

POLICIES**Issued:****Responsible Official:** Vice President for Finance and Administration**Responsible Office:** Human Resources

Policy Statement

It is the policy of Austin Peay State University to provide efficient and appropriate administration of personnel.

Purpose

The following General Personnel Policy is hereby adopted to delegate to the president the authority and responsibility hereinafter specified concerning personnel, which the Board of Trustees finds to be necessary and appropriate for the efficient administration of the University, and to establish standards, guidelines, and reporting requirements for the exercise of the delegated authority.

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Procedures

Responsibility and Authority

The final responsibility and authority for the establishment of new positions and employment of personnel resides with the President (or as may be delegated to the vice presidents and other university officials as the President designates).

Position Establishment

The President is authorized to approve exceptions to the provisions of this policy when necessary to ensure completion of goals and objectives of the University.

Any individual holding a position of budget authority and responsibility such as a vice president, dean, director, department head, or supervisor may initiate a request for the establishment of a new position. If the request is disapproved by the Senior Administrator, it will not be submitted to the President for further consideration.

Regular Employment

Regular employment is defined as an employee who will be working for the University on a full or part-time basis for a period exceeding twelve (12) months. A position must be budgeted before an applicant can be hired for any regular position.

Temporary Employment

Temporary employment is defined as an employee who will be working for the University on a full-time or part-time basis for a period which does not exceed twelve (12) consecutive months.

Unless an exception has been granted by the President or designee, temporary employees will be paid at a rate which does not exceed the rate paid to regular employees with similar duties and responsibilities.

Temporary employees will not be employed longer than twelve (12) consecutive months. After a seven (7) day break in employment has occurred, the employee may be rehired if necessary using normal employment procedures.

Promotions, Reclassifications, Transfers and Demotions

Refer to policy 5:036 and 2:063

Student Employment

Any student working on campus will be employed under the College Work-Study Program (CWSP) or the General Campus Work Program (GCWP). The Student Financial Aid Office assigns students working under the CWSP. The Office of Career Services advertises GCWP positions.

General Campus student workers may not be hired by a department if the department does not have a General Campus position budgeted. If a department needs to employ unbudgeted student workers, they must first complete the budget revision process to transfer the needed funds.

The process to hire through the CWSP can be found at <https://www.apsu.edu/financialaid/fws.php>

The process to hire through the GCWP can be found at <https://www.apsu.edu/human-resources/student>

Equity, Access and Inclusion

The Office of Equity, Access and Inclusion will review applications for all positions to assure that qualified applicants who are members of underrepresented groups receive proper consideration in the selection process and are not discriminated against in any way. Should there be an inadequate representation of underrepresented or/and female applicants, it may be necessary to reopen the search or extend the deadline for applications. Prior to interviewing applicants, the list of persons to be interviewed will be provided to the Office of Equity, Access and Inclusion. Staff members from the office will approve those applicants to be interviewed and may discuss with the supervisor or search committee other applicants who are strong candidates in underrepresented groups who were not previously selected to interview.

A recommendation to hire (Hiring Proposal) will not be sent to the appropriate hiring authority until all the appropriate paperwork has been completed and has been reviewed by the Office of Equity, Access and Inclusion.

Background Check Process

Austin Peay State University requires job-related background information of final candidates (including students) for specified positions and employees (including students) who are appointed (including but not limited to hired, promoted, reclassified, or transferred) into specified positions. This process is necessary to ensure that individuals are selected who possess the qualifications to perform the duties of the position most effectively and who are best able to serve the University. Background checks may include but will not be limited to the confirmation of an individual's identity, review of an individual's criminal conviction record, if any, or verification of any license, certificate or degree required for appointment. Continued employment is contingent upon successful completion of a background check.

Employment contracts should state that employment is contingent upon on a satisfactory background check.

Detention and/or arrest without conviction do not constitute valid grounds for employment decisions and cannot play a part in the decision-making process. Only criminal convictions will be considered in determining an applicant's suitability for employment. In determining an applicant's suitability for employment where the applicant has criminal convictions on his/her record, consideration will be given to the specific duties of the position, the number of offenses and circumstances of each, the age of the conviction(s), and the accuracy of the explanation on the application.

In all instances where information is obtained that would disqualify the candidate for hire, the Office of Human Resources will discuss the information with the Office of Legal Affairs to ensure the decision not to hire is fair and legal based upon the information. The Fair Credit Reporting Act (FCRA) provides that written notice and the name of the background check agency be given to individuals when employment is denied based upon information received from the reporting agency.

The agency conducting the check will charge a fee for each check that is conducted. The fee will automatically be charged to the department or office that is hiring the position.

The Office of Human Resources will serve as the custodian of the records for background check results. Results on individuals who become employees should be kept in the employee's personnel file. Background checks on individuals who do not begin employment should be kept with the search material.

Appointments

- A. The President is authorized to appoint and employ personnel which have been approved by the Board in an operating budget.
- B. No employment agreement, or contract, or letter of agreement shall be used in the appointment or employment of personnel unless the form of agreement has been approved by the President.
- C. New staff positions shall not be established in the University's administrative organization, and no major

change in the administrative organization of the University shall be made, unless approved by the President or designee.

- D. The minimum qualifications for the appointment of faculty at the University shall be the Minimum Rank Criteria for Professional Personnel in Instruction, Public Service, and Research set forth in APSU Policy 2:051.
- E. The minimum qualifications for the appointment of all personnel, other than faculty, shall be determined by the President or designee, based upon the duties and responsibilities of the position, and shall be recorded and maintained by the University.
- F. The President is expected to follow Board policies, affirmative action plans, and fair employment practices when making appointments.
 - All appointments, regardless of salary, including promotions and transfers, must be reviewed and certified by the Office of Equity, Access and Inclusion.

Nature of Appointments

- A. All full-time personnel, including faculty, shall be required to devote a minimum of 37.5 hours per week to the University, and shall maintain appropriate office hours as determined by the President (or designee)
- B. Staff at the University who are appointed on an academic year basis shall be on duty for not less than nine months, which shall commence from the time designated by the President prior to the University's registration for the fall term of each year through the time designated by the President at the end of the spring term, and shall be on duty during that period regardless of whether classes are in session.

Reduction in Force

1. The university shall develop a consistent and equitable method of notifying and terminating faculty and non faculty employees in the event that a reduction in force, reorganization or elimination of any occupational classification within a unit becomes necessary.
2. The method should include a written rationale to the reduction, review of the institution's operations,

identification of the functional area(s) affected, a review of the budgetary implications involved, and development of the specific written criteria to be used in identifying the duties that will be reassigned and/or eliminated in the event of a reduction.

3. Only after specified functions/duties have been identified by unit heads and approved by the President (or designee) does the review of individual personnel begin.
4. Unit heads, in consultation with human resources' staff, will assess the specified areas and the employees in those areas in order to make recommendations to the President relative to the specific personnel changes to be made.
5. In making personnel recommendations to the President, the factors used in reaching the recommended decisions may include, but are not limited to:
 - a. Length of service in the position and/or length of service at the institution or college;
 - b. Past written performance appraisals;
 - c. Functional needs of the unit; and
 - d. Qualifications needed to perform remaining duties of the affected units.
6. Prior to a final decision by the President (or designee) and notification to the employees, the impact of the recommendations shall be considered in light of non-discriminatory requirements, in consultation with the Offices of General Counsel and Equity, Access and Inclusion.
7. In the event of one of the above actions, it is permissible to transfer qualified individuals to vacancies at other departments/divisions, or State of Tennessee public institutions.
8. Written notification to the affected employees must be given as far in advance of the effective date as possible.

Employees affected by a RIF must receive notification when vacancies occur for like positions within 12 months of the RIF.

Budgetary Considerations

- A. Pursuant to this policy, where a transfer of funds is necessary for appointments with compensation in excess of funds available, the transfer is subject to confirmation by the President or designee.
 1. No approval is necessary unless the transfer of funds is from one functional area to another; adjustments of line item salary amounts within a functional area may be made by the president if sufficient funds are available, subject to applicable guidelines and limitations.

Immigration Expenses

- A. Foreign nationals may receive assistance for immigration expenses when considered to be in the best interest of Austin Peay and in accordance with applicable law and policy. This provision applies only to employees who are required to pay immigration fees to work and live in the U.S.
- B. The hiring department is responsible for all fees associated with the H-1B petition for the foreign national. Any costs associated with the filing of dependent petitions must be paid by the foreign national; the University has no obligation for these fees.
- C. In consideration for Austin Peay reimbursing foreign nationals for immigration expenses to help offset fees involved in acquiring permanent residency, they must sign an Immigration Expense Allowance Agreement and agree to remain employed with Austin Peay for a period of twenty-four (24) months following the receipt of their Green Card or change of the employee's status to that of Legal Permanent Resident, unless separated for reasons beyond their control and acceptable to Austin Peay. In case of violation of such an agreement, any funds expended by Austin Peay for such allowance shall be recoverable from the employee as a debt due Austin Peay.
- D. Allowable reimbursable expenses are determined in accordance with applicable law and policy. Reimbursement of allowable expenses shall be in the maximum amount of \$4,500 and shall not exceed the foreign national's actual, documented expenses. The allowance cannot be used to defray non-immigration-related costs or any costs not associated with the individual foreign national's immigration expenses. Any costs associated with the filing of dependent petitions must be paid by the foreign national; the University has no obligation for these fees.

**Transaction Forms,
Employment Agreements,
Contracts and Letters of
Agreement**

- 1. Pursuant to this policy, the President or designee, in consultation with Human Resources, must approve employment agreements, contracts, and letters of agreement used in the appointment and employment of campus personnel.
Approved provisions for personal, professional, consultant, and dual service agreements are addressed in APSU Policy 4:013.
- 2. The nondiscrimination statement must be included on all forms.

3. The language concerning the Drug Free Workplace Act must be included on all initial forms of agreement.
4. In order to comply T.C.A. § 49-7-133, the following sentence must be included on all contracts:
“It is a Class A misdemeanor to misrepresent academic credentials.”

Links

Fair Credit Reporting Act <https://www.ftc.gov/enforcement/rules/rulemaking-regulatory-reform-proceedings/fair-credit-reporting-act>

APSU College Work-Study Program <http://www.apsu.edu/financialaid/FWS>

APSU General Campus Work Program <http://www.apsu.edu/human-resources/student-workers>

Revision Dates

APSU Policy 5:011 – Rev.: May 31, 2022
APSU Policy 5:011 (previously 5:022) – Rev.: March 25, 2017
APSU Policy 5:011 – Rev.: February 24, 2009
APSU Policy 5:011 – Issued: February 8, 2006

Subject Areas:

Academic	Finance	General	Human Resources	Information Technology	Student Affairs
			<input checked="" type="checkbox"/>		

Approved

President: signature on file
