

WHEELING JESUIT UNIVERSITY

EMPLOYEE INVENTORY

Item	Regulation/ Policy/ Requirement	Area/ Department/ Administrator	Summary of Requirements	Risk	Elements of Managing Risk	Applicable University Policies	Required Training or Notice	Process/ Policies/ Procedures Status	Measure of Compliance	In Compliance (Y/N)	Corrective Actions Necessary to be in Compliance
1.01	Position Requisition / Development & Approval [WJU Internal Policy]	Employment / Human Resources - Employment / Director, HR	New positions must be requisitioned through HR and approved by Executive Administration; once complete, a job description must be developed, the job evaluated, and then placed into the appropriate pay grade before recruiting actions are initiated.	9	HR will not approve, initiate recruiting activities, or place individuals in positions absent policy adherence. HR has forms to document activities thru entire process.	Job Description; Comp. Guidelines	"The Hiring Process" training; Human Resource policies & procedures.	Policies and procedures for this line entry are complete.	Sign-offs by the Director of HR, the CFO and the President on all forms for all positions.		
1.02	Position Tracking System [WJU Internal Procedure]	Employment / Human Resources - Employment / Director, HR	The University maintains a position tracking system [in Excel] to validate all positions within the University. Only approved positions will appear on this list and the positions will be shown by their status.	17	HR will not approve, initiate recruiting activities, or place individuals in positions absent policy adherence. HR has forms to document activities thru entire process.	Position Tracking System (developed in conjunction with ADP Payroll) is a stand-alone process	"The Hiring Process" training; Human Resource policies & procedures	Policies and procedures for this line entry are complete.	Sign-offs by the Director of HR, the CFO and the President on all forms for all positions.		
1.03	Equal Employment of Veterans [32 USC §4211 et seq.; 41 CFR §60-250.5]	Employment / Human Resources - Employment / Director, HR	As a federal subcontractor, and for federal subcontracts of \$25,000 or more working on-site, the University shall maintain - and shall include in each of its subcontracts - a clause that the subcontractor will not discriminate against any employee or applicant for employment because he or she is a special disabled veteran, veteran of the Vietnam era, recently separated veteran, or other protected veteran in regard to any position for which the employee or applicant for employment is qualified. The University and its subcontractors who meet this criteria must agree to take affirmative action to employ and advance qualified individuals without discrimination based on such status.	4	The University maintains an Affirmative Action Plan which it updates and reviews annually.	Equal Employment Opportunity; Job Descriptions; Disabilities & Accommodation; Vacancies & Postings; Interview Procedure	Mandatory, government-approved, postings in Human Resources and Business Offices; Policies on-line at the HR Website; Annual notification to employees and acknowledge policies. Training provided to administrators engaged in hiring or ongoing employment-related decisions: The Hiring Process", "Interviewing", and "Harassment & Discrimination".	Policies and procedures for this line entry are complete.	Reflected in annual Affirmative Action Plan [with review and sign-offs noted] and individual jobs.		

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1.04	Background Checks (Fair Credit Reporting Act) [15 USC §1681 et seq.]]	Employment / Human Resources - Employment / Director, H	To use a consumer report for employment purposes the University must certify to the reporting agency that it will use the report per the candidates written instructions and not in violation of any applicable EEO law. Prior to obtaining a report the University must provide written disclosure to the candidate that a report may be obtained and obtain candidate's written authorization. Oral disclosure and authorization acceptable if application is not made in person, provided a summary of candidate rights is provided. Before taking adverse action based on a report the University must provide a copy of the report to the candidate with a written description of their rights. If application was not made in person, within 3 days of the action the University may provide the agency's name and address with a statement that the agency did not make the adverse decision and giving the candidate an opportunity request a free copy of a report and dispute its accuracy with the agency.	11	The University maintains a checklist for all new hires with information indicated as a pre-employment requirement.	Equal Employment Opportunity; Disabilities & Accommodation Vacancies & Postings; Interview Procedure; Pre-employment Documentation	Mandatory, government approved, postings in Human Resources and Business Offices; Policies posted on-line at the HR Website; Annual notification to employees and subsequent sign-off / acknowledge. of such policies.	Policies and procedures for this line entry are complete.	Individual files will contain all background checks completed prior to hiring. Financial check required of individuals in the Business Office or in any department handling university funds.		
1.05	Background / Reference Checks [WJU Internal Procedure]]	Employment / Human Resources - Employment / Director, HR	As a part of pre-employment activities, the University will complete: 1) A criminal background check. The University will obtain the candidates authorization to conduct such checks prior to the initiation of any such activity and the checks will cover the candidates entire history. Decisions regarding convictions will not be grounds for immediate elimination from consideration; rather, the University will make a determination based upon the position for which the candidate is being considered as well as the nature of the conviction. 2) Reference checks will be completed on personal and prior employment references. Individual adverse references will be evaluated and weighed against the balance of references received and will not be grounds for immediate elimination from consideration unless such reference is a egregious; rather, the University will evaluate the candidate as a whole. 3. Prior Employment Verification. The University will verify employers, rates of pay, time in position, and, if necessary, educational qualifications. Candidates will be provided an opportunity to respond to negative findings.	9	The University employs the services of ADP for criminal checks and conducts its own internal reference checks (personal and prior employment). Records of checks and decisions are maintained in candidates file.	Equal Employment Opportunity; Disabilities & Accommodation s; Vacancies & Postings; Interview Procedure; Pre-employment Documentation	Mandatory postings in Human Resources and Business Offices; Policies posted on-line at the HR Website; Annual notification to employees and subsequent sign-off / acknowledge polices. Training is provided to all administrators engaged in hiring or ongoing employment-related decisions.	Policies and procedures for this line entry are complete..	Individual files will contain all background checks completed prior to hiring..		

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1.06	Executive Order 12899 (E-Verify) [73 Federal Register 67651]	Employment / Human Resources - Employment / Director, HR	The Order, effective September 2009, requires that institutions with employees working on a federal contract of more than \$100k, and subcontractors with contracts greater than \$3k, utilize an electronic system to confirm their employees are lawfully eligible to work in the U.S. The Department of Homeland Security (DHS) designated the E-Verify system as the electronic system to be used.	17	The University will utilize E-Verify on every candidate and retain records for compliance; individuals using system are trained and qualified.	Pre-employment Documentation	Mandatory postings in Human Resources and Business Offices; Policies posted on-line at the HR Website.	Policies and procedures for this line entry are complete	Individual files will contain all background checks completed prior to hiring. Certifications are maintained in personnel files of all individuals qualified to use the system.		
1.07	Civil Rights Act of 1964 [Title VII, 42 USC §2000(e) et seq.]	Employment / Human Resources - Employment & Workplace Practices & Payroll / Director, HR	The University may not to refuse to hire, discharge or discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment because of the individual's race, color, religion, sex or national origin. ("On the basis of sex" includes pregnancy, childbirth, or related medical conditions per the Pregnancy Discrimination Act Amendment). It is unlawful to discriminate against an employee/applicant for employment because he/she opposed an unlawful employment practice, made a charge, or assisted in an investigation, proceeding or hearing. The Lilly Ledbetter Fair Pay Act of 2009 states that the statute of limitations for filing an equal-pay lawsuit resets with each new discriminatory paycheck, not the date the pay was agreed upon.	4	The University maintains an Affirmative Action Plan which it updates and reviews annually.	Equal Employment Opportunity; Job Descriptions; Disabilities & Accommodation Vacancies & Postings; Interview Procedur	Mandatory, government approved, postings in Human Resources and Business Offices; Policies posted on-line at the HR Website; Annual notification to employees and subsequent sign-off / acknowledge policies. Policies contain information on filing a complaint. Training provided all administrators involved in the processes: "The Hiring Process", "Interviewing", and "Harassment & Discrimination".	Policies and procedures for this line entry are complete.	Affirmative Action Plan is on file and reviewed annually, updated as needed. Annual summaries of EEO and Veterans reports are maintained in the HR Office		

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1.08	Age Discrim. in Employment Act of 1967 [29 USC §621 et seq.]	Employment / Human Resources - Employment & Workplace Practices / Director, HR	It is unlawful for the University to fail to hire, discharge, segregate, classify, or otherwise discriminate against any individual with respect to compensation, terms, conditions or privileges of employment because of such individual's age.	9	The University maintains an Affirmative Action Plan which it updates and reviews annually. Any / all separation & release agreements conform to the requirements of the Act.	Equal Employment Opportunity; job Descriptions; Disabilities & Accommodation; Vacancies & Postings; Pre-employment Documentation; Harassment; Title IX Compliance;	Mandatory, government approved, postings in Human Resources & Business Offices; Policies on-line at the HR Website; annual notification & acknowledge policies provided all EE's. Policies contain info on filing a complaint. Training provided to administrators engaged in hiring or employment-related decisions: "The Hiring Process", "Interviewing", & "Harassment & Discrimination".	Policies & procedures for this line entry are complete.	All terminations documented in files; RIF's documented in internal notes, personnel status forms or summaries for affected employees. Employees within protected classes provided Separation Agreements & Releases that conform to the OWBPA (exception: termination / completion of grants).		
1.09	Americans with Disabilities Act (ADA) of 1990 [42 USC §12101; 29 CFR §1630]; ADA Amend. Act of 2008 [Public Law 110–325]; & ADA Revisions to Access. Reqts [Federal Register, September 15, 2010 (Volume 75, Number 178)]	Employment / Human Resources - Employment & Workplace Practices / Director, HR	The University may not discriminate against qualified individuals with a physical/mental impairment that limits one or more major life activities, or against someone perceived as disabled. ADA Amendments Act of 2008 expanded ADA by: 1) Broadening definition of disability to cover impairments that substantially limit major life activity; 2) stating that mitigating measures have no bearing in determining whether a disability qualifies under the law; 3) clarifying that episodic impairments / remission are covered. Private entities must adhere to new provisions (sale of tickets for accessible seating, accessible design for recreational facilities, & access to pedestrian areas).	4	The University maintains an Affirmative Action Plan which it updates & reviews annually. The University conducts walk-throughs to bring facilities & grounds into compliance. The University encourages employees to request accommodation & records all reasonable accommodation granted.	Equal Employment Opportunity; Job Descriptions; Disabilities & Accommodation; Vacancies & Postings; Interview Procedure	Mandatory, government approved, postings in Human Resources & Business Offices; Policies posted on-line at the HR Website; Annual notification to employees & subsequent sign-off / acknowledge policies. Policies contain information on filing a complaint. Training provided all administrators involved in the processes: "The Hiring Process", "Interviewing", & "Harassment & Discrimination".	Policies & procedures for this line entry are complete.	Memo's to employees requesting accommodation are maintained in personnel files; Facilities completes annual accommodation review of grounds & documents same.		

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1.10	Rehabilitation Act of 1973 [29 USC §701 et seq.]	Employment / Human Resources - Employment & Workplace Practices / Director, HR	The University may not exclude otherwise qualified individuals with a disability from participation in any federally-funded program/activity, deny such individuals the benefits of such program/activity, or otherwise discriminate against such individuals because of such disability. Further, any contract in excess of \$10,000 entered into by a Federal department or agency for procurement of personal property & non-personal services (including construction) for the United States shall contain a provision requiring that the contractor(in excess of \$10,000) take affirmative action to employ & advance qualified individuals with disabilities.	4	The University maintains an Affirmative Action Plan which it updates & reviews annually. Any / all separation & release agreements conform to the requirements of the Act.	Equal Employment Opportunity; Job Descriptions; Disabilities & Accommodation; Vacancies & Postings; Interview Procedure	Mandatory, government approved, postings in Human Resources & Business Offices; Policies posted on-line at the HR Website; Annual notification to employees & subsequent sign-off / acknowledge policies. Policies contain information on filing a complaint. Training provided all administrators involved in the processes: "The Hiring Process", "Interviewing", & "Harassment & Discrimination".	Policies & procedures for this line entry are complete.	Affirmative Action Plan is on file & reviewed annually, updated as needed. Annual summaries of EEO & Veterans reports are maintained in the HR Office.		
1.11	Uniformed Services Employment & Reemployment Rights Act of 1994 (USERRA) [38 USC §§4301- 4334]	Employment / Human Resources - Employment & Workplace Practices / Director, HR	The University may not discriminate against past or present members of the uniformed services, as well as applicants to the uniformed services, or deny employment, retention, re-employment, promotion, or any benefit of employment based on membership in, application for, or performance of a uniformed service.	19	The University maintains a comprehensive affirmative action plan & equal opportunity administration complete with assessing & reporting veterans hired.	Equal Employment Opportunity; Job Descriptions; Disabilities & Accommodations; Vacancies & Postings; Pre-employment Documentation; Harassment; Military Leave	Mandatory, government approved, postings in Human Resources & Business Offices; Policies posted on-line at the HR Website; Annual notification to employees & subsequent sign-off / acknowledge policies. Policies contain information on filing a complaint.	Policies & procedures for this line entry are complete.	Reflected in annual Affirmative Action Plan with review & sign-offs noted, annual VETS reports that are maintained on file, notice on policies & procedures issued annually to all employees.		

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1.12	Employee Polygraph Protection Act of 1988 [29 USC §2001 et seq., 29 CFR Part 801.1 et seq.]	Employment / Human Resources - Employment & Workplace Practices / Director, HR	The University may not: 1) directly or indirectly require, request, suggest, or cause an employee or prospective employee to take or submit to any lie detector test; 2) use, accept, refer to, or inquire concerning the results of any lie detector test of an employee or prospective employee; 3) discharge, discipline, discriminate against, deny employment or promotion, or threaten such action against an employee or prospective employee who a) refuses, declines, or fails to take or submit to any lie detector test, or b) on the basis of the results of any lie detector test; or 4) discharge, discipline, discriminate against, deny employment or promotion, or threaten such action against an employee or prospective employee a) who has filed a complaint or caused to be instituted any proceeding per this Act, b) has or will testify in any such proceeding, or c) exercises any right per the Act.	0	The University does not employ polygraphs & rejects any information of this type.	N/A	N/A	N/A	N/A		
1.13	At Will Provisions [WJU Internal Policy]	Employment / Human Resources - Employment & Workplace Practices / Director, HR	The University maintains that the employment relationship is "at will" & that either party may terminate the relationship at any time & for any reason without cause or notice.	4	All offer letters, benefit packages & official university policies that could be misconstrued as creating a contractual arrangement clearly include the "at will" statement.	At-will provisions referenced in all applicable policies including, but not limited to: At Will Provisions; Compensation Guidelines; Health / Dental / Vision Insurance; STD / LTD / Life Insurance; Benefits Summaries	Stated in offer letters provided upon hire; Policies posted on-line at the HR Website; Annual notification to employees & subsequent sign-off / acknowledge policies.	Policies & procedures for this line entry are complete.	Reference to at-will provisions are used in all offer letters (maintained in personnel files), reductions in force letters (maintained in personnel files).		

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1.14	Older Workers Benefit Protection Act [29 USC §623 (Public Law 101- 433)]	Employment / Human Resources - Employment & Workplace Practices / Director, HR	The University may ask older employees to legally sign waivers of their ADEA rights in connection with an exit incentive program or other employment termination program, but only if the waiver meets legal requirements including but not limited to: 1) Waiver is in writing & understandable; 2) specifically refers to ADEA rights or claims; 3) does not waive rights or claims that may arise in the future; 4) is in exchange for valuable consideration; 5) advises the individual to consult an attorney before signing; & 6) provides the individual with at least 21 days to consider the agreement & at least 7 days to revoke it after signing.	7	The University provides releases to employees as required & each release contains the necessary language as defined b the Act.	Harassment policy; legally approved Separation Release & Agreement	Mandatory, government approved, postings in Human Resources & Business Offices; Policies posted on-line at the HR Website; Annual notification to employees & subsequent sign-off / acknowledge policies. Policies contain information on filing a complaint. Training provided all administrators involved in the processes: "The Hiring Process", "Interviewing", & "Harassment & Discrimination".	Policies & procedures for this line entry are complete.	All terminations documented in files; RIF's documented in internal notes, personnel status forms or summaries for affected employees. Employees within protected classes provided Separation Agreements & Releases that conform to the OWBPA (exception: termination / completion of grants).		
1.15	Workers Compensation [WV Code, Chapter 23]	Employment / Human Resources - Workplace Practices & Paid Time Off / Director, HR	As a private employer with >3 employees, the University is required to maintain worker's compensation insurance in compliance with the prevailing laws of the state where it reports payroll for payment of lost wages & reasonable & necessary medical expenses from occupational injuries or diseases. Employees select the physician of their choice and receive Temporary Total (TTD), Permanent Total (PTD) or Permanent Partial (PPD) benefits for up to 208 weeks. Attorneys are covered to a maximum of 20% of the award. Written notice of injury is to be filed by the end of the working day & a claim will be filed within a set period of time.	16	At the time a possible work-related accident is reported the employee is issued a copy of his rights & obligations under the WV workers compensation law.	Workers Compensation & Accident Reporting; Safety Program	Mandatory, government approved, postings in Human Resources & Business Offices; Policies posted on-line at the HR Website; Annual notification to employees & subsequent sign-off / acknowledge policies.	Policies & procedures for this line entry are complete.	Workers Compensation Plan Provisions; accident reports & Workers Compensation Loss Summaries.		

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1.16	Fair Labor Standards Act of 1938 (FLSA) Break Time for Nursing Mothers [29 USC §§201-219, 251-262]	Employment / Human Resources - Workplace Practices / Director, HR	The Patient Protection & Affordable Care Act (PPACA) (Public Law 111-148), amended section 7 of the FLSA. The University must provide reasonable break time for an employee to express breast milk for her nursing child for one year after the child's birth each time such employee has need to express the milk. The University must provide a place other than a bathroom that is shielded from view & free from intrusion from coworkers & the public.	20	The university maintains policies on work day & breaks in which this is specified; employees may request accommodation as necessary.	Work Day / Year / Breaks / Pay Period	Policies posted on-line at the HR Website; Annual notification to employees & subsequent sign-off / acknowledge policies.	Policies & procedures for this line entry are complete.			
1.17	Worker Adjustment & Retraining Notification Act (WARN) [29 USC §2101 et seq.]	Human Resources / Workplace Practices / Director, HR	The University must provide 60 days advance notice of plant closings or mass layoffs. Notice must be provided to affected workers (whether hour or salaried, including managers or supervisors) or their representatives (i.e. labor union). Notice also must be given to the state dislocated worker unit & the appropriate unit of local government.	0	The University has not developed a policy to cover this contingency & does not anticipate the need to issue WARN Act Notices for an extensive redcuton in force.	N/A	N/A	N/A	N/A		
1.18	Department of Labor Posting Requirements (see citations at right)	Human Resources / Workplace Practices / Director, HR	The University must post the following notices where hiring decisions are made: 1) Right to a Safe & Healthful Workplace (OSHA 29 USC §657(c)); 2) Equal Employment Opportunity (Executive Order 11246, Rehabilitation Act of 1973, 38 USC §4212 of the Vietnam Era Veterans' Readjustment Assistance Act, 41 CFR Chapter 60-1 .42, 60-250.4(k) & 60-74 1.5(a)4); 3) Age Discrimination in Employment Act of 1967 (29 USC §621 et seq.); 4) FLSA Minimum Wage (29 CFR §697.2); 5) Family & Medical Leave (29 CFR §825.300, .402); 6) Your Rights Under USERRA (38 USC §4301); 7) Notice to Employees Working on Federally Funded Construction (Davis Bacon Act, 29 CFR §5.5(a)(1); 8) Notification of Employee Rights under Federal Labor Laws (Executive Order 13496); 9) Employee Polygraph Protection Act (29 CFR §801.6); 10) Service Contract Act/Walsh-Healey (29 CFR §4.6(e)); & 11) Notice of Employee Rights Concerning Payment of Union Dues (Executive Order 13201). The University also must post a notice for: 12) WV Workers Compensation; 13) WV Bureau of Employment Programs 14) WV Human Rights Act; 15) WV Minimum Wage & Maximum Hours Law; 16) WV Payment & Collection Act; & 17) WV Whistle Blower	18	Postings are checked annually before school begins in August to insure compliance; a checklist is maintained on file in HR	Safety Program Policy; EEO Policy; Title IX procedures; FLSA postings; USERRA postings; WV mandated postings;	Mandatory, government approved, postings in Human Resources & Business Offices.	Policies & procedures for this line entry are complete.	All required & listed postings should appear in two locations: the Business Office Bulletin Board & the HR Bulletin Board.		

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1.19	Fair Labor Practices - Unionized Employees [National Labor Relations Act of 1935, 29 USC §§ 151-169; & Labor Management Relations Act of 1947, 29 USC §141 et seq. & 29 CFR §103.1]	Employment / Human Resources - Workplace Practices / Director, HR	It is an unfair labor practice for the University to: 1) Interfere with, restrain, or coerce employees in the exercise of their rights; 2) dominate or interfere with the formation or administration of any labor organization; 3) discriminate in any term or condition of employment; 4) encourage or discourage membership in any labor organization; or 5) refuse to bargain collectively with a labor organization's representatives.	0	The University maintains federally mandated postings. There are no collective bargaining units or agreements at the University.	N/A	Mandatory, government approved, postings in Human Resources and Business Offices; Posted on-line at the HR Website; Annual notification to employees & subsequent sign-off / acknowledgement of such policies. Policies contain information on filing a complaint.	N/A	Mandatory Government posting in the Human Resource Office & the Business Office.		
1.20	Notification of Employee Rights under Federal Labor Laws [Executive Order 13496]	Employment / Human Resources - Workplace Practices / Director, HR	The University, as a federal contractor, must post a notice advising employees of their rights under the National Labor Relations Act to bargain collectively & to be protected in the exercise of their right to association, self-organization & designation of representatives for purposes of negotiating terms & conditions of employment. The Order also specifies 4 new contract clauses that must be included in all qualifying government contracts & resulting subcontracts. The Order requires that prime contractors include the new clauses in every subcontract & puts the burden on prime contractors to enforce the requirements on their subcontractors.	18	The University maintains federally mandated postings. There are no collective bargaining units or agreements at the University.	N/A	Mandatory, government approved, postings in Human Resources & Business Offices.	N/A	All required & listed postings should appear in two locations: the Business Office Bulletin Board & the HR Bulletin Board.		
1.21	Drug Free Workplace Act of 1988 [41 USC §701]	Employment / Human Resources - Workplace Practices / Director, HR	As a federal contractor receiving \$25,000 or more the University must: 1) Certify a drug-free workplace; 2) Notify employees that unlawful manufacture, distribution, dispensing, possession, use of controlled substances is prohibited & stating actions for violations; 3) Establish an ongoing drug-free awareness program; 4) Require that each employee directly involved in the contract/grant work notify the employer of any criminal drug convictions; 5) Notify the federal government of such a violation within 10 days after learning of conviction; & 6) require sanctions or remedial measures for an employee convicted of a drug abuse violation in	4	The University maintains an Employee Assistance Program for all employees. Various on-site training programs are offered.	Drug & Alcohol Policy; Tobacco Usage Policy	Policies posted on-line at the HR Website; Annual notification to employees & subsequent sign-off / acknowledgement of such policies.	Policies & procedures for this line entry are complete.	All required & listed postings should appear in two locations: the Business Office Bulletin Board & the HR Bulletin Board.		

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1.22	Drug Free Schools & Communities Act Amendments of 1989 [55 FR 33580]	Employment / Human Resources - Workplace Practices / Director, HR	As a condition of receiving funds under any Federal program, the University, as an institution of higher education (IHE), must certify that it has adopted & implemented a program to prevent the unlawful possession, use, or distribution of illicit drugs & alcohol by students & employees.	4	The University maintains an Employee Assistance Program for all employees. Various on-site training programs are offered.	Drug & Alcohol Policy	Policies posted on-line at the HR Website; Annual notification to employees & subsequent sign-off / acknowledgement of such policies.	Policies & procedures for this line entry are complete.	All required & listed postings should appear in two locations: the Business Office Bulletin Board & the HR Bulletin Board. Individual letters will be mailed out to all employees in addition to the postings online.		
1.23	Family & Medical Leave Acts (Federal & DC) [29 USC §2601; 29 CFR §825; & DC Code §32-501 et seq.]	Human Resources / Workplace Practices - Benefits / Director, HR	1) Leave Required: Federal law mandates that the University provide 12 work weeks of leave during any 12-month period for: a) Care of a newborn; b) placement of a child for adoption/foster care; c) care for spouse's child's or parent's serious health condition; d) a serious health condition that makes the employee unable to perform their job. 2) Restoration of Position; 3) Discrimination Prohibited. The Act preempts state laws unless such laws provide greater rights.	4	The University maintains an FMLA policy that is in full compliance with the law.	FMLA Policy; Paid Time Off Policy; Unpaid Time Off Policy	Mandatory, government approved, postings in Human Resources & Business Offices; Policies posted on-line at the HR Website; Annual notification to employees & subsequent sign-off / acknowledgement of such policies. Policies contain information on filing a complaint.	Policies & procedures for this line entry are complete.	All required & listed postings should appear in two locations: the Business Office Bulletin Board & the HR Bulletin Board. All FMLA leaves documented in one location with supporting documentation as required in the employee file.		

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1.24	Military Leave (National Defense Authorization Act for FY 2008) [Public Law 110-181]	Employment / Human Resources - Workplace Practices / Director, HR	Section 585 of the Act amends the FMLA to provide military exigency & military caregiver leave. The University must permits a "spouse, son, daughter, parent, or next of kin" to take up to 26 workweeks of leave to care for a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.	20	The University maintains a Military Leave policy that is in full compliance with the law.	Military Leave policy;	Mandatory, government approved, postings in Human Resources & Business Offices; Policies posted on-line at the HR Website; Annual notification to employees & subsequent sign-off / acknowledgement of such policies. Policies contain information on filing a complaint.	Policies & procedures for this line entry are complete.			
1.25	The Veterans' Readjustment Benefits Act, amended by the Vietnam Era Veterans' Readjustment Assistance Act of 1974 & the Veterans Employment Opportunities Act of 1998 [32 USC §4211 et seq.; 41 CFR §61-250.10]	Employment / Human Resources - Workplace Practices / Director, HR	Postsecondary institutions with federal contracts of \$100,000 or more must implement an affirmative action program for the following categories of veterans: Disabled Veteran, Qualified Disabled Veteran, Other Protected Veteran, Recently Separated Veteran, & Armed Forces Service Medal Veteran. The AA program is not limited to employment connected with the federal contract. The University must list employment openings with the appropriate employment service where each job opening occurs. By September 30th of each year the University must file Federal Contractor Veterans Employment Report (VETS-100) reporting the number of disabled veterans, Vietnam veterans & protected veterans employed & hired.	20	The University maintains a comprehensive Affirmative Action Plan which it updates & reviews annually.	Equal Employment Opportunity; Disabilities & Accommodations; Vacancies & Postings; Interview Procedure; Pre-employment Documentation	Mandatory postings in Human Resources and Business Offices; Policies posted on-line at the HR Website; Annual notification to employees and subsequent sign-off / acknowledgement of such policies. raining is provided to all administrators engaged in hiring or ongoing employment-related decisions.	Policies and procedures for this line entry are complete.	Reflected in annual Affirmative Action Plan with review and sign-offs noted, annual VETS reports that are maintained on file, notice on policies and procedures issued annually to all employees.		

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Item	Regulation/ Policy/ Requirement	Area/ Department/ Administrator	Summary of Requirements	Risk	Elements of Managing Risk	Applicable University Policies	Required Training or Notice	Process/ Policies/ Procedures Status	Measure of Compliance	In Compliance (Y/N)	Corrective Actions Necessary in Compliance
1.26	Temporary Employment - Protection of Employee Benefits (Employee Retirement Income Security Act of 1974 (ERISA)) [29 USC §1052, 29 CFR §2530.200b-1]	Human Resources / Benefits / Director, HR	As a condition of an employee's participation the University's pension plans may not require the employee to complete a period of service extending beyond the later of his/her reaching age 21 or completion of a year of service. A “year of service” means a 12-month period during which the employee has not worked less than 1,000 hours. A plan does not meet the ERISA requirements unless it provides that employees who satisfy the age and service requirements and who are otherwise entitled to participate commence their participation no later than the earlier of the first day of the first plan year after satisfying such requirements, or 6 months after the date on which they satisfied such requirements.	0	Under Assessment & Development	Under Assessment & Development	Under Assessment & Development	Under Assessment & Development	Under Assessment & Development		
1.27	§457 Deferred Compensation Plan [26 USC §457]	Human Resources - Taxes & Finance / Employment - Benefits / Director, HR & CFO	Plan Requirements: To be an eligible deferred compensation plan the University’s plan must: 1) Only allow individuals who perform service for the University to participate; 2) only allow deferment in an amount that does not exceed the lesser of the applicable dollar amount, or 100 percent of the participant's includible compensation; 3) have an agreement in place for deferment prior to the month when deferment begins; 4) keep sole ownership of the property and rights to the deferred compensation until made available to the participant; and 5) abide by the distribution rules. Taxability of Distributions: Any compensation deferred under an eligible deferred compensation plan and any income attributable to the amounts so deferred that is paid to the participant or beneficiary must be includible in that individual’s gross income for the taxable year in which it is paid. Regulation also applies to faculty who have a base salary of \$100,000 or more.	7	Under Assessment & Development	Under Assessment & Development	Under Assessment & Development	Under Assessment & Development	Under Assessment & Development		

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1.28	Non-qualified Deferred Compensation [American Jobs Creation Act of 2004, Public Law 108-357, 118 Stat. 1418, §885; Internal Revenue Code §409A]	Employment / Human Resources - Benefits / Business Office - Payroll / Director, HR & CFO	The University's non-qualified deferred compensation plans must comply with §409A which requires: 1) Established payment times for deferred compensation at the time deferral is made or the right to deferred comp is granted; 2) a written arrangement specifying payment only upon a specified event; 3) employee's irrevocable written deferral election made not later than the end of the prior year; and 4) no acceleration of payments. “Nonqualified deferred compensation” means all taxable amounts the participant earned a legally binding right to in the current year, but which are payable in a future year, including supplemental retirement plans, severance programs, bonus programs, post-employment medical reimbursement programs, stock options and split-dollar life insurance programs.	7	Under Assessment & Development	Under Assessment & Development	Under Assessment & Development	Under Assessment & Development	Under Assessment & Development		
1.29	Cafeteria Plans - exceptions to benefit nontaxability [26 USC §125 and IRS Notice 2010-59]	Human Resources / Benefits - Business Office / Director, HR & CFO	Flexible Spending Accounts or Cafeteria Plans, funded by pre-tax employee contributions for expenses such as medical or dependent costs, are not included in the participant's gross income. However, they are included in gross income if: 1) Eligibility and benefits discriminate in favor of highly compensated employees; or 2) the non-taxable benefits provided to key employees exceed 25% of the aggregate benefits provided for plan participants. IRS Notice 2010-59 provides that, as of January 1, 2011, flexible spending account funds may only be used for prescribed medicines and drugs and not for over-the-counter medicines.	7	Under Assessment & Development	Under Assessment & Development	Under Assessment & Development	Under Assessment & Development	Under Assessment & Development		

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1.30	Employee Retirement Income Security Act of 1974 (ERISA) Form 5500 [26 USC §401 et seq.; 29 USC §1024; 29 CFR §12520.104a-5; 29 CFR §12520.104b-10; IRS code §§6039D and 6058(a)]	Human Resources / Benefits - Business Office / Director, HR & CFO	The administrator of the University's employee benefit plan must file Form 5500 within 210 days after close of the plan year. Retirement and other tax advantaged benefit plans must conform to regulations regarding annual notices and summaries to participants, annual Form 5500 reporting, etc. An extension (Form 5558) of 2.5 months can be obtained. the University must send a summary annual report to each plan participant and beneficiary receiving benefits within 9 months of the end of the plan year.	7	Mandatory forms are filed annually and verified by the auditors.	Annual University Audit.	The HR Department completes the 5500's annually and submits as required after review and approval of the CFO.	Policies not developed; responsibilities under assessment.	Annual 5500's maintained on file in the HR Benefits Office and in the Business Office. University is working to contract a provider to work as liaison between plan provider and employees - measure will be the agreement in place and a schedule of meetings.		
1.31	Department of Labor Rules & Regulations for Reporting and Disclosure for the Pension and Welfare Benefits Administration [29 CFR §2520]	Employment / Human Resources - Benefits / Business Office - Payroll / Director, HR & CFO	The University's summary plans for both employee welfare benefit and pension benefit plans must accurately reflect the plan contents and contain specific information including but not limited to: 1) Name of plan; 2) address of employer; 3) statements regarding availability of information upon request; 4) EIN; 5) type of plan and type of administration; 6) contact info for plan administrator and trustees; 7) resident agent; 8) eligibility and participation requirements; and 9) disqualification and ineligibility circumstances.	7	Mandatory forms are filed annually and verified by the auditors.	HR Procedures	The HR Department completes the 5500's annually and submits as required after review and approval of the CFO.	Under Assessment & Development	5500's are maintained on file along with employee selections, etc.		

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1.35	Consolidated Omnibus Budget Reconciliation Act (COBRA) [Public Law 99-272]	Employment / Human Resources - Benefits / Director, HR	The University must allow workers and their immediate family who were covered by a health care plan to maintain coverage if a "qualifying event" causes them to lose coverage. "Qualifying events" include: 1) death of the covered employee, 2) termination or a reduction in hours that causes the worker to lose eligibility for coverage, 3) divorce, or 4) a dependent child reaching the age at which they are no longer covered. Law imposes different notice requirements on participants and beneficiaries depending on the particular qualifying event that triggers the continuation of benefits rights. Health, dental and flex fund benefits covered by COBRA.	10	Notification provided to all terminated employees and carriers; subsequent notification from COBRA TPA is delivered to departing employees within prescribed time limits.	COBRA Policy (on line)	Mandatory, government approved, postings in Human Resources and Business Offices; Policies posted on-line at the HR Website; Annual notification to employees and subsequent sign-off / acknowledgement of such policies.	Policies and procedures for this line entry are complete.	All required & listed postings should appear in two locations: the Business Office Bulletin Board and the HR Bulletin Board. Employees offered COBRA may be obtained from the Benefits Office.		
1.36	Medicare Secondary Payer Reporting (Section 111 of the Medicare, Medicaid, and SCHIP Extension Act of 2007, Amending the Social Security Act) [Public Law 110-173]	Employment / Human Resources - Benefits / Business Office - Payroll / Director, HR & CFO	The University, as a provider of self-insured group health and worker's comp plans, must determine whether a claimant is entitled to benefits under Medicare on any basis, and if so, must submit to the Secretary of DHHS the claimant's identity and other information (e.g. SSNs, date of birth, gender, and address) specified by the Secretary for coordination of benefits and recovery claims purposes. The University must have an authorized representative who is legally responsible and signs a contract with the government, and also an account manager (must be a different person) who is collecting data and reporting on a quarterly basis.	0	Policies not developed; responsibilities under assessment.	Policies not developed; responsibilities under assessment.	Policies not developed; responsibilities under assessment.	Policies not developed; responsibilities under assessment.	Policies not developed; responsibilities under assessment.		

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1.37	Drug & Alcohol Testing of Transportation Employees [49 USC §31144; 49 CFR §40]	Employment / Human Resources - Workplace Practices / Facilities - Transportation / Director, HR & Director, Facilities	The University must comply with the safety fitness requirements for commercial motor vehicle operators issued by the Secretary of the Dept. of Transportation, including those who transport passengers or hazardous materials. Commercial operators are subject to pre-employment drug testing, and post accident, random and reasonable suspicion drug and alcohol testing. Passenger vehicle drivers are required to be tested prior to employment. Testing is mandatory if the driver is involved in a fatal accident. The Code of Federal Regulations sets forth the procedures for administering drug and alcohol testing as mandated by the DOT.	4	Policies not developed; responsibilities under assessment.	Policies not developed; responsibilities under assessment.	Policies not developed; responsibilities under assessment.	Policies not developed; responsibilities under assessment.	Policies not developed; responsibilities under assessment.		
1.38	Patient Protection and Affordable Care Act (PPACA) [Public Law 111-148]	Employment / Human Resources - Benefits / Business Office - Payroll / Director, HR & CFO	Provisions include: immediate access to re-insurance for employer health plans providing coverage for early retirees; coverage of prevention and wellness benefits in all new plans and exempts these benefits from deductibles, prohibits imposition of lifetime limits on benefits, regulates use of annual limits to ensure access to needed care in all group plans, prevents insurers from rescinding insurance when claims are filed, except in cases of fraud or intentional misrepresentation, prohibits new group health plans from establishing any eligibility rules for health care coverage that discriminate in favor of higher wage employees, requires all new health plans to implement an effective process for appeals of coverage determinations and claims, states will provide an external appeals process to ensure an independent review; creates a long-term care insurance program to be financed by voluntary payroll deductions to provide benefits to adults who become disabled; Effective March 31, 2013 - Drug companies must report payments to researchers; IRS, DOL and DHHS jointly issued a rule whereby group health plans offering dependent coverage must make such coverage available until a child reaches age 26; the three agencies jointly issued rules guaranteeing participants of self-insured plans the right to appeal denials of coverage to their insurers and to an external review board. Self-insured plans that existed on March 23, 2010, when the Act went into effect are exempt from the new rules, but can lose such “grandfathered” status if significant changes that affect costs or benefits are made to the plans.	4	Policies not developed; responsibilities under assessment.	Policies not developed; responsibilities under assessment.	Policies not developed; responsibilities under assessment.	Policies not developed; responsibilities under assessment.	Policies not developed; responsibilities under assessment.		

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1.39	Educational Assistance Programs [26 USC §127, 26 CFR 1.127-1 and 127.2]	Employment / Human Resources - Payroll & Compensation / Business Office - Payroll / Director, HR & CFO	Up to \$5,250 in undergraduate or graduate educational assistance may be excluded from an employees' gross income annually if the educational assistance program is "qualified" as follows: 1) the benefit is offered on a non-discriminatory basis that does not favor highly compensated employees; 2) reasonable notification of the availability and terms of the program is provided to eligible employees; 3) there is a separate written plan for the program; 4) the program is only be for the benefit of current, retired, disabled or laid off employees and not for the benefit of an employee's spouse or children and; 5) the plan cannot offer the employee a choice of taxable income or educational assistance. The tax free income may be used for tuition, books, and fees for job-related or non-job related education.	7	Policies not developed; responsibilities under assessment.	Policies not developed; responsibilities under assessment.	Policies posted on-line at the HR Website; Annual notification to employees through benefit summaries during annual open enrollment; subsequent sign-off / acknowledgement of such policies occurs annually.	Policies not developed; responsibilities under assessment.	Policies not developed; responsibilities under assessment.		
1.40	Payment and Collection of Wages [WV Code Chap.21, Art. 5, Sect.9]	Employment / Human Resources - Payroll & Compensation / Business Office - Payroll / Director, HR & CFO	The University must schedule a pay day at least every two weeks, within 72 hours after an involuntary termination and on the next scheduled payday for a voluntary termination. Employees must receive notice of paid time off or have it posted in a conspicuous place.	19	All terminations are coordinated through Payroll to insure compliance with the WV state regs.	Payroll / Compensation Guidelines	Mandatory, government approved, postings in Human Resources and Business Offices; Policies posted on-line at the HR Website; Annual notification to employees and subsequent sign-off / acknowledgement of such policies.	Policies not developed; responsibilities under assessment.	Termination checklists note days of termination and placed into employee files with a copy of the full and final paycheck.		

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1.41	Consumer Credit Protection Act, Title II (CCPA) - Garnishments [15 USC §1673]	Employment / Human Resources - Payroll & Compensation / Business Office - Payroll / Director, HR & CFO	Per Title III of the CCPA the maximum part of an employee's total disposable earnings subject to garnishment in any workweek may not exceed the lesser of 25% of disposable earnings for that week or the amount by which disposable earnings for that week exceeds 30 times the federal minimum wage rate in effect at the time the earnings are payable. §1674 prohibits firing an employee because of garnishment.	18	Policies not developed; responsibilities under assessment.	Payroll / Compensation Guidelines	Policies not developed; responsibilities under assessment	Policies not developed; responsibilities under assessment	Policies not developed; responsibilities under assessment		
1.42	Fair Labor Standards Act of 1938 (FLSA) Record Retention [29 CFR §516.5 and 6]	Employment / Human Resources - Payroll & Compensation / Business Office - Payroll / Director, HR & CFO	The University must preserve for three (3) years: 1) All payroll records or other records containing employee data from the last date of entry; and 2) from their last effective date -collective bargaining agreements and amendments, plans, trusts, employment and individual contracts, written agreements or memoranda summarizing the terms of oral agreements, and certificates and notices. In addition, the University must preserve for two (2) years: 1) Basic employment and earnings records (time sheets from the date of last entry); and 2) wage rate tables, from last effective date, which provide the rates used in computing straight-time earnings, wages or salary or overtime computation; and 3) records of additions to or deductions from wages paid; and 4) all records used in determining original, operating and maintenance costs, and depreciation and interest charges, if such costs and charges are involved in the additions to or deductions from wages paid.	3	A Record Retention schedule has been developed in HR; currently being evaluated by legal counsel and Finance..	HR Record Retention Schedule [unofficial]	Policies not developed; responsibilities under assessment.	Policies not developed; responsibilities under assessment.	Policies not developed; responsibilities under assessment.		

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1.43	Equal Pay Act of 1963 [29 USC §206(d)]	Employment / Human Resources - Payroll & Compensation / Director, HR	The Act amends the FLSA, and prohibits the University from discriminating on the basis of sex by paying lower wages to employees of one sex for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and performed under similar working conditions. Protects executive, administrative and professional personnel.	4	Compensation Committee evaluates jobs with HR; employees can access Compensation Guidelines through HR Policies.	Compensation Guidelines	Policies posted on-line at the HR Website; Annual notification to employees and subsequent sign-off / acknowledgement of such policies.	Policies not developed; responsibilities under assessment.	All required postings should appear in two locations: HR and Business Office Bulletin Boards. Pay increases / adjustments / initial offerings are documented with rationale for compensation.		
1.44	Fair Labor Standards Act of 1938 (FLSA) [29 USC §§201-219, 251-262]	Employment / Human Resources - Payroll & Compensation / Director, HR	The Act determines the following: 1. Exempt v. non-exempt status; 2. Applicable, minimum, weekly, wages that must be paid to maintain designated status; 3. Minimum hourly rate of pay; 4. Time plus one half for all hours in excess of forty in the workweek;	4	Compensation Committee evaluates jobs with HR; employees can access Compensation Guidelines through HR Policies.	Compensation Guidelines, job evaluation processes, pay grades	Policies posted on-line at the HR Website; Annual notification to employees and subsequent sign-off / acknowledgement of such policies. Annual training is provided	All compensation policies and procedures are reflective of the FLSA guidelines, including the revised pay scales and compensation processes.	All required postings should appear in two locations: HR and Business Office Bulletin Boards. Job descriptions and compensation are documented with rationale for designation, compensation, etc. Annual training on Compensation practices is provided.		