



PERSONNEL MANUAL

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CONFIDENTIALITY STATEMENT

I am aware while performing my duties at the Montana State University Foundation ("Foundation") I will have access to private and confidential information. This information may be released only to those persons authorized to receive such information. Foundation employees must not discuss the organization's business outside the office. From time to time, news media people contact employees looking for news stories. Information shall be given to these people only by those authorized by the President/CEO to do so.

Charitable donations are the personal business of the donors unless permission is given for the release of such information to the press or to other interested parties. The organization's donor lists are confidential and are considered to be trade secrets. Donor information is considered to be strictly confidential.

I realize, as an employee of the organization, donors and their families, my fellow employees and members of the Foundation Board of Directors depend on me to conform to a standard of professional confidence. I will honor this trust placed in me and am aware that unauthorized release of confidential information is grounds for termination.

I understand that in the event that I am no longer employed by the Foundation, that my obligation of confidentiality will continue and that I am subject to personal liability should I disclose any private or confidential information.

Signed this _____ day of _____, _____

Signature

Employee's Name
Typed or Printed

INTRODUCTION

Welcome to the staff of the Foundation! We sincerely hope that your employment here will prove to be a pleasant and rewarding relationship for all of us.

To operate a successful organization, rules and procedures are necessary. It is imperative that you read this Personnel Policy Manual (Manual) during your first days of employment. If questions arise, the President/CEO is available for clarification.

The Foundation is an independent, non-profit organization under Internal Revenue Service 501(c)(3) designation. A volunteer Board of Directors maintains fiduciary and policy responsibility for the organization.

EMPLOYMENT POLICIES

Equal Employment Opportunity

Under Montana law, the Foundation will not refuse employment to a person, bar a person from employment, or discriminate against a person in compensation or in a term, condition, or privilege of employment because of race, creed, religion, color, or national origin or because of age, physical or mental disability, marital status, or sex, except when the reasonable demands of the position require an age, physical or mental disability, marital status, or sex distinction.

The Foundation will not discharge, expel, blacklist, or otherwise discriminate against an employee because the employee has opposed any unlawful discrimination practices or because the employee has filed a complaint, testified, assisted, or participated in any manner in an investigation or proceeding regarding a charge of unlawful discriminatory practices.

Employment Applications

The Foundation relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the Foundation's exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

Relatives of Employees

The Foundation may employ a relative of an employee provided the individual possesses the standard qualifications for employment. Related persons should not be given work assignments which require one relative to direct, review, or process the work of another, authorize or approve an employment action which directly affects the employment of a relative, or which permits one relative to have access to the personnel records of the other.

A relative includes an employee's spouse or domestic partner; parent, grandparent, great grandparent, child, grandchild, great-grandchild, brother, sister, aunt, uncle, niece, nephew, or

cousin; or brother, sister, parent or child of spouse or domestic partner of a Responsible Person; or any individual the Responsible Person is legally obligated to support.

Personnel Files

Personnel records shall be kept for all staff members by the personnel officer. Any employee may have access to his/her own personnel file for inspection, and materials in the file may be copied by the employee with permission of the President/CEO. The President/CEO and others whose assigned job responsibilities so require may have access to the records to the extent necessary to complete their assigned responsibilities.

Examples of documents that may be included in the personnel records are, but are not limited to:

Application and references, Form W-4, immigration reform act certification, letter of employment, job description, wage history, leave records, the name of the person to be notified in case of emergency, record of termination interview, home address and telephone number, job related training activities, job performance appraisals, signed and/or acknowledged Foundation policies, and any other materials relating to the job.

The written job description should be reviewed periodically by the employee, the employee's supervisor and/or the President/CEO. Each job description should include at least the job title, duties and responsibilities assigned and employment qualifications.

Employees must promptly notify the personnel officer of all changes of address, phone number, marital status, number of dependents, beneficiary designations, and the name of the person to notify in case of emergency. This information is used for the administration of benefits, for notification in case of emergency, and to insure that benefit and tax records are current.

All information obtained from medical examinations and inquiries will be collected and maintained on separate forms, in separate medical files, and will be treated as a confidential medical record. This information will be kept in a medical file in a locked cabinet separate from the location of personnel files. Only specific persons will be designated to have access to the medical files. All medical-related information must be kept confidential, with the following exceptions:

1. Supervisors may be informed about necessary restrictions on the work or duties of an employee and necessary accommodations.
2. Emergency personnel and safety personnel may be informed, when appropriate, if the disability might require emergency treatment or if any specific procedures are needed in the case of fire or other evacuations.
3. Government officials investigating compliance with laws prohibiting discrimination on the basis of disability or handicap may be provided relevant information on request.
4. Relevant information may be provided to state workers' compensation offices in accordance with state workers' compensation laws.

5. Relevant information may be provided to insurance companies if the Foundation requires a medical examination to provide health or life insurance for employees.

Conflicts of Interest

All employees of the Foundation are required to operate within the guidelines established by the Conflict of Interest Policy (Addendum A). Acknowledgement of this policy shall be confirmed by the dated signature of each employee upon beginning employment and on an annual basis thereafter.

Outside Employment

Employees are required to inform their supervisor or the President/CEO of any involvement in outside employment. All employees will be judged by the same performance standards and will be subject to the Foundation's scheduling demands, regardless of any existing outside work requirements.

If the Foundation determines that an employee's outside work interferes with performance or the ability to meet the requirements of the Foundation as they are modified from time to time, the employee may be asked to terminate the outside employment if he or she wishes to remain employed with the Foundation.

If the Foundation determines that an employee's outside work brings undue public criticism upon the Foundation or its employees, the employee may be asked to terminate the outside employment if he or she wishes to remain employed with the Foundation.

New Employees

Probationary Period

The Probationary Period begins the first day of your employment and extends for a period of six months. During the six-month probationary period, employment can be terminated by either party, at will, on notice to the other party, for any reason or for no reason, in accordance with Montana Law

Wage Information

Wage information is considered a confidential matter between the employee and management and is not to be shared. The wage generally takes into consideration the qualifications, including knowledge, experience, and skills of the person. The President/CEO approves all wage offers before they are made to prospective employees.

A new employee will not be eligible for a wage adjustment until they have completed the six-month probationary period. The President/CEO may make wage adjustments if the monies are available and when merited. When making wage adjustments, consideration will be given to the employee's performance, increased job responsibilities, cost-of-living increases and any other pertinent considerations.

Classifications of Employment

For purposes of wage administration and eligibility for overtime payments and employee benefits, the Foundation classifies its employees as follows:

- **Full-Time Regular Employees** - An employee hired to work at least forty (40) hours per week on an indefinite basis. Full-time regular employees are eligible for benefits.
- **Part-Time Regular Employees** - An employee hired to work at least twenty (20) hours (but less than 40 hours) per week for a continuous period of six (6) or more months in a 12-month period. The employee may have the same duties and responsibilities as a full-time regular employee. Part-time regular employees are eligible for benefits outlined in this Manual on a pro-rated basis, unless otherwise noted.
- **Temporary Employees** - An employee hired to work full-time or part-time for a predetermined period, not to exceed twelve (12) months. A temporary employee is hired on an hourly rate and paid only for the hours worked. The rate may not change during the predetermined period. A temporary employee is not entitled to benefits.

Exempt and Non-Exempt Employees

- **Exempt Employees** - Employees who are exempt from the requirement of paying overtime.
- **Non-exempt Employees** - Employees to whom overtime must be paid for hours worked in excess of forty (40) hours per week. Approval to work overtime must be granted prior to working overtime hours. Employees may be required to adjust their work schedules in order to eliminate the need for paying overtime.

Overtime hours worked without supervisory approval may be regarded as a violation of Foundation policy and therefore subject to disciplinary measures.

In accordance with federal and state law, employees in non-exempt positions are eligible to receive overtime compensation. (See Overtime, pg. 8).

Performance Appraisals and Job Evaluations

The performance appraisal program is an opportunity for the employee and the supervisor to discuss performance and conduct standards and the employee's performance and behavior as compared to those standards.

The Foundation evaluates the job performance of each employee regularly. Performance appraisals will be completed in terms of the requirements of the job and established goals. The supervisor generally discusses the appraisal with you and a written review will be included in your personnel file.

Performance appraisals are generally completed on the following occasions:

- At the end of the six (6) month probationary period;
- On an annual basis;
- At the end of the six (6) month period following a transfer or promotion to a new job; and
- At any other time your supervisor deems necessary.

Timekeeping

Every employee is responsible for accurately recording time worked. Federal and state laws require the Foundation to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is defined as the actual time spent on the job performing assigned duties.

Non-exempt employees should accurately record the time they begin and end their work.

Overtime work must always be approved before it is performed.

Altering, falsifying, or tampering with time records will result in disciplinary action, up to and including termination of employment.

It is the employee's responsibility to sign his or her time record to certify the accuracy of all time recorded. The supervisor will review and initial the time record before submitting it to the payroll staff for processing. In addition, if corrections or modifications are made to the time record, both the employee and the supervisor must verify the accuracy of the changes by initialing the time record.

Any changes in an employee's address, name, number of exemptions, etc., should be reported directly to the personnel officer as soon as the employee is aware that a change has occurred.

Employees are covered under the Federal Social Security Act, the State of Montana Unemployment and Worker's Compensation laws, and any other State or Federal law that may be applicable to individual employees.

Overtime

For non-exempt employees, overtime is paid at one and one-half (1½) times the hourly rate for work exceeding forty (40) hours in a week. Vacation, holidays, and sick time are not "work" for purposes of calculating overtime pay. Staff members who are paid on an hourly basis and whose work hours exceed forty (40) hours in a week, must have the approval of their supervisor for the additional work time.

Compensatory Time

Exempt employees who are required to work evenings and weekends to accomplish important parts of their job functions may, with the approval of their supervisor, flex their schedules to "compensate" for the hours. Any compensatory time should be used in the same payroll time period in which the extra hours were worked. Unused compensatory time will not be

compensated in cash under any circumstances, including termination, or be used to extend an employee's termination date beyond the last day actually worked.

Paydays

All Foundation employees are paid on the last working day of the month. Each paycheck will include earnings for all work performed through the end of the previous payroll period.

The law requires that the Foundation make certain deductions from every employee's compensation, including applicable federal and state income taxes, Social Security taxes on each employee's earnings up to a specified limit that is called the Social Security "wage base", and all legally enforceable garnishments, child support enforcement orders and certain other matters.

The Foundation offers programs and benefits beyond those required by law. Eligible employees may voluntarily authorize deductions from their paychecks to cover the costs of participation in these programs.

Termination Pay

Unpaid wages of terminated or terminating employees will be paid at the time of the employee's next regular payday for the pay period or within fifteen (15) days from the date of separation, whichever occurs first.

Attendance

Regular and timely attendance is important in keeping the Foundation operating smoothly and providing quality and efficient service to our constituents. Employees are expected to be at work as scheduled. Employees who cannot be at work as scheduled should notify the supervisor or Office Manager no later than thirty (30) minutes after the scheduled starting time.

Repeated failure to notify the Office Manager within the allocated time may result in disciplinary action. Failure to report to work without notification for a period of two (2) days will be considered abandonment of the position and resignation of the employee. The supervisor has the right to require a doctor's verification, or other proof acceptable to the supervisor for absences due to an injury, disability, or illness.

Business and Working Hours

Although some employees may work different hours, normal business hours are as follows: Monday through Friday 8:00 a.m. to 5:00 p.m. The regular workday shall consist of eight (8) hours. Any flexibility in working hours must be approved in advance by the immediate supervisor and the President/CEO.

For purposes of calculating overtime pay, the workweek begins on Sunday and ends at midnight at the end of the day on Saturday. The appropriate manager or supervisor establishes hours for part-time personnel.

Working Out Of the Office

Each employee is responsible for informing their supervisor of their whereabouts. It is important for the Foundation's staff to be able to contact you in the event of an emergency or to meet a constituent's need. Employees are not allowed to take work or Foundation documents out of the office without their supervisor's approval. When leaving the office during the work day, the employee must notify the supervisor or the Office Manager of his/her expected time of return.

Business Travel and Entertainment

Guidelines for business travel and entertainment are established in the Credit Card and Travel Policy (Addendum B).

Telephone

The facilities of the Foundation's telecommunication systems are provided for the conduct of official business. In addition to the Foundation's business, the Foundation's telecommunication system may be used by employees for local calls to latch key children, teachers, doctors, day-care centers and babysitters, to family members to inform them of unexpected schedule changes, and for any other essential personal business.

The use of the Foundation telecommunication system for essential personal business must be kept to no longer than five (5) minutes and must not interfere with the conduct of Foundation business. The Foundation will collect from the employee any charges relating to personal telephone calls.

Reimbursable Telephone Expenses

Employees shall be reimbursed for long distance calls business calls incurred during the conduct of Foundation business. Original receipts must be provided in order to claim reimbursement.

Because of the inherent expense of cellular phones, use of a regular phone is encouraged whenever possible. Cellular phones will not be provided to Foundation employees unless their use is deemed necessary for fulfilling the requirements of their position. When it is necessary for an employee to use his/her personal cellular phone when traveling on Foundation business, the Foundation will reimburse business calls if properly documented.

Telephone Usage - Personal Long Distance Calls

Employees are expected to use their personal telephone credit card or cellular phone when making personal long distance calls.

Foundation's 800 Line

The Foundation's 800 line is for incoming **Foundation business calls only.**

Business Calling Cards

Business calling cards are limited to those employees who are frequently in communication with donors or others outside of our University constituency.

E-Mail and Internet Use

Employees should keep personal use of the Foundation's e-mail system to a minimum. Employees should refrain from using vulgarities, obscenities, jokes, sarcasm, pornography, or exaggeration in e-mail messages. The use of foul or abusive language is grounds for disciplinary action or dismissal.

In addition, employees are prohibited from accessing, or transmitting, pornographic material through the Foundation's internet systems. Accessing or transmitting pornographic material is grounds for disciplinary action or dismissal.

Work related e-mail messages should be transmitted only to those individuals who have a business need to receive them. Distribution lists should be constructed and used carefully and updated regularly to reflect changes in responsibility or employment status.

All personnel waive any right to privacy in e-mail messages and consent to the access and disclosure of e-mail messages by authorized personnel with the direction and approval of the President/CEO. The Foundation reserves the right to access and disclose the contents of e-mail messages for any purpose.

If the Foundation becomes involved in an investigation, litigation, or any other proceeding that may necessitate the review or production of Foundation records, the Foundation may suspend the regular deletion of all or part of e-mail messages for an indefinite period without notice.

Software Use

Under the law governing the use of commercial software, it is a felony to copy any piece of software for any reason, other than as a back-up, without the permission of the copyright holder. Companies and individuals that violate the law can be liable for penalties and damages up to \$100,000 for each software copyright violation.

The Foundation purchases and/or licenses the use of copies of computer software from a variety of outside companies. The Foundation does not own the copyright to the software or its related documentation and, unless authorized by the software developer, does not have the right to reproduce it for use on more than one computer.

With regard to use on local area networks (LANs) or on multiple machines, employees may use software only in accordance with the license agreement. Foundation software may not be installed on personal equipment. Personal software may not be installed on Foundation equipment, including personal computers in the office or portable computers. Periodic inspection of Foundation computers by authorized Foundation personnel may be performed at any time, with or without notice to the employee.

Foundation employees who make, acquire, or use unauthorized copies of computer software will be disciplined as deemed appropriate under the circumstances, up to and including termination. The Foundation does not condone the illegal duplication of software.

Security Matters

Each Foundation employee is responsible for the security of Foundation offices. The fact that each staff member is entrusted with a building door key places that responsibility upon each individual. Each employee should remain conscious at all times of oversights and omissions of others when leaving the building for lights and equipment left on or windows opened or unlocked. Each employee will take responsibility for closing and locking any window which he/she has opened.

Each employee is responsible for ensuring that security measures are followed concerning cash, checks, other negotiable instruments, and equipment.

Lawsuits Against the Foundation

If an employee is served with any legal process involving the employee's work for the Foundation, the employee must notify the President/CEO immediately. The President/CEO is responsible for notifying the Chairperson of the Board.

An employee shall not discuss any aspect of a matter that is subject to a lawsuit or hearing. If asked to discuss any such situation, the employee shall advise the President/CEO of the request and follow the President's instructions.

Smoking

It is the policy of the Foundation to prohibit smoking in Foundation offices or in vehicles used on Foundation business. The objective is to provide a smoke-free environment, which promotes the well-being of our employees and constituents by not subjecting them to irritation from secondary smoke. Smoking is defined as the consumption of various tobacco products where smoke is present, such as is present with cigarettes, cigars, or pipes. This policy applies to all Foundation employees and all Foundation facilities.

Personal Appearance

The Foundation maintains a professional office atmosphere, which is at the same time relaxed and informal. Appearance on the job is important. All employees' dress and grooming should be appropriate to the work performed in a business office that is open to the public.

Clothing that is excessively soiled, is in need of repair, that might create a safety hazard, or that might reasonably be considered by co-workers or members of the public to be extreme, not in good taste, revealing or distracting is considered inappropriate and is prohibited.

The failure of an employee to dress appropriately may result in a request by his/her supervisor to return home to change.

Demeanor

Employees are expected to promote the Foundation's best interests and to build goodwill for the Foundation with donors, alumni, friends, faculty and staff of the university. Employees should be prepared to listen carefully to the inquiries and complaints of these stakeholders and deal with them in a responsive, professional manner.

Employees should be particularly careful to exercise courtesy and thoughtfulness in using the telephone. A positive telephone contact with a constituent or other contact can enhance goodwill while a negative experience can destroy a relationship.

AIDS Policy

As a result of the continuing growth of Acquired Immune Deficiency Syndrome ("AIDS") cases in the United States, the Foundation recognizes the need to develop a policy statement which addresses AIDS issues in the workplace. It is the Foundation's policy to protect employment opportunities for persons with AIDS while, at the same time, providing a safe and productive work environment for all employees and the public.

Health information about an employee is private and confidential. The Foundation will protect information regarding an employee's health condition and will observe established policies governing privacy and confidentiality.

Guidelines for Appropriate Conduct

All employees of the Foundation are expected to accept certain responsibilities and exhibit a high degree of personal integrity at all times.

Certain types of behavior are unacceptable and may warrant discipline, including termination and or criminal prosecution. Types of behavior and conduct that the Foundation considers to be in this category include, but are not limited to, the following:

- a) Falsifying employment or other Foundation records including, but not limited to, altering or tampering with time records.
- b) Reporting to work or working while intoxicated or under the influence of non-prescribed drugs or controlled substances while engaged in Foundation business on or off Foundation premises.
- c) Manufacturing, distributing, dispensing, possessing or using non-prescribed drugs or controlled substances while engaged in Foundation business on or off Foundation premises.
- d) Fighting or using obscene, abusive, or threatening language or gestures.
- e) Abuse of property belonging to the Foundation.
- f) Use of Foundation assets including, but not limited to, petty cash, funds, or services for personal benefit.
- g) Theft of property.
- h) Unauthorized access to Foundation records.

- i) Disregarding safety or security procedures and regulations including, but not limited to, improper, careless, negligent, destructive, or unsafe use or operation of equipment.
- j) Unauthorized possession of weapons on Foundation premises.
- k) Insubordination.
- l) Any crime committed on Foundation premises or program site and/or involving Foundation equipment.
- m) Failing to maintain confidentiality of Foundation information. All matters observed in a file and/or account are strictly confidential and are to be discussed with no one. Constituent information is to remain confidential.
- n) Violation of Foundation policies and procedures or any federal, state, or local law or ordinance or any rules or regulations pertaining to job responsibilities.
- o) Any direct threat (verbal or physical) against Foundation personnel, constituents or the general public.
- p) Helping anyone gain unauthorized entrance to Foundation facilities or property.
- q) Harassing or engaging in the harassment of any Foundation employee.

"Controlled substances," as that term is used herein, does not include substances used pursuant to valid prescriptions or otherwise used under authority of law, but does include illegal or excessive use of alcohol.

Employees failing to adhere to the Foundation's standards with respect to appearance, demeanor, and conduct are subject to disciplinary action, up to and including termination.

Harassment

Harassment is defined as "a course of conduct directed at a specific person that causes substantial emotional distress in such person and serves no legitimate purpose." 18 U.S.C.A. § 1514(c)(1). This includes, but is not limited to, words or actions that tend to annoy, alarm and abuse another person.

It is the policy of the Foundation to provide a work environment for each employee which is free from harassment, including harassment because of race, creed, religion, color, national origin, age, disability, marital status, or sex. The Foundation also prohibits retaliation against any employee because s/he has made a report of alleged harassment, or against any employee who has testified, assisted or participated in any manner in an investigation of a report of alleged harassment.

Racial Harassment

According to the Race Relations Act of 1976, racial harassment may be deliberate or unintentional. The legal definition is broad, encompassing various acts that may be considered racial harassment including the following:

- Racial abuse
- Racist "jokes"
- Explicitly racist conduct (gestures, racial depictions and slogans, etc.)
- Hindering another's job performance (i.e. not passing on work, hiding or moving work, allocating menial tasks, etc.)
- Ostracizing

Sexual Harassment

Sexual harassment means any unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

The following are examples of unlawful sexual harassment:

- Unwelcome sexual advances (this may include situation which began as reciprocal attractions, but later ceased to be reciprocal).
- Sexual gestures; graphic verbal comments of a sexual nature, including such comments about a person's body, sexually degrading words used to describe an individual.
- Displaying sexually suggestive objects, pictures, cartoons, or posters.
- Verbal abuse of a sexual nature, sexually-oriented jokes, innuendoes or obscenities.
- Sexually suggestive letters, notes or invitations.
- Reprisals or threats after a negative response to sexual advances.
- Promises of employment advancement and/or benefits enhancement in exchange for sexual favors.
- Physical conduct such as assault, rape, impeding or blocking movements, or unwelcome touching.

Reporting Suspected Harassment

Because management's ability to investigate and act on reports diminishes with time, early reporting is necessary. Any employee who feels that s/he has been exposed to some form of harassment should immediately report the matter to the President/CEO. Reports of alleged harassment are taken very seriously and should be made in good faith.

If you feel you are being harassed, do not keep it to yourself, take the following steps:

1. Inform the individual that his/her behavior is unwelcome, offensive or inappropriate. Do not assume or hope the problem will go away.
2. Report the matter to your supervisor or the President/CEO, as stated above.
3. Keep notes and/or a record of the dates, times, places, witnesses and describe each incident. Save all notes, correspondence, or related records in a safe place.

If you are not personally a victim of harassment, but observe actions against other employees which you believe to be harassment, you are encouraged to bring it to the attention of your supervisor or the President/CEO in a timely fashion.

At a minimum, when an employee complains about harassment, the Foundation will immediately conduct a thorough, objective, and complete investigation of the harassment, while protecting the confidentiality of the harassment complainant to the extent possible. The Foundation will make a determination about whether unlawful harassment occurred and will communicate this finding to the alleged harasser and any other concerned party. If harassment has occurred, the Foundation will then take prompt and effective remedial action commensurate with the severity of the offense. Any remedial action will be made known to the victim.

A supervisor who becomes aware of possible harassment must promptly advise the President/CEO. **Failure of a supervisor to so notify the President/CEO will result in appropriate disciplinary action.**

Health and Safety

Employees are responsible to follow established health guidelines and work rules. Employees who recognize a potentially hazardous condition are responsible for reporting such a condition to their supervisor.

All employees are covered by workers' compensation insurance. When an employee is injured during the course and scope of employment, s/he must notify his/her supervisor immediately.

Employees are responsible for the following:

1. Reporting all accidents to the supervisor immediately.
2. Reporting unsafe conditions and/or equipment to the supervisor and the safety department as soon as possible.
3. Maintaining equipment in a safe condition.
4. Following safe practices in the office.

The improper, careless, negligent, destructive, or unsafe use or operation of equipment may result in disciplinary action, up to and including termination of employment.

Non-Disciplinary Termination

Voluntary Termination

The Foundation requests that two (2) weeks notice be given whenever an employee decides to voluntarily terminate their employment relationship with the Foundation. Members of the executive, administrative/professional staff are requested to give four (4) weeks notice. This two (2) or four (4) weeks notice should be working time and not include vacation leave. An employee who desires to terminate employment is requested to submit a written resignation to the employee's supervisor stating the effective date of the resignation.

Discharged employees and employees voluntarily quitting employment with the Foundation will receive wages due as required by applicable law. Unused earned leave accrued at the time of termination will be paid in accordance with Foundation policies as set forth in this manual.

Whenever possible in cases of voluntary termination of employees, the personnel officer should conduct and record an exit interview. At that time, a Termination Checklist form will be discussed and signed by the terminating employee.

During the exit interview, all Foundation-owned property in the employee's possession should be returned. Such property might include keys, computers, etc. A forwarding address is required so that Foundation payroll personnel can send the last payroll check and the wage and tax statement (Form W-2) to the correct address. Final checks for all wages and benefits due at termination will be paid on the employee's next regular pay day for the applicable pay period or within fifteen days from termination, whichever occurs first.

Reductions in Force

Layoffs may occur at any time due to financial reasons, seasonal work, completion of projects, or other reasons. Considerations for layoff will be based on:

- the needs of the Foundation for the position to perform its continuing work;
- job performance;
- qualifications; and
- length of service.

Except in cases of emergency, the Foundation will give at least ten (10) working days notice of a layoff. An employee who is laid off will be paid for unused earned leave.

Corrective Action and Discipline

It is the policy of the of Foundation that employees who fail to perform job duties in a satisfactory manner, whose conduct disrupts Foundation's operations, who fail to meet the expectations or the goals of a plan of improvement, or who violate Foundation's procedures,

policies, rules, or performance standards are subject to disciplinary action, up to and including termination.

Discipline shall be commensurate with the seriousness of the offense. For example, the Foundation, at its discretion, may utilize corrective counseling or a verbal warning before more severe disciplinary action is taken for routine performance deficiencies and lesser offenses. More severe disciplinary action, up to and including termination, will be taken for more serious offenses and repeated lesser offenses.

For purposes of this policy, "job-related reasons" means grounds for taking disciplinary action based on failure to satisfactorily perform job duties; disruption of Foundation operations; failure to meet the expectations or the goals of a plan of improvement; violation of Foundation procedures, policies, rules or performance standards; or other legitimate business reasons.

Disciplinary Action

Each of the following disciplinary actions is independent of the other and does not necessarily follow in the order listed. For example, an employee may be suspended without having been on probation, or may be terminated without having been either on probation or suspended.

- *Corrective Counseling* - Corrective counseling may be provided for job-related reasons. Corrective counseling should consist of a straightforward discussion with the employee about matters deemed to be a problem with work performance or behavior. Corrective counseling will be documented, and a copy of the documentation must be provided to the employee and placed in the employee's personnel file.
- *Verbal Warning* - A verbal warning may be given to an employee for job-related reasons. The nature of the problem will be fully explained to and discussed with the employee, and, if appropriate, the employee may be given a plan of improvement. The verbal warning must be documented, and a copy of the documentation must be provided to the employee and placed in the employee's personnel file.
- *Written Warning* - A written warning may be given to an employee for job-related reasons. The warning must be in writing and must contain a description of the specific conduct for which the employee is being warned, how the problem is to be corrected, and the consequences if the problem is not corrected. The employee must acknowledge receipt of a written warning by his/her signature and must be given a copy of the warning. Written warnings will be placed in the employee's personnel file.
- *Disciplinary Probation* - Separate from the probationary period for newly-employed staff, a disciplinary probation may be given to an employee for job-related reasons. The terms of a disciplinary probation must be in writing and must contain the following:
 - the specifics of the conduct for which the employee is being placed on probation;
 - a plan of improvement the employee must follow to terminate probation;
 - the length of time of the probation; and
 - the consequences for failure to meet the terms of the probation.

The employee must acknowledge receipt of a disciplinary probation by his/her signature and must be given a copy of the disciplinary probation. Disciplinary probations will be placed in the employee's personnel file.

- Suspension - An employee may be suspended for job-related reasons. A suspension may be with or without pay and may result in dismissal or reinstatement with or without back pay. The purpose of a suspension may be to provide an opportunity to determine the facts of a matter.

An employee who has been suspended is to leave work for the period specified, or, in the case of an investigation, is to return to work only when s/he has been instructed to do so in writing. A suspension must be in writing, must contain a description of the specific conduct or reasons for which the employee is being suspended, and a copy of the suspension must be given to the employee. If appropriate, a suspension may include a plan of improvement.

The employee must acknowledge receipt of a suspension by his/her signature and must be given a copy of the suspension. Suspensions will be placed in the employee's personnel file.

- Termination - An employee may be dismissed for job-related reasons. Notice of a termination must be in writing and must contain a statement of the reasons for the termination. A copy of the notice must be given to the employee and will be placed in the employee's personnel file.

The President/CEO will always investigate to determine the facts in order to decide whether discipline is appropriate and the appropriate level of discipline. No discipline may be given without the approval of the President/CEO. All employees must cooperate with investigations conducted by or at the direction of the President/CEO.

Complaint Resolution and Grievance Procedure

"Grievances" shall consist of disagreements arising out of the employer-employee relationship where there is not applicable policy, where there is believed to be a deviation from established policy, or where the policy is considered to be inappropriate. Any disciplinary action may be the subject of a grievance, with the exception of corrective counseling, verbal warnings, and a decision not to renew a term employment contract.

An employee who believes s/he has a grievance must first discuss the grievance with his/her supervisor within five (5) business days after the occurrence of the subject matter of the grievance, or it is deemed to have been waived by the aggrieved party.

If the employee wishes to pursue the grievance after the initial discussion with the supervisor, the employee must submit the grievance in writing to the President/CEO within five (5) business days of the initial discussion with the supervisor. The employee shall explain the nature of the problem, the specific reasons for the employee's dissatisfaction, and the employee's desired solution. In addition, the employee must submit a list of the names of the person(s) who have knowledge about the grievance and copies of any relevant documents.

The President/CEO must provide a written response within five (5) business days after receipt of the written grievance. Except in cases involving suspension or termination, the President/CEO's decision is final.

In cases of suspension or termination, the employee may appeal further by submitting the written grievance to the Chairman of the Foundation Board of Directors ("Chairman"), within ten (10) business days after the receipt of the President/CEO's written response. The Chairman will review the response and will decide whether or not to grant a hearing to the aggrieved employee. Within five (5) business days of receipt of the appeal, the Chairman must respond to the aggrieved employee by certified mail. If a hearing is granted, the Chairman response shall state the date, time, and place of the hearing, which must be held within ten (10) business days of receipt of the appeal. At the hearing, either party may present documents or the testimony of witnesses who can aid in a satisfactory resolution of the problem.

The hearing will be conducted by a committee made up of three (3) individuals - one (1) appointed by the employee, one (1) appointed by the President/CEO and one (1) chosen by the Chairman for this purpose. Under no circumstances shall the employee, the President/CEO or the Chairman serve on the hearing committee.

The hearing committee shall make written recommendations to the Chairman within five (5) business days after the conclusion of the hearing. These recommendations shall be provided to the aggrieved party. The Chairman shall have the authority to accept, reject, or modify the recommendations made by the hearing examiner or committee. The Chairman's written decision shall be issued within five (5) business days after receipt of the recommendations of the hearing examiner or committee, and shall be sent by certified mail to the aggrieved party. The decision of the Chairman will be the final step in the grievance process.

Whenever a response or decision is mailed under this grievance procedure, it will be deemed to have been received on the third (3) business day after the date of mailing. The date of mailing shall be determined by the postmark.

If the grievant fails to respond within the timeframes established for a step, the grievance is considered resolved based on the last response given by management. The employee may not refile the grievance.

If management fails to respond within the timeframes established for a step, the grievant shall proceed to the next appropriate step of the procedure.

On written application, and for good cause shown, the President/CEO or Chairman may grant an extension of any deadline contained in the grievance procedure. A decision to grant such extension shall be in writing and shall be provided to the parties involved. This written decision shall become a permanent part of the grievance.

Any step of the grievance procedure and timeframes in the procedure may be waived upon written agreements of both parties. This written agreement shall become a permanent part of the grievance.

EMPLOYEE BENEFITS

In addition to the benefits prescribed by law, eligible Foundation employees are provided certain benefits including: Retirement Plan, Holidays, Vacation Leave, Sick Leave, Workers' Compensation Insurance, Funeral or Bereavement Leave, Jury Duty, Military Leave, Unpaid Leave, and Maternity Leave. Unless otherwise specified, all employees are eligible for the benefits listed as specified in this manual.

Some benefit programs require contributions from the employee, but others are fully paid by the Foundation.

Retirement Plan

The Foundation offers a defined contribution retirement plan that operates under Section 403(b) of the Internal Revenue Code.

Eligibility

All employees who are scheduled to work a regular schedule of at least twenty (20) hours per week for a continuous period of six (6) or more months in a twelve (12) month period are eligible. Substitute, temporary, and student employees are not eligible.

A description of the retirement plan, including benefits, is available from the personnel officer.

Health Care/Flexible Benefit Plan

As an organization affiliated with the Montana University System ("MUS"), the Foundation is able to offer its employees MUS's benefits program known as *Choices*, a comprehensive medical, dental, life insurance, and long-term disability insurance plan.

Eligibility

All employees who are scheduled to work a regular schedule of at least twenty (20) hours per week for a continuous period of six (6) or more months in a twelve (12) month period are eligible. Substitute, temporary, and student employees are not eligible. Health benefits as described within this section are *not* pro-rated for eligible employees who work less than full-time or less than 1.00 FTE.

Benefits

A description of all the benefits associated with the plan and an enrollment workbook is available from the payroll staff.

Holidays

The Foundation adheres to the following holiday schedule. The following days are paid holidays to eligible employees:

- New Year's Day - January 1
- Martin Luther King Jr. Day - Third Monday in January
- Lincoln's and Washington's Birthdays - Third Monday in February
- Memorial Day - Last Monday in May
- Independence Day - July 4
- Labor Day - First Monday in September
- Columbus Day - Second Monday in October*
- Veteran's Day - November 11
- Thanksgiving Day - Fourth Thursday in November
- Day after Thanksgiving*
- Christmas Day - December 25
- General Election Day - First Tuesday after the first Monday in November in even-numbered years

* *The Friday following Thanksgiving is designated a holiday for Foundation employees in exchange for Columbus Day.*

Holiday exchanges may be made in years when Christmas or New Year's Day falls on a Tuesday or Thursday, allowing a two (2) day holiday. Substitution for the Mondays or Fridays involved will normally be Lincoln's and Washington's Birthday of the same calendar year.

Annual Vacation Leave

Eligibility

All employees who are scheduled to work a regular schedule of at least twenty (20) hours per week for a continuous period of six (6) or more months in a twelve (12) month period are eligible. Substitute, temporary, and student employees are not eligible.

Qualifying Period

Eligible employees accrue vacation from the first day of employment.

Accrual Rates

Eligible employees accrue leave based on their years of service with the Foundation. Years of employment at Montana State University or MUS related entity shall also be counted and combined towards total years of service. Accrual rates are calculated based upon the following table:

Years of Foundation Employment	Days Accrued Per Month	Hours Accrued Per Month	Days Accrued Per Year
0-10	1.25	10.0	15
10-15	1.50	12.0	18
15-20	1.75	14.0	21
20+	2.00	16.0	24

Employees begin accruing at the higher rate the first of the month in which the higher rate is achieved. Employees on a 1.00 FTE accrue at the above rates for each full month in a pay status. Employees who are less than 1.00 FTE accrue on a prorated basis. Employees do not accrue annual leave while in a leave without pay ("LWOP") status.

Annual vacation leave may be accumulated up to a maximum of two (2) times the employee's annual accrual rate as of the last day of each calendar year. Excess annual leave credits will be forfeited unless taken within ninety (90) calendar days from the last day of the calendar year in which the excess credits were earned.

Lump Sum Payment upon Termination

Any eligible employee who terminates employment shall receive a lump sum payment upon termination for all unused annual leave credits up to the allowable two (2) times annual leave limit. The computation of the value of the unused leave is based on the employee's salary rate at the time of the termination.

Change to Ineligible Status

An employee who converts from an employment category eligible for annual leave to one ineligible for annual leave may elect to receive a lump sum payment for accrued annual leave at the time of change, or may elect to retain the accumulated leave credits. Should an ineligible employee who elected to retain credits subsequently terminate, the lump sum payment will be calculated based upon the employee's salary rate upon termination.

Use of Annual Leave

Annual leave dates should be coordinated between the employee and the supervisor taking into consideration the best interests of the Foundation as well as the best interests of the employee.

Reporting Annual Leave

Annual vacation leave taken shall be reported on the employee's timesheet. Annual leave taken over paid holidays is not charged against the employee's annual leave balance.

Advancing annual leave credits after an employee's leave credits have been exhausted is prohibited. Employees taking approved leave in excess of their accumulated leave credits will be placed on leave without pay once the annual leave credits have been exhausted.

An employee may elect to use annual leave credits to delay the effective date of a voluntary termination. The employee must advise the supervisor in writing at the time the resignation is first submitted. An employee who elects to remain on the payroll by taking accrued leave will continue to earn annual leave credits, sick leave credits, and applicable holiday pay.

Sick Leave

Definition

Sick leave is leave with pay for sickness suffered by an employee or a member of the employee's immediate family. The employee's immediate family refers to spouse, any member of the employee's household, a parent, sibling, child, grandparent, grandchild, or corresponding in-law.

Eligibility

All employees who are scheduled to work a regular schedule of at least twenty (20) hours per week for a continuous period of six (6) or more months in a twelve (12) month period are eligible. Substitute, intermittent, and student employees are not eligible. Accrued sick leave credits can be carried over from one year to the next if it is anticipated that the employee will return.

Accrual Rates

Eligible employees earn one (1) day or eight (8) hours of sick leave for each full month of service at a 1.00 FTE. Employees who work less than 1.00 FTE will accrue sick leave on a prorated basis, based on their FTE or actual hours worked.

Leave Without Pay Status

Employees on leave without pay for the entire month do not accrue sick leave during that month.

Maximum Accumulation

Employees may accumulate sick leave credits without limitation.

Lump Sum Payment upon Termination

Eligible employees shall receive a lump sum payment upon termination equal to one-fourth (1/4) of their leave balance. The value of the unused sick leave is based on the employee's salary rate on the effective date of termination.

Use of Sick Leave

Appropriate use of sick leave shall be used for those absences resulting from an employee's illness, injury, medical disability, pregnancy related illness, quarantine resulting from exposure

to contagious disease, emotional/mental health counseling and other counseling recommended by a physician, and medical, dental, or eye examination or treatment.

In addition to his/her own illness, an employee may use accumulated sick leave credits when absence is required due to (1) death of a member of the employee's immediate family or (2) the illness of a member of the employee's immediate family which requires the attendance of the employee until professional or other attendance can be obtained. An employee's immediate family includes a spouse, any member of the employee's household, a parent, sibling, child, grandparent, grandchild, or corresponding in-law.

The employee's supervisor may require medical certification of sick leave in the form of a physician's statement verifying the nature and extent of the illness.

Abuse of Sick Leave

Abuse of sick leave occurs when an employee misrepresents the actual reason for charging an absence to sick leave, or when an employee uses sick leave for unauthorized purposes.

Documented abuse of sick leave is grounds for termination and forfeiture of lump sum payment.

Reporting Sick Leave

An employee requiring unscheduled sick leave shall notify the supervisor as soon as possible on the first day of absence. Scheduled sick leave shall be cleared in advance with the supervisor. Sick leave taken should be reported on the employee's monthly timesheet. Sick leave taken over a legal holiday shall not be charged against the employee's sick leave balance.

Advancing sick leave credits after an employee's earned sick leave credits have been exhausted is prohibited.

Sick Leave Grant

A voluntary contribution of sick leave may be given from one or more employees to another employee who suffers an extensive illness or accident. The leave may be contributed after the employee has exhausted all personal accrued sick leave, annual leave and compensatory time. The employee receiving the grant must not be eligible to receive workers' compensation benefits.

Upon approval from the employee's supervisor and/or President/CEO, employees may receive a maximum of one hundred sixty (160) hours of sick leave during any twelve (12) month period from contributing Foundation employees. The maximum sick leave an employee may contribute is forty (40) hours in any twelve (12) month period. All contributions are voluntary and irrevocable. Upon contribution, sick leave will be deducted from the contributor's sick leave balance and credited to the recipient's sick leave balance.

Maternity Leave

A pregnancy related illness shall be treated the same as any temporary medical disability. For purposes of this policy, "pregnancy related illness" shall include pregnancy, childbirth, false pregnancy, termination of pregnancy, or related recovery.

Duration of Leave

An employee may request a maternity leave of absence for purposes of the pregnancy, childbirth, and care of the newborn. A combination of sick leave, annual leave, and leave without pay may be used according to the following guidelines.

- A. **Disability** - The disability period for recovery from normal childbirth is six (6) weeks. Therefore, an employee may use sick leave for up to six (6) calendar weeks on maternity leave. Use of sick leave for longer than six (6) weeks may be granted if complications arise. A physician's certificate may be required for use of sick leave beyond six (6) weeks.
- B. **Discretionary Leave** - Maternity - In addition to the disability period, during which time sick leave may be used, an employee may also request the use of annual leave, earned compensatory time, or leave without pay to extend the leave of absence. The supervisor and/or President/CEO must approve the use of this additional leave.

Request for Maternity Leave

- A. The employee should submit to the supervisor a written request indicating the anticipated dates of absence and the proposed leave types. The supervisor shall consider the employee's request for sick leave, annual leave, or leave without pay in the same manner as any other employee's request.
- B. If leave without pay is anticipated to exceed fifteen (15) days, the employee should request information about continuation of health insurance coverage. An employee must maintain a .50 FTE using their accumulated leave in order to be eligible for the employer's contribution for health insurance. If the .50 FTE cannot be maintained using accumulated leave, the employee is responsible for self-payment of full contribution.
- C. Due to the nature of a pregnancy related leave, it is understood that the leave request may need to be changed. The employee should notify the supervisor immediately of any changes which may be necessary in the leave arrangements.
- D. Upon returning to work after approved maternity leave, the employee will resume their original position or an equivalent position at equivalent pay.

Family and Medical Leave Act (FMLA)

The FMLA only applies to employers who employ fifty (50) or more employees each working day during twenty (20) or more weeks in the current or preceding calendar year. Because the Foundation has fewer than fifty (50) employees, FMLA does not apply.

Leave of Absence Without Pay

Leave of absence without pay is a period of unpaid absence from employment requested by an employee and approved in advance by the employee's supervisor and/or director. Employees on leave without pay do not accrue annual leave or sick leave.

Employees who are on an approved leave of absence without pay may continue to be covered by the group insurance, provided they pay the amount of the employer's contribution plus any required employee contribution.

Jury Duty and Witness Leave

"Jury duty leave" means an approved leave of absence with pay for an employee who has been properly summoned to serve as a juror in a court or judicial proceeding. "Witness leave" means a leave of absence with pay for an employee who has been properly subpoenaed to serve as a witness in a court, judicial proceeding, or administrative proceeding.

Leave Options for Jury Duty and Witness Leave

An employee serving on jury or witness duty will do so without loss of pay. The employee may select one of the following methods of receiving pay:

- A. Charge the time to annual leave and retain the compensation received from the jury/witness duty.
- B. Remain in a regular pay status (nothing charged to annual leave), report for work during all normal work periods whenever not actually serving jury/witness duty, and reimburse the Foundation for the total amount of jury/witness duty earnings received.

Only one method may be applied during the term of a specific jury/witness duty. If, however, an employee's annual leave is exhausted, the employee may convert to reimbursing the Foundation for fees received during the balance of the time served.

Military Leave

A military leave of absence will be granted in accordance with applicable state and federal laws. Copies of military orders must be provided to the President/CEO as soon as possible. For exempt employees, no deduction in pay may be made for temporary military leave, but the amount received by the employee as military pay shall be offset against the amount of any pay due from the Foundation.

Funeral or Bereavement Leave

If an employee wishes to take time off due to the death of an immediate family member, the employee should notify the supervisor or President/CEO immediately.

Up to five (5) consecutive days of bereavement leave will be provided to regular employees per occasion. An employee may, with President/CEO approval, use any available leave for additional time off as necessary.

The Foundation defines "immediate family" as the employee's spouse, parent, child, sibling, grandparent, the same members of an employee's spouse's family, and any member of your immediate household.

Workers' Compensation Insurance

The Foundation provides a workers' compensation insurance program. This program covers certain injuries and illnesses sustained in the course of employment

Employees who sustain work-related injuries or illnesses must inform their supervisor immediately and complete an incident report. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately. This will enable an eligible employee to qualify for coverage as quickly as possible.

Once notified of an on-the-job injury, the supervisor and employee will complete the workers' compensation reporting form and fax it to the workers' compensation provider the same day. If the injured employee is out of town, the supervisor will obtain needed information over the telephone.

Staff Development and Educational Assistance

Approval Process

All staff development and educational assistance expenses shall have the appropriate supervisory approval prior to expenditure. The expenses for both staff development and educational assistance will be allocated to the individual's staff development budget and may not exceed the approved budget allowance.

Reimbursable Staff Development Expenses

Employees shall be reimbursed for reasonable and necessary expenses incurred while attending conferences, workshops, or other educational forums for staff development. The least expensive mode of transportation available will be utilized considering both time involved and actual reimbursable costs. Private vehicle mileage will be reimbursed at the state's current travel rate.

Meals claimed will be at the per diem meal allowance rate. Actual lodging expenses will be reimbursed or paid directly to the vendor according to the rates established in the Credit Card and Travel Policy. Original receipts are required for all expenses other than those for per diem meal allowance and must be attached to the *Travel Reimbursement Request* form.

Reimbursable Education Assistance

Upon prior approval, Foundation employees who are employed at least three-quarter (3/4) time (0.75 FTE) shall be reimbursed for the basic tuition fee (incidental fee on University fee schedule) for attending educational classes at Montana State University. Employees are limited to one (1) class per term or a maximum of six (6) credits per term.

Employees must provide a University fee statement, which itemizes the tuition fee and proof of payment in order to be reimbursed. For further information, see the personnel officer.

University classes must not interfere with employee's work responsibilities at the Foundation. The cost of the educational assistance is allocated to the individual's staff development budget and may not exceed the approved budget allowance.

Dependent Tuition Assistance

The Foundation follows the same general guidelines for eligibility for the "Dependent Tuition Waiver Policy" that is allowed by MUS (Regent Policy 940.32, Tuition Waivers for Dependents). However, because the Foundation is not a unit of the University System the fifty-percent (50%) tuition benefit cannot be waived for dependents of Foundation employees. Accordingly, the tuition benefit of fifty-percent (50%) of the cost of residential tuition only will be paid by the Foundation upon receipt of the third-party billing from the University. This benefit is considered a taxable benefit to the employee. For further information, see the personnel officer.

Receipt & Acknowledgment
of the Montana State University Foundation
Personnel Policy Manual

I hereby acknowledge that I have personally received a copy of the Personnel Policy Manual ("Manual") of the Montana State University Foundation ("Foundation"). I have read the Manual and am aware of and understand its contents. I further understand that the policies, procedures, and benefits described in the Manual are subject to plan benefit documents, applicable law, and, at the sole discretion of the Foundation, the policies, procedures, and benefits may be changed at any time. My continuing employment with the Foundation represents the consideration for and my acceptance of the provisions of this Manual, and any amendments and changes adopted in the future. Changes to this Manual shall be authorized by the Board of Directors and will be effective at the time determined by the Board.

Please sign, date and return this page to the Foundation President/CEO for placement in your employee file.

Signature

Employee's Name

Date