SOUTH DAKOTA BOARD OF REGENTS
EMPLOYEE HANDBOOK FOR EMPLOYEES OF THE OFFICE OF EXECUTIVE DIRECTOR,
BOARD STAFF

Prepared:

For:
South Dakota Board of Regents
Pierre, South Dakota
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A Welcome to Our New Employees

It is with pleasure that we welcome you to the staff of the South Dakota Board of Regents. Your appointment to your new position with us is one of which you can be proud.

To our customers and others in the community with whom you will have contact as an employee, YOU are the agency. The extent to which the agency is considered friendly, knowledgeable, efficient, reliable, and trustworthy will be measured by how others see these qualities in you. We hope that you will use your talents in a way that stimulates customer relations. If, during the course of your employment, you find ways to improve the agency's operations or services, or to save the agency unnecessary expenses, the agency welcomes your ideas.

The Personnel Policy and Procedures Manual that follows has been prepared to guide you in better understanding our policies, procedures, and practices concerning employment matters. Also, these policies are to ensure fair and consistent administration for the benefit of all employees. You should familiarize yourself with its contents at your earliest opportunity and keep it handy as a periodic reference source. As changes are made to this manual, we will ensure that you get replacement pages via the Internet so that your copy will always remains current.

As you start employment with South Dakota Board of Regents, you will find that your associates are ready to assist you. You will receive on-the-job guidance to acquaint you with your new duties and responsibilities.

Again, welcome to our team of hard-working and talented staff, and please accept our wishes for success in your new position.

Sincerely,

Mike Rush
Executive Director
A Letter from Governor Dennis Daugaard

Dear State of South Dakota Employees,

Public service is essential to maintaining our democratic society, providing services to our citizens, and helping the state and country prosper. Thank you for your dedication to the State of South Dakota and its citizens.

Beyond day-to-day duties, each State employee, regardless of title or pay grade, is responsible to help maintain the public trust. Any misappropriation of resources, conflict of interest or other illegal activity, undermines the confidence citizens have in our State government. It overshadows the otherwise good work being done for society.

In addition to reading and abiding by the personal responsibility policies outlined here, you are asked to report acts that you believe violate these policies. If you see something, please say something. To create a comfortable atmosphere for recounting such concerns, an internal control officer has been appointed in each department. If you do not feel comfortable discussing your concerns with the internal control officer in your department, you may reach out to an internal control officer from another department or contact your human resources manager.

Thank you in advance for representing yourself and your fellow State employees with integrity.

Sincerely,

Governor Dennis Daugaard
A Letter from Mike Rush

Dear Board of Regents Employees,

Integrity. Ethics. Transparency. Protecting the public trust. You and I not only have the responsibility to maintain the very highest standards in these areas, but also to pass these values along to our students. Our society has long depended on higher education to enhance the ability of our democracy to function effectively and fairly for all of the people that call our nation and state home. We must assist students in their search for knowledge, in understanding themselves and their cultural and physical environments, and in developing the wisdom and skills necessary to function as responsible citizens in society.

As a Regental system employee, you play an integral role in carrying out that mission. Each and every employee has a responsibility to demonstrate to each other, our students, and the citizens of the State of South Dakota, a commitment to making stewardship and ethical behavior a part of our everyday activity.

Thank you for representing the Board of Regents and your institution with honesty and integrity, and leading by example for the future leaders of South Dakota.

Sincerely,

[Signature]

Mike Rush
Executive Director and CEO
South Dakota Board of Regents History

South Dakota's public higher education system had its origins in the first legislative session in Dakota Territory, which convened in March 1862. Deriving its authority to establish a university from the Northwest Ordinance of 1787, the University of Dakota Territory was founded on paper in Chapter 88 of the first session laws; it was paper only however, as no land grant, budget, or government was provided. The second legislative session convened in December 1862 and passed Chapter 42, which incorporated the University of Dakota in Vermillion and appointed eighteen citizens from Vermillion and Yankton to membership on the first Board of Regents. Power entrusted to the Regents was sweeping with few, if any, imposed constraints. While the powers granted were sweeping, educational matters were of secondary importance for the next twenty years due to the gold rush in the Black Hills and agricultural problems.

Emphasis on higher education was refocused in the early 1880s with the Regents appointing the first president of the University in Vermillion. Other institutions followed along with separate Boards of Regents. The decision to place control over higher education in a constitutional board was made following Congressional rejection of the 1885 draft constitution. No record exists to explain why the change was made, fire having destroyed the minutes of the 1887 convention. It seems reasonable to assume that the framers of the South Dakota Constitution sought the objectives pursued by their colleagues in other states.

Accepted thinking of the time advocated placement of educational and charitable institutions under constitutional boards. The constitutional board structure was intended to buffer certain state institutions from partisan political pressures. This seems desirable; institutions could only fulfill their intended purposes if the services provided met the highest professional standards. Political theorists of the day were not inclined to subject curricula and educational standards to the pressures of partisan politics. They believed that in such matters, the best judgment of professional educators, tempered by a lay board, would provide the best assurance that state residents would have available to them educational services of the highest quality.

In both the 1887 draft of the South Dakota Constitution and in the 1889 version that finally won Congressional approval and subsequent adoption by the South Dakota electorate, control of higher education was invested in a nine person board of regents. The control was exercised indirectly. In curricular matters, the Board acted in consultation with the faculties of the several schools. Administrative affairs, too, were addressed indirectly. The Board appointed boards of trustees for each institution under its charge. These boards of trustees appointed faculty, subject to Regental approval, and oversaw the management of their institutions.

In 1896, the electorate amended the constitution, adopting a text that has remained virtually unchanged to this time. The regent-trustee system collapsed as a result of "constant warfare between the Regents who were charged with responsibility for all, and the several boards of trustees, each engaged solely in advancing the interests of its own schools."

By granting the Board plenary constitutional control over higher education, subject to legislative rules and restrictions, the people of South Dakota sought to assure that educational policy would remain insulated from partisan politics, that it would reflect the best thinking of professional educators and that it would treat all institutions, regions of the state, and students, evenhandedly.

In its current version, Article XIV of the Constitution of South Dakota formed one central Board of Regents and stipulated that all educational institutions "shall be under the control of a board of nine members, appointed by the governor and confirmed by the Senate, to be designated the regents of education." The Board began with five members, was increased to seven in 1955, and was increased to nine in 1979. The first staff for the Board was authorized in 1964; the Office of the Commissioner of Higher Education was authorized in 1968; and the Commissioner was replaced with an Executive Director in 1981, who was appointed to carry out the directives of the Board of Regents.
South Dakota Board of Regents Mission

The South Dakota Board of Regents has constitutional authority to govern the system of public higher education in the State of South Dakota. Supported by an Executive Director and staff, the Board provides leadership and sets policies for the programs and services delivered through its six universities and two special schools. Dynamic and progressive leadership is cultivated at the campuses through the presidents, superintendents, faculty, and staff.

The primary mission of the institutions in the Regental System is to utilize available resources to provide an environment in which students are encouraged and supported in their intellectual, cultural, and ethical development through interaction with the scholarly communities at the institutions. The System and its institutions must assist students in their search for knowledge, in understanding themselves and their cultural and physical environments, and in developing the wisdom and skills necessary to function as responsible citizens in a democracy.

The Board affirms a commitment to the fundamental values of higher education in which programs and experiences promote curiosity; stimulate thought; encourage self-reflection; foster a genuine desire for lifelong learning; engender a global view of society which embodies a free interchange of ideas; and reflect a concern for creating a responsible, ethical society. These values include a commitment to excellence in academic programs; to excellence in teaching at all levels of instruction offered in Regental institutions; to scholarly activity, research, and creative activity appropriate to the role and mission of the individual institutions; to meaningful and productive relationships with local school systems and other appropriate public and private entities at the local, regional, state, and national levels; and to quality public service activities consistent with campus expertise and focused toward social, economic, and cultural needs of the state of South Dakota.

The Board affirms a commitment to diverse campus communities through serving the needs of all persons including minorities, handicapped, and part-time students and by seeking racial and ethnic diversity among the faculty and staff. The diversity of the campus community embodies the basic principles of an open democratic society in which free speech and thought respectful of differing opinions is encouraged among the students, faculty and staff. To maximize the potential for diversity within the campus communities, the Board affirms that access to the institutions and subsequent success once enrolled should be supported by adequate financial aid and appropriate student support services. Students should be expected to provide for a portion of the costs of delivering programs and services, but their share should be equitable and fair.

The Board recognizes and affirms its responsibility to serve as a catalyst for and as a resource to the economic development efforts of state and local governments. Faculty and staff expertise provides a valuable resource to various agencies of state government and to regional development efforts. Inherent within this responsibility is the desirability of expanding programs and services beyond the physical boundaries of the institutions to provide greater access to quality higher education opportunities for South Dakotans. The Board acknowledges the programs and services offered by the private and tribal institutions in the state and the desirability of cooperation with these institutions in program articulation and delivery.

The Board recognizes its responsibility for appropriate stewardship of financial resources from the state, from students, and from sources external to the institutions. While the Board recognizes the diversity of the institutions and the desirability of such diversity, the six universities function as a part of a system of higher education where the collective use of resources is focused for maximum common good. Inherent within this tenet is a commitment to inter-institutional relationships in order to maximize educational opportunities for the people of South Dakota; maximize the articulation of educational programs among the institutions; and avoid unnecessary duplication by focusing the resources of individual institutions in a cooperative fashion to deliver programs and services across the state and in the region. Consistent with the commitment to accountability and stewardship is an affirmation to seek the necessary funding from the state to enable the System's institutions to fulfill their respective missions.
Notice to All Employees

The purpose of this Personnel Policy and Procedures Manual is to provide South Dakota Board of Regent employees with a common reference to the basic information that governs an individual’s employment with the Board of Regents.

The authority to enforce the provisions set forth in this manual rests with the Board of Regents. Supervisors are encouraged to adopt and enforce such policies and procedures as are unique to a specific department but which are not inconsistent or in conflict with the policies and procedures adopted by the Board of Regents.

This manual neither implies nor establishes a contract between South Dakota Board of Regents and the employee. The contents of this Personnel Policy and Procedures Manual summarize current agency and state policies and programs and are intended as guidelines only. South Dakota Board of Regents retains the right to change, modify, suspend, interpret, or cancel as applicable in whole or in part any of the published or unpublished personnel policies or practices of the agency, without advance notice, without having to give cause or justification to any employee. Recognition of these rights and prerogatives is a term and condition of employment and continued employment. As such, the contents of this manual do not constitute the terms of an employment contract.

Civil Service Employees

For Civil Service employees, the materials included in this manual include both statewide and local rules and procedures. To the extent statewide rules are referred to herein, the provisions are subject to and governed by the statutes, rules and laws of the State of South Dakota and the policies of the South Dakota Board of Regents.

Any manual provision that purports to diminish or to expand upon customary conditions of employment restrictions, entitlements, or benefits specifically set forth under the statutes, rules, or regulations of the State of South Dakota and the Board of Regents shall be, to that extent, null and void and without effect.

Local rules and procedures are of necessity included in particularity while statewide rules are typically incorporated by reference. Civil service employees have the responsibility to familiarize themselves with the handbook and with those documents that define the rights and responsibilities of individual employees.
Policy 1
Purpose and Use

1.0 Purpose of Policies and Procedures

South Dakota Board of Regents, herein referred to as SDBOR or Agency, enacts the Personnel Policy and Procedures Manual to ensure all personnel issues are adhered to and to provide personnel administration. SDBOR has assigned all personnel issues to the Executive Director and the Board of Regents. In the event a question arises out of the Personnel Policy and Procedures Manual, please forward any questions to the Director of Human Resources or the Executive Director.

The policies and procedures for personnel administration are enacted by SDBOR in order to further the following goals:

A. To provide uniform and sound personnel administrative systems throughout the agency;

B. To inform employees of the general policies and procedures of the agency and the benefits and obligations of employment with the agency;

C. To ensure that all personnel actions are based upon employee qualifications (knowledge, skills and abilities) and job performance, and comply with federal and state law;

D. To serve as written documentation of SDBOR’s commitment to fair employment practices and equal employment opportunity, as well as the Affirmative Action Plan;

E. To assist managers in carrying out sound, equitable, and consistent personnel administration and in making effective use of his/her human resources;

F. To promote and encourage communication between the employer or supervisor and the employee;

G. To protect the rights of the employee and employer throughout the employment relationship and to ensure that the responsibilities of both parties are carried out.

1.1 Application

This Personnel Policies and Procedures Manual shall apply to all employees of the Office of the Executive Director which are outlined in the above organizational charts. In the event of a conflict between these policies and state or federal law, the terms and conditions of that law shall prevail. In the event there is conflict between these policies and the System policies as found in http://www.sdbor.edu/policy/policymanual.htm, the System policies shall prevail.

1.2 Revision

SDBOR specifically reserves the right to repeal, modify, or amend any of these policies with or without notice.
1.3 Disclaimer

This manual does not confer a contract of employment. The policies, procedures, rules and benefits contained herein are subject to change. These policies are provided as a reference of present policies and not a guarantee of employment or specific employment benefits.

SDBOR does not recognize verbal or implied contracts for employment. Only the Executive Director, or his/her designee, with the approval of the Board of Regents, has the authority to enter into any agreement of employment for specified durations. Such employment agreements will only be valid and binding on SDBOR when the agreement is set forth in a written document signed by the employee and the Executive Director, or his/her designee.

Any provision included in this document that purports to diminish or to expand upon customary conditions of employment restrictions, entitlements, or benefits specifically set forth under the statutes, rules, or regulations of the State of South Dakota and the South Dakota Board of Regents Policy Manual shall be, to that extent, null and void and without effect.
Policy 2
Equal Employment Opportunity

2.0 Equal Employment Opportunity

The institutions under the jurisdiction of the Board of Regents shall offer equal opportunities in employment and for access to and participation in educational, extension and other institutional services to all persons qualified by academic preparation, experience, and ability for the various levels of employment or academic program or other institutional service, without discrimination based on race, color, creed, national origin, ancestry, citizenship, gender, sexual orientation, religion, age, or disability.

2.1 Nondiscrimination, Civil Rights and Affirmative Action

The Board reaffirms its commitment to the objectives of affirmative action, equal opportunity and non-discrimination in accordance with state and federal law. Redress for alleged violations of those laws may be pursued at law or through the procedures established by the provisions of this policy. Inquiries regarding non-discriminatory policies in employment may be directed to the Director of Human Resources.

2.2 Responsibilities of Chief Executive Officers

The chief executive officer shall be responsible for assuring that the Board's equal opportunity policies are communicated effectively to members of the institutional community and the public at large. The means for such communication may include seminars and other forms of public service or instructional programming and shall include notices to be posted or otherwise incorporated into institutional promotional materials. Such notices should clearly identify persons who are responsible for the implementation of equal opportunity policies and should advise readers or listeners of how they might contact the responsible institutional officials to obtain further information or to express their concerns about implementation of institutional policies.

2.2 Complaint Procedure – Harassment/Discrimination/Human Rights

The South Dakota Board of Regents has a legal obligation to enforce federal, state and local laws and regulations prohibiting discrimination in employment, in the delivery of educational services and in the other activities carried on under its authority. Inherent in its function as constitutional governing board for publicly funded higher education is the duty to assure all individuals in its employ or attending institutions under its jurisdiction equal access to the employment and educational opportunities it controls. The South Dakota Board of Regents recognizes that discrimination based on archaic and overbroad assumptions about the relative needs and capacities of certain categories of persons forces individuals to labor under stereotypical notions that often bear no relationship to their actual abilities. It thereby both deprives persons of their individual dignity and denies society of the benefits of wide participation in political, economic, educational and cultural life. These human rights complaint procedures have been adopted to afford individuals a means to protect the rights guaranteed to them under federal, state and local laws and regulations and to vindicate the deprivation of personal dignity that accompanies denials of equal opportunity. Please see http://www.sdbor.edu/policy/1-Governance/documents/1-18.pdf for the complete policy on the complaint procedure.
A. To ensure a fair and impartial investigation, all primary parties involved shall be notified of complaint and be afforded an opportunity to submit evidence relevant to the complaint. All other designated interested employees will be involved in the investigation as deemed necessary. Confidentiality is of the utmost importance and will be maintained by the SDBOR in as much as possible. All investigations will be handled with discretion, sensitivity, and due concern for the dignity of those involved.

B. Misconduct constituting harassment, discrimination, and/or retaliation will be dealt with appropriately. Responsive action may include, for example: disciplinary action up to and including termination, training, referral to counseling, etc. Responsive action will be dependent upon the circumstances and severity of the harassment/discrimination. In any event, a follow up inquiry will be conducted to ensure that harassment/discrimination has in fact ended and that no retaliation had transpired.

2.3 Americans with Disabilities Act

The Americans with Disabilities Act (ADA) provides comprehensive civil rights protections to individuals with disabilities in the area of employment, public accommodations, state and local government services and programs. Title II of the ADA states, in part, that “no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subject to discrimination in programs or activities sponsored by a public entity.”

The agency has adopted this policy to provide prompt and equitable resolution of complaints alleging any action prohibited by the U.S. Department of Justice regulations implementing Title II of the ADA.

2.3.1 Requesting an Accommodation

Qualified individuals with disabilities may make requests for a reasonable accommodation to his/her individual supervisor. On receipt of an accommodation request, the supervisor along with the Director of Human Resources will meet with the individual requesting the accommodation to discuss and identify the precise limitations resulting from the disability and the potential accommodation that SDBOR may make to accommodate the limitations. The supervisor and the Director of Human Resources, along with the individual’s doctor and other necessary professionals at SDBOR will determine the feasibility of the requested accommodation, considering various factors as permitted by law.

2.3.2 Complaint Procedure

Any individual who believes that he/she or a specific class of individuals with disabilities has been subjected to unlawful discrimination on the basis of that disability by the agency may, by himself or herself or by any authorized representative, file a complaint. Please refer to section 2.2 for appropriate complaint process.

2.4 Sexual Harassment/Harassment

Educational institutions play a special role in preparing students to lead the complex social organizations through which businesses and professions operate and through which free people govern themselves. Students must be taught, and they must be shown through the example given by institutional employees, that stable, effective and prosperous social organizations observe norms of conduct under which all participants are expected to treat one another civilly and to carry out their respective tasks in a constructive and informed manner. Complex social organizations derive their
strength from the cooperation of those who participate in them. By virtue of their special role in preparing future generations of leaders, educational institutions have a particular concern with conduct that subjects members of the institutional community to harassment on the basis of sex, race or any other grounds. Such conduct destroys the bonds of cooperation and common purpose on which society rests by demeaning some members of the community, and, it cannot be tolerated in an institution whose very purpose is to shape the skills and conscience of the rising generations. For this reason, the Board strictly prohibits harassing conduct, and those members of the institutional community who have indulged in it shall be subject to discipline pursuant to Board Policy. Please see http://www.sdbor.edu/policy/1-Governance/documents/1-17.pdf for the complete policy

2.4.1 Responsibilities

Everyone at SDBOR, especially management, is expected to avoid any behavior or conduct that could be interpreted as unlawful harassment. All employees should also understand the importance of informing the individual whenever that individual's behavior is unwelcome, offensive, in poor taste, or inappropriate.

SDBOR must be aware of incidents of harassment to be able to take appropriate corrective measures.

A. Employees— If an employee believes that he/she has been subject to harassment/sexual harassment or any unwanted sexual attention, he/she should:

- Make his/her unease and/or disapproval directly and immediately known to the harasser;
- Make a written record of the date, time, and nature of the incident(s) and the names of any witnesses;
- Report the incident to his/her Supervisor, EEO Coordinator, or the Executive Director.

All incidents of harassment/sexual harassment or inappropriate sexual conduct must be reported regardless of their seriousness. Publicizing information about alleged harassment without following the reporting procedures or filing a formal complaint might be considered evidence of a vexatious intent on the part of the accuser.

B. Supervisors/Management— Supervisors must deal expeditiously and fairly with allegations of harassment/sexual harassment within his/her departments, whether or not there has been a written or formal complaint. Supervisors/Management must:

- Act promptly to investigate harassment/sexual harassment;
- Ensure that harassment or inappropriate sexually-oriented conduct is reported to the EEO Coordinator and/or Executive Director;
- Take corrective action to prevent prohibited conduct from reoccurring.

Supervisors who knowingly allow or tolerate harassment/sexual harassment are in violation of this policy and are subject to discipline.
2.4.2 Complaint Procedure

The agency has adopted this complaint procedure to provide prompt and equitable resolution of complaints alleging any action prohibited within 2.4 of this manual or with any applicable state and/or federal law relating to harassment.

Any individual who believes that he/she or a specific class of individuals has been subjected to harassment of any type by another employee, contractor, patron, or any other individual associated with SDBOR may, by himself or herself or by any authorized representative, file a complaint. Please refer to section 2.2 of this manual for the appropriate complaint procedure.

2.5 Consensual Relationships

This policy can be found at the South Dakota Board of Regents web site (http://www.sdbor.edu/policy/1-Governance/1-23.pdf) under section I of the SDBOR manual.
Policy 3
Employee Conduct

3.0 Workplace Violence

It is SDBOR’s desire to maintain a safe environment for the employee to conduct business and fulfill its mission. Specifically, this policy relates to all employees, customers, vendors, significant others, and any other individual having contact with SDBOR. For the purposes of this policy, violence and threats of violence include, but are not limited to:

A. Any act which is physically assaulting;
B. Any substantial threat to harm or to endanger the safety of others;
C. Behaviors or actions interpreted by a reasonable person as carrying the potential for violence and/or acts of aggression;
D. Any substantial threat to destroy property;
E. Possession on worksite of any weapon or dangerous instrument (e.g., any type of firearms, certain knives, brass or metal knuckles, etc.), unless required by position duties (e.g., Security Guard).

Threatening behaviors, acts of aggression, and violence will result in appropriate action by the SDBOR, up to and including dismissal and contacting of public law enforcement. Civil and criminal penalties will be pursued as deemed appropriate. It is the responsibility of every employee of the agency to take any threat or violent act seriously, to consult with appropriate personnel, and to take action as recommended by these resources and guidelines. The SDBOR Workplace Violence policy can be found on the SDBOR website: http://www.sdbor.edu/policy/1-Governance/documents/1-25.pdf.

Please notify the Executive Director regarding any actual or perceived violence occurring. In the case of an emergency, it may be appropriate to call 911.

3.1 Drug and Alcohol Policy

This policy can be found at the South Dakota Board of Regents web site (http://www.sdbor.edu/policy/4-Personnel/documents/4-27_000.pdf) under section IV of the SDBOR manual.

3.2 Seat Belt Policy

SDBOR is committed to doing everything possible to prevent injury to employees, prevent damage to property, and to protect the employees and the public from the results of accidents. SDBOR realizes that safety belts are an important and efficient means to accomplish this goal. Therefore, it is the policy that all employees and passengers shall be required to follow state law when driving any state owned or leased vehicle, or while driving a personal vehicle on official SDBOR business. Failure to comply with this policy may result in disciplinary action.

3.3 Smoking Policy

This policy can be found at the South Dakota Board of Regents web site (http://www.sdbor.edu/policy/4-Personnel/documents/4-29_000.pdf) under section IV of the SDBOR manual.
3.4 Conflict of Interest/Outside Employment


3.5 Absenteeism and Tardiness

Employees are expected to be on the job, on time, every day that they are scheduled to work. An employee absent from work due to illness or disability shall notify his/her immediate Supervisor before he/she is scheduled to work, or as soon as possible. If an emergency situation exists, indicate the nature of the situation and the expected length of absence. In accordance with SDCL 3-6C-7, the employee to support all leaves of absence for sickness shall submit a medical certificate, upon the request of the Commissioner. Any employee found to have abused his/her attendance and/or benefit privileges may be subject to disciplinary action.

3.6 Intellectual Property

This policy is intended to guide management of intellectual property at the institutions governed by the South Dakota Board of Regents. For additional information regarding this policy or to view the entire policy, visit the South Dakota Board of Regents web site (http://www.sdbor.edu/policy/4-Personnel/documents/4-34.pdf). When offered employment all employees will sign this policy prior to the onset of his/her employment.

3.7 Fraud

This policy is to protect the SDBOR from employee misconduct. For additional information regarding this policy or to view the entire policy, visit the South Dakota Board of Regents web site (http://www.sdbor.edu/policy/4-Personnel/documents/4-37.pdf).

3.8 Employment of Relatives

This policy can be found at the South Dakota Board of Regents web site (http://www.sdbor.edu/policy/4-Personnel/documents/4-22.pdf) under section IV of the SDBOR manual.

3.9 Political Activity

This policy can be found at the South Dakota Board of Regents web site (http://www.sdbor.edu/policy/4-Personnel/documents/4-21.pdf) under section IV of the SDBOR manual.
Policy 4  
Employee Classifications and Status Changes  

4.0 General  
Proper classification of employees is important to administering salaries, determining eligibility under SDBOR’s employee benefits plan, and complying with employment and tax laws. SDBOR offers regular full-time and regular part-time employment, and may offer temporary employment opportunities to meet a variety of staffing requirements and accommodate employee needs and preferences. All employees, whether regular full-time, regular part-time, or temporary, are classified as exempt or nonexempt for overtime and minimum wage requirements.

4.1 Employee Definitions  

A. Regular Full-Time Employee— In accordance with SDCL § 2-14-2(12), a regular full-time employee is an employee who is employed by the agency to work a predetermined schedule of at least forty (40) hours per normal workweek and has completed his/her training period. A regular full-time employee may be exempt or nonexempt and may be eligible for the following benefits which may be paid by the employer or by the employee. These benefits will be explained in policy 8.0.

Benefits  
Sick Leave  
Vacation Leave  
Personal Leave  
Military Training Leave  
Health Insurance  
Dental Plan  
Vision Plan  
Life & Disability Plan  
Cafeteria Plan  
Supplemental Insurance  
Holiday Pay  
SDRS Retirement  
Family Medical Leave (If applicable)  
Reduced Tuition (If applicable)  
Longevity  
Life Insurance

B. Regular Part-Time Employee— A regular part-time employee is an employee who regularly works fewer than forty (40) hours per week but more than twenty (20) hours per week and has completed his/her training period. A regular part-time employee may be exempt or nonexempt and may be eligible for the following benefits which may be paid by the employer or by the employee. These benefits will be explained in policy 8.0.

Benefits  
Sick Leave (Prorated)  
Vacation Leave (Prorated)  
Personal Leave  
Military Training Leave
Health Insurance
Dental Plan
Vision Plan
Life & Disability Plan
Cafeteria Plan
Supplemental Insurance
Holiday Pay
SDRS Retirement
Family Medical Leave (If applicable)
Reduced Tuition (If applicable)
Longevity
Life Insurance

C. Part-Time Employee—A part-time employee is an employee who works fewer than twenty (20) hours per workweek and has completed his/her training period. A part-time employee may be exempt or nonexempt and is not eligible for benefits.

D. Seasonal or Temporary Employee—A seasonal or temporary employee is an employee who is employed by the agency for a specified period of time or for the duration of a specified and definable project. A seasonal or temporary employee may be exempt or nonexempt and is not eligible for benefits.

4.2 Employee Classifications

A. Non-faculty Exempt—The title “non-faculty exempt” means this group of employees are not faculty but are exempt from the State Civil Service System. These are employees who perform administrative and professional support functions.

B. Civil Service Employee—Employees whose positions are covered by the provisions of the Civil Service Act that became law in 1973. They include professional, technical, clerical, labor, and trade positions. The positions are classified and the salaries are set in accordance with the state system.

4.3 Nonexempt and Exempt Status

The agency classifies each employee or position as exempt or nonexempt.

A. Exempt Status—Exempt employees are not subject to federal and state overtime requirements. An employee is exempt if determined to be an executive, an administrative or professional employee, a computer specialist, or an outside sales representative as defined by the Fair Labor Standards Act.

B. Nonexempt Status—Nonexempt employees are entitled to overtime pay of at least one-and-one-half times (1 ½) his/her regular rate for hours worked in excess of 40 in any workweek. Any employee who is not classified as exempt is nonexempt.

4.4 Training Period

The training period is a period during which a newly hired employee of the state is completing his/her first 6 months (180 days) of employment.
4.4.1 Purpose of Training Period

The training period is an intrinsic part and extension of the employee selection process during which the employee will be considered in training and under careful observation and evaluation by supervisory personnel. Generally, this period will be utilized to train and evaluate the employee's effective adjustment to work tasks, conduct, observance of rules, attendance, and job responsibilities. The training period will be six (6) months for all new employees.

If, at the conclusion of the employee's training period, the employee's performance and employment conditions have been satisfactory in all respects in the opinion of supervising personnel and such satisfactory performance has been documented through a satisfactory performance appraisal, and advancement to an employee classification is deemed mutually advantageous to the agency and the employee, the employee shall then be advanced to the appropriate employment status. However, in the event the employee does not meet the qualifications of the position, such employment may be terminated if either the agency or the employee feels this is the appropriate action.

4.4.2 Accrual of Benefits During the Training Period

In accordance with SDCL, all employees will accrue both sick leave and vacation leave during his/her first 180 days in training; however, employees are not entitled to use any vacation leave until the completion of the training period and are not eligible for pay out of vacation or sick leave if employee is terminated by the employer during the training period. For further information of payout of vacation and sick leave, please see Policy 8.0 of this policy manual. Employee may be eligible for the other benefits if they qualify in accordance with the benefit requirements.

4.4.3 Transfer of Employment

If an employee transfers from one agency to another after the completion of his/her first six-months of employment, that employee would not have a training period.
Policy 5
Recruitment and Selection

5.0 General Policy

It is the policy of SDBOR to recruit and fill job vacancies with the most qualified applicant for the position. The agency has two methods of recruiting qualified applicants to fill job vacancies: internal and external. If in the best interest of the agency, promotions or transfers of individuals already employed with the agency shall be given first consideration. This consideration, however, does not entitle the individual to an automatic promotion or transfer. If in the event an internal promotion or transfer is not in the best interest of the agency, management may hire externally from outside the agency.

All selections shall be based on merit and fitness to fill the job vacancy. All recruitment efforts are based upon equal employment opportunity and conducted without regard to age, race, color, religion, creed, national origin, sex, marital status, disability, veterans status, pregnancy, gender, ancestry, medical condition, and/or any other protected group status.

5.1 Guidelines

Please refer to the SDBOR’s Recruitment and Selection Guidelines. These guidelines have been created to assist in ensuring equal employment opportunity and to ensure adherence to the Affirmative Action Plan outlined by the SDBOR.

5.2 Job Descriptions

When job openings occur, all hiring managers must adhere to the following procedures to ensure fast and efficient filling of an open position. As with all other aspects of its selection and hiring process, SDBOR makes every effort to ensure equal employment opportunity for all individuals and abides by the EEO and nondiscrimination provisions of all applicable federal, state, and local laws.

A. Hiring Manager's Responsibilities—When filling a job vacancy, the manager to whom the position reports must complete a review of the position description and ensure that an accurate, up-to-date job description exists for the open position.

B. Management Review and Approval—After receiving a PD, the Executive Director, or designee, should review the form for completeness and accuracy and make sure that the position is authorized under the department's current budget. Job Description Requirements—In drafting a job description for both existing and newly created positions, the hiring manager must identify all of the position's essential functions and submit such functions to the Human Resources Department for review and approval. Hiring managers should be alert to the need to revise and update job descriptions for any existing position whose duties, activities, or requirements have been changed or modified since the last description was prepared.

C. Post-Requisition Procedures—The Human Resources Department is responsible for ensuring that completed review of the position description has been completed. Once the documents are in order, Human Resources notifies the hiring manager and initiates recruitment activities, such as internal postings, external advertisements, or other recruitment efforts. All postings and other recruitment efforts must include notices indicating that SDBOR is an equal opportunity employer. Please refer to the Recruitment Guidelines.
Policy 6
Personnel Records

6.0 Personnel Records

Unless required for grievance or litigated matters, all exempt personnel records of the Board of Regents and its institutions pertaining to applications for employment, to personnel investigations, performance appraisals, and other personnel-related materials shall be held confidential. An employee's name, title, salary, institution and department number may be released upon request. Additional information may only be released upon written permission signed by the employee or if traditionally released or required by management needs.

6.1 Internal and External Dissemination

Additional information may also be released to a party outside the institution requesting a professional reference, so long as the following conditions are met:

A. The person giving the reference has a reasonable basis to believe that the person making the request has authority to obtain a reference on behalf of a prospective employer, granting agency or other entity that may properly seek such information. This authority shall be in writing by the agency requesting such a reference as defined in statute below.

Prospective Employer Request—SDCL 60-4-12. Presumption of good faith disclosure of employment information to prospective employers. Any employer or agent of the employer who, in writing, discloses information about the job performance of an employee or former employee to a prospective employer of that person at the written request of the prospective employer or the employee or former employee is presumed to be acting in good faith and, unless lack of good faith is shown by clear and convincing evidence, may not be held liable for the disclosure or its consequences. Any written response to the written request shall be made available to the employee or the former employee upon written request. For purposes of this section, the presumption of good faith is rebutted upon a showing that the employer or agent of the employer:

a. Recklessly, knowingly, or with a malicious purpose, disclosed false or deliberately misleading information; or
b. Disclosed information subject to a nondisclosure agreement or information that is confidential under any federal or state law.

B. The person giving the reference has a reasonable basis to believe that the reference shall be used for a legitimate end, related to employment, education, funding, or other customary academic purpose.

C. The person giving the reference makes a written memorandum noting the identity of the party making the request, the basis under paragraphs a and b for giving the reference, and the date and means used to give the reference; which memorandum should be retained in departmental files for a period of three years.

6.2 Copy Charges

The costs of producing this information may be assessed by the originator to the requestor of the information.
6.3 Accuracy of Employee Information

To ensure that the SDBOR’s personnel files are up-to-date and contain accurate, complete information, employees are required to notify his/her supervisor of any changes that need to be made in the following categories: name, telephone number, home address, marital status, number of dependents, beneficiary designations, scholastic achievements, or individual to notify in case of an emergency.
Policy 7  
Hours of Work and Compensation

7.0 General Policy

It is the intent of the Executive Director to create a standard workweek within which an employee is expected to perform agency services. The Executive Director also realizes that emergency and extenuating circumstances may arise in which an employee is required to work variable hours. Nothing within this policy is meant as a guarantee to the number of hours, either daily or weekly, that an employee may be required to work. However, it is the Executive Director’s intent that every employee be treated equally and fairly when expected to work odd or extended hours.

7.1 Standard Workweek and Workday

Overtime for all employees, with the exception of a small number of specified staff, will be calculated for hours worked over 40 in one week. The standard workweek shall be Sunday through Saturday.

Operating hours for SDBOR are from 8:00 AM to 5:00 PM Monday through Friday (in the appropriate time zone for each location). These hours are to accommodate the institutions, employees, and any other patron. As employees are hired to perform the duties of a position, the standard workday may differ due to timelines, legislative session, and institutional needs.

7.2 Break Periods

Employees receive a one (1) hour non-paid break for noon and a paid fifteen (15) minute break period in both the morning and afternoon. Break periods may not be accumulated for time off and are not guaranteed to the employee. They shall be at the discretion of the immediate supervisor. Breaks should be taken and arranged according to projects and timelines of those projects.

It is the policy that at least one support person shall be available to answer phones during any break period. Therefore, employees are expected to work together on a schedule that will accommodate the office to ensure that there is enough staffing over the noon and break periods.

The employee’s direct supervisor must approve any deviation in this policy. In the event this policy is violated, employees will be subject to disciplinary action.

7.3 Pay Period, Pay Deductions, and Direct Deposit

Employees will be paid on a monthly payroll cycle and are required to have direct deposit. This direct deposit policy can be found at the South Dakota Board of Regents web site (http://www.sdbor.edu/policy/4-Personnel/documents/4-36.pdf) under section IV of the SDBOR manual.

7.4 Time Sheets

Each nonexempt employee is required to complete a daily time sheet to keep a record of all hours worked, vacation, sick leave, personal leave, etc., for the purpose of calculating and issuing pay checks. Every employee and his/her supervisor must sign the time sheet to verify that all entries are accurate. Intentional falsification of time sheets may result in disciplinary action.
Exempt employees are required to complete a monthly exception time report documenting only full day absences.

7.5 Exempt Non-Faculty Salary Administration

Salary increases are governed by legislative authorization and policy of the Board of Regents. No individual is guaranteed an increase on an annual basis. All adjustments to an employee's salary are subject to approval of the Executive Director and the Board of Regents.

7.5.1 Compensation Guidelines

SDBOR employs persons in non-faculty exempt positions at a salary that incorporates market considerations, departmental and institutional equity, performance, and budget constraints. All work performed by the incumbent that is incorporated in the job description's duties and responsibilities is compensated for by the salary of the position.

7.5.2 Annual Salary Adjustments

When awarded, annual salary adjustments are effective on June 22, the first day of the first pay period in the fiscal year. Annual adjustments are recommended by the immediate supervisor as part of the regular fiscal year budget process and must be approved by the Executive Director. Upon approval by the Executive Director, recommendations are forwarded to the Board of Regents for final approval.

7.6 CSA Salary Administration

Salary policy is set by the state legislature and the Bureau of Human Resources. The Bureau of Human Resources sets the compensation program for all CSA employees each fiscal year. This program is based on a grade and step system. Employees will be placed into a grade and step upon employment with the SDBOR. A market study was done to establish pay grades for all CSA employees. *Each year BHR may modify this policy, their modifications will supersede this policy.

7.6.1 Movement Toward Job Worth Of The Salary Range

The movement to job worth provisions of PACE apply to all Civil Service employees and are established by the Bureau of Human Resources (BHR). It is the policy of the BHR that all employees, upon entrance into the system, will reach job worth of the position. Job worth is defined as the rate of a position that identifies an individual as fully trained and skilled in the position. The grades are set up with a Minimum of the range, 5% of the Range, Job Worth of the Position, and Maximum.

7.6.2 Progression to Job Worth

A. Movement toward job worth increases will be given only to employees who have completed the probationary period, 1,040 hours within the dates approved by BHR.
B. 2.5 percent will be added to the base pay of all employees who have completed the probationary period as outlined in BHR state salary policy.
C. Employees who are within 2.5 percent of job worth will receive an amount that will increase their salary to job worth of the range.
D. Probationary employees will not receive the 2.5% after completion of the probationary period. Movement toward job worth increases will be given only to employees who
have completed the six month probationary period, 1,040 hours, as of the last day of the fiscal year.

E. Employees who are unsatisfactory will receive the 2.5 percent movement to job worth (retroactive to the beginning of the fiscal year) after successful completion of a work improvement plan or resolution of other issues.

F. Employees who will terminate from the payroll system prior to the fiscal year, and receive a lump sum payment of annual leave, will not be eligible for salary policy.

7.6.3 Raises For Employees with Seven Years in Their Pay Grade

Salary policy includes movement to job worth for employees who have been in the same pay grade for more than seven years. All of the following conditions must be met to be eligible for this adjustment:

A. Seven years of continuous service;
B. No change in pay grade during the seven years;
C. Must be below job worth after the next FY salary policy is applied.

Employees who were laid off and then re-employed are eligible for the seven-year increase provided the break in service was for less than one year. This applies to employees who were re-employed within the same agency or in an agency other than the one from which they were laid off.

7.6.4 Salary Increases That May Be Approved Outside of Salary Policy

A. Reclassification Raises—Raises are allowed for employees who are reclassified to a higher pay range. The amount that may be given is up to five percent or the minimum of the new pay range, whichever is greater. Back pay will be allowed retroactively to the log date. The log date is the beginning of the pay period following the employee’s submission of a request for review of the position. The log date appears on the request in the online system. Please see the System Policy at http://www.sdbor.edu/policy/4-Personnel/documents/4-9.pdf for detailed information on Reclassification and Grievances of Reclassifications.

B. Promotional Increases—Increases on a promotion are limited to five percent or the minimum of the new salary range, whichever is greater. Employees who promote into supervisory positions may receive an increase of more than five percent if their new salary will be below their subordinates’ salaries. Any increases over five percent or the minimum of the salary range, whichever is greater, must have prior approval of the Director of Human Resources.

C. Probationary Raises—After the completion of the probationary period, up to a five percent raise may be allowed. A five percent increase upon completion of the probationary period for employees at the minimum of the range is mandatory. Employees within five percent of minimum must receive an increase to bring the salary to at least five percent above minimum. This raise is only for employees who have completed their first 1040 hours of service to the state. Permanent part-time employees may be allowed the five percent raise at six months rather than the completion of 1040 hours. This does not mean they have completed probation; rather this is to keep pace with salary policy. Increases given under this circumstance must be approved by the Director of Human Resources. Probationary increases are not appropriate for employees who have promoted or transferred into other positions within state government. The employer may extend the probationary period in accordance with ARSD 55:10:05:02.
D. **Mandatory Increases due to Six Months in a New Range**—Employees who have been in their pay range for six months must be at a salary that is five percent above the minimum of the range. Please note that probationary increases are treated differently than mandatory increases. Probationary employees may receive up to a five percent increase even if their salary is over five percent of the minimum of the pay range.

E. **Lateral Transfer Increases**—Transfers occur when neither a promotion nor demotion is involved. If an employee competes for a position in the same pay grade and is selected, the appointing authority may request an increase. Prior approval must be obtained for salary increases on lateral transfers by the Director of Human Resources. Automatic increases on a lateral transfer are not guaranteed.

F. **Out-of-Class Pay**—Out-of-class pay is allowed when an employee must serve in a higher-level position for more than five consecutive working days. The pay is set at either five percent or the minimum of the out-of-class range, whichever is greater. The employee must assume the essential functions of the higher level position before out-of-class pay can be approved.

G. **Additional Duties Pay**—Temporary and permanent additional duties pay will be allowed. Additional duties pay is limited to five percent. Each situation will be reviewed to determine if the additional pay is justified. In some situations, an employee is assigned more work; however, the employee is still working their normal schedule. In other words, 40 hours of work is 40 hours regardless of the tasks performed. If overtime is approved for an hourly employee, the employee is being compensated through payment for all hours worked. Because employees are compensated for all hours worked, there should be more justification for additional duties pay than the volume of work.

H. **Pay Grade Change**—Increases to move an employee’s salary to the minimum of the range is mandatory. After six months in a new pay grade, employees must be paid at least five percent above minimum of the salary range. Further increases on a pay grade change require prior approval by the Director of Human Resources. The reclassification process will be closely monitored so that pay grade changes are not treated as reclassifications.

### 7.6.5 Salary Increases That Are Not Allowed

A. **Increases Six Months after Promotion or Reclassification**—Increases after six months of service in a different position are not allowed. Employees, who are promoted, demoted, laterally transferred, reclassified, or who enter the Civil service with no break in service will not be given another increase in six months.

### 7.6.6 Other Salary Increases That May Occur

There will be circumstances in which a salary increase is necessary but does not fall within one of the categories of allowed increases. Should an instance occur, please contact the Director of Human Resources.

Employees who are on a work improvement plan will receive the annual salary adjustment after successful completion of the work improvement plan.

Employees whose performance is not acceptable due to the reasons for disciplinary action outlined in 55:10:07:04 Causes for Disciplinary Action will receive the annual salary adjustment after successful resolution of the problem. Employees in this circumstance will receive their annual salary adjustments the next time a performance appraisal is conducted or when the problem is successfully resolved.
7.7 Compensation for CSA Temporary Hire Policy

Department managers and supervisors must follow the same policies for setting salaries of newly hired temporary employees as for employees in permanent positions. Temporary employees must be paid at least the minimum of the salary range for which they have been hired. When applying salary policy the payroll system will bring all employees in with the employee status of “T” to the minimum of the salary range. Increases beyond the amount needed to bring temporary employees to the range minimum will not be allowed.

7.8 Compensation for CSA Seasonal Hire Policy

Seasonal employees will be paid in accordance with the seasonal pay policy.

7.9 Longevity Pay

The following guidelines will be used to administer payment:

A. All regular part-time and regular full-time employees, with the exception of faculty, are eligible to receive longevity payment. Part-time employees are not eligible for longevity pay.

B. Employees must have seven years of total service to be eligible.

C. Employees will receive their longevity payment in the pay-period in which their anniversary date falls, it will not be issued as a separate payment from their normal, monthly paycheck.

D. Each eligible employee will receive one longevity check per fiscal year.

E. Employees who are on termination vacation leave at the time of their longevity payment date are eligible for payment even though they are no longer actually working for the state. Employees may not be placed on leave without pay for all or a portion of the time needed to reach their longevity payment date.

F. Employees who retire, are laid off, or die prior to their fiscal year longevity payment date are eligible for a prorated payment. The proration is based on the number of full calendar months since the last longevity check was received. For example, if an employee’s 21st year longevity payment for FY 2003 is due January 10, 2003, and the employee retires on August 1, 2002, the employee will receive a prorated FY 2003 longevity check. The amount of the check will be $210 and is calculated by dividing the 2003 fiscal year payment for 21 years of service by the number of complete calendar months served since the previous longevity check was issued. In this example, the calculation is $420 divided by 6/12ths complete months of service (February through July) and is equal to $210. If a retired or laid off employee is rehired prior to the actual longevity payment date, please contact the Director of Human Resources to prevent the automatic generation of another longevity check.

G. Personalized letters from the Board of Regents will be generated and submitted.

7.9.1 Longevity Schedule

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7.10 **Overtime/Compensatory Time Off**

This policy can be found at the South Dakota Board of Regents web site ([http://www.sdbor.edu/policy/4-Personnel/documents/4-25.pdf](http://www.sdbor.edu/policy/4-Personnel/documents/4-25.pdf)) under section IV of the SDBOR manual.

7.11 **Alternative Work Schedules**

It is the goal of the state of South Dakota and the Board of Regents to provide employees with a work environment that allows them to balance work and life activities. As an employer, the SDBOR recognizes the need for flexibility in scheduling to provide employees the opportunity to participate in family and community activities. To achieve this goal, employees and supervisors are encouraged to use alternative work schedules. Alternative work schedules will enable managers to meet their program goals and provide better customer service while, at the same time, allowing employees to be more flexible in scheduling their personal activities.

7.11.1 **Alternative Work Schedules Available**

A. **Flexible work schedule**—With supervisory approval, employees may request alternative starting and stopping times during the workweek. The starting and stopping times and the lunch period are fixed for the duration of the flexible schedule unless the supervisor discontinues or temporarily suspends the flexible work schedule. Salaried employees on a flexible work schedule may be required to work additional hours or adjust their schedule to meet the requirements of their position.

B. **Flextime**—With supervisory approval, employees may occasionally modify their daily work schedule. Adjustments may be made at any time to allow employees flexibility in their schedule during the week. Hourly employees must make up hours flexed at a different time during the work period. Hourly employees who are unable to make up hours flexed during the work period must take either paid or unpaid leave. Salaried employees may not flex an entire day.

C. **Work Adjust**—Work adjust is adjusting hours for work performed outside the normal work schedule to meet the requirements of the agency. Work adjust is intended for short-term changes to an employee’s schedule to meet workload requirements. Work adjust applies to hourly employees and is not appropriate for salaried employees.

7.11.2 **Eligibility for Alternative Work Schedules**

Supervisors will work with employees and attempt to accommodate their scheduling requests. Alternative work schedules, however, may not be available to every employee at any time because of customer service requirements and workload requirements. If alternate work schedules are not possible, the supervisor should explain why the request for an alternative work schedule cannot be honored.

7.11.3 **Guidelines**
Offices will be open during the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, including the noon hour. Service to both internal and external customers must be maintained during those hours. Rest periods are a normal part of the work schedule and cannot be accumulated or be included as a basis for a flexible work schedule. A lunch break of at least 30 minutes of uninterrupted time is recommended.

7.11.4 Responsibilities

Teamwork among employees and management is an important factor in implementing alternative work schedules and achieving positive benefits associated with alternative work schedules. Meaningful work must be available for the employee during the entire alternate work schedule. Supervisors and employees are mutually responsible for ensuring successful alternative work scheduling programs.

A. Supervisors shall:
   1. Ensure adequate, not minimal, staff is available to serve the needs of the public. Both internal and external “customer” needs will be considered to determine adequate staffing.
   2. Ensure that alternative work schedules are administered consistently and equitably.
   3. Ensure alternative work schedules do not cause or contribute to the need for additional staff or overtime work.
   4. Ensure work that requires regular supervision or essential interaction with other staff is scheduled when supervisors and interacting staff are available.
   5. Ensure the work site has adequate supervisory and management coverage at all times.

B. Employees shall:
   1. Plan and organize their time to meet the job requirements established by the supervisor.
   2. Participate in the resolution of conflicts between the job and the alternative work schedule and inform the supervisor when coverage is not adequate.
   3. Be able to meet workload requirements and be available for scheduled conferences and meetings. The requirements of the job always take precedence over the alternative work schedule.
   4. Not engage in excessive socializing prior to the beginning of their workday when employees are already engaged in their work schedule. This can be disruptive to the work patterns of employees with earlier starting times.
   5. Nonexempt employees shall record actual hours worked for each day on the time form.

7.11.5 Procedures for Requesting an Alternative Work Schedule

A Request for an Alternative Work Schedule (AWS) form must be completed by the employee and submitted to the supervisor for approval if the employee wants to participate in a flexible work schedule. A copy of this form should be sent to your Human Resource Director to be placed in the employee’s personnel file. A form is not required to participate in occasional flextime.

7.11.6 Changes to Work Schedules

Alternative schedules do not alter the responsibility and authority of supervisors to establish and change work schedules without prior notice. Supervisors may discontinue
or temporarily suspend alternative work schedules when necessary. Alternative work schedules may also be altered if work needs change or if service is impaired.

To ensure an opportunity for all employees to request an alternative work schedule and to ensure the schedule remains workable for the employee and the SDBOR, requests for flexible work schedules will be submitted and reevaluated at least every three months.

7.12 Holiday Pay

Holidays, as defined in Policy 8, are considered leave and, therefore, holiday hours will not count as hours worked for purposes of computing overtime. All overtime-eligible employees who work at least one shift or are on paid leave during the calendar week in which the holiday falls are eligible for holiday pay. For payroll purposes, a holiday is no more than eight hours. An employee who is on leave without pay for the entire week when a holiday occurs will not receive holiday benefits. Employees who are newly hired into the system and who begin work the day after the holiday will not receive the holiday pay hours.

As provided by South Dakota law, an employee must be compensated with time off or cash reimbursement for holiday hours. An employee who is required to work on a holiday may be compensated in one of two ways: Take off an equal number of hours at a later date, or receive straight time paid in cash for an equal number of hours.

For example, overtime eligible employees who work 32 or more hours in a week when an eight hour holiday is observed will be paid straight time for the “extra” hours over 32 and up to 40. If an overtime eligible employee actually works more than 40 hours, exclusive of the eight holiday hours, time and one-half will be paid for those hours over 40.

Part-time employees will receive prorated holiday pay depending upon the average number of hours they have worked in the previous three months of their appointment.

7.13 Inconvenience Pay

This policy can be found at the South Dakota Board of Regents web site (http://www.sdbor.edu/policy/4-Personnel/documents/4-25.pdf) under section IV of the SDBOR manual.

7.14 On-Call Time

This policy can be found at the South Dakota Board of Regents web site (http://www.sdbor.edu/policy/4-Personnel/documents/4-25.pdf) under section IV of the SDBOR manual.

7.15 Job Related Training

This policy can be found at the South Dakota Board of Regents web site (http://www.sdbor.edu/policy/4-Personnel/documents/4-25.pdf) under section IV of the SDBOR manual.
7.16 Travel Time/Meeting Time

This policy can be found at the South Dakota Board of Regents web site (http://www.sdbor.edu/policy/4-Personnel/documents/4-25.pdf) under section IV of the SDBOR manual.

7.17 Expense Reimbursement

SDBOR shall reimburse employee for all necessary expenses incurred by employee while traveling pursuant to employer’s discretion.

7.17.1 Board Meeting Travel

Because of the BOR’s high visibility in the communities, all staff members are strongly encouraged to coordinate travel and to reduce the number of vehicles taken to meetings. Managing and controlling costs in the office budget should be of concern to all.

Employees are encouraged to schedule workload and other campus meetings by coordinating meeting and departure times with other staff members. The day before the Board of Regents meeting is the scheduled travel day. If an employee can travel with others and for personal reasons the employee chooses not to, the employee will be reimbursed for either his/her motel room or personal vehicle mileage, but not both. If an employee must leave before other Board office staff members due to a scheduled meeting the day before the Board meeting, an employee may take a state vehicle or be reimbursed at the low rate for taking his/her own vehicle.

7.17.2 General Travel

A. Personal vehicle use:
   1. If there are no state vehicles available, an employee may take his/her own vehicle and be reimbursed at the high mileage rate.
   2. If an employee chooses to take his/her own vehicle and there are state vehicles available, employees will be reimbursed at the low mileage rate.

B. If the employee is the only staff member who must attend a meeting outside of Pierre, he/she may be reimbursed both for using his/her own vehicle (at the appropriate rate; and for his/her motel room if the employee stays overnight. The employee’s mileage reimbursement will be based upon direct routes to and from the destination.

C. Please make every effort to schedule the airline flight in hopes that no changes need to be made. SDBOR is charged a $100 change fee plus a $15 service fee if it becomes necessary to change the flight after it has been booked. Please try to determine before booking the flight if the employee’s presence is required at meetings either before or after the main conference or meeting the employee plans to attend. **Please retain plane ticket stubs for reimbursement.

7.17.3 Mileage

The policy of the BOR is to follow the state rates for mileage reimbursement. As the rates are subject to change, please notify your Supervisor or support personnel to ensure the most updated rate.
A. $0.20 per mile if taking own car and there was a state vehicle available (Low)
B. $0.37 per mile if taking own car because no state vehicle was available (High)

7.17.4 Per Diem

The policy of the BOR is to follow the state rates for Per Diem reimbursement. (5:01:02:17, 5:01:02:14, and 5:01:02:11). As the rates are subject to change, please notify your Supervisor or support personnel to ensure the most updated rate.

In-State
A. Breakfast - $5.00 (Leave before 5:31 a.m., return after 7:59 a.m.)
B. Lunch - $9.00 (Leave before 11:31 a.m., return after 12:59 p.m.)
C. Dinner - $12.00 (Leave before 5:31 p.m., return after 7:59 p.m.)

Out-of-State
A. Breakfast - $8.00 (Leave before 5:31 a.m., return after 7:59 a.m.)
B. Lunch - $11.00 (Leave before 11:31 a.m., return after 12:59 p.m.)
C. Dinner - $17.00 (Leave before 5:31 p.m., return after 7:59 p.m.)

Out-of-Country
A. Breakfast - $8.00 (Leave before 5:31 a.m., return after 7:59 a.m.)
B. Lunch - $18.00 (Leave before 11:31 a.m., return after 12:59 p.m.)
C. Dinner - $25.00 (Leave before 5:31 p.m., return after 7:59 p.m.)

7.17.5 Lodging

A. 5:01:02:14. In-state per diem rates—The actual cost of lodging up to a maximum of $50 plus tax a day (Effective July 1, 2012).

B. 5:01:02:11. Out-of-state per diem rates—The actual cost of lodging up to a maximum of $150 plus tax a day. A person designated as having authority to approve out-of-state travel requests may at the person's discretion approve an additional allowance of up to $100 a day for lodging provided the total amount paid to the employee as reimbursement for lodging does not exceed the actual cost of that lodging.

C. 5:01:02:10.01. Out-of-country per diem rates - Reimbursement for official state travel outside the United States of America shall be paid in United States dollars. Prior approval by the department head is required for all out-of-country travel. Receipts are required for all reimbursement of lodging. The out-of-country rates are as follows:

The actual cost of lodging up to a maximum of $150 per day. A person designated as having authority to approve out-of-country travel requests may at the person's discretion approve up to $100 additional a day for lodging provided the total amount paid to the employee does not exceed the actual cost of the lodging; and

7.18 Safe Harbor Clause

It is the policy of the SDBOR to abide by all federal and state wage and hour laws. SDBOR prohibits improper pay practices and improper deductions. Employees with concerns about possible violations of wage and hour laws should contact the SDBOR Human Resources Office. Every effort will be made to investigate the concern and promptly rectify any inadvertent errors.
Note the SDBOR specifically reserves the right to repeal, modify or amend any of these policies with or without notice. In addition, as some of these policies reflect the State of South Dakota Statutes, they are subject to change by the State of South Dakota. Any manual provision that purports to diminish or to expand upon customary conditions of employment restrictions, entitlements, or benefits specifically set forth under the statutes, rules, or regulations of the State of South Dakota and the Board of Regents shall be, to that extent, null and void and without effect.
Policy 8

Benefits

8.0 Health Insurance

The State of South Dakota offers Health Plan options that provide comprehensive medical coverage for the eligible employees and his/her dependents. Regular full-time and regular part-time employees are eligible for health benefits under the state health insurance plan on the 31st day of employment with SDBOR. Covered employees' dependents are also eligible for coverage at the employee's expense. For more information on the State’s Health Benefit, please view https://benefits.sd.gov

Employees may choose to opt out of health coverage provided by SDBOR. Employees who opt out of SDBOR health coverage will not be reimbursed monetarily for his/her portion of the health coverage premium. SDBOR assumes no liability or responsibility for the adequacy or inadequacy of the insurance coverage or other medical bills or expenses not otherwise covered by this plan.

8.1 Dental and Vision Care Plan

A. Dental Care Plan—This plan provides benefits to employees when a covered individual incurs eligible dental expenses. This plan is at the employee’s expense.

B. Vision Care Plan—This plan provides benefits to employees when a covered individual incurs eligible vision expenses. This plan is at the employee’s expense.

These plans are optional plans of the employee’s choice. The employee is therefore 100% responsible for the cost of these plans. For more information on the State’s dental and vision plan, please view https://benefits.sd.gov.

8.2 Extended Health Coverage

In the event of an employee's termination of employment or reduction of hours, the employee, spouse, and dependent children are entitled by law to purchase continuing health care coverage and other health coverage under the state group plan for up to 18 months. If the employee or any family member is disabled, the disabled individual and non-disabled family members are entitled to an additional 11 months of continuation coverage. In the event of an employee's death, divorce, or legal separation, or a retiree losing coverage under state’s group plan, the spouse and dependent children of the employee or retiree have the option of purchasing continuing coverage under agency's group health plan for up to 36 months.

Employees or qualified beneficiaries electing extended coverage (COBRA) are responsible for paying the cost of the extended health care coverage. The purchase price of continuing coverage is the full cost of the premium SDBOR pays for similarly situated active employees, plus administrative costs. During the 11 months of extended coverage for disabled employees or their family members, the cost of the premium rate may increase. By enrolling in the Health Care Continuation Plan (COBRA), employees and family members receive the benefit of purchasing the same extensive coverage provided to active employees at favorable group rates.

This continuing coverage terminates before the expiration of the 18-, 29-, or 36-month period if the employee or qualifying family members become covered under another group health plan that provides comparable benefits and does not penalize the newly covered individual(s) for
preexisting conditions. State’s continuing coverage also terminates if premiums are not paid on
time or if the state discontinues all of its group health plans for all employees.

In order for SDBOR to meet its legal obligations in providing continuing health care coverage, all
employees must inform his/her supervisor within 60 days of a change in status such as divorce or
legal separation or when a dependent child reaches 18 years of age, if no longer in school, or 21
years of age, if still in school. It also is essential that the Supervisor have a current address for all
employees and family members. This policy statement is a brief description of the Health Care
Continuation Plan and does not fully explain employees' rights. Employees should read the notice
he/she receives when he/she first enrolls in the group health plan or the Summary Plan
Description for a full explanation. Copies of the notice and Summary Plan Description can be
obtained from the Bureau of Human Resources.

8.3 Short-Term Disability Insurance (STD)

The state offers a supplemental STD plan at the employee’s expense. The Short-Term Disability
Income Protection Plan provides benefits to eligible employees for up to a total of 12 months
(365 days) if the employee becomes totally disabled while covered under this Plan. Employees
are totally disabled if, due to sickness or injury or both, you cannot physically perform the
material and substantial duties of your State job or any other job or occupation. For more
information on the State’s STD plan, please view https://benefits.sd.gov

8.4 Life Insurance

There are three types of life and accidental death & dismemberment insurance coverage available
under the Group Term Life Plan for eligible employees. They are:

A. Basic Coverage— This insurance is provided by the State at no cost to employees.
B. Supplemental Coverage— This insurance is available for additional coverage for employees
only at the employee’s expense.
C. Dependent Coverage—This insurance is for coverage for the employee’s spouse and eligible
dependents at the employee’s expense.

Employees can elect Accidental Death and Dismemberment (AD&D) benefit under their
Supplemental Life coverage. The Plan pays death benefits upon receipt of acceptable proof of the
death of a covered person. The AD&D benefit pays additional benefits in the case of an
accidental death. It also provides dismemberment benefits for certain injuries. For more
information on the State's Life Insurance plans, please viewhttps://benefits.sd.gov.

Employees who have supplemental life insurance coverage may be eligible for the base Long
Term Care (LTC) insurance. Employees may have the option to purchase additional LTC at their
own expense.

8.5 Hospital Indemnity Plan

The Hospital Indemnity Plan provides a daily benefit of $125 per person when an employee or a
covered member of the employee’s family is hospitalized as an inpatient because of sickness or
injury when certain conditions are met. Benefits may also be available if hospitalization occurs as
an outpatient in an observation room for at least six hours. This benefit is at the employee’s
expense. For more information on the State’s Hospital Indemnity Plan, please view
8.6 **Major Injury Protection Plan**

The Major Injury Protection Plan provides benefits to employees and covered family members who suffer a covered accidental injury within the employee’s period of coverage. Benefits are payable whether the injury occurs on or off the job regardless of any other coverage employee carries. A fixed-dollar benefit is payable for a variety of injuries, services and treatments. When one accident results in multiple injuries, the benefit will be calculated according to Plan provisions. This benefit is at the employee’s expense. For more information on the State’s Major Injury Plan, please view https://benefits.sd.gov.

8.7 **Supplemental Insurance**

The SDBOR offers various AFLAC options for the employee should the employee want additional supplemental coverage. Please contact the Director of Human Resources for the AFLAC representative in the employee’s prospective area.

8.8 **Medical Expense and Dependent Care Expense Spending Accounts**

A. **Medical Expense Spending Account**— Allows employees to set aside tax-free dollars and/or Flex Credits for use during the Plan Year. Employees then are able to receive reimbursements, from his/her account, to pay for eligible medical expenses incurred by the employee or eligible family members during the period of coverage. Eligible health care expenses that are not covered by any insurance or form of compensation are eligible for reimbursement through the Medical Expense Spending Account. Forms can be obtained at the Board of Regents.

B. **Dependent Day Care Spending Account**— Allows employees to set aside tax-free dollars from each paycheck to pay for eligible expenses for the employee’s children or other dependents who need care while the employee, or employee and spouse, are at work. When employees enroll in this account, employees designate an amount to have deducted from each paycheck during the Plan Year. The per paycheck amount elected is deducted from the employee’s pay before taxes are calculated and is held in the employee’s Dependent Day Care Spending Account. The employee can request reimbursement from the account for the eligible expenses incurred during the period of coverage within that Plan Year. Forms can be obtained at the Board of Regents.

For more information on the State’s Spending Accounts, please view https://benefits.sd.gov.

8.9 **Retirement Benefit**

The South Dakota Retirement System (SDRS) is the provided retirement system for all state employees. This is a mandatory benefit for all employees. Both the employee and the employer share the cost of the employee’s retirement benefits by contributing a percentage of the employee’s salary to the system. The amount that the employee will contribute and the amount the employer will match will be dependent on the classification of the employee. The SDRS offers a supplemental retirement benefit in which the employee has the option to participate. Please notify the Director of Human Resources should any information be requested.
8.10 Workers’ Compensation

A. Report of Injury Required—South Dakota Worker's Compensation Law requires that an employee report all work-related injuries or illnesses to the SDBOR within three (3) days after its occurrence.

Any employee involved in an on-duty accident shall immediately report the accident and any physical injury sustained to his/her supervisor. When required, the employee shall complete an accident report on the Bureau of Human Resources benefits website and shall supply all available names and addresses of witnesses to accident.

The employee shall receive a copy of the accident report that is submitted to the employer. Failure to comply with this policy may be grounds for disciplinary action by SDBOR. All employees shall also immediately report all safety hazards to his/her supervisor.

B. Time Reporting—Supervisors with an employee absent from work because of an on-the-job accident will be required to record all hours worked for non-exempt employees and days worked for exempt employees, as well as regularly scheduled hours not worked or days not worked, on the time sheet while the employee is absent from work and shall submit the time sheet to the Director of Human Resources for SDBOR records.

C. Compensation and Benefits—In cases where workers' compensation reimbursement is paid and in accordance with SDCL 62-4-3, if an injured state employee's workers' compensation benefits are not equal to his salary, he/she may, notwithstanding any provision in § 3-6C-10, use sick pay or vacation pay in an amount necessary to make up the difference between his salary and the workers' compensation benefits. SDCL 3-6C-7.1 prohibits accrual of sick leave while receiving workers' compensation. Employee will be required to provide sufficient certification or signed medical release to return to work.

8.11 Mandatory Benefits

As an employer of South Dakota, SDBOR is required to provide a Medicare and FICA match as well as state and federal unemployment.

8.12 Annual Vacation Leave

A. Accruing Vacation—Accrual of vacation begins on the first day of employment; however, employees are not allowed to use vacation until completion of six full months of service (training period). Vacation leave shall be earned and credited to regular full-time employees at the rate of 10.00 hours per month. If employed fifteen (15) years or more vacation will be accrued at the rate of 13.33 hours per month, provided all other necessary provisions of this article have been met. Regular part-time employee will accrue his/her vacation on a prorated basis based on the number of hours the employee works. The accrual date for vacation is based on the employee’s anniversary.

B. Scheduling of Vacation—Vacation leave must be scheduled with the employee’s supervisor at the earliest possible time prior to the use of such leave. SDBOR reserves the right, within reason, to disapprove requested time for vacation leave for the purposes of maintaining the workforce during heavily scheduled work periods. However, the agency will make every effort to accommodate employees’ requests for time off.
C. **Vacation Accumulation**— Annual leave may be carried over from one calendar year to the next. In accordance to SDCL 3-6C-4, vacation may be earned in a period of time not exceeding two years of regular and continuous state employment. Therefore, employees with 15 years or less years of service can accrue up to 240 hours and employees with more than 15 years can accrue up to 320 hours.

D. **Termination of Employment**— In accordance with SDCL 3-6C-6, any employee who retires or voluntarily resigns may terminate his employment at the end of his accrued vacation period or receive a lump-sum payment for the unused vacation time which has accrued as of his/her final day on the payroll. However, if the employee dies, payment for the accumulated leave of absence for vacation time shall be paid according to SDCL 3-8-8 to 3-8-11, inclusive.

E. **Salary in Lieu of Vacation**— Employees who terminate, retire, or who are placed on a leave of absence may receive pay for earned but unused vacation. In the event of death, earned but unused vacation will be paid to that employee's estate. Active employees are not eligible for salary in lieu of vacation.

F. **Leave of Absence without Pay**— Employees granted unpaid leave of absence will not accrue any leave for that pay period(s).

G. **Donated Leave**— See 8.13.

H. **Family Medical Leave**— Employees must use all accrued vacation leave while on FMLA and prior to going on an unpaid FMLA.

### 8.13 Sick Leave

Regular full-time employees shall accrue sick leave at a rate of 9.334 hours per pay period or 112 hours annually. Regular part-time employees will accrue sick leave on a prorated basis which will be dependent upon the number of hours the employee works.

A. **Sick Leave Pay**— Sick leave benefits shall be paid at the employee’s regular rate of pay at any time the leave is taken.

B. **Using Sick Leave**— Sick leave may be granted for personal illness, pregnancy and related disabilities, exposure to contagious diseases that would endanger the health of fellow employees, required eye and dental care, required medical examination, or inpatient or outpatient treatment in approved centers for alcohol, drug abuse, psychiatric, or counseling care. Employees who are on approved leave, except terminal vacation leave, and become injured or ill may use sick leave. Adoption of a child by any state employee is treated as natural childbirth for leave purposes.

An employee absent from work due to illness or disability shall notify his/her immediate supervisor before he/she is scheduled to work, or as soon as possible. If an emergency situation exists, indicate the nature of the situation and the expected length of absence. If an employee is absent two (2) consecutive days without proper notification, he/she will be considered to have voluntarily resigned his/her position. In accordance with SDCL 3-6C-7, all absences for sickness shall be supported by a medical certificate upon the request of the Director of Human Resources and the BHR. Any employee found to have abused his/her sick leave privileges may be subject to disciplinary action.
C. **Carry-Over of Sick Leave**— Sick leave benefits not used during the calendar year in which they were earned may be carried over and used during the succeeding calendar years.

D. **Personal Leave**— In accordance with SDCL 3-6C-7, an employee may use up to five days, or 40 hours, of his sick leave in each calendar year for personal reasons. Leave for personal emergencies may not be accrued from year to year (See 8:23 Personal Emergency Leave).

E. **Advanced Sick Leave**— In accordance with SDCL 3-6C-8, a leave of absence for sickness, not exceeding twenty-eight days, may be advanced to an employee who has been in regular and continuous employment of the state for at least one full year, and after such employee has used up any and all of his/her accumulated and earned leave of absence for vacation and also for sickness. Any such advance leave of absence for sickness shall be charged against any and all subsequent leave of absence for sickness as earned by the employee in the succeeding years of his/her state employment. All such advance leave of absence for sickness shall be within the sound discretion of the Bureau of Human Resources under such rules and regulations as the Civil Service Commission shall promulgate in relation thereto, and then only upon the Bureau's consent and approval having first been obtained.

F. **Leave of Absence**— Employees on a leave of absence without pay do not accrue sick leave benefits.

G. **Donated Leave to Employee for Care of Self**— In accordance with SDCL 3-6C-13 any employee of the state may donate accrued vested leave (sick or vacation) to another state employee who meets all of the following criteria:
   1. Terminally ill and his condition will not allow a return to work;
   2. Suffering from an acutely life threatening illness or injury which has been certified by a licensed physician as having a significant likelihood of terminating fatally and his/her physical condition will not allow a return to work for a period of at least ninety consecutive days; and
   3. All leave benefits for which the recipient employee is eligible have been exhausted.

   The donation is not allowed after the recipient employee is able to return to work or is approved for disability benefits provided for in SDCL 3-12-98 or any other public disability benefits. The donation of accrued vested leave may not exceed 2,080 hours per recipient employee as defined above in number 1 or 1,040 hours per illness or injury for a recipient employee as defined above in number 2, not to exceed 2,080 hours per recipient. The donation shall be approved by the Bureau of Human Resources including number of hours to be donated, confidentiality of a donation, definition of terminally ill, definition of life threatening illness or injury, criteria for determining employee eligibility to receive or donate leave, coordination of leave donation with disability and other public benefits and in compliance with the provisions of 3-6C-12 and procedures for approval of the donation.

   For every four (4) hours of sick leave donated by an employee, the recipient employee receives one hour of sick leave. For every one (1) hour of vacation leave donated by an employee, the recipient employee receives one hour of vacation leave.

H. **Donated Leave to Employee for Care of Family Member**— In accordance with SDCL 3-6-8.6, any employee of the state may donate *vacation* leave to another state employee who meets all of the following criteria:
   1. The recipient employee will use the donated leave to care for the recipient employee's spouse, child, or parent who is terminally ill;
(2) The recipient employee's spouse, child, or parent is suffering from an acutely life threatening illness or injury which has been certified by a licensed physician as having a significant likelihood of terminating fatally; and

(3) All leave benefits for which the recipient employee is eligible have been exhausted.

The total paid leave, including the donated vacation leave pursuant to this section, may not exceed twelve weeks annually per recipient employee. The donation shall be approved by the Bureau of Human Resources including number of hours to be donated, confidentiality of a donation, definition of terminally ill, definition of life threatening illness or injury, criteria for determining employee eligibility to receive or donate leave and for prorating donated leave for part-time employees, and procedures for approval of the donation. Any donation shall be in compliance with the provisions of SDCL 3-6C-4 and 3-6C-5.

For every one (1) hour of vacation leave donated by an employee, the recipient employee receives one hour of vacation leave.

I. Restrictions of Donated Leave— In accordance with SDCL 3-6C-14, any donation of leave may be restricted as follows:(1) The donating employee may only donate leave to an employee who is at the same or lower pay grade as the donating employee; (2) The donation may be denied based upon funding considerations within the agency, at the discretion of the commissioner.

J. Termination— In accordance with SDCL 3-6C-12, every state employee, who has been continuously employed in a permanent position by the State of South Dakota or any department or agency thereof for at least seven years prior to the date of his/her retirement, voluntary resignation, layoff, termination for inability to perform job functions due to physical disability or death, shall receive payment for one-fourth of the unused leave of absence for sickness which has accrued as of his/her final day on payroll. Such payment may not exceed the sum of four hundred eighty hours. However, in the case of death of the employee, payment for such accumulated leave of absence for sickness shall be paid as provided under the provisions of SDCL 3-8-8 to 3-8-11.

K. Family Medical Leave— Employees must use sick leave or vacation leave for a qualifying event of a serious health condition of self. Employee may choose to use vacation for any qualifying event as well. Employee may utilize the forty (40) hours of personal leave to care for a child, parent, or spouse while on FMLA. No sick leave can be used for any other provision of the FMLA. Employee could use donated leave as identified in G or H above.

8.14 Family Medical Leave

This policy can be found at the South Dakota Board of Regents web site (http://www.sdbor.edu/policy/4-Personnel/documents/4-15_000.pdf) under section IV of the SDBOR manual.

8.15 Extended Leave of Absence

This policy can be found at the South Dakota Board of Regents web site (http://www.sdbor.edu/policy/4-Personnel/documents/4-15_000.pdf) under section IV of the SDBOR manual.
8.16 Employer-Paid Group Insurance for Employees on Leave Without Pay or Temporary Reduction to Less than Full-Time Employment

This policy can be found at the South Dakota Board of Regents web site (http://www.sdbor.edu/policy/4-Personnel/documents/4-15_000.pdf) under section IV of the SDBOR manual.

8.17 Exempt Employee Professional Development Leave

This policy can be found at the South Dakota Board of Regents web site (http://www.sdbor.edu/policy/4-Personnel/documents/4-15_000.pdf) under section IV of the SDBOR manual.

8.18 Jury and Witness Duty

In accordance with 55:09:04:09, if a state employee is subpoenaed to testify in court, the employee shall receive both the employee's regular salary from the state without loss of leave credits and witness fees. If the employee is subpoenaed by either party to testify in any civil or criminal proceeding because of the employee's official capacity, the employee shall receive the employee's regular salary without loss of leave credits and may receive actual expenses according to state rates, but may not receive witness fees. If an employee is a party to or witness who has not been subpoenaed for private litigation, the employee must use vacation leave or leave without pay. If a state employee is summoned to serve on a jury, the employee shall receive the employee's regular salary without loss of leave credits and the per diem and mileage provided for by SDCL 16-13-46. A state employee summoned either as a witness or a juror shall notify the employee's employer at once. An employee may be required to return to work upon the completion of jury or witness duty if it ends prior to the completion of the workday.

8.19 Voting Time

SDBOR employees whose work schedule does not enable time to vote during the times the polls are open shall be allowed up to two (2) consecutive hours to vote. Such time shall be treated as regular work time for the purposes of pay and accrual of leaves.

8.20 Military Service and Veterans Rights

This policy can be found at the South Dakota Board of Regents web site (http://www.sdbor.edu/policy/4-Personnel/documents/4-16.pdf) under section IV of the SDBOR manual.

8.21 Holidays

State employees are granted the following holidays:

- New Years Day ................................................................. January 1
- Martin Luther King, Jr. Day ........................................ Third Monday in January
- Presidents' Day .......................................................... Third Monday in February
- Memorial Day ............................................................ Last Monday in May
- Independence Day ...................................................... July 4
- Labor Day ................................................................. First Monday in September
- Native Americans Day ........................................... Second Monday in October
- Veterans' Day ............................................................. November 11

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Thanksgiving Day ........................................... Fourth Thursday in November
Christmas Day ................................................... December 25

If July 4, November 11, December 25, or January 1 falls on a Sunday, the Monday following shall be observed as the holiday; if they fall on a Saturday, Friday preceding is observed as the holiday. (BR July 1971, page 366) (SDCL 1-5-1, 1974) Please refer to policy 7.11 for information of compensation.

8.22 Administrative Leave

In accordance with 55:09:04:13, administrative leave shall be granted in the following situations, allowing an employee to receive compensation for the hours that the employee would normally have worked with no loss of leave.

A. An office is administratively closed;
B. An employee is a member of a volunteer fire department or ambulance service and is called to duty during working hours;
C. Pending an investigation of charges made against an employee upon which disciplinary action could be taken; and
D. For any other purpose that has been requested in writing and approved by the commissioner.

The appointing authority shall grant administrative leave hours as straight time off at a later date or as cash payment at the regular hourly rate to employees who are required to work when an office is administratively closed. If an office remains open and an employee is not able to reach the worksite, the employee must use annual leave, compensatory time if applicable, or leave without pay. In the event an employee works when an office is closed, time actually worked will be counted toward overtime. Please see the overtime policy for more clarification.

8.23 Personal Leave

In accordance with SDCL and ARSD, an employee may use up to 40 hours of accumulated sick leave annually for the following purposes:

1. A death in the immediate family;
2. The temporary care of members of the immediate family;
3. Volunteer police or rescue work; and
4. A call to state active duty of military reserve or National Guard members.

Leave for personal emergencies may not be accrued from year to year. Immediate family is defined under ARSD as the employee's spouse, children, mother, father, mother-in-law, father-in-law, daughter-in-law, son-in-law, brothers, sisters, grandparents, grandchildren, stepchildren, and stepparents, and foster children.

*Note: Accrued Annual and Sick Leave can be found in the SDCL at the following reference: http://legis.state.sd.us/statutes/DisplayStatute.aspx?Statute=3-6C&Type=Statute_Policy 8.12 and 8.13 are derived right from state law. Should the state law change, then this policy will be null and void. State law will always supersede this policy should any changes be made. For more information and updated state benefit information, see https://benefits.sd.gov

8.24 Educational Assistance Program

The South Dakota Board of Regents encourages employees to take advantage of all opportunities that will assist them in the development of their job-related skills and, in turn, enhance their job proficiency. In order to endorse and facilitate such skills development, SDBOR provides an Educational
Assistance Program to eligible employees for enrollment in job-related, or coursework directly related to the organization’s professional development or succession plan for the employee.

The Educational Assistance Program provides a tool for managers and employees to support academic activities that directly relate to the organization’s identified knowledge, skills, and competencies, and which support the mission, vision, and values of the organization. The educational assistance program is not an employee benefit, right or entitlement; it is a management program for workforce development. Denial of participation in the educational assistance program cannot be grieved, except on grounds of discrimination. The details of this program can be found in Appendix A of this employee handbook.

Note the SDBOR specifically reserves the right to repeal, modify or amend any of these policies with or without notice. In addition, as some of these policies reflect the State of South Dakota Statutes, they are subject to change by the State of South Dakota. Any manual provision that purports to diminish or to expand upon customary conditions of employment restrictions, entitlements, or benefits specifically set forth under the statutes, rules, or regulations of the State of South Dakota and the Board of Regents shall be, to that extent, null and void and without effect.
Policy 9
Performance Appraisals

9.0 Performance Appraisals

Performance evaluations are designed to provide the employee with a record of his/her performance, to encourage professional growth and to promote communication between the supervisor and the employee. Performance appraisals will be conducted a minimum of once during the employee’s training period (at the conclusion) and annually thereafter.

The performance evaluations are to be structured toward each employee’s position. The purpose of the evaluation is to commend strengths, address weaknesses, suggest ways to improve, and to discuss employee goals and objectives. Evaluations will be conducted in a private meeting between the employee and his/her supervisor. Employees are required to sign his/her evaluation and will receive a copy. Signing does not imply agreement but that the contents have been made known or discussed with the employee.
10.0 Disciplinary Action for Exempt Non-Faculty Employees

This policy can be found at the South Dakota Board of Regents web site (http://www.sdbor.edu/policy/4-Personnel/index.htm) under section IV of the SDBOR manual.

10.1 Disciplinary Action for CSA Employees

Disciplinary action may be taken for reasons outlined below or for unsatisfactory job performance and may include suspension without pay, dismissal, demotion, or reduction in salary.

10.1.1 Causes for Disciplinary Action

Under 55:10:07:04, disciplinary action under this section may be taken for conduct within or outside the scope of employment. Disciplinary action may be taken for just cause as reported to the commissioner.

10.1.2 Notice of Intended Disciplinary Action

Under 55:10:07:03, the appointing authority may discipline a status employee for cause at any time. Before a status employee is disciplined the appointing authority shall give the employee verbal or written notice and an opportunity to present reasons, either in person or in writing, why the proposed action should not be taken. The appointing authority shall provide the employee with a verbal or written statement of the specific reasons for the proposed action and shall advise the employee when the employee must respond.

Prior to imposition of any intended disciplinary action, the employee may be suspended with pay until the meeting, receipt of written response or waiver by the employee of the right to respond. The disciplinary action may be taken only after the meeting or receipt of a written response or after waiver of the right to respond.

The appointing authority shall give the employee written notice of the decision, with a copy to Human Resources, within five working days after the date of the meeting or the date of the employee's written response, whichever occurs later. The notice shall advise the employee of the departmental grievance procedure.

10.1.3 Work Improvement Plan

Under 55:10:07:02, if, in the performance of the duties of the employee's position, an employee's work is unsatisfactory, the appointing authority shall issue to a status employee a written notice that disciplinary action will be taken unless performance improves. The notice shall outline the duration of the work improvement period, the areas where performance is unsatisfactory, and the level of performance that is expected. Work improvement periods shall be a minimum of 30 days and may not exceed 6 months. If performance has not reached acceptable levels after completion of the work improvement period or if at any later date performance falls below standard, the appointing authority may take disciplinary action. An employee who is serving a work improvement period may be disciplined during the work improvement period for violations of § 55:10:07:04.
Placement on a work improvement plan or notice of unsatisfactory work performance is not appealable. However, any action taken as a result of unsatisfactory completion of the work improvement period may be appealed. This section does not apply to action taken pursuant to § 55:10:09:02.

10.2 Grievance Procedure for Exempt Non-Faculty Employees

This policy can be found at the South Dakota Board of Regents web site (http://www.sdbor.edu/policy/4-Personnel/documents/4-8.pdf) under section IV of the SDBOR manual.

10.3 Grievance Procedure for CSA Employees

This policy can be found at the South Dakota Board of Regents web site (http://www.sdbor.edu/policy/4-Personnel/documents/4-9.pdf) under section IV of the SDBOR manual.

Note the SDBOR specifically reserves the right to repeal, modify or amend any of these policies with or without notice. In addition, as some of these policies reflect the State of South Dakota Statutes, they are subject to change by the State of South Dakota. Any manual provision that purports to diminish or to expand upon customary conditions of employment restrictions, entitlements, or benefits specifically set forth under the statutes, rules, or regulations of the State of South Dakota and the Board of Regents shall be, to that extent, null and void and without effect.
Policy 11
Separation from Service

11.0 General Procedures

All employees who are leaving his/her job with SDBOR for any reason are asked to participate in an exit interview. On an employee’s last day of employment, he/she is required to return all agency property to his/her supervisor. Final paychecks are directly deposited or directly given to the employee on the next regular payday. SDBOR makes every effort to ensure that all terminations and separations from employment are conducted in accordance with all provisions and requirements of applicable federal and state laws.

11.1 Definitions

A. Voluntary Separation: Written resignation or retirement. The employee initiates voluntary separation.

B. Involuntary Separation: Layoff or discharge of an employee. An employee does not initiate involuntary separation.

11.2 Return of Agency Property

Employees are expected to return all agency property at the time of his/her departure from service. Employee debts may be satisfied through voluntary or involuntary deductions from salary, or they may be referred to a collection agency. SDBOR may assess interest on delinquent accounts at the category F specified in SDCL 54-3-16.

This policy can be found at the South Dakota Board of Regents web site (http://www.sdbor.edu/policy/5_FinanceBusiness/documents/5-21.pdf) under section V of the SDBOR manual.

11.3 Voluntary Resignation

11.3.1 Resignation

SDBOR employee’s may resign from agency service by giving his/her supervisor written notification of his/her resignation at least two (2) weeks in advance of his/her leaving agency service. In addition, the SDBOR would request that any supervisor provide the Executive Director one-month notice in advance of his/her leaving the agency. In extenuating circumstances, the supervisor may accept the employee’s resignation as taking effect immediately. Appropriate paperwork will be completed prior to the employee’s last working day, including but not limited to, retirement, insurance, payroll, and an exit interview.

11.3.2 Retirement

Employees are asked to notify his/her immediate supervisor at least one month before his/her planned retirement date. During that time, employee will be given the appropriate paperwork for retirement purposes.
11.4 Involuntary Separation

Employees who are discharged are advised of his/her rights to continue participation in the agency's group health plan.

11.4.1 Non-Faculty Exempt Layoff

This policy can be found at the South Dakota Board of Regents web site (http://www.sdbor.edu/policy/4-Personnel/documents/4-33.pdf) under section IV of the SDBOR manual.

11.4.2 CSA Layoff

This policy can be found at the South Dakota Board of Regents web site (http://www.sdbor.edu/policy/4-Personnel/documents/4-24.pdf) under section IV of the SDBOR manual.
SDBOR Harassment/Discrimination Complaint Form

Grievant Information
Name:
Work Location:
Position:
Telephone Number(s):

Person Receiving Complaint
Name:
Work Location:
Position:
Telephone Number(s):

THE FACTS. (Please describe what happened in factual detail. Please identify witnesses or others who were present. Describe the impact (effect) this had on you. Please identify any person(s) you believe may be responsible. Use additional paper if needed and attach to this form. The following information should be included in the statement: the name and address of the individual or representative filing the complaint, a description of the alleged discriminatory action in sufficient detail to inform the entity of the nature and date of the alleged violation. The complaint must be signed by the complainant or authorized representative. Complaints filed on behalf of third parties must describe or identify the alleged victims of the discrimination.

If others are affected by the possible violation, please give their names.

Signature of Grievant:_________________________ Date:____________________
Signature of Person Receiving Grievance:_________________ Date:_________________
Personnel Policy and Procedures Manual
Acknowledgment Form

This will acknowledge my receipt of SDBOR’s Personnel Policy and Procedures Manual and my responsibility to become familiar with its contents. I further understand and agree to the following:

1. This handbook represents a brief summary of some of the more important SDBOR policies relative to employment, but is not intended to be all-inclusive of agency policies or practices.

2. SDBOR retains the sole right in its business judgment to modify, suspend, interpret, or cancel, in whole or in part, at any time, and with or without notice, any of the published or unpublished personnel policies or practices.

3. SDBOR does not recognize verbal or implied contracts for employment. Only the Executive Director with the Board of Regents has the authority to enter into any agreement of employment for specified durations. Such employment agreements will only be valid and binding on SDBOR when the agreement is set forth in a written document signed by the employee and Executive Director or his/her designee.

4. The contents of this manual do not constitute an expressed or implied contract of employment.

5. I understand the Nondiscrimination and Harassment Policies and will abide by them.

Employee's Name (Print or type): ____________________________

Employee’s Signature: ____________________________ Date: ____________________________
Attachment I: Educational Assistance Program

Overview

The South Dakota Board of Regents encourages employees to take advantage of all opportunities that will assist them in the development of their job-related skills and, in turn, enhance their job proficiency. In order to endorse and facilitate such skills development, SDBOR provides an Educational Assistance Program to eligible employees for enrollment in job-related, or coursework directly related to the organization’s professional development or succession plan for the employee.

The Educational Assistance Program provides a tool for managers and employees to support academic activities that directly relate to the organization’s identified knowledge, skills, and competencies, and which support the mission, vision, and values of the organization. The educational assistance program is not an employee benefit, right or entitlement; it is a management program for workforce development. Denial of participation in the educational assistance program cannot be grieved, except on grounds of discrimination.

Applicability

Permanent, full-time employees who have completed their six month probationary period with satisfactory performance are eligible to participate in the Educational Assistance Program. Employees may begin participation at the beginning of the applicable institutional academic session following the completion of their probationary period.

Exceptions to the probationary period completion may be reviewed for employees transferring within state government or the Regental system.

Policy Details

Programs of Study

All courses taken under the Educational Assistance Program must be for credit and be directly related to the employee’s current job or be clearly in the career path of the employee. Courses that meet these criteria in the following programs will qualify for reimbursement:

Degree Specific Programs — for employees studying for associate, undergraduate or graduate degrees.

Non-Degree Specific Courses — for employees taking courses not related to or dependent upon a specific degree.

Eligible Institutions/Universities

Course may be taken at any SDBOR institution. For programs not available at SDBOR institutions, exceptions may be reviewed for approval by the Executive Director.

Reimbursement Amounts

Regular full-time employees are eligible to be reimbursed for 80% of the tuition costs of up to 6 credit hours per academic session at a Regental institution.

Maximum reimbursement amounts will not exceed the tuition/fee rates charged per credit hour at the University’s resident rate. For those attending out of system institutions, the rate of
reimbursement will not exceed the average tuition/fee rates charged per credit hour in the Regental system.

Eligible employees must receive either grade of “C” or a passing grade in a pass/fail system to receive reimbursement for the tuition costs for undergraduate courses taken. Employees enrolled in graduate or doctoral programs must receive a “B” or better.

The Tuition Reimbursement amount may be subject to a reduction by the amount of other scholarships or assistance.

**Non-Reimbursable Expenses:** Reimbursement shall NOT be made for application, examination and graduation fees, transportation costs, textbooks and course supplies.

**Application Procedures**

Eligible employees will complete the SDBOR Educational Assistance Program application through the human resources department.

The application must be completed by the employee, and approved by the employee’s supervisor, human resources, and the Executive Director prior to the start of the academic session. Such approval indicates verification that the employee's attendance at classes will not adversely affect departmental services, and that the course(s) are in line with the employee’s position and/or professional development plan.

The application will include a professional development plan, and a summary of the course and/or program of study.

Employees who change or drop courses must document such information for Human Resources approval no later than 5 business days after the change, or drop is made.

**Reimbursement Procedures**

No later than 30 days following the completion of the academic term, the employee must submit an application for reimbursement and provide the following to Human Resources:

- Student account history which reflects out-of-pocket tuition expenses.
- Student document which reflects the eligible coursework completed and a grade of "C" or a passing grade in a pass/fail system.

Any falsification or misrepresentation of information will result in the denial of reimbursement and may be grounds for appropriate disciplinary action.

Tuition reimbursement payments will be directly reimbursed on the eligible employee's paycheck.

The employee must be an active employee on the date that the tuition reimbursement is paid. The employee will not be eligible for the reimbursement if he/she terminates employment before the reimbursement is paid.

**Termination of Eligibility**

Eligibility for the Educational Assistance Program shall cease during any period in which the employee is on leave of absence, unless such leave is granted for professional or educational
purposes related to the job. However, employees who are already taking a course when the leave of absence begins will be eligible for the reimbursement of tuition costs upon completion of that course.

Eligibility for the Educational Assistance Program shall cease when an employee separates from employment. Employees who are already taking a course(s) at the time of separation will not be eligible for the reimbursement of tuition costs. In addition, those who do not remain employed after a period of six months following payment of the reimbursement for a preceding academic term shall be required to repay SDBOR all tuition reimbursements paid within that six-month period. For example, an employee who obtains reimbursement for a spring semester course on June 1, receives reimbursement for a summer semester course on August 15, and ceases to be an employee on November 1, the employee will be required to repay SDBOR the tuition reimbursement for both the preceding summer semester and spring semester (because both June 1 and August 15 are within 6 months of November 1).

**Income Tax Information**

The taxability of the Educational Assistance Program is determined by federal regulations and is subject to change. If the benefits are considered taxable during a tax year, they must under federal law be reported by the Board of Regents as taxable income to the employee.

The SDBOR Educational Assistance Program is a qualified tuition reduction plan under Section 117 of the Internal Revenue Code for undergraduate courses. For graduate courses, the program qualifies as an Educational Assistance Program under section 127. Under this program, reduced fees are exempt from federal, state, and social security taxes up to an annual maximum of $5,250.