



UNION COLLEGE

## MISSION STATEMENT

Union College, founded in 1795, is a scholarly community dedicated to shaping the future and understanding the past.

Faculty, staff, and administrators welcome diverse and talented students into our community, work closely with them to provide a broad and deep education, and guide them in finding and cultivating their passions. We do this with a wide range of disciplines and interdisciplinary programs in the liberal arts and engineering, as well as academic, athletic, cultural, and social activities, including opportunities to study abroad and to participate in undergraduate research and community service.

We develop in our students the analytic and reflective abilities needed to become engaged, innovative, and ethical contributors to an increasingly diverse, global, and technologically complex society.



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## **I. PREFACE**

### **1.1 WELCOME TO UNION COLLEGE!**

By accepting employment at Union, our employees have chosen to work at one of the finest colleges in the nation. Union College (Union or College) has provided quality educational opportunities since 1795 and is committed to intellectual exploration, critical thinking, and creative expression in an environment that values diversity and respect for the rights of others. Staff contributions are highly prized and contribute significantly to the quality of students' educational and personal experiences. The College employs, trains, and promotes individuals without regard to age, race, gender (including pregnancy), color, religion, creed, ethnicity, national origin(including ancestry), marital status, sexual orientation, gender identity and expression, disability, genetic predisposition, military status, domestic violence victim status or any other status protected under applicable federal, state, and local laws. It is College policy to pay fair and reasonable wages, to maintain a safe work environment, to select employees for jobs consistent with their qualifications, and to encourage and foster a friendly and cooperative working environment.

### **1.2 COLLEGE HISTORY**

Founded in 1795, the second college in New York (after the colonial Kings College, now Columbia), Union has a distinguished history and tradition of educational innovation.

Designed in 1813 by the French architect Joseph Jacques Ramée, Union's 100-acre campus was the first American college to have a coherent architectural plan. Work on the plan continued for more than 150 years; the opening of the Humanities and Social Sciences Buildings in 1967 completed the central building group laid out by Ramée in his original scheme.

Union's campus - known as "The Grounds" - is not traversed by public streets and includes the 17-acre Jackson's garden through which flows Hans Groot's Kill, "*the brook that bounds through old Union's grounds*" in the alma mater, "Ode to Union."

Union offers studies in a variety of fields: humanities, social sciences, science, and engineering. To these traditional areas are added multidisciplinary studies and sub-discipline studies.

Primarily a men's college for its first 175 years, Union admitted its first full-time undergraduate women in 1970. The College now has an enrollment of over 2000 undergraduates.

### **1.3 GOVERNANCE AND ADMINISTRATIVE STRUCTURE**

The College is a not-for-profit education corporation. A Board of Trustees has the responsibility of establishing basic institutional policies and overseeing the affairs of the College. The College's organizational structure consists of a President, five (5) Responsibility Center Heads and corresponding faculty, administrators, and staff members.

### **1.4 REGULATIONS GOVERNING CAMPUS CONDUCT**

(Approved by the Board of Trustees of Union College on April 16, 1994)

#### **A. STATEMENT OF PURPOSE**

Under Section 6430 of the Education Law, every college chartered by the Regents of the State of New York is required to adopt rules and regulations for the maintenance of public order. In June of 1969, the Regulations of Union College, as approved by the Board of Trustees, were filed with the Commissioner of Education and the Board of Regents. It has now become necessary to amend those Regulations to clarify their scope and applicability. Nothing herein is intended, nor shall be construed, to limit or restrict the freedom of speech or peaceful assembly, since free inquiry and free expression are indispensable to the objectives of a higher educational institution. These rules and regulations are not to prevent or restrain controversy and dissent but to prevent interference with the rights of others, to preserve the ability of members of the College community to perform their respective responsibilities, and to maintain that public order appropriate to a college or university campus without which there can be no intellectual freedom, and they shall be interpreted and applied to that end.

## B. APPLICATION OF RULES

The rules hereby adopted shall govern the conduct of students, faculty, and staff, licensees, invitees, and all other persons, whether or not their presence is authorized upon the College campus, to which such rules are applicable, and all property under the control of the College.

## C. PROHIBITED CONDUCT

No person, either singly or in concert with others, shall

1. Obstruct the free movement of persons and vehicles in any place to which these rules apply.
2. Deliberately disrupt or prevent the peaceful and orderly conduct of classes, lectures, and meetings or deliberately interfere with the freedom of any persons to express their views, including invited speakers.
3. Enter upon and remain in any building or facility for any purpose other than its authorized uses or in such manner as to obstruct its authorized use by others, remain (without authorization) in any building or facility after it is normally closed, or refuse to leave any building or facility after being asked to do so by an authorized administrative officer.
4. Violate any rules or regulations relating to conduct as enumerated in the Student Conduct Code contained in the Student Handbook filed with the Commissioner of Education and the Board of Regents.
5. Willfully incite others to commit any of the acts herein prohibited with specific intent to encourage them to do so.
6. Take any action or create or participate in the creation of any situation which recklessly or intentionally endangers mental or physical health or which involves the forced consumption of liquor or drugs for the purpose of initiation into or affiliation with any organization.

## D. PENALTIES

A person who shall violate any provisions of these rules shall

1. If a trespasser or visitor without specific license or invitation, be subject to ejection.
2. If a licensee or invitee, have authorization to remain upon the campus or other property withdrawn and be directed to leave the premises. In the event of a failure or refusal to do so, the licensee or invitee be subject to ejection.
3. If a student, be subject to expulsion or such lesser disciplinary action as the facts of the case may warrant, including suspension, probation, loss of privileges, reprimand, or warning.
4. If a faculty member, be guilty of misconduct and subject to dismissal or termination of employment or such lesser disciplinary action as the facts may warrant, including suspension without pay or censure.
5. If a staff member, be guilty of misconduct and subject to dismissal or termination of employment or such lesser disciplinary action as the facts may warrant, including suspension without pay or censure.
6. In the case of any other member of the College community who shall violate any provision of these rules, that person shall be dismissed, suspended, or censured by the President.

## E. PROCEDURES

Pending adjudication of the matter by the appropriate authorities (see below), members of the College community deemed to have violated these rules will be subject to immediate suspension from the College as determined by the President or the President's designee.

1. In the case of a trespasser or visitor who shall violate any provisions of these rules, the President or the President's designee shall inform the trespasser or visitor that the violator is not authorized to remain on the campus or other College property and direct that person to leave such premises. In the event of a failure or



refusal to do so, the President or the President's designee shall cause the violator's ejection from such campus or property under the control of the College. Nothing in this subdivision shall be construed to authorize the presence of any such person at any time prior to such violation or to affect that person's liability to prosecution for trespass or loitering as prescribed in the penal law.

2. In the case of a licensee or invitee, the President of the College or the President's designee shall inform the licensee or invitee that the person's license or invitation is withdrawn and direct that person to leave the campus or other property of the College. In the event of a failure or refusal to do so, the President or the President's designee shall cause the ejection of the violator from such campus or property under the control of the College.
3. In the case of a student, charges for violation of any of these rules shall be presented, heard, and determined in accordance with the Procedural Guidelines for Adjudicating Against Individuals as set forth in the Student Conduct Code.
4. In the case of a faculty member, charges of misconduct in violation of these rules shall be made and heard before a committee, the majority of whom must be faculty members, that is appointed by the President. The President shall also appoint an impartial chairperson from the committee. The purpose of the committee is to ascertain the facts of individual cases and make recommendations to the President for ultimate disposition of the charges. It is recognized that the hearing need not conform to requirements of criminal or civil procedure and/or proof. The intent of the procedure is to provide the faculty member with a fair hearing before peers, to give that person the opportunity to respond to any charges, and to question any witnesses appearing before the committee. Within this framework, the committee chairperson may conduct the hearing and make necessary adaptations to fit particular circumstances. The faculty member may bring a member of the College community to the hearing as an adviser. The role of the adviser will be limited to consulting with the faculty member in the course of the hearing. The adviser will not be permitted to represent (speak for, take the place of, etc.) the faculty member during the hearing or cross-examine witnesses.
5. In the case of any staff member in violation of these rules, charges of misconduct in violation of these rules shall be made, heard, and determined in accordance with the Staff Manual.
6. In the case of any other member of the College community who shall violate any provision of these rules, charges of misconduct in violation of these rules shall be made, heard, and determined by the President or President's designee.

#### F. ENFORCEMENT

1. The President of the College shall be responsible for the interpretation and enforcement of these rules and shall designate the other administrative officers who are authorized to take action in accordance with such rules when required or appropriate to carry them into effect.
2. It is not intended by any provision herein to curtail the right of students, faculty, or staff to be heard upon any matter affecting them in their relations with the College. In the case of any apparent violation of these rules by such persons who, in the judgment of the President or the President's designee, do not pose any immediate threat of injury to person or property, the President or the President's designee may make a reasonable effort to learn the cause of the conduct in question and to persuade those engaged therein to desist and to resort to permissible methods for the resolution of any issues which may be presented. In doing so, the President or the President's designee shall warn such persons of the consequences of persistence in the prohibited conduct including their ejection from any premises of the College where their continued presence and conduct is in violation of these rules.
3. In any case where violation of these rules does not cease after such warning and in other cases of willful violation of such rules, the President or the President's designee shall cause the ejection of the violator from the campus and shall initiate disciplinary action as hereinbefore provided.
4. The President or the President's designee may apply to the public authorities for any aid which is deemed necessary to cause the ejection of any violator of these rules.

## **1.5 POLICY REGARDING COLLECTIVE BARGAINING**

New York State law provides that if faculty and/or staff, in accordance with the procedures for election, decide they want a bargaining agent to represent them, the institution of higher education (their employer) must enter into collective bargaining negotiations with the representative(s) certified by the Public Employees Relations Board. Before the National Labor Relations Board (NLRB) will make certification, it is necessary that the College voluntarily recognize the bargaining agent or that it prove its representation of the employees to NLRB.

The College recognizes the right to organize within the law and, should such organization occur, will bargain in good faith with certified representatives. We believe, however, that the character of our institution permits and has provided excellent relationships with faculty and staff without collective bargaining. The flexibility thus available to both the institution and to the individual is highly desirable.

Should a bargaining election nevertheless be demanded, the College will exercise all of its rights and prerogatives so as to provide an atmosphere for fair choice in such election on the part of each person voting. The College reserves the right to express its beliefs as to the propriety of the bargaining unit and all issues which may be raised.

The Vice President of Finance and Administration of the College is responsible for labor relations at Union. All inquiries and representations must be made directly to that office.

## **1.6 DISCLAIMERS OF CONTRACTUAL OBLIGATIONS**

The College Staff Handbook includes information about the policies and procedures at the College that apply to hourly paid staff and supersedes all prior manuals and/or statements of policy. The handbook is intended to serve as a general guide to policies, practices, and benefits. Neither this handbook, nor any other communication, policy, or practice, creates an employment contract or gives any employee special rights or privileges, nor does it guarantee that any employee will be employed for any specific or minimum period of time and therefore any employee may terminate employment or be terminated, at any time and for any reason with or without notice.

The College reserves the right to change, amend, or terminate, at any time, the content or application of its policies, or programs that are described in this Handbook. These changes may be implemented even if the changes have not been first communicated, reprinted, or substituted in this handbook.

The policies and description of benefits contained in the handbook are subject to revision, update, and change. Benefits, such as health insurance, are only briefly described in the handbook. The coverage of any benefit is subject to the terms and conditions of the master insurance contracts.

## **1.7 AN EMPLOYEE'S ROLE AS A STAFF MEMBER**

Directly or indirectly, the work employees perform at the College assists in carrying out the College's basic mission: the education of men and women. The work of our employees affects the overall quality of that educational experience and employees should strive to do his/her best.

Visitors, students, alumni, and parents see employees as official representatives of the College. Friendliness and effective job performance will do more to give people the best impression of the College than all the words they hear and read while on this campus.

Employees are encouraged to bring constructive comments and suggestions to his/her supervisor or Human Resources. Employee ideas play an important part in the process of making Union a better place to work.

## **1.8 WHO TO CONTACT FOR MORE INFORMATION**

Any questions about the content of the Staff Handbook, clarification of policy, or detailed information about benefits should be directed to Human Resources. Additional employment related information, including a copy of this Staff Handbook, can be found on the Human Resources website at <http://www.union.edu/HR/>.

## **II. FEDERAL AND STATE REGULATIONS**

### **2.1 EQUAL EMPLOYMENT OPPORTUNITY**

The College is firmly committed to the practice of equal employment opportunity, equal educational opportunity, and non-discrimination in the provision of educational and other services. The College embraces excellence through diversity and will administer its Human Resource policies and conduct its employment practices in a manner that treats each employee and applicant for employment on the basis of merit, experience, and other work-related criteria without regard to race, color, religion, gender (including pregnancy), national origin (including ancestry), creed, citizenship status, physical or mental disability (including AIDS), age, sexual orientation, gender identity and expression, marital status, veteran status, genetic information or predisposing genetic characteristics, victims of domestic violence, or any other status protected under applicable local, state, or federal laws. For additional information regarding the College's commitment and prohibition against unlawful discrimination, see the College's Policy Against Prohibited Discrimination, Harassment, Bias Activity and Retaliation, Section 11.2.

The College encourages students and employees to report any perceived discrimination immediately using the procedures set forth in the College's Grievance Procedures to Address Allegations of Prohibited Discrimination, Harassment, and Retaliation.

### **2.2 DISABILITY REASONABLE ACCOMMODATION**

The College is committed to complying with the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act and the New York Human Rights Law (NYHRL), and all applicable laws providing for nondiscrimination in employment against qualified individuals with disabilities. The College will work with applicants and employees who have known disabilities to develop reasonable accommodations that allow an individual the opportunity to perform the essential functions of his/her job in a safe and efficient manner, provided that such accommodation does not impose an undue hardship on the College. Employees are encouraged to inform the Director of Human Resources regarding any physical or mental disability which may limit his/her ability to fulfill the duties and responsibilities of his/her position and to suggest appropriate methods of reasonable accommodation. The failure to volunteer this information will not subject an employee to any adverse treatment or penalty.

Employees seeking reasonable accommodation should be aware that it is his/her responsibility to:

1. Request accommodations from the Director of Human Resources. The College will provide reasonable accommodations, but specific accommodations requested by employees are not guaranteed. The College has the right to consider all possible accommodations and select a reasonable accommodation that least disrupts College operations.
2. Meet or confer with, supply supporting medical documentation to and provide other information to the Director of Human Resources upon request to determine appropriate services and accommodations.
3. Confirm the adequacy of accommodations as soon as possible and notify the Director of Human Resources whenever they encounter unsatisfactory conditions.
4. Adhere to deadlines established by the Director of Human Resources for submission of medical documentation and other information requested to support requests for accommodations.
5. Pursue state vocational rehabilitation support for accommodations and personal equipment needs.

All information and documentation concerning disabilities will be considered confidential and will be released only in accordance with the requirements of the ADA and the NYHRL.

Submitted documentation may be subject to confirmation by a College-appointed healthcare provider.

## 2.3 TITLE IX

Title IX Statement and Title IX Coordinator and Deputy Coordinator

### **Sex Discrimination, Harassment, and Assault:** Union College Title IX Coordinators

Title IX of the Education Amendments of 1972 is a federal law that prohibits sex discrimination in education. It reads:

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

--Legal Citation: Title IX of the Education Amendments of 1972, and its implementing regulation at 34 C.F.R. Part 106 (Title IX)

Sex discrimination includes sexual harassment and sexual assault.

While it is often thought of as a law that applies to athletics programs, Title IX is much broader than athletics and applies to many programs at Union College. While compliance with the law is everyone's responsibility at Union, listed below are the staff members who have primary responsibility for Title IX compliance.

### **Title IX Coordinator**

Gretchel Hathaway, Chief Diversity Officer  
and Coordinator of Title IX  
Armand V. & Donald S. Feigenbaum Hall  
Union College  
807 Union Street  
Schenectady NY 12308-3103  
Phone: 518-388-8327  
E-Mail: hathawag@union.edu

**Duties and Responsibilities:** Monitoring and oversight of overall implementation of Title IX compliance at Union College including coordination of training, education, communications, and administration of grievance procedures for faculty, administrative staff, and hourly staff.

Additionally, if you have a complaint against a Union College faculty member, administrator, staff member, or visitor for sexual harassment, sex discrimination, or sexual assault, you should contact the Title IX Coordinator.

### **Title IX Deputy Coordinators:**

#### **For Complaints Related to Athletics Against or By Union Students and Employees**

If you have a complaint against a Union College student, coach, athletics' administrator, or visiting student athlete, coach, or athletics personnel, or visiting spectator for sexual discrimination, harassment, misconduct (including sexual assault), or retaliation, you may contact Senior Associate Director of the Athletic Department who will facilitate the handling of the complaint, the Title IX Coordinator, or one of the other Deputy Coordinators listed below.

#### **Gender Equity in Athletics**

If you have a complaint about gender equity in Union College athletics programs, you should contact the Senior Associate Director of the Athletic Department who is responsible for Title IX Compliance in matters related to gender equity in Union College athletics programs.

Joanne Little, Senior Associate Director  
 Athletic Department  
 Alumni Gym  
 Union College  
 807 Union Street  
 Schenectady NY 12308-3103  
 Phone: 518-388-6433  
 E-Mail: littlej@union.edu  
 Voice Mail: 518-388-6433

**For Complaints Against Union Students**

If you have an inquiry or complaint against a Union College student for sexual discrimination, sexual harassment (including stalking), sexual misconduct (including sexual assault), or retaliation; you may contact any of the following officials listed:

Jason F. Benitez Director of Multicultural Affairs Campus Diversity Reamer Campus Center Union College 807 Union Street Schenectady NY 12308-3103 Phone: 518-388-6030 E-Mail: benitezj@union.edu	A.J. Place Assistant Director Residential Life Reamer Campus Center Union College 807 Union Street Schenectady NY 12308-3103 Phone: 518-388-6117 E-Mail: placea@union.edu
Callie Stacey Director of Operations Dining Services-Office Reamer Campus Center 202 Union College 807 Union Street Schenectady NY 12308-3103 Phone: 518-388-6050 E-Mail: staceyc@union.edu Voice Mail: 518-388-6487	Joanne Little, Senior Associate Director Athletic Department Alumni Gym Union College 807 Union Street Schenectady NY 12308-3103 Phone: 518-388-6433 E-Mail: littlej@union.edu Voice Mail: 518-388-6433

**2.4 DRUG-FREE WORKPLACE AND DRUG/ALCOHOL ABUSE POLICY**

The abuse of alcohol and drugs is a social problem that has eroded societal well-being. Drug and alcohol abuse can prevent individuals from developing appropriate learning and problem solving skills, has contributed to the breakdown of personal and family relationships, has increased accident and suicide rates, and has negatively impacted the workplace through reduced productivity, physical/mental impairment, and increased absenteeism. Abuse of drugs or alcohol can jeopardize continued employment and create a health risk for the user, and a safety risk for the user, co-workers and other members of the College community.

**PROHIBITIONS AND SANCTIONS**

The College strictly prohibits the unlawful possession, manufacture, distribution, dispensation or use of a controlled substance or alcohol by an employee on College property, in College vehicles, or as part of a College-sponsored program off campus. The College may require drug and/or alcohol testing when a reasonable suspicion exists that any employee is under the influence of alcohol or any illegal drug, intoxicant, or controlled substance while on the job, or is otherwise in violation this policy. *See Reasonable Suspicion for Alcohol or Drug Testing Policy.*

Employees whose work performance is impaired as a result of use or abuse of drugs or alcohol (either on or off campus); who illegally use or abuse drugs or alcohol on campus or on College business; who violate any provision

of the College's employment policies or who have been convicted of violating any criminal drug statute while on College property or while participating in a college-sponsored program off campus are subject to disciplinary action. Disciplinary action may include termination of employment and referral to law enforcement authorities. Disciplinary action and/or required participation in a rehabilitation program as determined by the Employee Assistance Program (EAP) will be determined and implemented by the Dean of Faculty in consultation with the Director of Human Resources (in the case of Faculty) and by the respective Vice President and Director of Human Resources (in the case of administrators, staff or student workers). Any such actions will be in compliance with the Faculty Manual, Administrator Manual, Staff Handbook or Student Handbook.

Local and federal laws also prohibit the unlawful use, manufacture, possession, control, sale and dispensation of any illegal narcotic or dangerous drug. Under the requirements of the Drug Free Schools and Communities Act, institutions of higher education must provide employees with notice of applicable state and federal sanctions for unlawful possession or distribution of illicit drugs and alcohol. Attached are the applicable New York State and federal legal sanctions. The College cooperates fully with law enforcement authorities. Violations of the College Drug & Alcohol Abuse policy which are also violations of federal or local law may be referred to the appropriate law enforcement agencies. In such situations, cases may proceed concurrently at the College and in the criminal justice system.

In accordance with College policy, for various social events with alcohol (i.e. Minerva Event or “Academic Social Events”), if an employee assumes the role of “responsible person” then he/she should manage the event in accordance with the requirements of the Social Events with Alcohol policy and NYS law. Requirements include that individuals under age 21 and intoxicated persons must NOT be served. Someone arriving in an intoxicated condition (even if 21 years of age or older) must be denied entrance. The amount of beer and wine and non-alcoholic beverages made available must be in proportion to the number of guests who will be above and below the age of 21. As such, it is incumbent upon the “responsible person” to ensure that those drinking or being provided with alcohol are of legal drinking age. Employees attending a college social event with alcohol, where the employee is not considered the event’s “responsible person”, are encouraged to alert the appropriate “responsible person” should the employee observe an intoxicated student or an underage student drinking alcohol.

**CONDITION OF CONTINUED EMPLOYMENT**

As a condition of continued employment, each faculty member, administrator, staff member and/or student worker will abide by the terms of this policy and will notify the Dean of Faculty (in the case of faculty) and the Director of Human Resources (for administrators, staff or student workers) no later than five days after any conviction for a criminal drug statute offense or alcohol offense committed on College property or as part of a College-sponsored program off campus. Failure to comply with these conditions will be grounds for disciplinary action.

**COUNSELING, TREATMENT AND/OR REHABILITATION**

College employees have available counseling and treatment services through the College health insurance programs, the Employee Assistance Program, and other local agencies/programs. Student employees may utilize Health Services, the Counseling Center or any of the local agencies/programs. Periodically, drug and alcohol abuse information is distributed and training sessions are held.

Early diagnosis and treatment of drug and alcohol abuse is in the best interests of all College employees. College employees concerned about drug or alcohol abuse are encouraged to consult with Human Resources.

Alcohol Abuse:	Wellness Corp. -Employee Assistance Program	800-828-6025
	Alcoholics' Anonymous	242-4989
	Alcoholism and Substance Abuse Council	346-4436
	Conifer Park	399-6446
	Ellis Hospital Alcoholism Program	386-3300

Drug Abuse:	Wellness Corp. -Employee Assistance Program	800-828-6025
	Alcoholism and Substance Abuse Council	346-4436
	Bridge Center	346-1277
	Carver Community Counseling Services	382-7838

This policy implements the Drug Free Workplace Act (41 U.S.C. 701) and the Drug Free Schools and Communities Act (20 U.S.C. 1145g). The policy is effective August 1, 2010.

#### Summary of Laws and Sanctions

#### ALCOHOL

<b>It is illegal in New York State:</b>	<b>Potential Sanctions</b>
for anyone under the age of 21 to possess alcohol with the intent to consume.	<i>Violation can result in up to a \$50 fine, and/or completion of an alcohol awareness program and/or up to 30 hours of community service.</i>
to sell alcohol to anyone under 21, to anyone who is already intoxicated, or to anyone who is habitually intoxicated.	<i>Violation can result in up to a \$1,000 fine and/or up to one year in jail.</i>
to use a false ID or to provide someone else with a false ID to buy alcohol.	<i>An employee can be fined up to \$100 and/or required to complete a alcohol awareness program and/or provide up to 30 hours of community service. If the false ID is a driver's license, the license may also be suspended for 90 days. Note: Higher level charges for criminal possession of a forged instrument or criminal impersonation penalties can include: for a misdemeanor a fine up to \$1,000 and/or up to one year in jail; or could lead to a felony conviction and sentence.</i>
to misrepresent one's age or that of anyone else under 21.	<i>The penalty is a \$200 fine and/or up to five days in jail.</i>
to drive with ability impaired (more than .05 up to .07 BAC) or while intoxicated (.087 BAC or more, or other evidence).	<i>Fines, jail and license action are among the penalties, depending on the circumstances.</i>
to drink and drive if under age 21.	<i>Under New York's Zero Tolerance law, for even small amounts of alcohol, a license is suspended for six months or revoked for one year.</i>

#### OTHER DRUGS

Federal and New York State laws provide many legal sanctions for the unlawful possession or distribution of controlled substances. These sometimes include severe criminal penalties such as fines and/or imprisonment. The severity of the penalty depends upon the nature of the criminal act and the identity and amount of the illicit drug involved. Some examples are:

	<b>Potential Sanctions</b>
<b>Cocaine</b>	<i>Possession of even 500 mg. of cocaine can result in a maximum sentence of seven years in prison.</i>
<b>LSD</b>	<i>Possession of as little as 1 mg. can result in up to 15 years in prison.</i>
<b>Marijuana</b>	<i>Possession of as little as 25 g. can result in a maximum of three months in jail or a \$500 fine.</i>

## **2.5 FAIR LABOR STANDARDS ACT (FLSA) AND NEW YORK LABOR LAW**

The Fair Labor Standards Act (FLSA) and New York Labor Law protects workers from receiving substandard wages by requiring payment of a specified minimum wage to employees. These laws also provide employees protection for overtime payments, protection for minors in the workforce, and prohibit discrimination on the basis of gender in wage payment.

The minimum wage is determined by federal and state law and must be posted by every covered employer. Any hours over 40 in a week will be paid at a rate of one-and-one-half times the regular rate of pay. For part-time employees, applicable law does not require overtime payment until work hours have exceeded 40 hours in a week.

FLSA and New York Labor Law allows employment of children ages 14 to 16, outside of school, in certain non-manufacturing, non-mining, and non-hazardous occupations with restrictions on the hours worked.

## **2.6 HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA)**

Title I of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) protects health insurance coverage for workers and their families when they change or lose jobs. Under HIPAA, the College is required to provide “Certificates of Prior Creditable Coverage” for previous health insurance coverage. The certificate may need to be provided if medical advice, diagnosis, care, or treatment was recommended or received for a condition within the six (6) month period prior to enrollment in a new plan. When an employee becomes covered under another group health plan, the employee should check with the plan administrator to see if this certificate is required. An employee may also need this certificate to buy, for themselves or a family member, an insurance policy that does not exclude coverage for medical conditions that are present before they enroll.

Title II of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) addresses Administrative Simplification provisions. These provisions require the Department of Health and Human Services to establish national standards for electronic health care transactions and national identifiers for providers, health plans, and employers. It also addresses the security and privacy of health data.

All employee protected health information (PHI), manual and electronic, shall be maintained in a manner consistent with privacy standards established by HIPAA.

## **2.7 REPORTING FRAUD, DEFALCATION (EMBEZZLEMENT) OR ILLEGAL ACTIVITY BY EMPLOYEES**

The College seeks to achieve its mission as an educational institution by conducting its affairs ethically and in full compliance with all federal, state, and local laws. Union faculty, administrators, and staff are expected to adhere to high standards of professional and ethical conduct in carrying out their duties. Responsibilities and decision-making are distributed throughout the organization, and thus the College recognizes the need for review procedures for compliance with laws and regulations. As part of that process, the College will protect from retaliation any individual employee who has direct knowledge of fraud, defalcation (embezzlement), or illegal actions on the part of a supervisor or employee and communicates that information in good faith for the purpose of correcting the conduct or while participating in an investigation, as outlined below.

Allegations of defalcation (embezzlement) or actions contrary to law including, but not limited to, theft, fraud, coercion, or conversion (“improper conduct”), based on first hand observations or direct evidence, should be brought to the attention of the Vice President for Administration and Finance. The allegation of improper conduct



must be reported as soon as possible and no later than one (1) year after the event(s) giving rise to the allegation has occurred unless there is a good cause to explain the delay. The Vice President for Administration and Finance (or his/her designee) will document the allegation, seek appropriate assistance and investigate the facts. Care will be taken to maintain confidentiality, to the fullest extent permitted by law and consistent with the need to conduct an investigation, throughout the investigatory phase. The results of this investigation will be brought to the attention of the President, and appropriate action, if any, will be taken. The College will take steps to ensure that subordinates who come forward in good faith will be protected from retaliation in employment practices at the College provided:

1. The subordinate provides the initial information in a good faith belief that improper conduct has occurred;
2. The subordinate shall not obtain evidence to which he/she does not have a right to access;
3. The subordinate must be truthful and cooperative with the Vice President for Administration and Finance or his/her designee to who he/she is making a report of improper conduct.

However, the College reserves the right to distinguish between retaliation and ongoing performance appraisal issues or disciplinary actions related to misconduct by the “whistleblower.”

Alternative courses of action have been devised for situations involving the key individuals responsible for carrying out this policy. Allegations of defalcation (embezzlement) against the Vice President for Administration and Finance should be brought directly to the President. Allegations against the President should be brought to the Vice President for Administration and Finance, who must consult with the chairman of the Board of Trustees.

## **2.8 INFORMATION SECURITY POLICY AND PLAN**

### **Preamble**

In order to protect critical information and data, and to comply with Federal law and New York State law, the College’s Information Technology Services (ITS) proposes certain practices in the College information environment and institutional information security procedures. While many of these practices mostly affect ITS, some of them will impact diverse areas of the College including, but not limited to, the Finance Office, the Office of the Registrar, College Relations, Dean of Students Office, the Library, the Bookstore, Admissions, and many third party contractors, including Dining Services. The goal of this document is to define the College's Information Security Policy and Plan, to provide an outline to address ongoing compliance with federal regulations related to the Policy, and to position the College for likely future privacy and security regulations.

### **Gramm Leach Bliley (GLB) Requirements**

GLB mandates that the College appoint an Information Security Plan Coordinator, conduct a risk assessment of likely security and privacy risks, institute a training program for all employees who have access to covered data and information, oversee service providers and contracts, and evaluate and adjust the Information Security Policy and Plan periodically.

### **New York State Security Breach and Notification Act**

The New York State Security Breach and Notification Act went into effect on December 7, 2005. The act requires an entity which owns or licenses private information to disclose a breach of the security of the system containing such information. Private information is defined as any identifier concerning a natural person (i.e., name or personal mark) plus one or more of the following: Social Security number; driver’s license number or non-driver identification; account number; credit or debit card number plus security code, access code, or password which permits access to an individual’s financial account.

### **Information Security Plan Coordinator**

In order to comply with GLB, ITS has designated an Information Security Plan Coordinator. This individual will work closely with the College’s attorney and Risk Manager. The Interim Information Security Plan Coordinator is presently the Chief Information Officer.

The Coordinator, working with other members of the College administration, must help the relevant offices of the College identify reasonably foreseeable internal and external risks to the security, confidentiality, and integrity of customer information; evaluate the effectiveness of the current safeguards for controlling these risks; design and implement a safeguards program; and regularly monitor and test the program. In addition, the Coordinator will

facilitate notification of any breach in security, restoring the integrity of the system following a breach and working with law enforcement in the event of a criminal breach.

### **Risk Assessment and Safeguards**

The Coordinator will work with all relevant areas of the College to identify potential and actual risks to security and privacy of information. Each Department head, or his/her designee, will conduct an annual data security review, with guidance from the Coordinator. Vice Presidents will be asked to identify any employees in his/her respective areas that work with covered data and information. In addition, the relevant departments of ITS will conduct an annual review of procedures, incidents, and responses and will publish all relevant materials except in those cases where publication may likely lead to breaches of security or privacy. Publication of these materials is for the purpose of educating the College community on network and information security and privacy issues. ITS will assure that procedures and responses are appropriately reflective of those widely practiced at other national liberal arts colleges.

In order to protect the security and integrity of the College network and its data, ITS will develop and maintain a registry of all computers attached to the College network. This registry will include, where relevant, IP address or subnet; MAC address; physical location; operating system; intended use (server, personal computer, lab machine, etc.); the person, persons, or department primarily responsible for the machine; and whether the machine has, or has special access to, any confidential data covered by relevant external laws or regulations.

ITS assumes the responsibility of assuring that patches for servers and critical systems are reasonably up to date. ITS will review its procedures for patches to operating systems and software and will keep current on potential threats to the network and its data. Risk assessments will be updated annually.

ITS bears primary responsibility for the identification of internal and external risk assessment, but all members of the College community are involved in risk assessment associated with information technology areas. ITS, working in conjunction with the relevant College offices, will conduct regular risk assessments including, but not limited to, the categories listed by GLB.

ITS will work with the relevant offices (Finance, Human Resources, the Registrar, College Relations, and the Library, among others) to develop and maintain a registry of those members of the College community who have access to covered data and information. ITS, in cooperation with Human Resources and Finance, will work to keep this registry up to date.

ITS will oversee the physical security of all servers and terminals which contain or have access to covered data and information. ITS will work with other relevant areas of the College to develop guidelines for physical security of any covered servers in locations outside the ITS machine room. The College will conduct a survey of other physical security risks, including the storage of covered paper records in non-secure environments, and other procedures which may expose the College to risks.

One of the largest security risks may be the possible non-standard practices concerning social security numbers. Social security numbers are considered protected information under both GLB and the Family Educational Rights and Privacy Act (FERPA). By necessity, student social security numbers are in the College student information system. The College will conduct an assessment to determine who has access to social security numbers, in what systems the numbers are still used, and in what instances students are inappropriately being asked to provide a social security number. This assessment will cover College employees as well as subcontractors such as the food services.

ITS will develop a plan to ensure that all electronic covered information is encrypted in transit and that the central databases are strongly protected from security risks.

It is recommended that relevant offices of the College decide whether more extensive background or reference checks or other forms of confirmation are prudent in the hiring process for certain new employees, for example employees handling confidential financial information.

ITS will develop written plans and procedures to detect any actual or attempted attacks on covered systems and will develop incident response procedures for actual or attempted unauthorized access to covered data or information.

## **Notification of Breach**

In the event of a suspected or actual breach of the security system containing private information as defined in paragraph III above, the Information Security Plan Coordinator shall be contacted immediately. The Coordinator shall then provide notification to the relevant party or parties in the most expedient time possible, without unreasonable delay, after performing necessary measures to determine the scope of the breach and restore integrity to the system. Law enforcement shall also be contacted if the breach is suspected to be criminal in nature.

## **Employee Training and Education**

While directors and supervisors are ultimately responsible for ensuring compliance with information security practices, ITS and the College attorney will work in cooperation with Human Resources to develop training and education programs for all employees who have access to covered data. These employees typically fall into three categories: professionals in information technology who have general access to all College data; custodians of data, and those employees who use the data as part of his/her essential job duties.

## **Oversight of Service Providers and Contracts**

GLB requires the College to take reasonable steps to select and retain service providers who maintain appropriate safeguards for covered data and information. The Risk Manager and the Coordinator will develop and send form letters to all covered contractors requesting assurances of GLB and New York State Security Breach and Notification Act compliance. While contracts entered into prior to June 24, 2002 are grandfathered until May 2004, the College will take steps to ensure that all relevant future contracts include a privacy clause and that all existing contracts are in compliance with GLB.

## **Evaluation and Revision of the Information Security Plan**

GLB mandates that this Information Security Policy and Plan be subject to periodic review and adjustment. The most frequent of these reviews will occur within ITS where constantly changing technology and constantly evolving risks indicate the wisdom of periodic reviews. Processes in other relevant offices of the College such as data access procedures and the training program should undergo regular review. The Policy itself should be reevaluated annually in order to assure ongoing compliance with existing and future laws and regulations.

## **Definitions**

***Covered data and information*** for the purpose of this Policy includes student financial information required to be protected under the Gramm Leach Bliley Act (GLB). Covered data and information includes both paper and electronic records.

***Student financial information*** is that information the College has obtained from a student in the process of offering a financial product or service, or such information provided to the College by another financial institution. Offering a financial product or service includes offering student loans to students, receiving income tax information from a student's parent when offering a financial aid package, and other miscellaneous financial services as defined in 12 CFR §225.28. Examples of student financial information include addresses, phone numbers, bank and credit card account numbers, income and credit histories, and social security numbers, in both paper and electronic format.

## **2.9 PERSONAL INFORMATION PROTECTIONS AND RESPONSIBILITIES**

In an effort to protect employees from the fraudulent use of personal information (identity theft), the College prohibits the following:

- posting or displaying of an employee's Social Security number.
- filing of documents (including state agencies or state courts) that are available for public inspection that contain Social Security numbers.

- visible printing of a Social Security number on any identification badge or card (including a time card).
- placing of a Social Security number in files with open access.
- communication of an employee’s “personal identifying information” (i.e. Social Security number, home address, home telephone number, personal e-mail address, Internet identification name or password, last name prior to marriage and/or drivers license) to the general public.
- encoding or embedding Social Security numbers in or on a card or document, such as through the use of a bar code, chip or magnetic strip, in lieu of removing the Social Security number.
- requiring an employee to transmit his or her Social Security number over the internet unless the connection is secure or the Social Security number itself is encrypted.
- requiring an employee to use their Social Security number for authentication purposes when accessing online services.

For the purposes of this policy, “Social Security number” shall mean the unique 9-digit number issued to citizens and residents of the United States by the federal Social Security Administration as well as any number derived from this number (e.g., the last four digits of an employee’s Social Security number). A knowing violation of these prohibitions carries with it a civil penalty of up to \$500 and will result in appropriate disciplinary action. Victims of identity theft may receive information and assistance from the NYS Consumer Protection Board (CPB).

## **2.10 WOMEN’S HEALTH AND CANCER RIGHTS ACT**

All College Group health plans comply with the Women's Health and Cancer Rights Act of 1998 by providing medical and surgical benefits for mastectomies and also providing coverage, as determined by the attending physician and patient, for the following: reconstruction of the breast on which the mastectomy was performed; surgery and reconstruction of the other breast to produce a symmetrical appearance; and prostheses and physical complications at all stages of mastectomy, including lymphedema.

## **2.11 DIGITAL MILLENNIUM COPYRIGHT ACT AND DISSEMINATION OF INFORMATION**

The College complies with the provisions of the Digital Millennium Copyright Act (DMCA). It is illegal, as described in the Federal law (Title 17 of the US Code, and more recently the Digital Millennium Copyright Act 105 PL 304), to download, upload, or distribute in any fashion, copyrighted materials, in any form, without permission or a license to do so from the copyright holder.

### **III. RECRUITMENT AND SELECTION**

#### **3.1 NON-DISCRIMINATION POLICY**

The College will not discriminate in the recruitment or selection of faculty and employees, or in any other area of employment, on the basis of age, sex, race, creed, color, national origin, religious belief, military status, disability, predisposing genetic characteristics, marital status, sexual orientation, gender identity or expression, victims of domestic violence or any other basis protected by applicable law. In this regard, opportunities for advancement will be made available without bias. Also in this regard, the College, subject to state and federal laws, supports efforts to attract and retain fully qualified women and other minority group members for faculty and other positions. The College will comply with the letter and intent of all State and Federal laws and applicable orders pursuant to Equal Employment Opportunity and Affirmative Action.

#### **3.2 JOB POSTING/RECRUITMENT**

It is College practice to hire employees through a process that reflects openness and integrity. Although the College is ultimately interested in hiring the best available person for a job vacancy, the College is committed to considering internal applicants when he/she meet the qualifications of the position and have the ability and experience necessary for success in the position as determined by the College. It is the College's intention that openings be publicized on campus by electronic and paper posting for at least 10 days. The position announcement contains a description of the job and the qualifications needed to fill it. Posted positions may have a deadline by which to apply. Positions for which a posting may not occur generally involve departmental internal promotions. An employee in his/her first six months of employment (introductory period) or first six months in a new position, is not allowed to apply or be considered for other College positions. Human Resources is available to assist and advise employees on job vacancies and career opportunities.

#### **3.3 EMPLOYEE BACKGROUND CHECKS**

The College desires to provide to the students, faculty, and staff a reasonably safe and secure environment and to provide reasonable protection for the financial and material assets of the College.

As a condition of employment, all applicants and current employees transferring into sensitive, financial, or student-oriented positions are required to sign a Release of Information Form authorizing the College to conduct a thorough background check. This information is necessary to determine that the applicant or employee has the required skills or competencies, has a history of safe driving, and/or has no job-relevant criminal conviction history, has no job-related financial difficulties, or has no history of sexual abuse/sexual misconduct that may jeopardize the safety or welfare of the College's employees, students, or operations. In the event that a background check is conducted, the College will comply with the Fair Credit Reporting Act, Drivers Privacy Protection Act, and applicable state laws, including providing the job applicant or employee with any required notices and forms. Consistent with these practices, the College reserves the right to require job applicants or employees to sign the forms as requested as a condition of employment.

#### **3.4 EMPLOYMENT OF IMMEDIATE FAMILY, HOUSEHOLD MEMBERS, OR RELATIVES**

The College does not prohibit or limit the simultaneous employment of more than one member of the same family or household except in those situations where there is a potential conflict of interest. Members of the same family or household will not be placed organizationally so that one is in a position having direct supervision over the other's position. Family members include spouse/domestic partner, daughter, son, mother, father, sister, brother, daughter-in-law, son-in-law, mother-in-law, father-in-law, sister-in-law, brother-in-law, aunt, uncle, niece, nephew, stepparent or stepchild, grandparent, or grandchild of the individual. Household members include individuals regularly sharing the employee's residence.

#### **3.5 EMPLOYMENT OF FORMER EMPLOYEES**

If rehired within 6 months of termination, former employees will have benefits and service credits reinstated at time of rehire. Employees involuntarily terminated by the College, as the result of disciplinary action or improper conduct, will not be eligible for rehire. Reinstatement and/or rehiring of a former employee requires a recommendation from the Department Head and approval from the Director of Human Resources.

### **3.6 NEW EMPLOYEES**

All new employees are required to stop by Human Resources, 17 South Lane on or before the first day of work to complete necessary paperwork and to present proof of work eligibility. Human Resources will schedule employees to attend an orientation session, where new employees will learn about Union's benefits and general College policies. The employee's supervisor is expected to orient the new employee to the job and to the department.

## **IV. EMPLOYMENT POLICIES AND PROCEDURES**

### **4.1 EMPLOYMENT STATUS/CLASSIFICATION**

*Full-Time:* regular positions scheduled for 30 or more hours per week and 1,000 hours or more per year. Full-time positions are eligible for all benefits (flex plan, paid time off and statutory benefits including NYS disability, unemployment, social security and worker's compensation).

*Part-Time:* regular positions scheduled for fewer than 30 hours per week. Positions scheduled for 20-29 hours per week and a minimum of 660 hours per year are eligible for certain benefits (reduced flex plan, pro-rated paid time off and statutory benefits including NYS disability, unemployment, social security and worker's compensation). Positions scheduled for less than 20 hours per week and/or less than 660 hours per year are eligible for pro-rated paid time off and statutory benefits (NYS disability, unemployment, social security and worker's compensation).

*Term Appointment:* positions that are term appointments may be full-time or part-time. Term appointments are for a fixed period of time, generally greater than three (3) months, and are eligible for benefits based on their full-time or part-time designation, specific requirements of their funding source, and/or statutory requirements.

*Temporary:* positions that are temporary in nature may be full-time or part-time. Generally temporary positions are for three (3) consecutive months or less, but may be for a longer fixed or indefinite duration. Temporary positions are not expected to be regular or on-going. Temporary positions are generally eligible only for statutory benefits.

### **4.2 RECLASSIFICATION, PROMOTION, TRANSFER, AND TEMPORARY ASSIGNMENTS**

The College encourages any employee to apply for transfers or promotions to positions for which he or she is qualified. Promotions and transfers shall be based on the ability, qualifications, and performance in the present position and potential performance in the position considered.

*Promotion* - an employee moves to a vacant position in a higher grade or when his/her position is reclassified to a higher grade. Promotions usually include a salary increase.

*Transfer* - an employee moves from one position to another in the same grade. Transfers do not include a salary increase.

*Demotion* - an employee moves from one position to another in a lower grade. Demotions usually include a decrease in salary.

*Temporary* - when an employee temporarily assumes another position for a month or longer. A temporary assignment to a position in the same or lower grade level results in no change of salary. A change to a higher-grade level will result in a temporary increase to the greater of the minimum pay rate of the higher-grade level or up to 10%. Temporary assignments do not include "filling in" during vacations, and generally should not last longer than six (6) months. Human Resources and the Responsibility Center Head will approve all assignments.

Human Resources is available to assist employees with career counseling, job information, resume writing, and interview preparation.

### **4.3 DATE OF HIRE AND LENGTH OF SERVICE**

An employee's initial date of hire is used to accumulate service for time worked and to establish eligibility for certain benefits. Employees retain accumulated service if absent under any of the following conditions: absent with pay, absent on approved leave, absent due to a compensable illness or injury, and absent due to active military service for the United States. Employees who terminate employment and are rehired within six (6) months will have their service credit reinstated at time of hire. Temporary employees, assigned to a regular/repeating shift (not on-call) without interruption, will accumulate service when the temporary employee transfers directly into a full-time or part-time regular position within the College.

### **4.4 HOURS OF WORK**

The general business hours of the College are 8:30 a.m. to 4:54 p.m. Monday through Friday when classes are in session. Individual department and employee hours such as in Dining Services, Facilities Services, Campus Safety, and the Library may be set differently to insure that services to students and faculty are effectively maintained.

During the summer and at other times of the year, departments may set alternate hours. Supervisors will inform employees of the normal departmental work schedule and of any changes.

#### **4.5 MEALS, REST PERIODS AND BREAKS**

The College does not have formal rests periods. Each department is responsible for establishing its own work breaks based on departmental needs. Employees are paid during rest periods. Employees are not paid for meal periods, which will be from 30 minutes to 60 minutes as arranged by the department. Meal periods must be taken as required by law, and employees must record the time each meal period begins and ends. It is very important that time records accurately reflect hours worked including any portion of a meal period worked. Employees may not defer their meal period to the end of their shift in order to leave work before their normal shift ending time. Generally, a meal break will occur approximately in the middle of the shift or workday. Employees scheduled to work ten or more consecutive hours in a workday will receive an additional meal break for a minimum of 20 minutes no later than six hours after returning from their first meal break.

#### **4.6 FLEXIBLE WORK OPTIONS AND FLEXTIME**

Employees of the College are expected to be at work during the normally scheduled hours of their department and/or the College. Although the College does not widely endorse flexible work arrangements, in some cases it may be possible for employees to work a flexible schedule. A flexible schedule is generally defined as a work schedule different from the standard 8:30 a.m. to 4:54 p.m. Monday through Friday. Flexible work options are bound by factors such as productivity, federal and state laws, rules and regulations, task interdependence, and operational needs of the department. A flexible work schedule requires the approval of the employee's supervisor.

Possible flexible work options may include flextime, telecommuting, and compressed workweeks. Human Resources can provide assistance to supervisors and employees in exploring these options.

#### **4.7 IDENTIFICATION CARDS**

To receive an ID card, employees must complete all required employment documents at Human Resources and be issued an ID number. Employees should wait at least twenty-four hours before reporting to Campus Safety to have a photograph taken and ID card issued. Employees may wait until receipt of the first paycheck to provide "proof of employment/ID Number" to Campus Safety. ID cards are used for identification purposes and access to facilities, events, and for discounts. Each employee should carry his/her ID card at all times. Lost or stolen ID cards must be reported immediately to Campus Safety. ID cards should be returned to the supervisor upon termination of employment.

#### **4.8 KEYS**

Campus Safety approves the issuance of keys via a Key Request Form signed by the supervisor. All keys issued to an employee are College property and must be returned to his/her supervisor on or before the employee's last day of work. Keys issued to an employee are not to be loaned to anyone. If another employee needs access to a building for which he/she does not have a key, a supervisor or Campus Safety should be contacted. Keys cannot be duplicated. If a replacement key is needed, please contact Campus Safety.

#### **4.9 PERSONNEL FILES**

The College personnel files are maintained in Human Resources. Human Resources maintains files that contain employment documents as well as paperwork relating to employee benefits. It is the employee's responsibility to notify Human Resources of changes in name, address, telephone number, marital status, dependents, beneficiaries of insurance benefits, or persons to notify in case of emergency, etc.

All information contained in the personnel files is the property of the College. A current employee may review or receive a copy of his/her personnel file by contacting Human Resources.

Directory information will be taken from personnel records for inclusion in the College's Faculty and Staff E-Directory, after a general notice is sent to the members of the College Community. Upon an employee's written request, personal information (home address, home or cell phone number, spouse/domestic partner's name) may be withheld from the Directory.



#### **4.10 CONFIDENTIALITY/PRIVACY**

It is the policy of the College to keep all employee specific information confidential. This includes: home address/phone, appraisals, pay history, benefit enrollments, and medical records and information. The College will release confidential information to an outside agency in response to a properly executed subpoena or court order and/or after receiving a signed release from the employee. When an employment verification request is received, Human Resources will only verify dates of employment and position title unless a signed release has been obtained. All employee confidential data, manual and electronic, shall be maintained in a manner that is consistent with College policy.

Employees should treat all records and information relating to the College, its students, and employees as confidential unless release of such information is a normal part of one's position. Applicable information includes but is not limited to documents, notes, files, records, oral information, computer files or similar materials, medical information, or other personal information (with the exception of wages, hours, benefits and other terms and conditions of employment). Employees should not disclose any confidential information, purposefully or inadvertently (such as through casual conversation), to any unauthorized person either inside or outside of the College. This prohibition does not apply to disclosures and/or discussions about wages, benefits, or other terms and conditions of employment either with your co-workers or with union representatives. An employee who is uncertain of the confidential nature of specific information should consult his/her supervisor for clarification.. Employees who inappropriately, knowingly or inadvertently, reveal confidential information (other than one's own information) will be subject to disciplinary procedures. This policy shall not be construed as limiting an employee's right to engage in protected activity under Section 7 of the National Labor Relations Act (NLRA), including but not limited to discussing employees' wages, hours and benefits or the names, wages, hours, benefits or contact information of co-workers.

The College may conduct random, routine or reasonable suspicion searches on its premises for alcohol, drugs, weapons, missing property or for other legitimate business reasons. This includes searching any College computer, vehicle, building, office, warehouse, parking lot, desk, locker, file cabinet, stairwell, lunch room, closet or other areas which are owned, leased or controlled by the College. An employee's vehicle, tool box, bag, backpack, brief case, purse, lunch box or similar item is subject to being searched randomly, routinely, or for reasonable suspicion if brought on College premises.

Any employee who is found to have alcohol, drugs, stolen property or to have otherwise violated any of the College's policies, will be subject to disciplinary action, up to and including termination and/or legal action. Any employee who refuses to allow the College to inspect their College or personal property may be subject to disciplinary action, up to and including termination.

#### **4.11 NON-SMOKING POLICY**

The College takes seriously its obligation to provide a safe and healthy environment for all members of the community. Recognizing that the use of and smoke from tobacco products has direct adverse effects on the health of smokers and non-smokers alike, smoking is prohibited while working. Any activity that can be considered as simulating smoking (i.e. holding an unlit cigarette, use of an electric cigarette, etc.) will also be considered in violation of this policy. All buildings and campus vehicles are to be considered non-smoking areas. The College also prohibits smoking within twenty-five (25) feet of a building exit, entrance or operable window. For the purposes of this policy, "smoking" shall include smoking, chewing, holding an unlit or simulating smoking a cigarette, cigar or any other tobacco or electronic tobacco product.

To assist any College employee who wishes to quit smoking, the College, through its medical and wellness programs, offers smoking cessation programs.

Individual complaints or concerns regarding this policy should be discussed with a supervisor, Campus Safety, or Human Resources. Violation of this policy shall result in disciplinary action.

#### **4.12 CAMPUS VISITORS (Friends, Family and Others)**

The College has an open campus and welcomes visitors onto our campus. Friends and family members are welcome to visit the campus, but if they visit during working hours, it should be during a break period. It is expected that these visits will be occasional and short in duration.

#### **4.13 COLLEGE EQUIPMENT AND PERSONAL PROPERTY**

During the course of employment, employees may use or be issued College-owned equipment, such as offices, desks, computers, software, telephones, fax machines, copy machines, e-mail, Internet access, cell phones, smart phones and other handheld electronic devices, etc. The College has the right of access to all of its assets, equipment, offices, buildings, machines, etc. The College may search College property and personal property brought on to campus and may use investigative methods, including video surveillance. Employees do not have a privacy interest in College material, equipment, or assets.

Employees have a responsibility to use College equipment in a careful, professional manner for work-related purposes. An employee must immediately report any damaged, defective, or malfunctioning College property to their supervisor. Inappropriate, careless, wrongful, or improper use of College equipment, materials or assets, as well as an employee's failure to assist in an investigation of wrongful use, will result in disciplinary action. Any equipment provided by the College remains College property and must be returned immediately at the time of separation of employment or upon request of the College.

The College is not responsible for the personal belongings of employees. Any employee who brings personal belongings to work, including any items in College, leased, rental or personal vehicles, does so at their own risk and must take full responsibilities for such belongings.

#### **4.14 BROKEN EYEGLASSES AND DAMAGED CLOTHING**

Employees who have eyeglasses and/or clothing damaged or broken as a result of an on-the-job accident may be reimbursed for part or all of the cost of repairing/replacing the damaged item(s). Employees should submit a copy of the incident report with an original receipt indicating replacement/repair costs to Human Resources.

#### **4.15 TELEPHONE USE**

In order to present a positive image, College employees are reminded to display common courtesy when using the telephone. Office telephones and College-provided cell phones should be used for business purposes. Personal phone calls, incoming or outgoing, should be kept to a minimum and any resulting charges reimbursed by the employee. Excessive utilization of office telephones or College-provided cell phones for personal phone calls (incoming or outgoing) is an unacceptable practice and can result in disciplinary action. The excessive use of personal cell phones, during normal working hours, is strongly discouraged and can result in disciplinary action.

#### **4.16 SOLICITATION AND DISTRIBUTION**

An employee may not solicit or distribute non-work related items or materials to another employee when either employee is working. Failure to follow this policy is an unacceptable practice and can result in disciplinary action.

Persons not employed by the College may not solicit or distribute literature or merchandise in the workplace at any time for any purpose without prior approval by Student Affairs or Human Resources. For the purposes of this policy, the workplace includes all College buildings, property and parking lots.

#### **4.17 COMMUNITY SERVICE**

The College encourages employees to participate in charitable, civic, or other community service activities in the community. Community service ordinarily occurs outside the regular workday and should not interfere with an employee's on-the-job responsibilities. It is recognized, however, that community service activities may occur during the workday. When this occurs, employees may be granted occasional time away from work to participate in service or programs of value to the College. Before accepting any responsibility for community service activities that require time away from work, an employee must receive approval from his/her supervisor and Responsibility Center Head. After approval has been granted, an employee may be able to rearrange his/her work schedule or take a paid or unpaid leave.

The priority for every department is to accomplish its mission. Approval for time away from work for community service must not decrease a department's productivity, increase staffing costs, or reduce services. Supervisors and employees should consider fairness and work equity among all employees when community service may involve time away from work.

## **Volunteer Fire Fighters and Emergency Medical Personnel**

The College will accommodate those employees who make available their services as Volunteer Fire Fighters and/or Emergency Medical Personnel.

**Emergencies Occurring During an Employee's Scheduled Shift:** Upon notification to the immediate supervisor, an employee can be allowed to leave during scheduled work time when notified of the need for his/her services by the fire or police department. Such approval should be granted if the employee's leaving does not pose an undue hardship upon the operation of the department. An employee shall be paid the lesser of: (1.) the balance of his/her scheduled shift or (2.) the duration of the emergency situation. The employee is expected to return to the College to complete his/her scheduled shift should the emergency not last for the duration of the shift.

**Emergencies Occurring Before an Employee's Scheduled Shift:** An employee will be allowed to attend to a fire or emergency situation that occurs before the start of his/her scheduled shift. Prior approval from the employee's immediate supervisor is not required, but notification should at least be attempted. The employee should notify Campus Security of the possibility of missing all or part of his/her scheduled shift due to an emergency situation. An employee who misses part or all of a scheduled work shift shall be paid for that portion of the missed shift.

An employee who does not receive eight hours of rest between the end of the emergency and start of his/her scheduled shift shall not be expected to work the shift. The employee will be allowed to use, without penalty or prior approval, personal time, vacation time, or time without pay.

**Securing Payment For Services:** For an employee to receive payment, the fire or police department must provide written verification of the need for the employee's services. The written verification must indicate arrival and departure times from the emergency situation. The verification must be signed by the Fire Chief or Officer in Charge at the time of the emergency and given to the employee's immediate supervisor.

## **4.18 CAMPUS PARKING**

The College attempts to provide adequate, on-campus parking facilities for faculty, staff, students, and visitors. In order to regulate the use of the facilities and ensure access by emergency vehicles, parking regulations are enforced at all times. Campus Safety is responsible for monitoring parking privileges on campus and regulations are available from that office. Employees park at his/her own risk and vehicles parked on campus must display a College parking permit.

### **Vehicle Registration**

All motorized vehicles (autos, trucks, vans, and motorcycles) brought to the campus by students, faculty, or staff must be registered with Campus Safety by the end of the first week of class of a given academic year, or within 48 hours after the owner/operator brings a new vehicle to campus. First-year students enrolled full-time in the regular undergraduate program, except those living at home, are not permitted to have any vehicle on the campus during the first year.

There is a registration charge per vehicle for the privilege of parking a vehicle on campus. If the owner/operator wishes to register more than one vehicle at a time, there will be an additional charge for each vehicle. At the time of registration, students and employees will sign an agreement that they will abide by College driving and parking regulations or be subject to an appropriate fine. Alleged violations may be appealed, in writing, to the Parking Appeals Committee (composed of faculty, students and staff) within seven days of receipt of a violation notice.

### **Failure To Register A Vehicle**

An unregistered vehicle on the College grounds will be subject to the following:

- 1st Violation: The owner/operator will be notified that the vehicle must be registered within 48 hours.
- 2nd Violation: \$25 fine. The vehicle must be registered within 48 hours.

- 3rd Violation: \$50 fine and towing charge. The vehicle will be towed to another campus location and booted until the towing charge is paid, and the owner/operator will lose campus parking privileges for a one-year period.

#### **Other Violations**

- Driving on grass or pedestrian walk: \$25 fine.
- Reckless driving and speeding: (Exceeding the campus speed limit of 15 mph on roadways, or 5 mph in parking lots) \$50 fine.
- Parking in handicapped space (without permit): 1st Violation: \$25 fine, 2nd Violation: \$50 fine and towing charge. The vehicle will be towed to another campus location and booted until the towing charge is paid, and the owner/operator will lose campus parking privileges for a one-year period.
- All campus roadways are considered fire lanes. A vehicle parked in a fire lane, creating a hazard, blocking access to others, or parked in an improper lot, will be subject to a \$25 fine and towing.

Parking is permitted only in the prepared parking areas. No parking is allowed on roads, sidewalks or grass, in front of walks, driveways, and entrances. Faculty and staff parking is not permitted in student or visitor parking areas. There may be an occasion when it is necessary to load and/or unload supplies and equipment from a personal vehicle that would require parking along the roadways. In these instances contact Campus Safety (Extension 6911) and advise them of the circumstances, length of time needed to load/unload, and vehicle description. Campus Safety will allow a reasonable time to accomplish the task. After the load/unload task is completed, the vehicle needs to be moved to an appropriate parking area.

#### **4.19 PROHIBITION OF WEAPONS ON CAMPUS**

The possession of weapons or firearms on campus, except by sworn law enforcement officers in the performance of duties or for a lawful purpose required by an employee's job function, is strictly prohibited. The prohibition also extends to employee vehicles. Prohibited items include but are not limited to: firearms, darts, bow and arrows, martial arts weapons, fixed bladed knives in excess of 2.5 inches, any club-type weapon, any explosive device, metal knuckles, ballistic knives, rifles, shot-guns, stun guns, tasers or cane-swords. An employee who is found to have brought an unlawful or unauthorized weapon onto campus will be subject to an immediate suspension and will receive appropriate disciplinary action up to and including termination.

#### **4.20 CONSENSUAL RELATIONS**

The College prohibits all sexual or romantic relationships between students and staff. Such relationships violate the standards of common behavior and are inconsistent with the mission of the College. Such relationships are more than private conduct; they affect the entire College community that the staff member and student share with other staff and students.

Sexual or romantic relationships with a student carry the risk of damaging the student's educational experience and the staff member's career. In any liaison with a staff member, voluntary consent by the student involved is considered suspect; mutual consent will not provide immunity if a complaint is brought by the student against the staff member.

#### **4.21 REMOVAL OF COLLEGE OR STUDENT PROPERTY FOR PERSONAL USE**

The College employees are expected to respect the personal property of the College, its students and staff. From time to time, employees may encounter items (furniture, stereo equipment, mulch, construction materials, tools, bicycles, office equipment etc.) that the employee believes is being discarded and that the employee would like to have for his/her own personal use. To avoid any question of impropriety, before any item is removed a signed form containing the following information is required:

1. Brief description of items to be removed

2. Quantity of items to be removed
3. Date item(s) is to be removed
4. Employee's signature and date of signature
5. Supervisor's signature and date of signature

Forms are available from Human Resources.

On a broader scale, when Union renovates a building, a larger quantity of items (i.e. excess used furniture, materials and supplies) must be discarded.

To the extent possible, Union will try to make these items available to its employees, on a first come/first served basis, before the items are discarded or given to charity. During these larger scale supervised offerings, the signed form will not be required.

#### **4.22 INDEMNIFICATION OF EMPLOYEES (April 22, 2013)**

##### **Note**

Indemnification of Trustees, and indemnification of employees serving as members of the Board of Trustees or as Administrative Officers, is to be handled in accordance with the College's By-Laws.

##### **Introduction**

In the event a legal proceeding is commenced against a current or former employee of the College, the Vice President for Administration and Finance, with assistance from the College's General Counsel and from the Director of Budgets, Insurance and Environmental Compliance, will evaluate the relevant facts associated with the legal proceeding in consultation with the Board of Trustees' Counsel. The Board of Trustees, in accordance with the Bylaws of the College, will make the determination as to whether the College will offer a legal defense and/or indemnification.

Indemnification generally includes payment by the College of any fines, penalties, settlements, and any other expenses actually and reasonably incurred in connection with an actual civil, criminal, administrative, or investigative action, claim, or proceeding. The College will select the legal counsel except when it is determined that the employee's legal interests have substantially diverged from those of the College.

##### **Conditions**

The College will defend the employee for actions arising out of the employment relationship if:

- The employee's alleged actions or omissions were within the scope of his or her College duties.
- The employee's alleged actions and omissions were done in good faith, without criminal or other willful misconduct (for example, conduct demonstrating a substantial disregard and or intentional neglect of duties and obligations).
- The employee reasonably believed that the alleged actions and omissions were lawful and in the best interests of the College.
- The employee gave the College's Vice President for Administration and Finance prompt written notice of such claim or action.
  - The original copy of any summons, complaint, notice, demand, letter, or any other document or pleading must be given to the Vice President for Administration and Finance as promptly as is reasonably possible.
  - Likewise, employees must give timely notice to the Vice President for Administration and Finance of legal issues as promptly as is reasonably possible before such issues give rise to a lawsuit or other legal proceeding or claim.
  - A delay in giving notice to the Vice President for Administration and Finance as set forth in this

paragraph can disqualify an employee from indemnification or other coverage under this Policy and potentially subject the employee to personal liability.

- The employee cooperates continuously and fully with the College in defense of the action.
- Any settlement or compromise of the claim or action has prior written approval of the College.

### **Exclusions**

This Policy shall not extend to:

- Conduct giving rise to the claim or action occurring when the employee was providing services for which he or she was being compensated in whole or in part by someone other than the College unless the program under which the services in question were being provided had been approved in writing by the College.
- An employee who brings a legal action against the College or its interests.
- Any action to the extent that it may be indemnifiable under any insurance policies in place that covers the employee whereupon the terms and conditions of that insurance policy shall govern.
- Any and all internal College proceedings.
- Any indemnification prohibited by law.

### **Further Limitations**

To the extent that the interests of an employee who is being defended by the College diverge from the College's interests, the College will pay the costs of a separate legal defense for that employee to the extent required by New York State law.

This policy is intended to serve only as a guide to the College's indemnification practices regarding the College's employees. Notwithstanding this Policy or any provision herein to the contrary:

- The College reserves the right to change or withdraw this Policy at any time with or without notice.
- The College reserves the right to make determinations regarding indemnification of employees that it believes are in the best interests of the College regardless of this Policy.
- The College's interpretation of this Policy and its determination as to indemnification in specific situations shall be final.

### **4.23 USE OF COLLEGE NAME OR LOGO**

The College trademarks and service marks, including the name, seal, and logo of the College and its various departments and programs may not be used without the prior specific written consent of the College for any purpose, including: in conjunction with any private or commercial enterprise, in tandem with the advertisement of any product, or by any individual or group promoting itself. This prohibition shall not be construed as limiting an employee's right to engage in protected activity under Section 7 of the National Labor Relations Act (NLRA), including but not limited to wearing a t-shirt portraying the College logo in connection with a protest involving terms and conditions of employment or displaying Union's logo on a picket sign.

Use of the College's name, seal, or logo on letterhead and business cards is standardized and regulated by the Office of Communications. Any questions regarding the use of the College's trademarks and service marks, including the College's name, seal, or logo and its various departments and programs, in circumstances other than the ones listed above, should be referred to the Sr. Director of Communications and Marketing.

### **4.24 ACCEPTABLE USE OF INFORMATION TECHNOLOGY RESOURCES (Revised August 9, 2013)**

### **General Statement**

As a part of the physical and social learning infrastructure, Union College acquires, develops, and maintains computers, computer systems and networks, telecommunications systems and equipment, fax machines, electronic mail (e-mail), Internet access, removable media, servers, storage devices, handheld devices and other electronic equipment or media (“IT Resources”). These IT Resources are intended for College-related purposes, including direct and indirect support of the College's instruction, research, and service missions; of College administrative functions; of student and campus life activities; and of the free exchange of ideas among members of the College community and between the College community and the wider local, national, and world communities. In general, all computers, the data stored on them, e-mail messages, facsimiles, voicemail and other communications created by and/or stored on the College’s IT Resources are the property of the College, which allows the College to access its IT Resources to locate business information, maintain the system and network, comply with legal requirements, and administer this and other College policy. Accordingly, your use of the College’s IT Resources is subject to the privacy limitations set forth below (see Security and Privacy). There are some exceptions to this general rule, including but not limited to materials covered by the College’s Intellectual Property policy, located in the Faculty Manual, and materials that are specifically licensed and not owned by the College. In the absence of a specific exception covering the equipment you are using or the data you are accessing, storing, or creating on College-owned equipment, the general rule set forth above applies.

The rights of academic freedom and freedom of expression apply to the use of College computing resources. So, too, however, do the responsibilities and limitations associated with those rights. The use of College IT Resources, like the use of any other College-provided resource and like any other College-related activity, is subject to the normal requirements of legal and ethical behavior within the Union College community. Thus, legitimate use of the College’s IT Resources does not extend to whatever is technically possible. Although some limitations are built into computer operating systems and networks, those limitations are not the sole restrictions on what is permissible. Users must abide by all applicable restrictions, whether or not they are built into the operating system or network and whether or not they can be circumvented by technical means.

### **Applicability**

This policy applies to all users of College IT Resources, whether affiliated with the College or not, and to all uses of those resources, whether on campus or from remote locations. Additional policies may apply to specific computers, computer systems, or networks provided or operated by specific units of the College or to uses within specific units. Consult the operators or managers of the specific computer, computer system, or network in which you are interested or the management of the unit for further information.

### **Policy**

#### **All users of Union College IT Resources must:**

**Comply with all federal, New York State, and other applicable law; all generally applicable College rules and policies; and all applicable contracts and licenses.** Examples of such laws, rules, policies, contracts, and licenses include the laws of libel, privacy, copyright, trademark, obscenity, and child pornography; the Electronic Communications Privacy Act and the Computer Fraud and Abuse Act, which prohibit "hacking", "cracking", and similar activities; the College's Student Conduct Code; the College’s Policy Against Unlawful Discrimination, Harassment, Bias Activity and Retaliation; and all applicable software licenses. Discrimination, harassment of others, bias activity and/or retaliation, whether on campus, using the College’s IT Resources and/or over the Internet, will not be tolerated. Prohibited conduct includes, but is not limited to, the use of anonymous/forged E-mail, “SPAM”, port-scanning and other unsolicited messages or activity. Users who engage in electronic communications with persons in other states or countries or on other systems or networks should be aware that they may also be subject to the laws of those other states and countries and the rules and policies of those other systems and networks. Users are responsible for ascertaining, understanding, and complying with the laws, rules, policies, contracts, and licenses applicable to their particular uses.

**Use only those IT Resources that they are authorized to use and use them only in the manner and to the extent authorized.** Ability to access the College’s IT Resources does not, by itself, imply authorization to do so. Users are responsible for ascertaining what authorizations are necessary and for obtaining them before proceeding. Accounts and passwords may not, under any circumstances, be shared with, or used by, persons other than those to whom they have been assigned by the College. Users will be held responsible for all activity originating from their





situations, must be authorized in advance by the Chief Information Officer or the Chief Information Officer's designees. It is common practice by the Chief Information Officer to relinquish decision-making responsibility regarding monitoring emails to the appropriate Vice President and/or the President. Use of the College's IT Resources constitutes consent by the user to all of the terms and conditions of this policy, as well as consent to the College's accessing, intercepting, and monitoring of employee use of the College's IT Resources in accordance with this policy.

Union College, in its discretion, may disclose the results of any such general or individual monitoring, including the contents and records of individual communications, to appropriate College personnel or law enforcement agencies and may use those results in appropriate College disciplinary proceedings.

#### **4.25 RENTING/OPERATING COLLEGE OWNED MOTOR VEHICLE EQUIPMENT**

Fleet Services are administered by Campus Safety. The purpose of College owned motor vehicle equipment is to provide safe, reliable, cost effective and convenient transportation to the College community. This policy is meant to provide guidelines for the safe, efficient and convenient utilization of vehicles by faculty, staff and students who are traveling on "Official College Business". (Also see Section 5.6 Vehicle Safety, Usage and Damage).

Fleet Services presently has a number of vehicles available for rental. Included in the vehicles available are three Minivans and six 12 Passenger vans. **The capacities quoted include the driver of the vehicle.** Vehicles on out of town trips are provided with credit cards for fuel purchases. There is a radius limit for the buses and vans (250 miles out) on a one day trip due to restrictions of driver's hours. Some of the rental vehicles are equipped with EZ-Pass for tolls. Fuel and tolls are included in the rental rates. The College also operates four bus type vehicles with the following capacities: a 40 passenger bus, 33 passenger bus, our 20 passenger trolley and two 25 passenger buses. The capacities quoted are in addition to the driver. The Trolley is limited to the local area of Schenectady. The bus type vehicles are only rented with a College provided driver. For more information regarding trip limits, rental rates for each class of vehicle, rental policies and reservation forms, contact the Transportation Department at [Olseng@union.edu](mailto:Olseng@union.edu) or by calling Gary Olsen at x6977. Vehicles are rented on a first come, first served basis.

Vehicles may be rented by:

Faculty and Staff: All persons renting College owned equipment must have passed the National Safety Council "Defensive Driving Course" provided free of charge by the Campus Safety Department. The course must be current (taken within the last three years).

Students, associated with a recognized College organization, must obtain approval from the Student Activities Director, or Director of Greek Affairs. Students making a reservation for College Transportation must supply a current account number in advance.

Vehicles that are rented may only be used for College business or College sponsored events. Those used for social events must be rented with a College provided driver.

All persons renting College owned vehicles:

- without a provided driver must be a participant in the New York State Department of Motor Vehicles "License Event Notification System" (LENS). Enrollment in the LENS program is accomplished through Fleet Services in Campus Safety.
- must have a current driver's license with them when picking up a vehicle. Only persons approved to operate College owned equipment may pick up the vehicles.
- who permit a person not approved as an operator of College vehicles to operate the vehicle will be deleted from the approved drivers list.
- agree to obey all NYS Vehicle and Traffic Laws and abide by the College vehicle rental policies and vehicle and parking regulations.
- agree to return the vehicles clear of trash, and to note any issues with the vehicle on the trip sheet when returning the vehicle.

All persons renting twelve passenger vans must pass the “van safety training” provided free of charge by the Campus Safety Department.

All students operating College owned vehicles must be at least 21 years of age.

Faculty, staff and students are discouraged from using personal vehicles for official College programs.

Departments or student organizations renting vehicles will be responsible for any damage incurred during the rental and for any towing charges incurred due to the less than prudent operation of the vehicle.

Operators of rental vehicles are responsible for any citations issued to the operator for operating the vehicle in violation of any motor vehicle law. This includes EZ-Pass violation and parking fines. The use of hand-held devices while operating a College vehicle is strictly prohibited. Anyone issued a citation for “Distracted Driving” (using a hand-held device while driving) will be responsible for the citation and removed from the approved driver list. Employees who use a hand-held device while operating a College vehicle, including receiving or placing calls, checking voicemail, sending or receiving email or text messages, or surfing the Internet, or who otherwise engage in activities that compromise an employee’s ability to operate a College vehicle safely will be subject to disciplinary action.

Student organizations must have the approval of Student Activities before renting any vehicle, with or without a provided driver. Application to student activities for approval must be made by the president of the organization. Student organizations renting a vehicle for a social event must rent the vehicle with a College provided driver.

Students renting vehicles may not exceed the mileage limitations for travel set by the College. Seasonal conditions will be taken into consideration prior to student rentals.

All persons renting equipment agree not to exceed the vehicle load capacity or to exceed the vehicle seating capacity. All persons in the vehicle must wear the seatbelts provided in the vehicle. Persons refusing to wear a seat belt may not ride in the vehicle.

Passengers must be members of the College community or associated with an official College program. No unauthorized passengers are permitted in a College owned vehicle. Unauthorized passengers include: hitchhikers, family members or friends.

Illegally possessed controlled substances, alcoholic beverages, weapons or any other contraband is not permitted to be carried or transported in College owned vehicles.

Exceptions to this rule are as follows:

Dining Services transporting alcoholic beverages for a College event;

Campus Safety Officers transporting evidence seized in the course of their official duties, or substances used for instruction of Officers and staff at the College.

Smoking is not permitted in all vehicles.

In the event of an accident, contact Campus Safety at (518) 388-6911, report the accident, and complete the accident report form located in the glove box of the rental vehicle. Also according to Regulatory Citation (49 CFR 382.303) concerning Post-Accident Alcohol and Drug Testing. Advisement, an employer is required to conduct, and a driver is required to submit, to a post-accident drug-alcohol test when the driver is involved in an accident wherein the driver receives a citation within hours of the accident.

Any licensed driver who has had two or more accidents in the last 18 months, where they are found to have been at fault, or have been convicted of or plead guilty to two or more moving violations in the last 18 months, will be removed from the approved drivers list. After the elapse of 18 months the driver may then apply to Campus Safety for reinstatement as an approved driver. If approved, the driver must take and pass the National Safety Council Defensive Driving Course before final approval. The cost of the course in this instance must be borne by the driver

applying.

Any driver of a vehicle, found on the College campus in violation of the Vehicle and Traffic Law or any College vehicle policy or engaging in any dangerous actions with a vehicle on any occasion, will be removed from the approved drivers list or denied approval to operate College vehicles and forbidden from operating any motor vehicle on College property. Such operators may apply after 18 months to be permitted to operate motor vehicle equipment on College property after providing proof of attendance to the National Safety Council Defensive Driving Course. The cost of the course, in this instance, must be borne by the driver.

Recommendations for improving motor vehicle service to the College community should be directed to Campus Safety. For additional information regarding driving on College business see the College's Vehicle Safety, Usage and Damage policy.

#### **4.26 PETS IN THE WORKPLACE (May 23, 2013)**

For many community members, allowing pets in the workplace greatly enhances the working, living, and learning environment. Each community member that elects to bring a pet to campus must be respectful of others recognizing that having a pet in the workplace is a privilege that bears the responsibility of proper hygienic care and attention to those pets, and minimizing disruption to others while at work. We must also be aware of the need for heightened consideration of the sensitivities and vulnerabilities of fellow community members, including students, staff, faculty members, and visitors, who may suffer from allergies or who may have serious apprehensions about animals.

As a general policy, the College allows pets to be in College controlled buildings and open space areas of College property, except in designated buildings and areas as provided below as long as they are attended to and restrained at all times by their owner and their owner complies with the following:

- The College requires employees to at all times be in immediate proximity to their pet, maintain full control of their pet, and to short-leash (6-8 feet) their pet in College controlled buildings and open space areas, except when the pet is in a private office (see below). To be considered attended to a pet may not be left fastened to a stationary object.
- A pet may be left unattended in a private office, by closing the door, as long as a sign is placed outside of the office door indicating a pet may be within (see sample signage at: <http://www.union.edu/offices/human-resources/policies/index.php>). When the owner is present, a "pet gate" may be used in lieu of a closed door provided that there is appropriate signage and that the gate does not damage college property, adequately restrains the pet, and provided that its use does not result in any complaints or concerns by members of the college community in the vicinity. Should any such complaints or concerns arise it is the responsibility of the employee to use a closed door instead.
- Employees who bring their pet to work are wholly responsible for making sure that their private office and all other College controlled buildings and open space areas of the College property remain undamaged and clean of pet-caused dirt or debris. Clean-up should be thorough enough as to not generate additional work for college staff.
- The College will seek restitution from the employee/owner for any pet-related damage to College owned property, facilities, or grounds and the employee/owner will be held financially responsible, in accordance with prevailing law, for any injuries to individuals caused by the pet. Under no circumstances will the College indemnify nor hold an employee/owner of a pet harmless from claims arising from injuries or damages caused by their pet.
- Any pet owner or pet caretaker must promptly clean up and properly dispose of pet waste in all areas of College property.

The College **explicitly restricts** pets from Dining Halls, Residence Halls, Minerva Houses, indoor athletic facilities (with the exception of private offices), the spectator seating and competition fields for outdoor athletic events and other buildings/open space areas as specifically posted. Research animals, certified guide animals, and other service animals are an exception to this restriction.

When a concern arises between a pet-owner and a member of the campus community and an agreement cannot be reached, the situation should be reported to Campus Safety or Human Resources. The Directors of Campus Safety and Human Resources will determine, on a case-by-case basis, how any concern regarding a particular pet will be handled. The Directors have the authority to make final determinations regarding any restrictions affecting particular pets as well as any charges in consideration of damage caused by pets.

## **V. EMPLOYEE SAFETY AND SECURITY**

### **5.1 GENERAL SAFETY AND SECURITY (CAMPUS CRIME AWARENESS ACT)**

In order to provide a safe and secure environment for all members of the College community, the College employs Campus Safety personnel. Safety and Security Officers patrol the campus 24 hours a day.

In compliance with the Campus Crime Awareness Act, the College is also committed to assisting all members of the College community in providing for his/her own safety and security. At all times, safety and security is the responsibility of individual members of the College community. Information regarding campus security and personal safety including topics such as crime prevention, campus safety law enforcement authority, crime reporting policies, crime statistics for the most recent three year period, and disciplinary procedures is available from the Director of Campus Safety at 807 Union Street, Schenectady, NY 12308. This information may also be accessed from the Campus Safety web page: [union.edu/safety](http://union.edu/safety)

Community members can help enhance the safety and security of the campus by taking the following measures:

- A. Report all unsafe conditions to an immediate supervisor, the Campus Safety Office, or the Environmental Health and Safety Department.
- B. Observe all safety regulations and safe work practices.
- C. Utilize all safety equipment and wear protective devices as required.
- D. Be alert and report all conditions that may jeopardize the safety and security of individuals and property.
- E. Observe all precautions to prevent unsafe or unsecured conditions from occurring.
- F. Observe established security procedures and secure property and facilities when possible.

With every employee's effort, this cooperative and preventative approach will help to maintain a safe and secure environment.

- A. Do not assume someone else will take responsibility.
- B. Do not treat safety and security issues lightly.
- C. Do your part and take appropriate steps to correct problems.

### **5.2 HEALTH, SAFETY, AND LOSS CONTROL PRACTICE STATEMENT (March 9, 2011)**

#### **I. Comprehensive Health, Safety and Loss Control Program**

The College strives to provide a reasonably safe and healthful environment for its faculty, staff, students, and visitors. To achieve this objective, our comprehensive health, safety, and loss control program includes formation of a Safety Committee, assigning safety responsibilities, defining proper safety policies and procedures, providing safety training, providing safety inspections, and stating specific employee incident reporting requirements. These include the need for employees to report all injury incidents immediately to their supervisor and Campus Safety and for all employee injury incidents to be investigated promptly by a representative of the Environmental Health and Safety Department. Specific components of the safety and loss control program include: accident prevention and risk mitigation, fire protection, and health preservation. As a part of the program, the College will provide safe working equipment, necessary and required personal protection devices, and an emergency response plan.

#### **II. Employee, Supervisor and Departmental Responsibility**

Health and safety is the responsibility of all College faculty and staff with administrative responsibility assigned to the Environmental Health and Safety Department. Each employee and supervisor is responsible for his/her own and his/her department's safety.

Safe work behaviors and attitudes are an expected part of every employee's job performance.

- Employees are expected to follow all safety work rules and procedures and to cooperate with and support loss control program activities and objectives.
- Employees are expected to report unsafe conditions and to ask for instruction from a supervisor if unsure how to conduct a specific task safely.
- Supervisors are expected to monitor and assist employees in the safe performance of duties.
- Employees are expected to work with and support the Environmental Health and Safety Department to reduce losses and provide for the safety of College faculty, staff, students, and visitors.

### III. Environmental Health and Safety Department (EHS)

It is the responsibility of EHS to implement all College environmental health and safety/fire safety policies and procedures and for maintaining a comprehensive environmental health and safety program that will reasonably ensure the health and safety of students, faculty, staff and visitors in college-sanctioned activities. Through its regulatory compliance efforts, EHS combines consultation, inspection, training, and control related to biological, chemical, occupational, laser, radiation and fire safety. EHS is equipped to measure, evaluate, and respond to hazards and to make individuals aware of potential hazards and related safety precautions.

The EHS staff has the authority to immediately suspend or restrict any operation that presents a serious hazard (real or potential) associated with the health, life, safety, or welfare of students, faculty, staff, visitors, or is found to be in violation of acceptable standards. In the event that EHS orders cessation of an activity, the problem will be immediately communicated to appropriate parties. If appropriate, EHS will also contact a regulatory agency. EHS will notify the appropriate parties when a halted activity may be resumed. Loss control efforts are continuous and should be considered equal in importance with all other operational responsibilities.

### IV. Environmental Health and Safety Committee

The Environmental Health and Safety Committee has diverse representation from many College departments including: Dining Services, Facilities Services, Campus Safety, Human Resources, and Athletics. The committee is led by Union's designated EHS Compliance Officer and is responsible for:

1. Monitoring the effectiveness of the College's health, safety, and loss control program.
2. Reviewing potentially dangerous or actual reported accidents and determining if mitigation of risk has been achieved.
3. Reviewing of accident claim history
4. Identifying training and development needs.

The committee meets at least monthly to fulfill its responsibilities.

***By maintaining an effective health, safety and loss control program, the College can provide a reasonably safe environment while protecting its limited resources from loss.***

## **5.3 OCCUPATIONAL SAFETY AND HEALTH ACT (OSHA)**

The Occupational Safety and Health Act of 1970 (OSHA), P.L. 91-596, assures safe and healthful working conditions for working men and women throughout the Nation. The Occupational Safety and Health Administration, in the U.S. Department of Labor, has the primary responsibility for administering this legislation. The rights listed here may vary depending on the particular circumstances.

- An employee has the right to notify the employer or OSHA about workplace hazards. The College maintains a comprehensive health, safety and loss control program to provide a safe environment to employees. Any suspected safety hazard should be brought to the attention of a supervisor/manager immediately. Examples of potential safety hazards include, but are not limited to, damaged or broken

furniture, slippery floors, torn carpet and cords, boxes in hallways, workstations or offices near emergency exits.

- An employee may ask OSHA to keep his/her name confidential.
- An employee has the right to request an OSHA inspection if it is believed that there are unsafe and unhealthful conditions in the workplace. The employee or a representative may participate in the inspection.
- An employee has the right to file a complaint with OSHA within 30 days of discrimination by the employer for making safety and health complaints or for exercising rights under OSHA.
- An employee has the right to see OSHA citations issued to an employer. The employer must post the citations at or near the place of the alleged violation.
- The employer must correct workplace hazards by the date indicated on the citation and must certify that these hazards have been reduced or eliminated.
- An employee has the right to have copies of medical records or records of exposure to toxic and harmful substances or conditions.

To file a complaint, report an emergency, or seek OSHA advice, assistance, or products, call 1-800-321-OSHA or Boston (617) 565-9860/New York (212) 337-2378 (Teletypewriter (TTY) number is 1-877-889-5627). To file a complaint online or to obtain more information on OSHA federal and state programs, visit OSHA's website at [www.osha.gov](http://www.osha.gov).

#### **5.4 WORKPLACE VIOLENCE**

It is the policy of Union College to promote a safe environment for its employees, students and visitors. Union College is committed to working with employees and students to maintain a campus environment free from violence, threats of violence, harassment, intimidation, and other disruptive behavior; however, no workplace is immune from the issue of workplace violence.

Violence, threats, harassment, intimidation, and other disruptive behavior on our campus will not be tolerated. All reports of incidents will be taken seriously and will be dealt with appropriately. Such behavior can include oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm. Individuals who commit such acts may be removed from the premises and may be subject to disciplinary action, criminal penalties, or both.

Everyone's cooperation is needed to implement this policy effectively and maintain a safe campus and working environment. Do not ignore violent, harassing, intimidating or other disruptive behavior. If you observe or experience such behavior by anyone on campus, whether he or she is an employee, student or visitor, report it immediately to a supervisor, Campus Safety or Human Resources. Supervisors who receive such reports should seek advice from Human Resources regarding initiating appropriate action. **Please Note: Any threat or assault requiring immediate attention by Campus Public Safety or Police should be reported immediately to Campus Safety at 388-6911 or local police at 911.**

In the case of violence, prevention steps must be multi-faceted, campus wide and planned. Action should be determined as soon as the violence occurs, the underlying causes of the violence addressed, and the existing problems after the act of violence is addressed. Once an incident occurs you should immediately report it to Campus Safety, and then the following should take place:

- Secure the area where the disturbance occurred.
- Ensure the physical safety of employees and others remaining in the area as soon as possible.
- Provide critical incident debriefing to victims, witnesses, and other affected employees – these conversations must be kept confidential.

After the incident has occurred, a detailed investigation is imperative. A delay may cause important evidence to be removed or destroyed. All facts, such as: who, what, when where, and how must be collected and recorded immediately. The investigation should focus on fact finding not fault finding.

### **Responsibilities**

It is up to each employee to help make Union College a safe workplace for all of us. The expectation is that each employee will treat all other employees, as well as students and visitors, with dignity and respect. You can and should expect management to care about your safety and to provide as safe a working environment as possible by having preventive measures in place and, if necessary, by dealing immediately with threatening or potentially violent situations which occur.

Supervisors and managers have the obligation to deal with inappropriate behavior by their employees, students and visitors, to provide employees with information and training on workplace violence, and to put effective security measures in place.

### **Employee Responsibilities**

- Be familiar with college policy regarding workplace violence.
- Be responsible for securing their workplace.
- Be responsible for questioning and/or reporting strangers to supervisors.
- Be aware of any threats, physical or verbal, and/or any disruptive behavior of any individual and report such to supervisors.
- Do not confront individuals who are a threat.
- Be familiar with the resources of the Employee Assistance Program.
- Take all threats seriously.

### **Managers and Supervisors**

- Inform employees of workplace violence policies and procedures.
- Ensure that employees know specific procedures for dealing with workplace threats and emergencies, and how to contact emergency response personnel.
- Ensure that employees with special needs are aware of emergency evacuation procedures and have assistance as necessary regarding emergency evacuation situations.
- Respond to potential threats and escalating situations by using proper resources from Campus Safety, Human Resources, and the Employee Assistance Program.
- Take all threats seriously.
- Check prospective employees backgrounds prior to hiring.
- Know that timely reaction is a measure that leads to success. Delays in the reporting process impede the process.



### **Human Resources Staff**

- Provide for supervisory training which includes basic leadership skills, such as setting clear standards of conduct and performance, addressing employee problems promptly and using the introductory period, performance counseling, discipline and other management tools conscientiously.
- Provide technical expertise and consultation to help supervisors determine what course of administrative action is most appropriate in specific situations.
- Determine whether sufficient evidence exists to justify taking disciplinary action once the investigation of any misconduct is complete.
- Help supervisors determine appropriate administrative action given the specific details of the incident.

### **Security/Facilities Staff**

- Serve as the liaison with local law enforcement.
- Conduct regular threat assessment surveys of the college to determine the level of physical security and any gaps in the physical security plan.
- Keep management advised of the risk of violence, any security gaps identified in the threat assessment, and the means to close these gaps.
- Work with facilities personnel to improve the security level of the buildings, grounds, parking lots etc.
- Train facility personnel in security measures and violence prevention techniques. Facilities personnel should work with security staff to insure that buildings and grounds are safe for employees and visitors.

### **Identifying Potentially Violent Situations**

If you have concerns about a situation which may turn violent, alert your supervisor immediately and follow reporting procedures.

Warning signs of potential workplace violence:

- Intimidating, harassing, bullying, belligerent, or other inappropriate aggressive behavior.
- Numerous conflicts with clients, co-workers, or supervisors.
- Bringing a weapon to the workplace, making inappropriate references to guns or making idle threats about using a weapon to harm someone.
- Statements showing fascination with incidents of workplace violence, statements showing approval of the use of violence to resolve a problem, or statements identifying with perpetrators of workplace homicides.
- Statements indicating desperation (over family, financial, or other personal problems) to the point of contemplating suicide.
- Direct or veiled threats of harm.
- Substance abuse.
- Extreme changes in normal behaviors.

- Hostile language or threats against a person, or a group based on race, sex, religion, disability, ethnic background, sexual orientation or gender identity and expression.

If you have noticed a subordinate, co-worker, student or visitor showing any signs of these indicators, you should take the following steps:

- If you are a co-worker, you should notify the employee's supervisor immediately of your observations.
- If it is a student or visitor, notify your supervisor immediately.
- If it is your subordinate, then you should evaluate the situation by taking into consideration what may be causing the employee's problems, and notify Human Resources to assemble a Threat Assessment Team.
- If it is your supervisor, notify that person's manager.

### **Responding to Violent Incidents**

No matter how effective the college policies and plans are in detecting and preventing incidents, there are no guarantees against workplace violence. Even the most responsive employers face this issue. When a violent incident does occur, it is essential that the response be timely, appropriate to the situation, and carried out with the recognition that employees may be traumatized and that the incident's aftermath has just begun.

### **Emergency Response Team/Threat Assessment Team**

Varies with each situation but, typically includes representatives from:

- Management
- Human Resources
- Campus Safety

Other representatives from the following if necessary:

- Environmental Health & Safety
- Legal Counsel
- Affirmative Action
- Media Relations
- Medical/Counseling staff

Threat assessment teams evaluate the risks persons under suspicion pose to particular targets. The approach and timing for these evaluations will be specific to the circumstances of the potentially violent situation. Threats from outside the college may require different actions. Once a Threat Assessment is completed, management will decide what additional measures are needed to close any security gaps. Where appropriate, and not a security breach, management will explain to employees and clients what new steps are being taken and why, to alleviate misunderstanding and confusion.

The Emergency Response Team goes into action after a situation of violence has occurred. The team usually is composed of many of the same individuals who make up the Threat assessment team, but their purpose is to deal with the actual violent situation and its aftermath as well as to take steps to prevent similar future occurrences. The team assists management and employees by serving as a resource and information source in regard to workplace violence concerns; shares information with employees so that they are involved; responds, as needed to incidents;

assists to de-escalate and manage the situation; facilitates and coordinates response actions to insure that appropriate follow-up action is taken (investigations, victim assistance, preventive and corrective actions etc.).

### **Critical Incident Stress Debriefing**

Normally, this type of debriefing is conducted by counseling staff, EAP counselors or other mental health professionals. Information shared during the debriefing should remain confidential among the group present.

## **5.5 ACCIDENTS (ACCIDENT REPORTING)**

Accidents involving employees, students or visitors must be reported immediately to Campus Safety and to the employee's supervisor. An accident can include, but is not limited to, personal injury, liability and/or property loss/damage, which can be described as: an automobile accident, slip and fall, vandalism, theft, negligence, fire-flood-water damage, etc. If medical attention is necessary, assistance should be sought from Campus Safety and/or the College's Emergency Medical Service (EMS), Ellis Works, the individual's personal physician, an urgent care clinic, or the hospital. An injured or potentially injured person should be transported by ambulance not by a private vehicle. On the job accidents will require a Workers' Compensation report to be filed as explained in the Workers' Compensation Section (§9.7) under time off and leaves. Failure to report an accident in a timely manner may result in disciplinary action up to and including termination of employment.

## **5.6 VEHICLE SAFETY, USAGE AND DAMAGE**

Employees in certain positions may be required to drive College, leased, rental or personal vehicles to conduct business on behalf of the College. (See Section 4.25 Renting/Operating College Owned Motor Vehicle Equipment). College owned vehicles may only be used with proper authorization and drivers must have a valid, unrestricted and appropriate drivers' license. The proper use of safety restraints is required. The College expects employees to drive safely and will not reimburse for parking or traffic tickets. An employee who drives on behalf of the College must inform his/her supervisor and Campus Safety of moving violations for which he or she is found guilty or license suspension or revocation. An employee's driving privilege may be suspended for receiving an excessive amount of traffic citations, whether the citations were received while driving a College vehicle or not. If an employee's College driving privilege is suspended and that employee's position requires regular use of a vehicle in order to perform their job, the employee may be terminated from employment for being unable to perform the duties of their job.

Damage to privately owned vehicles or College owned vehicles that occurs on campus, must be reported immediately to Campus Safety. When damage to College owned vehicles occurs off campus collect all information related to the cause of damage and contact Campus Safety within 48 hours of the incident.

**Distracted Driving** – The primary function of a motor vehicle operator is to drive the vehicle safely. Accordingly, employees who operate College-owned vehicles or who operate their personal vehicles for College-related business must avoid activities that compromise their ability to operate a vehicle safely.

Any activity that distracts the driver's attention from operating the vehicle safely should be minimized or avoided to the extent possible. Examples of such activities include, but are not limited to, paying extended attention to events occurring outside the vehicle, adjusting the stereo, interacting with others in the vehicle, adjusting the climate or other vehicle controls, eating, drinking, reading directions, writing, and smoking. Whenever the operator of a vehicle is called upon to engage in any activity that may inhibit the safe operation of the vehicle, the activity should be handled by a passenger or the vehicle should be stopped in a safe location before undertaking the activity. Vehicle operators must at all times comply with any and all federal, state, and local motor vehicle laws and ordinances, including those restricting or prohibiting the use of electronic devices, including hand-held devices, while operating a motor vehicle.

**Employees are prohibited from talking on or otherwise using a hand-held device while operating a College vehicle or a personal vehicle on College business or while using a College-provided hand-held device at any other time. This prohibition applies to all use of a hand-held device, including receiving or placing calls, checking voicemail, sending or receiving email or text messages, and surfing the Internet.**

**Use of Personal Vehicle for College Business** – Employees are required to have adequate liability insurance for both bodily injury and property damage on their personal vehicles if they use their own vehicle for College business.

The College does not assume any liability for injury to members of the public caused by the negligence of an employee driving a personally-owned vehicle in the course of College business. If an employee does not have liability insurance, they must notify their supervisor of this fact and other arrangements will be made. The College is also not responsible for any damage to any employee's vehicle, or loss or damage to personal property contained within the employee's vehicle. In the event that the College is brought into a lawsuit involving an automobile accident caused by an employee, the employee's personal insurance coverage will provide protection for the employee and the College, followed secondarily by the College's insurance coverage. For additional information regarding use of College-owned vehicles, see the College's Renting/Operating College Owned Motor Vehicle Equipment policy.

### **5.7 HAZARD COMMUNICATION**

The identity of chemicals used in the workplace, the nature of these chemicals, and the protective measures to be used when working with chemicals is closely monitored by the College. Safety Data Sheets (SDS) are available at point of use. Secondary copies of SDS are available from the Environmental Health & Safety Department.

Questions or concerns regarding hazards in the workplace may be directed to an immediate supervisor or the Environmental Health & Safety Department.

### **5.8 BLOOD-BOURNE PATHOGENS**

The Occupational Safety and Health Administration (OSHA) has standards governing occupational exposure to blood-borne pathogens. Employees in positions that could be reasonably anticipated to come into contact with potentially infectious materials during the performance of duties are included in the College's exposure control program. Information about this subject or the safety program is available from the Environmental Health and Safety Department.

### **5.9 EMERGENCY EMPLOYEE INFORMATION**

All employees are requested to complete an Employee Information Sheet to be placed in the employee's personnel file in Human Resources.

The information contained on the form will enable the College to respond to a medical or other emergency situation that involves the employee. It is the employee's responsibility to keep the information current.

### **5.10 EMERGENCIES**

In the event of an emergency requiring Fire, Police or Emergency Medical Services (EMS), contact the Campus Safety department immediately at x. 6911. The Communications Systems Operator has direct contact with the Schenectady Police, Fire, and EMS departments.

### **5.11 FIRE PREVENTION**

In the event of a fire, contact Campus Safety immediately at x. 6911. For the protection of employees, the College employs a Fire Prevention Specialist whose duties include fire safety training, fire system maintenance, fire inspections, and investigations. Issues involving worker safety, environmental protection, and hazardous waste management should be directed to the Environmental Health and Safety department. The Campus Safety and Environmental Health and Safety Departments are available to provide for a coordinated emergency-type response to fire and environmental emergencies.

### **5.12 PROTECTIVE EQUIPMENT**

The Environmental Health and Safety Department and Human Resources administer programs involving the identification, issuance, and training of work-related safety equipment. Employees are required to follow all safety procedures and utilize personal protective equipment as recommended. Necessary equipment will be provided to the employee without cost.

### **5.13 CLOSED CIRCUIT TELEVISION MONITORING AND RECORDING OF PUBLIC AREAS**

The purpose of this policy is to regulate the use of closed circuit television (CCTV) cameras to monitor and record public areas for the purposes of safety and security.

This policy applies to all personnel, and property of the College in the use of CCTV monitoring and recording. Legitimate uses of this technology are covered by College policies governing the proper use and restrictions of this technology.

#### **General Principles**

Campus Safety is committed to enhancing the quality of life of the campus community by integrating the best practices of private campus safety with state-of-the-art technology. A critical component of a comprehensive security plan using state-of-the-art technology is closed circuit television (CCTV).

The purpose of CCTV monitoring of public areas by campus safety personnel is to deter crime and to assist the Campus Safety Department in protecting the safety and property of the College community. Any diversion of security technologies and personnel for other purposes (e.g., CCTV monitoring of political or religious activities, or employee and/or student evaluations) would undermine the acceptability of these resources for critical safety goals and is therefore prohibited by this policy.

Video monitoring for security purposes will be conducted in a professional, ethical and legal manner. Personnel involved in video monitoring will be appropriately trained and continuously supervised in the responsible use of this technology. Violations of the Code of Procedures for video policy referenced in this policy will result in disciplinary action consistent with the rules and regulations governing employees of the College.

Information obtained through video monitoring will be used exclusively for security and law enforcement purposes. Information obtained through video monitoring will only be released when authorized by the Dean of Students according to the procedures established in this policy.

Video monitoring of public areas for security purposes will be conducted in a manner consistent with all existing College policies, including the Non-Discrimination Policy, the Sexual Harassment policy, Open Expression Guidelines and other relevant policies. The Code of Practice for video monitoring prohibits monitoring based on the characteristics and classifications contained in the Non-Discrimination Policy (e.g., race, gender, sexual orientation, national origin, disability etc.)

Video monitoring of public areas for security purposes at the College is limited to uses that do not violate the reasonable expectation of privacy as defined by law.

To maintain an informed College community, Campus Safety will periodically disseminate written materials describing the purpose and location of CCTV monitoring and the guidelines for its use. The location of outdoor CCTV cameras monitored by Campus Safety will be published in *Concordiensis*.

Information obtained in violation of this policy may not be used in a disciplinary proceeding against a member of the College faculty, staff or student body.

All existing uses of video monitoring and recording will be brought into compliance with this policy within twelve months of the approval of this policy.

#### **Responsibilities**

Campus Safety is the department authorized to oversee and coordinate the use of CCTV monitoring for safety and security purposes at the College. Campus Safety has primary responsibility for disseminating and implementing policy and procedures.

The Dean of Students has the responsibility to authorize all CCTV monitoring for safety and security purposes at the College. All new installations will follow Campus Safety operating principles. All existing CCTV monitoring systems will be evaluated for compliance with this policy.

Campus Safety will monitor new developments in the relevant law and in security industry practices to ensure that CCTV monitoring at the College is consistent with the highest standards and protections.

A CCTV monitoring panel will be established to assure that Campus Safety adheres to established policy and procedure in the use of CCTV and to review camera locations and request for release of video media.

The CCTV monitoring panel will consist of six members who will serve for a term of one year. The Chairperson of the President's Committee on Campus Safety or his/her designee will serve as chair. One faculty member appointed by the Dean of Faculty. One member appointed by the President. One Student member. One staff member. One member from the Dean of Students office. An individual may appeal an adverse decision by the CCTV monitoring panel through existing College appeal mechanisms.

The CCTV monitoring panel will review camera locations to insure the perimeter of view of fixed location cameras conforms to this policy. The proposed location of permanent CCTV cameras will be provided to the CCTV monitoring committee for review and published in *Concordiensis* before installation. A list of all College owned or controlled camera locations will be published semi-annually in *Concordiensis* and made available by Campus Safety to anyone requesting the list. The locations of temporary cameras to be used for special events will be reviewed by the CCTV monitoring committee for approval and published in *Concordiensis* before the event if possible. (Note: "Temporary cameras" does not include mobile video equipment or hidden surveillance cameras used for criminal investigations.) Included with the list of CCTV camera locations will be a general description of the technology employed and the capabilities of the cameras. Students and staff entering certain sensitive locations on campus may have an increased concern for privacy and confidentiality. In order to prevent a possible chilling effect on the use of service at these locations, concerned persons may petition the CCTV monitoring committee to forgo the installation of a proposed camera or for the removal of an existing camera. The CCTV monitoring committee will determine the appropriateness of an installation weighing the concerns of the person(s) making the request and the safety and security of the entire community. In recognizing students may also have an enhanced expectation of privacy in the hallways and lounges of residence facilities, CCTV monitoring for safety and security purposes will not be used in residential hallways and lounges. The CCTV monitoring committee will review complaints regarding camera locations and determine whether the CCTV monitoring policy is being followed. The panel should weigh whether the potential increment in community security outweighs any likely infringement of individual privacy.

The CCTV monitoring committee, with the Dean of Students, will review all requests received by Campus Safety to release recordings obtained through CCTV monitoring. No releases of CCTV recordings will occur without authorization by the Dean of Students and the CCTV monitoring committee. Excluded from review by the CCTV monitoring committee are releases of tapes directly related to a criminal investigation, arrest or subpoena. The CCTV monitoring committee may also approve release of CCTV tapes only for legitimate purposes, such as to protect the College and its members from lawsuits or harm. Four affirmative votes are necessary to approve the release of tapes. Any release of tapes will be recorded on a written log.

Any members of the CCTV monitoring committee may audit Campus Safety's CCTV monitoring operations, including video media storage, at any time without prior notice.

The Chair of the President's Committee on Campus Safety will report to the President's office at least three times per year describing all requests for camera locations and release of video media and disposition of those requests.

The CCTV monitoring committee will review this policy annually and recommend revisions if needed.

### **Procedures**

All operators and supervisors involved in video monitoring of public areas will perform duties in accordance with the Code of Practice consistent with this policy developed by Campus Safety.

Campus Safety management will assure that responsible and proper camera monitoring practices by control operators is continuous. Campus Safety will post signage at appropriate locations. Signage will state that the area is protected by video surveillance. Campus Safety will limit camera positions and views of residential housing. Any view given to the housing will be no greater than what is available with unaided vision. Furthermore, the view of a residential housing facility must not violate the standard of "reasonable expectation of privacy." Campus Safety Control Center will be configured to prevent camera operators tampering with or duplicating recorded information.

Recorded video media will be stored for a period not to exceed 30 days and will then be erased, unless retained as part of a criminal investigation or court proceedings (criminal or civil), or other bona fide use as approved by the Dean of Students and the CCTV monitoring committee. Video media will be stored in a secure location with access by authorized personnel only.

Camera Control Operators will:

- conduct video observation of areas only in plain view of others situated in the public area viewable to the public.
- be trained in the technical, legal and ethical parameters of appropriate camera use
- receive a copy of this policy and provide written acknowledgement that it has been read and understood
- receive training in cultural awareness
- not monitor individuals based on characteristics of race, gender, ethnicity, sexual orientation, disability or other classification protected by the College Non-Discrimination policy.
- monitor based on suspicious behavior, not individual characteristics

Mobile or portable video equipment may be used in criminal investigations, this equipment will only be used in non-criminal investigations where there is significant risk to public safety, security and property as authorized by the Dean of Students.

#### **Examples of Video Monitoring and Recording of Public Areas**

Legitimate safety and security purposes include, but are not limited to the following:

*Protection of buildings and property*

*Monitoring of Access Control systems*

*Verification of security alarms*

*Video patrol of public areas*

*Criminal investigation*

*Protection of pedestrians*

#### **5.14 EMERGENCY MANAGEMENT PROCEDURES**

Departments involved in fulfilling the obligations of these Emergency Management Procedures include: President's Office (Chief of Staff), Campus Safety (Director of Campus Safety), Dean of Students Office (Vice President of Student Affairs), and Office of Communications (Sr. Director of Communications and Marketing).

There is a separate procedure governing timely warning notices that are sent to the College community to notify members of the community about serious crimes against people that occur on campus when it is determined by Union administrators that the incident may pose an on-going threat to members of the College community.

In the event of any crisis that affects the College campus the following steps will be taken immediately to assess and develop a response plan. The College's primary consideration is the safety, health, and security of the campus community.

**Levels of Emergencies:** The Emergency Management Procedure (EMP) is designed to provide guidelines for responding to a variety of incidents and emergencies that affect the College. Not all emergencies require the same degree of response, and each incident will be evaluated on a case-by-case basis.

**Level 1 (Limited Emergency)**—A campus emergency with limited impact that does not affect the overall operation and function of the College. Examples would include a minor hazardous material incident, small fire, or temporary limited power outage. A Limited Emergency will not normally entail notification of the Emergency Management Team except through routine communications.

**Level 2 (General Emergency)**—A local emergency that has disrupted or potentially may disrupt significant operation of the College or adversely impact a major population of the community. Examples include serious crimes on campus, major fires, death(s), or partial infrastructure failure. A General Emergency may entail the College Emergency Response Alerts.

**Level 3 (Major Emergency)**—A community-wide emergency that potentially disrupts the operations of the College and involves major damage or systems failure. Major Emergencies impact not only the College, but possibly the surrounding community and beyond. Examples include tornadoes, widespread extended power outage, severe natural disasters, or serious acts of terrorism. A Major Emergency will entail the College Emergency Response Alerts.

#### **Activating the EMP Initial Notification:**

Any community member who witnesses or receives information regarding an emergency is instructed to contact Campus Safety at X6911, in person, or from off-campus at 518-388-6911. If the incident involves a Level 1 (Limited Emergency), Campus Safety or the appropriate department will take steps to remedy the situation utilizing the appropriate College Departments and outside resources.

If the incident involves a Level 2 (General Emergency), Campus Safety will contact The Director of Campus Safety, appropriate local emergency response organization and the on call Dean.

If the incident involves a Level 3 (Major Emergency), Campus Safety will contact The Director of Campus Safety and appropriate members of the Emergency Management Team (EMT) to activate the EMP.

#### **Declaring an Emergency:**

##### **When it appears that the incident is very serious:**

Members of the Emergency Management Team will discuss the incident and determine the level of emergency and whether to activate the Emergency Operations Center. The decision to declare an emergency will rest with the president or his/her designee.

Any other appropriate members of the community deemed necessary will be contacted to respond.

After the Emergency Management Procedure is activated, the process moves to a plan Response phase.

#### **Response to any Level of Emergency:**

- 1) Immediate emergency decisions will be managed by field supervisors until the Director, Assistant Director of Campus Safety or VP of Student Affairs is able to take over responsibility.
- 2) The president or designee will be notified of any College Level 3 emergency situation. Notification shall be passed to the president by vice presidents, Director of Security or others as identified by the crisis situation. The president or designee, along with the proper authority, (e.g. local fire and police officials) has final authority for emergency decisions and directives.
- 3) The College Campus Community Emergency Response Alert System will be activated. This alert system may include campus siren sounds, text messages, cell phone messages, voice mail, campus radio, TV station, e-mail, Twitter or the College website. Some or all of these methods of communication may be activated in the event of an immediate threat to the College campus community.
- 4) In a prolonged emergency situation the president will convene the senior staff at either an on-campus or off-



campus location for an emergency operations meeting.

- 5) In a prolonged emergency situation the president and senior staff will review the situation and decide appropriate actions such as evacuating the campus or specific buildings, canceling classes, closing the college, communicating with the campus and the media, and securing emergency procedures.
- 6) An Emergency Response Team (ERT), with training and responsibility for managing emergency operations, will be called to the emergency operations center or, if that isn't possible, will contact the center by telephone. The Emergency Response Team (ERT) is comprised of managers with responsibility for major services.
- 7) Local police, fire, rescue, medical officials will be called to campus to assist. The emergency personnel and the campus community will rely on the expertise of these professionals during a crisis.
- 8) Emergency Assistance Staff (EAS), with training and responsibility to carry out specific assignments, will receive instructions from either the senior staff or from the Emergency Response Team (ERT) and will assist in implementing emergency procedures. Duties may include communication, evacuation, directing pedestrian and vehicular traffic, and securing College property.

## **Communication**

- 1) Every effort will be made to communicate a single, clear message simultaneously to as many students, faculty, and staff as possible. Emergency personnel will be trained to communicate information quickly and consistently. The Vice President of Student Affairs, Director of Campus Safety, and/or the Sr. Director of Communications and Marketing will determine the content of the message and will use some or all of the systems described below to communicate the threat to the College campus community (or the appropriate segment of the community if that threat is limited to a particular building or segment of the community).
- 2) In accordance with the requirements of the law, Campus Safety and Office of Communication-Public Relations will, without delay and taking into account the safety of the College campus community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to: Campus Safety, Schenectady Police Department, and Schenectady Fire Department), compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.
- 3) All decisions will likely include a directive for the most effective means of communication in light of the situation, e.g., Campus siren sounds, text messages, cell phone messages, voice mail, campus radio, TV station, e-mail, Twitter, the college website, flyers, or in-person announcement (however, the College cannot warrant the successful delivery of each message to each individual recipient).
- 4) Local TV, radio, and newspapers will be contacted if necessary to provide expanded communications. Depending on the crisis, voice mail, e-mail, the College information line (388-6000), and the College's website may be used for official updates (although some forms of communication may not be operable in a given emergency).
- 5) Vital information regarding the situation will be communicated and may include the following:
  - a description of what has occurred
  - preliminary assessment of impact
  - immediate course of action
  - the urgency of action
  - emergency procedures being implemented
  - time of safe return to campus (after an evacuation)
  - emergency numbers and website access
  - other significant decisions or information.
- 6) Emergency messages will be adapted for various constituencies, such as faculty, parents, students, alumni, and media.
- 7) Certain campus services and support personnel will receive specific instructions relating to their specialized duties.
- 8) The president's Chief of Staff along with the Sr. Director of Communications and Marketing will be responsible

for transmitting the president's emergency decisions to a pre-designated communication network comprised of emergency personnel.

## **Evacuation**

- 1) After the order to evacuate or to shelter in place, the vice presidents will activate evacuation plans for their respective divisions. These instructions, depending on the emergency, will include the following:
  - forward phones
  - close and lock doors
  - ensure that all building occupants have left
  - report completed evacuation to appropriate College officials.
- 2) Each office will develop procedures that are specific to its needs and compatible with the College emergency procedures, including securing valuables and records, continuing operations off campus, and establishing communication within the unit.
- 3) In the event of the evacuation of the entire campus, the campus community will be informed of the primary evacuation site(s).
- 4) Alternative evacuation sites will be designated if primary sites are not available or if the situation requires a long-term evacuation.
- 5) Safe-area evacuation sites will be designated for specific building or campus area evacuations.
- 6) If medical assistance is needed, contact the Campus Safety Office (388-6911).
- 7) A dining services contingency plan will go into effect to provide food for members of the campus community who are at the evacuation site(s).

The lines of communication outlined in the Emergency Management Procedures are intended for use in emergency evacuation and/or shelter in place situations. Emergency Management Procedures do not replace established college-wide or departmental communication protocols that are used during other types of emergencies (e.g. weather-related closing, etc.)

## **Evacuation Procedures**

All occupants are required to evacuate the building immediately when a fire alarm sounds or other evacuation signal is given. Individual office personnel will turn off personal computers to protect college data from possible damage. The last person to leave an office, classroom, or lab will close and lock the door.

## **Annual Testing**

Campus Safety is responsible for testing the College's Emergency Management Procedures at least once per year. These tests may be announced (as in the case of a residence hall fire safety program) or unannounced (as in the case of emergency preparedness drills). Campus Safety is responsible for maintaining documentation for each test including a description of the exercise; the date, time, and place of the exercise; and whether the drill was announced or unannounced.

## **5.15 EMERGENCY EVACUATION PLAN (EVP) FOR PEOPLE WITH DISABILITIES**

The College encourages proactive planning on the part of the entire College community for emergency conditions. Individuals with disabilities may require additional assistance with alerting, evacuating, and sheltering in the event of an emergency.

Most people will, at some time during their lives, have a disability, either temporary or permanent, that will limit their ability to move around inside or outside a building. One person may have multiple disabilities, while another may have a disability whose symptoms fluctuate. Everyone needs to have a plan to be able to evacuate a building, regardless of his or her physical condition. While planning for every situation that may occur in every type of an emergency is impossible, being as prepared as possible is important. One way to accomplish this is to develop a

Personal Emergency Plan for students and staff in need of assistance.

The College offers the opportunity, through a confidential process, to develop an EVP that could include such strategies as storing extra equipment or medications, providing Public Safety with your class and personal schedule, specific evacuation procedures, sheltering procedures, volunteer rescue assistants, and designating means of communication in the event of an emergency.

Although not required, faculty, staff, and students are encouraged to identify their concerns about evacuation in case of an emergency, and to develop an EVP that is effective for them.

Self-Identification with the College: As part of the new-hire orientation process, all new faculty and staff are asked if they might need assistance in an emergency evacuation. If they answer yes, they are given an Emergency Evacuation Referral Form.

Emergency Evacuation Referral Form: Individuals who self-identify as needing assistance during an emergency may complete the confidential Emergency Evacuation Referral Form that provides the College with information needed to develop an EVP. The Referral Form is available at the following website link:

- [Emergency Evacuation Referral Form](#)

Public Safety and Residential Life can also help individuals locate the referral form and address questions or provide the form in alternate formats.

All employees, including faculty, other academic personnel and staff must return the Emergency Evacuation Referral Form to:

Eric Noll  
Human Resources Office  
Union College  
17 South Lane  
Schenectady, NY 12308  
Phone: (518) 388-6108  
Fax: (518) 388-6529  
nolle@union.edu

All student information must be returned to:

Shelly Shinebarger  
Student Support Services  
Reamer Campus Center #303  
Phone:(518)388-8785  
Fax: (518)388-7175  
shinebas@union.edu

Once an Emergency Evacuation Referral Form has been submitted, the Director of Human Resources will notify Campus Safety. For students, Student Support Services will be notified. If the student resides in College housing, the Student Support Services, Campus Safety and the Area Coordinator will work together to develop an EVP that is effective and practical. This plan is kept on file in Campus Safety, and only those with a 'need-to-know' have access to it.

Any individual requiring assistance is encouraged to keep their self-identification information up to date with information on any changes in their condition that would require a change in assistance.

In addition to submitting an Emergency Evacuation Referral Form, any employee or student needing assistance is encouraged to share information with several reliable people in their classes, residence hall or work area about their need for assistance during an emergency. These are their 'volunteer rescue assistants' who might assist in an actual evacuation. Such notification is intended to supplement proper identification using the Emergency Evacuation Referral Form. Suggested information to share:

- Your schedule

- The types of assistance you might need in an emergency
- Emergency contact numbers
- Where you keep your emergency supplies
- How to operate your assistive devices, if applicable
- The size and weight of your assistive devices, in addition to whether or not they are collapsible, in case they have to be transported
- Location of Areas of Rescue Assistance and Safe Wait Areas
  - “Safe Wait Areas” will be identified with the assistance of the College Fire Marshall. Safe Wait Areas are rooms with sprinklers that have windows facing an area where people might see someone signaling for assistance.

It is useful to name your volunteer rescue assistants in your Personal Emergency Plan so that Campus Safety and others can more easily contact them in an emergency.

### 5.16 SAFETY FOOTWEAR PROGRAM

Environmental Health & Safety (EHS), Human Resources and all college departments are committed to providing a safe work environment and the necessary personal protective equipment to ensure the safety of College employees. College employees should be aware of the role that footwear plays in minimizing accidents and, if applicable, shall adhere to the following:

#### **Purpose:**

The purpose of this policy is to ensure that all persons who are performing work be provided with and wear appropriate safety footwear.

Footwear must provide adequate foot and ankle support, provide acceptable traction for commonly encountered situations, and provide impact protection where appropriate.

Footwear such as sandals, flip flops, open heels, open toes, and platform shoes are considered unsafe and shall not be worn.

#### **Safety Footwear:**

**Impact Protection Footwear:** Safety footwear with impact protection is required for employees whose duties involve routine exposure to crushing or impact hazards or potentially injurious situations. Such hazards or injurious situations include carrying or handling heavy objects, such as parts or tools, and other activities involving equipment and objects that if dropped could crush or injure the feet. All impact protection footwear must comply with ANSI Z41-1991.

**Adequate Footwear:** Employees who are only exposed on an occasional basis, to crushing or impact hazards, are not required to wear impact protective safety footwear but should avoid such hazards wherever possible. Employees working in areas where impact protective safety footwear is not required but other risks of injury exist, shall wear adequate footwear. Adequate footwear shall meet the following minimum criteria:

- The entire foot shall be enclosed.
- Shoe shall be a minimum of six (6) inches high.
- Shoe uppers shall be made of leather or a comparable material.
- The material shall be of a sufficient strength and firmness to minimize potential for injury

from falling objects.

- Soles shall be a sufficient thickness to prevent penetration of metal particles, and shall be of leather or oil resistant material (i.e., rubber or neoprene).
- Height of the heel shall not exceed two inches.
- Diameter of the heel shall be at least one inch at the tread surface.

Slip-Resistant Footwear: Employees who regularly, continuously, or periodically work in potentially wet or slippery conditions (e.g., Cleaning Services, Dining Services, some Athletics personnel) are required to wear slip resistant footwear. This type of footwear is not designed to protect the feet or any specific body part from crushing or impact related injuries.

**Subsidy for Footwear:**

Union College will offer a footwear subsidy program for applicable employees.

Each supervisor, in conjunction with EHS, shall determine who, by title and/or assignment, shall be included in the footwear program and the type of footwear required.

Regular full and part time employees shall be eligible for an annual footwear subsidy of up to \$100.00 per employee. An additional amount may be made available with appropriate documentation of a medical condition. If a medical condition necessitates a special accommodation, the employee must notify EHS and supply Human Resources with the appropriate medical documentation.

**Payment:**

A safety shoe company will directly bill the College for the cost of one pair of impact resistant, adequate, or slip-resistant footwear up to \$100.00 per employee per year. The employee will pay for any additional cost at the time of sale. The safety shoe company will bill the college directly for purchases made online through the company's website. Employees may use a credit card for all additional costs.

**Usage:**

Employees are responsible for the care and maintenance of his/her footwear. Other than the annual designated date, the only time the College will consider buying an employee a new pair of footwear is if the footwear is damaged from an occupational "incident" in the workplace. In any other situation the employee will be individually responsible for the cost of replacement. EHS will be responsible for making determinations relevant to replacement through this program.

**Responsibility/Accountability:**

Supervisors are responsible for ensuring that their employees have and wear appropriate footwear in accordance with this policy.

It is the employee's responsibility to wear his/her safety footwear in accordance with this policy. Employees failing to wear appropriate safety footwear may be sent home. Employees who are sent home will be required to charge an appropriate paid-time off category (vacation or personal time) or will not be paid for the duration of their time away from the job. Failure to consistently exhibit acceptable practices will result in disciplinary action up to and including termination of employment.

## **VI. PAYROLL**

### **6.1 PAY PERIOD AND PAYROLL OFFICE**

Employees are paid every two weeks on Friday. The workweek is defined as seven consecutive twenty-four hour periods, following the designated beginning of the workweek, which is as follows:

12:01 a.m. Saturday to 12 midnight Friday for all employees except facilities, security, and hourly-paid nursing staff whose workweek is 12:01 a.m. Thursday to 12 midnight Wednesday.

Hourly staff employees are required to keep accurate time records; supervisors will explain the record keeping process for the department.

Payroll is available to assist employees with payroll related issues.

### **6.2 PAYCHECKS, ELECTRONIC PAYSTUBS, & DIRECT DEPOSIT**

The College strongly encourages employees to participate in direct deposit of pay checks to a bank or credit union and to receive paystubs electronically. Direct deposit and electronic paystubs are fast, easy, safe, free, and convenient. Sign-up forms are available from Human Resources and Payroll and on the respective websites. On payday, employees with direct deposit will receive either a direct deposit statement/pay stub or electronic paystub (viewable and printable through Employee Online). Employees not electing to have direct deposit will receive a paper paycheck. A supervisor will explain the paycheck distribution process for the department

### **6.3 PAYROLL DEDUCTIONS**

Each payday employees receive a paycheck/statement of earnings/pay stub. This document provides current and year-to-date earnings and withholdings.

Statutory deductions are those withholdings that Union is required by law to make from an employee's earnings. Statutory deductions include Social Security, Medicare, and federal and state income taxes.

Voluntary deductions are those deductions Union has been authorized by the employee to make from his/her pay. Voluntary deductions may include retirement contributions, benefits premiums or deductions, flexible reimbursement spending accounts, charitable donations, including gifts to the College and donations to the United Way, or for similar reasons if the deduction benefits the employee and the employee has expressly approved of the deduction in writing. An employee may incur an involuntary deduction as the result of a wage garnishment order. All payroll deductions are indicated on the employee's pay stub.

The College takes all reasonable steps to ensure that employees receive the correct amount of gross pay in each paycheck. In the unlikely event of an error, the College will notify the employee of the need for a correction. Any error discovered by an employee (whether an underpayment, overpayment or other discrepancy) should be brought to the attention of Payroll so that a correction can be made as quickly as possible.

In January of each year, all employees will receive a Wage and Tax Statement, Form W-2, from Payroll. To change Federal Tax Withholdings during the year, employees should complete a new W-4 form available from Human Resources or Payroll. A separate New York State form, Form IT-2104, is available for changing New York State withholding.

### **6.4 ASSIGNMENT OF WAGES AND WAGE GARNISHMENTS**

State and federal authorities may cause a legal summons to be served at an employee's work location to garnishee the employee's salary to satisfy payment of taxes, delinquencies from creditors, or child support enforcement. The College shall make the appropriate deductions and arrange for payment to the garnishing agency until the garnishment is satisfied.

## **6.5 LOST PAYCHECKS**

Contact Payroll immediately at 388-6105 if a paycheck is lost or stolen.

## **6.6 PAY ADVANCES (Emergency and Vacation)**

In certain situations, an emergency pay advance can be arranged. To secure an emergency pay advance, an employee's supervisor must discuss the situation with Payroll and receive a verbal approval. The employee's immediate supervisor must then send a memo to Payroll stating the reason, amount, and approval for the advance.

A vacation pay advance may be requested through an employee's supervisor. Employees requesting a vacation pay advance should submit a written request to the immediate supervisor at least two weeks prior to the date of the requested paycheck advance.

## **6.7 DAYLIGHT SAVINGS TIME PAY PRACTICE**

In the fall, when the clocks are set back an hour, some employees will be required to work an extra hour to provide for continuous campus coverage. The extra hour worked should be reported as regular time worked and could result in overtime pay. If possible, supervisors should consider adjusting work schedules, during the week, to keep weekly hours at or below the 40 hour overtime threshold.

In the spring, when the clocks are set forward an hour, some employees will lose an hour of regular time worked. The College has decided to keep these employees whole and will pay the "lost hour" as Compensated Time Off (CTO). The one hour should be recorded as CTO on the timesheet.

## **VII. COMPENSATION**

### **7.1 COMPENSATION STATEMENT**

The College has established compensation policies and a job evaluation system that complies with federal and state legislation. These policies promote the goals of internal and external equity, reward for meritorious performance, effective recruitment, and retention of employees.

### **7.2 SALARY ADJUSTMENTS (Merit, Cost of Living and Equity)**

Salary adjustments normally occur on July 1 and may be allocated according to one or more of the following methods:

*General Increase*-an annualized amount by occupational type that is determined at the discretion of the College and applied to employee wages or salaries.

*Merit Increase*-an increase for level of work performance based on the annual performance evaluation that is determined at the discretion of the College.

*Equity Adjustment*- an increase that may be granted to employees when internal or external data indicates that there is a wage/salary inequity.

Increases in pay are not automatic. Any pay increases received are based on the methods set forth above and the financial capability of the College.

### **7.3 JOB DESCRIPTIONS AND POSITION CLASSIFICATION**

Job descriptions summarize the purpose of the job, essential functions of the job, minimum qualifications, and a list of duties to be routinely performed. The job evaluation or classification system uses position descriptions and a pre-determined methodology for classification and reclassification of positions and assignment to a salary grade.

Classification is the grouping of jobs into separate salary grades based on the skill, effort, responsibility, working conditions, and the level of education or training required. The basis of the classification system is the position not the person or his/her performance.

Reclassification is the review of a position when substantial and significant changes in job duties and level of responsibility have occurred.

Positions are evaluated and classified when newly created or restructured, become vacant, or have substantially changed. The process involves three main steps.

1. Supervisor and employee complete a job evaluation form.
2. Evaluation of the documentation by Human Resources.
3. Communication of the recommendations to the Responsibility Center Head, the employee and the supervisor.



## **7.4 OVERTIME**

Employees are expected to work overtime when the needs of the College require it. Overtime requires supervisory authorization and failure to receive prior supervisory approval may result in disciplinary action up to and including termination of employment. Employees whose jobs are classified as non-exempt staff positions will be compensated at one-and-one-half times their regular hourly rate of pay for all hours worked in excess of forty hours in a week (hours worked does not include any compensated or non-compensated time off). Overtime pay will be computed based on your basic hourly rate plus other types of compensation such as nondiscretionary bonuses, shift differentials and premium pay for all overtime worked on normally scheduled shifts that qualify for premium pay. Employees prevented from working their regular shift due to legal restrictions (i.e. Department of Transportation limitation on hours) will not have required leave time (i.e. vacation or personal time) held against them for purposes of determining overtime eligibility.

## **7.5 ON CALL**

An employee scheduled for on-call duty in case of an emergency will receive a flat-rate differential for on-call time. On-call rates will be \$75 per week for regular On-Call and \$90 per week for Holiday On-Call. Employees on call must be available to come to work whenever necessary and carry a pager or cell phone. Employees are also eligible to submit a request for mileage reimbursement. An employee who is on call should respond to a call in 10 minutes by phone, if practicable, and come into work within one hour of the call. Disciplinary action may be taken if calls are not responded to in a timely manner.

## **7.6 CALL BACK**

Employees who are called back to work unexpectedly, after their shift has ended, will be paid a minimum of four hours or the actual hours worked, whichever is greater, at one-and-one-half times the base rate of pay. However, if a call-back overlaps with an employee's regularly scheduled shift, the employee will only be paid time and one-half for those hours prior to when the regularly scheduled shift would have started and will not be entitled to mileage reimbursement since they would be expected to report to work anyway. All hours determined as "call back" should be paid at one-and-one half times the base rate of pay regardless of eligibility for overtime pay. Each call back period is considered as the period beginning at midnight and ending the following midnight (i.e. 24 hours). Only the first call back during the 24 hour period is eligible for the four hour minimum pay requirement. Additional call backs within the same 24 hour period will be paid a minimum of one hour or actual time worked, whichever is greater, at one-and-one half times the base rate of pay. Any scenario deemed as an emergency by one's supervisor requiring a call back, whether scheduled or unscheduled, shall be considered as eligible for call back pay.

Employees are eligible to submit a request for mileage reimbursement. Mileage reimbursement is taxable income to the employee. For more information please refer to the Call Back Mileage request form.

## **7.7 SHIFT DIFFERENTIAL**

2<sup>nd</sup> Shift: Full-time employees who are regularly scheduled to start work at 3:00 p.m. or later and work six or more hours or whose shift extends past 3:00 p.m. and work six or more hours after 3:00 p.m. will be paid a shift premium of fifty cents per hour.

3<sup>rd</sup> Shift: Full-time employees who are regularly scheduled to start work at 11:00 p.m. or later and work six or more hours or whose shift extends past 11:00 p.m. and work six or more hours after 11:00 p.m. will be paid a shift premium of one dollar per hour. No shift differential will be paid for work commencing after 4:00 a.m.

If an employee is called to work in advance of the scheduled shift that qualifies for shift differential pay, the differential will be applied to all hours worked.

Employees who are routinely assigned to a shift qualifying for shift differential pay, will be paid at the base rate of pay plus the shift differential amount for all non-worked paid time off.

## **VIII. EMPLOYEE BENEFITS**

### **8.1 RESERVATION OF RIGHTS**

While it is the College's intent to continue all current benefit plans and policies, the College reserves the right, at any time, to amend or terminate any of the plans or to change contribution levels toward benefits, change carriers, and modify the scope of contracted coverage, at its sole discretion and for whatever reasons it considers appropriate with or without prior notice (unless prior notice is required by law). The Reservation of Rights provision pertains to all current, former, and retired employees and applies to any and all benefits offered by the College. No oral statement made by a representative of the College may contradict this Reservation of Rights provision.

### **8.2 GENERAL BENEFIT INFORMATION**

The College has established a variety of employee benefit options and a flexible benefit program. The following is a brief summary of these options. Complete plan descriptions are contained in plan documents and Summary Plan Description booklets. Copies of these documents are available from Human Resources and are on the Human Resources website. In the event of any contradiction between the information appearing in this manual and the information that appears in the plan documents, the plan documents shall govern in all cases. For more complete information regarding any benefit, please contact Human Resources or consult the Human Resources website.

### **8.3 GENERAL BENEFIT ELIGIBILITY**

Several benefit options have eligibility requirements independent of the Flexible Benefits Program (Flex Plan) (i.e., retirement plan, Long Term Disability Insurance, and the Tuition Remission program). An employee who works in a continuing position a minimum of 30 hours per week and at least 1,000 hours per year is considered full-time benefit eligible. A full-time employee is eligible for all benefits (flex plan, 100% of the College-contributed "flex dollars," and paid time off, if applicable). An employee who works in a continuing position, a minimum of 20-29 hours per week and a minimum of 660 hours per calendar year is considered part-time/benefits eligible. A part-time/benefits eligible employee is eligible for many benefits (flex plan, 50% of the College-contributed "flex dollars," and paid time off, if applicable). All college employees, including adjuncts and temporaries, are eligible for statutory benefits including NYS disability, unemployment, social security and worker's compensation. An independent contractor is not eligible for benefits. Benefits are available to same and/or opposite sex domestic partners as defined by the College.

### **8.4 DOMESTIC PARTNERSHIP POLICY**

The College extends all benefits that are available to a spouse of an employee to a domestic partner of an employee.

The definition of domestic partnership is: two adult individuals who live together in an intimate, long-term committed relationship of indefinite duration with an exclusive mutual commitment similar to that of marriage.

#### **1. Eligibility**

- Living together for at least six (6) months
- Having an exclusive mutual commitment similar to that of marriage
- Financially responsible for each other's well-being and debts to third parties. The couple has entered into a contractual commitment for that financial responsibility or has joint ownership of significant assets such as a home, car or bank accounts and joint liability for debts such as mortgages and major credit cards.
- Neither partner is married to anyone else nor has another domestic partner
- Partners are not related by blood closer than would bar marriage in the state of their residence

## 2. Children

Eligibility for children of domestic partners shall be based upon the relationship between the employee and the child and be consistent with the eligibility definition used by the College for each employee benefit currently in effect.

## 3. Tax Considerations

Unless the domestic partner qualifies as a dependent of the employee under IRS Section 152, the College's cost of providing these benefits is taxable income to the employee. Because of tax laws and other legal considerations, Health Care and Dependent Care Flexible Spending Accounts cannot be extended to domestic partners.

### **8.5 FLEXIBLE BENEFITS PROGRAM**

The College has adopted a comprehensive Flexible Benefits Program (Flex Plan) that gives an employee the opportunity to choose the type of benefits and the level of benefits that meet his/her personal needs.

This Flex Plan provides an employee with "flex dollars" and the freedom to select medical, dental, vision, life insurance, disability insurance, personal insurance and dependent life insurance. The Flex Plan includes a cash-out option for an employee who does not need the College's medical insurance coverage and a Medical Premium Rebate program for an employee with household adjusted gross income below a stated threshold. Additional "flex dollars" are available for claiming "Head of Household." Also, Health Care and Dependent Care Flexible Spending Accounts allow any employee to set aside tax exempt dollars for certain unreimbursed health and/or dependent care expenses.

An employee participates in the Flex Plan by enrolling for eligible benefits at the time of hire (within 90 days) and/or during open enrollment, held in the fall of every year. An employee may change coverage during open enrollment or within 30 days of a qualifying event. A qualifying event is defined as: addition of a child by birth or adoption, addition or loss of a child through a change in legal responsibility for the child's medical coverage or attainment of age 26, spouse's or domestic partner's termination or commencement of employment, change in employment status from full-time to part-time or from part-time to full-time, death of spouse, domestic partner, or child, divorce, legal separation, marriage, unpaid leave for employee, spouse, or domestic partner, or loss of coverage through spouse's or domestic partner's employment.

Please refer to the summary plan description for more information.

### **8.6 HEALTHCARE AND DEPENDENT CARE FLEXIBLE SPENDING ACCOUNT**

The College offers Internal Revenue Code (IRC) Section 125 Health Care and Dependent Care Flexible Spending Accounts (FSA). Section 125 allows an employee to save money by paying for certain health related and/or dependent care expenses with pre-tax dollars. These expenses include medical, dental and vision premiums, medical and drug co-pays, un-reimbursed medical, dental, vision costs, over-the-counter medication costs (with a physician's prescription), and child/dependent care expenses (expenses for children under the age of 13 and/or other dependents that are physically or mentally unable to care for themselves).

An employee estimates the amount of out-of-pocket expenses and authorizes the College to withhold that amount from gross salary before any taxes are calculated. Expenses are incurred, then submitted on a Reimbursement Claim Form with original receipt(s), after which the employee is reimbursed directly without paying taxes.

Participants in the health care and/or dependent care FSA components must complete a new election each plan year. Please refer to the summary plan description for more information.

### **8.7 MEDICAL, DENTAL, & VISION INSURANCE**

The College provides a choice of HMO and POS medical insurance, two dental options, including one covering orthodontics, and vision insurance. The College reserves the right to change carriers, modify the scope of contracted coverage, and revise the portion of premium it pays toward the plans. Please refer to the summary plan description for more information.

## **8.8 MEDICAL/DENTAL/VISION INSURANCE ELIGIBILITY (Effective January 1, 2012)**

Employees: Employees scheduled to work a minimum of 20 hours per week and 660 hours per year are eligible for participation in the medical, dental, and vision insurance programs.

Married Spouses of Eligible Employees: Married spouses of eligible employees will be eligible for coverage. A legally-executed marriage certificate will be required to document eligibility.

Domestic Partners of Eligible Employees: Domestic partners of eligible employees will be eligible for coverage. Union College's Affidavit of Domestic Partnership and Financial Interdependence, with supporting documentation appropriate to the criteria used for the affidavit, will be required to document eligibility.

Children of Eligible Employees and Children of Employee's Married Spouse: The employee's or the employee's spouse's child (biological child, legally-adopted child or child placed for adoption, stepchild, foster child or a child subject to a legal guardianship court order) will be eligible for coverage until the age of 26. In accordance with New York state law, the eligibility for *insured medical* plans extends (at full premium rate) to age 29. Birth certificate and legal papers documenting the relationship to the employee will be required to document eligibility.

Children of Employee's Domestic Partner: The domestic partner's child (biological child, legally-adopted child or child placed for adoption, stepchild, foster child or a child subject to a legal guardianship court order) who meets the IRS dependent definition (qualifying child or qualifying relative of the employee or the domestic partner) and lives in the household with the employee will be eligible for coverage until the age of 26. The eligibility for *insured medical* plans extends (at full premium rate) to age 29. Birth certificate, tax returns, and legal papers documenting the status of the child and the relationship to the employee will be required to document eligibility.

## **8.9 PRESCRIPTION PROGRAM (Mail-In and Pharmacy Direct)**

The medical insurance plans offer mail-in and pharmacy-direct prescription components. The mail-in service provides an employee with maintenance prescription drugs at a reduced cost.

## **8.10 EMPLOYEE ASSISTANCE PROGRAM**

The College offers the services of an Employee Assistance Program (EAP) at no cost to the employee or immediate family members. The EAP provides confidential professional counseling services to help with personal or work-related problems or stressful situations such as family/child issues, financial problems, and/or alcohol/drug abuse. Time off from work for EAP visits is treated the same as time off for other medical appointments. For EAP assistance please call 800-828-6025.

## **8.11 WELLNESS BENEFITS**

In the interest of employee health and well-being, and to assist in improving overall health, the College provides a variety of wellness and health management programs. Programs may include flu shots, cholesterol screenings, weight control programs, smoking cessation and health risk assessments. The Athletics Department and the Theatre and Dance Department offer various fitness activities. The College medical plans also contain many wellness benefits.

An employee has free membership and use of the fitness center, pool, and facilities for basketball, squash, racquetball, track, ice-skating and tennis. Recreational access cards are available for a one-time fee of \$20 for a spouse or domestic partner, and for dependent children ages 16-22. All children under age 16 must be accompanied by an employee or recreational access card holder. An employee is allowed up to 3 immediate family member guests at no charge or non-family member guests for \$5 per visit. Dependents are not allowed to bring guests.

## **8.12 LIFE INSURANCE AND ACCIDENTAL DEATH & DISMEMBERMENT INSURANCE**

The College carries a Group Term Life Insurance and Accidental Death & Dismemberment (AD&D) policy on employees who work a minimum of 20 hours per week and at least 660 hours per year. This benefit is provided without charge, and coverage is effective on the first of the month concurrent with or following date of hire. Coverage is equal to the employee's annual base salary (to a maximum of \$250,000) and is doubled in the event of accidental death. Coverage is reduced at age 65 and older.

An employee may purchase supplemental term life insurance or supplemental accidental death and dismemberment insurance, subject to medical underwriting.

Premium dollars paid for life insurance coverage above \$50,000 are considered by the IRS as taxable income.

## **8.13 LONG TERM DISABILITY INSURANCE**

After one year of full-time employment the College provides a full-time employee with a long-term disability insurance plan. An employee may also purchase supplemental long-term disability insurance. The insurance coverage helps protect against total or partial loss of income due to personal illness or injury.

If an employee becomes totally disabled due to illness or injury for more than a six-month period, he or she may qualify for long-term disability benefits. Total disability is defined in the plan documents. Prior to this determination, an employee who has a "disability," as defined in the Americans with Disabilities Act ("ADA") or the New York State Human Rights Law ("HRL"), may need to be evaluated and a reasonable accommodation may need to be considered. For information how to request an accommodation of a disability that impacts your ability to perform your job, see Section 2.2 Disability Reasonable Accommodations. Where an employee with a disability under the ADA or HRL is unable to perform the essential functions of his/her job, with or without a reasonable accommodation, or where no reasonable accommodation is otherwise possible or would amount to an undue hardship, the College may initiate termination of active employment.

An employee approved for long term disability benefits may remain on the College's medical, dental and/or vision insurance plans, at active employee rates and with continued contributions to the retirement plan, prior to attaining age 65. Upon attaining age 65, the disabled employee can continue on the insurance plans at retiree rates and the annual contribution to the retirement plan will cease. Medical, dental, and/or vision insurance plan coverage will cease when one of the following occurs: non-payment of premiums, disabling condition ends and benefit eligible employment with Union does not resume and/or the employee is not eligible to continue coverage as a retiree, the insurance option is discontinued, or the long-term disability insurance plan is terminated. The disabled employee will not be allowed to enroll in or to add spousal, domestic partner, or dependent coverage if he/she did not have this type or level of coverage at the time he/she became eligible for long-term disability benefits. If the disabled employee elects to discontinue insurance coverage (medical, dental or vision) or remove covered dependents at any point, he/she will not be eligible to re-enroll for coverage or re-add covered dependents at a later date.

## **8.14 DEPENDENT LIFE INSURANCE**

An employee may purchase life insurance for his/her spouse and dependent children through the Flex Plan.

## **8.15 PERSONAL INSURANCE (AUTO, HOME, RENTERS AND OTHER)**

An employee may purchase auto, home, renters, and other personal insurance through the Flex Plan.

## **8.16 RETIREMENT PLAN and SUPPLEMENTAL RETIREMENT ACCOUNTS**

An employee age 21 or older after one year of service and working at least 1,000 hours per year, and an employee age 21 or older who worked for another institution of higher education immediately prior to hire by the College and who was eligible for that institution's 403(b) plan, is qualified to enroll in the College Retirement Plan (a defined contribution plan) and receive a contribution equal to 11% of base annual salary. The College enrolls employees four times per year, in January, April, July, and October. An employee becomes fully vested in the plan after 3 years of employment.

The College currently offers two companies to choose from: Fidelity Investments, and Teachers Insurance Annuity Association/College Retirement Equities Fund (TIAA-CREF).

Salary *reduction* allows an employee to set aside money from gross salary before taxes. Salary reduction not only offers the benefits of untaxed growth and earnings on contributions but also lowers taxable income and current taxes. There are limits on the total contributions through salary reduction allowed by the IRS. Human Resources can assist in determining maximum contributions.

Salary *deduction*, through a Roth 403(b), allows an employee to set aside money from net salary after taxes have been taken out. Since taxes have already been paid, accumulations in a Roth 403(b) account are considered as tax-free income in retirement.

An employee, including one who is not eligible for the retirement plan, may elect to make pre-tax contributions to retirement savings by establishing a Tax Deferred Annuity (TDA)/Supplemental Retirement Account (SRA/GSRA), or after-tax contributions to a Roth 403(b).

Information and booklets describing the retirement program are available and Human Resources can assist in establishing an account. Representatives from TIAA/CREF and Fidelity are on campus frequently for group and individual meetings.

### **8.17 BUSINESS TRAVEL ACCIDENT INSURANCE**

The Business Travel Accident insurance provides a benefit of \$300,000 if an employee dies in an accident while traveling on College business (other than commuting to and from work). The benefit is payable to the employee's beneficiary as stated in the group life insurance policy. The policy also pays an accidental death and dismemberment benefit, from 25% to 100% of the principal amount, depending on the severity of the disabling condition (loss of a hand, foot, sight, speech, hearing, quadriplegia, paraplegia, hemiplegia, uniplegia, etc.). Medical evacuation and repatriation coverage, bomb scare/search/explosion coverage, and seat belt coverage are also included. Human Resources can help an employee or an employee's dependents in filing a claim. The College pays the entire cost of this benefit.

### **8.18 LONG TERM CARE INSURANCE**

The College offers a program where an employee can purchase insurance that offsets the cost of care (in-home, assisted living, adult day or nursing home) or expenses resulting from a disabling accident or illness.

Coverage is available through CNA and CNA should be contacted directly for a price quote.

### **8.19 STATUTORY BENEFIT PROGRAMS**

#### Unemployment Insurance

All employment at the College, with the exception of student employment, is covered under the provisions of the New York State Unemployment Insurance Law. The College pays the full cost for this benefit.

#### Social Security and Medicare

In accordance with federal law, a percentage of each employee's salary is deducted to cover Social Security benefits that may include retirement payments, Medicare benefits, death benefits, disability insurance, and monthly income payments to certain dependent survivors of covered workers. These percentages are mandated by law and are equally matched by a College contribution to Social Security.

### Workers' Compensation

An employee is covered by Workers' Compensation Insurance to provide for payment of medical expenses and partial salary continuation in the event of a work-related injury or illness. An employee injured at work must report the accident to Campus Safety within 24 hours. The College pays the entire cost of this benefit.

### ERISA Rights

An employee is entitled to certain rights and protections under the Employee Retirement Income Security Act of 1974 (ERISA). ERISA provides that all participants in the College's benefit plan shall be entitled to:

- Examine, during normal working hours at Human Resources, all plan documents, master copies of insurance contracts, and copies of all documents required by the U.S. Department of Labor, such as detailed annual reports and plan descriptions.
- Obtain copies of all, or any of the above documents, at a reasonable cost.
- Receive, upon request, a summary of the plan's annual financial report.

ERISA imposes certain duties on administrators of the College's benefit plan, including the duty to administer the plan prudently in an employees' best interest. An employee shall not be retaliated against for exercising his/her rights under ERISA.

### Continuation of Group Health Benefits

An employee and/or his/her dependents covered under the College health plan may be eligible for the continuation of those benefits at the time employment ends. The Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) provides that an employee who loses group benefit coverage due to a "qualifying event" other than termination for "gross misconduct" is eligible to continue benefits at his/her own cost.

### Short Term Disability Insurance

All employees are covered by short-term disability insurance beginning on the eighth calendar day of disability. Claim forms are available from Human Resources.

## **8.20 TUITION REMISSIONS AND SCHOLARSHIPS**

FACULTY/STAFF CHILDREN'S SCHOLARSHIP PROGRAM (for employees hired before July 1, 2011)

The Faculty/Staff Children's Scholarship Program includes:

- Full-time enrollment at certain institutions other than Union College
- Full-time enrollment at Union College
- Part-time enrollment at Union College and the Union Graduate College

The scholarship program is subject to the following eligibility qualifications and other terms and conditions.

#### 1. Full-time Enrollment Scholarships

##### a. Eligibility Provisions

- 1) For the purposes of this program and whenever used herein, the word "children" or "child" refers only to children the employee claims as "dependent" for federal income tax purposes and who are either (1) the natural-born children of the employee in question, or (2) legally adopted children of the employee adopted (i) before the child reached 18 years of age and (ii) five (5) years or more before entrance of the child into college.

- 2) The following are eligible for full-time enrollment scholarship benefits to attend Union College or to attend institutions other than Union College.
  - a) Children of members of the Union College faculty and Union College salaried and hourly non-faculty employees, (faculty and employees hereinafter collectively referred to as “employees”) provided that:
    - The employee has been employed at the College on a regular full-time basis for at least five (5) years prior to the date on which the requested tuition scholarship would take effect; and
    - The employee is in active service during the scholarship period or on a leave of absence that has been authorized by the Board of Trustees and that extends for not more than one (1) calendar year.
    - For purposes of subdivision (a) time worked in a part-time or temporary status is not considered in determining the five-year minimum. For purposes of subdivision (b) such children are eligible only while the parent is employed by Union College. Eligibility of the child ceases automatically if the parent ceases to be employed by the College.
  - b) Children of retired employees of the College may be eligible upon recommendation of the President and the approval of the Board of Trustees.
  - c) Children of employees who are disabled or who die while in active service of the College and who completed at least ten consecutive years in the College’s employ are eligible.
- 3) The changes to the Faculty/Staff Children’s Scholarship Program in Section A herein shall be effective and govern eligibility as of July 1, 1985, and thereafter until such time as the Program may again be amended. However, for any eligibility obtained prior to July 1, 1985, the immediate former Faculty/Staff Children’s Scholarship Program shall remain valid.

b. Qualifications for Eligible Children

- 1) To qualify for a scholarship from Union College, the child must be:
  - a) Enrolled in the undergraduate program of an accredited institution offering a bachelor’s degree in the arts, sciences, or engineering; or
  - b) Enrolled in a recognized two-year junior college, provided the applicant is pursuing a program of study that at the end of two years of study will qualify him or her for transfer to another institution offering a bachelor’s degree in the arts, sciences, or engineering.
- 2) To retain the scholarship, the child must be in good standing at the institution attended.
- 3) In the interest of fairness to all, Union College expects that students will complete their baccalaureate education in four consecutive academic years, or the equivalent number of semesters or academic terms including summer, and will therefore limit its tuition scholarships to apply to only these first four years of study. For example, a student who attended a college for two years before the parent became eligible for a Union College tuition scholarship and then requested three years of scholarship once the parent became eligible would only be entitled to (2) additional years, and not three (3) because of this four-year limit.
- 4) Individuals who are enrolled full-time under the Faculty/Staff Children’s Scholarship Program may take one course or more during the summer tuition free under the part-time benefit. However, any such course or courses shall count toward the four-year limit (eight semesters or twelve terms).



c. Scholarship Amounts to Institutions Other than Union College

- 1) For eligible children who attend institutions other than Union College, the amount of each annual award shall be equal to the lesser of
  - a) One-half the annual tuition at Union College, or
  - b) The annual tuition charge at the institution attended.
- 2) The maximum cash liability of Union College for all scholarships paid to other institutions in any single year shall be limited in the first year (1985-86) of the program to \$120,000.00. This limit shall be increased in each subsequent year after the first year by the same percentage allowed for increases in the general compensation budget of Union College. In the event that claims for any year shall be in excess of that limit, then treatment of claims and the excess shall be referred to the Board of Trustees by the President of the College. Such treatment may include proportionate reduction in all claims to eliminate the excess.

d. Scholarship Amounts to Attend Union College

- 1) For eligible children who attend Union College the amount of each annual award shall be equal to the Union College tuition.

e. General Scholarship Information

- 1) Individual Union College full-time enrollment scholarships for those attending Union College or institutions other than the College are limited to that amount of the tuition fee remaining after the sum of all other grants or awards are subtracted from it (e.g., TAP award, etc.).
- 2) Entitlement amounts under the Scholarship Program shall be payable in installments as tuition for credit against the recipient's tuition charges.
- 3) Scholarship grants under this Part 1 are awarded to each eligible child on an annual basis for not more than four years of undergraduate study.

2. Part-time Enrollment at Union College or Union Graduate College Eligibility

a. Eligibility Provision

- 1) Eligibility extends only to full-time Union College faculty and Union College salaried and hourly non-faculty employees (hereinafter all collectively referred to as "employees"), their spouses, domestic partners and "dependent" children (as previously defined). Eligibility for this "Part-Time Enrollment" scholarship begins with the date of commencement of the employee's full-time status at the College.

b. Entitlement

- 1) Union College employees may enroll, on a part-time basis, in a maximum of four Union College courses per calendar year free of charge. For the purposes of part-time enrollment the summer term starts the academic year. This would mean up to two courses per term, including summer school. Employees registering for a free summer course will not be included in the enrollment count that determines whether a course will run or be canceled. Spouses, domestic partners and dependents of Union College employees may enroll on a part-time basis in up to three courses per calendar year up to three (3) per term at no cost. This entitlement does not allow a child, spouse, or domestic partner attending full-time to have his/her tuition bill reduced by one-third.
- 2) Union College Tuition Exchange courses are scholarships offered to Union College employees, their spouse, domestic partner, and dependent children to

attend the Union Graduate College. Graduate College Admissions and Scholarship rules and procedures apply. Only courses in UGC degreed programs are eligible for the Tuition Exchange scholarships (courses taken in certificate programs and by non-degree students are ineligible). Therefore, matriculated UGC students (those already admitted to a UGC degreed program and non-matriculated UGC students (those having applied to a degreed program but who have not completed the application) may be eligible for courses within their degree program.

Union College employees may enroll, on a part-time basis, in a maximum of four Union Graduate College courses per calendar year, up to two courses per term, including summer school, free of charge. For the purposes of part-time enrollment the summer term starts the academic year. Employees registering for a free summer course will not be included in the enrollment count that determines whether a course will run or be canceled. Spouses, domestic partners and dependents of Union College employees may enroll on a part-time basis in up to three courses per calendar year up to three (3) per term at no cost. This entitlement does not allow a child, spouse, or domestic partner attending full-time to have his/her tuition bill reduced by one-third.

The Graduate College requires all students, including those receiving this scholarship, meet their qualifications for admission.

The Graduate College requires that all students who receive scholarships maintain a cumulative GPA of 3.2.

c. General

- 1) Employees under the part-time enrollment provision shall take courses that are not in conflict with the employee's work schedule.
- 2) Admission to degree status is governed by the regular requirements and procedures of the College.
- 3) Any special or other fees and costs related to tuition-free courses must be paid by the employee.

3. Administration and Miscellaneous Administration

a. Administration

- 1) This program is administered by the President or other officers of the College if the President has delegated such authority. These officers will make the availability of the Scholarship Program known to the College community. The Executive Committee of the Board of Trustees shall be sole interpreters of the provisions of this program except that it shall be the responsibility of the administrators of the program to define whether a child remains in good standing.
  - 2) The Board of Trustees reserves the right to amend all provisions, qualifications, and terms of the program and grants thereunder as, in their sole discretion, circumstances make necessary or advisable.
- b. To retain a scholarship under full-time enrollment or part-time enrollment, the student must remain in good standing at the institution attended, including Union College. It is the responsibility of the parent or employee to notify the officer administering these grants if the student withdraws or fails to remain in good standing at the college for which he or she is receiving benefits. In the event that the student qualifies for a refund from the college attended, such refund will be made directly to Union College for as much of the original Union College award as the refund covers and not merely for a proportion thereof. The employee or student

under this program may remain liable to Union College in the event (i) a refund is not directed to Union College as provided herein, or (ii) the College is not notified if the student withdraws or fails to remain in good standing at the college for which he or she is receiving benefits.

- c. Any conflict in this program or between this program and any other program of the College or other rules and regulations of the College shall be resolved by the Executive Committee of the Board of Trustees.

While Union College intends to continue these benefit programs indefinitely, the College reserves the right to change or discontinue any of the benefits described herein.

### **8.21 TUITION BENEFIT PROGRAM**

*(for employees signing appointment or employment letters on or after July 1, 2011)*

The following Tuition Benefit Program is offered to employees who sign appointment or employment letters after July 1, 2011. For those who signed appointment or employment letters on or before July 1, 2011, the previous program of record will remain in force (Faculty/Staff Children's Scholarship Program, contained in the 2010-2011 Faculty, Administrators, and Staff Manuals).

The Tuition Benefit Program offers benefits to eligible full-time employees for the following:

- Full-time undergraduate enrollment at Union College or another accredited institution, for eligible dependent children.
- Part-time enrollment at Union College and/or the Union Graduate College for employees, their legally married spouses, domestic partners, and their eligible dependent children.

The goal of the full-time tuition benefit is to minimize, to the extent possible, financial barriers to higher education for the dependent children of Union's employees. The goal of the part-time tuition benefit is to support the educational goals and encourage professional development of eligible participants.

#### **Tuition Benefit for Full-time Enrollment of Dependent Children**

The full-time tuition benefit applies to a dependent's enrollment as a full-time matriculated student at Union or at an accredited college, university or program (listed in the US Department of Education database of accredited institutions) for a bachelor's degree, or as a full-time matriculated student in a two-year junior or community college. The benefit applies for four years of full-time undergraduate study (8 semesters, or 12 trimesters, or 12 quarters, etc.). Full-time enrollment in a summer term is counted for the purposes of this four-year limit unless the courses are taken at Union College or the Union Graduate College under the part-time tuition benefit. In cases where both parents are employees of the College, one scholarship will be given per child per academic year. The tuition benefit for full-time study is based on, and may only be applied to, "core" tuition charged by the institution attended, not to room and board or other fees or charges, even if they are characterized as "tuition-like" or otherwise "constituting tuition."

The amount of scholarship available is a function of the published tuition at the school attended (or for attendance at Union, the full tuition figure minus the average financial aid grant), a \$6,000 "first-dollar" benefit that does not require any employee contribution, and a stated cost-share of the remaining tuition balance.

### Tuition Benefit Amount to Attend Union College

For a dependent attending Union College full time as a matriculated undergraduate student, the tuition benefit received will be the total of 1.) the first-dollar amount of \$6,000, and 2.) the average financial aid grant, and 3.) 50% of the remaining balance to Union's full tuition figure.

Below is a sample calculation of the tuition benefit to attend Union under the hypothesis that Union's tuition is \$40,000, the average financial aid grant is \$12,000, and the student is receiving a tuition-specific award of \$2,000.

Hypothetical tuition at Union College.....	\$40,000
Tuition benefit pays first-dollar amount.....	\$ 6,000
Tuition benefit pays average financial aid grant.....	\$12,000
Balance is \$40,000-(\$6,000+\$12,000) =	\$22,000
<u>Tuition benefit pays cost share (50% of \$22,000)</u>	<u>\$11,000</u>
<b>Total tuition benefit = \$6,000+\$12,000+\$11,000 =</b>	<b>\$29,000</b>
Tuition-specific award.....	\$ 2,000
<b>Employee tuition responsibility:</b>	<b>\$ 9,000</b>

The amount of the tuition benefit for attendance at Union, when combined with all other "tuition-specific" awards (e.g., TAP, ROTC, etc.), may not exceed the total tuition at Union. If the total of Union's tuition remission benefit and all other "tuition-specific" awards exceeds the amount of Union tuition, the tuition benefit will be reduced accordingly.

### Tuition Benefit Amount to Attend Institutions Other Than Union College

The full-time tuition benefit to attend other accredited institutions pays a first-dollar amount of \$6,000 per year (or the tuition of the school, if lower) without any employee contribution. If the tuition at the institution attended is more than the first-dollar amount, then the tuition benefit additionally pays 50% of the remaining tuition balance, up to an annual maximum of 45% of Union's tuition for that year.

Below are sample calculations of the tuition benefit amount to attend another institution under the hypothesis that Union's tuition is \$40,000, the first-dollar amount is \$6,000, the maximum benefit for the year is \$18,000 (45% of Union's tuition of \$40,000), and the student is receiving a tuition-specific award of \$2,000.

- Tuition at school attended is \$5,500  
(First-dollar amount of \$6,000 is more than the full tuition)

Tuition-specific award.....	\$ 2,000
<b>Total tuition benefit</b>	<b>= \$ 3,500</b>
<b>Employee tuition responsibility:</b>	<b>\$ 0</b>
- Tuition at school attended is \$15,000

Tuition benefit pays first-dollar amount.....	\$ 6,000
Balance is \$15,000-\$6,000=\$9,000	
<u>Tuition benefit pays cost share (50% of \$9,000)...</u>	<u>\$ 4,500</u>
<b>Total tuition benefit = \$6,000+\$4,500</b>	<b>= \$10,500</b>
Tuition-specific award.....	\$ 2,000
<b>Employee tuition responsibility:</b>	<b>\$ 2,500</b>
- Tuition at school attended is \$28,000

Tuition benefit pays first-dollar amount.....	\$ 6,000
Balance is \$28,000-\$6,000=\$22,000	
<u>Tuition benefit pays cost share (50% of \$22,000)...</u>	<u>\$11,000</u>
<b>Total tuition benefit = \$6,000+\$11,000</b>	<b>= \$17,000</b>
Tuition-specific award.....	\$ 2,000
<b>Employee tuition responsibility:</b>	<b>\$ 9,000</b>

4. Tuition at school attended is \$44,000	
Tuition benefit pays first-dollar amount.....	\$ 6,000
Balance is \$44,000-\$6,000=\$38,000	
<u>Tuition Benefit pays cost share (50% of \$38,000)...</u>	<u>\$19,000</u>
<b>Tuition benefit is the maximum allowed</b>	<b>= \$18,000</b>
<b>under hypothetical \$40,000 Union tuition and 45% maximum</b>	
Tuition-specific award.....	\$ 2,000
<b>Employee tuition responsibility:</b>	<b>\$24,000</b>

For attendance at institutions other than Union, the employee will be required to provide an invoice from the institution attended, along with documentation from that institution’s financial aid office as to the total amount of “tuition-specific” scholarships and grants (if any) that the dependent is receiving. In cases where the student is not receiving any such tuition-specific awards, a letter from the financial aid office to that effect will satisfy this requirement. The amount of Union’s tuition benefit award plus any other tuition-specific awards (e.g., TAP, ROTC, etc.) may not exceed the actual tuition at the institution attended. If necessary, Union’s tuition benefit will be reduced so that the recipient receives no more than full tuition for that year in tuition-specific awards. The tuition benefit is payable in installments, and the checks will be sent directly to the institution attended, for credit against the dependent's tuition charges.

Please refer to the Human Resources website for further assistance in calculating the amount of the tuition benefit.

**Guidelines and Procedures for Full-time Enrollment Tuition Benefit**

**Provisions to Determine Employee Eligibility**

- To be eligible, employees must have been employed by the College on a full-time basis for the seven years prior to the beginning of the academic term for which the tuition benefit is being requested.
  - Time worked in short-term or adjunct positions (e.g., summer or seasonal help) does not count towards the seven-year accrual.
  - Sabbatical leaves for faculty are considered full-time employment and count towards the seven-year accrual.
  - Approved medical leaves (including family medical leaves) and short-term disability leaves are considered full-time employment and count towards the seven-year accrual
  - Leaves of absence for winners of prestigious grants are not considered interruptions of employment, and they may count towards the seven-year accrual, if the leave is determined to be benefits-eligible under the guidelines of the Faculty Manual.
- Full-time faculty on ten-month contracts, and other full-time employees in ten-month positions who start employment by September 10 of the academic year in which they begin service, become eligible upon completion of seven academic years of full-time service, without having to wait until the actual service anniversary date.
- Two faculty members who share a position of at least 1.0 FTE and are legally married or in a domestic partnership with each other are considered to be one full-time employee for the purpose of eligibility and service accrual.
- Except as noted below, the employee must be an active full-time Union College employee during the period for which the tuition benefit is requested, or be on an approved benefit-eligible leave of absence not to exceed one year. If an employee ceases to be eligible for the tuition benefit (e.g., the employee leaves the College or goes to part-time status), then the child’s eligibility ceases at the end of the child’s current academic term.
  - Retirees, as defined by College policy, continue to be eligible for the tuition benefit, provided that they meet the other eligibility criteria of the policy.

- Employees who become permanently disabled or die while in active service of the College continue to be eligible for the tuition benefit, provided that they meet the other eligibility criteria of the policy. (The requirement for continued dependent status of the student is waived for a deceased employee.)
- Tenured or tenure-track faculty, the President's senior staff members, and the President will receive service credit towards Union's seven-year eligibility requirement for all prior full-time service at a college or university.

### **Provisions to Determine Dependent Eligibility**

Children of Employees: Four criteria are applied to determine dependent eligibility for children of the employee. To receive the benefit the applying child must:

- be the employee's child (biological child, legally-adopted child or child placed for adoption, foster child or a child subject to a legal guardianship court order); and
- have been in a child/parent relationship with the employee for at least as long as the seven-year eligibility period for the full-time benefit; and
- be under age twenty-four at the beginning of the academic term for which the benefit is being requested; and
- be claimed as a dependent (qualifying child or qualifying relative) on the employee's or the employee's spouse's or domestic partner's latest federal or New York tax return, and have been so claimed for at least five of the seven years prior to the initial request for the benefit, OR if there are years in which the child has not been so claimed, documentation will be required for those years to demonstrate that the employee is/has been subject to, and complied with, a requirement to provide educational support or child support, or has some type of joint/partial custody arrangement with specified visitation rights.

Children of Employee's Spouse or Domestic Partner: Four criteria are applied to determine dependent eligibility for children of the employee's spouse or domestic partner. To receive the benefit the applying child must:

- be the employee's spouse's child or employee's domestic partner's child (biological child, legally-adopted child or child placed for adoption, stepchild, foster child or a child subject to a legal guardianship court order); and
- have been in a child/parent relationship with the employee for at least as long as the seven-year eligibility period for the full-time benefit; and
- be under age twenty-four at the beginning of the academic term for which the benefit is being requested; and
- reside in the employee's household and be claimed as a dependent (qualifying child or qualifying relative) on the employee's, employee's spouse's, or employee's domestic partner's latest federal or New York tax return, and have been claimed as a dependent (qualifying child or qualifying relative) on the employee's, the employee's spouse's, or the employee's domestic partner's federal or New York tax return for at least five of the seven years prior to the initial request for the benefit.

The employee must provide the relevant documents (birth certificate, legal papers, tax returns, etc.) showing that the above criteria are satisfied prior to the initial request for the benefit. The age requirement must be met at the beginning of each academic term for which the benefit is being requested.

### **Tuition Benefit for Part-time Enrollment at Union College or the Union Graduate College**

Full-time employees of Union College, their legally married spouses, domestic partners, and their dependent children may take courses at Union College or the Union Graduate College as part-time students. Eligibility begins with the first day of full-time employment. Special fees or other costs associated with tuition-free courses are not covered.

- A full-time employee may enroll in up to two Union College or Union Graduate College courses per term free of tuition charges, as long as the courses are not in conflict with the employee's work schedule. The employee may enroll in a maximum of four tuition-free courses per academic year (July to June) under this benefit.
- Legally married spouses, domestic partners, and dependent children of full-time employees and their spouse/domestic partner may enroll as part-time students in up to three Union College or Union Graduate College courses per academic year (July to June) free of tuition charges. Dependent children receiving Union's tuition benefit for full-time study, whether at Union College or elsewhere, may use the part-time benefit at Union College or the Union Graduate College, during the summer term only, without any reduction in the benefit for full-time study.

If an employee ceases to have full-time employment status at Union College while the employee, spouse, domestic partner, or dependent child is enrolled in courses under the part-time tuition benefit, then the benefit ceases upon completion of courses then in progress.

### **Provisions to Determine Dependent Eligibility**

Children of Employees: Three criteria are applied to determine dependent eligibility. To receive the benefit, the applying child must:

- be the employee's child (biological child, legally-adopted child or child placed for adoption, foster child or a child subject to a legal guardianship court order); and
- be under age twenty-four at the beginning of the academic term for which the benefit is being requested; and
- be claimed as a dependent (qualifying child or qualifying relative) on the employee's, employee's spouse's or employee's domestic partner's latest federal or New York tax return, OR, if the child was not so claimed, documentation will be required to demonstrate that the employee is subject to, and is complying with, a requirement to provide educational support or child support, or has some type of joint/partial custody arrangement with specified visitation rights.

Children of Employee's Spouse or Domestic Partner: Three criteria are applied to determine dependent eligibility. To receive the benefit the applying child must:

- be the employee's spouse's or employee's domestic partner's child (biological child, legally-adopted child or child placed for adoption, stepchild, foster child or a child subject to a legal guardianship court order); and
- be under age twenty-four at the beginning of the academic term for which the benefit is being requested; and
- reside in the employee's household and be claimed as a dependent (qualifying child or qualifying relative) on the employee's, employee's spouse's or employee's domestic partner's latest federal or New York tax return.

Married Spouses of Eligible Employees: Married spouses of eligible employees will be eligible. A legally-executed marriage certificate will be required to document eligibility.

Domestic Partners of Eligible Employees: Domestic partners of eligible employees will be eligible. Union College's Affidavit of Domestic Partnership and Financial Interdependence, with supporting documentation appropriate to the criteria used for the affidavit, will be required to document eligibility.

The employee must provide the relevant documents (birth certificate, legal papers, tax returns, etc.) showing that the above criteria are satisfied prior to the initial request for the benefit. The age requirement must be met at the beginning of each academic term for which the benefit is being requested.

## **Administration and Miscellaneous**

This program is administered by the Vice President for Administration and Finance or other administrators of the College as designated by the Vice President for Administration and Finance.

For determination of individual tax liability, the participants in this program are encouraged to consult a qualified tax advisor, at the participant's expense, for applicability of Internal Revenue or New York Tax Law.

While Union College intends to continue these benefit programs indefinitely, the College reserves the right, at its sole discretion, to change the eligibility requirements or any other part of the program, or discontinue any of the benefits described herein.

### **8.22 EMPLOYEE TRAINING SCHOLARSHIP PROGRAM**

A full-time employee can pursue external training opportunities to enhance his/her skill level and effectiveness and/or to broaden knowledge and skills for future job assignments.

The Employee Training Scholarship Program is intended to reimburse an employee and/or departmental budgets, up to \$5,000 per year, for the cost of courses, seminars, workshops, licensures, certifications, etc., that are pursued for the work-related development of the employee. The program does not reimburse for ancillary costs such as travel, hotel or meal expenses, insurance or activity fees, books etc. Some of these costs or fees may be reimbursable by an employee's department.

An employee interested in pursuing training opportunities should submit a brief written proposal, to his/her supervisor, department head, or department chair, describing the training opportunity and related costs. Each proposal will be considered carefully, in terms of job-relatedness, and a prompt approval or denial will be provided.

Once approved for the Employee Training Scholarship an employee should charge the cost to an appropriate departmental account and forward to Financial Services the signed Works Transaction Summary cover sheet with the paid bill/invoice attached. The department will then be reimbursed.

### **8.23 APARTMENT ASSISTANCE**

A limited number of College-owned apartments are available for rental in the College Park neighborhood. The apartments are unfurnished with year-to-year leases. For additional information contact Facilities Services (ext. 6181).

### **8.24 COLLEGE PARK HOME LOAN ASSISTANCE PROGRAM**

The College Park Home Loan Assistance Program offers assistance to a regular full-time employee, with at least two years of service, who purchases a home in the College Park neighborhood. The College will provide a maximum of \$5,000 in the form of a forgivable loan (at the rate of 20% per year) to pay for required contract deposits, appraisals, inspections and other related closing costs.

### **8.25 SURVIVOR'S BENEFITS**

Should an employee die while in an active employment status, the family/estate will receive all salary and vacation earned up to the time of death plus an additional two weeks of base pay. Lifetime continuation of enrolled insurance benefits is available to the surviving spouse and family at stated retiree rates. An employee who has met the tuition remission and scholarship program requirements and has at least ten consecutive years in the College's employ may have his/her surviving children participate in the tuition remission and scholarship program/tuition benefit program.

### **8.26 RECOGNITION PROGRAMS**

The College recognizes the contributions, accomplishments, and valued service of employees through special programs, in campus publications, and on the College website. College departments will often recognize an employee on special occasions and for excellence at work.



The Annual Recognition Program provides public recognition and demonstrates appreciation for an employee when he/she reaches ten years of service and at five-year milestones thereafter. The Annual Recognition Program is also a time when the College recognizes the contributions of retiring employees.

The Annual Quarter Century Club Dinner, held by the President, honors employees with 25 or more years of service.

U ARE A TREASURE is a program that recognizes and rewards special effort or exemplary performance by an employee. An employee can be nominated at any time by anyone who thinks the employee has done something “extra” in the course of his/her employment.

### **8.27 DISCOUNTS**

Throughout the year, Human Resources offers numerous discount programs including Broadway show and New York City activity tickets, golf calendars, amusement park tickets, and vacation get-away information.

### **8.28 HOTEL DISCOUNTS**

While traveling for business or pleasure, first check out all internet rates, use any available discounts available (i.e., AAA), and check the corporate plans available to all employees of the College. The College currently has an arrangement through the Choice Hotels International program and the Cendant Brand Hotel program.

### **8.29 COMPUTER PURCHASES**

The College encourages technology awareness by its employees. Full-time employees, after one year of service, may receive a pay advance (up to \$2,250) to purchase one piece of equipment which may be a laptop, a desktop computer, or an IPAD. The advance may also include a printer and/or operating software. Purchases may be through the College Bookstore or an outside vendor. Pay advances are repaid through payroll deduction over a maximum twenty four (24) month period. Employees who request a pay advance to purchase this technology or equipment will receive a written notice detailing the terms and conditions of repayment. Employees are eligible for more than one pay advance for this purpose in the course of their employment following repayment of any previous pay advances. Please contact Joanne Herrick, x6105 for an appointment.

### **8.30 CREDIT UNIONS**

An employee and his/her family are eligible to become members of and use the services of the First New York Federal Credit Union and/or Capital Communications Federal Credit Union. Services available include free checking, savings accounts, VISA card, insurance, loan programs, and direct deposit of paychecks.

### **8.31 RETIREE BENEFITS**

In order to qualify as a retiree, an employee must have worked at Union for 15 years after attaining age 40. If an employee qualifies as a retiree, the employee will be eligible to participate in the College Retiree Health Insurance Program.

**Retirement Plan Benefits:** All participants in the College Retirement Plan are fully vested (the funds belong to the employee) after 3 years of employment. A retiree should work with his/her respective retirement plan vendor to discuss options for accessing retirement plan accumulations during retirement.

**Health Insurance Benefits:** Retirees are eligible to continue medical, dental and vision insurance. These plans must be in place prior to retirement. If an employee or a dependent is over age 65, then medical insurance options that coordinate with Medicare will be offered. Some insurance (i.e. life insurance, auto/home insurance and long-term care insurance) can be converted to a private policy with direct billing from the company. A retiree who decides to discontinue any of his/her insurance coverage will not be allowed to re-join the respective plan at a future date. Detailed information may be obtained from Human Resources.

For answers to additional retirement related questions please refer to the “Retirement FAQ’s” information on the HR website and/or contact Human Resources.

## **8.32 MEDICARE PART D PRESCRIPTION DRUG CREDITABLE COVERAGE**

This policy has information about current prescription drug coverage with the College and about options under Medicare's prescription drug coverage. This information can help in deciding whether or not to join a Medicare drug plan. If an employee is considering joining, the employee should compare current coverage, including which drugs are covered at what cost, with the coverage and costs of the plans offering Medicare prescription drug coverage in their area. Information about where an employee can get help to make decisions about prescription drug coverage is mentioned later in this policy.

There are two important things employees need to know about current coverage and Medicare's prescription drug coverage:

1. Medicare prescription drug coverage became available in 2006 to everyone with Medicare. An employee can get this coverage by joining a Medicare Prescription Drug Plan or joining a Medicare Advantage Plan (like an HMO or PPO) that offers prescription drug coverage. All Medicare drug plans provide at least a standard level of coverage set by Medicare. Some plans may also offer more coverage for a higher monthly premium.
2. The College has determined that the prescription drug coverage offered by CDPHP and MVP are, on average for all plan participants, expected to pay out as much as standard Medicare prescription drug coverage pays and is therefore considered Creditable Coverage. Because existing coverage is Creditable Coverage, employees can keep this coverage and not pay a higher premium (a penalty) if joining a Medicare drug plan is decided later.

### **When Can An Employee Join A Medicare Drug Plan?**

An employee can join a Medicare drug plan when first eligible for Medicare and each year from October 15<sup>th</sup> to December 7<sup>th</sup>.

However, if an employee loses his/her current creditable prescription drug coverage, through no fault of his/her own, the employee will also be eligible for a two (2) month Special Enrollment Period (SEP) to join a Medicare drug plan.

### **What Happens To Current Coverage If An Employee Decides to Join A Medicare Drug Plan?**

If an employee decides to join a Medicare drug plan, current College coverage may be affected. If an active employee, then the Medicare drug plan would be secondary to current coverage through the College. If a participant is on the CDPHP Medicare Choices plans or the MVP Gold plan, then joining a separate Medicare drug plan would result in termination of CDPHP or MVP coverage.

If an employee decides to join a Medicare drug plan and drop current College coverage, be aware that the employee and dependents will not be able to rejoin the College plan.

### **When Will An Employee Pay A Higher Premium (Penalty) To Join A Medicare Drug Plan?**

An employee should also know that if current coverage with the College is dropped or lost and the employee does not join a Medicare drug plan within 63 continuous days after current coverage ends, the employee may pay a higher premium (a penalty) to join a Medicare drug plan later.

If 63 continuous days or longer without creditable prescription drug coverage, the monthly premium may go up by at least 1% of the Medicare base beneficiary premium per month for every month without coverage. For example, if an employee goes nineteen months without creditable coverage, the premium may consistently be at least 19% higher than the Medicare base beneficiary premium. An employee may have to pay this higher premium (a penalty) for the duration of the Medicare prescription drug coverage. In addition, the employee may have to wait until the following October to join.

Please contact Human Resources for further information.

### **For More Information About Options Under Medicare Prescription Drug Coverage...**

More detailed information about Medicare plans that offer prescription drug coverage is in the “Medicare & You” handbook. An employee will get a copy of the handbook in the mail every year from Medicare. An employee may also be contacted directly by Medicare drug plans.

For more information about Medicare prescription drug coverage:

- Visit [www.medicare.gov](http://www.medicare.gov)
- For personalized help, call the State Health Insurance Assistance Program (see the inside back cover of the “Medicare & You” handbook for the telephone number).
- Call 1-800-MEDICARE (1-800-633-4227). TTY users should call 1-877-486-2048.

If in a limited income and/or limited resources situation, extra help paying for Medicare prescription drug coverage is available. For information about this extra help, visit Social Security on the web at [www.socialsecurity.gov](http://www.socialsecurity.gov), or call them at 1-800-772-1213 (TTY 1-800-325-0778).

## **IX. TIME OFF AND LEAVES OF ABSENCE**

### **9.1 HOLIDAYS**

Unless otherwise noted and with the exception of certain essential services employees, the College will be closed for the following days and employees will be eligible for holiday pay.

- New Year's Day
- Independence Day
- Thanksgiving Day
- Friday following Thanksgiving Day
- Christmas Day

With the exception of Campus Safety who observes the holiday on the actual day, when a paid holiday falls on a Sunday, it will be observed on the following Monday and when a paid holiday falls on a Saturday, it will be observed on the preceding Friday.

#### **Eligibility for holiday pay**

All regularly scheduled active employees may be considered for holiday pay.

To be eligible for holiday pay, an employee must work the last regularly scheduled hours the workday immediately preceding the holiday and the first regularly scheduled hours the workday following the holiday, or, if required, scheduled hours on the holiday itself. An employee will not be entitled to holiday pay if the employee fails to work any of these hours and the employee is either not using approved vacation time, approved sick time with a doctor's statement, or other excused time off (an approved vacation day or any other excused and paid day off (especially if approved in advance) is considered a day worked for purposes of holiday pay eligibility).

#### **Pay for holidays when the employee has not worked**

An employee whose normal work schedule includes the day(s) on which the actual or observed holiday occurs but who is not required to work on the holiday will receive holiday pay, at his/her normal hourly rate including shift differential, for his/her normal regularly scheduled shift.

An employee whose normal work schedule does not include the day on which either the actual or observed holiday occurs will designate another regularly scheduled day as that holiday.

An employee scheduled to work on the actual or observed holiday, but does not report for work, will have his/her holiday charged to an appropriate time off category, at his/her normal pay rate, and will not be eligible for the holiday at a later date.

When a paid holiday falls on or during an employee's scheduled vacation, the employee will receive holiday pay and not vacation pay.

#### **Pay for holidays when the employee has worked**

An employee regularly scheduled to work on the actual holiday and scheduled off on the observed holiday, will be paid time and a half for all hours worked on the actual holiday including overtime hours. The employee will designate another regularly scheduled day as the holiday.

An employee regularly scheduled to work on the observed holiday and scheduled off on the actual holiday, will be paid time and a half for all hours worked on the observed holiday including overtime hours. The employee will designate another regularly scheduled day as the holiday.

An employee regularly scheduled to work on the actual holiday and on the observed holiday, will be paid time and a half for all hours worked on the actual holiday and paid straight time for hours worked on the observed holiday. The employee will designate another regularly scheduled day as the holiday.

**9.2 WINTER RECESS**

The College observes a common recess period beginning the last week of December. Every year the College announces the dates of the recess period that employees will have off with pay unless the employee is required to work to maintain essential services. Employees who are required to work on a day when the College is closed will be allowed equivalent time off with pay that must be taken before the end of the fiscal year on June 30 or be forfeited. When Winter Recess days occur during a scheduled vacation, the employee will receive Winter Recess pay. An employee scheduled to work during Winter Recess, but who fails to report to work, will have his/her day charged to an appropriate time off category, at his/her normal pay rate, and will forfeit the Winter Recess day.

**Eligibility for winter recess pay**

After 30 days of employment, all regularly scheduled active employees may be considered for winter recess pay.

**9.3 VACATION**

**VACATION ACCRUAL CHART**

**(For Full-Time, Year Round Employees starting before January 1, 2014)**

SERVICE	VACATION
1 to 12 months	Prorated portion of 10 days
After Completion of 1 year	10 days
After Completion of 2 years	15 days
After Completion of 3 years	20 days
After Completion of 6 years	21 days
After Completion of 9 years	22 days
After Completion of 12 years	23 days
After Completion of 15 years	24 days
After Completion of 18 years	25 days

**VACATION ACCRUAL CHART**

**(For Full-Time, Year Round Employees starting on or after January 1, 2014)**

SERVICE	VACATION
1 to 12 months	Prorated portion of 10 days
Completion of 1-2 years	10 days
Completion of 3-5 years	12 days
Completion of 6-10 years	17 days
Completion of 11-15 years	20 days
Completion of 16 or more years	22 days

**Vacation hours are earned and accumulated on a bi-weekly pay period basis according to date of hire, length of service, and number of hours paid.**

- Newly employed staff will earn vacation hours from the date of hire based on the accrual chart. Newly employed staff members are not eligible to take paid vacation time until completion of 30 days of employment.
- Benefit eligible staff working less than full-time or less than year round will receive a pro-rated amount of vacation time based on hours worked.
- Staff completing a year of service warranting additional vacation time will begin to earn the higher rate of vacation hours in the first pay period following the anniversary of the date of hire.
- Staff on any type of approved leave of absence will not accrue vacation time and other similar benefits during the period of the leave unless otherwise required by law.
- Staff who work in direct “student service areas” are normally expected to be at work when the College is in session. These employees, with appropriate supervisory approval, are normally expected to request, use, and be paid for accrued vacation time during the breaks between terms. Single day vacation requests, special considerations, and emergencies will be reviewed by the immediate supervisor on a case by case basis.

**Vacation hours accumulate and are used on a calendar year basis.**

- Staff members may request to take the full annual vacation allotment before it is actually earned, but may not advance vacation hours from the next calendar year.
- Staff members are expected to use the full annual vacation hour allotment each calendar year. Staff not using the entire allotment may carry over a maximum of five (5) unused vacation days into the next calendar year. Except for extenuating circumstances, staff will forfeit any vacation hours in excess of the five (5) days. Extenuating circumstances will include unexpected work demands or leaves of absence that prevent the staff member from using vacation time. Requests for an extenuating circumstances rollover should be made in writing by the immediate supervisor to Human Resources. Requests should include the amount of extenuating circumstances rollover time requested and the reason vacation time could not be taken.
- Staff members are not eligible to receive pay in lieu of time off.

**Supervisor approvals and vacation pay advances.**

- All vacation requests must be made in advance and approved by the immediate supervisor. Departments may determine the amount of advance notice required. Departments may, on occasion, deny vacation requests due to scheduling or work conflicts.
- Staff members may receive vacation pay in advance provided a request is made in writing and approved by the immediate supervisor at least two weeks prior to the date of the requested paycheck advance. In addition to the written request, the employee must submit a current timesheet and a second timesheet covering the period of the vacation advance. Requests should be submitted to Payroll. Staff may only request vacation pay in advance for earned vacation hours.

**Termination of employment or retirement.**

- If an employee terminates or retires, and provides due notice (providing written notification to an immediate Supervisor at least two (2) weeks prior to the last scheduled day of work), the final paycheck will include pay for the unused portion of earned vacation hours. Failure to provide due notice of two weeks or more will result in forfeiture of accrued but unused vacation time.

- The College may, in its discretion, pay employees who are involuntarily terminated for accrued, unused vacation time. Otherwise, employees who are involuntarily terminated forfeit accrued, unused vacation time.
- If an employee terminates or retires with a negative vacation balance, upon separation from employment, the employee will be required to reimburse the College for the cost of advanced vacation pay.

**HOW DO I COMPUTE HOW MUCH VACATION I AM ENTITLED TO?**

Staff earn vacation hours for each of the College’s 26 pay periods in which an employee works/receives pay. Vacation hours earned correspond to years of completed service and to the number of hours worked in a pay period (See Vacation Accrual Chart). Staff scheduled to work five (5) days per week, 12 months per year (26 pay periods) will normally earn the full vacation accrual shown on the chart. Staff moving from one service level to the next, on the Vacation Accrual Chart, will need to do two calculations to take into account a partial year at a higher accrual rate.

Staff having varying hours worked per week and/or varying weeks per year or staff scheduled to work less than five (5) days per week and/or less than 12 months per year will receive vacation hours on a pro-rated basis (i.e. Dining Services). If an employee has questions please contact Payroll at ext. 6105.

An employee can use his/her paycheck to assist in determining the amount of vacation hours/days the employee is entitled to.

$$\begin{array}{r}
 \text{Pay Periods in Year (Total of 26):} \qquad \qquad \qquad \underline{\hspace{2cm} \text{pay periods}} \\
 \\
 \text{Multiplied by Vacation Hours Earned Per} \\
 \text{Pay Period (“Vac Earn” from Paycheck):} \qquad \qquad \qquad \text{X} \quad \underline{\hspace{2cm} \text{hours}} \\
 \\
 \qquad \qquad \qquad = \text{Vacation Hours to be Earned for Calendar Year} \qquad \qquad \underline{\underline{\hspace{2cm} \text{hours}}}
 \end{array}$$

**HOW DO I COMPUTE VACATION TO BE EARNED FOR THE REMAINDER OF THE YEAR?**

An employee can use the paycheck and the number of pay periods remaining in the year to assist them in determining the amount of vacation hours to be earned for the remainder of the year.

$$\begin{array}{r}
 \text{Pay Periods Remaining in Year (Total of 26):} \qquad \qquad \qquad \underline{\hspace{2cm} \text{pay periods}} \\
 \\
 \text{Multiplied by Vacation Hours Earned Per} \\
 \text{Pay Period (“Vac Earn” from Paycheck):} \qquad \qquad \qquad \text{X} \quad \underline{\hspace{2cm} \text{hours}} \\
 \\
 \qquad \qquad \qquad = \text{Vacation Hours to be Earned for} \\
 \qquad \qquad \qquad \text{Remainder of Calendar Year} \qquad \qquad \underline{\underline{\hspace{2cm} \text{hours}}}
 \end{array}$$

**HOW DO I COMPUTE HOW MUCH VACATION I HAVE LEFT?**

An employee can use the paycheck to assist them in determining the amount of vacation hours for the remainder of the year. Current vacation time balances are shown in hours on the paycheck. Because timesheets are 7-14 days behind the payday the balance shown may not reflect recent vacation hours used but not yet reported.

Vacation Balance (“Vac Bal.” from Paycheck):		<u>          </u> hours
Minus Vacation Hours Used But		
Not Yet Reported to Payroll:	-	<u>          </u> hours
Plus Vacation Hours to be Earned for Remainder		
of the Calendar Year (from previous section)	+	<u>          </u> hours
= Total Vacation Hours Remaining for Year		<u>          </u> hours

**9.4 PERSONAL BUSINESS ABSENCE**

The College expects employees to arrange personal business matters to not interfere with work. The College realizes that there are times when this is not possible, such as for home repairs, legal business, emergencies, and routine doctor visits/check-ups (well visits). An employee may have up to the equivalent of three (3) of his/her normally scheduled work days paid as personal business days off per calendar year. Employees are expected to request personal business days in advance, whenever possible, and the use of personal business days is subject to supervisory approval. Part-time employees, full-time employees working less than the full complement of hours for their particular area or position, or those working less than 12 months per year, will be eligible for a pro-rated amount. New employees will be eligible for personal time at a pro-rated rate of one (1) day for every four (4) months of service, up to three (3) days. An employee that has exhausted his/her paid personal business absence time may request a short term unpaid personal business leave. Approval for the request is subject to supervisory approval.

**9.5 SICK LEAVE, FAMILY ILLNESS, AND SHORT-TERM DISABILITY**

Sick leave should not be considered as an entitlement but rather as a type of insurance against the possibility of becoming ill and unable to work. Since the College sincerely believes that sick leave use will be kept to an absolute minimum, employees are provided with up to 10 days of paid sick leave every calendar year in the event of illness, non-work related accidents, doctor’s visits for work-related accidents following return to work, medical procedures, immediate family illness, or when health related appointments cannot be scheduled outside of regular work hours (See Section 10.4 Punctuality and Attendance). Staff on any type of approved leave of absence, part-time employees, full-time employees working less than the full complement of hours for their particular area or position (i.e. 37 or 40), or those working less than 12 months per year, unless otherwise provided by law, will be eligible for a pro-rated amount. Vacation and personal time may not be used to supplement paid sick time. Immediate family is defined as those living in the employee’s residence including the employee’s spouse, domestic partner, child, parent, or other relative. Newly hired employees will be granted sick leave on a pro-rated bi-weekly pay period basis through December 31. For part-time employees or full-time employees who work less than the full complement of hours for their particular area or position (i.e. 37 or 40), the time earned is per work day versus per budgeted hours so that a half time employee would be eligible for only 5 days of sick time compared to a full-time employee who receives 10 days.

Sick leave may not be carried over from year to year. To the extent permitted by law, the use of accrued paid sick leave will run concurrently with the Family and Medical Leave Act (FMLA) leave.

An employee absent from work must notify his/her supervisor by the start of the workday. Supervisors may make general requests for medical verification confirming an employee’s illness or ability to return to work (normally after three days). Any medical verification, containing specific medical or diagnostic information, should be provided directly by the employee to the Human Resources department. When an employee is on sick leave for longer than five (5) working days medical verification will be required (See Section 10.4 Punctuality and Attendance).

Time lost from work due to illness or injury may be paid for through available paid sick leave and New York State Disability Insurance. N.Y.S. Disability Insurance is as follows:

N.Y.S. Disability Insurance provides for up to 50% of an employee’s average weekly wage to the maximum defined by law, for a total of 26 weeks, beginning with the eighth calendar day of disability. To receive benefits, employees must report to Human Resources as soon as possible any situation, which is expected to extend beyond seven (7) days and complete the necessary claim forms.



The College will make up the difference between an employee's partial wage from N.Y.S. Disability and his/her full wage as follows:

Employees will receive the difference between the amount being paid by the insurance company and his/her full salary for the first three months plus one week for each completed year of employment. The College provided supplemental sick pay and N.Y.S. Disability Insurance may continue for up to 26 weeks.

The College will provide reasonable accommodations to employees with disabilities, including an approved leave of absence, unless doing so would create an undue hardship on the College. During the disability period, the College may also consider employees for other vacant positions if holding the employee's current position open creates an undue hardship, provided the employee can perform the duties and responsibilities of such other positions. If the College determines an undue hardship is caused by the accommodation(s) needed by the employee or that the employee can no longer perform the essential functions of his/her position, the employee may be terminated and will thereafter receive compensation directly from the insurance carrier.

If an employee is still disabled after 26 weeks, he or she may be eligible for income benefits from Union's Long-Term Disability Plan (LTD). Core benefit coverage and retirement plan contributions will continue during the time the employee is on long-term disability. Disabled employees will be expected to apply for social security disability benefits.

## **9.6 VACATION AND SICK TIME CREDIT FOR 10-MONTH EMPLOYEES WORKING SUMMERS**

10-month employees that work for their own or another department, during the summer, shall receive an appropriate amount of additional sick or vacation time credit for the time that the employee actually worked, commensurate with other 12-month employees.

## **9.7 WORKERS' COMPENSATION**

To provide for payment of medical expenses and partial salary continuation in the event of a work-related injury or illness, employees are covered by Workers' Compensation. An employee injured or becoming ill on the job must report such injury or illness to his/her supervisor immediately. It is the joint responsibility of the employee and the supervisor to immediately report all work-related injuries or illnesses to Campus Safety. It is the supervisor's responsibility to arrange for prompt medical treatment, for completing the necessary reports, and for reviewing the situation and making certain that the condition which caused the injury is corrected. The employee is responsible for providing written medical updates and related information to Human Resources on a regular basis. Failure to report an injury or illness in a timely manner or to keep the College informed of medical status may result in the delay or loss of Workers' Compensation benefits.

If the illness or injury is certified as job related, medical expenses and partial salary continuation will be paid through N.Y.S. Workers' Compensation Insurance (absences for doctor's appointments after returning to active or transitional duty should be charged to sick time). Whenever possible, an employee unable to perform his/her regular full-time job duties, will be placed in a temporary transitional duty position developed and agreed upon by the employee's doctor, Union's Workers' Compensation carrier, and Human Resources. Should a transitional duty position be unavailable, the employee will be placed on a leave of absence.

## **9.8 ADOPTION LEAVE**

Employees who have been employed at Union for at least 12 months, have worked a minimum of 1250 hours during the immediately preceding 12 months, and who are the primary caregiver, are eligible for 4 weeks of paid leave for the adoption of a child. If the employee and spouse/domestic partner are both employed by Union, only one employee may utilize this benefit. Adopted children must be under the age of 18 and not biologically related to either parent. Employees should provide advance notification and certification of at least 30 days when the leave is foreseeable. When unforeseen events require leave, employees shall give notice as soon as practical, ordinarily within one or two working days. Employees apply for leave by submitting a request for leave, with Department Chair or Department Head approval, and a copy of an adoption letter to Human Resources.

Additional unpaid leave benefits are available through the Family and Medical Leave Act (FMLA). FMLA leave runs concurrent with this and other leave of absences.

## **9.9 FAMILY AND MEDICAL LEAVE ACT (FMLA)**

This policy statement is a summary of the Family and Medical Leave Act (FMLA) of 1993. The Act is specific in its scope of coverage and will be the determining factor in final interpretation of leave provisions. An employee should contact the Human Resources Office for information about specific situations.

Faculty and staff who have been employed for at least one year for 1250 hours or more over the twelve months preceding the events which are listed below are entitled to receive a combined unpaid medical and/or family leave for a maximum of 12 weeks for each 12 month period beginning from the first date of approved leave. FMLA also entitles an eligible employee to a maximum of twenty-six (26) workweeks (defined by the employee's normal workweek) of military caregiver leave to care for a covered service member with a serious injury or illness during a single 12-month period.

This leave is intended to run concurrent with the provisions of College sick leave, vacation time, and personal business leave policies, New York State Disability Insurance, Worker's Compensation Insurance, Long Term Disability Insurance, and, for less than 12 month employees, any unpaid period including summer and winter breaks. The provisions of this policy apply only to family, medical, and military family leave circumstances covered by the federal law. The provisions for personal leave of absence under existing policy are not changed and cannot be substituted for the provisions covered by the Federal Law.

Employees who are receiving workers' compensation or disability benefits may elect to use accrued vacation, sick and personal days to bring them to no more than 100% compensation. All other employees are expected to use all accrued, unused vacation, sick and personal days during the leave period. An employee may choose which leave time to use, and must comply with the College's normal paid leave policies. Once such benefits are exhausted, the balance of the leave will be without pay. An employee who does not wish to use all accrued, unused vacation, sick and/or personal days must notify Human Resources of this at the time of his/her leave.

All group health benefits (e.g., major medical, hospitalization, and dental insurance) will continue during the leave provided the employee continues to make regular contributions to these plans. Coverage will cease if payments are not made within a 30 calendar day grace period of the due date. Other benefits (such as pension, retirement, life insurance, and long-term disability) will be governed by the terms of each benefit plan. All benefits that operate on an accrual basis (e.g., vacation, sick and personal days) will cease to accrue during any period of FMLA leave that is unpaid.

### **Basic Leave Entitlements:**

An eligible employee will receive FMLA-qualifying leave under the following circumstances:

- A. For birth of a son or daughter, and to care for the newborn child;
- B. For placement of a son or daughter for adoption or foster care.

Entitlement to leave to care for the employee's child after birth, or placement for adoption or foster care expires at the end of the 12-month period beginning on the date of birth or placement. FMLA leave for the birth or placement of a child for adoption or foster care with the employee may not usually be taken on an intermittent or reduced leave schedule basis.

- C. To care for the employee's spouse, domestic partner, son, daughter, or parent with a serious health condition;
- D. Because of a serious health condition that makes the employee unable to perform the functions of the employee's job.

Since the need for family leave is typically foreseeable, an employee must notify his/her immediate supervisor and/or Department Head of the intention to request the leave at least 30 days in advance so that provisions can be made to have duties carried out during the leave. If the date of the birth or placement requires leave to begin in less than 30 days, the employee must provide notice as soon as practicable.

For purposes of this policy, a "serious health condition" generally means an illness, injury, impairment, or physical or mental condition that involves either (1) an overnight stay in a medical care facility (i.e., hospital, hospice, or residential medical care facility), or , (2) continuing treatment by a health care provider for a condition that either

prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

An employee who has questions concerning qualifying for leave under the FMLA because of a serious health condition are advised to consult with Human Resources.

### **Military Family Leave Entitlement:**

An eligible employee with a spouse, domestic partner, son, daughter, or parent on active duty or called to active duty status in any branch of the Armed Forces and who was deployed or called to active duty in a foreign country, may use his/her 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events and related activities, short notice deployment, arranging for alternative childcare or emergency child care, addressing certain financial and legal arrangements, attending certain counseling sessions and attending post-deployment reintegration briefings, leave to spend time with a covered military member who is on short-term temporary rest and recuperation leave during a period of deployment; and leave for post-deployment activities, such as an arrival ceremony.

FMLA also includes a special leave entitlement that permits an eligible employee to take up to 26 weeks of leave to care for a covered service member during a single 12-month period if the employee is the spouse, domestic partner, son, daughter, parent, or next of kin of a service member and the service member is receiving treatment, recuperation, or therapy, for a serious injury or illness, within 5 years of being in the military or 5 years from the date of treatment, recuperation, or therapy. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his/her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list. The definition of a serious injury or illness has been expanded to include the aggravation of an existing or pre-existing injury of an active duty service member in the Armed Forces.

### **Use of Leave**

Medical leave for an employee's own serious health condition or a serious health condition of an employee's immediate family member may in some cases be taken on an intermittent or reduced schedule basis when medically necessary for the leave (as distinguished from voluntary treatments and procedures) and if it is determined that the employee's medical needs can best be accommodated through an intermittent or reduced leave schedule. Certification from an employee's health care provider of the medical necessity of intermittent leave or leave on a reduced leave schedule will be required. An employee needing intermittent FMLA leave or leave on a reduced leave schedule must make reasonable efforts to schedule the leave for planned medical treatment so as not to unduly disrupt the College's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis. In addition, an employer may assign an employee to an alternative position with equivalent pay and benefits that better accommodates the employee's intermittent or reduced leave schedule.

Spouses who both work for the College will be allowed a combined maximum of twelve workweeks of leave for the birth or care of a newborn child, adoption or foster care of a child and to care for such newly placed child, or the serious health condition of a parent, during any twelve month period. However, if the child has a serious health condition then both parents can take twelve weeks. Spouses who both work for the College will similarly be allowed a combined maximum of 26 workweeks of leave during a single 12-month period if the leave is taken to care for a covered service member with a serious injury or illness.

### **Job and Benefit Protection:**

Upon return to active work, from an approved FMLA leave, an employee will be restored to his/her former position or, if his/her former position has been filled or is no longer available, to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment.

Medical, dental, vision, life, and long-term disability benefits will remain in effect during the leave on the same basis and premium sharing/payments as if not on leave. College contributions to the pension plan will not be made during the leave period unless pay has continued under an approved paid leave category. Accrual of benefits or eligibility for benefits based upon time worked or length of employment will not continue during the unpaid leave.

Use of FMLA benefits will not result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

#### **Procedure for Securing Leave:**

When the need for a leave is foreseeable, an employee should submit a written leave request to his/her immediate supervisor and/or Department Head at least 30 days in advance. When the need is not foreseeable, the employee must promptly (typically the same or next business day as the employee becomes aware of a need for FMLA leave) provide notification. Unless on an approved extended leave, employees on FMLA leave are expected to comply with the College's normal call-in procedures. An employee must provide sufficient information for the College to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information includes: information on the medical condition or other qualifying reason for absence, the anticipated duration of the absence, if employee is unable to perform job functions, family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. An employee must inform the College if the requested leave is for a reason for which FMLA leave was previously taken or certified. In the case of leave for an employee's serious health condition or for a family member's serious health condition, an employee will be required to provide a health care provider certification, periodic recertification supporting the need for the leave, and a fitness-for-duty certification to address the employee's ability to perform the essential functions of his/her job. An employee who is taking intermittent or reduced schedule leave may also be required to submit a fitness-for-duty certification before the employee is allowed to return to work. The College, at its expense, may request a second opinion through its own health professionals. If the second opinion conflicts with the first, the College, at its expense, may request a third and final opinion by a neutral health professional. Leave because of a qualifying exigency or to care for a covered service member with a serious injury or illness must also be supported by a certification. An employee must provide any required certification to the College within 15 calendar days after the College's request, unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts. Failure to submit a complete and sufficient certification may result in denial of FMLA leave.

A request for FMLA leave will be reviewed and responded to by Human Resources within 5 days. The requesting employee will receive a written response indicating FMLA leave eligibility and any specific conditions or need for additional documentation. If documentation for approving FMLA leave is deemed insufficient, the employee is required to provide required documentation within 7 days. Within 5 business days after the employee has submitted the appropriate documentation, Human Resources will provide the employee with a written response to the employee's request for FMLA leave.

#### **Additional Information**

FMLA makes it unlawful for any employer to interfere with, restrain, or deny the exercise of any right provided under FMLA and/or discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against any employer. FMLA does not affect any federal or state law prohibiting discrimination, or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

#### **9.10 PERSONAL EXTENDED LEAVE OF ABSENCE**

Employees who have been employed for one year may request an unpaid leave of absence not to exceed 12 weeks. An employee may request a personal leave by submitting a written request to his/her supervisor indicating the necessity for the leave and the start and end dates of the leave. Personal leaves require the prior written approval of the supervisor and Human Resources, and will be granted at the sole discretion of the College. Employees requesting unpaid personal leave will give at least 30 days notice in advance of the desired date the leave would begin. Human Resources may waive the thirty-day notification in an emergency situation. Personal leave will not be granted for employees to assume other employment.

An employee returning from personal leave will be restored to his/her prior position, unless it has become necessary for the College to either fill the position on a regular basis or eliminate the position. In this case, the employee will be returned to an available and suitable position, at the discretion of the College.

An employee on unpaid personal leave will not accrue vacation or sick leave, receive paid holidays, or receive a contribution to the retirement plan. Employees may request that benefits through the Flex Plan be continued provided the employee pays the full premium. An employee going on leave, who will be utilizing the Faculty/Staff Children's Scholarship Program/Tuition Benefit Program, should inform Human Resources of his/her plans and when he or she returns to the regular position apply retroactively for this benefit.

Employees may use accrued vacation while on unpaid personal leave, but not to extend the leave beyond 12 weeks.

If an employee fails to return on the agreed date and has not communicated with Human Resources or his/her supervisor regarding his/her inability to return, it will be considered a voluntary resignation effective on the last day worked prior to leave inception.

### **9.11 BEREAVEMENT LEAVE**

In the event of the death of a member of an employee's family, the employee will be allowed time off with pay for up to three working days, per occurrence, for purposes of bereavement and to take care of necessary business arising from the death. The definition of family members shall include: the employee's current spouse/domestic partner/same-sex committed partner, child, parent, legal guardian, grandparent, grandchild, brother, sister, foster child, parent, grandparent, child, brother or sister of a spouse, domestic partner or same-sex committed partner, step parent, step child, step brother or sister, first level aunt or uncle, and any other related person living in the employee's household.

### **9.12 MILITARY LEAVE**

The College honors and respects the rights and obligation of its employees to serve in the Armed Forces of the United States. The College will allow excused absence for its employees to serve in that capacity, in accordance with the Uniformed Services Employment and Re-employment Rights Act of 1994 (USERRA), P.L. 103-353, the Veterans Benefits Improvement Act of 2004 (VBIA), and state laws where applicable. Leaves of absence and re-employment rights are provided by the College based on these laws.

As required by VBIA, the College will post a notice of rights and benefits under USERRA in a place where employers typically post notices to employees.

#### **Scope**

This policy applies to all regular employees of the College. Employees in temporary positions (as defined below) are excluded from the reinstatement rights described in this policy.

#### **Definitions**

**Military Service:** Active Duty, Training For Duty, Initial Active Duty for Training, Inactive Duty Training, full-time National Guard duty, funeral honors duty performed by National Guard or reserve members, and absence from work to determine fitness for any of the above types of duty (National Guard duty does not qualify as service in the uniformed services if the individual has been called up by the state governor for duty not subject to federal control, such as emergency duty in cases of floods, etc.)

**Uniformed Service:** Army, Navy, Marine Corps, Air Force or Coast Guard, reserve duty in the Army, Navy, Marine Corps, Air Force, or Coast Guard, Army National Guard or Air National Guard, Commissioned Corps of the Public Health Service, disaster response appointees of the National Disaster Medical Service, or any other category of persons designated by the President in time of war or emergency.

**Temporary Positions:** Positions which are brief or non-recurrent, and that cannot reasonably be expected to continue indefinitely or for a significant period. Generally these are positions of less than one (1) year in duration.

## Procedures

An employee or appropriate officer of the branch in the military in which the employee will be serving must give the employee's supervisor and Human Resources written notice and a copy of the military orders in advance of military service unless military necessity prevents the giving of notice or notice is otherwise impossible or unreasonable. Failure to provide the required documents will result in the withholding of pay until such orders are received. Payroll should be contacted to determine how military pay is handled.

Under USERRA an employee is entitled to reinstatement to a position with the same status, rate of pay, opportunity for promotion and benefits as the position previously held by the employee and the employee may object to the proffered reemployment position if it does not have the same status as previous employment. Re-employment is based on the period of military service and other conditions as listed:

1. Military service of less than 31 days – the employee must report back to work by the beginning of the first regularly scheduled work day that would fall eight (8) hours after the employee returns home from the place of military service. If, due to no fault of the employee, timely reporting back to work would be impossible or unreasonable, the employee must report back to work as soon as possible.
2. Military service of more than 30 days but less than 181 days- the employee must re-apply for employment at Human Resources no later than 14 days after military service is completed, or the next full calendar day when application becomes possible. The employee must also provide adequate documentation showing eligibility to return to work.
3. Military service of more than 180 days - the employee must re-apply for employment at Human Resources no later than 90 days after Military Service is completed. The employee must also provide adequate documentation showing eligibility to return to work.
4. The employee's separation from military service was under honorable conditions. A DD214 or similar document is required.
5. The cumulative length of the absence and of all previous absences for Military Service does not exceed five (5) years with certain exceptions provided in USERRA. The two-week annual training sessions and monthly weekend drills mandated by statute for reservists and National Guard members are exempt from the five (5)-year limitation.
6. The College is not required to reemploy a person if its circumstances have changed so as to make such reemployment impossible or unreasonable such as, for example, a reduction-in-force.
7. The reporting or application deadlines will be extended up to two (2) years for employees who are hospitalized or convalescing because of a service-connected illness or injury.
8. If reporting to work is impossible or unreasonable, the period will be extended, if necessary, to accommodate a circumstance beyond the employee's control.
9. The College and affected department will apply its rules governing unexcused absences in cases where an employee fails to report to work or to apply for reemployment rights within the required time limits.

The College will make reasonable efforts to accommodate an employee's disability so that the employee can be reemployed consistent with the requirements under USERRA unless such accommodation will be of such difficulty or expense as to cause undue hardship.

The College will provide paid military leave by paying the difference between an employee's daily rate of pay and the fees or pay the employee is to receive in carrying out his/her obligation. Employees are not required to use accrued vacation during absences due to military service requirements, but may do so upon request (employees do not accrue vacation time while on military leave). Employees who follow the above procedure will accumulate seniority for the period of service in the Armed Forces and retain previously accumulated benefits, subject to rules and regulations that might be imposed in those plans underwritten by insurance companies. During any period of paid leave, the College will continue normal contributions towards the cost of benefits. When military service is unpaid, the employee will pay the cost of benefits. In addition, the employee will be eligible for any general increases in pay, or any approved benefits that occur during his/her absence.

An employee may elect to continue his/her health care benefits during the period of performing military service. Those employees will pay no more than the current employee rates.

An employee who is performing military service may elect to make employee contributions or elective deferrals to the College's pension plan, to the extent allowed by law. The amount may not exceed the amount the employee would have been permitted or required to contribute had he or she remained continuously employed during the period of military service. The employee contribution to the College's pension plan may be paid either during the period of military service or upon reemployment. The College's contribution to the pension plan will continue for the duration of the paid military leave based on the amount of money being paid by the College.

The College will take appropriate steps to ensure compliance with the reemployment rights extended to military personnel under USERRA. Accordingly, employees who perform more than 180 days of military service before reemployment may only be discharged for cause after a period of one year from the date of reemployment. Employees who perform military service more than 30 days but less than 181 days before reemployment may only be discharged for cause after a period of six (6) months from the date of reemployment.

### **9.13 LEAVE OF ABSENCE FOR MILITARY SPOUSES AND DOMESTIC PARTNERS**

All employees who work an average of 20 or more hours per week, and who are married to or have as a domestic partner a member of the armed forces, is eligible upon request for a ten day unpaid leave of absence. The purpose of the policy is to enable these employees to spend some time with their spouse/domestic partner while the spouse/domestic partner is on leave from the armed forces during a period of military conflict.

For an employee to qualify for leave, the employee must be married to, or the domestic partner of, a member of the armed forces of the United States, national guard, or reserves who has been deployed during a period of military conflict to a combat theater or combat zone of operations. A "period of military conflict" is defined to mean a period of war declared by the United States Congress, or in which a member of a reserve component of the armed forces is ordered to active duty. The leave may only be used when the employee's spouse/domestic partner is on leave from the armed forces during a period of military conflict.

### **9.14 JURY DUTY AND COURT APPEARANCE LEAVE**

An employee may be excused from work for compulsory jury duty when he or she presents a jury summons to his/her supervisor. The employee's supervisor should be notified at least two weeks prior to the first day the employee is requested to report to the courthouse or as soon as the employee receives the jury summons. An employee may be requested to defer jury duty to another acceptable time if the supervisor is unable to release the employee due to business necessity. To ensure that employees receive sufficient rest, second and third shift employees will be provided an equivalent amount of paid time off, on the shift either immediately preceding or following each jury duty session. Use of the equivalent paid time off must be approved in advance through the immediate supervisor.

An employee is expected to work his/her regular schedule on days when court is not in session, as well as the remaining part of any workday after being excused from court. Employees who work hours different from or in addition to those required for jury duty shall be paid the normal straight time rate for those hours. An employee not scheduled to work will not be subject to this policy and therefore only receive the public authority payment for his/her time. An employee will be paid his/her regular wages while on jury duty and employees may retain any payments received from the public authority.

An employee subpoenaed as a witness in criminal or civil proceedings, when not a litigant or participant, will be paid his/her regular wages.

### **9.15 WEATHER RELATED CLOSINGS**

As a residential college, Union must continue to support its students regardless of inclement weather. The College, therefore, generally does not close. Union is, however, concerned with the safety of its employees, especially when dealing with challenging weather conditions. The College normally relies on each person's discretion in determining whether or not to come to work or to leave early in bad weather.

Decisions about cancelling classes because of weather conditions are made by individual faculty members. Faculty members will notify students directly if they are cancelling classes, usually by email. Cancelled classes must be made up at a later date. The library will remain open for normal operating hours if at all possible.

In extreme weather conditions, the College may announce that administrative offices and all non-essential service areas are closed. If administrative offices and non-essential service areas are closed, an announcement to that effect will be posted on the College's website, sent by email to the campus community, and announced to the local media. The decision to do so will be made by the Vice President for Administration and Finance. In this event, employees who are sent home or who are not required to report to work will continue to be paid. Departments providing essential services such as snow removal, dining services, and campus safety, will evaluate staffing needs to minimize the exposure of employees to hazardous driving conditions. An employee requested to remain at work by his/her supervisor will receive an equal amount of time as paid time off that must be used by December 31.

In the absence of an official closing announcement, time missed at work must be charged to vacation, personal time or unpaid leave time. An employee, who reports late, but within one hour after the start of his/her work time, will receive pay for the full shift. Employees who report later than one hour will have to charge all missed time against either vacation, personal time or unpaid leave.

### **9.16 COLLEGE CLOSINGS**

Due to scheduling, calendar issue, or weather, the College may occasionally decide to “officially close” for a day. When a College closing day occurs, the majority of staff will have the day off with pay. Employees required to work will receive regular pay plus another day off with pay at a later time (paid day must be used by June 30 of the current fiscal year). If the closing day is an employee’s normal day off, and the employee is requested to work, the employee will receive straight time pay, unless overtime eligible, plus another day off at a later time. If the closing day occurs on the employee’s normal day off, and the employee is not requested to work, the employee will not receive an additional day off or additional pay.

### **9.17 TEMPORARY LAYOFFS DURING BREAKS (Less than 12-Month Work Schedules)**

Certain positions at the College have work scheduled only when classes are in regular session. Employees in these positions may be temporarily laid-off and recalled when classes resume. An employee who works less than a 12-month schedule, will be responsible for benefit deductions normally deducted from his/her paycheck. Human Resources will notify each affected employee and coordinate repayment. Employees of an educational institution, like Union, with reasonable assurance of rehire for the next term, are generally not eligible for Unemployment Insurance.

### **9.18 BLOOD DONATION LEAVE**

The College provides unpaid leave time for employees to donate blood. Employees may use accrued paid time off for unpaid Blood Donation Leave. An employee is entitled to up to three hours of unpaid leave time within any twelve-month period (per federal regulations, exempt employees must be paid for his/her leave time). As is customary, time required for blood donations made on-campus, through campus-sponsored blood drives, shall be paid if occurring during normal working hours.

An employee is expected to provide his/her supervisor with reasonable notice (defined as two or more days of notice), of the intent to utilize the blood donation leave time. Employees utilizing the leave for off-campus blood donations will be required to present proof of blood donation. The College will not retaliate against any employee who requests or takes a leave of absence to donate blood.

### **9.19 NURSING MOTHERS BREAK TIME TO EXPRESS MILK**

College employees are to be provided with reasonable unpaid break time and/or paid break time or meal time to express breast milk for a nursing child, for up to three years after the birth of a child. Employees are required to provide advanced notice of the intent to use break time to express breast milk. Supervisors should exercise precautions to ensure that employees electing to express breast milk in the workplace, under this policy, are not discriminated against or being placed in a hostile work environment.



The following guidelines set forth the basic parameters under this policy:

Reasonable Unpaid Break Time – At least once every three hours nursing mothers shall be permitted unpaid break time of no less than 20 minutes to express breast milk or 30 minutes if not in close proximity to an area designated for the expressing of breast milk. Supervisors may require employees to postpone (for no more than thirty minutes) the break period when the employee is permitted to express breast milk until appropriate coverage is available.

Reasonable Efforts, Privacy and Close Proximity - Supervisors must make reasonable efforts to provide a private area or room, other than a restroom, for breastfeeding employees to express milk – unless it is significantly impracticable, inconvenient or expensive to do so. Further, the area or room provided for the expressing of breast milk must be in close proximity to the employee's work area.

Additional information for a breastfeeding employee is available via our medical insurance providers. No employee will be subject to discrimination for exercising her rights under this policy. Employees who believe they have been subject to discrimination should report the discrimination immediately in accordance with the procedure set forth in the College's Policy Against Unlawful Discrimination, Harassment, Bias Activity and Retaliation.

### **9.20 LEAVE TO APPEAR AS WITNESS TO OR VICTIM OF A CRIME**

Employees are allowed an unpaid leave for the purpose of appearing as a witness, consulting with a district attorney, or exercising the employee's statutory rights as the victim of, or witness to a crime. The employee will be required to provide notice of the need for leave at any time prior to the actual day of leave. An employee will be expected to provide the name of the person or party that requested his/her attendance or testimony so that the employee's service can be verified.

### **9.21 LEAVE TO VOTE**

Employees who do not have "sufficient time" outside of working hours in which to vote may take up to two (2) hours of paid time off. Required time off is only allowed at the beginning or end of a work shift, as designated by your supervisor, unless another arrangement is otherwise mutually agreed to. If an employee has four consecutive non-working hours in which to vote (either between the opening of the polls and the beginning of a shift or between the end of work and poll close), such time is deemed to be "sufficient", and an employee is *not* entitled to leave. Employees must provide notice of their desire for time off at least two (2) but not more than ten (10) working days prior to Election Day.

## **X. DISCIPLINE AND CONDUCT**

### **10.1 GUIDELINES FOR APPROPRIATE CONDUCT**

The College expects employees to observe high standards of conduct at all times, comply with all laws and policies, treat others with dignity and respect, follow acceptable business principles, accept responsibility for the appropriateness of his/her own conduct, and to exhibit a high degree of personal and professional integrity. Unsatisfactory performance, violation of College policies, or any other behavior or conduct deemed inappropriate by the College might lead to disciplinary action up to and including termination. It is impossible to list all forms of conduct that might be considered inappropriate or unacceptable. Certain behavior (such as theft, fighting/assault, falsification of records, threats of violence, insubordination, or reporting to work under the influence of alcohol or controlled substances, or inappropriate use of alcohol or controlled substances at work) is clearly unacceptable at any time in any workplace. Other conduct (such as failure to cooperate with other employees, harassing or intimidating others, failing to follow reasonable supervisory requests, inadequate job performance, or persistent tardiness or absenteeism) while often more subtle is also unacceptable.

### **10.2 DISCIPLINARY GUIDELINES**

The disciplinary process usually begins with a review of the problem and a discussion with the employee. Depending on the severity of the situation, however, the College may begin the disciplinary process at any step in the guidelines, and the College does not guarantee that one type of discipline will precede another. More serious infractions may warrant a written warning, suspension and/or termination, on a first offense. Consideration will be given to the seriousness of the offense, the intent and attitude of the individual, the environment in which the offense took place, and recent history of disciplinary offenses. The College reserves the right to determine the severity of the problem and how best to proceed in each individual case. The following guidelines have been developed to assist employees and supervisors.

- **CONSTRUCTIVE FEEDBACK AND COUNSELING** provides for informal discussion of problems between the employee and supervisor to address undesirable behavior or unsatisfactory performance.
- **VERBAL WARNING** formally brings the problem to the attention of the employee, stresses the seriousness of the situation, what improvement is needed, and the consequences of continued undesirable behavior or unsatisfactory performance.
- **WRITTEN WARNING** normally occurs after a verbal warning and after the supervisor and the employee have met to discuss the situation. The warning will explain the problem, future expectations, a timetable for future review, and that further problems may result in a review period, suspension, or termination.
- **SUSPENSION** may be used to impress upon the employee that behavior or performance must change or termination will occur. It is also used when an employee commits a serious infraction that may warrant termination pending review of the facts. Employees may be suspended for up to 10 days. The employee will normally meet with the supervisor and the supervisor's department head to discuss the situation. A written summary for a suspension is generally combined with a Performance Improvement Plan. The Performance Improvement Plan will explain the problem, future expectations, a timetable for future review, and that further problems will result in termination.
- **TERMINATION** is normally undertaken when an employee is not performing satisfactorily his/her assigned duties or is exhibiting unacceptable behavior, has been warned about his/her performance or behavior, and has been provided an opportunity to improve. Termination may be immediate for more serious or extreme situations.

The College will generally attempt to follow the Disciplinary Guidelines stated above. In the event of serious or extreme situations (resulting from either on or off-campus activity), especially those where the safety of people or College property is at risk, it may become necessary to immediately suspend and/or terminate an offending employee. **Please note that these Disciplinary Guidelines do not create a contractual obligation to employ any employee for any specific or minimum period of time.** An employee or the College may terminate the employment relationship at any time for any reason, with or without cause or notice.

The following list includes examples of serious or extreme situations warranting immediate suspension and/or termination. This is not an exhaustive list:

- making false statements on employment application or other records or to College officials
- altering, damaging, or destroying College records, data, information, or property
- unauthorized use of an employee's College affiliation for personal gain
- theft of or malicious damage to property
- physical assault on a student, employee, visitor or vendor of the College
- failure to comply with the College's Drug-Free Workplace Act policy or impairment on the job due to substance abuse or alcohol consumption
- violation of criminal law that threatens the safety of the College, employees, students, visitors and/or vendors or that is incompatible with an employee's position
- excessive unapproved absenteeism (except as otherwise provided by law)
- absence without notice for three consecutive days or three occurrences of absence without notice (except as otherwise provided by law)
- unauthorized possession of dangerous weapons
- behavior or language directed toward the College, its employees, students, visitors and/or vendors that is in gross violation of socially accepted standards or in violation of College policies, including but not limited to, harassment and/or discrimination.
- behavior which places the welfare of employees, students, visitors, vendors, or College property at risk
- possession or display of pornography in the workplace
- willful failure to follow a reasonable directive of an employee's supervisor or other member of management

To terminate an employee a supervisor must have approvals from the Department Head, the Responsibility Center Head and the Director of Human Resources.

Employees have the right to utilize the General Problem Resolution process (See Section 11.1) as an appeal mechanism for any disciplinary matters.

### **10.3 INTRODUCTORY PERIOD**

During the first six months of employment, new employees are considered to be in an introductory period. For 9 and 10 month employees, the introductory period will be extended for any non-work period (i.e. summer, winter break). During the introductory period, an employee should evaluate his/her satisfaction with the new position and with the College, and at the same time supervisors should evaluate an employee's performance and appropriateness for the position. An employee may terminate his/her position at any time (preferably with sufficient notice). As with all other employment at the College, during the introductory period employment with the College is "at-will". "At-will" means that the College may terminate an employee at any time, with or without notice, for any reason.

To terminate an employee during the introductory period, a supervisor must have approvals from both the Department Head and the Director of Human Resources. Except in situations of alleged employer discrimination, harassment or retaliation, the decision to terminate is not subject to review through the complaint process.

The Introductory Period may be extended upon agreement between the supervisor and employee. An employee will not be considered for promotion or transfer outside of his/her department until successful completion of the introductory period.

#### **10.4 PUNCTUALITY AND ATTENDANCE**

It is anticipated that employees will report to the College ready to work, be on time, and complete the entire shift as assigned. If, for any reason, an employee will be late for work or unexpectedly absent he or she must call the supervisor and notify them of the late arrival, or state the reason for the unexpected absence. Normally notice should occur no later than the scheduled starting time for work (Due to the expectation of twenty-four hour coverage, Campus Safety employees are required, barring unusual, unexpected, or emergency situations, to provide notification of an unplanned absence at least one (1) hour prior to the start of his/her scheduled shift). Advanced notice is also required to leave work before the end of a scheduled shift. While it is understood that employees occasionally may be late to work or absent, excessive lateness or unapproved leave, no matter what the reason, is not acceptable and may result in disciplinary action.

An employee will enter the disciplinary process when unapproved lateness or unapproved leave is deemed excessive, when an employee does not call or show up for an assigned shift, and/or when an employee misuses an approved leave category. Excessive lateness will be considered as more than five occurrences of unapproved lateness in a calendar year (Jan. – Dec.). Excessive unapproved leave will be considered as more than 10 normal unapproved workday absences in a calendar year (Jan. – Dec.). Part-time employees or those working less than 12 months per year will be eligible for a pro-rated amount. After reaching the excessive level, each time an employee is absent or late the next step in the disciplinary process should be expected. If an employee reaches the excessive absenteeism level in two consecutive years, the disciplinary level from the previous year will carry forward to the new year and serve as the point from which disciplinary action should begin. In other words, if a person received an oral warning for excessive absenteeism in the previous year, and again reached the excessive level in the new year, the employee would receive a written warning, rather than starting at the beginning of the disciplinary process.

For purposes of this policy, employees will not be disciplined for incidents of lateness and absences covered by the FMLA, or otherwise protected by law, or where lateness or an absence from work is required as a reasonable accommodation for an employee's disability under applicable state and federal laws.

If an employee discloses that the reason for an employee's excessive tardiness or absenteeism relates to a "disability" covered by applicable state and federal laws, the Human Resources Department may initiate steps for an Independent Medical Examiner (IME) evaluation and/or may seek medical documentation from the employee's health care provider. The purpose of the evaluation and/or request for medical documentation will be to evaluate fitness for duty and to work with the employee to develop a reasonable accommodation that does not create an undue hardship for the College.

An employee's supervisor may request a physician's statement indicating that an employee is under a doctor's care for absences, due to illness or injury, of three (3) days or more. Any medical verification, containing specific medical or diagnostic information, should be provided by the employee directly to the Human Resources department. Employees on sick leave for longer than five working days will be required to provide medical verification of "fitness for duty" in order to return to work. An employee absent for three days without notification or communication with his/her supervisor will be considered to have abandoned his/her position and will be terminated (except if otherwise provided by law). (See Section 9.5, Sick Leave, Family Illness and Short Term Disability).

#### **10.5 PERFORMANCE EVALUATION**

The College's process for employee evaluation is based on job duties, performance factors, and objectives. Evaluations are conducted annually by an employee's immediate supervisor and may involve other members of the College community. Additional evaluations can be made, at other times, at the request of the employee or the employee's supervisor. The appropriate Responsibility Center Head and Human Resources will review the completed evaluation, including employee input. The written performance evaluation will become part of the employee's personnel file. While the primary purpose of the evaluation process is to assist the employee in carrying out job responsibilities more effectively, it may also be used as the basis for personnel actions including promotions, merit increases, or corrective actions.

Employees receiving a Needs Improvement will also receive a Performance Improvement Plan (PIP) and warned that continued Needs Improvement performance will result in further disciplinary action. Employees with two years of continuous Needs Improvement performance evaluations will be subject to disciplinary action up to and including termination.

#### **10.6 PERSONAL APPEARANCE AND HYGIENE**

Employees are expected to practice good personal hygiene, exercise acceptable personal grooming habits, and use good judgment in the choice of clothing appropriate for his/her position and the workplace. Departments may specify additional requirements (i.e. required uniforms appropriate for the operation). Employees who report for work inappropriately dressed or exhibiting hygiene practices inappropriate for the workplace may be sent home to correct the identified issue. Employees who are sent home will be required to charge an appropriate paid-time off category (vacation or personal time) or will not be paid for the duration of their time away from the job. Failure to consistently exhibit acceptable practices will result in disciplinary action up to and including termination of employment.

#### **10.7 REASONABLE SUSPICION FOR ALCOHOL OR DRUG TESTING (January 1, 2014)**

In the event of reasonable suspicion of alcohol or drug workplace use, possession or impairment, in violation of the College's Drug-Free Workplace and Drug/Alcohol Abuse policy, employees will be subjected to alcohol and/or drug testing, by a trained Campus Safety Officer and/or at a healthcare facility. Reasonable suspicion is suspicion that requires further investigation based on some factual foundation.

Evidence of impairment will be based on supervisory observation by direct supervisor, and/or HR or Campus Safety. Evidence forming a conclusion of reasonable suspicion may include: confusion or disorientation, slurred speech, inability to respond to questions, lapses in performance, difficulty walking or navigating in a normal way, combative behavior or difficulty interacting with co-workers, agitation or drowsiness, and/or apparent odor of alcohol or drugs.

Individuals observing this perceived undesirable behavior will be asked to specifically document their observations and inferences which led to a "reasonable suspicion" that a person is under the influence of illegal drugs and/or alcohol.

*Under no circumstances should the employee be allowed to drive himself or herself to the testing facility.*

Supervisors should contact HR for a complete summary of the procedure regarding suspicion of drug or alcohol use in the workplace.

All employees who test positive in a confirmed test for alcohol, illegal drug use, narcotics or controlled substances will be subject to disciplinary action, up to and including termination of employment. Any employee who refuses the College's request to submit to an alcohol and/or drug test may be subject to immediate termination.

In the event an employee is not immediately discharged for testing positive, or for some other violation of this policy, the College, in its sole discretion, may allow the employee to return to work pursuant to the employee executing a written agreement acknowledging:

1. that they tested positive or otherwise violated College policy; and
2. that in exchange for the College not discharging him or her for this instance of testing positive or otherwise violating policy, the employee agrees to:
  - a. undergo and successfully complete rehabilitation, counseling or other activities that may be recommended by the College's Employee Assistance Program;
  - b. undergo periodic, unannounced alcohol and/or drug testing for a set period; and
  - c. be subject to discharge for any future violations of College policy.

Participation in a treatment program does not insulate an employee from the imposition of discipline for violations of this or other College policies. Employees who test positive, admit to drug or alcohol use or related misconduct,

or voluntarily seek assistance, and are not discharged, will not be allowed to return to work or continue working until they have been evaluated by a healthcare professional of the College's choice to determine if they can safely return to work.

## **XI. DISPUTE RESOLUTION**

### **11.1 GENERAL PROBLEM RESOLUTION PROCESS**

To foster and promote the best possible employer and employee relationship, there is a procedure available to employees for review of work related problems. It is usually in the best interest of both the College and the employee to resolve problems as soon as possible at the lowest possible administrative level. In order that employees may be assured fairness in the consideration of such problem(s), this process of appeal and review, without prejudice, to higher levels of authority has been established. This process is available only to employees. Non-College employees may not attend any of the meetings. An employee may have another College employee accompany or represent him or her at the meetings.

The dispute resolution process does not apply to issues concerning compensation, classification, work standards, stated College policy, disputes with non-supervisory personnel, matters which are beyond the control or jurisdiction of the College, or any disciplinary matter or termination during the introductory period of employment. Allegations of harassment, sexual harassment or discrimination should be reported as set forth in the College's Grievance Procedures to Address Allegations of Prohibited Discrimination, Harassment and Retaliation.

Employee complaints or problems should be addressed in the following manner. An employee may confer with Human Resources at any point during the resolution process.

The employee should first attempt to resolve the issue informally by discussing it with his/her supervisor. Satisfactory resolution can usually be achieved at this level.

If the matter is not resolved to the employee's satisfaction informally, the employee should meet as soon as possible with the department head. The employee should write up or be prepared to speak about:

- the specific complaint
- the facts related to the complaint and any other helpful information
- the remedy or resolution sought

The department head will consider and evaluate the information, discuss the matter with the supervisor and employee if necessary, and respond in writing as soon as possible.

If the issue is not resolved with the Department Head the employee should submit a written statement of the complaint to the Director of Human Resources. The complaint should be submitted within five days of receiving the Department Head's decision and include all of the information presented at the previous steps.

The Director of Human Resources will review the information submitted to ensure that it is appropriate, consistent with previous steps, and that the remedy sought is clear. The Director of Human Resources will attempt to seek resolution prior to forwarding the complaint to the appropriate Responsibility Center Head.

If the informal means do not resolve the problem, the Director of Human Resources will present the complaint to the Responsibility Center Head. The Responsibility Center Head will review and make a decision regarding the situation. The decision of the Responsibility Center Head is final.

Due to the nature of some positions, the complaint resolution process may necessitate fewer levels of review. For instance, employees who report directly to a Responsibility Center Head will have only two levels of review.

The dispute resolution process is not a legal forum. Employees who wish to use legal counsel may do so within the judicial system. Use of the dispute resolution process shall not be construed as the waiver of any right that would be provided to an employee under the jurisdiction of outside agencies, including courts of law. The filing of a complaint or the use of this process does not postpone any deadlines for filing of complaints with outside agencies. The College reserves the right to discontinue the complaint resolution process should an employee commence a similar complaint with a state or federal court or agency.

## **11.2 POLICY AGAINST PROHIBITED DISCRIMINATION, HARASSMENT, RETALIATION, AND BIAS ACTIVITY (August 2013)**

### **Policy Statement**

Union College prohibits its faculty, administrators, staff, and students from engaging in any form of prohibited discrimination or harassment, and expects these individuals to refrain from committing acts of bias within the College's jurisdiction. The College also prohibits retaliation. Retaliation includes any conduct, whether or not workplace or employment-related, directed at someone because he or she opposed a discriminatory practice, made a complaint of discrimination, or participated in such an investigation, which might deter a reasonable person from making or supporting a charge of harassment or discrimination. In compliance with applicable federal, state, and local legislation, the College maintains processes to provide redress and remediation to individuals who believe they have been the victims of these acts. The College further identifies Title IX coordinators who oversee all Title IX complaints and take steps to identify and address any patterns or systemic problems that arise during the review of such complaints. Members of the College community who have relevant information must cooperate with the College's investigations into prohibited discrimination, harassment, bias activity or retaliation.

### **Overview**

Union College's commitment to diversity and inclusiveness is grounded in providing an environment that is free from all prohibited discrimination, harassment, bias activity and retaliation. Union's commitment is intended to prevent negative actions that are directed at a member or group of the Union community because of that individual's or group's actual or perceived age, color, creed, disability, ethnicity, gender, gender identity or expression, marital status, national origin, race, religion, sexual orientation, military status, genetic predisposition, domestic violence victim status and any other factors prohibited by applicable law.

Acts of prohibited discrimination, harassment, and retaliation constitute violations of federal and state law. Although bias activity may not rise to the level of a federal violation, it is prohibited by state law. Union College equally condemns such activity and aims to respond to such incidents when they occur.

Accordingly, this policy prohibits all members of the College community from engaging in such prohibited discrimination, harassment, bias activity and retaliation, and sets forth an internal grievance process for presenting and responding to discrimination-related complaints, harassment complaints, reports of bias activity, and allegations of retaliation.

### **PROHIBITED DISCRIMINATION**

Prohibited discrimination occurs when an employment or academic decision results in negative and/or different treatment of an individual based upon his or her race, color, sex (including pregnancy), religion, creed, national origin (including ancestry), citizenship status, physical or mental disability (including AIDS), age, marital status, sexual orientation, gender identity and expression, military status, genetic predisposition, domestic violence victim status or any other protected category under applicable local, state, or federal law. Discriminatory conduct includes decisions in which the protected class status was the sole or a contributing factor.

The College encourages students and employees to report any perceived discrimination immediately using the procedures set forth in the College's [Grievance Procedures to Address Allegations of Prohibited Discrimination, Harassment, Retaliation](#).

### **PROHIBITED HARASSMENT**

This policy prohibits any form of unlawful harassment, by any member or group of the community, including harassment that creates a hostile environment against any employee or student because of race, color, sex, pregnancy, religion, creed, national origin (including ancestry), citizenship status, physical or mental disability (including AIDS), age, marital status, sexual orientation, gender identity and expression, military status, genetic predisposition, domestic violence victim status, or any other protected category under applicable local, state, or federal law. Prohibited harassment consists of unwelcome verbal, visual or physical conduct based on an individual's protected status where (1) an individual's acceptance or rejection of such conduct explicitly or implicitly forms the basis for an employment or educational decision affecting the individual; or (2) the conduct is sufficiently severe or pervasive so as to alter the terms, conditions, or privileges of the employee's employment or education, or otherwise create a hostile work or educational environment.



Union College is also committed to the free and vigorous discussion of ideas and issues, which the College believes will be protected by this policy. Union College is committed to protecting the academic freedom and freedom of expression of all members of the College community. This policy shall be applied in a manner that protects the academic freedom and freedom of expression of all parties to a complaint. Academic freedom and freedom of expression include but are not limited to the expression of ideas, however controversial, in the classroom, residence hall, and in keeping with different responsibilities, in workplaces elsewhere in the College community.

This policy applies to all persons who are enrolled or employed at Union College, whether they are on College property, are participating in a College-sponsored activity off-campus, or are otherwise interacting with co-workers or students off campus. The grievance procedures, described below, apply to situations in which both complainant and accused are enrolled or employed at Union College.

Situations which involve others, including applicants for admission or employment who believe they have been harassed by employees of Union College and employees of Union College who believe they have been harassed by contractors or vendors serving the College, will also be resolved through these procedures. Supervisors, Department Chairs, Deans, Faculty members, and individuals holding similar positions at Union College with knowledge of situations in which harassment may exist shall take appropriate steps to deal with the matter according to College policy and procedures.

Once there is knowledge of harassing behavior, the College is effectively on notice. If, after consultation with the Chief Diversity Officer, the Complainant does not wish to pursue the complaint further, the College may still need to respond by taking reasonable appropriate action, including conducting an investigation.

This policy and the grievance procedures for resolution of claims of harassment are only part of Union College's effort to prevent harassment in our community. In addition to spelling out steps for making and resolving complaints, the College will also endeavor to provide programs to raise the level of understanding concerning the nature of harassment and ways to prevent its occurrence.

#### **Definition Of Sexual Harassment**

Sexual harassment is unwanted sexual advances, requests for sexual favors, and other gender-based verbal, visual or physical conduct when such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment or education insofar as:

— Submission to or rejection of such conduct by an individual is used as the basis for affecting decisions about that individual's academic or employment future or for affecting participation in a College activity; or

— Such conduct has the purpose or effect of interfering with an individual's academic or professional performance or creating an intimidating hostile or demeaning employment or education environment.

Examples of conduct that may constitute sexual harassment include but are not limited to: abusive, or lewd language and/or suggestive jokes of a sexual nature; demands for sexual favors in exchange for other considerations; unwanted physical or verbal pursuit with a sexual theme (this includes repeated, unwelcome requests for dates); leering, suggestive, or insulting sounds and gestures; distributing, displaying, or discussing written or graphic material (e.g., calendars, posters, cartoons, websites) that are sexually suggestive or shows gender-based hostility; content in letters, notes, e-mail, or postings on social media sites that is sexual in nature, unwanted touching, brushing, patting, pinching, or attention to one's body; threats of, or deliberate, sexual assault or molestation. It is unlawful for males to sexually harass females or other males and for females to sexually harass males or other females.

#### **Other Prohibited Harassment**

Prohibited harassment on the basis of race, color, sex (including pregnancy), religion, creed, national origin (including ancestry), citizenship status, physical or mental disability (including AIDS), age, marital status, sexual orientation, gender identity and expression, military status, genetic predisposition, domestic violence victim status, or any other protected category under applicable local, state, or federal law includes behavior similar to sexual harassment such as:

- Epithets, derogatory slurs, off-color jokes, threats, or suggestive or insulting sounds;
- Derogatory posters, cartoons, drawings, emails, websites, and postings on social media; and
- Assault, unwanted touching, or blocking normal movement.

### **The Complaint Process**

The College’s complaint procedure provides for a prompt, thorough, and objective investigation of any claim of prohibited harassment, appropriate disciplinary action against those found to have engaged in prohibited harassment, and appropriate remedies for any victim of harassment. Employees are strongly urged to use the College’s complaint procedure, set forth below under Grievance Procedures to Address Allegations of Prohibited Discrimination, Harassment, and Retaliation.

### **Determination Of Prohibited Harassment**

The conduct alleged to constitute harassment under this policy shall be evaluated from the perspective of a reasonable person, considering all the circumstances, including the nature, frequency, intensity, location, context, and duration of the behavior in question.

In considering a complaint under this policy, the following understandings shall apply:

- Prohibited harassment must be distinguished from behavior which, even though unpleasant or disconcerting, is appropriate to the carrying out of certain instructional, advisory, or supervisory responsibilities.
- Instructional responsibilities require appropriate latitude for pedagogical decisions concerning the topics discussed and methods used to draw students into discussion and full participation.

### **RETALIATION**

The College will not tolerate retaliation of any kind against anyone who opposes a discriminatory practice, makes a good faith complaint about harassment and/or discrimination, or furnishes information or participates in any manner in an investigation of such a complaint. Retaliation includes any conduct, whether or not workplace or employment-related, directed at someone because he or she opposed a discriminatory practice, made a complaint of discrimination, or participated in such an investigation, which might deter a reasonable worker from making or supporting a charge of harassment or discrimination. Retaliation is unlawful and will not be tolerated. Any individual who believes that he or she has been subject to retaliation should file a complaint using the College’s complaint procedure, set forth below under Grievance Procedures to Address Allegations of Prohibited Discrimination, Harassment, and Retaliation.

### **Social Media and Networking**

Although the College respects the right of students and employees to use social networking sites and similar forms of electronic expression, any such use of electronic expression to harass or discriminate is unlawful and prohibited by this policy as well as the College’s Use of IT Resources Policy.

### **GRIEVANCE PROCEDURES TO ADDRESS ALLEGATIONS OF PROHIBITED DISCRIMINATION, HARASSMENT, AND RETALIATION**

Union College (“Union”) has adopted an internal process to provide for the prompt and fair resolution of complaints alleging a violation of Union’s non-discrimination policy, policy against unlawful harassment, and policy against retaliation. These procedures cover allegations of unlawful discrimination and harassment in employment on the basis of race, color, sex (including pregnancy), religion, creed, national origin (including ancestry), citizenship status, physical or mental disability (including AIDS), age, marital status, sexual orientation, gender identity and expression, military status, genetic predisposition, domestic violence victim status or any other protected category under applicable local, state, or federal law. These procedures also cover allegations of retaliation. Retaliation includes any conduct, whether or not workplace or employment-related, directed at someone because he or she opposed a discriminatory practice, made a complaint of discrimination, or participated in such an investigation, which might deter a reasonable person from making or supporting a charge of harassment or discrimination. Union encourages any employee who believes that he or she has experienced unlawful discrimination, harassment or

retaliation (the “Complainant”) to attempt to resolve the issue informally. To this end, employees may bring their concerns to the co-worker directly involved, the immediate supervisor, or department head.

If the Complainant remains dissatisfied with the resolution of his/her concerns after attempting to resolve them informally or if the Complainant does not feel comfortable attempting to resolve them informally, the Complainant should report the behavior immediately to their immediate supervisor, Department Head, or the Office of Diversity and Affirmative Action (located in Feigenbaum Hall, 1st Floor).

A complaint may be verbal or may be submitted in writing. It should include a description of the allegation(s) of discrimination, harassment and/or retaliation and should set forth specific facts in support of the allegation(s).

— A complaint should be made immediately. While reporting such incidents may be a difficult personal experience, allowing discrimination, harassment, or retaliation to continue will most certainly lead to less desirable outcomes. The College can only resolve those complaints of which it becomes aware, so employees are expected to promptly report complaints.

— Any supervisor or Department Head who becomes aware of possible discrimination, harassment, or retaliation (either through observation or through a report) must immediately notify the Office of Diversity and Affirmative Action.

— A fact finding investigation, as may be appropriate, shall be conducted by Chief Diversity Officer or at his/her direction promptly following receipt of the complaint. This process affords the Complainant and the person(s) against whom the allegation(s) of discrimination, harassment or retaliation have been made an opportunity to submit information and documentation regarding the complaint allegations.

— The fact finding investigation will be completed within thirty (30) working days from the time the investigation commences and the fact finder will provide a written report to the Chief Diversity Officer. Within ten (10) working days from receipt of the report (or completion of the investigation by the Chief Diversity Officer), the Chief Diversity Officer will report the outcome of the investigation in writing to the Complainant and the Respondent. If the Chief Diversity Officer determines that any of the allegations raised by the complaint warrant action, he or she will set forth what actions Union must take, including, for example, contacting the Vice President for Academic Affairs to initiate a disciplinary action against a Faculty member in accordance with the relevant provisions of the Faculty Manual (such as Section II, Article XIII Procedures for Dismissal and Sanctions), or contacting the Director of Human Resources in accordance with the Administrative Manual and Staff Handbook, to address the substantiated concern(s), to the extent consistent with the confidentiality accorded to College personnel actions. NOTE: if a complaint that warrants action is directed against a member of the Senior Staff, the Chief Diversity Officer shall notify the President for further action.

— At all times, the parties can entertain informal resolution options to resolve any issues. Union may suggest that the parties participate in a mediation program.

— Although Union will make reasonable efforts to comply with these timelines, circumstances such as College breaks, witness unavailability, and other factors may justify an extension to a time reasonable. If an extension of time is needed, the parties will be notified.

— It is a violation of these procedures to file a discrimination, harassment or retaliation complaint for the purpose of injuring the reputation or causing harm to another person. Without minimizing the injury that can be suffered by the Complainant, the College also recognizes that the filing of a discrimination or harassment complaint can have serious consequences for the person accused. That person, too, has rights that the policies on discrimination, harassment and retaliation must preserve and protect. Therefore, any person who abuses these procedures by knowingly filing a false complaint will be subject to discipline if the Chief Diversity Officer determines that the complaint was filed in bad faith. This provision is not meant in any way to discourage legitimate complaints.

— Complainants, those accused, and witnesses who participate in these procedures are bound by rules of confidentiality. The Office of Diversity and Affirmative Action will preserve the confidentiality of information provided in connection with a grievance to the extent possible, consistent with the goals of prompt and thorough investigation and resolution as well as compliance with the law.

— If Complainant or the accused party wishes to appeal any aspect of the decision (for example, the decision to initiate disciplinary action in accordance with applicable provisions of the Faculty, Administrative Manual, or Staff Handbook), he or she may do so by filing a written notice with appropriate Vice President within ten (10) working days of the date of the decision. An appeal will be considered only if the party specifies with particularity the errors in the determination (such as inaccurate findings of fact or incorrect conclusions of law, the correction of which would change the outcome of the determination). Within forty-five (45) working days from the date of the filing of an appeal, the Vice President will uphold or modify the determination of the Chief Diversity Officer. The Vice President's decision is final.

## **BIAS ACTIVITY (INCLUDING BIAS INCIDENTS AND HATE CRIMES)**

Bias activity includes bias incidents as defined below and hate crimes as defined by law. Such activity is that which a reasonable person could conclude is directed at a member or group of the Union College community because of that individual's or group's actual or perceived attribute of diversity. Such incidents may not rise to the level of prohibited discrimination or harassment, but are prohibited by state and local law.

This policy covers the response of the Office of Diversity and Affirmative Action to bias activity that may occur at Union College. This Office will advise the College community of the occurrence of bias incidents and crimes, provide support-related resources to individuals who have experienced bias activity, and develop programs that will help to prevent or eliminate bias activity.

### **What Is A Bias-Related Crime?**

New York State Penal Law Section 485, also known as the "Hate Crimes Act of 2000," sets forth the definition of a hate or bias-related crime. Specifically, a person commits a hate or bias-related crime when he or she commits a specified offense and either:

— intentionally selects the person against whom the offense is committed or intended to be committed, in whole or in substantial part, because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability, or sexual orientation of that person, regardless of whether the belief or perception is correct, or

— intentionally commits the act or acts constituting the offense, in whole or in substantial part, because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability, or sexual orientation of a person, regardless of whether the belief or perception is correct.

### **What Is A Bias-Related Incident?**

Bias-related incidents are defined as behavior that constitutes an expression of hostility against the person or property of another because of the targeted person or group's actual or perceived race, color, national origin, ancestry, gender, religion, religious practice, age, disability, sexual orientation, or gender identity or expression, but does not rise to the level of a hate crime. They include but are not limited to:

- spray-painting homophobic language in a public space of a residence hall
- yelling derogatory comments about women in the Campus Center
- hanging posters that mock persons with disabilities

## **GRIEVANCE PROCEDURE TO ADDRESS ALLEGATIONS OF BIAS ACTIVITY (INCLUDING BIAS INCIDENTS AND HATE CRIMES)**

### **Initiating A Report Of Bias Activity**

Faculty, administrators, and staff are encouraged to report bias activity, including hate crimes, either experienced directly or observed, that occur at the College or in the course of a College activity, to the Office of Diversity and

Affirmative Action. Faculty, administrators, and staff are also encouraged to comply with the Chief Diversity Officer's requests and that Office's procedures for resolution. Reports may also be made to a Bias Incident Team member. Referral to the Bias Incident Team is appropriate even when the person believed to have committed the act cannot be identified or if the reporting person does not wish to pursue campus disciplinary or criminal charges. The Bias Reporting Team members include:

- Director of Campus Safety, Chris Hayen, at x6358 (518-388-6358) email: hayenc@union.edu
- Director of Counseling Center, Marcus Hotaling, at x6161 (518-388-6161) email: hotalinm@union.edu
- Director of Multicultural Affairs, Jason F. Benitez, at x6030 (518-388-6030) email: benitezj@union.edu
- Director of Human Resources, Eric Noll, at x6108 (518-388-6108) email: nolle@union.edu

Reports of Bias Activities that may also constitute prohibited discrimination, harassment, or retaliation must also be reported immediately to the Chief Diversity Officer for appropriate resolution pursuant to the College's Grievance Procedures to Address Allegations of Prohibited Discrimination, Harassment, and Retaliation.

### **Procedures For Responding To Bias-Related Incidents And Crimes**

The following procedures, to the extent reasonably practicable under the circumstances, are to be applied upon an incident occurring:

- Determine whether emergency medical treatment is necessary. If medical attention is necessary, immediately contact 911 and Campus Safety (388-6911 or 388-6178) for assistance.
- The Campus Safety Officer responding to the bias-related activity is to, if possible, photograph physical injuries, offensive graffiti, and evidence of vandalism. In addition, he or she should record where and when the activity occurred and document names of witnesses if applicable. Further, the Campus Safety Officer should document detailed information about the perpetrator(s), if available. He or she should also retain any physical evidence of the incident, if possible, or, in the case of a crime, turn the incident over to public law enforcement officials. Any and all reports of this nature will be retained in the Dean of Students Office.
- Campus Safety Officers should also, if they suspect that a bias-related crime has occurred, report the crime to the appropriate law enforcement officials and cooperate with those officials in its investigation of the incident(s).
- All bias-related activity shall be considered confidential, to the extent permitted by law. Every reasonable effort will be made by Union College to preserve any personal information obtained during the investigation or adjudication of the matter. However, maintaining full confidentiality may be challenging in this context.

### **Support Services Available**

Affected members of the Union College community will be referred to support services and resources and may need support in order to cope with the incident and life in the aftermath.

### **Additionally, You Should Know**

Union prohibits retaliation against any person who files a complaint of a bias activity, participates in an investigation, or opposes an alleged bias activity.

It is a violation of these procedures to file a bias activity complaint for the purpose of injuring the reputation of or causing harm to another person. Without minimizing the injury that can be suffered by the Complainant, the College also recognizes that the filing of a bias activity complaint can have serious consequences for the person accused. That person, too, has rights that must be preserved and protected. Therefore, any person who abuses these procedures by knowingly filing a false complaint will be subject to discipline if the Chief Diversity Officer determines that the complaint was filed in bad faith. This provision is not meant in any way to discourage legitimate complaints.

## **XII. TERMINATION**

### **12.1 VOLUNTARY AND INVOLUNTARY TERMINATION**

An employee who voluntarily terminates employment is expected to provide at least two weeks written notice to his/her supervisor and/or Human Resources. Failure to provide at least a two-week notice will forfeit the receipt of accrued vacation time.

It is the College's intention to provide all involuntarily terminated employees with sufficient notice (at least two weeks notice) of termination. An employee who is involuntarily terminated, and not provided with sufficient notice during his/her introductory period, will not be entitled to any "sufficient notice pay". An employee who is involuntarily terminated and not provided with sufficient notice, after completing the introductory period, but working less than one year, will receive up to a week of "sufficient notice pay" pro-rated by the actual amount of time the employee has worked in the last twelve months. An employee that has worked a year or more will be entitled to sufficient notice or up to two weeks of "sufficient notice" pay.

The final paycheck will include the earned/accrued unused vacation, if due notice has been given, and will be distributed per normal distribution procedures unless other arrangements are made. Once a termination date is established, any additional paid sick or personal leave will be limited to a prorated portion of the total annual amount. No adjustment will be made for sick or personal leave previously paid, above the prorated limit. Additional days in excess of the prorated limit will not be earned and therefore will not be paid. Employees will have the opportunity to continue health benefits for up to 18 months after termination, except for gross misconduct, per COBRA regulation.

An employee's date of termination is the last day worked. Pay for accumulated unused vacation leave does not extend the employee's length of employment with the College.

### **12.2 RETIREMENT**

Staff that retire from employment and who have completed 15 years of service after attaining age 40, will be eligible to participate in the College Retiree Health Insurance Program plus receive continued access to various events and facilities. The earliest age an employee can be an official retiree is age 55. The College currently contributes toward the cost of retirees' medical insurance premiums. For retirees, medical, dental and/or vision coverage ceases on the last day of the month for which a premium is paid or immediately when an insurance program ends. If a retiree elects to discontinue insurance coverage (medical, dental or vision) or remove covered dependents, at any point, the retiree will not be eligible to re-enroll for coverage or re-add covered dependents at a later date. Retirees will also not be allowed to add spousal or dependent coverage if the retiree did not have this level of coverage at the time of retirement.

An employee may choose his/her own retirement date. An employee's retirement date is the last day worked. Pay for accumulated unused vacation leave does not extend the employee's length of employment with the College. If an employee retires with due notice (providing written notification to an immediate Supervisor at least two (2) weeks prior to the last scheduled day of work—although three months is desired), the final paycheck will include pay for the earned/accrued unused portion of annual vacation hour allotment. Once a retirement date is established, any additional paid sick or personal leave will be limited to a prorated portion of the total annual amount. No adjustment will be made for sick or personal leave previously paid, above the prorated limit. Additional days in excess of the prorated limit will not be earned and therefore will not be paid.

The retirement plan provides varied options for retirement payments, including early retirement. If an employee is considering retirement, the employee should contact Human Resources and notify their department, preferably three (3) months in advance of their intended retirement date. This will help to ensure that all necessary paperwork is processed. In addition to the College's retirement plan, most employees will be eligible for Social Security. TIAA-CREF, FIDELITY, and Human Resources are available to discuss retirement issues.

### **12.3 JOB ELIMINATION**

Should a reduction in the College workforce occur due to lack of work, department reorganization, or budgetary cutbacks, the College reserves the right to terminate employment and will provide affected employees with one month's notice, or severance pay for one month, unless additional notice is required by law. Employees may

continue health benefits for up to 18 months per COBRA regulation and will be paid for accrued vacation. An employee re-employed within 12 months of termination will retain his/her original employment date. The College will assist employees in locating other College jobs but cannot guarantee that a suitable position will be available.

Notwithstanding anything to the contrary, herein, an employee whose position is eliminated and who is rehired by an educational corporation under the control of the College shall not be entitled to the benefits provided hereunder.

#### **12.4 EXIT INTERVIEWS**

When an employee gives notice of resignation or retirement, he/she is requested to complete an Exit Interview Form and contact Human Resources to schedule an exit interview. During this meeting the employee is provided an opportunity to discuss such issues as benefits continuation, repayment of outstanding debts to the College, the return of College property, and employment-related concerns, comments, or suggestions.

#### **12.5 BEFORE A TERMINATING EMPLOYEE LEAVES**

Terminating employees are required to return keys, ID card, uniforms, and all other College property in his/her possession. Terminating employees must also arrange payment of outstanding bills (Bookstore, Dining Services, computer loans, parking, etc.) prior to his/her last day of work. Retirees are allowed to keep their ID card but must comply with all other arrangements indicated.

#### **12.6 UNEMPLOYMENT INSURANCE**

Employees who voluntarily or involuntarily terminate employment may be eligible to receive unemployment insurance. Eligibility for Unemployment insurance is determined on a case-by-case basis by the New York State Division of Labor. Employees of an educational institution, like Union, with reasonable assurance of rehire for the next term, are generally not eligible for unemployment insurance.

#### **12.7 CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT (COBRA)**

##### Continuation Of Group Health Benefits

Employees and/or their dependents covered under the College health plan may be eligible for the continuation of benefits at the time employment ends. The Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) provides that an employee who loses group benefits coverage due to a “qualifying event” other than termination for “gross misconduct” are eligible to continue the benefits at his/her own cost.

Some examples of “qualifying events” that result in loss of coverage include:

- termination for any reason other than gross misconduct,
- a reduction in hours so that employee is no longer eligible for coverage under the plan,
- death of the employee,
- divorce or legal separation from the employee’s spouse,
- entitlement of the employee for Medicare benefits, and
- dependent child’s attaining maximum age for coverage.

Under COBRA, the employer must advise all eligible employees and their beneficiaries of the right to continue health care benefits that would otherwise be lost. The law requires that the employee be afforded the opportunity to maintain continuation coverage for at least 18 months if the loss of group health coverage was because of a termination of employment or reduction in hours, and at least 36 months for all other reasons listed above. The level of benefits offered must be the same as what other employees receive under the plan. The former employee or their beneficiaries pay the entire premium for continued coverage.

Under the law, the employee or a family member has the responsibility to inform Human Resources in writing of a divorce, legal separation, or a child losing dependent status under the plan. In the event of the employee’s death,

termination of employment or reduction in hours, or Medicare eligibility, the College has the responsibility to notify the employee and covered dependents of the right to choose continuation coverage. Under the law, employees have at least 60 days from the date of loss of coverage to inform the College that the employee wants continuation coverage. The College will provide information on COBRA coverage to terminating employees.



### **XIII: COLLEGE FACILITIES AND SERVICES**

#### **13.1 LIBRARY**

All employees of the College and their families may avail themselves of the facilities of the Schaffer Library. A College ID is required to check materials out.

#### **13.2 RECREATIONAL AND ATHLETIC FACILITIES**

All recreational and athletic facilities of the College are available for employee use. Regulations concerning the use and the schedules of availability can be obtained from the Intercollegiate Athletic Department, located at the Alumni Gymnasium.

#### **13.3 BOOKSTORE**

All employees of the College may purchase books, supplies, clothing, gift items, or place special orders from the Bookstore either online or at the Reamer Campus Center. Credit Cards are accepted or an employee may open an employee charge account. Items totaling \$2.50 or more at any one time may be charged. Accounts are payable within 30 days of the billing date. A finance charge of 1 ½% per month is levied on balances outstanding after 30 days (minimum charge of \$1.00 if balance is under \$65.00). Credit ceiling is \$500.00 per academic year for full-time faculty and staff members employed by the College. The privilege of charging will be suspended at the discretion of the College for any account containing charges which have not been paid within 45 days of the original billing. If charges have not been paid by the end of 90 days, by signing Union's charge account agreement, the College Bookstore will institute appropriate measures to collect the outstanding balance (within applicable statutory limits). The privilege of charging may be withdrawn permanently where circumstances seem to warrant such action.

The Bookstore is prepared to offer the following services to the College community:

- Special orders (deposit required).
- Magazine subscriptions
- Educational computer discounts
- Gift Certificates
- Shop by telephone (388-6188) Monday through Friday, 9:00 a.m. to 4:00 p.m.
- Gift wrapping of items purchased at the College Bookstore (\$1.00 - \$3.50 per package).

#### **13.4 COMPUTER SALES AND SERVICE**

Employees are eligible to purchase computers and software from the Bookstore at substantial educational discounts. Technical service and support for employee-owned items is also available. This includes authorized service for IBM, Apple, and Hewlett-Packard.

#### **13.5 COLLEGE EVENTS**

Employees are generally admitted free or at reduced rates to events held on campus. Event announcements are made on a regular basis. A College ID card is necessary to secure tickets or admission to most events.

#### **13.6 CHECK CASHING**

The Cashier's Office provides check-cashing services (\$250 check limit). Employees may cash College payroll checks up to \$250. Third Party checks cannot be cashed. The Cashier's Office hours are from 8:30 am to Noon and 1:00 pm to 3:30 pm.

### **13.7 CREDIT UNION**

College employees and their families are eligible to become members and receive the services of the First New York Federal Credit Union, and Capital Communications Federal Credit Union. Services available include free checking, savings accounts, VISA card, insurance, loan programs, and direct deposit of paychecks.

### **13.8 NOTARY SERVICES**

On-campus notary services are available without charge to employees. Check the College Directory for names and location of notaries.

### **13.9 MAIL SERVICES**

Mail Services, located on the first floor of the Reamer Campus Center, offers employees the convenience of routine on-campus postal services including purchasing stamps and sending mail. Use of the campus address for incoming personal mail or packages is intended for temporary or transitional use only.

### **13.10 COLLEGE DINING**

The College provides employees a variety of dining and snack options on campus including breakfast, lunch, and dinner. Meals and snacks are available in the Reamer Campus Center at Dutch Hollow and the Convenience Store (1<sup>st</sup> floor of Bookstore) and Upperclass (2<sup>nd</sup> floor), at West Dining, at Starbucks (Wold Building), Kiosk (College Park Hall), at the Rathskellar (basement, Old Chapel), and the Ozone Cafe. Employee ID cards can be used as a charge card in the Dining Halls and soda/vending machines on Campus, once the employee opens an account with Dining Services, Room 202, Reamer Campus Center. Employees may also purchase a discounted employee meal plan.

### **13.11 DONATIONS TO UNION COLLEGE**

The College is a tax-exempt, private, not-for-profit organization. Tax-deductible donations to the College may be designated for specific programs, activities, or scholarships based on the donor's wishes. Information is available from College Relations.

### **13.12 UNITED WAY**

The College participates in the United Way fund-raising campaign and employees are encouraged to contribute. Payroll deductions may be used to make United Way contributions, and individual contributions can be designated to go to a particular charitable or non-profit organization.

## **XIV: MISCELLANEOUS**

### **14.1 SUPERVISOR AS FIRST RESOURCE ON POLICY AND PROCEDURE QUESTIONS**

Many College policies, procedures, and benefits have been indicated only briefly in this Staff Handbook. Human Resources encourages employees to make their immediate Supervisor the first resource for any questions or concerns related to job duties, work assignments, job performance, policies, or practices. If an employee has any questions or wants more information, Human Resources is available to help.

### **14.2 HUMAN RESOURCES WEBSITE**

The Human Resources website, located at <http://www.union.edu/HR/>, is easily navigable and a helpful resource for employment-related information. The following is a list of information included on the Human Resources website:

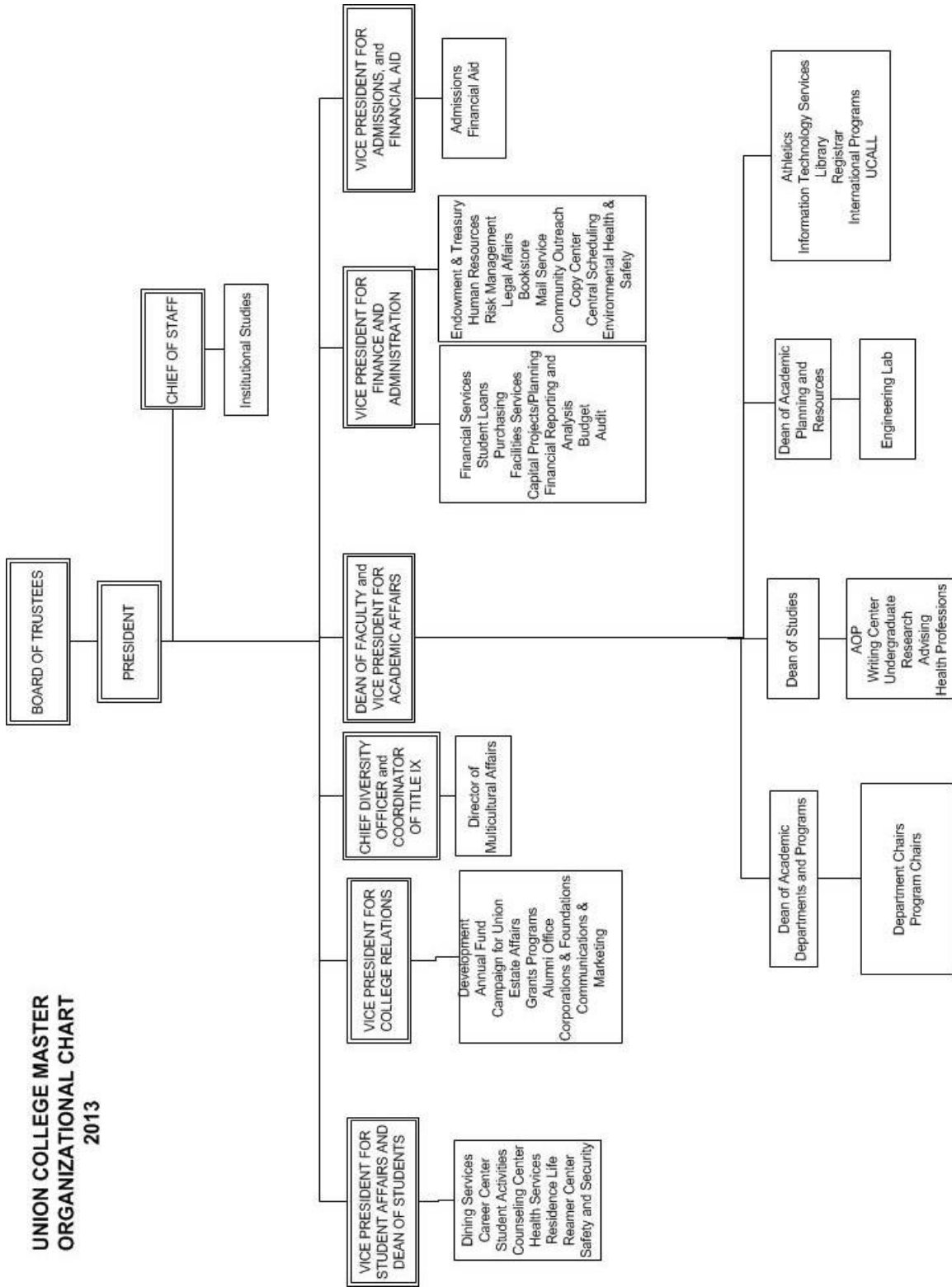
- General Contact Information
- Directions to Human Resources
- Employment Opportunities
- Policies and Procedures
- Benefits
- Compensation
- Forms
- Employee Online
- Training Opportunities
- Workers' Compensation
- Visas, I-9's and the Department of Homeland Security

If there are any questions regarding the Human Resources website, please contact Human Resources

### **14.3 UNION COLLEGE ORGANIZATIONAL CHART**

- See next page.

**UNION COLLEGE MASTER ORGANIZATIONAL CHART 2013**



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