



MEDAILLE COLLEGE

POLICY MANUAL

VOLUME III

GENERAL INSTITUTIONAL
EMPLOYMENT POLICIES

January 2006

TABLE OF CONTENTS

Volume III

GENERAL INSTITUTIONAL EMPLOYMENT POLICIES

3.0	INTRODUCTION.....	1
3.1	General Employment Policies.....	1
3.1.1	Conflicts of Interest.....	1
3.1.2	Outside Employment.....	2
3.1.3	Employment of Relatives (Nepotism).....	2
3.1.4	Immigration Reform and Control Act (IRCA).....	3
3.1.5	Code of Ethics.....	4
3.1.6	Security Inspections.....	4
3.1.7	Criminal History Background Checks.....	4
3.1.8	Equal Employment Opportunity Policy.....	4
3.1.9	Sexual Harassment Prevention Policy.....	5
3.1.10	Sexual Harassment Prevention Policy Complaint Form.....	12
3.1.11	Discrimination and Harassment Prevention Policy.....	15
3.1.12	Discrimination and Harassment Prevention Policy Complaint Form.....	17
3.2	Personnel Records.....	19
3.3	Employee Benefits.....	20
3.3.1	Holidays.....	20
3.3.2	Leaves of Absence.....	21
3.3.2.1	Paid Leave.....	21
3.3.2.1.1	Vacation Leave for Administrative Staff.....	21
3.3.2.1.2	Vacation Leave for Hourly Staff.....	21
3.3.2.1.3	Sick Leave for Administrative Staff.....	22
3.3.2.1.4	Sick Leave for Hourly Staff.....	22
3.3.2.1.5	Personal Leave for Administrative Staff.....	23
3.3.2.1.6	Personal Leave for Hourly Staff.....	23
3.3.2.1.7	Jury Duty.....	24
3.3.2.1.8	Voting.....	24
3.3.2.1.9	Bereavement Leave.....	24
3.3.2.2	Unpaid Leave.....	24
3.3.2.2.1	Military Leave.....	25
3.3.2.2.1.1	Reemployment.....	25
3.3.3	Fringe Benefits.....	26
3.3.3.1	Medical and Dental Benefits.....	26
3.3.3.2	Group Life Insurance.....	26
3.3.3.3	Supplemental Insurance.....	26
3.3.3.4	Disability Insurance.....	27
3.3.3.4.1	Short-Term Disability (New York State Disability Insurance).....	27
3.3.3.4.2	Long-Term Disability.....	27
3.3.3.5	Flexible Spending (Reimbursement) Plan.....	27

3.3.3.6	Retirement Plans.....	28
3.3.4	Legislated Benefits.....	28
3.3.4.1	Workers' Compensation.....	28
3.3.4.1.1	Employee Injury/Accident Report.....	29
3.3.4.2	Unemployment Insurance.....	29
3.3.4.3	Social Security.....	29
3.3.4.4	Family and Medical Leave (FMLA).....	29
3.3.4.4.1	Eligibility for Leave.....	30
3.3.4.4.2	Qualifying Circumstances for Leave.....	30
3.3.4.4.3	Amount of Leave Available.....	31
3.3.4.4.4	FMLA Leave is Unpaid.....	32
3.3.4.4.5	Benefits While on FMLA Leave.....	32
3.3.4.4.6	Return to Work.....	33
3.3.4.4.7	Advance Notice by Employees.....	33
3.3.4.4.8	Intermittent or Reduced Schedule Leave.....	33
3.3.4.4.9	Medical Certifications.....	34
3.3.4.4.10	All Available Leaves Must Be Taken Concurrently.....	34
3.3.4.5	New York Paid Family Leave (<i>Effective 01-01-2018</i>).....	35
3.3.4.6	Health Insurance Continuation (COBRA).....	37
3.3.5	Additional College Benefits.....	37
3.3.5.1	Tuition Waiver.....	37
3.3.5.2	Tuition Exchange Programs.....	38
3.3.5.3	Employee Assistance Program.....	38
3.4	Wage and Payroll Policies.....	39
3.4.1	Paychecks.....	39
3.4.2	Deductions.....	39
3.4.3	Wage Assignments (Garnishments).....	39
3.4.4	Direct Deposits.....	39
3.5	Additional Policies Applicable to all College Employees.....	40
3.5.1	Open-Door Policy.....	40
3.5.2	Employee Drug and Alcohol Policies.....	40
3.5.2.1	Drug-Free Workplace Rules.....	41
3.5.2.2	Summary of Legal Sanctions Covering Alcohol and Drug Abuse.....	41
3.5.3	Use of College Communication Systems.....	41
3.5.4	Confidentiality.....	42
3.5.4.1	Service Recognition.....	42
3.5.5	Medaille College Whistleblower Policy.....	42
3.5.5.1	General.....	42
3.5.5.2	Reporting Responsibility.....	42
3.5.5.3	Reporting Violations.....	42
3.5.5.4	Compliance Officer.....	43
3.5.5.5	Handling of Reported Violations.....	43
3.5.5.6	Accounting and Auditing Matters.....	43
3.5.5.7	Confidentiality.....	43
3.5.5.8	No Retaliation.....	44
3.5.5.9	Acting in Good Faith.....	44

3.5.5.10	Contacts	44
3.5.6	Employee I.D. Cards	44
3.5.7	Telephone.....	44
Appendix 3.0: Receipt of General Institutional Employment Policies.....		45

Volume III

General Institutional Employment Policies

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 Sexual Harassment Prevention Policy

Introduction

Medaille College is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of Medaille College's commitment to a discrimination-free work environment. Sexual harassment is against the law¹ and all employees have a legal right to a workplace free from sexual harassment and employees are urged to report sexual harassment by filing a complaint internally with Medaille College. Employees can also file a complaint with a government agency or in court under federal, state or local antidiscrimination laws.

Policy:

1. Medaille College's policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with Medaille College. In the remainder of this document, the term "employees" refers to this collective group.
2. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action (e.g., counseling, suspension, termination).
3. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. Medaille College will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of Medaille College who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. All employees, paid or unpaid interns, or non-employees² working in the workplace who believe they have been subject to such retaliation should inform the Director of Diversity & Inclusion/Title IX Coordinator or the Director of Human Resources. All employees, paid or unpaid interns or non-employees who believe they have been a target of such retaliation may also seek relief in other available forums, as explained below in the section on Legal Protections.

¹ While this policy specifically addresses sexual harassment, harassment because of and discrimination against persons of all protected classes is prohibited. In New York State, such classes include age, race, creed, color, national origin, sexual orientation, military status, sex, disability, marital status, domestic violence victim status, gender identity and criminal history.

² A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Protected non-employees include persons commonly referred to as independent contractors, "gig" workers and temporary workers. Also included are persons providing equipment repair, cleaning services or any other services provided pursuant to a contract with the employer.

4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject Medaille College to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.
5. Medaille College will conduct a prompt and thorough investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. Medaille College will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.
6. All employees are encouraged to report any harassment or behaviors that violate this policy. Medaille College will provide all employees a complaint form for employees to report harassment and file complaints.
7. Managers and supervisors are **required** to report any complaint that they receive, or any harassment that they observe or become aware of, to the Director of Diversity & Inclusion/Title IX Coordinator or the Director of Human Resources.
8. This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. This policy must be provided to all employees and should be posted prominently in all work locations to the extent practicable (for example, in a main office, not an offsite work location) and be provided to employees upon hiring.

What Is “Sexual Harassment”?

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

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 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 are of a sexual nature, or which are 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.

Any employee who feels harassed should report so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

Examples of sexual harassment

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical acts of a sexual nature, such as:
 - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee'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;
 - Subtle or obvious pressure for unwelcome sexual activities.
- 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 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.

Who can be a target of sexual harassment?

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. 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.

Where can sexual harassment occur?

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

Retaliation

Unlawful retaliation can be any action that could discourage a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in “protected activity.”

Protected activity occurs when a person has:

- made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- reported that another employee has been sexually harassed; or
- encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

Reporting Sexual Harassment

Preventing sexual harassment is everyone's responsibility. Medaille College cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to the Director of Diversity & Inclusion/Title IX Coordinator or the Director of Human Resources. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to the Director of Diversity & Inclusion/Title IX Coordinator or the Director of Human Resources.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this complaint form. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee's behalf.

Employees, paid or unpaid interns or non-employees who believe they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

Supervisory Responsibilities

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

In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Supervisors and managers will also be subject to discipline for engaging in any retaliation.

Complaint and Investigation of Sexual Harassment

All complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. Medaille College will not tolerate retaliation against employees who file complaints, support another's complaint or participate in an investigation regarding a violation of this policy.

While the process may vary from case to case, investigations should be done in accordance with the following steps:

- Upon receipt of complaint, the Director of Diversity & Inclusion/Title IX Coordinator or the Director of Human Resources will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. If complaint is verbal, encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, prepare a Complaint Form based on the verbal reporting.
- If documents, emails or phone records are relevant to the investigation, take steps to obtain and preserve them.
- Request and review all relevant documents, including all electronic communications.
- Interview all parties involved, including any relevant witnesses;
- Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
 - A list of all documents reviewed, along with a detailed summary of relevant documents;
 - A list of names of those interviewed, along with a detailed summary of their statements;
 - A timeline of events;
 - A summary of prior relevant incidents, reported or unreported; and
 - The basis for the decision and final resolution of the complaint, together with any corrective action(s).
- Keep the written documentation and associated documents in a secure and confidential location.

- Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
- Inform the individual who reported of the right to file a complaint or charge externally as outlined in the next section.

Legal Protections And External Remedies

Sexual harassment is not only prohibited by Medaille College but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at Medaille College, employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

In addition to those outlined below, employees in certain industries may have additional legal protections.

State Human Rights Law (HRL)

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., 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 Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time **within one year** of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three years** of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to Medaille College does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

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 sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your 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.

Contact DHR at (888) 392-3644 or visit 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.

Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. 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 hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov or via email at info@eeoc.gov.

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

Contact the Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

3.1.10 Sexual Harassment Prevention Policy Complaint Form

New York State Labor Law requires all employers to adopt a sexual harassment prevention policy that includes a complaint form to report alleged incidents of sexual harassment and retaliation.

If you believe that you have been subjected to sexual harassment or subjected to retaliation for reporting sexual harassment or assisting in an investigation of sexual harassment, 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 can submit the form in person, by mail or via email. You will not be retaliated against for filing a complaint.

If you are more comfortable reporting verbally or in another manner, Medaille College will complete this form and provide you with a copy and follow its sexual harassment prevention policy by investigating the claims are outlined at the end of this form.

For additional resources, visit:

ny.gov/programs/combating-sexual-harassment-workplace

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. Your complaint is about: sexual harassment retaliation

2. Your complaint is made about:

Name: _____ Title: _____

Work Address: _____ Work Phone: _____

Relationship to you: Supervisor Subordinate Co-Worker Other

3. 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.)

4. Date(s) conduct occurred: _____

Is the conduct continuing? Yes No

5. 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.

6. 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?

If you have retained legal counsel and would like us to work with them, please provide their contact information.

Signature: _____ Date: _____

Investigation Procedures

If Medaille College receives a complaint about alleged sexual harassment or retaliation it will follow its sexual harassment prevention policy.

An investigation involves:

- _____ Speaking with the person making the complaint
- _____ Speaking with the alleged harasser
- _____ Interviewing witnesses
- _____ Collecting and reviewing any related documents

While the process may vary from case to case, all allegations will be investigated promptly and resolved as quickly as possible. The investigation will be kept confidential to the extent possible.

The findings of the investigation and basis for any decision along with any corrective actions taken will be documented and the person making the complaint and the individual(s) against whom the complaint was made will be notified. This may be done via email.

3.1.11 Discrimination and Harassment Prevention Policy

Medaille College expressly prohibits **all forms of discrimination and harassment** against employees based on **race, color, creed, religion, sex, sexual orientation, gender identity, gender expression, national origin, age, disability, familial status, marital status, citizenship status, veteran status, military status, domestic violence victim status, predisposing genetic characteristics or genetic information or any other category protected by law**. Medaille College will not tolerate prohibited behavior by anyone in the workplace, including supervisors, co-workers, vendors, customers, students, or visitors.

Discrimination means any disparate or unequal treatment of an employee relating to an employee's privileges and terms and conditions of employment. Harassment means conduct which creates an intimidating, hostile or offensive work environment, unreasonably interferes with a person's work performance or otherwise adversely affects a person's employment opportunities, and includes, but is not limited to: slurs, vulgar language, jokes, pictures, insults and verbal or physical attacks or threats.

Each manager and supervisor is responsible for creating an atmosphere free of discrimination and harassment. All employees are responsible for respecting the rights of their co-workers and complying with this policy.

Please also see the Sexual Harassment Prevention Policy.

Complaint Procedure:

1. If you believe you have experienced any job-related discrimination or harassment prohibited under this policy, you should promptly report the conduct to one or more of the following people: the Director of Human Resources or the Director of Diversity & Inclusion/Title IX Coordinator.
2. Reports of discrimination or harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy (see Discrimination and Harassment Prevention Complaint Form), and all employees are encouraged to use this complaint form. Employees who are reporting sexual harassment should refer to the Sexual Harassment Prevention Policy and utilize the Sexual Harassment Complaint Form.
3. The listed person to whom you make the report will take appropriate action to see that a fair and impartial investigation is undertaken and completed as soon as possible. If the person to whom you report the conduct does not take appropriate action to see that an investigation is undertaken promptly you should report the conduct to one of the other identified persons.
3. Reports or complaints made to persons other than those persons designated in this policy to receive them do not satisfy the complaint procedure of this policy. Nothing in this policy prevents an employee from asking a person to stop the conduct that the employee finds objectionable.

For sexual harassment complaints, please refer to the complaint procedure set forth in the Sexual Harassment Prevention Policy.

Retaliation:

Medaille College also prohibits any adverse treatment directed at an employee as retaliation for reporting suspected discrimination or harassment or filing a complaint alleging such conduct with Medaille College or any government agency, or testifying, assisting or participating in any way in an investigation of such a complaint. Medaille College will undertake all measures within its control to ensure that no employee is retaliated against for exercising his or her rights. If you believe you have been retaliated against, you should follow the complaint procedures set forth above.

Corrective Remedies and Disciplinary Action:

After investigation of a complaint, if it is determined that the complaint is valid, Medaille College will take prompt and appropriate corrective action to stop the prohibited conduct, correct its effects and prevent its reoccurrence. Appropriate disciplinary action will also be taken against the offender based on the severity of the conduct, up to and including termination from employment. The employee making a complaint will be informed of the College’s action.

Medaille College’s corrective remedies and disciplinary action for sexual harassment complaints are set forth in the Sexual Harassment Prevention Policy.

3.1.12 Discrimination and Harassment Prevention Policy Complaint Form

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

If you are more comfortable reporting verbally or in another manner, Medaille College will complete this form and provide you with a copy and follow its Discrimination and Harassment Prevention Policy by investigating the claims as outlined at the end of this form.

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. Your complaint is about: ___ harassment ___ discrimination ___ retaliation

2. Your complaint is made about:

Name: _____ Title: _____

Work Address: _____ Work Phone: _____

Relationship to you: ___ Supervisor ___ Subordinate ___ Co-Worker ___ Other

3. 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.)

4. Date(s) conduct occurred: _____

Is the conduct continuing? ___ Yes ___ No

5. 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.

6. 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?

If you have retained legal counsel and would like us to work with them, please provide their contact information.

Signature: _____ *Date:* _____

Investigation Procedures

If Medaille College receives a complaint about alleged harassment or discrimination or retaliation it will follow its Discrimination and Harassment Prevention Policy.

An investigation involves:

- _____ Speaking with the person making the complaint
- _____ Speaking with the alleged respondent
- _____ Interviewing witnesses
- _____ Collecting and reviewing any related documents

While the process may vary from case to case, all allegations will be investigated promptly and resolved as quickly as possible. The investigation will be kept confidential to the extent possible.

The findings of the investigation and basis for any decision along with any corrective actions taken will be documented and the person making the complaint and the individual(s) against whom the complaint was made will be notified. This may be done via email.

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 Sick Leave for Administrative Staff

The College recognizes that employees on occasion may not be well enough to perform their normal work assignment and there may be a concern that they could infect co-workers in close proximity.

Sick days are to be utilized when the employee is ill and either cannot or should not come to work. Sick days are to be used when necessary for personal illness or injury.

Employees are expected to personally contact their supervisor. Sick days are not to be used for a non-employee illness.

The College will advance sick time from the allotment to be accrued during the current fiscal year, but not from future fiscal years.

Unused sick days are not paid out at the end of the fiscal year or upon termination.

Instances of family illness, routine medical exams or tests are to be addressed by vacation or personal days.

All full-time twelve-month administrative employees are granted 48 hours of sick time (6 days) per fiscal year accrued at the rate of 4 hours (1/2 day) per month. These days can be used July 1 through June 30. At the beginning of each fiscal year, unused sick days will be rolled over into an accumulated sick leave bank, which can accumulate up to a maximum of 800 hours (100 days) for twelve-month employees.

All full-time ten-month administrative employees are granted 48 hours of sick time (6 days) per academic year. Total sick time for the coming year will be accrued at the beginning of each year. These days can be used August 15 through June 15. At the beginning of each academic year, unused sick days from the prior year, will be rolled over into an accumulated sick leave bank. The sick leave bank may accumulate up to a maximum of 640 hours (80 days).

Banked sick days may be available to employees who are absent from work for more than six (6) consecutive work days because of illness or injury occurring outside of the employment. The Director of Human Resources is to be notified by the supervisor and the employee when extended sick leave is necessary.

New employees do not accrue sick days until the end of their three-month introductory period. Upon completion of their introductory period, they will accrue sick days on a pro-rated basis. A supervisor may grant time without pay.

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

3.3.2.1.4 Sick Leave for Hourly Staff

The College recognizes that employees on occasion may not be well enough to perform their normal work assignment and there may be a concern that they could infect co-workers in close proximity.

Sick days are to be utilized when the employee is ill and either cannot or should not come to work. Sick days are to be used when necessary for personal illness or injury.

Employees are expected to personally contact their supervisor. Sick days are not to be used for a non-employee illness.

The College will advance sick time from the allotment to be accrued during the current fiscal year, but not from future fiscal years.

Unused sick days are not paid out at the end of the fiscal year or upon termination.

Instances of family illness, routine medical exams or tests are to be addressed by vacation or personal days.

All full-time twelve-month hourly employees are granted 48 hours of sick time (6 days) per fiscal year accrued at the rate of 4 hours (1/2 day) per month. These days can be used July 1 through June 30. At the beginning of each fiscal year, unused sick days will be rolled over into an accumulated sick leave bank, which can accumulate up to a maximum of 800 hours (100 days).

All full-time ten-month hourly employees are granted 48 hours of sick time (6 days) per academic year. Total sick time for the coming year will be accrued at the beginning of each year. These days can be used August 15 through June 15. At the beginning of each academic year, unused sick days from the prior year, will be rolled over into an accumulated sick leave bank. The sick leave bank may accumulate up to a maximum of 640 hours (80 days).

Banked sick days may be available to employees who are absent from work for more than six (6) consecutive work days because of illness or injury occurring outside of the employment. The Director of Human Resources is to be notified by the supervisor and the employee when extended sick leave is necessary.

New employees do not accrue sick days until the end of their three-month introductory period. Upon completion of their introductory period, they will accrue sick days on a pro-rated basis. A supervisor may grant time without pay.

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

3.3.2.1.5 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.

3.3.2.1.6 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.

3.3.2.1.7 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.

3.3.2.1.8 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.

3.3.2.1.9 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.

3.3.4.4.4 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.

3.3.4.4.5 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 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 15th 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 *Open-Door Policy*

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

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

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

While employees are encouraged to discuss problems with supervisors or the Director of Human Resources first, every manager's door, including the President's, is always open to hear suggestions and address concerns. Medaille believes that by discussing issues of mutual concern with each other directly, it will continue to maintain the teamwork and cooperation, which has contributed to its continued success over the years.

3.5.2 *Employee Drug and Alcohol Policies*

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

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

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

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

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

3.5.2.1 Drug-Free Workplace Rules

1. Any unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance on College premises, or while on College business away from the premises, is strictly prohibited.
2. If any employee is convicted under a criminal drug statute (including a plea of nolo contendere) for a violation that occurred on College premises, or while the employee was on College business away from the premises, the employee must notify the College no later than five (5) days after the conviction. The notification must be given in writing to the Director of Human Resources.
3. The foregoing rules are conditions of employment with the College, and all employees agree to comply with these rules as a condition of their continued employment. Any violations of these rules will be dealt with by strict disciplinary measures, including termination of employment, as the College shall deem appropriate.
4. The foregoing rules are in addition to all other College rules, policies and procedures, written or unwritten. This obviously includes other College rules, which could be violated as a result of substance abuse (including abuse of alcohol and other non-controlled substances), for example rules dealing with attendance, tardiness, and job performance. Employees are expected to comply with all College rules, and violations for any reason, whether drug-related or otherwise, will not be tolerated.

3.5.2.2 Summary of Legal Sanctions Covering Alcohol and Drug Abuse

See Volume II, Subsection 2.2.1.

3.5.3 Use of College Communication Systems

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

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

3.5.4 Confidentiality

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

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

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

3.5.4.1 Service Recognition

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

3.5.5. 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.

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 _____