



MEDAILLE COLLEGE

POLICY MANUAL

VOLUME V

PERSONNEL POLICIES

for

ADMINISTRATORS AND HOURLY

PERSONNEL

April 2020

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Volume V

Personnel Policies for Administrators and Hourly Personnel

5.0 Introduction

This Volume V of the Medaille College Policy Manual is intended to provide individuals with a general understanding of the College's personnel policies for Administrative and Staff employees. Administrative and staff employees are encouraged to familiarize themselves with the contents of this Volume V, as well as Volume III (General Institutional Employment Policies) and Volume II (Campus Community Policies).

Neither this Volume V nor the entire College Policy Manual can anticipate every situation or answer every question about employment. The Policy Manual is not an employment contract and is not intended to create contractual obligations of any kind. Neither the employee nor the College is bound to continue the employment relationship if either chooses, at its will, to end the relationship at any time.

In order to retain necessary flexibility in the administration of policies and procedures, the College reserves the right to change, revise, or eliminate any of the policies and/or benefits described in this Volume V, except for its policy of employment-at-will. The only recognized deviations from the stated policies are those approved by the Office of the President.

See Appendix 5.0 for the Receipt of Volume V Form.

5.1 Definitions Relating to Employment Status

5.1.1 *At-Will Employment*

Medaille College, as an employer in the "at will" employment State of New York, makes the following disclaimer statement to fully inform employees of the legal meaning of "at will" employment.

None of Medaille College's policies, procedures or practices, including those set forth in this Volume V of the Policy Manual, are to be viewed as a contract or as creating any promises or contractual rights of any kind. Rather, they are guidelines that can be changed by the College at its discretion at any time and without prior notice or agreement. The Medaille College Policy Manual supersedes and replaces all previous handbooks and other statements of College policy, rules, and procedures. Only the President of the College has the authority to enter into a contract of employment for any specified period or to make any promises contrary to the foregoing. Any such agreement or promise shall not be enforceable unless set forth in writing and signed by the President of the College.

Except as provided in Volume IV or in any individual administrative contract signed by the President of the College, nothing contained in this Volume V of the Policy Manual or any other manual or policy, work rule or oral or written statement of Medaille College is to be viewed as a contract or as creating any promises or any contractual right of any kind to employment or benefits of employment.

5.1.1.1 Appointment Letters

All administrative employees are appointed by and serve at the will of the College. Appointments are not made for a specific period of time and employees may terminate the employment relationship at any time. The original letter of appointment states the rate of compensation, the date of original employment, the current fringe benefits and whether the position is year round or for a shorter period.

The original letter of appointment and any subsequent letters are not contracts of employment for any specific period and should not be construed as such. Letters of appointment do not alter at-will employment status.

Continued employment of federally funded positions is dependent upon the approval of specific grants related to original employment.

5.1.2 Teaching Assignments for Administrators

The College recognizes that administrators often possess the academic qualifications as well as the desire to teach. Administrators may teach a course in the undergraduate, graduate, or continuing education programs if the following conditions are met:

1. The teaching will not interfere with the administrator's normal duties.
2. If the teaching will take place during regular working hours, approval must be received from the department supervisor and Vice President for Academic Affairs. In this case, only one course per semester may be taught.
3. The administrator must meet the academic qualifications normally required of a faculty member, and the Vice President for Academic Affairs must approve the appointment.

An administrator who teaches will receive compensation only for courses taught outside of normal working hours. In that case, payment shall be at the same rate and in the same manner as other part-time instructors.

Administrators who hold faculty rank but serve in non-faculty positions are subject to the terms and conditions of employment specified in Volumes III and V of the Policy Manual with respect to their non-faculty appointment. Such persons do not accrue any rights to continuing employment or any greater rights than those specified in Volumes III and V of this Policy Manual with respect to such non-faculty positions.

5.2 Employee Selection and Assignment

5.2.1 Recruitment and Selection of Employees / Filling of Vacancies

New or open positions will be posted internally, outside the Human Resources and Information Offices, and externally through advertisements when appropriate.

When the application period has passed, the Director of Human Resources will schedule appointments for the qualified candidates to meet with the appropriate supervisor and/or search committee and the Director of Human Resources.

5.2.1.1 Accuracy of Employment Applications

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

5.2.2 Introductory Period

An introductory period of up to three months is provided for: (1) an employee to decide whether the employee wants to continue as an employee and (2) the supervisor to determine how well the employee's qualifications and abilities meet the needs of the College. A temporary or part-time employee who is transferred to a full-time position must complete the introductory period as a new employee and successfully complete any required OSHA training. Upon successful completion of the introductory period, length of service becomes retroactive to the first date of hiring as a full-time employee. Completion of the introductory period does not change the at-will nature of employment.

5.3 Performance Appraisal and Evaluation

Employees of Medaille College need to know how well they are doing and whether they are meeting the expectations of their supervisor. Accordingly, supervisors will confer with employees and discuss performance as often as necessary and at least once each year.

Annually, supervisors will complete a written review of past performance and target individual goals, as well as department and division objectives to be accomplished by a designated date. After the employee and supervisor discuss and sign the review form, it will then be placed in the employee's personnel file. The employee's review, in itself, does not result in a salary change, but will be a very important factor in the employee's annual wage review. Among other factors considered are general business conditions of the College and the outlook of the economy.

5.4 Promotions and Transfers

As opportunities for advancement arise, there is a constant need for talented individuals. The supervisor, subject to approval of the President, may reassign the duties of staff, depending on qualifications and abilities. All qualified employees are eligible to apply for a position that is vacant.

5.4.1 Transfers

An employee who is interested in applying for an opening in another department should first discuss such an intention with the employee's supervisor before being interviewed by the applicable supervisor with the vacancy. An employee's indication of an interest in a transfer will in no way affect the employee's current position.

Any employee who is transferred from one staff position to another with equivalent salary ranges shall maintain the assigned salary, benefits and credited service of the former position.

The division from which the transfer is being made is entitled to at least two weeks' notice.

5.4.2 *Introductory Period for Promotions, Transfers and Job Changes*

Any individual who is promoted or transferred to a new job or who undergo a job change is required to serve a new introductory employment period for that position (See Subsection 5.2.2). At the end of the new initial employment period, the supervisor will complete a performance evaluation. If the evaluation is satisfactory or better, any appropriate wage adjustment will be made. If the employee is unable to satisfactorily fulfill the requirements of the new job, the employee may be considered for other job openings that exist, or employment may be terminated.

5.5 Employee Rights and Responsibilities

5.5.1 *Attendance and Productivity*

Employees are expected to be at work and on time.

Excessive absenteeism, tardiness or a combination of both may result in disciplinary action, including discharge (see Paragraph 5.6.3.3). Any absence of three or more consecutive scheduled days without notification is considered job abandonment and will result in dismissal.

Under adverse traveling or weather conditions, if the College is not closed, employees should allow extra time for travel and make special preparations to avoid being late. Employees who are unable to report to work due to inclement weather, when the College is open, are required to charge the absence to a vacation or personal day. If no pay replacement option is available, the day will be unpaid. If the College is closed due to emergency weather conditions, employees are paid.

Essential employees are designated by the College as those who are expected, as part of regular duties (no additional or premium wage), to report to work when the College closes due to inclement weather, when classes are delayed or when non-essential employees are released from work. Essential employees should use good judgment, care and safety in reporting to work, particularly in inclement weather.

5.5.1.1 *Reporting Absence and Tardiness*

When it is necessary for an employee to be absent or late on a scheduled workday, it is the employee's responsibility to inform the supervisor as soon as possible before the scheduled starting time. In the event the supervisor cannot be reached, the employee shall contact the Director of Human Resources Office directly. The employee shall state the reason for the tardiness or absence and when the employee is expected to return to work.

5.5.2 *Personal Appearance Policy*

Employees are expected to dress in a manner appropriate to their positions, and to be neat and well-groomed. Employees should conduct themselves with the highest personal and business standards. A positive attitude and courteous conduct toward supervisors, employees and students should be constantly practiced.

5.5.3 Rules and Regulations

No organization can continue to exist unless all of its employees do their part to secure a productive, safe and cooperative work environment. Rules to promote safety, efficiency, and order are necessary in the Medaille College work place. Work rules are generally a matter of common sense, being those things necessary for the orderly operation of any business and for the benefit and protection of the rights and safety of all employees. The following should not be considered as a complete list of all rules, but rather a listing of some of the more common rules that are necessary for the promotion of safety, efficiency, and order. Accordingly, the following shall be kept in mind and adhered to; as well as the use of common sense for the benefit of all.

5.5.3.1 Work Cooperation Policy

The Medaille College policy towards work emphasizes the spirit of good will and cooperation among employees. Employees are expected to work diligently for the full working day. If an employee's own work is completed, the employee is expected to offer assistance in other areas.

5.5.3.2 Solicitation/Distribution

In order to prevent disruption of the College's operation, interference with work and inconvenience to other employees, solicitation for any cause, or distribution of literature of any kind, during working time, is not permitted. An employee who is not on working time, such as an employee who is on lunch, may not solicit an employee who is on working time for any cause or distribute literature of any kind to that person. Whether on working time or not, no employee may distribute literature of any kind in any work areas of the College.

5.5.3.3 Rules of Conduct and Progressive Discipline

When an employee's conduct interferes with operation of the College, or an employee's performance does not meet with the expectations or requirements of the job, the College may take corrective action. In some cases, the College may consider progressive discipline, which provides the employee a warning of the seriousness of the unacceptable behavior and the consequences if the misconduct continues. The decision to use or not to use progressive discipline is solely within the discretion of the College. The following is a listing of some further rules necessary for an orderly, efficient and safe operation. A violation of the following rules, as well as those listed elsewhere in Volumes II, III and V may result in immediate discipline or discharge. Nothing in this policy is intended to modify the at-will nature of employment which means the College may terminate the employment relationship at any time.

5.5.3.3.1 Progressive Discipline

Unacceptable behavior subjects an employee to disciplinary action, up to and including immediate termination. Except where the conduct is very serious or deliberate, the College will follow the concept of progressive discipline.

The purpose of progressive discipline is to allow an employee to correct improper conduct before it reaches a chronic or more serious level. Accordingly, as a first step in the

discipline process, discussions between the supervisor and the employee will be held to advise the employee that the conduct is unacceptable and must be corrected. Hopefully, this will correct the matter. These discussions are documented and become part of the employee's record. Thereafter, if the conduct is repeated, a written warning is issued which also becomes a part of an employee's record. These warnings may be considered when evaluating an employee's performance for purposes of promotion, salary increase, transfer, additional discipline and/or continued employment. Repeated improper conduct will result in termination..

The College will evaluate each case and situation on an individual basis.

The following outline of types of misconduct and suggested corrective actions will serve as a guide. These are not prescribed actions; they are suggestions only. The list of misconduct is not inclusive. There are no automatic measures of discipline. Every case is treated on its own merits, taking into account the seriousness of the infraction and the nature of the circumstances and the employee's work record.

Certain forms of misconduct may be minor enough to warrant efforts at corrective discipline, including counseling and/or a written warning. However, depending on the circumstances this type of conduct may warrant different discipline up to and including termination. Examples of this type of misconduct include:

1. Actions which may result in dismissal for more than one occurrence include, but are not limited to:
 - a. Wasting time or loitering.
 - b. Leaving College premises or work area without permission during working hours.
 - c. Misuse of sick leave privileges and benefits.
 - d. Negligence in the performance of duty.
 - e. Negligence or abuse in the use of College property or equipment.
 - f. Failure to report an incident and/or injury to student, self, or visitor.
 - g. Inattentiveness to work responsibilities or loafing during scheduled work hours.
 - h. Violation of or disregard for fire safety or common safety practices, or smoking in unauthorized areas.
 - i. Gambling on College premises.
 - j. Solicitation of any kind on College premises without the administration's approval.
 - k. k. Improper work attire or personal appearance relative to one's position.
2. Other types of misconduct are so severe that except in unusual circumstances, termination of employment is warranted. Examples include:
 - a. Falsification of any College record (, including but not limited to personnel records, time records and applications for employment.)
 - b. Incompetence or inefficiency.

- c. Inexcusable neglect of duties, insubordination, or disobedience.
- d. The manufacture, use, sale, dispensing, or possession of controlled or illegal substance on College owned or operated property, or while on College business. (The use of appropriately prescribed medication is excepted.)
- e. Attendance at work under the influence of controlled substances or job impaired due to the influence of alcohol; consumption of alcohol or use of controlled substances during work time.
- f. Failure to report a conviction (within five days) under the criminal drug statute for violations on or off campus while conducting College business.
- g. Immoral or indecent conduct on College premises or conviction by a court of law of such conduct off the job)
- h. Conviction of a criminal offense, including but not limited to murder, armed robbery, arson, or assault, whether or not on College owned or operated property.
- i. Unexcused absence without notification or reasonable cause.
- j. Stealing or removing without proper authorization any property of another person or of the College.
- k. Possession of fire arms, knives, or explosives.
- l. Threatening, intimidating, coercing, or interfering with fellow employees or students on College owned or operated property.
- m. Abusive, threatening or harassing remarks or behavior toward an employee, student or visitor.
- n. Engagement in threatening or disruptive behavior or any act of fighting on College owned or operated property.
- o. Refusal to perform assigned duties or follow instructions of a supervisor.
- p. Failure to correct conditions covered in written warnings.
- q. Release of confidential information to unauthorized persons.
- r. Performance or actions that are unethical in nature.
- s. Failure to perform job responsibilities in an acceptable manner.
- t. Sleeping during work hours.
- u. Excessive absenteeism or failure to comply with attendance policy.
- v. Excessive tardiness.
- w. Altering the time card of another employee.
- x. Sexual harassment, misconduct or other discriminatory behavior, remarks or derogatory actions that are of a racial, ethnic, religious, or sexual nature or refer to an individual's disability.
- y. Misuse of the College's mail or telecommunication systems.

The College does not intend these rules to be all-inclusive and the College reserves the right to change, modify, or establish additional rules under appropriate circumstances.

5.6 Administrative and Hourly Personnel Compensation Policies

5.6.1 Hours of Work

5.6.1.1 Administrative Employees' Working Hours

Administrative employees are normally scheduled to work from 8:00 a.m. to 4:00 p.m., Monday to Friday. If a different schedule is necessary, administrative employees will be notified by their supervisor.

5.6.1.2 Hourly Personnel Working Hours

“Hours worked” is defined as hours actually spent on the job performing assigned duties. Vacation time, holidays, lunchtime, personal time and sick time are not included in this definition.

The normal workweek for most full-time employees consists of 40 hours beginning Monday and ending Friday of each week. A typical daytime schedule is 8:00 a.m. to 4:00 p.m. Depending upon the tasks to be performed, some departments regularly require, or may sometimes require, different hours of duty. Full-time employees are entitled to one paid half hour for lunch and two (2) paid 15-minute breaks. If the work schedule permits, work breaks may be taken in conjunction with the lunch break.

5.6.1.2.1 Time Sheets for Hourly Personnel

Time sheets are the official record of attendance for hourly personnel. They are to be completed and signed by the supervisor to verify accuracy. All full-time hourly personnel will be paid based on the hours recorded on the semi-monthly time sheet, which is due on the 5th and the 20th of the month. Employees will be paid the normal hourly rate for standard hours on a current basis and any necessary adjustments (overtime, etc.) will be made in the next pay cycle.

5.6.1.2.2 Time Sheets for Part-Time Hourly Personnel

Time sheets are the official record of attendance for hourly personnel. They are to be completed and signed by the supervisor to verify accuracy. All part-time hourly personnel will be paid on the hours recorded on the weekly time sheets. The Payroll Manager must receive time sheets by Monday at 3:00 p.m. of the payroll computation week for employees to receive pay for that payroll cycle.

5.6.2 Overtime and Compensatory Time

The College reserves the right to request any employee to remain beyond the normal scheduled hours when needed due to excessive workloads or short deadlines. This practice will be on an exceptional basis and such hours may not be considered overtime unless 40 hours of actual work are exceeded. Any time worked between 37-1/2 and 40 hours per

week will be paid at straight time. Only non-exempt employees are eligible to receive overtime.

Compensation for any authorized overtime may also be made in the form of compensatory time off from regular working hours. If comp time is given, it must be taken during the same week it is earned.

Part-time employees scheduled to work more than four (4) hours, which extends over the period of 11:00 a.m. to 2:00 p.m. are entitled to at least a 30-minute meal period.

5.7 Separation from Employment

5.7.1 Types of Separation

5.7.1.1 Resignation

Resignation is voluntary termination of employment initiated by the employee. In order to minimize any adverse impact an employee's departure will cause the College; employees are requested to give at least two (2) weeks resignation notice. No vacation or personal time will be allowed during this period. A letter of resignation should be sent to the employee's immediate supervisor and the Director of Human Resources.

5.7.1.2 Retirement

Employees retiring from the College are asked to give at least 30 days notice so that appropriate arrangements can be made for retirement paperwork.

5.7.1.3 Budget Constraints/Program Changes

The College reserves the right to eliminate positions due to budgetary constraints or program changes. In the event of a layoff because of a reorganization or lack of work, consideration will be given to the transfer of employees to vacant positions for which they are qualified.

5.7.2 Exit Interview

The Human Resources Director will contact an employee to schedule an exit interview in all cases of voluntary and involuntary separation. .

Voluntary separation employees will be entitled to accrued vacation pay and to remain in the group medical plan until the last day of the terminating month unless COBRA is elected.

If at any time an employee would like additional information regarding COBRA regulations, please direct questions to the Human Resources Director. All other benefits will cease on the employee's separation day.

In order to receive a last paycheck, all College property (keys, ID card, etc.) must be surrendered to Director of Campus Public Safety or the Human Resources Director prior to the last day of employment.

5.7.3 References Following Separation of Employment

Former employees of the College seeking to have personnel records or employment references from College personnel forwarded to prospective employers or schools must first submit a written request for release of the information or documents to the Director of Human Resources.

Supervisors shall not respond to verbal requests for references and shall refer such requests to the Director of Human Resources.

Appendix 5.0: Receipt of Volume V

RECEIPT OF PERSONNEL POLICIES FOR ADMINISTRATORS AND HOURLY PERSONNEL

I have received and read a copy of Volume V, Personnel Policies for Administrators and Hourly Personnel. I agree to abide by the rules and regulations contained therein. I understand that the rules and policies contained in this Volume 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 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 _____