



# Medaille College

POLICY MANUAL

VOLUME III

GENERAL INSTITUTIONAL  
EMPLOYMENT POLICIES

April 2020

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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.

### **3.1.8 Equal Employment Opportunity Policy**

Medaille College is an equal opportunity employer and, in accordance with applicable laws, prohibits discrimination against applicants and employees based on race, color, creed, religion, sex, sexual orientation, gender identity, gender expression, national origin, age, disability, marital status, familial status, citizenship status, domestic violence victim status, veteran status, military status, predisposing genetic characteristics or genetic information, or any other category protected by law.



This policy extends to all personnel actions, including recruiting, hiring transfers, promotions, demotions, compensation and benefits administration, participation in College-sponsored training, education and social programs, layoffs, recalls, and terminations.

### **3.1.9        *Discrimination and Harassment (including Sexual Harassment) Prevention Policy***

#### **Policy**

Medaille College is committed to maintaining a workplace free from discrimination and harassment. To that end, Medaille College prohibits and will not tolerate discrimination or harassment of any employee, applicant for employment, intern (paid or unpaid), consultant, vendor, visitor, customer, contractor or subcontractor (“Covered Persons”), regardless of immigration status, that occurs in the workplace, in connection with any work-related activities or while interacting with Medaille College’s employees or representatives based on an individual’s age, race, hair texture and hairstyles and other traits historically associated with race, creed, religion, color, national origin, disability, gender, sex, sexual orientation, gender identity, gender expression, pregnancy, citizenship status, marital status, status as a victim of domestic violence, familial status, military status, genetic information or predisposing genetic characteristics, reproductive health decision making, or other protected status under federal, state, or local law.

All Covered Persons have a legal right to an environment and workplace free from discrimination and harassment and can enforce this right by filing a complaint internally with Medaille College or with the appropriate federal, state or local administrative agency or in federal or state court.

All Covered Persons are responsible for complying with and upholding this policy. You may direct questions about this policy to the Director of Human Resources or the Director of Diversity and Inclusion/Title IX Coordinator.

#### **Discrimination and Harassment**

Discrimination means any disparate or unequal treatment of a person that occurs because of a person’s protected status and in regard to employees includes disparate or unequal treatment relating to an employee’s privileges or terms and conditions of employment.

Harassment is a form of discrimination and includes, but is not limited to, conduct that is disrespectful, abusive or uncivil, that denigrates, disparages or intimidates a person, that creates a hostile or offensive work environment or that unreasonably interferes with a person’s work performance and which is directed at the person because of his or her protected status. Such conduct includes, but is not limited to, epithets, slurs, offensive remarks, innuendoes, threats, intimidation, jokes, vulgar comments, pictures, physical contact or other verbal, written, visual or physical conduct.

Discrimination and harassment (including sexual harassment) are unlawful and are prohibited and will not be tolerated. Conduct prohibited by this policy may occur either in or outside of the workplace and either during working or non-working hours.

Any Covered Person who engages in prohibited conduct will be subject to discipline, up to and including termination of employment, or other appropriate response depending on status, regardless of whether such conduct rises to the level of unlawful discrimination or harassment.

## **Sexual Harassment**

Sexual harassment is a form of unlawful discrimination and includes harassment based on sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and transgender status and can occur between individuals regardless of gender.

Sexual harassment includes unwelcome conduct which is either of a sexual nature or which is directed at an individual because of that individual's sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and transgender status when:

- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
- such conduct is made either explicitly or implicitly a term or condition of employment; or
- submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which is of a sexual nature, or which is directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment.

Harassers can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

Sexual harassment can occur during business travel or at employer sponsored events or parties. Calls, texts, emails, and social media usage can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

Although it is not possible to identify every act that can constitute sexual harassment, the following are examples of sexual harassment that are prohibited:

- Physical acts of a sexual nature, such as:
  - touching, pinching, patting, kissing, hugging, grabbing, brushing against another person's body or poking another person's body;
  - rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:

- requests for sexual favors accompanied by implied or overt threats concerning the target’s job performance evaluation, a promotion or other job benefits or detriments;
- offers of employment benefits such as promotions, favorable evaluations, favorable duties or shifts in exchange for sexual favors;
- requests for dates after being informed the interest is unwelcome;
- subtle or obvious pressure for unwelcome sexual activities.
- Sexual innuendo and other vocal activity of a sexual nature.
- Sexually oriented gestures, noises, remarks or jokes or comments about a person’s sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping, which occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people’s ideas or perceptions about how individuals of a particular sex should act or look.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
  - displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual’s sex, sexual orientation, gender identity and the status of being transgender, such as:
  - interfering with, destroying or damaging a person’s workstation, tools or equipment, or otherwise interfering with the individual’s ability to perform the job;
  - sabotaging an individual’s work;
  - bullying, yelling, name-calling.

### **Retaliation**

Medaille College prohibits retaliation against a Covered Person who engages in “protected activity,” which occurs when a Covered Person has:

- filed a complaint of discrimination or harassment (including sexual harassment) either internally with Medaille College or externally with an administrative agency or a court of law;
- testified or assisted in an administrative or court proceeding involving discrimination or harassment (including sexual harassment);
- opposed discrimination or harassment (including sexual harassment) by making a verbal or informal complaint to management or by informing a supervisor or manager of alleged discrimination or harassment;
- complained that another employee has been discriminated against or harassed (including sexually harassed) ; or
- encouraged a fellow employee to report discrimination or harassment.

Retaliation is unlawful under federal, state, and (where applicable) local law and can be any action that could discourage a person from coming forward to make or support a discrimination or harassment claim and need not be job-related or occur in the workplace to constitute unlawful retaliation (*e.g.*, threats of physical violence outside of work hours). Retaliation is prohibited even if the conduct complained about does not constitute

discrimination or harassment. This policy prohibits retaliation even where it may not rise to the level of violating applicable law.

Any Covered Person who engages in retaliation will be subject to disciplinary action (e.g., counseling, suspension or termination).

This provision prohibiting retaliation is not intended to protect persons making intentionally false charges of discrimination or harassment.

### **Liability for Discrimination, Harassment and Retaliation**

Discrimination, harassment and retaliation are forms of misconduct and violate Medaille College's policies and may subject it to liability for harm to targets of such conduct. Persons who engage in discrimination, harassment or retaliation may also be subject to individual liability for such conduct.

### **Reporting by Covered Persons**

Preventing discrimination, harassment and retaliation is everyone's responsibility. Medaille College cannot prevent or remedy discrimination, harassment and retaliation unless it knows about them. Any Covered Person who has been subjected to or observes behavior that may constitute discrimination, harassment or retaliation is encouraged to report the behavior to the Director of Human Resources or the Director of Diversity and Inclusion/Title IX Coordinator.

Reports of discrimination, harassment and/or retaliation may be made verbally or in writing. A Complaint Form for submission of a written complaint is available from the Director of Human Resources or the Director of Diversity and Inclusion/Title IX Coordinator and all Covered Persons are encouraged to use this form. Covered Persons who are reporting discrimination, harassment or retaliation on behalf of other persons should use the Complaint Form and note that it is being filed on another person's behalf.

### **Reporting by Managers and Supervisors Mandatory**

All supervisors and managers who receive a complaint or information about suspected discrimination, harassment or retaliation, who observe what may be discriminatory, harassing or retaliatory behavior or for any reason suspect that such conduct is occurring, are required to report the matter to the Director of Human Resources or the Director of Diversity and Inclusion/Title IX Coordinator.

Supervisors and managers who fail to report suspected discrimination, harassment or retaliation or who otherwise knowingly allow such conduct to continue will be subject to discipline, up to and including termination.

Supervisors and managers will also be subject to discipline, up to and including termination, for engaging in discrimination, harassment or retaliation.

### **Investigation of Complaints**

All complaints of discrimination, harassment or retaliation will be investigated. Investigations will be conducted in a timely manner, and will be confidential to the extent possible.

While the process may vary from case-to-case, investigations will generally consist of the following steps:

- Conduct an immediate review of the allegation(s) and take any interim actions as appropriate.
- Take steps to obtain and preserve emails, phone records, and other documents relevant to the allegation(s).
- Draft a list and summary of documents relevant to the allegation(s).
- Review documents relevant to the allegation(s).
- Interview all parties involved, including any relevant witnesses.
- Document the investigation.
- Retain the documentation in the employer's records.
- Notify the affected parties of the final decision and any corrective action as appropriate.
- Implement any corrective action as appropriate.
- Inform the complainant of his or her right to pursue the legal protections and external remedies discussed in the next section of this policy.

### **Corrective Remedies and Disciplinary Action**

If Medaille College determines that a violation of this policy has occurred, it will take prompt and appropriate corrective action to stop the improper conduct and prevent it from reoccurring, including disciplinary action based upon the severity of the conduct which may include termination of employment. Both the person making the complaint and the person against whom the complaint is made will be informed of the outcome of the investigation and the College's response.

### **Legal Protections and External Remedies**

Discrimination, harassment and retaliation are not only prohibited by this policy but are also prohibited by state, federal, and, where applicable, local law. Aside from the internal process at Medaille College, Covered Persons may also pursue legal remedies with the following governmental entities.

#### **A. Equal Employment Opportunity Commission**

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the Civil Rights Act of 1964 (codified at 42 U.S.C. § 2000e *et seq.*). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. Complaining internally does not extend the time to file with the EEOC. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court. The EEOC does not award relief but may take other action including pursuing cases in federal court on behalf of complaining parties. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

If an employee believes that he or she has been discriminated against the employee can file a "charge of discrimination" with the EEOC. The EEOC has an office at 33 Whitehall Street, 5th Floor, New York, NY 10004. The EEOC can be contacted by telephone (1-800-669-4000) (TTY:1-800-669-6820) or email (info@eoc.gov). The EEOC's website is www.eoc.gov.

Complaining internally to Medaille College does not extend the time to file with EEOC.

## **B. New York State Division of Human Rights**

The New York State Division of Human Rights (DHR) enforces the New York State Human Rights Law (HRL), codified at N.Y. Executive Law, art. 15, § 290 et seq., which applies to all employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the DHR or in New York State Supreme Court.

Complaints may be filed with DHR any time within one year (or three years with regard to sexual harassment as of August 12, 2020) of the discrimination, harassment or retaliation. If an individual did not file at DHR, they can sue directly in state court under the HRL, within three years of the alleged discrimination, harassment or retaliation. An individual may not file with DHR if they have already filed a HRL complaint in state court.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that discrimination, harassment or retaliation has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If discrimination, harassment or retaliation is found after a hearing, DHR has the power to award relief, which varies but may include requiring an employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit, [www.dhr.ny.gov](http://www.dhr.ny.gov).

Contact DHR at (888) 392-3644 or visit [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint) for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

Complaining internally to Medaille College does not extend the time to file with DHR.

## **C. Local Protections**

Some localities in New York State may have their own laws protecting individuals from discrimination and harassment. An employee may contact the county, city, or town in which he or she lives or works to find out if such a law exists.

**Medaille College**

**COMPLAINT FORM  
DISCRIMINATION AND HARASSMENT (INCLUDING SEXUAL HARASSMENT)  
PREVENTION POLICY**

If you believe that you have been subjected to discrimination, harassment (including sexual harassment) or retaliation in violation of Medaille College’s Discrimination and Harassment (including Sexual Harassment) Prevention Policy, you are encouraged to complete this form and submit it to the Director of Diversity & Inclusion/Title IX Coordinator, Medaille College, 18 Agassiz Circle, Buffalo NY 14214, Kenya.K.Hobbs@Medaille.edu or the Director of Human Resources, Medaille College, 18 Agassiz Circle, Buffalo NY 14214, bbilotta@Medaille.edu. You will not be retaliated against for filing a complaint.

You may also submit your complaint verbally or in another manner to the Director of Diversity & Inclusion/Title IX Coordinator or the Director of Human Resources, and if you do so Medaille College will complete this form and provide you with a copy. Complaints will be investigated in accordance with the Discrimination and Harassment (including Sexual Harassment) Prevention Policy.

**YOUR INFORMATION**

Name: \_\_\_\_\_

Work Address: \_\_\_\_\_ Work Phone:  
\_\_\_\_\_

Job Title: \_\_\_\_\_ Email: \_\_\_\_\_

Best way to contact you: \_\_\_\_\_ Email \_\_\_\_\_ Phone \_\_\_\_\_ In person

**SUPERVISORY INFORMATION**

Immediate Supervisor’s Name: \_\_\_\_\_

Title: \_\_\_\_\_

Work Address: \_\_\_\_\_ Work phone:  
\_\_\_\_\_

**COMPLAINT INFORMATION**

1. You complaint is about: \_\_\_\_\_ discrimination \_\_\_\_\_ harassment \_\_\_\_\_retaliation
2. Please describe the type of discrimination or harassment (*e.g.*, sex, age, race, *etc.*) you believe you experienced, or if complaining about retaliation identify the protected conduct you engaged in.

3. Your complaint is made about:

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Work Address: \_\_\_\_\_ Work Phone: \_\_\_\_\_

Relationship to you: \_\_\_ Supervisor \_\_\_ Subordinate \_\_\_ Co-Worker \_\_\_ Other

4. Please describe what happened and how it is affecting you and your work. (Please use additional sheets of paper if necessary and attach any relevant documents or evidence.)

5. Date(s) conduct occurred: \_\_\_\_\_

Is the conduct continuing? \_\_\_\_\_ Yes \_\_\_\_\_ No

6. Please list the name and contact information of any witnesses or individuals that may have information related to your complaint.

*The last question is optional, but may help the investigation.*

7. Have you previously complained or provided information (verbal or written) about related incidents? If yes, when and to whom did you complain or provide information?

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



### **3.1.10 Reproductive Healthcare Decisions**

Section 203-e of the New York Labor Law prohibits employers from discriminating against employees based on an employee's or a dependent's reproductive health decision making and accessing such information regarding an employee or an employee's dependents without the employee's prior informed affirmative written consent. The law also prohibits employers from requiring employees to sign a waiver or other document which purports to deny an employee the right to make his or her own reproductive health care decisions. Reproductive health care decisions include, but are not limited to, the decision to use or access a particular drug, device or medical services.

Section 203-e also prohibits retaliation against employees because of the reproductive health care decisions of an employee or his or her dependents and for an employee making or threatening to make a complaint to Medaille College, a co-worker or a public body that rights guaranteed under the law have been violated, causing to be instituted any proceeding under or related to the law, or providing information to, or testifying before, any public body conducting an investigation, hearing or inquiry into an alleged violation of the law or any of its rules and regulations. Employees may bring a civil action in court of competent jurisdiction for any alleged violation of Section 203-e and if a violation is found to have occurred the court may award damages, injunctive relief, reinstatement and/or liquidated damages.

It is the policy of Medaille College to act in accordance with the requirements of Section 203-e.

## **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. Spring Holiday
5. Memorial Day
6. Independence Day
7. Labor Day
8. Fall Break
9. Thanksgiving Day
10. Day after Thanksgiving
11. Christmas Day
12. Days between Christmas and New Year's

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.

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.

### **3.3.2        *Leaves of Absence***

#### **3.3.2.1        *Paid Leave***

##### **3.3.2.1.1        *Vacation Leave for Administrative Staff***

All full-time twelve-month administrative employees may earn up to 160 vacation hours (20 days) per year accrued at the rate of 13.34 hours (1.7 days) per month. Vacation earned in a given vacation year must be used in total in the same year, or it is forfeited. The vacation year is July 1 through June 30. The College will front load all vacation hours for the vacation year at the beginning of the vacation year. Upon separation from employment, an employee will be paid for accrued but unused vacation hours. Vacation hours accrue evenly throughout the year. Used, but unearned vacation hours, up to a maximum of 80 hours (10 days) will not be charged back to the employee. Vacation hours used in excess of 80 hours (10 days) will be deducted from the employee's final pay check. Vacation time may not be borrowed from a future vacation year. Vacation time is not earned during leaves of absence.

Employees may take vacation at any time agreed upon with the supervisor. Vacation request forms must be completed and approved by the supervisor and a copy sent to Human Resources. Preference for specific dates will be determined by seniority. If a recognized holiday occurs during the employee's vacation, such time will not be deducted from the accrued vacation time.

New employees do not accrue vacation days until the end of their three-month introductory period. Upon completion of their introductory period, new employees will accrue 1.7 vacation days per month for the rest of the vacation year. A supervisor may grant time without pay. The College does not grant pay in lieu of vacation.

### **3.3.2.1.2            *Vacation Leave for Hourly Staff***

All full-time twelve-month hourly employees are granted 96 vacation hours (12 days) per year accrued at the rate of 8 hours (one day) per month. On the employee's employment anniversary date, one additional day equal to the number of years of full-time employment will be added to the accrual rate, with a maximum of eight additional days. Vacation earned in a given vacation year must be used in total in the same year, or it is forfeited. The vacation year is July 1 through June 30. The College will front load all vacation hours for the vacation year at the beginning of the vacation year. Upon separation from employment, an employee will be paid for accrued but unused vacation hours. Used, but unearned vacation hours, up to a maximum of 80 hours (10 days) will not be charged back to the employee. Vacation hours used in excess of 80 hours (10 days) will be deducted from the employee's final pay check. Vacation time may not be borrowed from a future vacation year. Vacation time is not earned during leaves of absence.

The employee's supervisor must approve vacation in advance, and approval will be subject to the needs of the College. Vacation request forms must be completed and approved by the supervisor and a copy sent to Human Resources. If a recognized holiday occurs during the employee's vacation, such time will not be deducted from the accrued vacation time.

New employees do not accrue vacation days until the end of their three-month introductory period. Upon completion of their introductory period, new employees will accrue 1.0 vacation days per month for the rest of the vacation year. A supervisor may grant time without pay. The College does not grant pay in lieu of vacation.

### **3.3.2.1.3            *Employee Sick Leave Policies***

The College recognizes that employees on occasion may not be well enough to perform their normal work assignment or have a health and safety issue within their family, which requires their presence. Sick Leave is to be utilized when an employee is ill or for any of the reasons covered by the NYS Sick Leave Law (NYS Labor Law 196-b) listed below (Section 3.6). When possible, employees are expected to notify their supervisor prior to using sick leave.

## **Sick Leave for Full Time 12 Month Salaried Employees**

### **Twelve Month Faculty:**

All full-time twelve-month faculty will be provided sick leave at a rate of 56 hours of sick leave (7 days) per fiscal year. Sick leave will be frontloaded at the beginning of each fiscal year (July 1). New employees will be provided prorated sick leave on their first day of work. Sick leave can be used July 1 through June 30. Employees may use sick leave in 4 hour (1/2 day) minimum increments. At the beginning of each fiscal year (July 1), unused sick leave will be rolled over to the next fiscal year. However, use of sick leave is limited to a maximum of 56 hours (7 days) of sick leave per fiscal year.

**Twelve Month Administrative:**

All full-time twelve-month administrative employees will be provided sick leave at a rate of 56 hours of sick leave (7 days) per fiscal year. Sick leave will be frontloaded at the beginning of each fiscal year (July 1). New employees will be provided prorated sick leave on their first day of work. Sick leave can be used July 1 through June 30. Employees may use sick leave in 4 hour (1/2 day) minimum increments. At the beginning of each fiscal year (July 1), unused sick leave will be rolled over to the next fiscal year. However, use of sick leave is limited to a maximum of 56 hours (7 days) of sick leave per fiscal year.

**Job Protection:**

Employees who take sick leave pursuant to the reasons allowed under NYS Labor Law 196-b must be restored to the position of employment held prior to any sick leave taken, including the same pay and other terms and conditions of employment.

**No Discrimination, Harassment or Retaliation:**

Medaille explicitly prohibits discrimination, harassment and/or retaliation against employee who exercises their right to use paid sick leave for any of the reasons covered by NYS Labor Law 196-b. Employees will not be discharged, threatened, penalized or in any other manner discriminated or retaliated against for exercising their right afforded under the paid sick leave law, including requesting and using sick leave.

**Return To Work:**

In the event an employee is absent for their own health condition for more than four (4) consecutive days, the College reserves the right to request a healthcare provider's release for an employee to return to work.

**Separation of Employment:**

Unused sick leave will not be paid out upon an employee's termination, resignation, retirement, or other separation from employment.

**Sick Leave for Full Time 10 Month Salaried Employees****Ten Month Faculty:**

All full-time ten-month faculty employees will be provided sick leave at a rate of 56 hours of sick leave (7 days) per fiscal year. Sick leave will be frontloaded at the beginning of each fiscal year (July 1). New employees will be provided prorated sick leave on their first day of work. Sick leave can be used July 1 through June 30. Employees may use sick leave in 4 hour (1/2 day) minimum increments. Employees may use a maximum of 56 hours (7 days) of sick leave per fiscal year. At the beginning of each fiscal year (July 1), unused sick leave will be rolled over to the next fiscal year. However, use of sick leave is limited to a maximum of 56 hours (7 days) of sick leave per fiscal year.

**Ten Month Administrative:**

All full-time ten-month administrative employees will be provided sick leave at a rate of 56 hours of sick leave (7 days) per fiscal year. Sick leave will be frontloaded at the beginning of each fiscal year

(July 1). New employees will be provided prorated sick leave on their first day of work. Sick leave can be used July 1 through June 30. Employees may use sick leave in 4 hour (1/2 day) minimum increments. At the beginning of each fiscal year (July 1), unused sick leave will be rolled over to the next fiscal year. However, use of sick leave is limited to a maximum of 56 hours (7 days) of sick leave per fiscal year.

**Job Protection:**

Employees who take sick leave pursuant to the reasons allowed under NYS Labor Law 196-b must be restored to the position of employment held prior to any sick leave taken, including the same pay and other terms and conditions of employment.

**No Discrimination, Harassment or Retaliation:**

Medaille explicitly prohibits discrimination, harassment and/or retaliation against employee who exercises their right to use paid sick leave for any of the reasons covered by NYS Labor Law 196-b. Employees will not be discharged, threatened, penalized or in any other manner discriminated or retaliated against for exercising their right afforded under the paid sick leave law, including requesting and using sick leave.

**Return To Work:**

In the event an employee is absent for their own health condition for more than four (4) consecutive days, the College reserves the right to request a healthcare provider's release for an employee to return to work.

**Separation of Employment:**

Unused sick leave will not be paid out upon an employee's termination, resignation, retirement, or other separation from employment.

**Sick Leave for Part Time Salaried Employees**

All part-time salaried employees (e.g., adjuncts, coaches, GA's) will accrue sick leave at a rate of 3 hours for each pay date they receive a wage payment to a maximum of 56 hours of sick leave (7 days) per fiscal year. Employees begin accrual on their first pay date after hire. Sick leave can be used July 1 through June 30. Employees may take leave in 4 hour (1/2 day) minimum increments. At the beginning of each fiscal year (July 1), unused sick leave will be rolled over to the next fiscal year. However, use of sick leave is limited to a maximum of 56 hours (7 days) of sick leave per fiscal year.

**Job Protection:**

Employees who take sick leave pursuant to the reasons allowed under NYS Labor Law 196-b must be restored to the position of employment held prior to any sick leave taken, including the same pay and other terms and conditions of employment.

**No Discrimination, Harassment or Retaliation:**

Medaille explicitly prohibits discrimination, harassment and/or retaliation against employee who exercises their right to use paid sick leave for any of the reasons covered by NYS Labor Law 196-b. Employees will not be discharged, threatened, penalized or in any other manner discriminated or retaliated against for exercising their right afforded under the paid sick leave law, including requesting and using sick leave.

**Return To Work:**

In the event an employee is absent for their own health condition for more than four (4) consecutive days, the College reserves the right to request a healthcare provider's release for an employee to return to work.

**Separation of Employment:**

Unused sick leave will not be paid out upon an employee's termination, resignation, retirement, or other separation from employment.

**Sick Leave for Full Time 12 Month Hourly Employees****Twelve Month Staff:**

All full-time twelve-month administrative hourly employees will be provided sick leave at a rate of 56 hours of sick leave (7 days) per fiscal year. Sick leave will be frontloaded at the beginning of each fiscal year (July 1). New employees will be provided prorated sick leave on their first day of work. Sick leave can be used July 1 through June 30. Employees may take leave in 4 hour (1/2 day) minimum increments. At the beginning of each fiscal year (July 1), unused sick leave will be rolled over to the next fiscal year. However, use of sick leave is limited to a maximum of 56 hours (7 days) of sick leave per fiscal year. Sick leave is paid at the employee's regular rate of pay and does not count towards over time.

**Job Protection:**

Employees who take sick leave pursuant to the reasons allowed under NYS Labor Law 196-b must be restored to the position of employment held prior to any sick leave taken, including the same pay and other terms and conditions of employment.

**No Discrimination, Harassment or Retaliation:**

Medaille explicitly prohibits discrimination, harassment and/or retaliation against employee who exercises their right to use paid sick leave for any of the reasons covered by NYS Labor Law 196-b. Employees will not be discharged, threatened, penalized or in any other manner discriminated or retaliated against for exercising their right afforded under the paid sick leave law, including requesting and using sick leave.

**Return To Work:**

In the event an employee is absent for their own health condition for more than four (4) consecutive days, the College reserves the right to request a healthcare provider's release for an employee to return to work.

**Separation of Employment:**

Unused sick leave will not be paid out upon an employee's termination, resignation, retirement, or other separation from employment.

**Sick Leave for Part Time Hourly Employees**

All part-time hourly employees will receive paid sick leave in accordance with the NYS Sick Leave Law. Employees accrue 1 hour of sick leave for every 30 hours worked to a maximum of 56 hours of paid sick leave (7 days) each fiscal year. Accrual starts on an employee's first day of work. Sick leave can be used July 1 through June 30. Employees may take leave in 4 hour (1/2 day) minimum increments. Employees may use a maximum of 56 hours (7 days) of sick leave per fiscal year. At the beginning of each fiscal year (July 1), unused sick leave will be rolled over to the next fiscal year. However, use of sick leave is limited to a maximum of 56 hours (7 days) of sick leave per fiscal year. Sick leave is paid at the employee's regular rate of pay and does not count towards over time.

**Job Protection:**

Employees who take sick leave pursuant to the reasons allowed under NYS Labor Law 196-b must be restored to the position of employment held prior to any sick leave taken, including the same pay and other terms and conditions of employment.

**No Discrimination, Harassment or Retaliation:**

Medaille explicitly prohibits discrimination, harassment and/or retaliation against employee who exercises their right to use paid sick leave for any of the reasons covered by NYS Labor Law 196-b. Employees will not be discharged, threatened, penalized or in any other manner discriminated or retaliated against for exercising their right afforded under the paid sick leave law, including requesting and using sick leave.

**Return To Work:**

In the event an employee is absent for their own health condition for more than four (4) consecutive days, the College reserves the right to request a healthcare provider's release for an employee to return to work.

**Separation of Employment:**

Unused sick leave will not be paid out upon an employee's termination, resignation, retirement, or other separation from employment.

## **Qualifying Sick Leave Reasons per NYS Sick Leave Law**

### **Employees may use sick leave for the following qualifying reasons:**

- An employee's or employee's family member's mental or physical illness, injury, or health condition (whether diagnosed or not).
- The diagnosis, care or treatment of a mental or physical illness, injury or health condition, or need for medical diagnosis of, or preventative care for an employee or employee's family member.
- An absence from work when the employee or employee's family member has been the victim of domestic violence, sexual offenses, stalking and/or human trafficking:
  - to obtain services from a domestic violence shelter, rape crisis center, or other services program;
  - to participate in safety planning, temporarily or permanently relocate; or take other actions to increase the safety of the employee or employee's family members;
  - to meet with an attorney or other social services provider to obtain information and advice on, and prepare for or participate in any criminal or civil proceeding;
  - to file a complaint or domestic incident report with law enforcement;
  - to meet with a district attorney's office;
  - to enroll children in a new school; or
  - to take any other actions necessary to ensure the health and safety of the employee or the employee's family member or to protect those who associate or work with the employee.

Notwithstanding the foregoing, a person who has committed such domestic violence, family offense, sexual offense, stalking, or human trafficking shall not be eligible for leave under this policy for situations in which the person committed such offense and was not a victim, notwithstanding any family relationship.

### **Definitions:**

- "Family member" is defined to mean an employee's child, spouse, domestic partner, parent, sibling, grandchild or grandparent; and the child or parent of an employee's spouse or domestic partner.
- "Parent" is defined to mean biological, foster, step or adoptive parent, or a legal guardian of an employee, or a person who stood in *loco parentis* when the employee was a minor child.
- "Child" is defined to mean biological, adopted or foster child, a legal ward, or a child or an employee standing in *loco parentis*.



Words and phrases used in this policy have the meanings established for them under New York Labor Law 196-b.

**Extended Medical Leave (Sick Bank) for 12 month and 10 month Full-time Administrative and Hourly Employees)**

In the case of an employee's illness, medical condition or injury occurring outside of employment that prevents an employee from working for an extended period of time (i.e., over six (6) consecutive workdays). Sick Bank days may be utilized to cover lost work time. Sick Bank days will be paid from the first day of approved absence.

**Twelve Month Administrative:**

All full-time twelve-month administrative employees, at the beginning of each fiscal year (July 1), the College will add the equivalent amount of unused sick leave from their prior fiscal year into an accumulated sick leave bank (Sick Bank). The Sick Bank can accumulate up to a maximum of 800 hours (100 days). Sick Bank days are available to employees who are absent from work for more than six (6) consecutive workdays because of personal injury, illness or medical condition occurring outside of their employment. The Director of Human Resources is to be notified by the supervisor and the employee when extended medical leave is necessary.

**Twelve Month Staff:**

All full-time twelve-month administrative hourly employees, at the beginning of each fiscal year (July 1), the College will add the equivalent amount of unused sick leave from their prior fiscal year into an accumulated sick leave bank (Sick Bank). The Sick Bank can accumulate up to a maximum of 800 hours (100 days). Sick Bank days are available to employees who are absent from work for more than six (6) consecutive workdays because of personal injury, illness or medical condition occurring outside of their employment. The Director of Human Resources is to be notified by the supervisor and the employee when extended medical leave is necessary.

**Ten Month Administrative:**

All full-time ten-month administrative employees, at the beginning of each fiscal year (July 1), the College will add the equivalent amount of unused sick leave from their prior fiscal year into an accumulated sick leave bank (Sick Bank). The Sick Bank can accumulate up to a maximum of 640 hours (80 days). Sick Bank days are available to employees who are absent from work for more than six (6) consecutive workdays because of personal injury, illness or medical condition occurring outside of their employment. The Director of Human Resources is to be notified by the supervisor and the employee when extended medical leave is necessary.

**Return To Work:**

The College reserves the right to request a healthcare provider's release for an employee to return to work.

**Separation of Employment:**

Unused Sick Bank days will not be paid out upon an employee's termination, resignation, retirement, or other separation from employment.

#### **3.3.2.1.4            *Personal Leave for Administrative Staff***

All full-time twelve month administrative employees are granted up to 40 hours (5 days) of paid personal leave to be used between their start date and their anniversary date.

If these days are not used by the anniversary date, they will be forfeited. However, five new days will be granted.

Personal leave days are intended to be used for strictly personal reasons, such as family sickness, doctor's appointments, or important business.

Unused personal days are not paid out upon termination.

#### **3.3.2.1.5            *Personal Leave for Hourly Staff***

All full-time twelve month hourly employees are granted up to 16 hours (2 days) of paid personal leave to be used between their start date and their anniversary date.

If these days are not used by the anniversary date, they will be forfeited, however, two new days will be granted.

Personal leave days are intended to be used for strictly personal reasons, such as family sickness, doctor's appointments, or important business.

Unused personal days are not paid out upon termination.

#### **3.3.2.1.6            *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.

#### **3.3.2.1.7            *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.

#### **3.3.2.1.8            *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 offered either individual or family medical benefit insurance coverage.

The College currently pays a portion of the premium and the employee pays the remaining portion. Included in the medical package is prescription coverage 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, then the effective date for medical and dental coverage would be October 1). 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 June 1.

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.

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, accident and/or personal sickness) is a voluntary benefit offered to all regular full-time and ten-month employees.

### **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 \$2,500 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 medical and dental 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.
4. **Adoption Assistance Account:** Each employee has the option of deposition up to \$12,000 per year on a pre-tax basis, into an Adoption Assistance Account to pay for qualified adoption 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. Effective January 1, 2014, the Plan allows for a rollover of up to \$500 of any unused Health Flexible Spending Account balance remaining at the end of a Plan Year into a subsequent Plan Year. IRS regulations require that any balance left in dependent care and/or adoption 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 sponsors a 403(b) retirement plan.

Plan participation is optional. All regular full-time employees and ten-month employees are eligible to participate immediately. After one (1) year of service, participants are eligible to receive a matching contribution from the College in an amount, if any, determined by the College on an annual basis.

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”). Under this policy eligible employees are entitled to family and medical leave as defined by the 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 deems necessary, 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 the employee (a) 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) is employed at a worksite where 50 or more employees are employed by the College within 75 miles of that 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;”
3. **Serious Health Condition of Employee:** Because of the employee’s own “serious health condition” that renders the employee unable to perform the essential functions of his/her job (i.e., illness, injury or disability, including pregnancy disability);
4. **Qualifying Exigency:** To handle a qualifying exigency arising from a spouse, child or parent serving in the National Guard or Reserves who is on covered active duty or called to covered active duty, or to handle a qualifying exigency arising from a spouse, child or parent who is a member of the Armed Forces who is on covered active duty in a foreign country or is called to covered active duty in a foreign country;
5. **Military Caregiver Leave:** To care for a spouse, child, parent or next of kin who is a current member of the Armed Forces, 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 that was incurred by the member in the line of duty on active duty in the Armed Forces, National Guards or Reserves (or existed before the beginning of the member’s active duty and was aggravated by service in the line of duty on active duty in the Armed Forces, National Guard or Reserves) and that may render the member medically unfit to perform the



duties of the member's office, grade, rank, or rating; **or** a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness (who was a member of the Armed Forces, National Guard or Reserves at any time during the period of five years preceding the date on which the veteran undergoes medical treatment, recuperation, or therapy) that was incurred by the member in the line of duty on active duty in the Armed Forces, National Guard or Reserves (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces, National Guard or Reserves) and that manifested itself before or after the member became a veteran. ("Injured Military Service Member").

**Please note:** An employee taking FMLA leave, other than for 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 can take up to 12 weeks of unpaid, job-protected leave during a "rolling" 12-month period as defined below, except that leave to care for an Injured Military Service Member can be for up to 26 weeks and must be taken during a single 12-month period that starts on the first day FMLA leave is taken and ends 12 months later.

Employees taking leave to care for an Injured Military Service Member are entitled to a total of 26 weeks for all FMLA leave, provided that the employee is entitled to no more than 12 weeks of leave for one or more of the following: because of a new child (qualifying circumstance #1 above); in order to care for the spouse, child, or parent with a serious health condition (assuming such spouse, child or parent does not qualify as an Injured Military Service Member) (qualifying circumstance #2 above); because of the employee's own serious health condition (qualifying circumstance #3 above); or because of a qualifying exigency (qualifying circumstance #4 above). Thus, for example, an eligible employee may, during the single 12-month period, take 16 weeks of FMLA leave to care for an Injured Military Service Member and 10 weeks of FMLA leave to care for a newborn child. However, the employee may not take more than 12 weeks of FMLA leave to care for the newborn child during the single 12-month period, even if the employee takes fewer than 14 weeks of FMLA leave to care for an Injured Military Service Member.

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.)

In addition, a husband and wife who are both employed by the College and are both eligible for FMLA leave are limited to a combined total of 26 weeks of leave to care for an Injured Military Service Member and a combined total of 12 weeks when leave is taken for a new child or to care for a parent with a serious health condition.

All leave, except leave for a new child (qualifying circumstance #1 above), may be taken all at once or on an intermittent or reduced-schedule basis if the FMLA requirements for doing so are met. Absent the College's advanced approval of intermittent leave, leave for a new child must be taken all at once during the 12 months immediately following the birth, adoption or placement.

An eligible employee may be entitled to take more than one period of 26 workweeks of leave to care for an Injured Military Service Member if the leave is to care for a different Injured Military Service Member or to care for the same Injured Military Service Member with a subsequent serious injury or illness, except that no more than 26 workweeks of leave may be taken within any single 12-month period.

The 12-month period during which an employee can take leave for all reasons, except to care for an Injured Military Service Member, is a "rolling" 12-month period measured backward from the date an employee first uses any leave. Each time an employee requests leave, he/she will be entitled to the balance of the leave period not used during the past 12 months. 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.

#### **3.3.4.4 FMLA Leave is Unpaid**

There is no wage continuation for an employee on FMLA leave. In the event leave is taken for an employee's own certified illness or disability, an employee could be eligible to receive either: (i) the disability payments under any disability insurance policy required by state law or otherwise provide by the College, or (ii) workers' compensation benefits, if applicable. However, the only wage payments made by the College during FMLA leave will be for the use of accrued paid leave. 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.

Notably, pursuant to the FMLA, when an employee's time off is covered by workers' compensation, disability insurance, or any other plan providing payments for temporary disabilities, paid leave (e.g., vacation leave) may be used only to supplement the benefit payment up to the employee's normal salary, such as in the case where a plan only provides replacement for two-thirds of an employee's salary.

In such cases, the employee, at his/her own discretion, may elect to, or not to, supplement his/her workers' compensation, disability insurance, or any other plan providing payments for temporary disabilities.

#### **3.3.4.5 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. Benefits accrued prior to taking leave shall be available upon return to work, except to the extent used during 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 in writing as soon as possible.

Reinstatement of an employee on leave at the end of FMLA leave may be denied if the employee would not otherwise have been employed at the time reinstatement is requested (e.g., an employee hired for a specific term or project or if the employee's position has been eliminated).

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

When leave for a new child or the planned medical treatment for a serious health condition of the employee or family member or the planned medical treatment for an Injured Military Service Member is foreseeable more than 30 days in advance, an employee must provide at least 30 days' advance written notice to the College's Director of Human Resources setting forth the reasons for leave, sufficient factual information for the College to decide whether there are qualifying circumstances, and the anticipated duration and start date. Shorter notice is permissible only to the extent strictly necessary under the circumstances. If 30 days' written notice is not given and an employee has no reasonable excuse for the delay, the College can deny leave until 30 days after such notice is provided. For foreseeable leave due to a qualifying exigency or where 30 days' notice is not otherwise practical,

notice must be provided as soon as practicable by using the College's usual and customary notice and procedural requirements for unforeseeable or emergency absences. The College reserves the right to waive notice requirements.

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. 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, a qualifying exigency, or to care for an Injured Military Service Member (qualifying circumstance #2, 3, 4 or 5), 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. 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 the College's sole discretion.

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 has pay and benefits equivalent to the employee's normal position.

#### **3.3.4.4.9 Medical Certifications**

Medical certification is required when leave is requested to care for an ill family member or for an employee's own illness (qualifying circumstance #2 or 3). 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, pursuant to law.

An employee's leave because of a qualifying exigency (qualifying circumstance #4 above) must be supported by the required certification and a copy of the covered military member's covered active duty orders or other qualified documentation showing that the covered military member is on covered active duty or called to covered active duty status and the dates of covered active duty service. Certification is also required for leave taken to care for an Injured Military Service Member (qualifying circumstance #5 above).

Certification forms will be supplied by the Director of Human Resources. Absent extenuating circumstances, medical certification is to be submitted to the Director of Human Resources prior to taking leave, or in the case of unforeseen circumstances, no later than 15 days following the start of the leave unless strictly necessary under the circumstances. All information requested on the medical certification must be provided. Where applicable, the College may, at the College's expense, require a second opinion from

a health care provider that the College designates. If opinions conflict, the College and the employee may jointly designate, at the College's expense, a third health care provider whose opinion shall be final. A medical certification form can be obtained from the Human Resources Department. Failure to provide required certification can result in denial of leave until certification is provided or the discontinuance of a leave already in progress.

#### **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. 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, the employee 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 concurrent FMLA leave because of a serious health condition (qualifying circumstance #3). 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. If any vacation or personal leave is unused and available at the end of the combined 12 weeks, the employee may continue taking such leave until it is exhausted, subject to the requirements of the applicable College policy governing such leave.

#### **3.3.4.5 New York Paid Family Leave (*Effective 01-01-2018*)**

Effective January 1, 2018, eligible employees are entitled to paid family leave ("PFL") under the New York Paid Family Leave Benefits Law.

##### **Eligibility for PFL**

Employees whose regular work schedule is 20 or more hours per week are eligible for PFL after 26 consecutive weeks of employment preceding the first full day of leave. Employees

whose regular work schedule is less than 20 hours per week are eligible after working 175 days preceding the first full day of leave.

Persons engaged in a teaching capacity in or for a religious, charitable or educational institution are excluded from this coverage.

Employees pay for PFL through a state-mandated deduction from wages.

### **Qualifying Circumstances for PFL**

PFL may be taken:

- 1) For the birth, adoption or placement by foster care of a child;
- 2) To provide care for an employee's spouse, domestic partner, child, grandchild, parent, parent-in-law, stepparent, grandparent, legal guardian or other person who stood in loco parentis (in place of the parent) to the employee when the employee was a child, who has a serious health condition; or
- 3) Because of a qualifying exigency arising out of the fact that the employee's spouse, domestic partner, child or parent is on active duty (or has been notified of an impending call or order to active duty) in the armed forces of the United States.

PFL may not be taken for an employee's own illness. Leave for the birth, adoption or foster placement of a child must be taken within 52 weeks of the qualifying event.

### **Amount of PFL and Use**

Eligible employees are entitled to up to eight weeks of leave in 2018, 10 weeks in 2019 and 2020, and 12 weeks in 2021 and thereafter. PFL must be taken in full-day increments. The 52-week period is measured retroactively with respect to each day for which PFL benefits are claimed. An employee who is eligible for both PFL and short-term disability benefits may not receive more than 26 weeks of disability and PFL in any 52 consecutive week period.

### **Advance Notice by Employees**

It is the employee's responsibility to request and apply for PFL benefits. When leave is foreseeable, the employee must give at least 30 days' advance notice of leave. When leave is not foreseeable, the employee must give notice as soon as practicable.

When an employee provides notice of a need for leave for a covered reason, the employee will be given a Request for Paid Family Leave claim form. The employee must complete their portion and have the employer complete its portion. **It is the employee's responsibility to submit the completed form to the PFL insurance carrier with the supporting documentation. The insurance carrier is responsible for reviewing and approving or denying PFL applications.**

### **Use of Paid Time Off During PFL**

An employee may choose to use all or part of any unused sick, vacation, or personal time in lieu of receiving PFL benefits and in that case, the College will request reimbursement from the carrier for any PFL benefits the employee would otherwise have received.

### **PFL Runs Concurrently with FMLA**

All PFL that also qualifies as leave under the Family and Medical Leave Act ("FMLA") runs concurrently with FMLA leave. In such cases, the employee must use accrued paid time off as required under the Company's FMLA policy.

If an employee refuses to apply for PFL for any leave that is also covered under the FMLA, such leave will be counted against the employee's PFL benefit. If an employee uses intermittent FMLA leave for portions of any workday and such leave is for a covered PFL reason, the leave hours will be tracked and subtracted from the employee's PFL benefit amount when such hours reach the number of hours in the employee's usual workday.

### **Benefits While on PFL**

The health insurance of an employee who takes PFL will be continued on the same terms as when the employee was working. Both the employer and employee will continue to pay their part of the premium. If the employer is unable to make the appropriate payroll deduction for the employee's share of the premium, the employee is responsible to submit payment directly to the Business/Finance Office.

### **Return to Work**

Employees who take PFL have the right to be reinstated to their previous position or a similar position upon the conclusion of his or her PFL.

### **Discrimination and Retaliation**

Employees will not be discriminated or retaliated against for using PFL.

### **Waiver of PFL Benefits**

An employee whose regular work schedule is 20 or more hours per week but who will not work 26 consecutive weeks may file a written waiver to be exempted from PFL benefits and the obligation to make wage deductions. An employee whose regular work schedule is less than 20 hours per week and who will not work 175 days in a 52 consecutive week period, may also file a written waiver to be exempted from PFL benefits and the obligation to make wage deductions. However, if the employee's schedule changes to the eligibility threshold, the waiver is automatically deemed revoked within eight (8) weeks of such change, and the employee will be required to begin making premium contributions and to pay any retroactive premiums from date of hire.

## **3.3.4.6 New York State Paid Sick Leave (Effective 01-01-2021)**

Effective January 1, 2021, all Medaille employees are entitled to paid sick and safe leave under the New York State Labor Law 196-b.

### **Amount of Paid Sick and Safe Leave**

Annually, the College will provide up to 56 hours (7 days) of paid sick/safe leave for covered absences.

### **Eligibility and Qualifying Circumstances for Paid Sick and Safe Leave**

Under the new law, employees became eligible to start accruing leave on September 30, 2020 for use starting on January 1, 2021. Employees are eligible to use accrued leave following a verbal or written request to their employer for the following reasons:

**Sick Leave:**

For an employee's or employee's family member's mental or physical illness, injury, or health condition, regardless of whether it has been diagnosed or requires medical care at the time of the request for leave; or

For the diagnosis, care, or treatment of a mental or physical illness, injury or health condition, or need for medical diagnosis or preventive care of an employee or an employee's family member.

**Safe Leave:**

For an absence from work when the employee or employee's family member has been the victim of domestic violence as defined by the State Human Rights Law, a family offense, a sexual offense, stalking, or human trafficking due to any of the following as it relates to the domestic violence, family offense, sexual offense, stalking, or human trafficking:

- To obtain services from a domestic violence shelter, rape crisis center, or other services program;
- To participate in safety planning temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee's family members;
- To meet with an attorney or other social services provider to obtain information and advice on, and prepare for or participate in any criminal or civil proceeding;
- To file a complaint or domestic incident report with law enforcement;
- To meet with a district attorney's office;
- To enroll children in a new school; or
- To take any other actions necessary to ensure the health or safety of the employee or the employee's family member or to protect those who associate with or work with the employee.

Notwithstanding the foregoing, a person who has committed such domestic violence, family offense, sexual offense, stalking, or human trafficking shall not be eligible for leave under this policy for situations in which the person committed such offense and was not a victim, notwithstanding any family relationship.

Unused sick leave will not be paid out upon an employee's termination, resignation, retirement or other separation from employment.

**3.3.4.7 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**

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

Medaille College participates in two Tuition Exchange Programs that allow the dependents of eligible employees to participate in tuition remission. These programs are as follows:

1. The Council of Independent Colleges (CIC).
2. Tuition Exchange (TE).

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

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. 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 exempt employees are paid current on a semi-monthly basis; non-exempt employees are paid one week behind. 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      *Dispute Resolution Policy***

The College is committed to providing a positive environment to enable employees to be productive members of the Medaille community. 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 the College. 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 an employee has a complaint or problem that contains allegations of discrimination and/or harassment based upon one or more protected categories then the employee should follow the process set forth in the Sexual Harassment Prevention Policy and Complaint Form (Sections 3.1.9 and 3.1.10) or the Discrimination and Harassment Prevention Policy and Policy Complaint Form (Sections 3.1.11 and 3.1.12).

Medaille encourages informal resolution of complaints or concerns. Employees should first discuss the complaint or concern with their immediate supervisor within one week of the situation whenever possible. Both parties are expected to make a good faith attempt to resolve the matter at this level and in accordance with any relevant policies and procedures contained in the applicable Medaille College Policy Manuals.

If the complaint or concern is not resolved, or such a discussion is not appropriate (e.g., the complaint or concern involves the immediate supervisor), then the employee should discuss their complaint or concern with the supervisor to whom the employee's immediate supervisor reports. Again, this should occur promptly (within one week of the situation or

within one week of the complaint or concern not being resolved by the employee's immediate supervisor). The employee may also discuss their complaint or concern with the Director of Human Resources. Or, if the employee feels unable to communicate their concern to their immediate supervisor or their supervisor's supervisor, then the employee may go directly to the Director of Human Resources.

While employees are encouraged to address problems with immediate supervisors first, the Director of Human Resources is available to assist employees with work-related problems or complaints. If, in the judgment of the Director of Human Resources, the problem may constitute a violation of College policy or procedure, he or she will take appropriate steps to facilitate correction of the possible violation. The Director of Human Resources may also refer the employee to the employee's immediate supervisor or the supervisor's supervisor. The HR Director may also participate in meetings, at the request of either party, or at the HR Director's own discretion.

If the problem remains unresolved at the level of the supervisor's supervisor, the employee may bring the matter to the attention of the next level of supervision. That individual shall review the matter, consult with relevant parties as appropriate, and render a written decision. The decision is final, subject to review by the Director of Human Resources to ensure that the decision is in compliance with College policies and procedures.

### **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, manufacture, 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. Medaille College Whistleblower Policy**

#### **3.5.5.1 General**

Medaille College requires trustees, officers and employees to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. As employees and representatives of the College, we must practice honesty and integrity in fulfilling our responsibilities and comply with all applicable laws and regulations.

#### **3.5.5.2 Reporting Responsibility**

It is the responsibility of all trustees, officers and employees to report suspected ethics violations, fraudulent transactions, failure to comply with accounting standards and audit practices, use or misuse of College resources, or other serious violations of College policies in accordance with this Whistleblower Policy.

#### **3.5.5.3 Reporting Violations**

Medaille College has an open door policy and suggests that employees share their questions, concerns, suggestions or complaints with someone who can address them properly. In most cases, an employee's supervisor is in the best position to address an area of concern. However, serious concerns about possible violations of College policy, fraudulent or dishonest use or misuse of resources should be made in writing and forwarded in a sealed envelope to either the Chair of the Audit Committee of the Board of Trustees (Compliance Officer), the President, or the Vice President for Business & Finance. (In all cases, the matter will be referred to the Chair of the Audit Committee for review and investigation.)

Sufficient information should be provided in order that an investigation can be conducted. The envelope should be marked as “Confidential – Fraud Policy”. These concerns may be submitted on a confidential, anonymous basis, if the person so desires, however, the College encourages those submitting concerns to disclose their name and contact information because appropriate follow-up questions and investigation may not be possible unless the source of the information is identified.

#### **3.5.5.4 Compliance Officer**

The Medaille College Compliance Officer is the Chair of the Audit Committee of the Board of Trustees. The Compliance Officer or his/her designee is responsible for investigating and resolving all reported complaints and allegations concerning violations and shall advise the Audit Committee and, at his/her discretion, the President of the status and/or the results of the investigation. The Compliance Officer has direct access to the Board of Trustees and is required to report to the Board at least annually on compliance activity.

#### **3.5.5.5 Handling of Reported Violations**

The Compliance Officer will notify the sender and acknowledge receipt of the reported violation or suspected violation. All reports will be promptly investigated and the College will take appropriate action against anyone found to have engaged in fraudulent or dishonest conduct, including disciplinary action by the College, or civil or criminal prosecution when warranted.

#### **3.5.5.6 Accounting and Auditing Matters**

The Audit Committee of the Board of Trustees shall address all reported concerns or complaints regarding corporate accounting practices, internal controls or auditing. The Compliance Officer shall immediately notify the Audit Committee of any such complaint and work with the Committee until the matter is resolved.

#### **3.5.5.7 Confidentiality**

Whistleblowing complaints will be handled with sensitivity, discretion and confidentiality to the extent possible, consistent with the need to conduct an adequate investigation. Generally this means that whistleblower complaints will only be shared with those who have a need to know so that the College can conduct an effective investigation, determine what action to take based on the results of any such investigation, and in appropriate cases, with law enforcement personnel. (Should disciplinary or legal action be taken against a person or persons as a result of a whistleblower complaint, such persons may also have the right to know the identity of the whistleblower.)

Anonymous whistleblowers must provide sufficient corroborating evidence to justify the commencement of an investigation. An investigation of unspecified wrongdoing or broad allegations will not be undertaken without verifiable evidentiary support. Because investigators are unable to interview anonymous whistleblowers, it may be more difficult to evaluate the credibility of the allegations and therefore, less likely to cause an investigation to be initiated.

### **3.5.5.8 No Retaliation**

Employees of the College may not retaliate against a whistleblower for reporting an activity which that person believes to be fraudulent or dishonest with the intent or effect of adversely affecting the terms or conditions of the whistleblower's employment, including but not limited to, threats of physical harm, loss of job, punitive work assignments, or impact on salary or wages. Whistleblowers who believe that they have been retaliated against may file a written complaint with the Compliance Officer or the Vice President for Business & Finance. Any complaint of retaliation will be promptly investigated and appropriate corrective measures taken if allegations of retaliation are substantiated. This protection from retaliation is not intended to prohibit managers or supervisors from taking action, including disciplinary action, in the usual scope of their duties and based on valid performance-related factors. This Whistleblower Policy is intended to encourage and enable employees and others to raise serious concerns within Medaille College prior to seeking resolution outside the College.

### **3.5.5.9 Acting in Good Faith**

Anyone filing a complaint concerning a violation or suspected violation must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation. Any allegations that cannot be substantiated and which prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense.

### **3.5.5.10 Contacts**

Questions related to the interpretation of this policy should be directed to the Vice President for Business & Finance.

### **3.5.6 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).

### **3.5.7 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.

### **3.5.8 Work-From-Home (Telecommuting) Policy**

#### **Objective**



Telecommuting allows employees to work at home, on the road or in a satellite location for all or part of their workweek. Medaille College considers telecommuting to be a viable, flexible work option when both the employee and the job are suited to such an arrangement. Telecommuting may be appropriate for some employees and jobs but not for others. Telecommuting is not an entitlement, and it in no way changes the terms and conditions of employment with Medaille College.

### **Procedures**

Telecommuting can be informal, such as working from home for a short-term project or on the road during business travel, or a formal, set schedule of working away from the office as described below. Any telecommuting arrangement must be approved, in advance and in writing, by the employee's respective Vice President or President, as applicable.

The employee must communicate with their supervisor in advance regarding the employee's schedule. The employee is expected to be present at work on all scheduled work days and to report to work on time during regularly scheduled work hours.

An appropriate level of communication between the telecommuter and supervisor will be agreed to as part of the discussion process. The manager and telecommuter will communicate at a level consistent with employees working at the office or in a manner and frequency that is appropriate for the job and the individuals involved.

The College, in its sole discretion, may revoke at any time and for any reason a telecommuting arrangement.

### **Equipment**

On a case-by-case basis, Medaille College will determine, with information supplied by the employee and the supervisor, the appropriate equipment needs for each telecommuting arrangement. The human resource and information system departments will serve as resources in this matter. Equipment supplied by the organization will be maintained by the organization. Equipment supplied by the employee, if deemed appropriate by the organization, will be maintained by the employee. Medaille College accepts no responsibility for damage or repairs to employee-owned equipment. Medaille College reserves the right to make determinations as to appropriate equipment, subject to change at any time. Equipment supplied by the organization is to be used for business purposes only. The telecommuter must sign an inventory of all Medaille College property received and agree to take appropriate action to protect the items from damage or theft. Upon termination of employment, all College property must be returned to the College, unless other arrangements have been made.

### **3.5.9 Travel Reimbursement Policy**

#### **3.5.9.1 General**

The intent of this Travel Reimbursement Policy is to provide guidance to Medaille College faculty, staff, and others who incur expenses to be reimbursed from any source of College funds (“Travelers”). This policy provides specific guidelines covering travel expenses as well as the documentation required to substantiate requests for reimbursement of those expenses. Additionally, this policy is designed to assist in compliance with Federal and State laws and regulations.

All necessary and reasonable expenses for authorized College travel will be paid or reimbursed in accordance with the following guidelines in this policy. Every effort should be made to schedule travel arrangements to keep College expenses to a minimum while assuming a reasonable level of comfort and convenience. If a travel itinerary is altered to accommodate personal preference, the Traveler is expected to pay any additional costs incurred.

This travel policy follows the IRS guidelines in Publication 463, Travel, Entertainment, Gift and Car Expenses. A full list of IRS requirements may be found at <https://www.irs.gov/pub/irs-pdf/p463.pdf>. These regulations require that the College maintain a policy under which employees must account for all advances, allowances, and other reimbursements of expenses. This accounting must include the following:

- Sufficient information to establish the business purpose of the travel, entertainment, or other expenditure.
- An adequate record of each expenditure including the amount, date, and place.
- Substantiation of expenditures with original receipts.
- The return of any unused monies from cash advances.

Travelers must keep track of their expenses and substantiate the expenses by submitting adequate supporting documentation to the Finance and Business office within ten days of return from travel.

#### **a. Reimbursement**

Upon the completion of a trip on Medaille College’s behalf, a Travel Reimbursement Expense form must be submitted to the Business and Finance Office with itemized receipts for all business expenses, other than lodging, \$20 or greater. Per IRS guidelines, an itemized receipt is always required for the reimbursement of lodging expenses.

Proper supporting documentation includes:

- Itemized receipts that show the vendor, date, amount, and essential character of the expense;
- a brief description of the business travel purpose;
- documentation for meals must also include the names of other attendees, if any, when Medaille College is providing reimbursement;
- all receipts in a foreign currency must be converted to US dollars showing the exchange rate used on the date of the expenditure.

### **b. Travel Expense Report Form**

Within ten business days of completion of travel, all Travelers must complete a Medaille College Travel Expense Report Form. Each Traveler is responsible for submitting his or her own Travel Expense Report form even if traveling with one or more College faculty or staff members. The preferred method of reporting is for each Traveler to report only his or her own expenses. Reimbursements will be based on one final approved expense report. Incomplete travel and expense reports will be returned to the individual requesting reimbursement. In the event of missing or insufficient documentation, a description of the expense can be included. The College may refuse reimbursement if a Traveler repeatedly reports lost or misplaced receipts.

A Travel Expense Report form must be filed, if a travel advance is issued, prepaid expenses are paid, or an airline ticket is ordered - even if the trip is canceled. It is the responsibility of the Traveler to ensure that all refunds are received by the College.

### **c. Responsibilities of the President, Vice Presidents, and Deans**

The President, Vice Presidents, and Deans will ensure compliance with this Policy in their respective departments. The President may make exceptions to this Policy in the event of extenuating circumstances. All exceptions must be documented in writing and attached to the respective Travel Expense Report Form.

## **3.5.9.2 Transportation**

The Traveler must consider both economy and the best use of time when choosing a means of travel. Reimbursement is limited to the mode of travel which provides the lowest cost to the College. Transportation costs, paid travel time, meals and lodging are to be considered when determining the lowest cost.

### **a. Air Travel**

All efforts should be made to obtain the most economical mode of transportation that meets the requirements of both the Traveler and the event schedule. Medaille College covers the cost of coach class airline tickets. An exception will be made only if a medical condition necessitates other arrangements and the exception must be approved prior to the trip. Any upgrades, enhancements, or additional travel insurance is a personal expenditure and will not be paid for by the college. The College will reimburse for one (1) checked bag per Traveler. Advanced purchase discount tickets should be purchased whenever possible and every effort must be made to obtain the lowest fare possible.

### **b. Personal Vehicle Travel**

Reimbursement will be made to the Traveler using the IRS's standard mileage rate applicable on the date of travel. Mileage is reimbursed from the main campus of the Traveler to the destination unless driving from home is closer to the destination. Travel from home to campus is considered commuting and is not reimbursable. A completed Travel Expense form with a print-out of the travel route from Google Maps or another similar site is sufficient as documentation for mileage reimbursement.

The mileage rate covers all expenses incurred by the use of a privately-owned vehicle for College business, therefore, the College will not pay for or reimburse gasoline, insurance, or car washes. For College employees that receive a vehicle allowance, the allowance is provided in place of mileage reimbursement for all travel.

When more than one College Traveler is transported in a privately-owned vehicle:

- If the vehicle owner is the College Traveler, only the vehicle-owner can claim mileage.
- If the vehicle owner is not a College Traveler, only one college Traveler per vehicle can claim mileage.

Expenses incurred for personal vehicles for mechanical failure or accidents, including personal automobile insurance deductions, will not be reimbursed. Fines for parking or traffic violations are the responsibility of the Traveler and will not be reimbursed.

When using a personal vehicle for College travel the traveler's personal car insurance carrier provides liability coverage. It is the obligation of the owner of a personal vehicle being used for College business to carry adequate insurance for his or her protection and for the protection of any passengers. In the event of an accident, the Traveler is responsible for his/her own auto insurance deductible.

#### **c. Drive vs. Fly rule**

Mileage is reimbursable regardless of the number of miles traveled, however, the "drive vs fly" rule will apply. Mileage reimbursement may never exceed the cost of available alternate transportation, i.e. the reimbursement for mileage cannot exceed the lowest train or airfare available. In cases where the Traveler elects to drive rather than travel by plane or train, the lower of the available alternatives will be reimbursed to the Traveler.

#### **d. Rental Vehicle Travel**

Rental vehicles may be used when such travel is more advantageous to Medaille College than the use of other means of transportation. A request must be made to use a rental car in advance of travel. Travelers are encouraged to rent fuel-efficient vehicles when available and when rental costs match those of a standard rental vehicle. Rentals of upgraded, luxury, or sport utility vehicles are not permitted. When using a rental vehicle fuel costs will be reimbursed based upon actual fuel purchased and not based on mileage.

#### **e. Rail Travel**

Receipts (including boarding passes) are necessary for all costs incurred. Travelers are expected to ride at the "coach" rate. An exception may be made if a medical condition necessitates other arrangements. If seeking an exception it must be approved prior to travel.

#### **f. Taxi/Ride Share, Bus and Shuttle Services**

Local taxi fares and shuttles to and from airports and railroad stations for College Travelers are reimbursable, including a reasonable tip, to the extent that such service is not included in the air or rail fare.

Uber, Lyft and other similar transportation services are permitted travel alternatives which may be used in the same manner as a taxi service if the total trip cost is comparable to other ground transportation options. Travelers should note that legal, insurance, and

operations of Uber and Lyft vary around the world. Travelers should also be aware of the “surge” pricing model which can significantly increase the amount charged to Travelers at times of high demand. Travelers are required to consider the financial impact of surge pricing when using these car service programs.

**g. Local Travel**

Travelers should limit the business travel related to local “errands” as much as possible. The College will not reimburse for local travel if it is taken in conjunction with morning or evening commutes or during lunch. If local travel becomes necessary as determined by an administrator, the Traveler can request reimbursement if the per trip mileage exceeds five miles per day.

**3.5.9.3 Meals**

The College will reimburse Travelers for the reasonable costs of their own non-entertainment-related meals incurred during the time they are away from home that are not otherwise paid for or provided. The College expects that Travelers will spend no more than \$75 for meals and incidentals per day including tips, regardless of locations. This is the amount considered adequate to cover the daily costs of meals and incidentals; it is not a flat amount for per diem reimbursement.

Only actual costs for meals are reimbursed; therefore, if the total spent for a day is less than \$75, only the lower, actual costs will be reimbursed.

**a. Alcohol Policy**

While it is not encouraged, it is understood that a limited amount of alcohol in connection with a Traveler’s dinner is reimbursable within the allowed daily amount for meals of \$75. Alcohol with breakfast or lunch is not a reimbursable expense. Alcoholic beverages consumed by travelers between or after mealtimes are not considered meals and are not reimbursable. Reimbursement of alcohol is prohibited on all government grants.

**b. Conference Meals**

When a meal is included in the cost of a conference, the College will not reimburse the Traveler for the cost of a meal taken during that period (i.e. if the Traveler chooses not to attend the provided lunch, the College will not pay for an alternative lunch taken).

**c. Group Meals**

If a Traveler is traveling with other College Travelers, they are still subject to \$75 per day per individual. If one Traveler chooses to pay for the group, the reimbursement request or card documentation must clearly indicate the names of the College Travelers at the meal.

**3.5.9.4 Lodging**

**a. Hotels/Motels**

The College will reimburse the actual cost for average accommodations up to the single occupancy rate. Educational or corporate discounts should be requested when reservations are made. The IRS states that expenditures for lodging cannot be lavish or extravagant. Expenditures deemed to be excessive will not be reimbursed or paid for by the College.

Movies and other entertainment will not be reimbursed and should not be charged to a hotel room. Fitness Club charges, golf and other personal services will not be reimbursed. When traveling with a companion the Traveler is responsible for any additional charges above single occupancy.

The detailed itemized bill from the hotel/motel must be submitted as supporting documentation. In addition, the detailed bill for any restaurant expenses charged to the room must be submitted.

It is the responsibility of the Traveler to cancel any room reservation that will not be used. A record of the cancellation number should be retained in case of billing disputes. If a Traveler fails to cancel a reservation in a timely manner, they will be held responsible for any cancellation fees.

#### **b. Gifts in Lieu of Lodging**

While traveling on College business, Travelers who decide to stay with colleagues, family or friends to avoid the expense of staying in a hotel may provide their host with a non-cash gift up to \$50 in value. Appropriate gifts include but are not limited to flowers, groceries, or a restaurant meal. For meals, the gift value is the amount of the host's meal only. These gifts must be purchased and presented to the host during the trip. Gifts in lieu of lodging must be approved by the Business and Finance office prior to the trip. The cost of such gift or meal must be supported by a receipt and described on the Travel Expense Form.

#### **3.5.9.5 Entertainment**

Entertainment expenses, e.g. movies, shows, theatre, museums, and other activities, will not be reimbursed by the College. Personal telephone use is not considered to be a legitimate travel expense and will not be reimbursed by the College.

#### **3.5.9.6 Travel Advances**

Medaille College will provide travel advances for Travelers traveling on College business in order to cover reasonable out-of-pocket expenses. A travel advance should not be requested for expenses that can be paid directly by the College. To obtain a travel advance, Travelers must complete a Travel Advance form and submit it to the Business and Finance Office. Requests should be made at least fifteen (15) working days prior to the date of departure. Travel advances are limited to \$250 for domestic travel.

All unused travel advance funds must be returned to the Business and Finance Office within ten (10) days of the completion of a trip. The completed Travel advance form and Travel Expense form should accompany the funds. Per IRS regulations travel advances must be accounted for within 120 days after the expense was paid or incurred. If the advance has not been accounted for within 120 days, Payroll may withhold this amount from the Traveler's next paycheck.

#### **3.5.9.7 Prepaid Expenses**

Prepaid expenses are expenses paid by the College on behalf of the Traveler before the business trip is taken. Examples include hotel deposits and fees, conference registration

fees, airline tickets, and similar expenses. These expenses are made payable only to the vendor. Travel advances will not be given to the Traveler for these types of expenses.

### **3.5.9.8 Special Travel Arrangements**

#### **a. Personal Travel**

If combining a personal trip with a College-related trip, the expense reimbursement must be split so that only the business portion of the trip is submitted for reimbursement. If traveling a route that is not the most direct route to and from the business-related destination for personal reasons, only the direct route by the most economical means is reimbursable.

#### **b. Companion Travel**

Medaille College does not reimburse travel expenses of spouses, family members, or friends of travelers, but it does not preclude them from accompanying Travelers. All costs associated with travel companions are to be paid for by the Traveler. This exclusion includes a travel companion who is also employed by the College, but does not have a significant role or is not traveling for the same approved business purpose. For example, the College will pay the single room rate for the Traveler and the Traveler will pay the difference for a double room rate or extra person fee charged by the hotel. Any extra airfare, meals, or any other companion-related expenses will be borne by the Traveler.

There may, on occasion, be a time where there is a legitimate purpose for the presence of a spouse or companion of an employee to accompany the employee on College business. These occasions require prior approval and a proposal with detailed job duties for the companion should be submitted for approval to the President.

### **3.5.9.9 Miscellaneous Expenses**

Reimbursement may be provided for items such as reasonable/customary gratuities, parking, business telephone calls, business faxes, and registration fees for conferences and conventions.

### **3.5.9.10 Non-reimbursable Expenses**

This list is not meant to be exclusive. Other items will be deemed non-reimbursable upon review. The following items will not be reimbursed by the College:

- Valet Parking
- Personal entertainment expenses
- Laundry or dry-cleaning (if the trip is less than five days)
- Toiletries, medicine, magazines, clothing
- Babysitting, Kennel or Pet-sitting services
- Family members' expenses
- Souvenirs and gifts
- Traffic violations or parking tickets
- Excessive baggage charges
- Lost baggage

- Unnecessarily excessive costs not warranted by the circumstances.

#### **3.5.9.11 Sales Tax Exemption**

Medaille College is a not-for-profit institution and is exempt from New York State sales tax on all goods and services purchased by employees for business use. To obtain the sales tax exemption, present the Sales Tax Exempt Form to the vendor at the time service is rendered or goods are received and paid for.

#### **3.5.9.12 Audit and Review**

Medaille College has an obligation to properly review, approve, and record every transaction made on the College's behalf. All travel expense reimbursement requests and forms, by any college Traveler, are subject to audit. The misdirection of College funds/resources, or the reimbursement of business expenses outside of the approved policies of the College, constitutes a serious breach of internal controls and a falsification of records. This type of serious employee misconduct may warrant immediate discipline.



**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 \_\_\_\_\_