



MEDAILLE COLLEGE

POLICY MANUAL

VOLUME III

GENERAL INSTITUTIONAL  
EMPLOYMENT POLICIES

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## Volume III

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## **Volume III**

### **General Institutional Employment Policies**

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### **3.0 Introduction**

Volume III of the Medaille College Policy Manual contains employment policies that pertain to all College employees. Additional policies that pertain only to members of the faculty are provided in Volume IV (Faculty Personnel Policies), and policies that pertain only to administrative and hourly personnel are provided in Volume V (Personnel Policies for Administrators and Hourly Personnel). Policies (such as health and safety policies) that affect all members of the campus community (including students) are set forth in Volume II (Campus Community Policies).

It is with great pleasure that Medaille College welcomes its employees. It is the College's wish that all employees join together to serve the students effectively. Volume III has been prepared to acquaint the Medaille College employee with the important features of College policies, procedures and benefits that are applicable to employees. Please use it as a reference. This is not a contract of employment and may be modified, amended or supplemented at any time at the sole discretion of the College. Nothing in this volume or in any other documents (such as benefit statements, performance evaluations, or any other written or verbal communications) shall be construed to create an employment agreement for a specified time period.

See Appendix 3.0 for the Receipt of Volume III Form.

### **3.1 General Employment Policies**

#### **3.1.1 *Conflicts of Interest***

Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. This policy establishes only the framework within which the College wishes to operate. The purpose of these guidelines is to provide general direction so employees can seek further clarification on issues related to the subject of acceptable standards of operation. Contact the Human Resources Office for more information or questions about conflicts of interest.

An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative as a result of the College's business dealings. For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

No "presumption of guilt" is created by the mere existence of a relationship with outside firms. However, if employees have any influence on transactions involving purchases, contracts, or leases, it is imperative that they disclose to an officer of the College as soon as possible the existence of any actual or potential conflict of interest so that safeguards can be established to protect all parties.

Personal gain may result not only in cases where an employee or relative has a significant ownership in a firm with which the College does business, but also when an employee or relative receives any kickback, bribe, substantial gift, or special consideration as a result of any transaction or business dealings involving the College.

### **3.1.2 Outside Employment**

An employee's first responsibility is to the College and to efficiently perform assigned duties. However, the College does not object to an employee accepting outside work, as long as it does not:

1. Interfere with scheduled work hours.
2. Affect the satisfactory performance of regular duties or create workloads that impact an employee's performance. All employees will be judged by the same performance standards and will be subject to the College's scheduling demands, regardless of any existing outside work requirements.
3. Cause an accident or create a hazardous situation.
4. Cause the employee to engage the employee's talent with a competitor in a way that would disadvantage the College (not meant to pertain to teaching at another educational institution – See Volume IV, Faculty Personnel Policies).

All employees will be judged by the same performance standards and will be subject to the College's scheduling demands, regardless of any existing outside work requirements. Any questions about what would be considered a disadvantage to the College shall be discussed with the appropriate supervisor.

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

Outside employment that constitutes a conflict of interest is prohibited. Employees may not receive any income or material gain from individuals outside the College for materials produced or services rendered while performing their College jobs.

Violations of this policy may result in disciplinary action as set forth in the Disciplinary Action policy (See Volume V, Section 5.9, Administrators and Hourly Personnel; and Volume IV, Section 4.8, Faculty).

### **3.1.3 Employment of Relatives (Nepotism)**

This policy is applicable to any individual who receives compensation from the College for services performed. No spouse, parent, child, stepchild, sibling, or in-law of a Medaille College employee may be hired:

1. To work where there would exist supervision or control; and
2. To work in any capacity where the College determines it would adversely impact College operations.

In other cases where a conflict or the potential for conflict arises, even if there is no supervisory relationship involved, the parties may be separated by reassignment or terminated from employment. Employment of relatives within the same department may be appropriate when justified by unique skills or talents. In this instance, hiring must be approved by the President upon written recommendation of the appropriate Vice President. Upon approval, reporting relationship, evaluation, and promotion is determined by the appropriate Vice President.

If employees marry or establish another form of relative relationship after the employment relationship with the College has been established, employment may continue as long as one employee does not exercise managerial jurisdiction over the other employee; and the separation of duties is sufficient to prevent diversion of College resources; and the College determines that there is no adverse impact on its operation.

College employees cannot be transferred into such a reporting relationship. If the relative relationship is established after employment, the individuals concerned will decide who is to be transferred. If that decision is not made within 30 calendar days, management will decide.

Exceptions to this policy may be made by the President. A request for an exception must be submitted in writing via the Director of Human Resources.

### **3.1.4 Immigration Reform and Control Act (IRCA)**

Compliance with the Federal Immigration Reform and Control Act of 1986 (IRCA), as amended, is mandatory. Therefore, the College is committed to employing only United States citizens and aliens who are authorized to work in the United States, and does not unlawfully discriminate on the basis of citizenship or national origin.

Each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. I-9 forms must be completed within three business days of hire. Former employees who are rehired must also complete the form if they have not completed an I-9 with the College within the past three years, or if the individual's previous I-9 is no longer retained or valid.

When an employee has presented evidence that required documents have been requested from appropriate government agencies, federal law permits the individual 90 days to produce the appropriate documents.

If an employee cannot produce acceptable documentation within the required time frames, the College will not legally be able to continue the employee's employment.

If any employee is authorized to work in this country for a limited time period, the individual will be required to submit proof of renewed employment eligibility prior to expiration of that period to remain employed by the College.

Employees with questions or seeking more information on immigration law issues are encouraged to contact the Human Resources Office. Employees may raise questions or complaints about immigration law compliance without fear of reprisal.

### **3.1.5 Code of Ethics**

All employees, by virtue of their employment by the College, agree to accept the responsibilities of membership in the College community, and adhere to the Code of Ethics:

1. Proper operation of the College requires that employees provide responsible service and use the designated organizational channels when seeking decisions and policy determinations.
2. Employees of the College are bound to observe, in their official acts, the highest standards of ethics and morality and to faithfully discharge the duties of their position regardless of personal considerations.
3. Employees shall not act in any way to breach the law, nor shall they ask others to do so.
4. No employee shall engage in business or transactions contrary to the mission of the College; nor shall an employee engage in activities which constitute a conflict of interest (See Subsection 3.1.1).
5. Employees shall not disclose confidential information concerning the members of the campus community.

### **3.1.6 Security Inspections**

The College wishes to maintain a work environment that is free of illegal drugs, misuse of alcohol, firearms, explosives, or other improper materials. To this end, the College prohibits the possession, transfer, sale, or use of such materials on its premises. The College requires the cooperation of all employees in administering this policy.

Desks, lockers, bookshelves, file cabinets and other storage devices may be provided for the convenience of employees, but remain the sole property of the College. Accordingly, any agent or representative of the College can inspect them, as well as any articles found within them, at any time, either with or without prior notice. (See Subsection 3.6.2 for Employee Drug and Alcohol Policies, as well as Volume II [Campus Community Policies] for Drug/Alcohol and Health/Safety policies applicable to all members of the College community).

### **3.1.7 Criminal History Background Checks**

For prospective new hires, the College may conduct criminal history background checks.

## **3.2 Personnel Records**

All personnel records of employees are maintained in the Human Resources Office. The personnel file represents the employment record of the employee. These files are College property. The files are confidential and access is limited. Employee records may be reviewed only by a scheduled appointment with the Human Resources Director.

Accuracy of records is the employee's responsibility. It is very important that any change of name, marital status, address, educational degree, telephone number or withholding tax

exemptions be reported to the Human Resources Director promptly. This is necessary so that personnel records remain current.

Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

See Volume IV, Section 4.4 for information regarding faculty personnel records.

### **3.3 Employee Benefits**

The benefits listed below are available to regular, full-time, twelve-month employees only, unless otherwise indicated. The College reserves the right at any time to add, amend or eliminate all or part of the employee benefits set forth in this Volume III of the Policy Manual (as well as any other benefits in any other documents). This Volume III of the Policy Manual contains only a summary of certain benefits. The terms of any underlying plan document control.

#### **3.3.1 Holidays**

Full-time twelve-month employees are eligible for paid holidays, as follows:

1. New Year's Day
2. Martin Luther King, Jr. Day
3. Presidents' Day
4. Good Friday
5. Memorial Day
6. Independence Day
7. Labor Day
8. Columbus Day
9. Thanksgiving Day
10. Christmas Day

If the traditional holiday falls on a Saturday, it will be observed on the preceding Friday. If the holiday falls on a Sunday, it will be observed on the following Monday.

Full-time ten-month employees shall receive any of the above holidays that fall during their 10-month employment period.

In addition to the above holidays, the Day after Thanksgiving is also granted, provided work levels permit, as determined by the President..

For the observance of religious holidays not on this list, an employee may use a personal day or vacation day, if available and approved by the employee's supervisor in advance.

To be eligible for holiday pay the first scheduled day, an employee must work the last scheduled working day before and after the holiday, or be in a pay status (i.e., on scheduled vacation, funeral leave, or paid sick leave). Holidays falling within a period of vacation will not be counted as vacation.

Employees on unpaid sick leave or leave of absence are not eligible for holiday pay.

## **3.3.2 Leaves of Absence**

### **3.3.2.1 Paid Leave**

#### ***3.3.2.1.1 Sick Leave For Hourly Personnel***

Sick leave is provided by the College for the protection of the full-time employee in time of illness. This benefit must not be abused. Sick leave is a form of insurance so that when an hourly personnel employee is sick, benefits can be drawn upon to offset the loss of wages. Sick leave accrues at the rate of ten (10) days per year (.8 hours per month cumulative up to 100 days). Hourly personnel employees are encouraged to let sick leave accumulate in order to provide for periods of extended illness.

A new hourly personnel employee will not be allowed to take sick leave during the orientation period; however, sick leave benefits will accumulate during this period. In order to receive sick leave benefits, the following conditions must be met:

1. The supervisor or the Director of Human Resources must be notified as early as possible of an absence due to illness and
2. Expected time of return.

Sick leave will be paid from the first day of absence. The College, however, reserves the right to require a physician's certification of sickness or disability for an absence longer than four days. Likewise, before returning to work, a physician's statement may also be required to confirm that an hourly personnel employee is able to perform regular duties.

Holidays occurring during an approved sick leave will be paid as a holiday and not a sick day.

Employees will not be paid for unused sick leave upon termination of employment.

Sick leave is only for periods of legitimate illness and is not to be used as personal days. An employee who abuses sick leave will be disciplined up to and including discharge.

#### ***3.3.2.1.2 Jury Duty***

All employees will be granted time off when required to serve on jury duty. Full-time and ten month employees selected for jury duty will continue to receive their normal pay and benefits during the period they are required to be away from work up to two weeks per year. The amount received for jury service must be forwarded to the Human Resources Director or the Payroll Coordinator. Amounts paid by the court for expenses while on jury duty may be retained by the employee. All other employees who are required to serve on jury duty will be paid for their first three (3) days of jury duty up to a maximum of forty dollars (\$40) per day.

#### ***3.3.2.1.3 Voting***

Employees are encouraged to participate in federal, state and local elections. Work schedules can be arranged to permit employees to fulfill their civic duty.

#### **3.3.2.1.4 Bereavement Leave**

Full-time employees are granted up to three (3) days of paid leave for the death of a spouse, child, parent, guardian, sibling, grandparent, grandchild or any person who is a permanent resident of the employee's household and one (1) day for other relatives. The Director of Human Resources should be notified, however, and informed of the relationship of the deceased to the employee.

#### **3.3.2.2 Unpaid Leave**

A formal leave of absence without pay may be granted to employees for a legitimate reason. Approval of a request for a leave of absence is at the discretion of the President. An approved leave will be for a reasonable period not to exceed the time stipulated in the employee's original request. The following factors play a strong part in the President's decision to grant a formal leave of absence: the needs of the department, the employee's length of service and the quality of work record, the supervisor's recommendation and the reason the leave is being requested. Except as modified by the College's Family and Medical Leave Act policy, during a leave of absence without pay, medical and dental insurance coverage remains in effect at the employee's expense; however, tuition benefits, accumulation of vacation, holiday, personal days and sick leave are suspended until the employee returns to work full time. Although it is the intention of the College to place individuals returning from a leave of absence in the same or similar position, this cannot be guaranteed. Failure to return to work at the end of an approved leave of absence will be considered a resignation.

#### **3.3.2.2.1 Military Leave**

Employees who are now in the military service of the United States Government, or employees who hereafter enter military service, shall be granted time off and accorded reemployment rights as provided by law. Full-time or ten-month employees required to serve in the National Guard or any Reserve component of the Armed Forces will continue to receive their normal pay and benefits for the period they are required to be away from work, up to a maximum of two (2) weeks' active duty annually. If the employee continues to receive normal pay while on active duty, the amount of military pay received for the period must be given to the Payroll Office.

Effective March 10, 2005, employers must provide employees with a notice describing their rights, benefits, and obligations under the Uniformed Services Employment and Reemployment Rights Act. This notice is available in the Office of Human Resources. The poster containing the notice is also available on the Department of Labor's website at <http://www.dol.gov/vets/programs/userra/poster.pdf>.

The term "service in the uniformed services" means the performance of duty on a voluntary or involuntary basis in a uniformed service and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, and the period a person is absent from employment for an examination to determine the person's fitness to perform any such duty.

### 3.3.2.2.1.1 Reemployment

Notice that a worker plans to return to work after military leave must be received by the time indicated below based on the indicated period of service:

Period of service:	Notice of return to work must be received by: The Director of Human Resources
30 or fewer days	First full regularly scheduled work period following completion of the service (with an eight-hour period plus time for safe transportation)
31 to 180 days	Fourteen days after the completion of service (or if impossible or unreasonable through no fault of the person, the next first full calendar day when application becomes possible)
More than 180 days	Not later than 90 days after the completion of service
A person who is hospitalized	At the end of the period necessary for the person to recover or convalescing

### 3.3.3 Fringe Benefits

#### 3.3.3.1 Medical and Dental Benefits

All full-time employees (regular and ten-month) have the option of joining the medical and dental plan offered by the College. Currently, participating employees are provided either individual or family medical benefit insurance coverage.

The College currently pays 80% of the premium and the employee pays the remaining 20%. Included in the medical package is a prescription card with a 3-tier co-pay and a dental plan. For employees who choose to enroll in the medical and dental plan, there is a 30-day wait period beginning the first day of the month that follows the date of hire (i.e., if the hire date is August 15<sup>th</sup>, then the effective date for medical and dental coverage would be October 1<sup>st</sup>). Application must be made within 30 days of employment. Employees who do not join within 30 days from the date of eligibility will not be able to enter the plan until the following July 1.

Medical coverage is offered through Community Blue (Original or Advantage) and Independent Health-Encompass. Dental coverage is offered through First Ameritas. The dental plan is designed to encourage preventive dental care for employees and their

families, as well as provide coverage for various types of restorative dental care service including orthodontia.

When an employee terminates, coverage continues until the last day of the terminating month. For those who wish to continue coverage at their own expense after termination, the Human Resources Director will explain COBRA rights and provide the necessary paperwork.

Changes in insurance carriers or in the elements of insurance plans may be necessary from time to time to enhance employee coverage or to maintain control over rapidly escalating costs of insurance. Administrative flexibility with respect to such decisions is required and appropriate. Accordingly, like all of the benefits described herein, this benefit can be modified or eliminated at any time by the College.

### **3.3.3.2 Group Life Insurance**

Group life insurance (with an Accidental Death and Dismemberment Clause) is fully paid by the College for all regular full-time and ten month employees. The amount of Insurance is equal to twice the employee's annual compensation. The maximum value of the benefit is \$200,000. Currently the group life and AD & D policy is offered through Sun Life Insurance and Annuity Company of New York.

In the event of the employee's death while insured, the life insurance is paid directly to the employee's beneficiary.

Coverage for new members begins on the first day of the month following the date of employment. Application must be made within 30 days of employment.

Terminated employees have the right to convert their group life insurance coverage into a separate individual life insurance policy without having to prove insurability. This conversion must be made within 30 days of the termination date.

### **3.3.3.3 Supplemental Insurance**

Supplemental Insurance (cancer and/or accident) is a voluntary benefit offered to all regular full-time and ten-month employees through AFLAC New York. This benefit only provides coverage for cancer and/or accident insurance.

### **3.3.3.4 Disability Insurance**

#### ***3.3.3.4.1 Short-Term Disability (New York State Disability Insurance)***

Disability Benefits are available to all employees who are absent from work for more than seven (7) consecutive calendar days because of illness or injury occurring outside of the employment. A claim for benefits under disability insurance must be filed within 20 days of the first absence. Benefits under this New York State mandated program are limited to 26 weeks.

Note: During the disability period an employee may continue to receive normal pay under available sick leave benefits. In this event, disability or worker's compensation benefits are paid directly to Medaille College by the insurance carrier.

After normal pay ceases under sick leave benefits, disability or workers' compensation benefits are paid directly to the employee. Forms are available in the Human Resources Office.

An absence resulting from maternity is treated like any other short-term disability leave.

#### **3.3.3.4.2 Long-Term Disability**

After three (3) months of continuous service, regular full-time employees and ten-month employees are provided long-term disability insurance benefits at no cost to the employee.

In the event of total disability for any prolonged period, long-term disability insurance is designed to provide part of the income lost as a result of sickness or accident that is not work related. When such sickness or accident occurs, the employee must advise the Director of Human Resources as soon as possible. Assistance is available for initiating the proper reports and claims.

Benefit provisions include a payment level of 60% of monthly salary up to the current maximum. The monthly income benefit is reduced by any income benefits payable to employee and dependents from Social Security and Workers' Compensation. Except as provided in the FMLA policy, fringe benefits will be suspended during the leave.

#### **3.3.3.5 Flexible Spending (Reimbursement) Plan**

1. **Premium Reduction Account:** The Premium Reduction Account allows eligible employees to save taxes on the portion of the medical and dental premiums paid through payroll deduction.
2. **Healthcare Reimbursement Account (Employee Deposits):** In addition, Medaille College is allowing each full-time eligible employee to establish a Healthcare Account, up to \$3,000 per year, on a pre-tax basis. Employees can use these pre-tax dollars to pay for out-of-pocket medical, dental and vision expenses that are not covered under the Health Plans.
3. **Dependent Care Reimbursement Account:** Each employee has the option of depositing up to \$5,000 per year on a pre-tax basis, into a Dependent Care Account to pay for qualified dependent care expenses.

This plan allows a full-time employee to have amounts withheld from that employee's paychecks and paid into "spending accounts." The contributions set aside into these accounts are tax-free and are to be used to reimburse the employee for qualifying expenses. Funds distributed to these accounts are exempt from FICA, Federal and New York State taxes. IRS regulations require that any balance left in "spending accounts" at the end of the plan year will be forfeited.

For additional information, contact the Human Resources Office.

#### **3.3.3.6 Retirement Plans**

To assist employees in providing for retirement years, Medaille College participates in two retirement plans: (1) Teacher's Insurance (TIAA-CREF) and (2) The Equitable.

TIAA/CREF offers a retirement annuity program based on guaranteed investment returns (TIAA) or speculative investment returns (CREF).

The Equitable offers a retirement annuity program based on allocation of contributions to five separate accounts: (1) guaranteed interest account, (2) stock account, (3) money market account, (4) balanced account or the (5) aggressive account.

Both plans are optional. All regular full-time employees and ten-month employees are eligible to participate immediately. After one (1) year of continuous service, participants will receive a matching contribution by the College equal to the employee's contribution based on the number of years of service (see below) up to a maximum of eight (8) percent of the employee's annual salary. Existing contract members are immediately eligible for the match.

<u>Years of Service</u>	<u>Match</u>
1 to 5 .....	6%
6 to 10 .....	7%
11 to 15 .....	7.5%
Over 15 .....	8%

For further information, see the Director of Human Resources.

### **3.3.4 Legislated Benefits**

This Subsection contains College policy statements on issues that are regulated by federal or state law, or issues that are relative to the College mission and manner of conducting business. They should be used for guidance and considered as directives from the senior administration. Employees shall seek counsel from the Office of Human Resources if any of these statements are not understood.

#### **3.3.4.1 Workers' Compensation**

Employees are encouraged to help prevent work-related injuries by reporting any unsafe work conditions to their supervisor immediately. Medaille College provides Workers' Compensation and Disability Insurance for all employees. Workers' Compensation Insurance covers employees if they are injured in the course of employment. The College is required by law to report all injuries. Every instance of injury must be reported as soon as possible to the supervisor and the Director of Human Resources. Assistance is available for initiating the proper reports and claims.

The decision to approve or deny a claim is made by the insurance carrier. Compensation is determined by the insurance carrier according to regulations of the Workers' Compensation Act.

##### **3.3.4.1.1 Employee Injury/Accident Report**

Any injury on the job, regardless of how minor, must be reported immediately to the appropriate supervisor. If medical care is needed, the appropriate supervisor shall assist the employee in getting the necessary medical attention promptly, after which full details of the injury are to be reported to the Office of Human Resources. All injuries must be reported within 24 hours. The appropriate supervisor is required to complete an

accident/injury report, a copy of which must be sent to the Office of Human Resources as soon as completed. The Office of Human Resources will report the incident to the College's Worker Compensation Carrier. Bills generated from the injury should be forwarded to the Office of Human Resources as soon as received so that they can be sent to the insurance carrier for payment.

Employees who lose time from work because of a work-related injury will be compensated through Worker's Compensation in accordance with state regulations.

Supervisors shall keep a supply of Injury/Accident Report forms in their office. These can be obtained from Public Safety.

#### **3.3.4.2 Unemployment Insurance**

The College provides unemployment compensation insurance as required by law. Specific qualification requirements for benefits can be obtained from the New York State Unemployment Insurance Office.

#### **3.3.4.3 Social Security**

All employees of Medaille College are covered by the Federal Social Security Law. Its purpose is to provide an income for employees and their families in case earnings are curtailed by age, disability, or death. The percentage of contribution is established by the Federal government.

Social Security taxes are deducted from wages each payday and sent with an equal amount paid by Medaille College to the Director of Internal Revenue.

Information about Social Security Benefits is available from an office of the Social Security Administration.

#### **3.3.4.4 Family and Medical Leave (FMLA)**

This is a summary of the College's current policy for implementing the Family and Medical Leave Act of 1993 ("FMLA"). Words and phrases used in this policy have the meanings established for them under the law.

The FMLA permits the College to make implementation decisions in light of its own business considerations and overall approach to employee benefits. Accordingly, this policy may be changed from time to time, without prior notice as the College may determine in its sole discretion. Nothing contained in this policy may be construed as a contract, including but not limited to a contract of employment.

##### ***3.3.4.4.1 Eligibility for Leave***

An employee is eligible to request available FMLA leave if (a) the employee has been employed by the College for at least 12 months, and has worked at least 1,250 hours during the 12-month period immediately preceding the leave, and (b) the College employs at least 50 employees within 75 miles of the employee's worksite.

### **3.3.4.4.2 *Qualifying Circumstances for Leave***

An eligible employee is entitled to take FMLA leave for one or more of the following:

1. **New Child:** Because of the birth of a child of the employee and in order to care for such child, or because of the placement of a child with the employee for adoption or foster care; or
2. **Serious Health Condition of Family Member:** In order to care for the employee's spouse, child or parent (but not parent "in-law") of the employee, if such family member has a "serious health condition;" or
3. **Serious Health Condition of Employee:** Because of a "serious health condition" that makes the employee unable to perform the functions of that individual's position.

A "serious health condition" is an illness, injury, impairment, or physical or medical condition that (a) involves inpatient care in a hospital, hospice or residential medical care facility, or (b) involves continuing treatment by a health care provider and either requires an absence from work, school or other regular activities of more than three calendar days, or would require such extended absence if the continuing medical treatment were not being received. (For example, a cancer condition which would require long-term absence from work except that the employee is receiving periodic chemotherapy treatments).

Please note: An employee taking FMLA leave for other than that employee's own illness cannot use accrued sick time and must exhaust any accrued vacation time prior to taking time off without pay.

### **3.3.4.4.3 *Amount of Leave Available***

Eligible employees are limited to a total of 12 workweeks of FMLA leave during any 12-month period. This is a "rolling" 12-month period, which is measured backwards from the dates of any requested leave. For example, an employee who has taken eight weeks of leave during the past 12 months is now limited to four more weeks of leave.

Leave for a new child (qualifying circumstance #1 above) cannot be taken later than 12 months after the birth or placement of the child. Leave because of a serious health condition (qualifying circumstance #2 or 3 above) can only be taken during such time as there is a medically certifiable serious health condition. (See "Medical Certifications", Subparagraph 3.3.4.4.9.) If a husband and wife are both eligible employees, they are limited to a combined total of 12 workweeks of leave during a 12-month period if the leave is taken for a new child or to care for a parent with a serious health condition.

### **3.3.4.4.4 *FLMA Leave is Unpaid***

FMLA leave, meaning leave available to employees under this policy, is always unpaid leave. However, if paid leave is available to the employee under the same circumstances pursuant to a different law or College policy, that paid leave must be taken concurrently with the FMLA leave. (See "All Available Leaves Must Be Taken Concurrently", Subparagraph 3.3.4.4.10.) As a result, employees may receive pay during some or all of their FMLA leave depending upon whether and to what extent paid leave is otherwise available to them.

#### **3.3.4.4.5 Benefits While on FMLA Leave**

1. **Health Benefits:** If the employee wishes, the College will maintain the employee's health benefits during FMLA leave on the same terms and conditions as if the employee had not taken leave.

If the employee normally pays some or all of the benefit costs, the employee must continue making those payments during the leave. This may be done by payroll deduction, to the extent the employee is taking otherwise available paid leave concurrently with the FMLA leave. In all other cases, the employee must make advance payment arrangements with the College and must fully comply with those arrangements throughout the leave or risk termination of the health benefits.

If FMLA leave expires and the employee does not return to work for at least 30 calendar days, and does not have a valid excuse as defined by law, the College may recover any benefit payments it has made on the employee's behalf during the leave.

2. **Pension or Retirement Vesting:** FMLA leave will be treated as continuous service (i.e. no break in service) solely for purposes of vesting and eligibility to participate in any applicable pension or other retirement program.
3. **No Other Benefits:** Employees do not receive or accrue any other employment benefits while on FMLA leave, and accrue no seniority, unless this is specifically provided by a different College policy. However, to the extent that an employee is taking an otherwise available leave concurrently with FMLA leave, any benefits or accruals which may be associated with that other leave will be in effect for the duration of that other leave.

#### **3.3.4.4.6 Return to Work**

It is a basic assumption of both the FMLA and this policy that employees request leave with the expectation of returning to work at the conclusion of the leave. The College may periodically require employees who are on FMLA leave to report on their current status and plans for returning to work.

Upon returning from FMLA leave, employees will either be restored to their prior position, with the same pay and benefits, or, in the College's discretion, to an equivalent position which has equivalent benefits, pay, and other terms and conditions of employment. Exceptions may be made in the case of salaried employees who are among the highest paid 10 percent of all College employees within 75 miles of that worksite. Job restoration may be denied to these employees to prevent substantial and grievous economic injury to the College's operations. If this decision is made, the College will notify the employee as soon as possible.

#### **3.3.4.4.7 Advance Notice by Employees**

Employees requesting FMLA leave must give the College at least 30 days advance notice or the leave may be delayed. Shorter notice is permissible only to the extent strictly necessary under the circumstances. Notice should be given to the Director of Human Resources, and it must include sufficient factual information for the College to decide whether there are qualifying circumstances. As soon as possible after receiving the notice,

the College will provide information about the leave and the employee's obligations concerning the leave.

If leave is requested because of the serious health condition of a family member or the employee (qualifying circumstance #2 or 3), and the leave is based on planned, foreseeable medical treatment, the employee must make a reasonable effort to schedule the treatment to avoid unreasonable disruption of College operations.

#### **3.3.4.4.8 Intermittent or Reduced Schedule Leave**

In most cases, employees will take FMLA leave in a single, continuous block of time. Leave for a new child (qualifying circumstance #1) may be taken on an intermittent or reduced schedule only if this is agreed to by the College, in its sole discretion. Employees are entitled to take intermittent or reduced schedule leave without College consent only if the leave is because of the serious health condition of a family member or the employee (qualifying circumstance #2 or 3), and the intermittent or reduced leave schedule is medically necessary. For example, if an employee with cancer needs to receive chemotherapy for three hours every Wednesday afternoon, but is able work the rest of the week, an intermittent (recurring) schedule of three hours of FMLA leave each week may be appropriate.

If an employee requests FMLA leave on an intermittent or reduced schedule because of planned, foreseeable medical treatment, the employee may be temporarily assigned to a different position which better accommodates that schedule and is equivalent to the employee's normal position under the circumstances.

#### **3.3.4.4.9 Medical Certifications**

Employees who request leave because of a serious health condition (qualifying circumstance #2 or 3) may be required to submit a supporting certification by the relevant health care provider. Among other things, the certification must establish that the employee or family member does in fact have a "serious health condition" and that this condition requires the employee's absence from work. If leave is being requested on an intermittent or reduced schedule, the certification must also establish the medical necessity for that schedule. The College may require subsequent recertifications throughout the period of FMLA leave.

Certification forms will be supplied by the Director of Human Resources. The employee must make diligent efforts to submit the completed certification as soon as possible, no later than 15 calendar days after receiving the form unless strictly necessary under the circumstances. If the College disagrees with the certification submitted by the employee, it may obtain a second opinion. If the employee disagrees with the second opinion, the College and employee will mutually select a third health care provider to render an independent opinion at the College's expense, which opinion shall be binding.

#### **3.3.4.4.10 All Available Leaves Must Be Taken Concurrently**

1. To the extent that an employee is entitled to take FMLA leave pursuant to this policy, and under the same circumstances is also entitled to take one or more kinds

of leave pursuant to other College policies or practices, both the FMLA and otherwise available leaves will be deemed to be taken concurrently.

2. FMLA leave and otherwise available leaves are available under the same circumstances as follows:
  - a. If the employee is entitled to take FMLA leave for a new child or because of a serious health condition of a family member (qualifying circumstance #1 or 2), and the employee is otherwise entitled to take some amount of vacation leave or personal days, both the FMLA and otherwise available leaves are deemed to be taken concurrently.
  - b. If the employee is entitled to take FMLA leave because of a serious health condition of a family member or the employee (qualifying circumstance #2 or 3), and the employee is otherwise entitled to take some amount of vacation leave, personal leave, sick leave or disability leave because of the same health condition, both the FMLA and otherwise available leaves are deemed to be taken concurrently.
3. Taking leaves concurrently means that the leaves are used up simultaneously, with each leave continuing in full effect pursuant to the relevant College policy or practice for so long as the employee continues to be away from work and entitled to take that particular leave.

If an employee is entitled to take more than one kind of otherwise available leave under the same circumstances as FMLA leave (for example, vacation leave and personal days), the otherwise available leaves may be taken one at a time if the employee wishes. However, the employee must take at least one otherwise available leave, for so long as at least one of them is still available, at all times when the employee is taking FMLA leave. Employees may decide the sequence in which otherwise available leaves will be taken unless this is determined by law or the relevant College policies or practices. Employees may also decide to take otherwise available leaves concurrently with each other (in addition to concurrently with FMLA leave) to the extent this is permitted by the relevant College policies or practices. Employees entitled to more than one form of otherwise available leave should advise the College of these decisions when requesting leave.

These rules apply regardless of whether the employee requests FMLA leave or otherwise available leave. In either case, the leaves are deemed to be taken concurrently in accordance with these rules. For example, if an employee requests paid disability leave during pregnancy and the disability period lasts 8 weeks, the employee is also deemed to have taken 8 weeks of unpaid, concurrent FMLA leave because of a serious health condition (qualifying circumstance #3, rule 2b above). If the employee thereafter requests additional FMLA leave under this policy for care of her new child (qualifying circumstance #1), her remaining FMLA leave entitlement is now 4 weeks. While taking the FMLA new child leave, the employee is also deemed to be concurrently taking any vacation leave or personal leave which may be otherwise available to her (rule 2a above). If some vacation or personal leave is still left at the end of the 4 weeks, the employee may continue taking such leave until it is used up subject to the requirements of the College policy governing such leave.

### **3.3.4.5 Health Insurance Continuation (COBRA)**

The Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA) requires that employers who sponsor group health plans offer employees and their families the opportunity for a temporary extension of health coverage (called continuation coverage) at group rates in certain instances where coverage under the plan would otherwise end. For additional information about continuation of group health coverage, please contact the Director of Human Resources.

### **3.3.5 Additional College Benefits**

#### **3.3.5.1 Tuition Waiver**

Regular full-time employees, ten-month employees and their dependent children, as qualified under financial aid regulations are eligible for a full tuition waiver less the amount of grants. Spouses are eligible for a tuition waiver of six (6) credit hours per semester less the grants. These waivers apply to in-class course work for both the undergraduate and graduate programs and exclude foreign study, directed study, independent study, challenge exams and credit for life. Although the cost of tuition is assumed by the College, the employee is personally responsible for fees and books and computers when applicable, as well as any related cash disbursements as determined by the College. The six (6) credits cannot be accumulated from one semester to another.

New employees, upon completion of six (6) months of continuous employment, are eligible to utilize the tuition waiver benefit.

It is understood that classroom attendance may not interfere with the duties of the employee's job and must meet the approval of the supervisor, as well as the division head. Class attendance during regularly scheduled working hours must be made up within the same pay period. Also, available space in any class must first be granted to tuition-paying students. The tuition waiver benefit will cease immediately upon termination of employment.

#### **3.3.5.2 Tuition Exchange Programs**

Medaille College participates in three Tuition Exchange Programs that allow eligible employees and their dependents to participate in tuition remission.

These programs are as follows:

1. The Council of Independent Colleges (CIC).
2. Commission on Independent Colleges and Universities (CICU).
3. Tuition Exchange (TE).

These programs can be utilized only by the dependents of full-time employees as qualified under financial aid regulations, spouses of full-time employees and employees themselves.

Dependent juniors in high school that are interested in utilizing either of these programs are encouraged to begin the application process early. Each school has that school's own deadline and the more competitive the school, the earlier the deadline.

All recipients must apply for Financial Aid by completing a Free Application for Federal Student Aid (FAFSA), which is available in the Financial Aid Office. Acceptance into the program is at the discretion of the participating College. Each College within the network agrees to import a limited number of students per academic year. Therefore, it is advisable to apply early. One program may have more stringent criteria than another, and limitations may be warranted.

For criteria and to determine eligibility, the employee should contact the Human Resources Office.

A current list of all participating Colleges and Universities is available from the Financial Aid Office.

### **3.3.5.3 Employee Assistance Program**

The Employee Assistance Program (EAP) is a benefit offered by Medaille College to help any employee resolve personal or family problems. The EAP is available through Child & Family Services of Western New York.

All full-time employees, family members who reside with them, or others living within the same household are eligible for up to three (3) consultation visits, information and referral to other community resources for more specialized or extensive services, and 24-hour phone access to the program for emergencies. Part-time and temporary employees may utilize the services of the EAP for themselves only.

EAP services are provided on a strictly confidential basis.

For further information, contact the Human Resources Office.

## **3.4 Wage and Payroll Policies**

### **3.4.1 Paychecks**

Paychecks are distributed semi-monthly on the 15<sup>th</sup> and the last day of the month. All full-time employees are paid current on a semi-monthly basis. Paychecks are to be picked up on payday in the Payroll Office. An employee may authorize, in writing, another person to pick up that employee's check. Individuals may pick up their checks on the pay date. Checks not picked up by 4:00 p.m. on payday will be held in the Payroll Office. The only paychecks mailed will be to those employees who are not regularly on campus and who provide a written request to the Payroll Office. If payday falls on a holiday or weekend, checks will be distributed on the last workday preceding that day. A paycheck should never be endorsed until it is ready to be cashed. Lost or missing checks should be reported to the Payroll Manager immediately. Please note that employees will be responsible for the cost of placing a stop payment on the lost or missing check and for the cost of issuing a new check. The College will not issue a new check if the lost or missing check has already been presented for payment.

Any questions or problems regarding compensation should be brought to the Payroll Manager promptly.

### **3.4.2 Deductions**

An employee's check will include a summary showing salary, plus any additional payments and any deductions the employee has authorized, as well as those required by law.

Required payroll deductions include:

1. Federal Income Tax
2. Social Security Tax (FICA)
3. State Income Tax
4. Wage Garnishment, if applicable (See Subsection 3.4.3).

An employee may also make application to have a regular amount deducted for medical insurance, retirement annuities, flex spending account(s), payroll savings/checking and College contributions. A similar arrangement will also fulfill community obligations through the local United Way Campaign. Forms for these purposes are available from the Human Resources and Payroll Departments.

### **3.4.3 Wage Assignments (Garnishments)**

A court-ordered notice of levy, order to withhold, wage attachment, or other legal claim against the wages of an employee must be deducted from the employee's paycheck. According to the Federal Wage Garnishment Act, three (3) or more garnishments may be cause for dismissal.

### **3.4.4 Direct Deposits**

Paychecks will be deposited into a checking or savings account at the bank of the employee's choice. The Payroll Department has the proper forms to initiate the process. Direct deposit will take effect as soon as the bank has verified the account numbers.

## **3.5 Additional Policies Applicable to all College Employees**

### **3.5.1 Open-Door Policy**

The College is committed to provide a positive environment to enable employees to achieve their individual goals. The policy is to treat each employee as an individual while at the same time encouraging employees to work together as a team for the betterment of everyone.

In order to achieve mutual goals, the College strives to maintain a workplace where communications between the Administration and employees are always open and problems of mutual concern may be freely discussed and resolved.

If there is a problem or concern that an employee believes should be addressed, it should be brought to the attention of the supervisor. If an employee has a problem with that employee's supervisor believes the supervisor has not adequately addressed a problem, the situation should be discussed with the Director of Human Resources.

While employees are encouraged to discuss problems with supervisors or the Director of Human Resources first, every manager's door, including the President's, is always open to hear suggestions and address concerns. Medaille believes that by discussing issues of

mutual concern with each other directly, it will continue to maintain the teamwork and cooperation, which has contributed to its continued success over the years.

### **3.5.2 Employee Drug and Alcohol Policies**

One of the College's primary objectives has always been to provide a safe, healthy and pleasant environment for College employees, students and visitors. Among other things, this means that all College employees must be in suitable mental and physical condition at all times while on premises or doing College work. The work environment must be kept completely free of substance abuse and its harmful and dangerous effects.

The sale, possession, manufacturer, transfer or purchase of illegal drugs on College property or while performing College business is strictly prohibited. Such action will be reported to the appropriate law enforcement officials. The use, manufacture, sale or possession of an illegal drug, alcohol or controlled substance while on duty is cause for disciplinary action up to and including termination. No prescription drug may be brought on College property by any person other than the one for whom it is prescribed.

If any employee has a drug or alcohol problem, which could put the employee in conflict with College rules, the employee must do whatever is necessary to see that this does not happen. The College does not wish to dictate its employees' private life-style choices, but it cannot permit anyone's involvement with drugs or alcohol to affect the work environment.

The College recognizes drug and alcohol dependency is an illness and a major health problem, and it will provide information about this issue to try to help employees avoid the problem or seek professional treatment if needed. In the last analysis, however, it is the responsibility of the individual employee to obtain whatever assistance may be needed to control a substance abuse problem and keep drugs and alcohol *out* of the work environment. Every employee must ensure that personal activities do not result in a violation of College rules, and/or any federal, state or local law or regulation.

See Volume V, paragraph 5.6.3.3 for disciplinary action pertaining to administrators and hourly personnel and Volume IV, paragraph 4.8.6.1 for disciplinary actions pertaining to faculty.

#### **3.5.2.1 Drug-Free Workplace Rules**

1. Any unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance on College premises, or while on College business away from the premises, is strictly prohibited.
2. If any employee is convicted under a criminal drug statute (including a plea of nolo contendere) for a violation that occurred on College premises, or while the employee was on College business away from the premises, the employee must notify the College no later than five (5) days after the conviction. The notification must be given in writing to the Director of Human Resources.
3. The foregoing rules are conditions of employment with the College, and all employees agree to comply with these rules as a condition of their continued employment. Any violations of these rules will be dealt with by strict disciplinary

measures, including termination of employment, as the College shall deem appropriate.

4. The foregoing rules are in addition to all other College rules, policies and procedures, written or unwritten. This obviously includes other College rules, which could be violated as a result of substance abuse (including abuse of alcohol and other non-controlled substances), for example rules dealing with attendance, tardiness, and job performance. Employees are expected to comply with all College rules, and violations for any reason, whether drug-related or otherwise, will not be tolerated.

### **3.5.2.2 Summary of Legal Sanctions Covering Alcohol and Drug Abuse**

See Volume II, Subsection 2.2.1.

### **3.5.3 Use of College Communication Systems**

To ensure effective telephone communications, employees should always use an appropriate greeting identifying their self and the department while speaking in a courteous and professional manner. Please confirm information received from the caller, inquire if there is anything else that can be done to help them, and hang up only after the caller has done so.

Office telephones are intended for business use. Good judgment should be exercised by everyone with regard to the frequency and duration of personal phone calls. Personal long distance calls shall be made on the coin operated phones located throughout the College. The College telephones shall be used for emergency long distance calls only. In such cases, employees are to pay the College after the cost of the call has been ascertained.

### **3.5.4 Confidentiality**

The protection of confidential business information and trade secrets is vital to the interests and the success of the College. Such confidential information includes, but is not limited to, the following examples:

1. Student information.
2. Compensation data.
3. Customer lists.
4. Financial information.
5. Business strategies.

Employees who improperly use or disclose trade secrets or confidential business information will be subject to disciplinary action, up to and including termination of employment, even if they do not actually benefit from the disclosed information.

#### **3.5.4.1 Service Recognition**

Employees who have twenty (20) or more years of service will be appropriately recognized.

### **3.5.5 Employee I.D. Cards**

All employees must have I.D. cards. Employees should report to the Campus Public Safety Office to have pictures taken for I.D. cards, at the time specified each year (notices are posted).

### **3.5.6 Telephone**

Prompt, courteous answers to telephone calls and voice messages should be a self-imposed rule. Employees are a direct representative of the College when they speak on the telephone.

For any long-distance personal calls made, employees shall keep an accurate record of the time, date and number called, including the area code. The Director of Human Resources should then be notified so that the employee can be charged accordingly.

**Appendix 3.0: Receipt of General Institutional Employment Policies**

RECEIPT OF GENERAL INSTITUTIONAL EMPLOYMENT POLICIES

I have received and read a copy of the General Institutional Employment Policies. I agree to abide by the rules and regulations contained therein. I understand that the rules, policies and benefits may be updated, modified or deleted at any time and that it is my responsibility to keep myself apprised of any changes.

I also understand that neither this Volume III of the Policy Manual nor any other communication by a College representative is intended to, in any way, create a contract of employment or to limit the College’s discretion to discipline or terminate my employment at its sole discretion.

Please return this signed receipt to the Human Resources Office.

Signature \_\_\_\_\_

Print Name \_\_\_\_\_

Date \_\_\_\_\_