

POLICY: COLLEGE EMPLOYEES
SCOPE: FACULTY AND STAFF
POLICY NUMBER: 3.0
APPROVED: JUNE 1999
REVISED: SEPTEMBER 2005

A college employee is any person who is under the authority and in the paid service of Lamar State College – Port Arthur which is under the jurisdiction and control of the Board of Regents of The Texas State University System, other than independent contractors or consultants.

Faculty – An employee with a specified academic rank holding a teaching appointment for a fixed term as determined by the President of the College and approved by the Board of Regents.

Unclassified Employees – Are appointed without fixed terms. They are exempt from FLSA overtime provisions and usually fill one of three roles. They take part in the management of a department or unit. They manage a unit within a large area. Or, they perform a function that requires special expertise and/or training to a large extent.

Classified Employees – Are appointed without fixed terms. They fill jobs that usually have duties similar to other jobs of like title. They are subject to the overtime provisions of the Fair Labor Standards Act (FLSA).

Administrative Officers - Are appointed without fixed terms. Are vice presidents, deans, and other administrative personnel with executive authority. This authority is delegated from the President. They are exempt from FLSA overtime provisions. They usually fill one of two roles. They direct a large department or area. Or, they perform an administrative function that requires specialized expertise and/or training.

Regular Employees – Are hired to work at least twenty hours per week for at least four and one-half months per fiscal year. Those who are in jobs which require student status as a condition of employment are excluded.

Non-Regular Employees - Are non-student employees who do not work at least twenty hours per week for at least four and one-half months per fiscal year.

Full Time Employee – Are hired to work a forty-hour week.

Part Time Employee– Are hired to work less than forty hours per week.

Student Employee - Are hired to fill positions that required student status. Student employees are ineligible for benefits other than workers' compensation and are not covered by the provisions of this manual. Student employees are limited to 20 hours per week when school is in session.

Hourly Employee – Any non-Student employee whose pay is based on an hourly rate. Appointments are normally temporary unless specifically approved by the appropriate Dean or Vice President. In no case should an hourly employee be allowed to gain regular employee status.

Retiree – Any employee who has discontinued employment subject to retirement contributions under a state plan and is receiving, or is eligible to receive, a benefit under a state retirement plan.

POLICY: EMPLOYMENT
SCOPE: STAFF
POLICY NUMBER: 3.1
APPROVED: JULY 2002
REVISED: SEPTEMBER 2005

1. At-Will Employment

Unless explicitly exempted by written contract, statute, or policy, all employees are employed “at will” and there is not implied contract of employment.

2. Appointment

All appointments to staff positions shall be made on the basis of bona fide occupational qualifications and in accordance with established federal, state, and College policies and regulations.

3. Probationary Period

All new staff employees will be required to serve a six month probationary period. During this period the probationary employee will be ineligible to take any accrued vacation leave and will be expected to make reasonable progress in the performance of job duties. Probationary employees who are terminated or otherwise disciplined are ineligible to file formal grievances. This does not invalidate the employment at will policy.

4. New Employee Orientation

Each new employee will be required to contact Human Resources on or before the first day of work for orientation. Each new employee is required to provide immigration (IRCA) documentation.

POLICY: SALARY ADMINISTRATION
SCOPE: STAFF
POLICY NUMBER: 3.2
APPROVED: JUNE 1999
REVISED: NOVEMBER 2005

1. COMPENSATION

- 1.1 The Human Resources Office will be responsible for the development and maintenance of schedule of compensation for all affected positions.
- 1.2 All classified, non-exempt classifications will be assigned a salary group based on factors such as the State of Texas pay rates for similar positions, labor market surveys, existing salary and budget considerations. New hires will normally be hired at the entry level of the salary group.
- 1.3 Unclassified, exempt classifications will be assigned a salary group based on factors such as the State of Texas pay rates for similar positions, labor market surveys, existing salary, required qualifications and budget considerations.
- 1.4 Recommendations for the changes in rates of pay for individual employees will normally be made during the budget cycle. These include merit or equity types of raises. Changes will be effective September 1 of each new fiscal year. Guidelines for such raises will be established as part of the budget cycle each year.
- 1.5 Employees temporarily assuming different or additional duties due to a vacancy or absence in another position will normally not receive any additional compensation. Employees officially designated as serving in an “acting” capacity may, with Presidential approval, receive additional compensation.

2. PROMOTION

- 2.1 A promotion is a change in class title that provides a higher minimum salary rate, requires higher qualifications, and involves a higher level of responsibility.
- 2.2 Where a qualified employee within a department is available, a department head may request promotion from within to a vacancy or new position. A vacancy created by the promotion must be filled competitively.

3. DEMOTIONS

- 3.1 A demotion is a change in class title that provides a lower minimum salary rate.

4. SALARY REDUCTION FOR DISCIPLINARY REASONS

- 4.1 A classified employee’s pay may be reduced for disciplinary reasons, if this is warranted by the employee’s performance. The reduced salary cannot be lower than the minimum rate of the employee’s current salary group. Pay may be restored to any rate within the same salary group, up to and including the employee’s prior rate, as performance improves without accounting for the increase as a merit increase.

5. LATERAL TRANSFER

- 5.1 A lateral transfer is a change-in-duty assignment of an employee that moves the employee to another class title in the same salary group. When a lateral transfer occurs, the salary can be increased, it can remain the same, or it can decrease within the salary group.

POLICY: DIFFERENTIAL PAY
SCOPE: STAFF
POLICY NUMBER: 3.3
APPROVED: JUNE 1999
REVISED: NOVEMBER 2005

1. LONGEVITY

- 1.1 Longevity pay is provided to all full-time non academic employees who are not on leave without pay the first workday of the month and who have at least two years of lifetime service credit. (Texas Government Code, Section 659.043). Part-time employees do not receive longevity pay on a proportional basis. As shown in the chart below, eligible employees receive \$20 per month for every two years of lifetime service credit up to and including 42 years of service.
- 1.2 Length of service for longevity pay is determined in the same manner as length of service for annual leave. All prior employment with an agency of the State of Texas shall be counted. This does not include service in an independent school district or community college. Prior service is to be counted regardless of method of payment, length of appointment, FTE, continuity of service, or prior eligibility for longevity. One month of service is to be counted for each month or fraction of a month of state employment. In no case shall more than one month of credit be granted for a single calendar month.
- 1.3 Staff Service Awards shall be a means of recognizing staff for service to Lamar State College – Port Arthur. The awards program will recognize employees with five, ten, fifteen, twenty and twenty-five years of service. Service pins and certificates are typically awarded in May for the current fiscal period.

Regular, full-time employees are eligible for service awards. All Lamar service (Lamar University, LSC-O, LIT) will count regardless of method of payment, length of service, or FTE.

Longevity Pay Table

Years of Service	Monthly Longevity Pay	Years of Service	Monthly Longevity Pay
Less than 2 years	\$0	Greater than 24 and less than 26 years	\$240
Greater than 2 and less than 4 years	\$20	Greater than 26 and less than 28	\$260
Greater than 4 and less than 6 years	\$40	Greater than 28 and less than 30	\$280
Greater than 6 and less than 8 years	\$60	Greater than 30 and less than 32	\$300
Greater than 8 and less than 10 years	\$80	Greater than 32 and less than 34	\$320
Greater than 10 and less than 12 years	\$100	Greater than 34 and less than 36	\$340
Greater than 12 and less than 14 years	\$120	Greater than 36 and less than 38	\$360
Greater than 14 and less than 16 years	\$140	Greater than 38 and less than 40	\$380
Greater than 16 and less than 18 years	\$160	Greater than 40 and less than 42	\$400
Greater than 18 and less than 20 years	\$180	Over 42	\$420
Greater than 20 and less than 22 years	\$200		
Greater than 22 and less than 24 years	\$220		

2. BENEFIT REPLACEMENT PAY

Beginning with wages paid on January 1, 1996, the State no longer pays the federal taxes imposed on state employees and state-paid judges under the Federal Insurance Contributions Act (FICA). This payment was commonly known as “state-paid Social Security.” The Legislature offset the effects of the repeal of this Act by instituting Benefit Replacement Pay for eligible employees. To be eligible, an employee must have been employed by the State on August 31, 1995, and must have been:

- o Eligible for the state-paid Social Security contribution under Section 606.064 of the Texas Government Code.

- Using unpaid leave, if the employee would have been otherwise eligible.
- Not working because his or her employment customarily did not include summer months; he or she had contracted to resume employment before September 2, 1995; and such employment would have made the employee eligible for the state-paid tax if the employee had held that position at that time.

Benefit replacement pay is equal to 5.85 percent of the FICA wages earned during the pay period (not to exceed \$16,500 annually) and the additional retirement contribution paid by the employee because of receiving benefit replacement pay.

An eligible employee who leaves state employment for 30 or more consecutive days after August 31, 2005, becomes ineligible to receive benefit replacement pay upon re-employment with the State.

An eligible state employee who retired from state employment on June 1, 2005, or after that date and who receives an annuity based wholly or partly on services as a state officer or state employee in a public retirement system, is ineligible to receive benefit replacement pay upon re-employment with the State. In order to remain eligible for benefit replacement pay, an eligible employee who retired before June 1, 2005, must have returned to work with the State before September 30, 2005. (Texas Government Code, Section 659.126; and Senate Bill 1863 (79th Legislature, Regular Session), Section 13.07).

POLICY: MINIMUM WAGE, OVERTIME, AND COMPENSATORY TIME
SCOPE: STAFF
POLICY NUMBER: 3.4
APPROVED: JUNE 1999
REVISED: NOVEMBER 2005

1. FAIR LABOR STANDARDS ACT

1.1 MINIMUM WAGE

The minimum wage in Texas is linked to the federal minimum wage under Section 6 of the Fair Labor Standards (FLSA) Act of 1938 (29 United State Code, Section 206). Beginning September 1, 1997, the federal minimum wage was \$5.15 per hour.

1.2 FLSA OVERTIME/COMPENSATORY TIME

The Fair Labor Standards Act of 1938 (Title 29, United States Code, Section 201, et seq.) as amended required covered employers to compensate nonexempt (hourly/classified) employees for any hours worked above 40 hours in a workweek at a rate of time and a half, or 1.5 times an employee's hourly pay.

Amendments to the FLSA in 1985, which became effective in 1986, provided that all state government employers other than elected officials, their personal staff, policy advisors, and legal staff were subject to the provisions of the FLSA. These amendments also provided that government employers could choose to compensate their nonexempt employees for overtime in cash or in calculated compensatory time off in lieu of cash payments. If compensation is paid to an employee for accrued time off, the compensation must be paid at the regular rate earned by the employee at the time the employee receives the payment.

Employees subject to the FLSA are entitled to compensation for any hours worked in excess of 40 hours in one work week in one of the following ways:

- The agency can allow or require the employee to take compensatory time off at the rate of 1.5 hours for each hour over 40 hours worked during the workweek.
- When granting compensatory time off is not practical, at the discretion of the employing department, the employee can receive 1.5 times the regular rate of pay in effect at the time the work was performed for each hour worked over 40 during the workweek.

Paid leave and holidays are not counted as hours worked for determining FLSA overtime hours. However, if the total number of hours worked (if less than 40) plus paid leave or paid holidays exceeds 40, the nonexempt employee shall be allowed state compensatory time off equal to the number of hours in excess of 40 hours.

To convert straight-time hours to overtime hours, multiply the total number of straight-time hours by 1.5. To convert overtime hours to straight-time hours, divide the total number of overtime hours by 1.5.

Nonexempt employees may accumulate an overtime credit up to 240 straight time hours of FLSA overtime (160 overtime hours converted to straight time).

Nonexempt employees or their estates must be paid for any unused FLSA overtime at the time of separation from state employment.

1.3 STATE COMPENSATORY TIME

1.3.1 EMPLOYEES SUBJECT TO THE FLSA

If the total number of hours worked (if less than 40 hours) plus any paid leave or paid holidays exceeds 40 in one workweek, the employee shall be allowed compensatory time off

for this additional time on an hour-for-hour basis. The compensatory time off must be used within 12 months of the end of the workweek in which it was earned.

Employees will not be paid for any unused state compensatory time and there are no provisions in statutes or the General Appropriations Act that allow for the conversion of this time to any other type of leave. However, employees at institutions of higher education may be paid for state compensatory time if taking the time off would be disruptive to critical activities.

When an employee subject to the FLSA does not work more than 40 hours in a workweek and the number of hours worked plus the number of hours of holiday or other paid leave taken during the week does not exceed 40 hours, the employee may not accrue compensatory time for the week. Nonexempt, part-time employees must be paid for hours worked over their designated hours (under 40 hours) and may not accrue state compensatory time in those instances.

If an employee does not use state compensatory time within 12 months of when it was earned, the employee loses this time. An employee will not be paid for accrued but unused state compensatory time.

1.3.2 EMPLOYEES EXEMPT FROM FLSA OVERTIME PROVISIONS

An FLSA-exempt employee shall receive his or her full salary for any week in which work is performed without regard to the number of days and hours worked. Exempt employees need not be paid for any workweek in which they perform no work. Exceptions to this general rule include the following:

Deductions may be made for full-day absences for personal reasons other than sickness or disability.

While an employer cannot make deductions from pay for absences of an exempt employee occasioned by jury duty, witness at a judicial action or military duty, the employer can offset any amounts received by an employee as jury fees, witness fees, or military pay for a particular week against the salary due for that particular week without loss of exemption.

Deductions may be made for full-day absences for sickness or disability after exhaustion of sick leave or workers' compensation benefits.

Deductions may be made for penalties due to safety infractions of major significance. Safety infractions of major significance include those relating to the prevention of serious danger in the workplace or to other employees.

Deduction from pay of exempt employees may be made for unpaid disciplinary suspensions of one or more full days imposed in good faith for infractions of workplace conduct rules. Such suspensions must be imposed pursuant to a written policy applicable to all employees. Thus, for example, an employer may suspend an exempt employee without pay for three days for violating a generally applicable written policy prohibiting sexual harassment. Similarly, an employer may suspend an exempt employee without pay for twelve days for violating a generally applicable written policy prohibiting workplace violence.

An employer is not required to pay the full salary in the initial or terminal week of employment. Rather, an employer may pay a proportionate part of an employee's full salary for the time actually worked in the first and last week of employment. An employer is not required to pay the full salary for weeks in which an exempt employee takes unpaid leave under the Family and Medical Leave Act.

State agencies may reduce the pay of FLSA-exempt employees for absences of less than a full day for personal reasons or because of injury or illness when permission to use

leave was not sought or was denied, accrued leave was exhausted, or the employee chose to use leave without pay. (Texas Government Code, Section 659.0169e)(4).

1.3.3 TRANSFER OF PAYMENT OF STATE COMPENSATORY TIME

State Compensatory Time accrued but unused may not be paid to terminating employees.

State Compensatory Time accrued but unused may not be transferred to another state agency.

The Texas Attorney General has ruled that the estate of a deceased employee may not be paid for the employee's earned, but unused, state compensatory time. (Opinion, Texas Attorney General, NO. H-899 (1976).

1.3.4 HOLIDAY COMPENSATORY TIME

An institution of higher education, as defined by Section 61.003 of the Texas Education Code, may allow an employee who is required to work on a national or state holiday that does not fall on a Saturday or Sunday to take compensatory time off in accordance with this statute or may instead pay the employee at the employee's regular rate of pay for that time if the institution determines that allowing compensatory time off would disrupt critical functions.

1.4 PROCEDURE

1.4.1 OVERTIME EARNED

All overtime must have advanced approval from the employee's supervisor. The Request for Overtime/Leave Form (F3.6A) must be completed and signed prior to working overtime.

1.4.2 OVERTIME TAKEN

All overtime taken must have advance approval from the employee's supervisor. The Request for Overtime/Leave Form (F3.6A) must be completed and signed prior to working overtime.

POLICY: **COMPENSATION**
SCOPE: **FACULTY**
POLICY NUMBER: **3.5**
REVISED: **MARCH 2002**

1.1 FULL-TIME FACULTY SALARIES

Nine month contracts may be paid over nine or twelve months, at the option of the faculty member. When a payment option is chosen that method will remain in effect until a written request to change is submitted. New faculty and returning faculty desiring to change method of payment must provide a written request prior to September 15 to the Human Resources Office. (Forms are available in the Human Resources Office.) For new faculty members, if no method is chosen, the nine-month contract will be paid over nine months. The payment method is irrevocable during a fiscal year; all changes must be made at the beginning of the next fiscal year. Faculty members are responsible for reviewing their wage statement to assure that the correct method is being used. (Faculty contracts for less than nine months cannot be paid over twelve months.)

Faculty members with nine-month contracts paid over nine months who do not teach during the summer are required to pay their employee costs of insurance during the summer months. **Failure to pay these amounts will result in cancellation of insurance.**

Faculty members with nine-month contracts paid over twelve months who resign at the end of the spring semester will be paid in lump sum for the balance of their contract.

1.2 PART-TIME AND OVERLOAD SALARIES

Part-time and overload salaries are spread over 4.5 months for fall and 4.5 months for spring. In the fall, checks are distributed on the first working day of October (1), November (1), December (1), January (1), and February (.5). In the spring, checks are distributed on the first working day of February (.5), March (1), April (1), May (1), and June (1).

Part-time faculty teaching eight week courses at a Prison facility will be paid in two equal payments.

1.3 SUBSTITUTE FACULTY SALARIES

Whenever a faculty member is unable to meet his/her regularly scheduled classes for more than two consecutive class periods, a substitute will be paid to cover the classes. The Office of the Vice President for Academic Affairs or the appropriate department will process the Personnel Action Request - F3.2 for pay.

The faculty member is obligated to notify the Dean or Department Chair as early as possible so arrangements can be made for classes. It is the Department Chair=s responsibility to identify the substitute. The faculty member will provide a lesson plan for each class missed.

The substitute must complete the paperwork required of all College employees.

1.4 BENEFITS ELIGIBLE FACULTY

Faculty accruing sick leave must use sick leave to cover absences due to sickness. Eight hours sick leave must be charged for each day of absence.

In the event the faculty member does not have enough sick leave to cover the total absence, he/she will be required to take leave without pay.

1.5 NON BENEFITS ELIGIBLE FACULTY

Faculty who are not benefits eligible and who are absent for two or more consecutive class meetings will not be paid for the classes missed.

POLICY: EMPLOYEE PERFORMANCE PAY
SCOPE: CLASSIFIED STAFF
POLICY NUMBER: 3.6
APPROVED: JUNE 1999
REVISED: NOVEMBER 2005

1.1 MERIT INCREASES

For classified employees, a merit increase consists of an increase within the range of the same salary group. (Texas Government Code, Section 659.255(a)(3). State Agencies may award merit salary increases to employees whose job performance and productivity is consistently above that normally expected and required. (Texas Government Code, Section 659.255(e)(4).

Employees may receive a one-time merit payment following the same criteria used to award merit salary increases. One time merit payments are considered compensation or wages and are subject to retirement plan contributions.

A state agency may award a merit salary increase or a one-time merit payment to a classified employee in relation to his or her current performance if:

- The employee has been employed by the agency in that position for at least six continuous months before the effective date of the increase. Additionally, the effective date of the increase must be at least six months after the employee's last promotion or merit salary increase for performance in that position.
- The agency has established a procedure for determining the eligibility of a classified employee to receive a merit salary increase or a one-time merit payment.
- The employee's job performance and productivity in that position are consistently above that normally expected or required.
- The effective date of the increase is at least six months after the effective date of the agency's last payment to the employee of an enhanced compensation award or one-time merit payment for performance in that position.

The statute does not specify a minimum or maximum amount for either a merit salary increase or a one-time merit payment. Agencies should ensure that merit increases and one-time merit payments are distributed throughout the range of classified salary groups. A merit salary increase should not be confused with a promotion, because a merit salary increase rewards an employee for performance in the same job.

Merit salary increases may be granted to employees whose job performance and productivity is consistently above that normally expected or required. Salary increases for faculty or faculty-equivalent employees shall be awarded on the basis of merit and job performance. This should not be interpreted to preclude salary adjustments designed to avoid salary inequities. (General Appropriations Act (79th Legislature, Regular Session), Article III, Special Provisions Relating Only to State Agencies of Higher Education, Section 5.4 and Section 5.5)

POLICY: STUDENT SOCIAL SECURITY EXCLUSION
SCOPE: STUDENT
POLICY NUMBER: 3.7
REVISED:

1. POLICY

This policy establishes the guidelines for the implementation of IRS Revenue Procedure 98-16 which excludes qualified student employees from Social Security and Medicare coverage. The Omnibus Appropriations Bill, H.R. 4328 passed by Congress included a provision which permits states to exercise the Astudent exception@ option provided in federal law.

2. DEFINITIONS

2.1 Student employees will be defined as eligible for this exclusion if one of the following criteria is met:

Undergraduate Student - The student is enrolled for six (6) credit hours or more for the Fall or Spring semester or the student is enrolled for three (3) credit hours or more for a Summer semester.

2.2 Career Employees who are also students will **not** be eligible even if all other criteria are met. A career employee is defined as one who is eligible to participate in a retirement program and/or does not require student status as a condition of employment.

2.3 Census Date is the date on which Astudent status@ will be determined. The date is the 12th class day for Fall and Spring and the 4th class day for Summer Sessions I and II. Mini-session is considered to be part of the Summer Session I enrollment period.

2.4 Enrollment Period is defined as the semester in which the student was enrolled and working at the college.

3. PROCEDURES

3.1 General Eligibility - Eligibility will be determined by the completion of the F3.2 transaction. The Director of Financial Aid will determine the number of hours the student is enrolled. The payroll office will populate the necessary fields in the Human Resources System using actual enrollment data. This information will not be changed after the census date.

3.2 Current Semester Exclusion will be determined based on the enrollment status on the census date. The exemption will not be affected by added or dropped classes after the census date.

3.3 Work Requirement - Student employees are not allowed to work more than 20 hours per week.

3.4 Semester Breaks - As defined in IRS Revenue Procedure 98-16, a student will be granted the exclusion during semester breaks as long as that period does not exceed five (5) weeks. Students who are working, but are not enrolled, during the summer will not be granted the exclusion. This will apply regardless of whether the student was enrolled during the previous semester and expects to return to the college the following semester.

POLICY: **COMPENSATION DISASTER RE-CALL**
SCOPE: **STAFF**
POLICY NUMBER: **3.8**
APPROVED: **December 8, 2005**
REVISED:

1. POLICY STATEMENT

We at Lamar State College – Port Arthur are committed to supporting the educational mission of the institution through the efficient recovery of services after a disaster.

2. CRISIS MANAGEMENT TEAM

The Crisis Management Team will be assembled should the President (or designee) determine the situation has had a wide-ranging or long lasting effect. The team will consist of the following individuals:

- President
- Vice President for Academic Affairs
- Vice President for Finance
- Vice President for Student Services (Director of Security)
- Director of Physical Plant
- Director of Information Technology Services

The Crisis Management Team will designate the “Key Essential Personnel”.

Key Essential Personnel are employees that will be the first responders for the campus. They will be called upon to return to campus immediately following a disaster or they will set up temporary operations at another site.

3. COMPENSATION

Employees that are designated as “Key Essential Personnel” will receive additional compensation as follows:

- Classified employees will be paid straight time for hours worked up to 40 hours and time and one-half for hours over 40 within the workweek.
- Professional employees will be paid straight time for actual time worked.

4. EXPENSES

“Key Essential Personnel” will receive reimbursement for lodging, meals, and mileage in accordance with the campus travel policies.

5. CERTIFICATION STATEMENT

This APP has been approved by the following individuals in their official capacities and represents Lamar State College - Port Arthur policy and procedure from the date of this document until superseded.

Dr. Sam Monroe, President
Terry Jackson, Director of Physical Plant/Chair Disaster Recovery Committee

6. REVIEWERS OF THIS APP.

This policy will be reviewed annually in conjunction with the Disaster Response and Recovery Committee. Reviewers of this APP include the following:

Dr. Sam Monroe, President
Terry Jackson, Chair Disaster Response and Recovery Committee