

**NEVADA SYSTEM OF HIGHER EDUCATION
PROCEDURES AND GUIDELINES MANUAL**

CHAPTER 4

GENERAL GUIDELINES AND PROCEDURES

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Section 2. System Office and Campus Closures (formerly CM 05-01)

This is intended to clarify procedures for system and campus closures for any adverse event including weather.

1. The Chancellor, or designee, has sole authority to close the entire NSHE or any part of the system for unforeseen events which may include but are not limited to extreme weather conditions, natural disasters, or other emergencies. In the event the Governor closes all or any part of the state offices, the Chancellor will be notified and will similarly declare NSHE properties closed, as appropriate. When the NSHE or any part of the system is closed, employees at the affected location(s) are granted administrative leave. No other person has authority to close offices or grant administrative leave.
 2. The President, or designee, of each campus has the authority to close the campus for unforeseen events (as defined above). The President, or designee, must report such closure to the Chancellor and receive acknowledgement, if possible, prior to the closure, unless there is an emergency status that requires immediate action. In the event of a campus closure, employees at the affected institution or location will be granted administrative leave. No other person has the authority to close offices or grant administrative leave.
 3. When campuses or offices are open, employees desiring not to report to work due to extreme weather conditions or natural disasters must request and receive approval of annual leave.
 4. Employees on previously approved leave during a closure do not get administrative leave credit.
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NSHE System General Counsel interprets this statute as permitting a person in control of a public building to designate only one room or area in a public building for smoking. The term "building" means any building owned by the Nevada System of Higher Education. It would obviously be inappropriate for any System employee to experience any employment retaliation for complaining about smoking in prohibited areas or for taking action to enforce the state law.

Penalties:

Nevada Revised Statutes 202.2492 provides that any person who violates NRS 202.2491 is guilty of a misdemeanor.

The posting of "no smoking" signs and the designation of a separate room or area in a public building for smoking, done pursuant to this law, constitute an order to employees not to smoke tobacco in a public building except in such a designated room or area. Violation of such an order would constitute insubordination, which conduct would authorize disciplinary action to be taken against classified employees under *Nevada Administrative Code* § 284.650 (6) and against professional employees under Section 6.2.1 (d) of the NSHE Code. Section 6.2.2 (m) of tdm2.24(k)-2 24(k)- / 0 T2B1yCode thozizdesissiplin o acti against profnssional (iem)-6 (pl)2.6 (oy)-2 (c

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2. Council members selected by the President, and prior to appointment, will be

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3. A secretary, provided by the department head, will record and distribute meeting notes and maintain the council's files and records.
4. There shall be no provisions for proxy. A majority of voting members constitutes a quorum that

Section 8. System Expectations for Inter-Institutional Relationships (formerly CM 96-01)

2. When a user leaves the employ of NSHE, the content of any emails or files remaining on NSHE owned equipment or networks, including but not limited to the user's NSHE computer, may be reviewed as reasonably necessary, as determined by the President or his or her designee(s).
3. In the event a user is absent from work for more than 3 working days without notice, and the supervisor/department chair attempted to contact the user without success, upon the written request of the department/unit, IT may establish an automatic reply on the user's NSHE email account, informing senders that emails should be directed to another employee or office in the department/unit.
4. In the event a user is absent from work for more than 5 working days without notice, the supervisor/department chair attempted to contact the user without success, it is reasonably necessary to access the user's email and/or computer files to conduct the regular business of the department/unit, and the institution or Unit is unable to obtain written or electronic authorization from the user to access the user's email and/or computer files due to the user's health condition, including but not limited to prolonged injury or disability or death, or other circumstances then, upon the written request of the department/unit, the President or his or her designee(s) may, upon a showing of reasonable need and in the absence of reasonable alternatives as determined by the President or his or her designee(s), authorize IT, in writing, to examine the content of the user's emails and/or computer files solely for the purpose of addressing the department/unit's need to conduct regular business. Upon such written authorization, IT shall retrieve the emails and/or computer files reasonably believed to be necessary for the department/unit to conduct its regular business and provide them to the head administrator

7. If in the event of exigent circumstances as reasonably determined by the President or his or her designee(s), it is necessary for the protection of life, limb, or property or for the maintenance of order to examine the content of emails or computer files of a user, the President or his or her designee(s) may authorize IT to examine and retrieve emails and/or computer files solely for the purpose of protecting life, limb, or property or for the maintenance of order, and provide them to the President or his or her designee(s).

departments. This may be changed from time to time. Any program or department that is not covered is not required to follow any aspect of the Privacy or Security Rules.

Who must be covered?

Any program or department that provides a health related service and engages in certain electronic transactions related to payment must be covered. Those programs and departments that provide health related services, but do not engage in any of the specified electronic transactions may choose to be covered as it may assist them in interacting with patients and other providers in the health care industry. The specified electronic transactions include: health care claims, health care payment and remittance advice, coordination of benefits, health care claim status, enrollment and disenrollment in a health plan, eligibility for a health plan, health-plan premium payments, and referral certification and authorization.

Individually Identifiable Health Information

HIPAA protects only certain information that may identify a patient. This includes demographic information such as name, address, phone number, age over 70, dates of service and account numbers of all types (social security, date of birth, driver's license, etc.), as well as treatment and billing records.

Basic Privacy Rule Requirements

The Privacy Rule requires:

- Provision of information to patients about their privacy rights and how their information can be used;
- Adoption of clear privacy procedures;
- Training of employees so they understand the privacy procedures;
- Designating an individual to be responsible for ensuring that the privacy procedures are adopted and followed;
- Securing patient records containing individually identifiable health information so they are not readily available to those who do not need them.

Privacy Rule Limitations on Use

In general, treating professionals are allowed to freely exchange patient information as necessary for treatment without the necessity of obtaining patient authorization. In addition, a health care provider may use and submit information to obtain payment (but not for insurance underwriting), and for internal operations purposes (such as a peer review committee), without patient authorization. If outside non-treating vendors will require access to patient health information in order to perform a service for a covered program (e.g. computer technician, copy service, record storage company, etc.), patient authorization is required unless a business associate agreement is in place. Apart from certain disclosures that may be required in response to subpoenas and other law enforcement measures, any other disclosure outside the covered department requires written patient approval.

Privacy Rule Patient Rights

Patients are required to be informed of their rights under HIPAA, which include rights related to access to records, correction of records, and accounting for disclosures. There must be a mechanism in place to receive complaints. Civil and criminal penalties are in place for violations of the law. For example, improperly providing patient data for material gain could result in a criminal violation.

Section 11. HIPAA Health Care Components of NSHE

As of August 31, 2016, NSHE, 11201 Body Center, 620 MT024.0402 (A), 0.6 (to) 10.5 (0.6 (d m 1.9 (er (en0

NSHE

- NSHE Accounting and Auditing;
- NSHE Vice Chancellor for Legal Affairs office;
- UNLV, UNR, and CSN Disbursement offices;
- NSHE, UNLV, UNR, and CSN health and insurance plans;
- NSHE, UNLV, UNR, and CSN Information Technology Departments.

(Added 6/05; A. 4/15, 9/16, 3/18, 9/18)

by minimizing the time in processing cell phone bills. This policy is also not intended to expand the number of cell phone users/allowances.

(Added 6/05; A. 11/05, 3/13)

Section 13. Annual and Sick Leave Record Keeping Guidelines

Per Title 4, Chapter 3 of the *Board of Regents Handbook* each appointing authority must keep accurate and complete records of earned and used leave for each NSHE employee. Such records will be kept as designated by the appropriate Human Resource office. Leave records are subject to examination by those persons in the employee's chain of command, by Human Resource officials, and by internal or external auditors.

Insofar as possible, all leave must be requested and approved in advance by the supervisor or other appropriate administrative officer according to the policies for each type of leave as contained Title 4, Chapter 3 of the *Handbook*. The approval and recording of unanticipated leave must occur immediately after use of the leave.

Sick Leave: Full-time professional staff members on an "A" or "B" contract shall be granted sick leave as required, up to 30 working days at full salary, available at any time during the initial 12 months of service. Part-time professional staff members on an "A" or "B" contract shall be granted a pro rata amount as appropriate.

Beginning one year after the starting date of his or her initial contract, each full-time staff member will begin to accrue additional sick leave at the rate of two days for each full month of paid service, to be added to any remaining balance of unused sick leave from the first 12 months of service. Sick Leave may be cumulative from year to year, not to exceed 96 days as of the first day of each fiscal year, and any sick leave in excess of 96 days is forfeited on that date. Part-time staff members will earn a pro rata amount of sick leave for each calendar month worked.

Paid sick leave shall not be granted in excess of sick leave earned except as provided in the extended salary sick leave policy as outlined in Title 4, Chapter 3 of the *Handbook*. The employee shall not be paid for any unused sick leave upon termination of employment.

Annual Leave: All professional staff members on a full-time 12-month appointment ("A" contract) earn annual leave at the rate of two working days for each full calendar month of service. Prorated credit shall be earned for partial months of service. Professional staff members on a part-time 12-month appointment earn pro rata annual leave credit.

Annual leave may be cumulative from year to year, not to exceed 48 days as of the first day of each fiscal year, and any annual leave in excess of 48 days is forfeited on that date.

Employees shall be given an opportunity to use accumulated annual leave in excess of 48 working days prior to the last day of the fiscal year provided a request for leave is given by the employee no later than April 1 to the supervisor or other appropriate administrative officer.

Professional staff on an "A" contract appointment who resign or retire shall be entitled to be paid for unused accumulated annual leave up to the maximum of 48 days, unless the supervisor or other appropriate administrative officer directs the employee, in writing, to use all or a portion of the accumulated leave prior to the final date of employment.

(Added 6/05; A. 12/05)

Section 14. Phase-in Retirement Program

This program allows faculty and professional staff to phase-in their retirement (generally between a .50 and .75 FTE course load or work assignment) over an agreed-upon period of time, not to exceed five years. During the phase-in, the institution and employee will continue contributing to their retirement plan as if they were employed 100percent FTE.

The phase-in process is governed by a formal contract between the employee and the NSHE. The basic provisions of the program are outlined below. If you have further questions about the phased-in retirement program, please contact the Human Resources Office on your campus.

Eligibility

The employee must have attained the age of 65 and completed at least five years of service with the institution at the expiration of the term of the agreement;

OR

have attained the age of 60 and completed at least 10 years of service with the institution at the expiration of the term of the agreement;

OR

at any age have completed 30 or more years of service with the institution at the expiration of the

Enrollment Period and Application Deadline

- Completed applications for consideration of phased-in retirement will be due on February 1 of each year for the following Fall

7. Policy Regarding Use of a Personal Cellular Phone, PDA or Other Device. Because the cellular phone, PDA, tablet, laptop or similar device for which a monthly allowance is approved is owned by the employee, the device may be used by the employee for both personal and business-related purposes. The employee may also use the allowance as he or she sees fit in order to obtain cellular or PDA service or a data plan, and may freely use it to purchase an individual cellular plan, a so-called “family” plan, or data sharing plan.
 - a. All contracts for service or a data plan must be taken out in the name of the employee receiving the allowance and may not be taken out in the name of NSHE.
 - b. As a condition of receiving the allowance, the employee understands and agrees that the employee may be contacted through his or her personal cell phone number for work-related matters as reasonably necessary during regular or after business hours. Special rules may apply to contacting hourly employees for substantive work issues after hours.
 - c. As a condition of receiving the allowance, the employee understands and agrees to maintain an active cellular phone, PDA or data plan, as applicable, as long as an approved allowance is in place.
 - d. Federal law may allow an employee to deduct the business-related portion of the bill for cellular phone/PDA service or for a data plan on the employee’s federal income tax return. If applicable, the employee is responsible for any required documentation.

8. Support for Cellular Phones, PDAs, and Data Plans. All support for cellular phones, PDAs, and data plans is provided by the cellular or mobile service company chosen by the employee. System Computing Services (SCS) cannot offer any support for individually owned cellular phones, PDAs, tablets, laptops, or similar devices. However, SCS will provide support for NSHE provided software that is used on those devices to synchronize them with NSHE email accounts, calendars or other NSHE systems and services if available for the particular device and if reasonable security protocols can be established. If an employee intends to try to link a personal device to NSHE systems and services, the employee should contact SCS before purchasing a particular device in order to ascertain the extent to which such linkage is feasible.

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- b. Extraordinary Use of Technological Resources. Should extraordinary use of technology be required to comply with a public books or records request, the requester must be charged the actual cost for the use of the technology, exclusive of overhead, and not to exceed fifty (50) cents per page.

3. Prior N

7. Public Meetings; Providing Copies of Agenda and Supporting Material (NRS 241.020(5) & (6)). Upon any request, a public body must provide at no charge at least one copy of:
 - a. An agenda for a public meeting;
 - b. A proposed ordinance or regulation which will be discussed at the public meeting;
and
 - c. Any other supporting material provided to the members of the body except materials:
 - i.

Determining Full-Time Status:

I. New Employees

A. New Employees Reasonably Expected to Be Full-time Employees – New employees hired for positions that are reasonably expected to be full-time positions should be offered the opportunity to enroll in health coverage on the first day of the first full calendar month of employment. “Reasonably expected to be full-time” is defined as an employee hired for a position that at the time of hire is expected to average 130 or more hours of service per month.

B. Initial Measurement Period for New Employees Not Expected to Be Full-time – NSHE will utilize a ten (10) month initial measurement period to determine the status of (t)-6.(ees)-2 (N)13

measurement period” to determine which employees are full-time employees for purposes of the subsequent stability period.

- b. Standard Measurement Period—NSHE will utilize a ten (10) month standard measurement period beginning on July 1st of each year.
- c. Administrative Period – Each NSHE institution may take a period of sixty-one (61) days between the end of each Standard Measurement Period and the beginning of the Stability Period to notify employees of eligibility and enroll those employees that elect to be covered through NSHE.
- d. Stability Period – NSHE will utilize a ten (10) month stability period from July 1st of each year until April 30th of the following year.
- e. Coverage in the Stability Period—An hourly employee who is determined to be a full-time employee during a Standard Measurement Period is entitled to be offered health coverage for the subsequent stability period. Health coverage ends at the earlier of: (a) the end of the subsequent stability period; (b) the termination of employment; or (c) declination of coverage health coverage.

- from the calculation of hours worked over the Standard Measurement Period. For example, an employee that spends one month on FMLA leave during the Standard Measurement Period would have their total hours of service averaged over nine (9) months (rather than 10) to determine full-time employee status.
- K. Other leave/Unpaid leave – Time on leave not otherwise described in this policy does not count as towards hours of service.
 - L. Tracking and Reporting “Hours of Service” – NSHE institutions should track the hours of service of all employees and monitor these hours on at least a monthly basis.

IV. Breaks in Employment

NSHE will treat an employee as a “new” employee for purposes of the Affordable Care Act if either:

- a. The period which the employee provides 0 hours of service for NSHE is 26 weeks;
OR
- b. The period which the employee provides 0 hours of service for NSHE is at least 4 consecutive weeks and the employee was employed for less than the total number of weeks in which 0 hours of service was provided.

Application of ERISA: Nothing in this policy should be interpreted as consent or

A. FULLY REMOTE WORK.

1. **Definition.** A “Fully Remote” position is one that is intended for the employee to

- a. Hard-To-Fill Positions: A hard-to-fill position is a vacancy that most

Within fourteen (14) business days of receiving a TRW Application and TRWA from a supervisor, the appropriate Vice President, Vice Chancellor, or their respective

The Employee may voluntarily terminate TRWA with twenty-four (24) hours' written notice to the Supervisor.

C. OUT-OF-STATE WORK.

Before any employee may be approved to work outside the State of Nevada Fully Remote or on a Temporary Remote Work, HR in consultation with legal counsel shall ensure that the hiring institution or unit is able and willing to comply with any applicable out-of-state laws affecting NSHE's employment of out-of-state workers.

D. NO RIGHT TO TRW.

TRW or a TRWA is a privilege, not a right. If an Employee fails to abide by the terms of the TRWA or this procedure, or engages in any prohibited activity set forth in the Board of Regents' *Handbook*, Title 2, Ch. 6, Section 6.2.1, the Employee's Supervisor or the appropriate Vice President or Vice Chancellor, in their sole discretion, may revoke a TRWA with a minimum of twenty-four (24) hours' notice to the Employee. Termination of a TRWA based on an Employee engaging in said prohibited activity shall not entitle an Employee to any notice or other process set forth in Title 2, Ch. 6 of the Board of Regents' *Handbook*. Denial or revocation of a TRWA shall not be subject to grievance.

NSHE is not responsible for any costs associated with returning to the official worksite which results from termination of a TRWA.

(Added 6/23)