retirement System is available on the State Retirement Board's website at www.state.ma.us/treasury/srb.htm and from the University's human resources office.

ii. Optional Retirement Program

Certain employees (at the State Universities, these are the president, vice presidents and deans), if eligible to enroll in the State Retirement System, are also eligible at the time of their initial employment to enroll in the Optional Retirement Program (a 403(b) plan), which is managed by the Department of Higher Education under the provisions of chapter 15A, §40, of the General Laws. An election to enroll in the Optional Retirement Program must be made within 90 days of an employee's becoming an eligible employee. That election precludes enrollment in the State Retirement System and is generally irrevocable once made.

The amount of an employee's contribution to the Optional Retirement Program is the same as it would be if made to the State Retirement System. The Commonwealth's gross contribution to an employee's account in the Optional Retirement Program is 5% of the employee's regular compensation, but up to one percentage point may go to statutorily required expenditures, including the costs of long-term disability insurance and life insurance.

The Optional Retirement Program is a defined contribution plan. An employee's retirement benefit is therefore based on the total of the funds contributed by the employee and the Commonwealth to the employee's retirement account under the plan and the investment experience of those funds.

iii. 403(b) Tax-Deferred Annuity or Custodial Account

Any employee, including any employee enrolled in the State Retirement System, can purchase annuities or make other investments on a tax-sheltered basis by creating an account with an approved Tax-Deferred Annuity provider. For information about approved plans and applicable requirements, employees should contact the University's human resources office.

iv. Social Security

Massachusetts state employees do not have Social Security taxes withheld from their earnings. Employees who retire with a state pension (under either the State Retirement System or the Optional Retirement Program) and who are also eligible (because of employment elsewhere) for Social Security benefits may have their Social Security benefits reduced by Social Security's windfall elimination provision (www.ssa.gov/pubs/10045.html) or government pension offset (www.ssa.gov/pubs/10007/html). For more information concerning Social Security benefits, employees should contact their local Social Security office.

v. Medicare Taxes

Massachusetts state employees hired on or after April 1, 1986, have Medicare taxes withheld from their earnings. State employees who have been employed without a break in service since before that date are exempt from Medicare tax withholdings.

vi. General

Detailed information about these retirement plans and related matters is available in the University's human resources office. New employees should inform themselves as early as possible about their opportunities and options.

b. Payroll Savings Opportunities

An employee is eligible as of his or her first date of employment to participate in the following:

- The Commonwealth of Massachusetts Smart Plan, which is qualified under Section 457(b) of the Internal Revenue Code and administered by Great West. For information about enrollment procedures, call 1-877-457-1900, or visit the website www.mass-smart.com.
- Flexible Spending Accounts (DCAP and HCSA) are administered by Benefit Strategies. Visit Benefit Strategies website www.benstrat.com for answers to some commonly asked questions about flexible spending accounts.
    - Information about the Dependent Care Assistance Program (DCAP) is available on the Group Insurance Commission website at www.state.ma.us/gic/dcap.htm.
    - Information about the Health Care Spending Account (HCSA) is available on the Group Insurance Commission website at www.state.ma.us/gic/hcsa.htm.
- The U.Fund College Investing Plan is a qualified state tuition plan under Section 529 of the Internal Revenue Code; it is a program of the Massachusetts Education Financing Authority with investments managed by Fidelity Investments. For more information and enrollment forms, call 800-544-2776 to speak with a U. Fund representative at Fidelity Investments or visit the website http://personal.fidelity.com/planning/college/content/ufundfactsheet.shtml.cvsr.

- U.S. Series EE Savings Bonds may be purchased through the Payroll Savings Plan. Authorization cards are available in the University's human resources office. For more information, visit the website www.savingsbonds.gov.
- MBTA transit passes may be purchased through payroll deductions. The cost of the pass is deducted during the first pay period of the month and is federally tax free for the first $110 of the cost. Authorization forms are available in the University's human resources office.

c. Health Insurance

Various plans of health insurance, including individual and family coverage, are available through the Commonwealth's Group Insurance Commission under plans established from time to time pursuant to chapter 32A of the General Laws. The rates at which employees are required to contribute to the cost of premiums under these plans are fixed by statute and are subject to change.

A new employee must return completed enrollment forms to the University's human resources office within ten days of his or her fist date of employment to activate health insurance coverage. Thereafter, coverage can generally be secured only during annual enrollment periods. More detailed information about GIC insurance programs can be found on the GIC's website at www.state.ma.us/gic.

d. Life Insurance

A basic policy of life insurance is available to employees through the Group Insurance Commission regardless of whether an employee has elected health insurance coverage. An employee must enroll in basic life insurance coverage to enroll in health insurance coverage and/or in optional life insurance coverage.

An employee may enroll in optional term life insurance coverage in amounts up to eight times his or her annual salary rounded to the next lower $1,000 minus $1,000. Enrollment requires satisfactory medical evidence of insurability. The cost is based on the employee's age, the amount of insurance purchased and the employee's status as a smoker/non-smoker.

e. Disability Insurance

Long-term disability insurance is available to employees through the Group Insurance Commission at the employee's expense. Enrollment in long-term disability insurance requires satisfactory medical evidence of insurability. Contact the University's human resources office for information on the nature and terms of coverage.

f. Board of Higher Education Non-Unit Employee Health and Welfare Fund

Supplemental insurance is available under the Board of Higher Education Non-Unit Employee Health and Welfare Fund, which is overseen by an independent board of trustees. As of Novembers 1, 2010, an employee is eligible for supplemental insurance in the form of dental insurance under the Board of Higher Education's Non-Unit Employee Dental Care Program. Eligibility begins on the first day of the calendar month following completion of two full calendar months of employment. The insurance is available at the employee's expense. Contact the University's human resources office for information on the nature and terms of coverage.

g. Workers' Compensation Insurance

All employees are covered by the Commonwealth's plan of workers' compensation insurance for injuries incurred in the course of their employment. The plan is established and administered under the provisions of chapter 152 of the General Laws.

h. Military Leave

Employees are entitled to paid leave (and in some instances, unpaid leave) for the purpose of fulfilling certain obligations as members of the National Guard or as members of a reserve component of the armed forces of the United States. These leaves are available under chapter 33, §§59 and 59A, of the General Laws.

i. Leaves under the Family and Medical Leave Act

Subject to the eligibility requirements contained in the act itself, all employees are entitled to be granted leaves under the federal Family and Medical Leave Act. Leaves are available when an employee is suffering from a serious medical condition, when an employee must care for a family member who is suffering from a serious medical condition, when wanted in connection with the birth or adoption of a child, and for certain kinds of military family leave. Leaves under the FMLA are unpaid, but an employee's available paid leave - vacation, sick leave and personal leave - may be used, and may be required to be used, for some or all of the period of the FMLA leave.

A copy of the University's policy on the Family and Medical Leave Act is available in the human resources office.

j. Maternity and Parental Leave

Female employees who have been employed for not less than three months are entitled under chapter 149, §105D, of the General Laws to be granted unpaid maternity leave for a period of up to eight weeks in connection with the birth or adoption of a child. At least two weeks' notice of an employee's expected date of departure on leave and of her intention to return to her employment are required in connection with the taking of maternity leave. A female employee will generally be able to use available sick leave (including sick leave specifically available for use in connection with the birth of a child) for at least a portion of any maternity leave. In most cases maternity leave under these provisions runs concurrently with leave under the Family and Medical Leave Act.

Parental leave shall be available to all employees in accordance with state law.

k. Leave under the Small Necessities Leave Act

Employees are entitled to unpaid leaves of absence for an aggregate period of up to 24 hours annually for the purpose of participating in a child's school activities, accompanying a child to routine dental or medical appointments and accompanying an elderly relative both to such appointments and to appointments with others when related to the elderly relative's care. The requirements governing eligibility for such leaves are the same as those governing eligibility for leaves under the federal Family and Medical Leave Act. In other respects the leaves are governed by the provisions of chapter 149, §52D, of the General Laws.

l. Jury Duty

Paid leave for jury duty is granted as necessary to all employees in accordance with chapter 234A, §48, of the General Laws.

3. Other Paid Leaves

a. Vacation

i. General

The rate at which entitlements to vacation accrue is a function of an employee's length of service; an employee's prior service as an employee of the Commonwealth will be treated as a part of his or her length of service for these purposes if that prior service is continuous with the employee's employment at the University.

ii. Annual Vacations and Rates of Accrual

a.) Effective January 1, 2017, vacation accrues on an hourly basis at rates equivalent to the rates depicted in the following table; accrued vacation is credited hourly on the basis of a 7.5-hour day.

	Length of Service	**Vacation**	**Hourly Rate of Accrual**
A)	Less than 5 years	20 days	.076923 per hour
B)	5 years but less than 10 years	22 days	.088461 per hour
C)	10 years but less than 15 years	23 days	.08846 per hour
D)	15 years but less than 20 years	24 days	.09230 per hour
E)	20 or more years	25 days	.096153 per hour

b.) Notwithstanding the above, no employees hired before January 1, 2017 shall have their vacation accrual rate reduced below their current accrual rate as a result of the implementation of the above accrual rates schedule. However, the above accrual rates schedule will determine all future accrual rates for current employees as they accrue more years of service.

c.) Notwithstanding anything above, all employees who have reached twenty five (25) years of service by December 31, 2017, shall be entitled to begin accruing thirty (30) days of vacation leave on their anniversary date if still actively employed as a full time non-unit employee at that time.

d.) For determining vacation leave entitlement and/or accrual rates status under this Chapter for newly hired non-unit employees, an appointing authority may count the newly hired non-unit employee's relevant years of experience towards their annual vacation leave accrual bracket on the above accrual rates schedule.

iii. Accumulation of Vacation Days

Vacation days not used in the year of their accrual may be accumulated and used in a subsequent year or years. An employee may accumulate no more than 50 days of unused vacation. Effective July 1, 2016, all vacation leave amounts above the fifty (50) day limit shall be forfeited at least once per calendar year. Notwithstanding the above, current employees with accrued vacation leave amounts above the fifty (50) day limit shall have until July 1, 2019 to lower their accrued vacation leave amounts below the fifty (50) day limit. Any employee having more than fifty (50) vacation days on July 1, 2019 shall forfeit all vacation leave amounts above the fifty day limit. Notwithstanding any carry over, no payment of accrued

vacation leave in excess of fifty (50) days shall be made in the event an employee leaves the University or retires.

iv. Termination of Employment

Upon the termination of an employee's employment (whether by resignation, retirement or otherwise), the University will pay an employee (or the employee's estate) the value of any accumulated and unused vacation.

b. Sick Leave

i. Availability

An employee is entitled to use his or her accumulated sick leave whenever an absence is made necessary by illness, including an accident or a disability. The University reserves the right to require that an employee cause his or her medical provider to confirm in writing the medical necessity for any such absence.

An employee may also take up to ten days of his or her accumulated sick leave in any calendar year when his or her spouse, domestic partner, child, stepchild, domestic partner's child, parent, spouse's or domestic partner's parent or relative living in his or her immediate household is seriously ill. An employee may take, and may therefore be requested to take, up to an additional twenty days of his or her accumulated sick leave in any calendar year whenever he or she is granted leave under the Family and Medical Leave Act in connection with the birth or adoption of a child or to care for his or her spouse, child or parent, to care for the child or parent of his or her spouse, or to care for a relative living in his or her household. Sick leave may also be specifically available under Commonwealth policy when an employee has been the victim of domestic violence or when accepting the placement of a foster child in his or her home.

ii. Accrual

Entitlements to sick leave accrue and are credited on an hourly basis at a rate equivalent to 1.25 days for each calendar month of employment. Accrual of sick leave begins immediately upon employment.

iii. Supplementary Sick Leave

At the request of an employee who exhausts his or her accumulated sick leave before being able to return to work, the president may grant additional sick leave of not more than 60 days in any twelve-month period.

iv. Retirement: Sick-Leave Buy-Back

An employee is not entitled to compensation for accumulated sick leave upon leaving his or her employment except upon retirement in accordance with the following requirements. If an employee gives the University not less than three months' advance written notice of his or her retirement date, the University will pay him or her twenty percent of the value of his or her accumulated and unused sick leave ("sick-leave buyback") upon retirement. The president, for reasons deemed satisfactory to him or her, may waive the notice required by the preceding sentence.

An employee who is otherwise qualified to be paid sick-leave buy-back but who, having given notice thereof to the University at the time his or her employment terminates, defers his or her retirement in accordance with the requirements of the State Retirement Act is entitled to be paid his or her sick-leave

buy-back when he or she actually retires, and the value of such buy-back will be calculated on the basis of his or her rate of pay as it was when he or she was last employed as an employee.

c. Holidays

The University observes all legal holidays as paid holidays; there are thirteen:

New Year's Day
Martin Luther King Day
Washington's Birthday
Patriot's Day
Memorial Day
Independence Day
Labor Day
Columbus Day
Veteran's Day
Thanksgiving Day
Christmas Day

Legal holidays that fall on a Saturday are observed on that day. Legal holidays that fall on a Sunday are observed on the following Monday.

The University remains open and conducts its business as usual on both Suffolk County holidays. With appropriate prior arrangements, an employee who is scheduled to and does work on a Suffolk County holiday may take an alternative day off in lieu of the holiday.

d. Personal Leave

Effective January 1, 2017, on the first day of each calendar year, every employee is credited with five (5) days (37.5 hours) of paid personal leave, which is available to be used for any purpose. Employees newly hired after January 1 but before April 1 will be credited with four (4) (30 hours) of such leave on the first day of their employment, and employees newly hired after April 1 but before July 1 will be credited with three (3) days (22.5 hours) of such leave on the first day of their employment. Employees newly hired after July 1 but before September 30 shall be credited with two (2) days (15 hours) of such leave on the first day of their employment. Employees newly hired after October 1 will not be credited any personal leave for the remainder of the calendar year.

e. Bereavement Leave

Employees will be granted paid leave for a period of up to four days in the event of the death of a family member. The duration of the leave will depend on the relationship between the employee and his or her deceased family member, the distance to be traveled to attend the funeral and to deal with related family matters and other like or special considerations. In unusual circumstances, additional unpaid leave may be granted for these purposes.

4. Other Benefits

a. Professional Leave

With the approval of the president, unpaid leaves of absence may be granted to an employee for, among other reasons, the following:

i. Advanced study related to the employee's professional responsibilities;
ii. Participation in exchange programs or cultural programs related to the employee's professional responsibilities; and
iii. Service in a public office.

b. Tuition Remission

All employees, including certain members of their families, are eligible for tuition remission at the public institutions of higher education in the Commonwealth in the manner and to the extent permitted under applicable policies of the Department of Higher Education. Copies of the existing policy are available from the University's human resources office.

Employees are invited to consult with the University's human resources office concerning University-specific policies on tuition remission that may be in effect from time to time.

c. Education Leave

Paid leaves of absence may be granted an employee to attend conferences, seminars, courses of study or like educational events with the president's prior approval on such terms and for such period as the president may in each case determine.

5. Expenses

The University will reimburse an employee for expenses, including travel-related expenses that he or she reasonably incurs in connection with the performance of assigned duties. If an employee is uncertain whether any anticipated expense is one of a kind for which reimbursement will be paid, approval to incur the expense should be sought in advance from the employee's supervisor or, where that is not possible, from the Chief Financial Officer.
Prescribed rates, which the University adjusts from time to time, apply to reimbursements for meals taken while engaged in official travel; for the use of a private vehicle on University business, reimbursement is calculated on the basis of the IRS mileage rate as it is from time to time together with the actual cost of parking and tolls.

6. Termination of Employment

a. Resignation

An employee may resign at any time from his or her employment at the University. The appropriate way to do so is by giving to the president advance written notice of the decision to resign and the date on which the resignation is to have effect. In order to enable the University to plan for any needed transition, employees are urged to give the University at least thirty days' notice of a resignation where that is possible.

b. Retirement

An employee who plans to retire should contact the University's human resources office at the earliest practicable date for assistance with the retirement process.

c. Dismissal

i. For Just Cause

The University may dismiss an employee for just cause at any time and without notice after affording the employee an opportunity to be heard in that regard. For these purposes, just cause includes neglect or dereliction in the performance of any assigned duty, manifest lack of competence in the performance of any such duty, insubordination, dishonesty in connection with an employee's employment (including the misuse of any University moneys or properties), violation of the State Ethics Statute, or conviction of a crime of moral turpitude or a felony.

ii. Other than for Just Cause

The University may dismiss an employee at any time, with or without cause, by giving him or her advance written notice of the effective date of the dismissal. The length of the notice to which an employee is entitled is a function of the length of his or her service; an employee's prior service as an employee of the Commonwealth will be treated as a part of his or her length of service for these purposes if that prior service is continuous with the employee's employment at the University. The length of notice is determined as follows:

Length of Service	**Length of Notice**
Not more than 1 year	None
More than 1 year but not more than 3 years	1 month
More than 3 years but not more than 5 years	3 months
More than 5 years but not more than 10 years	6 months
More than 10 years	12 months

In lieu of granting the whole or any part of the notice described above, the University, in the president's sole discretion, may,

(A) in the case of any affected employee whose employment as an employee within the meaning of this Policy commenced prior to November 1, 2010, pay to such employee, in a lump sum, an amount equal to one hundred percent (100%) of his or her salary for the period by which the notice is foreshortened; and

(B) in the case of any affected employee whose employment as an employee within the meaning of this Policy commenced on or after November 1, 2010, pay to such employee an amount equal to not more than one hundred percent (100%) of his or her salary for the period by which the notice is foreshortened.

7. Non-Discrimination

In the application and enforcement of its employment policies, the University does not discriminate against any person on the basis of age, color, religious creed, handicap, marital status, national origin, race, sex, sexual preference, or veteran status.

The University demands of all employees that they adhere to its prohibitions against discrimination in all that they do in their capacity as employees.

To: Non-Unit Professional Employees

From: Todd Vickstrom, Onboarding, Benefits and Training Specialist

Date: February 15, 2017

Re: Changes to Non-Unit Employee Handbook

The Department of Higher Education recently updated the Non-Unit Handbook with changes that were approved by the Board of Higher Education. There are some amendments that are not reflected in the current update of the document that are applicable to non-unit professional employees. The changes are as follows:

Vesting time for MSERS Retirement:

- For members effective ***before*** **April 2, 2012**, minimum of 10 years of creditable service and attain age 55, OR be any age with a minimum of 20 years of creditable service, to be vested.
- For members effective ***after*** **April 2, 2012**, a minimum of 10 years of creditable service and attain age 60 to be vested.

Calculating retirement allowance:

An employee's benefit rate is determined by age as of most recent birthday, years of creditable service and group classification. The benefit rate is a specific percentage of the amount of average annual rate of compensation:

- For members effective ***before*** **April 2, 2012**, the average is based on the highest consecutive 36 month salary average.
- For members effective ***after*** **April 2, 2012**, the average is based on the highest five year salary average.

For more information regarding the Massachusetts State Board of Retirement, please visit their website at http://www.mass.gov/treasury/retirement/state-board-of-retire/ or contact them via phone at 617-367-7770.

Optional Retirement Program:

An election to enroll in the Optional Retirement Program must be made within 180 days of an employee's becoming eligible.

For more information regarding the Optional Retirement Program, please visit http://www.mass.edu/forfacstaff/orp.

Payroll Savings Opportunities:

Flexible Spending Accounts (DCAP and HCSA) are administered by ASIFlex, Inc. Visit the ASIFlex, Inc. website (www.asiflex.com) for answers to some commonly asked questions about flexible spending accounts.

MBTA transit passes are **not** currently available through payroll deduction.

Holidays:

The University observes the following eleven legal holidays as paid holidays:

New Year's Day
Martin Luther King Day
Washington's Birthday
Patriots' Day
Memorial Day
Independence Day
Labor Day
Columbus Day
Veterans Day
Thanksgiving Day
Christmas Day

If you have any questions about this information, please do not hesitate to contact me at 508-626-4951.