



HOBART AND WILLIAM SMITH COLLEGES

*HOBART AND WILLIAM SMITH COLLEGES*

**EMPLOYEE HANDBOOK**

**2020**

**Table of Contents**

**PAGE**

**Preface..... 1**  
    Employment at Hobart and William Smith Colleges ..... 1  
    Using this Handbook..... 1  
    Open Door Policy ..... 1  
    The Office of Human Resources (HR) ..... 2

**Section I - About the Colleges..... 2**  
    The Colleges’ Working Community..... 2  
    Governance and Organization..... 2

**Section II - Employment Relationship ..... 3**  
    At-Will Employment ..... 3  
    Equal Employment Opportunity Employer ..... 3  
    Harassment and Non-Discrimination Policy ..... 4  
    Procedures for Making, Investigating and Resolving Harassment and Retaliation  
        Complaints ..... 4  
    Reasonable Accommodations for Employees with Disabilities ..... 7

**Section III - Commencing Employment ..... 7**  
    Additional Employment - Internal and External..... 7  
    Appointment ..... 8  
    Introductory Period ..... 8  
    Benefits Eligibility ..... 9  
    Colleges’ OneCard..... 9  
    Employment of Relatives..... 9  
    Parking ..... 9  
    Procedure for Hiring Employees ..... 10  
    Hiring of Foreign Nationals..... 11  
    Offer of Employment..... 11

**Section IV - Compensation and Payroll..... 12**  
    Direct Deposit ..... 12  
    Error in Pay ..... 12  
    Exempt Employee Pay Policy..... 12  
    Extended Payroll Schedule ..... 13  
    Flex-Time Policy ..... 13  
    Pay Increases..... 14  
    Pay Period, Payday, Paychecks and W-2s ..... 14  
    Payroll Deductions..... 14  
    Social Security Numbers..... 15  
    Timekeeping ..... 15  
    Overtime ..... 15

Work Hours, Schedules and Meal Breaks .....	15
<b>Section V - Employment Policies and Procedures .....</b>	<b>16</b>
Acceptance of Gifts from Vendors .....	16
Animals on Campus .....	16
Attendance and Punctuality .....	17
Cellular Phone Usage.....	18
Certifying Spouses, Domestic Partners, and Eligible Dependents .....	18
Change in Personal Status.....	18
Compliance with the Colleges' Policies and Procedures.....	18
Confidentiality/Privacy .....	18
Conflicts of Interest.....	20
Consensual Sexual Activity between Employees and Students .....	21
Date of Hire and Length of Service .....	21
Drug-Free Workplace Policy .....	21
Employee Assistance Program (EAP) .....	22
Employee Conduct and Progressive Discipline .....	22
Employee Problem Resolution .....	24
Employment Files .....	25
Employment of Minors .....	25
Family Educational Rights and Privacy Act (FERPA).....	26
General Data Protection Regulations Privacy Notice.....	26
Inclement Weather Policy .....	27
Keys and Other Property of the Colleges .....	27
Minors on Campus Policy.....	29
Performance Evaluations .....	29
Personal Telephone Calls and Personal Mail.....	30
Professional Associations .....	30
Professional Development Programs .....	30
Promotions and Transfers .....	30
Records Retention.....	30
Reductions in Workforce .....	31
Reference Checks.....	31
Relocation Expenses Policy for Faculty and Staff.....	32
Remote Work Policy.....	35
Respect for Diversity of Others .....	32
Responding to Legal Actions/Subpoenas .....	36
Responsible and Acceptable Use of Electronic Resources Policy.....	36
Safety and Security .....	36
Sexual Misconduct, including Sexual Harassment.....	37
Smoking Policy.....	38
Termination of Employment, Job Abandonment and Rehire Policies .....	39
Title IX Grievance Policy .....	40
United Way Campaign.....	40
Use of Campus Mail .....	40
Use of Colleges' Equipment .....	40
Use of Colleges' Vehicles.....	41

Use of Employee’s Personal Vehicle for Work-Related Business ..... 41

Violence in the Workplace..... 41

Whistleblower Policy ..... 42

Workplace Injuries Policy..... 45

  

**Section VI - Employee Benefits..... 45**

  

**Section VII - Paid and Unpaid Leaves ..... 45**

Blood Donation Leave ..... 45

Bone Marrow Donor Leave ..... 46

Family and Medical Leave of Absence Policy ..... 46

Jury Duty Leave ..... 46

Military Leave..... 47

New York State’s Paid Family Leave (PFL) ..... 48

New York State’s Short-Term Disability (STD) Coverage ..... 51

Nursing Mothers in the Workplace..... 51

Time Off to Vote..... 51

  

**Section VIII - Separation of Employment ..... 51**

Academic Year Employees..... 51

Access to Email, PeopleSoft and Other Database Software Solutions ..... 51

Benefits at Time of Separation of Employment ..... 51

Change of Home Address Following Separation of Employment..... 51

Exit Interview..... 52

Final Paycheck ..... 52

Return of Colleges Property..... 52

Unpaid Account Balances at the Time of Separation of Employment ..... 52

  

**Section IX - Modification Disclaimer ..... 53**

  

**Appendix..... 53**

## **Preface**

### **Employment at Hobart and William Smith Colleges**

This Employee Handbook was developed both to help new employees get acquainted with Hobart and William Smith Colleges, and also to answer questions that new or existing employees may have about our employment policies and procedures.

As an employee of the Colleges, the importance of your contribution cannot be overstated.

We are glad you have joined us, and we hope that you will find your work to be both challenging and rewarding.

### **Using this Handbook**

The purpose of this Handbook is to give you an overview of Hobart and William Smith Colleges' (the "Colleges" or "HWS") employment policies and plans and other valuable employment information. This Handbook supersedes and replaces any previous employee handbooks, policies or practices, written or unwritten, covering the same or similar subjects. Please read and retain it for future reference.

The policies summarized in this Handbook are guidelines only. The Colleges retain the right to supplement, modify, amend or eliminate the policies and plans. Every effort was made to make the descriptions brief, accurate and easy to understand. Therefore, all details may not be described here. For more specific information, please contact your supervisor or the Office of Human Resources.

As set forth in Section II of this Handbook, the Colleges adhere to the policy of employment-at-will, which enables the Colleges or the employee to terminate the employment relationship at any time, with or without cause, and with or without notice. The policies contained in this Handbook are not intended as an offer, a contract, or a guarantee of continued employment or other benefits. The Colleges retain the right to make decisions involving employment as needed in order to conduct its work in a manner that is beneficial to employees and the Colleges. No representative of the Colleges other than the President has any authority to enter into any agreement for employment for a specified period of time, or to make any agreement contrary to the foregoing and no such agreement shall be binding unless in writing and signed by the President.

The provisions of the Handbook are applicable to all faculty except as modified by the faculty by-laws.

### **Open Door Policy**

The Colleges recognize that employees will often have suggestions for improving the workplace, as well as, concerns about the workplace. The most satisfactory solution to a job-related problem or concern is usually reached through a prompt discussion with your supervisor. Please feel free to contact your supervisor with any suggestions and/or concerns. If you do not feel comfortable contacting your supervisor or are not satisfied with your supervisor's response,

please contact either your supervisor's supervisor or the Office of Human Resources regarding your suggestion or concern. They will work with you to help find a resolution. While the Colleges provide you with this opportunity to communicate your views, please understand that not every concern can be resolved to your satisfaction. Even so, the Colleges believe that open communication is essential to a successful work environment and all employees should feel free to raise issues of concern without fear of reprisal.

### **The Office of Human Resources (HR)**

The Office of Human Resources (HR) is committed to working in partnership with departments and employees regarding the Colleges' policies and procedures. HR also strives to:

- Attract, retain and develop an exceptional and diverse workforce
- Provide professional human resource expertise
- Ensure compliance with federal, state and local law and regulations
- Provide a high level of service
- Promote professional development
- Treat every individual ethically and with friendliness, care, respect and integrity

## **Section I - About the Colleges**

### **The Colleges' Working Community**

The Colleges have approximately 730 full-time and part-time employees. They are divided into the following categories:

- Faculty
- Administrative Exempt/Non-Exempt Salaried Staff
- Administrative Hourly Staff

### **Governance and Organization**

#### *The Board of Trustees*

The Board of Trustees is responsible for the overall management of the Colleges, including financial and budgetary matters; the development of policies deemed necessary and desirable for the development and administration of the Colleges; supervision of the work of employees of the Colleges; and the creation and appointment of standing and other committees related to the purposes of the institution.

#### *Officers of the Colleges*

The officers of the Corporation are the Chair of the Board of Trustees, one or more Vice-Chairs of the Board of Trustees, President, Assistant Treasurer and Secretary.

## The President and Senior Leadership Team

### **President**

As chief executive officer of the Colleges, the President is responsible to the Board of Trustees for managing the Colleges and for interpreting and carrying out the policies of the Board. The President presides over all commencements, convocations, and other institutional exercises and confers all degrees voted by the Board of Trustees. The President manages the daily operations of the Office of the President, the members of the President's Senior Leadership Team, and oversees the departments of General Counsel, Diversity and Inclusion, and Spiritual Engagement.

### **President's Senior Leadership Team**

The President's Senior Leadership Team is the group of senior administrative officers of the Colleges. This team includes the persons with the authority over the various divisions of the operation of the Colleges as determined by the President in consultation with the Vice President for Human Resources. Members include Provost and Senior Dean of the Faculty, Vice President for Institutional Advancement, Vice President for Human Resources, Vice President for Enrollment Management and Dean of Admissions, Vice President for Finance and Administration/CFO, Vice President for Information Technology and Strategic Planning, Vice President for Campus Life, Vice President for Marketing and Communications, and the Vice President and General Counsel.

## **Section II - Employment Relationship**

### **At-Will Employment**

We hope that your employment will prove mutually satisfactory, but continued employment cannot be guaranteed for any employee. In accordance with New York State Law, employment at the Colleges is employment at-will. This means that you are free to leave your employment at any time, with or without cause or notice, and the Colleges retain the same right to terminate your employment at any time, with or without cause or notice. This policy of at-will employment may be changed only by a written employment agreement signed by the President that expressly changes the policy of at-will employment. Unless your employment is covered by a written employment agreement (which is distinct from an appointment letter), this policy of at-will employment is the sole and entire agreement between you and the Colleges as to the duration of employment and the circumstances under which employment may be terminated.

### **Equal Employment Opportunity Employer**

The Colleges are an equal employment opportunity employer and prohibit discrimination and harassment in their programs and activities against employees or applicants on the basis of race, color, creed, sex, age, disability, military or veteran status, marital or familial status, pregnancy, religion, national origin, sexual orientation, gender identity or expression, domestic violence victim status, genetic information or any other status protected under the law.

Discrimination and harassment are prohibited in all of the following areas: recruitment, hiring, promotions, demotions, transfers, layoffs, terminations, selection for training and educational assistance, rates of pay, and other forms of compensation and conditions of employment. Retaliation or subsequent harassment against an employee who files a complaint is prohibited.

Complaints regarding sexual assault or sexual harassment are handled in the manner provided in the Colleges' Title IX and Sexual Misconduct Policy, which provides multiple avenues for reporting prohibited conduct. If an employee has a complaint of another type of illegal harassment or discrimination, it should ordinarily be taken to the employee's supervisor. Employees may also direct such complaints to HR. Employees and applicants can raise concerns and make reports without fear of reprisal, intimidation, threats or coercion. Complaints will be investigated on a timely basis and as confidentially as possible.

The following person has been designated to handle inquiries regarding the non-discrimination policies: Vice President for Human Resources, First Floor, Gulick Hall, x 3313.

The Colleges' Harassment and Non-Discrimination Policy is located below. The Colleges' Title IX and Sexual Misconduct Policy is attached at Appendix 3.

### **Harassment and Non-Discrimination Policy**

The Colleges will not condone any verbal or physical harassment of or discrimination against any employee by another employee, non-employee (e.g. contractors and vendors), student, or guest on any basis including, but not limited to, age, race, color, creed, gender, sexual orientation, gender identity or expression, physical or mental disability, national origin, religion, military or veteran status, marital or familial status, pregnancy, genetic information or any other status protected by law. The purpose of this policy is to assure that, in the workplace, no employee harasses another or discriminates against another on the basis of any protected status. Discrimination and verbal or physical harassment will not be tolerated and may result in disciplinary action, up to and including termination.

The Colleges' commitment to non-discrimination applies, but is not limited, to decisions made with respect to hiring, placement, compensation, benefits, promotions, demotions, tenure, transfers, terminations, administration of benefits, and all other terms and conditions of employment. Likewise, employees are responsible for not engaging in discriminatory behavior toward their co-workers.

Prohibited verbal harassment includes but is not limited to slurs, epithets, derogatory comments, unwelcome jokes, teasing, and threats.

Prohibited physical harassment includes but is not limited to hitting, pushing, groping, touching, or other unwelcome physical contact.

Other forms of prohibited harassment include posting of offensive or discriminatory letters, emails, texts, notes, posters, or invitations.

If you feel you are being discriminated against or harassed on any basis, you should follow the steps outlined in this policy. Your complaint will be promptly investigated and the investigation



will be conducted as confidentially as possible, consistent with the Colleges' obligation to conduct a prompt and thorough investigation that ensures due process for all involved parties. Adverse action will not be taken against you for reporting or participating in the investigation of a violation of this policy in good faith.

Like all other forms of harassment, the Colleges will not condone any sexual harassment of its employees. All employees, including supervisors and managers, will be subject to severe discipline, up to and including termination, for any substantiated act of sexual harassment they commit. Likewise, managerial personnel who knowingly allow such behavior to continue will be subject to severe discipline, up to and including termination. The Colleges' sexual harassment policy can be found in the Title IX and Sexual Misconduct Policy, attached as Appendix 3.

Sexual harassment can include, but is not limited to, unwelcome sexual advances or propositions, preferential or derogatory treatment based on gender, unnecessary touching, graphic verbal commentaries about an individual's body, the display of sexually suggestive materials or pictures, and explicit or offensive comments or jokes with a sexual content or based upon gender. The Title IX and Sexual Misconduct Policy contains a detailed description of what constitutes sexual harassment.

### **Procedures for Making, Investigating and Resolving Discrimination, Harassment and Retaliation Complaints**

Employees who feel they are being discriminated against or harassed are encouraged to report the suspected discrimination or harassment to their supervisor immediately. Although not required, employees may choose to utilize the complaint form attached to this handbook and/or complete the form available at [https://www.hws.edu/offices/hr/forms/complaint\\_form.pdf](https://www.hws.edu/offices/hr/forms/complaint_form.pdf). Any suspected discrimination, harassment, or retaliation should be reported verbally and in writing. If the employee's immediate supervisor is the source of the alleged discrimination or harassment, or the employee otherwise feels uncomfortable speaking with his or her supervisor, the employee should report the problem to the supervisor's superior, the Title IX Coordinator, or to the Office of Human Resources. All complaints involving discrimination on the basis of gender, sexual orientation, gender identity or expression will be handled under the Title IX and Sexual Misconduct Policy.

#### *Complaints*

Supervisors and managers who receive a discrimination or harassment complaint should inform the Office of Human Resources after which an investigation will be undertaken. Confidentiality of a discrimination or harassment complaint will be maintained, to the extent possible, and only those who need to know about such a complaint will be advised of its existence.

#### *Investigations*

Complaints will be investigated as expeditiously as possible. All employees who may have knowledge of either the incident in question or similar problems may be interviewed. Both the complaint and the investigative steps and findings will be documented as thoroughly as possible.

### *Cooperation*

An effective harassment and non-discrimination policy requires the support and example of all Colleges' employees. Colleges' agents or employees who engage in discrimination, harassment, or retaliation or who fail to cooperate with investigations of discrimination, harassment, or retaliation may be disciplined, up to and including termination.

### *Investigation Outcome*

Any employee of the Colleges who has been found to have discriminated against or harassed another employee will be subjected to appropriate disciplinary action, up to and including immediate discharge.

### *Protection Against Retaliation*

An employee who, in good faith, reports or participates in the investigation of an alleged incident of discrimination or harassment will under no circumstances be subject to reprisal or retaliation of any kind. Such retaliation is unlawful. Any employee who feels he or she has been subjected to such adverse actions should report the incident to his or her supervisor or the Office of Human Resources. Any employee, however, who is found to have knowingly made a false accusation of discrimination, harassment, or retaliation, will be subject to appropriate disciplinary action up to and including termination.

### *Legal Protections and External Remedies*

While the Colleges encourage all employees who believe they have experienced or witnessed discrimination, sexual harassment, or harassment based on any other status protected by this policy or applicable law to notify the Colleges of any such violations, employees may choose to pursue remedies under the following laws:

- The New York Human Rights Law (HRL), N.Y. Executive Law, art. 15, § 290 et seq., applies to employers in New York State. The HRL prohibits many forms of discrimination, including sexual harassment. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court. Complaints with DHR may be filed any time within one year of the alleged discrimination. If an individual did not file at DHR, they can sue directly in state court under the HRL, within three years of the alleged discrimination. An individual may not file with DHR if they have already filed a HRL complaint in state court. DHR will investigate your complaint and determine whether there is probable cause to believe that discrimination has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If discrimination is found after a hearing, DHR has the power to award relief, which varies but may include requiring the Colleges to take action to stop the harassment, or redress the damage caused, including paying monetary damages, attorney's fees and civil fines. DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458, (718) 741-8400, [www.dhr.ny.gov](http://www.dhr.ny.gov).

- Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq, also prohibits many forms of discrimination, including sexual harassment. An individual can file a complaint with the EEOC anytime within 300 days from the alleged harassment. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in court. The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in court on behalf of complaining parties. Courts may award remedies if discrimination is found to have occurred. If an employee believes that he/she has been discriminated against at work, he/she can file a “Charge of Discrimination.” The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (1-800-669-6820 (TTY)), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov).
- Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists.

### **Reasonable Accommodations for Employees with Disabilities**

It is the policy of the Colleges to provide reasonable accommodations for qualified individuals with a disability who are employees or applicants for employment. The Colleges are committed to complying with the Americans with Disabilities Act (ADA), the New York State Human Rights Law (NYHRL), and all applicable laws prohibiting discrimination in employment against qualified individuals with disabilities. The Colleges will reasonably accommodate qualified individuals with known disabilities unless doing so would result in undue hardship to the Colleges. The interactive process of identifying a reasonable accommodation begins when an employee or applicant discloses a disability, provides documentation, and requests an accommodation. Volunteering information about a disability will not subject an employee or applicant to any adverse treatment or penalty. All information concerning disabilities will be considered confidential and will be released only in accordance with the ADA and the NYHRL.

<h3><b>Section III - Commencing Employment</b></h3>
---

#### **Additional Employment - Internal and External**

Employees must obtain written consent from their primary supervisor before accepting a secondary position within the Colleges. Any supervisor who wishes to use a current employee in a secondary position must ensure that there will be no conflict of interest or schedules between the two positions, and must obtain HR approval of additional internal employment within the Colleges. In order to ensure compliance with Department of Labor regulations concerning overtime pay, employees on the weekly payroll, both full-time and part-time, may not work a second job at the Colleges unless prior written approval has been received from the Vice President for Human Resources, and the Payroll Office has been notified in advance.

The Colleges regard full-time employment as a full-time, professional commitment. Anyone considering additional internal or external work is subject to the following requirements and conditions:

An employee who accepts full-time employment at the Colleges assumes a primary professional obligation to the Colleges. Any other employment or enterprise in which an employee engages for income must be understood to be secondary to his/her work for the Colleges.

Employees may not perform work for outside employment during their work hours for the Colleges.

Employees may not engage in outside employment with any entity that would cause a conflict of interest with the Colleges. In addition, employees may not use or disclose confidential Colleges information in connection with the employee's outside employment.

In all outside employment activities, the employee functions without the sponsorship of the Colleges, and the Colleges assume no responsibility for the activity. Correspondence and reports may not be written on the Colleges' stationery, and Colleges' personnel, facilities, equipment or other resources may not be utilized.

### **Appointment**

The President of the Colleges designated the Vice President for Human Resources to confirm by letter all appointments to full-time and part-time salaried and hourly staff positions, as well as, all promotions, job transfers, and changes in employee status. The Provost and Dean of Faculty has been designated to confirm appointments for faculty. Before being placed on the payroll, new employees must meet with a representative of the Office of Human Resources for a new employee onboarding orientation to complete required paperwork.

### **Introductory Period**

The Introductory Period is the first three months after the first day of employment at the Colleges. Extensions of the Introductory Period may be granted by the Vice President for Human Resources upon request of the supervisor prior to or on the scheduled conclusion of the Introductory Period. The extension will generally not exceed 30 days, or be given more than once.

If the employee's ability or job performance is deemed unsatisfactory by his or her supervisor during the Introductory Period or at the conclusion of the initial or extended Introductory Period, the employee may be terminated at any time during the Introductory Period. Successful completion of the Introductory Period does not provide a guarantee of employment for any specific duration. As an employee at-will, either the employee or the Colleges may terminate the employment relationship at any time for any reason, regardless whether the employee has completed the Introductory Period.

The Employee Problem Resolution Policy does not apply to any decisions made by the Colleges during an employee's Introductory Period.

Use of vacation or sick time is not allowed during the employee's Introductory Period.

**Benefits Eligibility** See BENEFITS HANDBOOK

### **Colleges' OneCard**

As a service to employees, the Colleges issue a multi-purpose card known as "OneCard". Your OneCard serves as your official Colleges' photo identification card. This card should be carried at all times and produced when requested by a Colleges' official. The OneCard may be used for library borrowing privileges, College Store discounts, access to the Colleges' athletic facilities, and admission to the Colleges' athletic events. At the time of your hire, Human Resources will authorize the issuance of your OneCard through the OneCard Office, 2nd floor Scandling. Additional information concerning the OneCard can be found on the Colleges' website. This OneCard should be returned to Human Resources when an employee separates from the Colleges.

### **Employment of Relatives**

The basic criteria for appointment and promotion of all employees at the Colleges shall be appropriate qualifications and performance. Relationship by family or marriage shall not be an advantage or a deterrent to appointment and promotion by the institution provided the individual meets and fulfills appropriate institutional appointment standards. In addition there shall be no discrimination or favoritism based on relationship by family or marriage in salary, wages, hours, or any other conditions of employment. To help to safeguard these principles, the following guidelines have been established:

- **Direct Supervision:** Under no circumstances shall a relative directly supervise another.
- **Indirect Supervision:** The Colleges strongly discourage situations where a person is appointed or assigned to a department, office or unit which falls, through the direct or indirect reportage, within the responsibility of a relative. Exceptions to this policy can only be granted in writing by the Vice President for Human Resources.
- **Related Offices:** Relatives may work within the same sector of the institution with approval of the senior staff member in charge of that sector.
- **Non-Related Offices:** There are no special approvals required for appointment of relative to position in the institution as long as they work in different sectors.

For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

### **Parking**

New and current members of the Colleges' community are required to register their vehicles with the Campus Safety Department if they wish to park in the campus parking lots. There is no charge for employees to register their cars. Parking is allowed only in designated areas of the campus. Enforcement of the parking regulations will be monitored by the Campus Safety

Department on a regular basis. Any violator will be issued a parking ticket. If payment is not received in a timely manner, payment will be pursued by any lawful method.

### **Procedure for Hiring Employees**

No person shall be employed in any position at the Colleges until his or her employment and its terms have been approved, in writing, by the Vice President for Human Resources, or for faculty appointments by the Provost and Senior Dean of Faculty.

Hiring is a process. The first step is to receive approval to fill a position - whether this is a new position or replacement of an individual who has vacated a position.

All staff and non-teaching faculty position hiring or change requests, as well as, all faculty and staff stipend payment requests must be approved in advance by a Position Review Team (PRT) made up of the Interim President, the Vice President for Finance and Administration/CFO, the Provost and Senior Dean of Faculty, and the Vice President for Human Resources. The Position Review Team will meet to review and assess each request on a monthly basis. In response to urgent or critical requests that may affect the Colleges operations, the PRT may convene sooner.

Hiring managers should work with their respective senior division leader to determine the department's current and future operational need before preparing a position description or submitting a request. Position requests must include an updated job description and completed Position Approval Request (PAR) form. Once approved, in writing, the requests are forwarded to Human Resources for a position compensation and classification review, as appropriate. This process must be completed before the job posting process or performance of work begins. Additionally, preference for all approved positions will be given to internal candidates unless indicated, in writing at time of approval. In accordance with the Employee Handbook, employees must obtain written consent from their primary supervisor before accepting a secondary position within the Colleges. Any supervisor who wishes to employ a current employee in a secondary position must ensure that there will be no conflict of interest or schedules between the two positions, and must obtain HR approval of additional internal employment within the Colleges. **These guidelines cover all vacant general-fund positions until further notice.**

Exceptions to these guidelines include:

- Federal Work Study and student positions, regardless of funding source.
- Positions fully funded by external grants, including sponsored programs or research grants.

Split funded Sponsored Programs/Research positions that require partial funding from the Colleges must adhere to the above hiring guidelines.

In the search and hiring process, the Colleges seek to attract and hire the most qualified employees and hire and retain a diverse group of employees. Whenever feasible, we will promote qualified employees to new or vacated positions by conducting an interdepartmental search. Promotions are based on how well one meets the criteria and qualifications for the position as well as merit, ability, experience, performance, attitude, results and training. The

Colleges reserve the right to fill an open position from outside the Colleges if, in the sole discretion of the Colleges, more qualified applicants are available.

Vacant employment positions are posted by HR when applicants are sought; however, in certain situations, after consultation with the Position Review Team, positions may be filled without being posted in order to meet business needs, to provide for an employee's professional growth or for other business or position-related reasons.

The primary internal vehicle for vacancy announcements is the HR webpage. HR is responsible for external advertising placements in consultation with the hiring supervisor. HR will consider diversity outreach when conducting any national searches.

Inquiries about posted positions are strongly encouraged from qualified internal candidates, and interested parties should contact HR for further information and consideration. All internal inquiries will be treated confidentially. Colleges' employees are also encouraged to refer external applicants for appropriate job openings.

### **Hiring of Foreign Nationals**

For purposes of this policy, foreign nationals do not include those who hold permanent resident status (green card holders) or those who have been granted employment authorization documents by U.S. Citizenship & Immigration Services.

Hiring foreign nationals is a significant commitment and requires the Colleges to designate both financial and administrative resources to the process. Human Resources will work directly with hiring managers to ensure that the Colleges maintains compliance in all aspects of the recruitment, hiring and sponsorship process.

Due to the financial commitment associated with employer-sponsored immigration petitions, the Colleges restrict the hiring of foreign nationals to full-time faculty. With written request, other instructional administrative professionals and part-time positions may be reviewed on a case-by-case basis.

The detailed process for hiring foreign nationals is addressed in the Faculty Recruiting and Hiring Handbook located [https://www.hws.edu/offices/oafa/pdf/faculty\\_search\\_hiring\\_handbook.pdf](https://www.hws.edu/offices/oafa/pdf/faculty_search_hiring_handbook.pdf) ) and the Administrative Staff Recruiting and Hiring Handbook. These handbooks are intended to provide guidance on the hiring of U. S. citizens and foreign nationals and to ensure that all hires are in compliance with federal and state laws regarding nonimmigrant employment in the United States.

### **Offer of Employment**

When approval to offer employment has been received, the salary or hourly wage must be approved by the Vice President for Human Resources and, if in excess of the approved budget, by the Vice President for Finance and CFO. After this approval is received by the supervisor, a verbal offer outlining the wages and benefits may be may be discussed with the candidate. Following the candidate's acceptance of the verbal offer, HR will generate the written offer to be

signed by the Vice President for Human Resources. The selected candidate should not begin work until their new hire paperwork is completed in the Office of Human Resources.

## **Compensation and Payroll**

The Payroll Department handles the processing and payment of all payrolls at the Colleges. This includes all employee (i.e., faculty, staff and student) payrolls. The Payroll Department is also responsible for taking deductions, the transmission of taxes, direct deposits, filing of federal and state payroll reports and the production of employee W-2s and other tax-related forms.

### **Direct Deposit**

Payroll checks can be directly deposited into the employee's checking or savings account on the scheduled pay day. With electronic payroll processing, the Colleges can make the direct deposit to any domestic financial institution that accepts ACH transactions such as a credit union, bank, etc. To initiate the direct deposit process, employees should login to PeopleSoft Self-Service to complete step-by-step instructions, or employees must provide a copy of a check along with the *DIRECT DEPOSIT AUTHORIZATION FORM* (available on the HR website) to initiate the direct deposit process. This process can be started or stopped any time. A maximum of two accounts can be in operation at any one time.

### **Error in Pay**

The Colleges intend to comply with all applicable wage and hour laws, including the Fair Labor Standards Act. Therefore, the Colleges require management to pay non-exempt employees for all hours worked, and also prohibit management from making any improper deductions from the salaries of exempt employees. Employees are expected to report any errors in pay immediately. For example, if you believe that you were not properly paid for all hours worked, or that an improper deduction was made to your salary, you should immediately report this information to your direct supervisor or the Vice President of HR for investigation. If it is determined that an error has occurred, it will be promptly corrected.

### **Exempt Employee Pay Policy**

Exempt employees are generally paid on a biweekly salary basis and are engaged in executive, administrative, teaching or professional capacities. Exempt employees are expected to work as much of each workday as is necessary to complete their job responsibilities. Exempt employees are not eligible to receive overtime pay.

Exempt employees will be paid a salary in accordance with applicable law. Although exempt employees are generally entitled to their salary for any week in which work is performed, deductions can and will be made when permitted by law. For example, an exempt employee's salary may be reduced for complete days of absence for personal reasons and incomplete initial or final weeks of work. There may also be other occasions when an exempt employee's salary may be reduced. Please contact HR for more information.



## **Extended Payroll Schedule**

Employees with academic-year appointments (9 10 month appointments) will be required to spread their salary payments over the July 1 through June 30 time period. Please be aware that if your employment ends before the completion of the fall semester, you may be required to reimburse the Colleges for the amount of the salary prepaid to you during the summer (prior to the start of the academic year).

## **Flex-Time Policy**

### Purpose/Objective

Hobart & William Smith Colleges is a vibrant community where employees fill a wide variety of roles and responsibilities each and every day. Further, as a residential campus, several departments, programs, and offices routinely delivering services outside the hours of a “regular business day.” In today’s modern work environment, many employees meet their responsibilities by performing work activities both on-site and remotely, further expanding the parameters of the regular business day.

Within that context, the Colleges recognize the importance of embracing flexibility within the workplace so there is a balance between meeting the needs of the institution and its employees. This Flex-Time policy provides supervisors and employees with the ability to arrange schedules in ways that best serve the needs of the Colleges while at the same time providing flexibility for employees to arrange their personal schedules. Flex-time does not diminish the responsibility or authority of supervisors to establish or adjust an employee’s work schedule to accomplish the mission, goals and tasks of the Colleges.

Consistent with this philosophy, and mindful of our Colleges’ needs, the Colleges have established a Flex-Time Policy allowing supervisors and employees to work together to determine how best to implement the Flex-Time Policy given the unique attributes of their individual operations. In addition to operational needs, the following guidelines should be used when implementing the Flex-Time Policy.

### Guidelines

- The Colleges’ core business hours are Monday through Friday from 8:30 AM to 5:00 PM.
- All operational areas must ensure coverage during these core hours
- The work day for regular full time employees should consist of a minimum of 7.5 hours
- The base work week must consist of a minimum of 37.5 hours
- There is a spectrum of one-time, on-going, and situational flex time instances which will require supervisors and employees, in consultation with the Vice President for Human Resources, to engage in conversation to provide an agreed upon solution

Should a situation arise where either the employee or supervisor feels that the Flex Time Policy is not being implemented in a consistent manner, or if the supervisor believes that flex time is

contributing to performance issues of an employee, those issues should be immediately brought to the attention of the Vice President for Human Resources.

## **Pay Increases**

Pay increases are recommended by supervisors to their appropriate Senior Leader and then reviewed and finalized in accordance with Colleges' procedures and budgetary guidelines by the Vice President for Human Resources. Salaries normally are reviewed on an annual basis. Increases for employees typically become effective July 1<sup>st</sup> and are given at the sole discretion of the Colleges based upon performance, increased responsibilities and other factors. If an employee receives a pay increase or a salary adjustment outside of the normal cycle, that employee may not be eligible for a further increase or adjustment effective July 1<sup>st</sup>. Pay increases will not be given during an employee's Introductory Period.

## **Pay Period, Payday, Paychecks and W-2s**

Employees are paid on Fridays on a bi-weekly basis during the year or 26 pay periods during the year. In most cases, employee contributions for benefits are taken out of 24 paychecks per year (or two paychecks per month). Employee contributions for retirement savings plans, flexible spending accounts and bank savings plans are deducted from each paycheck.

Employees receive a complete statement of all earned pay and deductions either in hard-copy check form or via PeopleSoft self-serve. These statements provide an accurate record of all pay and deduction information, and employees are advised to keep them for their personal files. Paychecks or payroll deposit receipts are delivered to the employee's department unless otherwise requested.

W-2s are provided in .pdf format through PeopleSoft Employee Self Service as long as the employee elects this type of distribution. Hard copy W-2s are provided to employees via internal campus mail no later than January 31st each year.

## **Payroll Deductions**

### *Pre-Tax Payment of Certain Premium Contributions*

The Colleges have established the pre-tax payment of health, dental and other available insurance premium contributions as a tax-saving benefit feature for its employees. See BENEFITS HANDBOOK for a description of available benefit programs.

Employees' premium contributions will be automatically withheld from pay on a pre-tax as "pre-tax money," which means the premium amount is not subject to income, Social Security, or Medicare taxes. Premiums are collected on a pre-tax basis automatically, unless the employee elects to waive this treatment.

Please note: By law, employees who elect to cover a domestic partner under their medical and/or dental insurances are not eligible for the federal pre-tax premium option.

## **Social Security Numbers**

All employees eligible for a Social Security Number (SSN) must obtain one. All foreign nationals and other employees not eligible for a SSN must obtain an Individual Taxpayer Identification Number (ITIN).

## **Timekeeping**

All hourly employees, with the exception of certain part-time employees, are required to maintain an accurate record of all time worked electronically through PeopleSoft. You must record your time on a daily basis. The time report should also include any time off taken (such as paid time off, jury duty, unpaid time, etc.). Falsification of a time report may result in discipline, up to and including immediate termination. Under no circumstances may an employee complete an electronic entry (or timesheet) for another employee. Completing such time entry for another employee may result in discipline, up to and including immediate termination. If you fail to record your time by the work period's due date, please see your supervisor who will complete your time online for you.

Time reports for recording hours worked are required from salaried non-exempt employees and a biweekly time off record must be completed and approved by the supervisor, and sent to Payroll on the Monday following a payday. Payroll will review and calculate any straight time or overtime due for work performed over 40 hours each week. This form can be found on the HR website. This form can be found on the HR website.

Time reports for recording hours worked are not required from exempt employees but a monthly time off record must be completed and approved by the supervisor, and sent to HR at the end of each month. This form can be found on the HR website.

## **Overtime**

When operating requirements or other needs cannot be met during regular working hours, non-exempt employees may be scheduled to work overtime. Your supervisor must authorize all overtime work in advance. Working overtime without prior authorization may result in disciplinary action, up to and including termination. Non-exempt employees will be paid time and one-half compensation for all hours worked in excess of 40 in one workweek and as otherwise required by state and federal law.

Vacation, sick, military, court/jury leave, personal days and all other leave time will not be counted as hours worked for overtime purposes.

Exempt employees are not eligible for overtime or other additional compensation based on hours worked.

## **Work Hours, Schedules and Meal Breaks**

The Colleges' core business hours are from 8:30 a.m. to 5:00 p.m., Monday through Friday. Certain employees will be required to work weekends and evenings. Each year, if a summer hours schedule is adopted, employees will be notified of the summer hour schedule.

Full-time employees are expected to work at least 37.5 hours a week (for Department of Campus Safety employees, full-time employees are expected to work 40 hours per week); in many weeks, however, additional hours may be necessary in order to satisfactorily fulfill the requirements of a job.

You will be assigned a work schedule and you will be expected to begin and end work according to the schedule. In order to accommodate the needs of the Colleges, it may be necessary to change individual work schedules on either a short-term or long-term basis.

A one-hour unpaid lunch break is generally scheduled between noon and 1:00 p.m. Employees should check with their supervisor regarding scheduled lunch breaks. Employees will be provided with unpaid meal breaks in accordance with New York State Law.

At times, emergencies such as power failures, road closings, fires or severe weather may interfere with Colleges' operations. In such an event, the Colleges may order a temporary closure of part or all of its operations. Depending on the circumstances, time off due to a temporary shutdown may or may not be paid. For more information, see the Colleges' Policy on Inclement Weather/Emergency Closings/Early Dismissal.

## **Section IV - Employment Policies and Procedures**

### **Acceptance of Gifts from Vendors**

*See* CONFLICT OF INTEREST POLICY.

### **Animals on Campus**

Every animal on Colleges' property must be leashed at all times or under strict voice control. We strongly urge you to keep your animal on a leash out of courtesy and concern for the safety of people and other animals. Pets may not be tied to trees or signposts.

Employees are permitted to have animals in offices, but animals are not allowed in classrooms or laboratories.

Animals are not permitted in any common space including the Scandling Center, classrooms, Library, laboratories, The College Store, and athletic facilities. The only exception to this policy is for quick visits to pick up mail at the Post Office.

All animals must be registered, tagged, and vaccinated in accordance with New York State law, and Geneva City ordinance.

Service animals and assistance/emotional support animals. There are important legal distinctions between a service animal and an assistance, or emotional support, animal. A service animal (dog or miniature horse only) is trained to do certain tasks for employees with disabilities and is a necessity for the employee. They are legally permitted to accompany the employee in public places such as classrooms, common areas, dining areas, and libraries. They should not be touched, petted, fed, or otherwise deliberately interrupted. Visitors to campus may also have a service animal.

An assistance, or emotional support, animal provides companionship and may help with loneliness, depression, anxiety, and certain phobias. They do not have special training to perform these tasks and are not allowed in areas generally off limits to animals. They do not have a right to be in public spaces like service animals. Additional information on this distinction and your responsibilities as they relate to service animals can be found at [https://www.ada.gov/service\\_animals\\_2010.htm](https://www.ada.gov/service_animals_2010.htm).

Employees are encouraged to register service animals with HR to ensure that they are accounted for and to increase the likelihood that they will be kept safe during any emergency. Persons with disabilities using animals for assistance beyond that explained above should work with HR to determine reasonable accommodations.

This policy does not apply to the use of use of animals in research and teaching by faculty. Rules regarding the use of animals in research and teaching can be found in the **FACULTY HANDBOOK**.

### Enforcement

Any unleashed animal or animal not under strict voice control near the owner will be picked up by an animal warden and taken to Geneva kennels. The owner will be fined \$50 (\$100 if the animal is found in our dining halls or residence halls), plus all expenses at the kennel. This fine will be billed by the Business Office. Repeat violations may result in the animal no longer being permitted on campus.

This policy applies to all employees. Rules regarding students' animals on campus can be found in the Handbook of Community Standards.

### **Attendance and Punctuality**

Regular attendance and promptness are considered part of each employee's essential job functions and it may be necessary to terminate employees who have been absent without authorization.

The Colleges expect you to report to work on a reliable and punctual basis. Absenteeism, early departures from work and late arrivals burden your fellow employees and the Colleges. If you cannot avoid being late to work or are unable to work as scheduled, you must notify your supervisor as soon as possible, normally no later than one (1) hour after starting time.

You must request permission from your supervisor for any anticipated instances when you will be arriving late or leaving early. Every time you are absent or late, or leave early, you must provide your supervisor with an honest reason or explanation. You must also inform your supervisor of the expected duration of any absence. The Colleges will comply with applicable laws relating to time off from work, but it is your responsibility to provide sufficient information to enable the Colleges to make a determination. You must notify your supervisor of any change in your status as soon as possible.

Excessive absenteeism may lead to disciplinary action, up to and including termination of employment. Continuing patterns of absences, early departures, or tardiness -- regardless of the

exact number of days -- may warrant disciplinary action. Supervisors must consult with the Office of Human Resources before taking action in any cases involving termination, including those involving termination because of absence.

If you fail to report for work without any notification to your supervisor for three (3) consecutive days, you may be considered to have abandoned your employment.

Except for sporadic absences, workers' compensation and short-term disability, it is expected that employees will provide their supervisors with as much advance notice of the dates requested for time off as is practical. The supervisor has the right to deny the time off if the employee's absence will interfere with or adversely affect the operation of the workplace.

Each employee and his or her supervisor are responsible for keeping accurate records of an employee's absences and of sick leave taken. The Colleges require a doctor's return to work medical certification be submitted to HR, following an illness lasting more than five (5) days, unless the absence has already been covered by an FMLA certification.

### **Cellular Phone Usage**

Employees whose job responsibilities include regular or occasional driving and who use a cellular phone for business use are expected to obey any and all traffic laws and regulations regarding the use of cell phones while driving, including the use of a hands-free device. Employees may not text message or send or view e-mail while driving. Violation of this policy may result in discipline, up to and including termination. Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions.

### **Certifying Spouses, Domestic Partners, and Eligible Dependents**

*See* BENEFITS HANDBOOK.

### **Change in Personal Status**

It is the responsibility of the employee to immediately advise the Human Resources Office of any change of name, address, telephone number, family status or marital status. A change in marital status or family status may affect elected benefit coverage or future tax withholdings. Failure to promptly notify the Human Resources Office may impact benefit eligibility.

### **Compliance with the Colleges' Policies and Procedures**

Employees of the Colleges are expected to comply with federal, state and local laws, and with the policies and procedures of the Colleges. Failure to do so may result in discipline up to and including termination of employment.

### **Confidentiality/Privacy**

Offices, desks, lockers, computers, and other storage devices may be provided for the convenience of employees but remain the sole property of the Colleges. Accordingly, a

representative of the Colleges can inspect them, as well as any articles found within them, at any time, without prior notice.

The Colleges likewise wish to discourage theft or unauthorized possession of the property of employees, the Colleges, visitors, and students. To facilitate enforcement of this policy, the Colleges may inspect not only desks and lockers but also packages and persons entering and/or leaving the premises. An employee who wishes to avoid inspection of articles or materials should not bring such items onto the Colleges' premises.

All records and files maintained by the Colleges are confidential and remain the property of the Colleges. The Colleges records and files are not to be disclosed to any outside party without appropriate permission. Confidential information includes but is not limited to financial records, private employee information (such as social security numbers and birth dates) and student records. Confidential information may not be removed from the Colleges' premises without authorization.

Confidentiality and privacy issues related to the use of the Colleges' computers, other technology systems and information maintained electronically are addressed in the RESPONSIBLE AND ACCEPTABLE USE POLICY attached as Appendix 2. Confidentiality and privacy issues related to student information are addressed in the FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT POLICY.

Employees are expected to respect the confidentiality of the Colleges' sensitive information. In addition to the removal restrictions, such information should not be repeated or discussed, except for legitimate work reasons.

#### Employee personal identifying information

The Colleges will not, unless otherwise required by law:

- Publicly post or display an employee's social security number;
- Visibly print a social security number on any identification badge or card, including any time card;
- Place a social security number in files with unrestricted access; or
- Communicate an employee's personal identifying information, such as social security number, home address or telephone number, personal electronic mail address, Internet identification name or password, parent's surname prior to marriage, or drivers' license number, to the general public.

Any violation of this policy by an employee of the Colleges may result in discipline, up to and including termination.

## **Conflicts of Interest**

All employees of the Colleges should conduct the affairs of the Colleges consistent with the goal of promoting the best interests of the institution. It is therefore expected that all such individuals will conduct any business related to the Colleges with candor and integrity. Any such individual may have a conflict of interest when he or she or any of his or her family or associates knowingly: (1) has an existing or potential financial or other material interest which might impair the individual's independence and objectivity in the discharge of his or her responsibilities to the Colleges, or (2) may receive any financial or other material benefits from knowledge or information confidential to the Colleges.

The family of an individual includes his or her spouse, parents, grandparents, siblings, children, grandchildren, and any other blood relative if that relative resides in the same household. An associate of an individual includes any person, trust, organization, or enterprise of which the individual or any member of his or her family: (1) is a director, officer, employee, member, partner, or trustee, or (2) has a significant financial or other interest which enables him or her to exercise control or significantly influence policy.

Any individual who has a conflict of interest in any matter concerning the Colleges shall disclose such conflict to the appropriate person at the earliest practicable time and shall not act or vote in any decision-making capacity regarding such matter.

Disclosure shall be appropriate when made by faculty to the Provost and Dean of Faculty, by other employees to their respective Senior Leader, by Senior Leaders to the President, and by the President to the Board of Trustees.

Employees may not solicit or accept gifts, gratuities, favors or anything of monetary value from current or potential vendors, contractors or their agents, local businesses or others with whom there is a potential or ongoing business or professional relationship. Employees may accept ordinary business courtesies, such as payment for a modest meal or event or gifts which are promotional items without significant value and are distributed routinely.

Not adhering to this policy is considered a serious matter and may result in disciplinary action, up to and including the termination of employment.

## **Consensual Sexual Activity between Employees and Students**

An ethic of professionalism and respect within the Colleges' community demands that those with authority not abuse the power with which they are entrusted. Consensual sexual relationships between employees and students may not only have negative repercussions for the individuals involved, but may create an uncomfortable or distrustful environment for others in the community. The power differential complicates the ability to demonstrate that any such relationship is fully consensual.



Because of the potential for favoritism or other conflicts of interest, the Colleges affirm and uphold a policy which strongly discourages all consensual sexual activity between students and employees, and which prohibits such activity where any supervisory role exists. Therefore,

- faculty members shall not engage in consensual sexual relationships with students enrolled in their courses; and
- faculty members or other employees of the Colleges shall not engage in consensual sexual relationships with students under their supervision in such matters as evaluating, advising, coaching or directing a student as part of a school program.

Such conduct results in relationships that are fundamentally asymmetrical and contradicts both professional ethics and Colleges' policy. When a consensual relationship between a student and employee develops, it is the obligation of the employee in the relationship to immediately disclose this matter to their supervisor, who will take action as necessary to shift class sections or supervisory roles to eliminate conflicts of interest. At all times the burden of proving that the relationship is consensual shall rest on the employee.

### **Date of Hire and Length of Service**

Date of hire for regular employees is your first actual day of work and length of service will be based on that date. Service dates are utilized to determine eligibility for service awards. Employees rehired within two years after leaving the Colleges may receive credit for prior years of employment once requested and approved by Human Resources.

### **Drug-Free Workplace Policy**

The Colleges seek to maintain a work and educational environment that is safe for our employees and students as well as conducive to work standards that support an effective work force. To that end, and in accordance with the Drug-Free Workplace Act, the Colleges prohibit the unlawful manufacture, distribution, dispensation, possession, sale or use of a controlled substance on all Colleges-owned or Colleges-controlled property or while conducting Colleges' business off-campus. This policy also prohibits the possession or consumption of alcoholic beverages by any person under 21.

- (1) *Sanctions for violation or non-compliance.* Corrective action in accordance with the applicable provisions of the Faculty Handbook, the Colleges' personnel policies, or this Handbook may be imposed, in the sole discretion of the Colleges, within 30 calendar days of notice, on any employee who is found to be in violation of any provision of this policy. In addition, or as an alternative, in the sole discretion of the Colleges, an employee or student employee found to be in violation of this policy may be required to participate satisfactorily in a drug abuse assistance or rehabilitation program.
- (2) *Compliance as a condition of employment.* Compliance with this policy is a condition of employment at the Colleges.

- (3) *Employee obligation for notification of conviction.* In compliance with federal law, any employee (including any faculty member or student employee) convicted of violating any criminal drug statute for activity which occurred on Colleges-owned or - controlled property is required to notify the Colleges within five calendar days after the conviction. Notifications should be to HR.
- (4) *Employer obligation for notification.* The Colleges are obligated to notify the appropriate federal contracting or granting agency, if applicable, within 10 calendar days after receiving notice of an employee conviction under paragraph three above. An academic officer, supervisor, or dean who receives notification of a conviction shall immediately inform HR in writing so that in those cases where a convicted employee is engaged in the performance of a federal grant or contract, the appropriate federal agency can be notified.
- (5) *Maintenance of a drug-free workplace.* The Colleges will make all efforts to maintain a drug-free workplace for all employees by providing ongoing educational programs and by strictly enforcing the terms of this policy. The Colleges will work with their Employee Assistance Program (EAP) provider, ENI, to offer drug education programs for employees. The staff of Hubbs Health Center will continue to offer programs for student employees.

The Employee Assistance Program (EAP) can be utilized for confidential consultations. *See* BENEFITS HANDBOOK.

### **Employee Assistance Program (EAP)**

*See* BENEFITS HANDBOOK.

### **Employee Conduct and Progressive Discipline**

#### *Disciplinary Guidelines*

The Colleges may take disciplinary action if an employee violates a Colleges' policy or rule, is not meeting performance standards, has been insubordinate, or has engaged in conduct adversely affecting the workplace, learning or living environment. When taking such action, a supervisor will consider the nature and seriousness of the infraction, all relevant facts and information, and any mitigating circumstances. In addition, supervisors will discuss the proposed corrective action with the Vice President for Human Resources to ensure appropriate applicability, documentation, and procedure.

Generally, there are four levels of discipline which may be applied, in the sole discretion of the Colleges. Not all performance or conduct problems lend themselves to progressive discipline. The Colleges may determine that the nature of the offense, the employee's performance record, or whether there are other circumstances warrant immediate suspension or termination, in the Colleges' sole discretion. As an employee at-will, employees are not guaranteed any particular step in the progressive discipline process prior to termination.

An employee's supervisor has the discretion to conduct a verbal or written warning. However, the supervisor must consult with the Vice President for Human Resources before implementing a final warning, a suspension or termination decision.

**1. Verbal Warning**

An oral warning may be given in cases where a problem requires corrective action. This is considered a departmental matter, with records remaining in the department.

**2. Written Warning**

A written warning is a formal statement which becomes part of an employee's permanent employment file. The supervisor may work with Human Resources on the issue to determine the appropriate level of the warning compared to the seriousness of the problem. Examples of problems which may result in a written warning include but are not limited to disruptions in the workplace, failure to follow proper work procedure or business practice, chronic tardiness or absenteeism, continued problems not remedied by earlier warnings, or where problems could lead to suspension or dismissal if repeated.

**3. Final Written Warning/Suspension**

A final written warning may be imposed when an employee has failed to perform to acceptable standards following a warning or other departmental disciplinary action, or for other serious infractions as determined by departmental supervision. Suspension may also be imposed as a step in progressive discipline, when there is a need to remove the employee from the workplace while an investigation is conducted or to protect the health, safety, or welfare of others. Supervisors must consult with the Vice President for Human Resources before issuing a final written warning or imposing a suspension.

**4. Termination**

Dismissal may be imposed when the problem is sufficiently severe, after other courses of action have been attempted, if there is no reasonable expectation of future improvement or if in the sole discretion of the College it is warranted. However, it should be noted that dismissal may occur for reasons not related to disciplinary action. In all instances, prior to terminating an employee, a supervisor must consult with the Vice President for Human Resources.

*Examples of Conduct that Can Lead to Discipline*

The following examples illustrate situations which could result in discipline, including immediate suspension or termination of employment. This list is not intended to be all inclusive; there are other circumstances not listed here which may result in immediate discipline, including suspension and/or termination of employment.

- Abandoning position by failing to appear for work after three days of unexplained absence.
- Continual record of poor attendance or tardiness.

- Destroying, altering, abusing, damaging or wasting property or resources of the Colleges or the property or resources of others while on Colleges' owned or controlled premises or while on Colleges' business.
- Dishonesty or falsification of documents or records, including employment documents.
- Conduct that violates the Colleges' Harassment and Non-Discrimination Policy, Title IX and Sexual Misconduct Policy, or Consensual Sexual Activity between Employees and Students policy.
- Engaging in an act which results in personal injury to a member of the Colleges' community.
- Engaging in violence or threatening violence, including, without limitation, a physical altercation or throwing objects.
- Filing a false complaint or charge against a fellow employee, a student, the institution, a vendor or anyone otherwise connected to the Colleges.
- Improperly disclosing confidential and proprietary information of the Colleges, such as information regarding the finances of the Colleges or student information.
- Insubordination, including refusal to carry out work-related instructions or tasks.
- Intentionally or repeatedly creating unsafe work incidents or engaging in unsafe work practices.
- Leaving work before the end of the designated work hours without permission.
- Neglecting assigned duties.
- Offering, accepting or seeking personal favors, money or other valuable consideration in exchange for a job, a better working assignment or any advantage in working conditions or in connection with an outside contractor or vendor.
- Possessing, consuming or being under the influence of unlawful drugs while on the job or in violation of the Colleges' Drug Free Workplace Policy.
- Possessing, consuming, or being under the influence of alcohol while on the job except when alcohol is served at Colleges' functions and the employee is age 21 or older; at all times employees are expected to prudently limit their alcohol consumption while at Colleges' functions.
- Possessing weapons, firearms or explosives on Colleges' owned or controlled premises or while on Colleges' business.
- Sleeping on the job.
- Theft, wrongful conversion or unauthorized use of funds or property of the Colleges, its employees, students or its vendors.
- Unsatisfactory performance.
- Violating a departmental or Colleges' work rule, policy or procedure.
- Violating criminal law(s) on the Colleges' owned or controlled premises or while on Colleges' business.

## **Employee Problem Resolution**

Problems occur in any organization. For example, employees may have concerns about interpretation or application of the Colleges' policies, or may disagree with a disciplinary action taken. In most cases, difficult situations or problems are best addressed in a private discussion

with the supervisor. Questions regarding the application of policy can be raised with the employee's supervisor or the Vice President for Human Resources.

In the event an employee receives a disciplinary action (other than termination of employment) and disagrees with it, the employee may request reconsideration from his/her supervisor within five (5), working days of the decision. If the employee and his/her supervisor cannot come to a satisfactory resolution or if the employee chooses not to seek his/her supervisor's reconsideration, the employee may submit a complaint to the Vice President for Human Resources. This complaint must be submitted within 10 work days of the disciplinary action or within 10 days of the supervisor's decision on the reconsideration request. The Vice President for Human Resources will meet with the employee to discuss his/her complaint and will provide the employee with a written response to the complaint as soon as practicable. The decision of the Human Resources Vice President will be the final decision of the Colleges.

At any time, an employee may seek the assistance of the Human Resources Vice President in connection with a problem in the workplace. The Vice President will, at the employee's request, review the matter and guide the employee through the complaint process. The employee's job will not be jeopardized because of exercising this right to pursue a resolution through this procedure.

The Employee Problem Resolution Policy does not apply to any decisions made by the Colleges during an employee's Introductory Period, nor does it apply to terminations of employment.

### **Employment Files**

The Colleges maintain employment files on each employee. An employee's employment records begin with their complete application package. During an employee's employment, information will be added to this employment record regarding an individual's employment. Employment records are the property of the Colleges and will not be released to employees or others acting on their behalf.

In the event an employee requests to review his/her employment file, the employee must make an appointment with HR to review the file. The employee may take notes, but may not remove, deface or otherwise make notations on the document in their employment file. Photocopies of certain documents may be made with the permission of HR. The employee may bring to the attention of HR any information he/she believes is inaccurate in his/her employment records, and with approval from HR, the employee may submit rebuttal information to be included in his/her file.

### **Employment of Minors**

The Colleges comply with all applicable Federal and State child labor laws in the employment of minors. Minors are those under the age of 18. As a general practice, the Colleges do not employ minors under the age of 15. Minors of any age are not permitted to work under the direct supervision of a relative employed at the Colleges.

A work permit is required of all minors age 17 or under, except high school graduates.

Minors are subject to the same Colleges' requirements and forms completion as any other new hire as outlined in the Colleges' selection process. This includes submitting a formal application on the HR Employment Opportunity Web portal and the completion of the Form 1-9 and federal and New York State tax withholding forms. The law sets out specific requirements for employment of minors, including restrictions on the nature of the work performed, that employers must obtain a work permit to employ minors ages 14 to 17, and on the hours worked. Please contact HR for more information prior to any hiring decision.

### **Family Educational Rights and Privacy Act (FERPA)**

The Federal Educational Rights and Privacy Act of 1974 (FERPA) governs the release of information about students. FERPA applies to information related to current students and alumni. Most of the information maintained by the Colleges regarding students, regardless of the form in which it is maintained, cannot be disclosed except under specific circumstances. Employees must guard the confidentiality of this information which is maintained by many offices on campus. Failure to adhere to the Colleges' FERPA policy may result in discipline, up to and including termination.

Questions regarding FERPA and its application to specific situations should be addressed to the Dean of Hobart College, the Dean of William Smith College, the Vice President for Campus Life, or the Vice President for Human Resources.

### **General Data Protection Regulation Privacy Notice**

Pursuant to the provisions of Regulation (EU) 2016/679 (the "GDPR"), this notice is to provide you with information about the processing of an employee's personal data by Hobart and William Smith Colleges ("HWS") when the employee is working or residing abroad.

1. HWS serves as the Data Controller. You may contact the Colleges with any questions about this Notice by contacting HWS's Vice President of Human Resources, Sonya Williams, by email at [swilliams@hws.edu](mailto:swilliams@hws.edu) or by telephone at 315-781-3312.

2. All personal data will be processed to fulfill the Colleges contractual obligations to you as an employee of HWS and as necessary to carry out HWS's obligations and exercise HWS's rights relating to our employment relationship. We may also process employees' personal data to fulfill our obligations established by applicable law and regulation. Personal data may include special categories, such as personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, genetic data, biometric data, data concerning health or health related benefits, or gender identification. Specifically, HWS may process employee personal data for the following purposes:

- a. To fulfill the terms and conditions of employment (e.g., payment, benefits, record hours worked);
- b. To meet our tax and other legal obligations;
- c. To maintain information regarding training, disciplinary actions, accidents and other employment history;

- d. To provide you and your family with benefits to which you may be eligible for as an employee of HWS;
- e. To establish, pursue or defend legal claims and internal business investigations; and
- f. As otherwise necessary to facilitate our employment relationship with you.

3. Your personal data will be treated as confidential and only shared with employees, contractors and agents of HWS that are responsible for activities related to the purposes specified above, including HWS employees responsible for human resources activities at HWS. HWS will share your personal information, as well as, the personal information for any of your dependents on file with the Colleges, with our affiliates and third party service providers to help administer our employment-related functions (e.g., benefit providers, insurance providers). HWS may also provide your personal data to its service providers performing services on our behalf relating to the specified purposes, such as our hosting service providers, and to public or private entities as may be necessary to respond to a subpoena, regulation, binding order of a data protection agency, legal process, governmental request or other legal or regulatory process, and to enforce our rights or protect our property.

4. The personal data you have provided may be transferred to the United States of America pursuant to the terms, conditions and limits specified by Chapter V of the GDPR.

5. HWS will store your personal data for as long as necessary to fulfill the original purpose for which it was provided and to meet its legal and regulatory obligations, and in compliance with HWS's document retention policy.

6. You have the right under the GDPR to request from HWS access, rectification and erasure of your personal data, to request a copy of your personal data, to request that HWS restrict the processing of your personal data and to object to the processing of your personal data.

7. You have the right to lodge a complaint with an appropriate supervisory authority that regulates the GDPR.

8. Submittal and processing of personal data is necessary in order to achieve the purposes specified above. Failure to provide such personal data will make it impossible for HWS to carry out the necessary activities to achieve the specified purposes.

### **Inclement Weather Policy**

As a residential institution, the offices and services at Hobart and William Smith Colleges will remain open and available to students, visitors, faculty and staff during inclement weather. Inclement weather is defined as ice, snow, freezing rain or other events associated with adverse weather conditions.

The Colleges will remain open and adhere to full operation including normal class schedules whenever possible. Commuting students, faculty and staff should exercise their best judgment with regard to road conditions and other safety concerns.

Further, the Colleges do not expect faculty and staff to take unnecessary risks to report to campus or to remain on campus during severe weather. If a staff member decides to leave work early or not report to work because of adverse weather conditions, the staff member will be expected to use an earned vacation day, a personal day, or make arrangements with their supervisor to work from home if their job responsibilities allow.

- *TRANSPORTATION DIFFICULTIES*

When inclement weather conditions create transportation difficulties that result in late arrival of employees to work, such lost time need not be applied to leave balances, nor should the employees experience loss of pay, if in the judgment of the department head such lost time was justifiable in view of weather conditions.

- *ESSENTIAL EMPLOYEES*

Any function that has been designated as essential to the continued and safe operation of the campus will be required to report to work as normal. Essential functions may vary depending on the circumstances of the emergency.

Department leaders should prepare for inclement weather by informing those employees (if any), who would perform essential duties, of the expectation to report to work and discuss transportation options if that poses difficulties for the employees.

- *COMPENSATION DURING WEATHER CLOSING*

During a closing or delayed opening, hourly employees will be paid for the time they normally would work. Hourly employees designated as essential who report and those asked to report by their supervisor, will be paid for the number of hours worked during the emergency closing and will receive additional paid time off equivalent to the number of hours worked. Time off taken by an employee should be used within 60 days after a weather closing. Supervisors are responsible for tracking this time.

During a closing or delayed opening, salaried employees will be paid for the time they normally would work. Salaried employees designated as essential who report to work will receive their normal pay and receive additional paid time off equivalent to the number of hours worked. Time off taken by an employee should be used within 60 days after a weather closing. Supervisors are responsible for tracking this time.

Employees who report to work when the Colleges are officially closed or during a delayed opening, who have not been asked to report, will not be eligible for the additional paid time off.

Employees who do not report to work or who leave work early without an official closing or early release should charge the time missed to accrued vacation or personal time. Employees who do not report following a delayed opening will be required to use vacation for the entire absence. With the supervisor's approval, an employee may be permitted to make up a limited amount of time missed within the same work week.



During a closing or delayed opening, employees who are on an approved vacation, personal or sick day are not entitled to additional vacation, sick or personal time as a result of the delay or closing.

- **COMMUNICATIONS**

The Colleges will make its best effort to announce any closings or delayed starts by 7 a.m. On days when weather conditions worsen as the day progresses, the Colleges may decide to close early. In such cases, a decision and an announcement will be made as soon as practical. Employees will be expected to remain at work until the appointed closing time, unless their normal work day ends prior to that time, or unless they receive permission from their department head to do otherwise.

Weather announcements will be made using the following modes of communication:

- HWS e-mail system
- HWS News page of the web page ([www2.hws.edu/hwsupdate/](http://www2.hws.edu/hwsupdate/))
- HWS Twitter feed ([hwscolleges](https://twitter.com/hwscolleges))
- WEOS radio station

*See also, SAFETY AND SECURITY POLICY.*

### **Keys and Other Property of the Colleges**

Keys for buildings, offices, classrooms, storerooms and laboratories are issued by Buildings and Grounds at the Colleges with approval from the appropriate divisional Senior Leader and within guidelines. Employees provided keys to residential halls or private spaces, excluding regular office space, are expected to participate in a background check. Employees entrusted with keys are responsible for reporting any loss of keys immediately to their supervisor.

All Colleges' property (library books, keys, corporate credit cards, equipment), in the employee's possession must be returned to HR upon separation from employment.

### **Minors on Campus Policy**

The Colleges' POLICY FOR PROGRAMS INVOLVING MINORS ON CAMPUS is attached as Appendix 5. Employees with questions regarding the Minors on Campus policy should contact HR.

### **Performance Evaluations**

Employees are expected to ask for their supervisors' standards and performance expectations and should be prepared to discuss their performance and listen to feedback on an ongoing basis. Performance evaluations are conducted on a regular basis to provide both you and your supervisor with the opportunity to discuss your assigned tasks, goals, objectives, accomplishments, strengths, development needs and plans for addressing necessary improvements, as well as your career aspirations. Employees are expected to act on the performance evaluations they receive and make progress and improvements as described during the process.

## **Personal Telephone Calls and Personal Mail**

Personal telephone calls are essential from time to time but they should be kept to a minimum in order to fulfill employee obligations. Making excessive personal calls, whether local or long distance may result in discipline, up to and including termination. Personal cell phones should be turned off while at work so as not to distract or disturb other employees or the business of the Colleges. If at all possible, if you need to make a personal call during the day, it should be made on your break or at lunchtime.

Employees may not use the Colleges' address as their address for the receipt of personal mail, for personal bank accounts or for other personal matters.

## **Professional Associations**

Staff members are encouraged to enhance their knowledge of developments and trends in their career areas. Management personnel are expected to become involved in professional associations that relate to their duties. Participation in professional association activities, conferences, committees, etc., is encouraged but shall not interfere with tasks necessary for effective and responsible job performance and should be approved by their supervisor.

## **Professional Development Programs**

Professional development is beneficial to both the employee and the Colleges and the Colleges strive to support the development of its employees in a variety of ways. Employees should check with their supervisor on the opportunities that may be available in alignment with their performance goals.

## **Promotions and Transfers**

Consistent with the at-will nature of employment at the Colleges, the Colleges retain the sole and exclusive right to promote or reassign employees, including changing or eliminating jobs, job duties or responsibilities, at any time, with or without notice and with or without cause.

## **Records Retention**

The institutional records of the Colleges are important assets. Institutional records include essentially all records you produce as an employee, whether paper or electronic. A record may be as obvious as a memorandum, an e-mail, or a contract, or something not as obvious, such as a computerized desk calendar, an appointment book or an expense record.

The law requires the Colleges to maintain certain types of institutional records, usually for a specified period of time. Failure to retain those records for those minimum periods could subject the Colleges (and you, potentially) to penalties and fines, cause the loss of rights, obstruct justice, spoil potential evidence in a lawsuit, or seriously disadvantage the Colleges or another party in litigation.

The Colleges expects all employees to fully comply with any published records retention or destruction policies and schedules, with the full understanding of the following overriding

general exception to any stated destruction schedule: If you believe, or the Colleges inform you that particular records are relevant to an investigation, litigation, or potential litigation (i.e., a dispute that could result in litigation), then you must preserve those records until the President or his designee determines and advises you in writing that the records are no longer needed. This exception supersedes any previously or subsequently established destruction schedule for those records. If you believe that exception may apply, or have any question regarding the possible applicability of that exception, please contact the Vice President for Human Resources.

From time to time the Colleges establish retention or destruction policies or schedules for specific categories of records in order to ensure legal compliance, and also to accomplish other objectives, such as preserving intellectual property and cost management. Several categories of documents that bear special consideration are identified by the department or functional area. Retention requirements will be circulated to affected employees. When minimum retention periods are suggested, the disposal or retention of the documents is subject to the overriding general exception identified above pertaining to investigations, litigation and potential litigation, as well as other pertinent factors.

Please note that in connection with electronic mail (e-mail), the retention period depends upon the subject matter of the email. E-mail that needs to be saved should either:

- printed in hard copy and kept in the appropriate file; or
- downloaded to a computer file and kept electronically or on disk as a separate file.

Failure to comply with this Records Retention Policy may result in discipline, up to and including termination. Questions about this policy should be referred to the Vice President for Human Resources who is charged with administering, enforcing and updating this policy.

## **Reductions in Workforce**

Economic and operational factors may require the Colleges to lay off employees. Laid-off employees may apply for transfer opportunities. In lieu of layoffs, the Colleges may take other economic measures including but not limited to: reducing work hours; changing shift assignments, work schedules, job duties and responsibilities; and modifying existing compensation and benefits programs.

## **Reference Checks**

### Hiring

Reference checks, should be conducted by HR, and are required on all internal and external hires. When an internal candidate is being considered as a final candidate for a campus position, HR will contact the candidate's supervisor to obtain information regarding the employee's present work performance. HR will also provide information regarding an internal candidate's performance as contained in the employment file. The hiring manager should review this information with HR before extending any offer. When hiring an external candidate reference checks should include professional references and past supervisors, personal references are acceptable but should not be the only references accepted.

### Former Employees

In the event a former employee seeks a reference or recommendation, the Office of Human Resources must approve all responses to the request.

Similarly, only HR may provide written responses to requests for employment verifications. Verification of information including full name, date of hire, recent pay rate, and year to date earnings, previous years' earnings and job status will be released to outside parties only with the written approval of the employee.

See BUSINESS OFFICE POLICY, (located on the Business Office website) Release of Employment Related Information.

### **Relocation Expenses Policy for Faculty and Staff**

#### POLICY STATEMENT:

Effective September 1, 2018, this Relocation Policy applies to all eligible full-time faculty and administrative salaried employees as determined by the Provost or the Vice President for Human Resources. This policy authorizes the reimbursement and/or direct payment of reasonable and necessary personal moving expenses for moves to Geneva, NY. In instances where an exception exists for an hourly paid employee, then the supervisor must submit a request with documented circumstances to the Vice President for Human Resources for consideration.

#### HWS IRS REGULATION COMPLIANCE

It is the Colleges' responsibility to comply with Internal Revenue Service (IRS) regulations. All relocation expense reimbursements are includable in gross taxable wages, subject to federal, state, OASDI and Medicare taxes as required by the IRS, and reportable on the Federal W-2 form

Beginning January 1, 2018, all moving expenses to new employees or current employees will be reported to Payroll so that the appropriate taxes may be withheld from the employee's paycheck. This is true even if the expenses were incurred and the employee is not reimbursed until later in the same calendar year. The Colleges do not gross-up any reimbursement to account for tax withholdings incurred on reimbursement expenses.

Since all moving expenses are taxable income, there are no payment advances to employees for these expenses.

#### ELIGIBILITY:

- All requests for moving expenses must be approved in advance by the Provost for academic appointments or by the Vice President for Human Resources for non-academic appointments.

- Relocation expenses will be on a reimbursement basis except in the instance that the faculty member/administrative staff member uses the Colleges preferred moving company vendor.
- Expenses for moves that are at least 50 miles farther than the new employee's former residence was to his/her former job location will be eligible for reimbursement. For example, if the original commuting distance from the former residence to the old work site was ten (10) miles, the new work site must be at least sixty (60) miles from the former residence (10 miles original commuting distance plus 50-mile increase).

## REIMBURSEMENT LIMITS

- a) Tenure-Track Faculty and Full-Time Administrative Staff:
  - i) Commercial Movers: Relocation expenses will be reimbursed 50% of total costs but limited to a maximum of \$3,500; or
  - ii) Self Moves: Relocation expenses will be reimbursed 100% up to a maximum of \$2,000. **Please note: original receipts and supporting evidence for mileage for all related expenses will be required in order to be considered for reimbursement.**
- b) Non Tenure-Track or Temporary Faculty: Reimbursement of relocation expenses will be limited to a maximum of \$500. **Please note: original receipts for all related expenses will be required in order to be considered for reimbursement.**

## PAYMENT METHOD

The Colleges will reimburse the following items as relocation expenses subject to the above limits. Expenses covered are:

- Transportation charges for **one** continuous move of household items and personal effects from the primary residence to the Geneva, NY area. NOTE: **What is considered one continuous move?** This is the move of household and personal goods from a newly hired employee's former residence to the Geneva area. If a new employee chooses to have their goods delivered to storage, this will be considered their final destination. **The Colleges will not cover the cost of moving goods out of storage to a permanent residence.**
- Packing costs.
- Container costs.
- Rental and fuel cost for trucks or trailers used for self-moving – only one trip from original home to Geneva, NY, OR travel by car expenses such as fuel and tolls, or the standard IRS mileage rate for moving (example, 18 cents per mile in 2018)
- Meals, lodging and transportation for only one trip for the employee and members of his or her household. These expenses occur during the trip, not upon arrival to Geneva.

## NON-REIMBURSABLE EXPENSES

Expenses not reimbursed by the Colleges include:

- Costs of temporary housing;
- Payments for meals and travel costs of non-professional movers (e.g. friends or family members) who assist you with a move;
- Transportation of more than one motor vehicle;
- Transportation of pets or other animals;
- Moving of recreational vehicles, trailers, boats, snowmobiles, airplanes or other non-household items;
- Transportation of special, large or unusual equipment or collections, not generally a part of or used in an ordinary household;
- House cleaning services or cleaning of carpet, draperies, etc. for both old and/or new residence;
- Storage (excluding the temporary 30 days in moving company's transit);
- Rental cars are not considered
- Expenses incurred by persons not considered to be dependent for tax purposes;
- Damage to or replacement of articles moved;
- Utility and telephone installation charges;
- Loss of security deposits;
- Real estate expenses;
- Postage costs for realty and mortgage documents;
- Movies or other entertainment
- Bank fee for cashier checks

## PAYMENT PROCEDURES

For reimbursement all receipts and mileage documentation must be submitted to the Provost for faculty members and to the Office of Human Resources for administrative staff members by the individual or department. Payments will be processed through the employee's payroll check and/or direct deposit.

## AUTHORIZATION:

- The President authorizes payment for senior staff relocation reimbursements.
- The Office of Human Resources authorizes payment for administrative staff.
- The Provost's Office authorizes payment for faculty member.
- Exceptions to the policy are not encouraged, and must be authorized in advance by the President and included in the appointment or other letter.

## PAYMENT OF EXPENSES FOR HOUSE HUNTING TRIPS

House hunting expenses, such as airline costs, hotels or automobile rentals are paid only through the reimbursement process. This is taxable income.

House hunting expenses include the following for employee and spouse (but not children or other family members) while traveling:

- Cost of transportation (including automobile rental)
- Meals
- Lodging

Travel expenses for house-hunting purposes are eligible for reimbursement in accordance with the Colleges' travel regulations.

The number of reimbursable trips for house hunting purposes is limited to two (2) trips for the employee and two (2) trips for the spouse. The maximum number of reimbursable lodging nights is seven (7). A night of combined lodging for both the employee and spouse counts as one night.

## TERMINATION OF EMPLOYMENT

If a relocated employee voluntarily terminates employment at the Colleges within twelve months from the date of the move, the employee must refund the full amount of the relocation payment to the Business Office. It is the department's responsibility to notify the Human Resources Office of the voluntary termination. Once a repayment is made, the individual will receive a corrected W-2 to remove the income reported. This may result in a need to file an amended tax return. Please consult with your accountant upon receipt of the correct W-2.

## **Remote Work Policy**

Hobart and William Smith Colleges considers working remotely to be a viable alternate work arrangement in cases where individual, job and supervisor characteristics are best suited to such an arrangement. Working remotely allows an employee to work at home or in a satellite location for all of their regular workweek. This is a voluntary work alternative that may be appropriate for some employees and some jobs. It is not an entitlement; it is not a campus-wide benefit; and it in no way changes the terms and conditions of employment with the Colleges.

Employees working remotely are expected to adhere to all rules and policies outlined in the Employee Handbook and distributed by campus offices.

### Purpose

This policy has been developed to protect sensitive or valuable data and maintain the overall security of the Colleges' data and equipment while employees are working remotely. In addition

this policy recognizes and defines the duty of care of the Colleges to the remote working employees in regard to their health and safety and fair treatment.

Employees must ensure security of information and systems accessed through mobile and remote working arrangements are given due consideration. It is important that staff understand the *Responsible and Acceptable Use of Electronic Resources Policy* and their respective responsibilities in relation to that policy, which must be adhered to at all times.

See the full Remote Work Policy attached in the Appendix 6.

### **Respect for Diversity of Others**

The campus community is diverse -- in race/ethnicity, age, religion, sexual orientation, life experiences, disability status and in many other ways. The personal actions of each community member establish and maintain the culture of respect for which we strive. While principles of free speech remain paramount at the Colleges, employees must carefully abide by the principles of non-discrimination adopted by the Colleges. Harassment along sexual, racial, or political or other lines has no place in our community.

### **Responding to Legal Actions/Subpoenas**

Only two individuals on campus are authorized to accept service of process on campus: the Vice President and General Counsel or the Associate Vice President for Campus Safety. Employees are not authorized to accept any legal documents (e.g., subpoenas, legal notices, summons and/or complaints) on behalf of the Colleges and should direct all process servers or messengers delivering legal documents to the Department of Campus Safety. The Department of Campus Safety will determine the nature of the service/delivery and will direct the individual to the Vice President and General Counsel. No exceptions may be made to this policy.

### **Responsible and Acceptable Use of Electronic Resources Policy**

See APPENDIX 2.

### **Safety and Security**

The Colleges strive to maintain a safe and healthy environment for students, employees, and visitors to the campus. Any unsafe condition should be reported immediately to the Department of Campus Safety, so that corrective measures can be taken. Any accidents on the campus should be reported immediately to the Department of Campus Safety for investigation. In addition, employee injuries must be reported to your supervisor and HR so that appropriate Workers' Compensation claims can be completed. See WORKPLACE INJURIES POLICY.

In order to provide a safe and secure environment for all members of the campus community, the Colleges employ Campus Safety personnel. Safety Officers are generally available and patrol the campus 24 hours a day. A Safety Officer can be reached by dialing 3656 for non-emergencies, or 3333 for emergencies from campus phones and 781-3000 from off-campus telephones. In spite of extensive efforts, the campus is not removed from the risks associated



with its surroundings. Consequently, at all times, safety and security is the responsibility of individual members of the Colleges' community.

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

- Reporting all unsafe conditions to their immediate supervisor or the Campus Safety Office.
- Observing all safety regulations.
- Utilizing all safety equipment and wearing all protective devices provided to perform their job duties.
- Being alert and reporting all conditions that may jeopardize the safety and security of individuals and property.
- Observing all precautions to prevent unsafe or insecure conditions from occurring.
- Securing property and facilities when possible.
- Providing current contact information to HR to ensure that they receive any emergency communications.

In accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, reports from the Colleges' community and local law enforcement agencies are compiled and published annually by the Department of Campus Safety in a report entitled LIVING SAFELY. The annual report summarizes public safety and security policies in effect at the Colleges, crime reporting procedures, crime prevention programs, and other services available to the campus community. Crime statistics are also provided as is information regarding the number of arrests made for certain designated criminal offenses during these time periods. You may obtain a copy of the annual campus crime report by calling the Department of Campus Safety at 315-781-3656 during normal business hours of 8:30 a.m. to 5:00 p.m., Monday through Friday. You may also request that a copy of the report be mailed to you or may download a copy of LIVING SAFELY at [http://www.hws.edu/studentlife/pdf/living\\_safely.pdf](http://www.hws.edu/studentlife/pdf/living_safely.pdf).

### **Sexual Misconduct, including Sexual Harassment**

Hobart and William Smith Colleges are committed to fostering a welcoming, safe, non-discriminatory and harassment-free educational, living, and working environment for all members of the HWS community. The Colleges do not discriminate on the basis of sex in any of their education or employment programs or activities. This Title IX and Sexual Misconduct Policy prohibits specific forms of behavior that violate Title IX of the Education Amendments of 1972 ("Title IX"), Title VII of the Civil Rights Act of 1964 ("Title VII"), New York's Enough is Enough law, and the New York State Human Rights Law. This Policy complies with these laws as well as requirements under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act"), as amended by the Violence Against Women Reauthorization Act of 2013 ("VAWA"). The Colleges also comply with all federal and state civil rights laws banning discrimination in private institutions of higher education. The protections of this policy apply without regard to race, color, sex, pregnancy, religion, creed, national origin, familial status, disability, age, marital status, sexual orientation, gender identity, gender expression, veteran status, military status, predisposing genetic characteristics, domestic

violence victim status, criminal conviction or any other protected category under applicable local, state, or federal law.

The Colleges require all members of the HWS community to conduct themselves in a manner that does not infringe upon the rights of others. The Colleges will not tolerate Prohibited Conduct under the policy. The Colleges expect all members of our community to foster a safe, welcoming, and respectful environment on campus. The Colleges strongly encourage HWS community members to take reasonable and prudent actions to prevent or stop an act of Prohibited Conduct to which an individual is a bystander.

This Policy applies to all of the Colleges' community members, including students; faculty; staff; and third parties, such as alumni, volunteers, independent contractors, visitors, and any individuals regularly or temporarily employed, studying, living, visiting, conducting business, or having any official capacity at the Colleges ("Third Parties"). This Policy applies to acts of Prohibited Conduct committed by or against students, faculty, staff, or Third Parties. Alleged misconduct subject to this Policy ("Prohibited Conduct") includes both **Title IX Prohibited Conduct** (which is defined by law) and **Community Standards Prohibited Conduct** (which includes allegations that do not meet the definitions under Title IX, but nonetheless violate the Colleges' community standards, as defined in this Policy). Subject to the definitions of Title IX Prohibited Conduct (which have a limited scope of application), the Colleges will respond to Prohibited Conduct when the conduct:

- occurs on the Colleges' campus or other property owned or controlled by the Colleges;
- occurs in the context of the Colleges' employment or education program or activity, including the Colleges-sponsored global education, athletic activities, or internship programs;
- occurs off-campus or outside of the Colleges' program or activity, but has continuing adverse effects on or creates a hostile environment for the Colleges' community members while on the Colleges' campus or other property owned or controlled by the Colleges or in an employment or education program or activity of the Colleges; or
- otherwise has a reasonable connection to the Colleges.

See the full Title IX and Sexual Misconduct Policy at APPENDIX 3.

### **Smoking Policy**

Smoking and vaping are prohibited in all buildings on campus, as well as in all indoor common spaces, where no person shall vape, smoke or carry a lighted cigarette, cigar, pipe, or any other form of smoking object.

## **Termination of Employment, Job Abandonment and Rehire Policies**

### Separation - Voluntary

Employees voluntarily separating from their employment with the Colleges are encouraged to submit their resignation in writing to their immediate supervisor at least 30 days but no less than 14 calendar days prior to the last day on the job. A copy will be forwarded to HR. Nine and ten month employees are encouraged to consult with HR prior to finalizing their resignation date in order to determine potential overpayment of wages.

An employee's last day must be a regularly scheduled work shift. Accrued vacation cannot be used in lieu of notice. However, up to two weeks of vacation may be used to extend the last day worked.

### Separation - Involuntary

You are considered to be discharged or involuntarily separated if your position is eliminated or your employment is terminated because of any of the following:

- lack of funding
- departmental reorganization
- changes in the department's objectives or requirements
- disciplinary reasons or misconduct
- unsatisfactory performance
- any other reason permitted by law

If a department believes that an involuntary separation is necessary, the departmental supervisor must seek concurrence from HR prior to formally notifying the employee. After receiving notification of a discharge or layoff, the employee may contact HR to discuss employment alternatives. Depending on skills, experience, the requirements of the Colleges and the reasons for the involuntary separation, HR may provide reasonable assistance in helping the staff member find another job within the Colleges. If a department finds it necessary to discontinue an employee's employment, the employee will be paid for all hours worked up to the time of separation. The employee may obtain his/her paycheck on the next regular payday for the work period in which their separation takes place. The employee will be paid for any earned and unused vacation.

### Job Abandonment

Job abandonment occurs in both of the following situations:

1. An employee is absent for three consecutive workdays without notifying his/her supervisor, or
2. An employee fails to report for work on the first regular work day following a leave with or without pay without notice.

In either situation the Colleges will consider the employee to have voluntarily resigned from all employment with the Colleges. The employee will subsequently be removed from the payroll.

### Termination Date

If an employee is not on an approved leave, their official termination date is their last active working day. Unused vacation days and/or unpaid personal time may not be used to extend employment separation dates or benefit coverages.

### Rehire

If an employee is rehired, a new start date will be assigned for pay purposes but the employee's service date will be adjusted to reflect the time they were away for service recognition purposes only. This policy does not govern rules regarding establishing breaks in service for benefits purposes.

### **Title IX Grievance Policy**

Title IX of the Education Amendments Act of 1972 prohibits discrimination on the basis of sex in education programs or activities by recipients of federal financial assistance. All sexual harassment complaints and grievances, including all forms of Prohibited Conduct made under Title IX will be handled under the Colleges' Title IX and Sexual Misconduct Policy at APPENDIX 3. The Title IX Coordinator is: Dr. William Boerner, 603 S. Main Street, Seneca Room Annex (lake level), phone: (315) 781-3922 email:TitleIX@hws.edu

### **United Way Campaign**

The United Way supports agencies providing services to the local community and helps to make the area a better place in which to live and work.

Each member of the Colleges' community has the opportunity to participate in the United Way campaign in the summer of each year. Employees can make contributions by cash, check, and credit card or through payroll deduction beginning with the first pay period following the United Way campaign. Contributions will be accepted anytime throughout the year. Please contact HR for more information.

### **Use of Campus Mail**

Employees are invited to use the service which gathers and distributes mail among the various offices and departments on campus. Any item you distribute via campus mail must bear your name and the name and department of the addressee. You may not use the campus mail to advertise non-Colleges' commercial ventures or political information. If in doubt, check beforehand with HR.

### **Use of Colleges' Equipment**

During the course of employment, employees may have the use of Colleges' owned equipment, such as offices, desks, chairs, computers, computer software, telephones, fax machines, copy

machines, e-mail, Internet access, network accounts, etc. Employees should not have an expectation of privacy in connection with Colleges' equipment and property. Employees should use Colleges' equipment in a careful, professional manner for work-related purposes. Inappropriate, careless, wrongful or improper use of the Colleges' equipment, materials or assets, as well as, an employee's failure to assist in an investigation of wrongful use may result in disciplinary action up to and including termination.

### **Use of Colleges' Vehicles**

Only persons authorized by the Colleges may drive vehicles owned or leased by the Colleges. Vehicles may be used for Colleges business only, except where specifically authorized otherwise. The driving records of all persons authorized to drive Colleges vehicles will be checked prior to employment and annually thereafter. Employees driving Colleges' vehicles are required to inform their immediate supervisors immediately if their license is suspended or revoked, or if they are convicted of a moving violation. Additional conditions and requirements may be imposed by the Colleges.

Where Colleges-owned vehicles are allowed for personal use, costs associated with personal use shall be reported as income, in accordance with Internal Revenue Service regulations. Authorization of drivers shall, in most cases, be restricted to the Colleges employees.

### **Use of Employee's Personal Vehicle for Work-Related Business**

*See BUSINESS OFFICE POLICY. (located on the Business Office's website)*

### **Violence in the Workplace**

The Colleges are committed to providing students, employees and visitors a safe environment. Accordingly, the Colleges prohibit acts of violence or threats of violence on campus or while an employee is engaged in Colleges' business. This prohibition extends to persons conducting business with or visiting the Colleges.

An act of violence is conduct that intentionally or recklessly causes bodily injury to another person or damage to property.

A threat of violence includes any behavior that could be interpreted by a reasonable person as intent to cause physical harm to another person or damage to property.

Employee involvement is essential to preventing acts or threats of violence on campus. Each employee is responsible for immediately reporting to his or her supervisor or department head, Campus Safety or HR any such act or threat. The Colleges will ensure that all reports of workplace violence are treated confidentially to the maximum extent possible.

Anyone who experiences, observes, or otherwise knows of an imminent act or threat of violence should immediately call the Colleges Department of Campus Safety at x. 3656.

### Investigations

The Colleges will promptly and thoroughly investigate all threats or acts of violence in the workplace. The Colleges maintain the right and sole discretion to suspend any employee during the investigatory process for any appropriate reason including, without limitation, to ensure the safety of others.

### Retaliation

Retaliation against anyone for reporting a violation of this policy or for cooperating in an investigation under this policy is prohibited. Retaliation includes, but is not limited to, acts of reprisal, interference, restraint, penalty, discrimination, intimidation, or harassment against an individual or group.

### Weapons

The Colleges will strictly enforce rules against possessing or storing firearms, explosives or other weapons on the Colleges' owned or controlled premises or while on Colleges' business.

### Sanctions

Any employee who violates this policy will be subject to disciplinary action, up to and including termination. Further, the Colleges will support criminal prosecution or other remedial action against any person who violates this policy.

### **Whistleblower Policy**

This Whistleblower Policy (the "Policy") is intended to encourage and enable employees and others to raise concerns within the Colleges prior to seeking resolution outside the institution. The Colleges expect their employees to carry out their duties and responsibilities in compliance with the law, regulations, policies and procedures. Intentional and unintentional violations may occur and should be reported. Indeed, it is the responsibility of all Trustees, Officers, employees and volunteers to report violations or suspected improper activities to the Colleges. Procedures to assist and encourage individuals to come forward are described below. Reports regarding matters of Sexual Misconduct within the scope of the College's Title IX and Sexual Misconduct Policy will be handled under the terms of that policy, rather than this policy.

### Compliance

Individuals should follow all Colleges' policies and procedures in carrying out their duties and responsibilities for the Colleges. An individual who becomes aware of a potential or actual violation of Colleges' policies or procedures or the law should report it, regardless of whether the individual is personally involved in the violation.

### Procedures for Reporting Violations or Suspected Violations

Reports under this Policy may be made orally (e.g., face-to-face or by phone) or in writing (e.g., by letter or email). Generally, individuals should share questions, concerns, suggestions or complaints with someone who can address them properly. In most cases, this is an individual's supervisor or the Colleges' official who has responsibility for overseeing compliance with a particular policy or procedure. If an individual is uncomfortable reporting to his or her supervisor or the Colleges' official with oversight, or such a report would be inappropriate given the circumstances, the individual may report as follows:

- Vice President for Finance/Audit Committee of the Board of Trustees: concerns about illegal or fraudulent practices, financial misconduct, inappropriate expenditures, internal controls, accounting practices, auditing matters or conflicts of interest;
- Vice President for Human Resources: concerns about employment matters, discrimination, sexual harassment, workplace safety; or
- Provost and Dean of the Faculty: concerns about academic fraud, scientific research or faculty misconduct

#### Anonymous Reporting

Individuals may choose to report suspected violations anonymously. An anonymous report may be sent in a sealed envelope to the Chair of the Audit Committee of the Board of Trustees in care of the President's Office, Hobart and William Smith Colleges, Geneva, NY 14456. The sealed envelope will be delivered, unopened, to the Chair of the Audit Committee. Anonymous reports should contain as much specific information as possible to allow for proper assessment and investigation.

#### Administration of Policy

The Chief of Staff and/or the Colleges' in-house legal counsel is designated as the administrator of this Policy. As the administrator, he or she shall report to the Audit Committee of the Board of Trustees any instance of alleged intimidation, harassment, discrimination or other retaliation in violation of this Policy, and shall report at least annually to the Audit Committee on matters pertaining to the Policy, including whether any material change has been made to the procedures outlined above.

#### Handling of Reported Violations

All reports will be forwarded to the Chief of Staff and/or the Colleges' in-house legal counsel, who will promptly forward copies to the chair of the Audit Committee and, depending upon the nature of the report, to the: Vice President of Finance, Vice President for Human Resources and/or the Provost and Dean of Faculty. However, if a report of a suspected improper activity involves any of the individuals named herein, then such individual shall be excluded from such notification.

Depending on the nature of the reported improper activity, either the Vice President of Finance, Vice President for Human Resources and/or the Provost and Dean of Faculty shall consult with the Colleges' in-house legal counsel (or where appropriate, outside counsel) to make an initial assessment of whether an investigation is appropriate, and the form that it should take. An

investigation will begin only if the reported information, if true, would constitute improper conduct and is specific enough to be investigated. The individual making the report will be given an opportunity to provide more specific information if improper conduct is alleged in the report, but more specific information would be required for a proper investigation. Depending on the nature of the report, any investigation will be conducted by the Vice President of Finance, Vice President for Human Resources and/or the Provost and Dean of Faculty.

Communications regarding the investigation and any resolution of the reported suspected improper activity shall be accessible to individuals with access to the original report. The Chair of the Audit Committee shall be kept apprised of all findings and resolutions related to all reported suspected improper activity and shall report on the same to the Audit Committee at the Audit Committee's next regularly scheduled meeting.

If a suspected improper activity is reported directly to the President and/or the Chair of the Audit Committee then the President and/or the chair of the Audit Committee shall immediately direct that an investigation be undertaken and a report compiled.

In the case of non-anonymous reports, either the Chief of Staff and/or the Colleges' in-house legal counsel will notify the sender and acknowledge receipt of the concern within ten business days. No response will be provided in the event of an anonymous report.

#### No Retaliation

No Trustee, officer, employee or volunteer of the Colleges who in good faith reports any action or suspected action taken by or within the Colleges that he or she reasonably believes to be illegal, fraudulent or in violation of any adopted or legally required policy of the Colleges shall suffer intimidation, harassment, discrimination or other retaliation or, in the case of employees, adverse employment consequences.

Any employee who retaliates against someone who has made a good faith report under this Policy is subject to discipline up to and including termination of employment. Any employee who believes he or she is being retaliated against should immediately report his or her concern to the Vice President for Human Resources, Chief of Staff and/or the Colleges' in-house legal counsel for investigation.

#### Acting in Good Faith

Anyone filing a report concerning a violation or suspected violation must be acting in good faith and must have reasonable grounds for believing the information disclosed indicates a violation. Any individual who makes a report without a good faith belief that it is true commits a serious disciplinary offense.

#### Confidentiality

An individual who makes a good faith report under this Policy may request that the report be handled on a confidential basis. While confidentiality cannot be guaranteed, reasonable steps to protect confidentiality, when requested, will be taken to the extent consistent with the need to conduct an adequate investigation and review. As discussed above, individuals may also submit reports anonymously.



### Distribution of Policy

This Whistleblower Policy shall be posted on the Colleges' publicly available website. Copies will be posted in work areas, and provided to new employees during orientation activities. Any individuals who wish a "hard copy" may request one through the Chief of Staff and/or the Colleges' in-house legal counsel. In addition, the Colleges' will promote ongoing awareness of the Policy and its requirements and protections as part of their normal compliance training and communication.

### **Workplace Injuries Policy**

At all times, the Colleges expect employees to work safely.

If you are injured on the job, no matter how slightly, you must report the incident to your supervisor **and/or** Human Resources **immediately**. Failure to report an injury as required by this policy, whether or not medical attention is required at the time, may result in the loss of workers' compensation benefits. If the supervisor receives the report, the supervisor must immediately contact Human Resources.

Please promptly alert HR or your supervisor to any condition that could lead or contribute to an employee accident.

## **Section V - Employee Benefits**

Employees are referred to the BENEFITS HANDBOOK for information regarding employee benefits. The Colleges reserve the right to change benefit offerings, programs, eligibility and costs at any time.

## **Section VI - Statutory Paid and Unpaid Leaves**

### **Blood Donation Leave**

In compliance with New York State law, the Colleges provide employees who work an average of 20 hours or more per week ("eligible employees") with three (3) hours of leave per calendar year for the purpose of donating blood.

At the Colleges' option, they will either:

- (i) grant eligible employees three (3) hours of unpaid leave in any 12-month period for employees seeking to donate blood ("Off-Premises Donation"); or
- (ii) allow covered employees to donate blood during work hours while being paid, at least two times a year at a convenient time and place set by the Colleges, including blood drives on campus ("Donation Leave Alternatives").

The Colleges will not retaliate against employees for requesting or taking such leave. The leave will not accrue or carry over if it is not used during the calendar year.

### Donation Leave Alternatives

In the event the Colleges offer Donation Leave Alternatives, they will abide by the following guidelines:

Donation Leave Alternatives will be provided at a time that will not require an employee to attend outside of normal work hours. The leave will allow employees enough time to donate blood, recover from such donation (including nourishment after donating) and return to work.

If a Donation Leave Alternative is scheduled for a time when an employee is on other leave, such that the employee does not have the required two alternatives within a calendar year, the Colleges will make another alternative available to the employee or instead provide for leave for an Off-Premises Donation. Donation Leave Alternatives will not be scheduled at a time when a significant number of employees are out of the office and notice of such alternatives will be prominently posted in the workplace at least two weeks beforehand. In addition, the two alternatives will be scheduled at least 60 days apart during any calendar year and notice of the second leave alternative for a particular calendar year must be provided prior to December 1 of that year.

### Notice of Intention to Take Leave

Employees must provide reasonable notice of their intent to take such leave -- at least 5 working days for Off-Premises Donations and 2 days prior to the use of a Donation Leave Alternative. For employees who fill positions essential to the Colleges' operation or as necessary to comply with legal requirements, if 5 days of notice is not sufficient, the Colleges may require additional notice not to exceed 10 working days. For emergencies requiring blood donation for an employee's own surgery or that of a family member, the Colleges will provide reasonable accommodations for shorter notice periods. The Colleges may require employees who take leave for Off-Premises donations to provide a notice of blood donation or notice good faith effort to donate blood.

### **Bone Marrow Donor Leave**

An employee who works an average of 20 or more hours per week is eligible for up to 24 hours of unpaid leave to seek or undergo a medical procedure to donate bone marrow. The Colleges may require verification by a physician for the purpose and length of each leave requested by the employee to donate bone marrow.

### **Family and Medical Leave of Absence Policy**

The Colleges' FAMILY AND MEDICAL LEAVE OF ABSENCE POLICY (FMLA) is attached as Appendix 1. Employees with questions regarding the FMLA policy should contact HR.

### **Jury Duty Leave**

Employees who are called to serve as jurors will have their regular pay continued during the period of service. If at any time a per diem is offered (usually after 30 days) by the court system to the juror for his/her service, then the per diem must be waived. If it is not waived, employees

must inform HR. A copy of the initial summons and evidence of the dates of service must be provided to the supervisor and to HR.

### **Military Leave**

Employees who serve in any branch of the Armed Forces of the United States or are engaged in state military service will be given the necessary time off, without pay, and will have their positions held for them as required by law. If you have any questions about military leave, please contact HR.

### **New York State's Paid Family Leave (PFL)**

EFFECTIVE DATE - January 1, 2018,

New York's Paid Family Leave (PFL) program provides job protected leave and wage replacement to eligible Hobart and William Smith Colleges' employees when qualifying conditions require a leave of absence.

#### ELIGIBILITY

HWS staff who regularly work 20 or more hours per week and be employed for at least 26 consecutive workweeks preceding the first full day PFL is taken; or regularly work less than 20 hours per week and be employed for at least 175 days preceding the first full day PFL is taken.

#### QUALIFYING LEAVE

1. **Serious Health Condition** - to participate in providing care, including physical or psychological care, for a staff member's spouse, child, parent, grandchild, grandparent, or domestic partner with a serious health condition;
2. **Bonding** - to bond with a new child during the first 12 months after the child's birth, adoption or foster care placement with the staff member, their spouse, or their domestic partner; or
3. **Qualifying Exigency** - due to a qualifying exigency for the staff member's spouse, domestic partner, child, or parent who is on active military duty or has been notified of an impending call to active duty.

#### LENGTH OF LEAVE AND BENEFITS

Date	Maximum Weeks of Leave	Maximum Benefit*
------	------------------------	------------------

January 1, 2019	10	55%
January 1, 2020	10	60%
January 1, 2021	12	67%

\*The percent of the staff member’s average weekly wage or the percent of the state average weekly wage, whichever is less.

Staff who take PFL in weekly increments are eligible for the maximum number of weeks of leave, as indicated in the above chart, using a 52-week rolling look back period.

Staff who take PFL in daily increments (intermittent leave) are eligible for paid leave based on the average number of days worked per week during the 8 weeks prior to the leave.

### INTERMITTENT USE

Eligible staff may take leave under the PFL on an intermittent basis, in full-day increments. Employees may not take partial-day leave under PFL.

When intermittent PFL is used, the staff member must provide notice to Human Resources, at least 2 work days in advance, or as soon as is practicable before each day of intermittent leave.

### MULTIPLE EMPLOYEES REQUESTING LEAVE

Multiple staff members are not allowed to use the same period of PFL to care for the same qualifying family member. Further, staff cannot use the same period of PFL to care for a family member who is also being cared for by an HWS faculty member on an approved faculty leave of absence.

### PROCEDURE FOR REQUESTING A LEAVE

Employees must obtain the PFL Claim Packet for the qualifying event associated with the leave from the Assistant Director of Human Resources and complete the Request for Paid Family Leave Form (PFL-1). Employees must submit the completed PFL-1 to the Assistant Director of Human Resources who will complete the employer section and return to the employee within 3 business days. It is the employees’ responsibility to have the remaining forms completed and submit with supporting documentation directly to the insurance carrier.

### EMPLOYER NOTICE TO EMPLOYEES FOLLOWING POTENTIAL PFL QUALIFYING LEAVE

Hobart and William Smith Colleges will notify employees who are absent from work for more than seven consecutive days because of a PFL-qualifying event of the employees' rights under the PFL.

## CONTINUATION OF BENEFITS DURING LEAVE

Employees are entitled to continue group health benefits under the same terms and conditions as if they were on the job during PFL. Employees are required to pay their portion of the premium the 1<sup>st</sup> of the month. Coverage will cease if an employee's premium payment is more than 30 days late. If the health care premium is overdue, Hobart and William Smith Colleges will notify the employee in writing that coverage will be dropped on a specified date unless payment has been received.

If group health plan benefits lapse because an employee has not made the required premium payments, then upon the employee's return from PFL, the employee will be restored to benefits coverage elected prior to the leave.

An employee's use of PFL leave will not result in the loss of any employment benefits that accrued prior to the start of an employee's PFL leave (unless such accrued benefits, such as paid time off, were used during PFL leave). The employee, however, will not accrue any additional benefits or seniority during any period of PFL leave that is not paid through use of accrued leave benefits, except in the case of intermittent leave, or unless otherwise required by law.

## CONCURRENCE WITH OTHER LEAVE TYPES

Employees may choose to supplement PFL with applicable PTO to receive full salary. Employees should refer to applicable paid time off policies found on the Human Resources website.

If an employee takes PFL leave for an event that also qualifies as leave under the Family Medical Leave Act (FMLA), the employee's PFL leave will run concurrently with available FMLA leave. Employees cannot use PFL and New York State disability benefits at the same time, but can use them consecutively, up to a maximum of 26 weeks of disability and PFL benefits combined in a rolling 52-week period.

## COST

Paid Family Leave coverage will be funded by either HWS or by the employee. The weekly contribution rate for 2019 is 0.153% of the employee's weekly wage capped at NYS average weekly wage of \$1,357.11 (\$70,569.72 annually). Hobart and William Smith Colleges will fund the coverage for eligible employees who earn less than \$70,569.72 annually. Employees who earn more than \$70,569.72 will be deducted \$1.65 per week for the PFL benefit. The amount of the weekly contribution rate and salary threshold is subject to change dependent on New York State regulation updates.

Additionally, any cost to temporarily replace a position while an employee is on an approved PFL will be covered by the department. Temporary replacements must be approved by the division lead in advance of placements.

## WAIVER OPTION

Staff members who do not expect to become eligible for PFL benefits, because they fall into one of the following categories, have the option of filing a waiver for PFL benefits:

- The staff member's regular employment schedule is 20 hours or more per week, however the employee will not work 26 consecutive weeks; or
- The staff member's regular employment schedule is less than 20 hours per week and the employee will not work 175 days in a 52-consecutive-week period. Staff who are eligible to waive PFL benefits and wish to do so must complete and submit a waiver form to the Office of Human Resources. Staff who submit a waiver form will not make any contributions for PFL benefits and will not be eligible to receive PFL benefits. If the schedule of an individual who has waived PFL benefits changes such that it is anticipated that they will become eligible to receive PFL benefits, the waiver will be revoked, and the individual must start making contributions on a going forward basis and must pay retroactive contributions to their date of hire. The employer can cancel the waiver at any time. Please see Human Resources for the applicable Waiver application and instructions.

## PERIODIC STATUS REPORTS AND RETURN FROM LEAVE

Hobart and William Smith Colleges may require a staff member on PFL leave to report periodically on their status and intent to return to work.

If the staff member can return to work at or before the end of the applicable PFL leave period, they will be entitled to return to the same position held when leave began, or to an equivalent position with equivalent pay and other terms and conditions of employment.

## ADDITIONAL INFORMATION

The policies and guidelines stated in this policy shall be subject to such other terms and conditions as are provided in the Family and Medical Leave Act of 1993, the New York State Paid Family Leave Benefits Law, their respective implementing regulations, and any other applicable federal, state, and local leave laws, and the applicable PFL insurance certificate. Hobart and William Smith Colleges reserves the right to amend/modify this policy in the event future guidance is released.

Hobart and William Smith Colleges will not discriminate against any employee who exercises any rights under PFL or makes a complaint related to PFL. Employees who have questions regarding this policy should contact the Office of Human Resources.

## **New York State's Short-Term Disability (STD) Coverage**

In compliance with New York State (NYS) law, the Colleges currently provides short-term disability coverage for non-work related injuries for eligible employees. An employee's contribution toward coverage is calculated at the rate of one-half of one percent of the employee's wages, but no more

than 60 cents per week. Beginning January 1, 2018 the Colleges will off-set the cost of this benefit for employees who earn less than the NYS average weekly wage. Employees who earn more than the NYS average weekly wage will have a weekly deduction of no more than 60 cents. This structure is consistent to the implementation of PFL, described above.

### **Nursing Mothers in the Workplace**

The Colleges will provide reasonable unpaid break time or permit an employee to use paid break time or meal time each day to allow the employee to express breast milk for her nursing child for up to three years following the birth of the child.

An employee who needs to express milk should talk with her supervisor regarding her break schedule. Generally 15 to 25 minutes three times per day should be adequate; however, variations may need to be worked out with the supervisor.

The Colleges will make reasonable efforts to provide a room or other location, in close proximity to the work area, where an employee can express milk in private.

The Colleges will not discriminate in any way against an employee who chooses to express breast milk in accordance with this policy.

### **Time Off to Vote**

The Colleges encourage their employees to exercise their privilege to vote but request that the employees vote prior to work, after work or during their lunch break.

## **Section VII - Separation of Employment**

### **Academic Year Employees**

Employees with academic-year appointments (nine or ten months) who are paid over the 12-month period of July 1st through June 30th and leave the Colleges prior to the end of the fall semester may be required to reimburse the Colleges for the amount of the salary prepaid to the employee during the summer (prior to the start of the academic year).

Employees should contact HR to check on payroll status prior to departure.

### **Access to Email, PeopleSoft and Other Database/Software Solutions**

Voluntary separation employees will have their access to the Colleges' network, computers, data systems and applications access revoked at the end of the last day of employment. The supervisor will make arrangements with the employee or IT Services to have an outgoing return message, which will contain instructions to contact the supervisor or her/his designee, applied to the employee's email account. Supervisors will need permission from the Vice President for Human Resources to have access to the contents of the employee's email account.

In the event of an involuntary termination, HR will timely notify IT Services and Campus Safety in order for immediate electronic access termination.

Retiring benefits-eligible employees are eligible to keep their HWS email account as long as they complete 15 years of continuous service. Retiree email account privileges may be revoked in the event of inactivity.

### **Benefits at Time of Separation of Employment - See BENEFITS HANDBOOK**

### **Change of Home Address Following Separation of Employment**

Employees are encouraged to contact Human Resources in the event that their home address changes following separation. This is to ensure that the last W-2 and other informational materials are mailed to the correct address.

### **Exit Interview**

The opinions of departing employees are helpful to the Colleges' continuous attempt to improve. Every departing employee is encouraged to contact the Human Resources Office to request a confidential in-person exit interview. If an in-person exit interview is not conducted, Human Resources will send an **Exit Interview Survey** to departing staff employees for their voluntary completion and return.

### **Final Paycheck**

A final paycheck for time worked will be issued to the employee in accordance with state law on the pay date following date of separation.

Vacation pay for any earned but unused vacation time will be provided to the employee through the regular Colleges payroll cycle following the last day of employment and will be based on the employee's base pay at the time of separation from employment. Unused sick time and personal time will not be paid.

### **Return of Colleges Property**

HWS property may be issued to an employee in cases where the property is required for fulfilling job responsibilities. It is the employee's responsibility to secure and maintain all HWS property in his or her possession, including but not limited to keys, cell phones, computers/laptops, equipment, uniforms and radios, library books and periodicals, identification cards, and credit cards. Upon termination of employment, such property must be immediately returned in good condition. Failure to return HWS property may be construed as theft and appropriate legal action may be taken if the property is not returned on demand.

### **Unpaid Account Balances at the Time of Separation of Employment**

Employees are expected to reimburse the Colleges for any unpaid College Store charges, Computer Loan Program balances or any other balances owed to the Colleges. Arrangements for payment must be made by contacting the Business Office. Where permitted by applicable laws,



the Colleges may withhold from the employee's final paycheck any remaining charges or loan balances. The Colleges may also take legal action to recover the charges or balances.

### **Section VIII - Modification Disclaimer**

This Employee Handbook establishes policies, procedures and rules that will be followed by all Colleges' employees as a condition of continuing employment. This Employee Handbook is not a contract of employment and is not intended to create a contractual obligation or guarantee of employment. In the absence of a written contract by the President expressly to the contrary, employees remain employed at-will, and either the employee or the Colleges may terminate the employment relationship at any time for any reason, with or without notice. The policies, procedures and rules outlined in this Employee Handbook will be applied at the discretion of the Colleges. The Colleges reserve the right to deviate from the policies, procedures, benefits, and working conditions described in this Handbook. The Colleges reserve the right to withdraw or change the policies, procedures, benefits, and working conditions described in this Handbook at any time with or without notice, except as required by law. The Colleges will make every effort to notify employees when an official change in policy or procedure has been made. Employees, however, are responsible for maintaining up-to-date knowledge of changes in the Colleges' policies, procedures, benefits, and working conditions.

### **Appendix**

- 1—[Family Medical Leave Act Policy](#)
- 2—[Responsible and Acceptable Use of Electronic Resources Policy](#)
- 3—[Title IX and Sexual Misconduct Policy and Procedures, including Sexual Harassment](#)
- 4—[Environmental, Health and Safety Program](#)
- 5—[Minors on Campus Policy](#)
- 6—[Remote Worker Policy](#)
- 7—[Employee Benefits Handbook](#)
- 8 -- [Harassment and Non-Discrimination Policy](#)
- 9 – [Harassment and Discrimination Complaint Form](#)