



# **Staff Handbook**

**St. Bonaventure University**

Updated and amended

February 2024

## THE STAFF HANDBOOK

St. Bonaventure University is an educational community and this publication is intended to serve the mutual interests of the members of that community. The spirit of this publication is broadly familial and the document seeks to be helpful and instructive. While its purpose is to provide clear descriptions and procedures, it affords, where possible, the flexibility appropriate to individuals acting to achieve professional growth and to promote the welfare of the institution.

*The Staff Handbook* is designed to acquaint non-faculty employees with St. Bonaventure University and provide them with information about employment and benefits.

In addition to policies and procedures outlined in this handbook, the employee is responsible for following all institutional policies. A printed copy of this Handbook may also be requested from the Human Resources office.

This Handbook is a broad statement of internal policy guidelines and is not to be viewed as a contract of employment; it likewise does not constitute an express or implied contract of employment for any definite period of time in any respect; nor is it a statement designed to place any limitation on the discretion of management concerning wages, hours, and conditions of employment. Staff employees are employees at-will. This means that either the employee or the University can terminate the employment relationship at any time for any reason with or without cause or notice. Any exception to this must be in a written contract signed by the President or Vice President for Finance and Administration of the University.

The University's Executive Administration, in conjunction with the Board of Trustees, reserves the right at any time to revise, supplement, or rescind any policies or portion of this Handbook, with or without advance notice, as it deems appropriate or as circumstances may warrant.

The most current version of this document is always available on the University's intranet: [my.sbu.edu](http://my.sbu.edu).

### Non-Discrimination Statement

St. Bonaventure University subscribes fully to all applicable federal and state legislation and regulations regarding discrimination (including the Civil Rights Act of 1964; Title IX of the Educational Amendments of 1972 (Title IX); Section 504 of the Rehabilitation Act of 1973 (Section 504); the Americans With Disabilities Act (ADA); the Age Discrimination in Employment Act; the Age Discrimination Act; and the New York State Human Rights Law). The University does not discriminate against students, faculty, staff or other beneficiaries on the basis of an individual's race, religion, creed, color, sex, gender, pregnancy (including childbirth and related medical conditions), age, national or ethnic origin, marital status, veteran status, disability, gender identity or expression, sexual orientation, genetic information or predisposition, domestic violence victim status, familial status, or any other protected status under federal, state, or local laws in admission to, or access to, or treatment or employment in its programs and activities. Discrimination in any form, will not be tolerated at St. Bonaventure University.

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*\*The term ‘employee’ as referenced in this handbook refers to Staff employees only.*

# FAIR EMPLOYMENT PRACTICES AND EQUAL EMPLOYMENT OPPORTUNITY

## Commitment to Diversity

St. Bonaventure is committed to creating a community that is diverse, equitable and celebrates multiple perspectives, while promoting acceptance, respect and empowerment. Our goal is to ensure an engaged campus environment where all community members feel supported and respected. Diversity covers a wide range of differences, including but not limited to race, religion, political beliefs, ethnicity, gender, gender identity, sexual orientation, national and regional origins, socioeconomic status, age, physical abilities, or cultural ideologies and practices. Inclusion involves recognizing diversity to build a stronger, respectful, involved, and more empowered community.

## Anti-Discrimination Policy

St. Bonaventure University strives to provide a workplace free of discrimination. Discrimination in any form, of any employee by any supervisor, employee, student or third party (including vendors, volunteers or visitors) will not be tolerated at St. Bonaventure University. This includes discrimination on the basis of an individual's race, religion, creed, color, sex, gender, pregnancy (including childbirth and related medical conditions), age, national or ethnic origin, marital status, veteran status, disability, gender identity or expression, sexual orientation, genetic information or predisposition, domestic violence victim status, familial status, or any other protected status under federal, state, or local laws.

Any employee who believes that he or she is being subject to discrimination should contact his or her supervisor or the Office of Human Resources. The University prohibits retaliation against employees who complaint, provide information about, or assist in the investigation of any complaint of discrimination. The University will promptly and thoroughly investigate all complaints and take appropriate action where it is determined that claim has merit. To the extent possible and appropriate, the University will protect the confidentiality of those who report suspected or alleged violations of this policy.

## Policy Against Workplace Harassment

One form of discrimination is workplace harassment. Workplace harassment is unwelcome conduct that is directed at an individual because of that individual's membership in a protected class, such as an individual's race, religion, creed, color, sex, gender, pregnancy (including childbirth and related medical conditions), age, national or ethnic origin, marital status, veteran status, disability, gender identity or expression, sexual orientation, genetic information or predisposition, domestic violence victim status, familial status, or any other protected status under federal, state, or local laws. The conduct may rise to the level of harassment when:

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

A harassing hostile work environment can consist of threats, derogatory comments, signs, jokes, pranks, intimidation, physical contact, violence, or other conduct that is directed at an individual because of that individual's membership in a protected class.

While it is not possible to list all the circumstances that may constitute other forms of workplace harassment, the following are some examples of conduct that may constitute workplace harassment:

- The use of disparaging or abusive words or phrases, slurs, negative stereotyping, or threatening, intimidating, or hostile acts that relate to the above protected categories;
- Written or graphic material that insults, stereotypes, or shows aversion or hostility toward an individual or group because of one of the above protected categories and that is placed on walls, bulletin boards, email, voicemail, or elsewhere on our premises, or circulated in the workplace; and
- A display of symbols, slogans, or items that are associated with hate or intolerance toward any select group.

### Reporting Harassment

If you feel that you have witnessed or have been subjected to any form of harassment, immediately notify your supervisor or the Office of Human Resources. The University prohibits retaliation against employees who provide information about, complain, or assist in the investigation of any complaint of harassment or discrimination. We will promptly and thoroughly investigate any claim and take appropriate action where we find a claim has merit. To the extent possible and appropriate, the University will protect the confidentiality of those who report suspected or alleged violations of the harassment policy. If the University determines that harassment or discrimination occurred, corrective action will be taken to effectively end the harassment. Anyone who is found to have engaged in harassment in violation of this policy will be subject to discipline, including the possibility of termination.

## **Sexual Harassment Prevention Policy**

The University is committed to maintaining a workplace free from harassment and discrimination. Sexual harassment is a form of workplace discrimination that subjects an employee to inferior conditions of employment due to their gender, gender identity, gender expression (perceived or actual), and/or sexual orientation. Sexual harassment is often viewed simply as a form of gender-based discrimination, but St. Bonaventure recognizes that discrimination can be related to or affected by other identities beyond gender. Under the New York State Human Rights Law, it is illegal to discriminate based on sex, sexual orientation, gender identity or expression, age, race, creed, color, national origin, military status, disability, pre-disposing genetic characteristics, familial status, marital status, criminal history, or status as a victim of domestic violence. While this policy is focused on sexual harassment and gender discrimination, the methods for reporting and investigating discrimination based on other protected identities are the same. The purpose of this policy is to teach employees to recognize discrimination, including discrimination due to an individual's intersecting identities, and provide the tools to take action when it occurs. All employees, managers, and supervisors are required to work in a manner designed to prevent sexual harassment and discrimination in the workplace. This Policy is one component of the University's commitment to a discrimination-free work environment.

### Policy

1. This Policy applies to all employees, applicants for employment, and interns, whether paid or unpaid. The policy also applies to additional covered individuals. It applies to anyone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in our workplace. These individuals include persons commonly referred to as independent contractors, gig workers, and temporary workers. Also included are persons providing equipment repair, cleaning services, or any other services through a contract with the University. The term "covered individual," as used in this policy, shall refer to these individuals who are not direct employees of the company.

2. Sexual harassment is not tolerated by the University and is prohibited by this Policy. This Policy prohibits not only behavior that constitutes unlawful harassment, but also other inappropriate or

unprofessional behavior that may reasonably be considered offensive or otherwise inappropriate. Employees and other individuals covered under this Policy will be subject to disciplinary or other corrective action for any violations of this Policy. In New York, harassment does not need to be severe or pervasive to be illegal. Just as harassment can happen in different degrees, potential discipline for engaging in sexual harassment will depend on the degree of harassment and might include education and counseling. It may lead to suspension or termination when appropriate.

3. No person covered by this Policy shall be subject to adverse employment action because he/she makes a good faith report of an incident of sexual harassment or discrimination, or provides information, or otherwise assists in any investigation of a sexual harassment complaint. Any person covered by this Policy, who retaliates against anyone involved in a sexual harassment or discrimination investigation, is in violation of this Policy and subject to remedial or disciplinary action.

4. Discrimination of any kind, including sexual harassment, is a violation of our policies, is unlawful, and may subject the University to liability for the harm experienced by targets of discrimination. Harassers may also be individually subject to liability and employers or supervisors who fail to report or act on harassment may be liable for aiding and abetting such behavior. Employees at every level who engage in harassment or discrimination, including managers and supervisors who engage in harassment or discrimination or who allow such behavior to continue, will be penalized for such misconduct.

5. The University will conduct a prompt and thorough investigation that is fair to all parties. An investigation will happen whenever management receives a complaint about discrimination or sexual harassment, or when it otherwise knows of possible discrimination or sexual harassment occurring. The University will keep the investigation confidential to the extent possible. If an investigation ends with the finding that discrimination or sexual harassment occurred, the University will act as required. In addition to any required discipline, the University will also take steps to ensure a safe work environment for the employee(s) who experienced the discrimination or harassment. All employees, including managers and supervisors, are required to cooperate with any internal investigation of discrimination or sexual harassment.

6. All employees and covered individuals are encouraged to report any harassment or behaviors that violate this policy. All employees will have access to a complaint form to report harassment and file complaints. Use of this form is not required. For anyone who would rather make a complaint verbally, or by email, these complaints will be treated with equal priority. Managers and supervisors are required to report any complaint that they receive, or any harassment that they observe or become aware of, to the Office of Human Resources.

7. This policy applies to all employees and covered individuals, such as contractors, subcontractors, vendors, consultants, or anyone providing services in the workplace, and all must follow and uphold this policy. This policy must be provided to all employees in person or digitally through email upon hiring and will be posted prominently on campus. For those offices operating remotely, in addition to sending the policy through email, it will also be available on my.sbu.edu.

### What is "Sexual Harassment"?

Sexual harassment is a form of gender-based discrimination that is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and the status of being transgender. Sexual harassment is not limited to sexual contact, touching, or expressions of a sexually suggestive nature. Sexual harassment includes all forms of gender discrimination including gender role stereotyping and treating employees differently because of their gender.

Sexual harassment is unlawful when it subjects an individual to inferior terms, conditions, or privileges of employment. Harassment does not need to be severe or pervasive to be illegal. It can be any

harassing behavior that rises above petty slights or trivial inconveniences. Every instance of harassment is unique to those experiencing it, and there is no single boundary between petty slights and harassing behavior. However, the Human Rights Law specifies that whether harassing conduct is considered petty or trivial is to be viewed from the standpoint of a reasonable victim of discrimination with the same protected characteristics. Generally, any behavior in which an employee or covered individual is treated worse because of their gender (perceived or actual), sexual orientation, or gender expression is considered a violation of the University's policy. The intent of the behavior, for example, making a joke, does not neutralize a harassment claim. Not intending to harass is not a defense. The impact of the behavior on a person is what counts. Sexual harassment includes any unwelcome conduct which is either directed at an individual because of that individual's gender identity or expression (perceived or actual), or is of a sexual nature when:

- The purpose or effect of this behavior unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment. The impacted person does not need to be the intended target of the sexual harassment;
- Employment depends implicitly or explicitly on accepting such unwelcome behavior; or
- Decisions regarding an individual's employment are based on an individual's acceptance to or rejection of such behavior. Such decisions can include what shifts and how many hours an employee might work, project assignments, as well as salary and promotion decisions.

There are two main types of sexual harassment:

- Behaviors that contribute to a hostile work environment include, but are not limited to, words, signs, jokes, pranks, intimidation, or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex, gender identity, or gender expression. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory, or discriminatory statements which an employee finds offensive or objectionable, causes an employee discomfort or humiliation, or interferes with the employee's job performance.
- Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions, or privileges of employment. This is also called quid pro quo harassment.

Any employee or covered individual who feels harassed is encouraged to report the behavior so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be discrimination and is covered by this policy.

### Examples of Sexual Harassment

The following is a list of some of the types of acts that may constitute sexual harassment. This list is just a sample of behaviors and should not be considered exhaustive. Any employee who believes they have experienced sexual harassment, even if it does not appear on this list, should feel encouraged to report it:

- Physical acts of a sexual nature, such as:
  - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employees' body;
  - Rape, sexual battery, molestation or attempts to commit these assaults, which may be considered criminal conduct outside the scope of this policy (please contact local law enforcement if you wish to pursue criminal charges).



- Unwanted sexual advances or propositions, such as:
  - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion, or other job benefits;
  - Subtle or obvious pressure for unwelcome sexual activities; or
  - Repeated requests for dates or romantic gestures, including gift-giving.
- Sexually oriented gestures, noises, remarks, jokes, or comments about a person's sexuality or sexual experience, or romantic history which create a hostile work environment. This is not limited to interactions in person. Remarks made over virtual platforms and in messaging apps when employees are working remotely can create a similarly hostile work environment.
- Sex stereotyping, which occurs when someone's conduct or personality traits are judged based on other people's ideas or perceptions about how individuals of a particular sex should act or look:
  - Remarks regarding an employee's gender expression, such as wearing a garment typically associated with a different gender identity; or
  - Asking employees to take on traditionally gendered roles, such as asking a woman to serve meeting refreshments when it is not part of, or appropriate to, her job duties.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
  - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials, or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace;
  - This also extends to the virtual or remote workspace and can include having such materials visible in the background of one's home during a virtual meeting.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, or gender expression, such as:
  - Interfering with, destroying, or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
  - Sabotaging an individual's work;
  - Bullying, yelling, or name-calling;
  - Intentional misuse of an individual's preferred pronouns; or
  - Creating different expectations for individuals based on their perceived identities;
  - Dress codes that place more emphasis on women's attire;
  - Leaving parents/caregivers out of meetings.

#### Who can be a target of sexual harassment?

Sexual harassment can occur between any individuals, regardless of their sex or gender. Harassment does not have to be between members of the opposite sex or gender. New York Law protects employees and all covered individuals described earlier in the policy. Harassers can be anyone in the workplace. A supervisor, a supervisee, or a coworker can all be harassers. Anyone else in the workplace can also be harassers including an independent contractor, contract worker, vendor, client, customer, patient, constituent, or visitor.

Sexual harassment does not happen in a vacuum and discrimination experienced by an employee can be impacted by biases and identities beyond an individual's gender. For example:

- Placing different demands or expectations on black women employees than white women employees can be both racial and gender discrimination;
- An individual's immigration status may lead to perceptions of vulnerability and increased concerns around illegal retaliation for reporting sexual harassment; or
- Past experiences as a survivor of domestic or sexual violence may lead an individual to feel re-traumatized by someone's behaviors in the workplace.

Individuals bring personal history with them to the workplace that might impact how they interact with certain behavior. It is especially important for all employees to be aware of how words or actions might impact someone with a different experience than their own in the interest of creating a safe and equitable workplace.

#### Where can sexual harassment occur?

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

Sexual harassment can occur when employees are working remotely from home as well. Any behaviors outlined above that leave an employee feeling uncomfortable, humiliated, or unable to meet their job requirements constitute harassment even if the employee or covered individual is at home when the harassment occurs. Harassment can happen on virtual meeting platforms, in messaging apps, and after working hours between personal cell phones.

#### Retaliation

Retaliation is unlawful and is any action by an employer or supervisor that punishes an individual upon learning of a harassment claim, that seeks to discourage a worker or covered individual from making a formal complaint or supporting a sexual harassment or discrimination claim, or that punishes those who have come forward. These actions need not be job-related or occur in the workplace to constitute unlawful retaliation. For example, threats of physical violence outside of work hours or disparaging someone on social media would be covered as retaliation under this policy.

Examples of retaliation may include, but are not limited to:

- Demotion, termination, denying accommodations, reduced hours, or the assignment of less desirable shifts;
- Publicly releasing personnel files;
- Refusing to provide a reference or providing an unwarranted negative reference;
- Labeling an employee as "difficult" and excluding them from projects to avoid "drama";
- Undermining an individual's immigration status; or
- Reducing work responsibilities or passing over for a promotion.

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

- Made a complaint of sexual harassment or discrimination, either internally or with any government agency;
- Testified or assisted in a proceeding involving sexual harassment or discrimination under the Human Rights Law or any other anti-discrimination law;
- Opposed sexual harassment or discrimination by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of suspected harassment;
- Reported that another employee has been sexually harassed or discriminated against; or
- Encouraged a fellow employee to report harassment.

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

### Reporting Sexual Harassment

Preventing sexual harassment is everyone’s responsibility. Supervisors and managers have a special responsibility to make sure employees feel safe at work and that workplaces are free from harassment and discrimination. The University cannot prevent or remedy sexual harassment unless it knows about it. Any employee or other person covered by this Policy, who has been subjected to behavior that may constitute sexual harassment, is encouraged to report such behavior to their supervisor or the Office of Human Resources. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor or the Office of Human Resource. If an employee makes a report to his/her supervisor and believes they are not taking appropriate action, the employee should report this inaction to the Office of Human Resources. If an employee believes that his/her supervisor violated this Policy, then the employee should report the matter to a higher-level manager, or to the Office of Human Resources.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this complaint form, but using the form is not required. Employees who report sexual harassment on behalf of another person should state clearly that the complaint is made on another person’s behalf.

The availability of this reporting procedure does not preclude individuals who believe they are being harassed from promptly advising the offender that his or her behavior is unwelcome and requesting that it be discontinued.

### Supervisory Responsibilities

Supervisors and managers have a responsibility to prevent and report harassment and discrimination, including, but not limited to, sexual harassment and discrimination. Any supervisor or manager who receives a complaint or information about suspected sexual harassment or discrimination or who observes conduct that may be sexually harassing or discriminatory behavior is required to take appropriate steps to address the conduct and to report such suspected sexual harassment or discrimination to the Office of Human Resources.

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

### Bystander Intervention

Any employee witnessing harassment as a bystander is encouraged to report it. This includes all employees, including, but not limited to, supervisors and managers.

### Investigation of Sexual Harassment

All complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. An investigation of any complaint, information, or knowledge of suspected sexual harassment will be prompt, thorough, and started and completed as soon as possible. The investigation will be kept confidential to the extent possible. All individuals involved, including those making a harassment claim, witnesses, and alleged harassers deserve a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. The University will take disciplinary action against anyone engaging in retaliation against employees who file complaints, support another's complaint, or participate in harassment investigations.

St. Bonaventure recognizes that participating in a harassment investigation can be uncomfortable and has the potential to retraumatize an employee. Those receiving claims and leading investigations will handle complaints and questions with sensitivity toward those participating.

While the process may vary from case to case, investigations will be done in accordance with the following steps. Upon receipt of a complaint, the Office of Human Resources:

1. Will conduct a prompt review of the allegations, assess the appropriate scope of the investigation, and take any interim actions (for example, instructing the individual(s) about whom the complaint was made to refrain from communications with the individual(s) who reported the harassment), as appropriate. If complaint is verbal, request that the individual completes the complaint form in writing. If the person reporting prefers not to fill out the form, the Office of Human Resources will prepare a complaint form or equivalent documentation based on the verbal reporting;
2. Will take steps to obtain, review, and preserve documents sufficient to assess the allegations, including documents, emails or phone records that may be relevant to the investigation. The Office of Human Resources will consider and implement appropriate document request, review, and preservation measures, including for electronic communications;
3. Will seek to interview all parties involved, including any relevant witnesses;
4. Will create a written documentation of the investigation (such as a letter, memo or email).
5. Will keep the written documentation and associated documents in a secure and confidential location; and
6. Will promptly notify the individual(s) who reported the harassment and the individual(s) about whom the complaint was made that the investigation has been completed and implement any corrective actions identified in the written document.

### Legal Protections and External Remedies

Sexual harassment is not only prohibited by the University, but is also prohibited by state, federal, and, where applicable, local law. In addition to the procedures described in this Policy, individuals may choose to pursue legal remedies with the following governmental entities:

The New York State Division of Human Rights (DHR) enforces the Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., which prohibits sexual harassment in employment in New York State, and protects employees, and other individuals working in an employer's workplace. A complaint alleging a violation of the Human Rights Law may be filed either with the DHR or in New York State Supreme Court, subject to a three-year statute of limitations.

If unlawful discrimination is found after a hearing, the DHR or the court may award relief, which may include requiring the employer to take action to stop the harassment, to redress the damage caused, including reversing an unlawful employment action, and paying monetary damages, attorneys' fees, and civil fines. The DHR can be contacted at (888) 392-3644 or at [www.dhr.ny.gov](http://www.dhr.ny.gov). You can also call the DHR sexual harassment hotline at 1(800) HARASS3 for more information about filing a sexual harassment complaint. This hotline can also provide you with a referral to a volunteer attorney experienced in sexual harassment matters who can provide you with limited free assistance and counsel over the phone.

The U.S. Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An employee must file a complaint with the EEOC within 300 days from the conduct giving rise to the complaint. The EEOC investigates complaints and may pursue a claim in federal court on behalf of the complaining party or issue a Right to Sue Letter that allows an individual to pursue his/her claims in federal court. Federal courts may award remedies if discrimination is found to have occurred. The EEOC can be contacted by calling 1-800-669-4000 (1-800-669-6820 (TTY)), or at their website: [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov). If an individual files an administrative complaint with the DHR, the DHR will file the complaint with the EEOC to preserve the individual's right to proceed in federal court.

### Local Protections

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. If the harassment involves physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime, and it may be appropriate to report such conduct to the local police department.

### **Employees with Disabilities**

The Americans with Disabilities Act and the New York State Human Rights Law prohibit discrimination against qualified individuals with disabilities, who are able to perform their job duties, with or without reasonable accommodations. The University complies with the requirements of the ADA and HRL and does not discriminate against qualified individuals with disabilities when making employment decisions, including, but not limited to, hiring, promotion, compensation, or access to employee training or benefits provided by the University.

The University provides reasonable accommodations to employees who may need them to perform the essential functions of their jobs, without causing the University an undue hardship. The University considers both state and federal law when determining whether an accommodation is reasonable. Employees needing accommodation should make a request to Human Resources. If an employee makes a request for an accommodation to his or her supervisor, the supervisor should contact Human Resources. If the need for accommodation is not readily apparent, Human Resources may request written verification of the disability from a physician practicing in a field related to the disability for which accommodations are requested.

The University and the qualified individual with a disability will work together to determine what reasonable accommodations are and to implement such accommodations so that the employee can perform the essential functions of his or her job.

### **Prohibition of Discrimination Based on Reproductive Health Decision Making**

The University will not access the employee's personal information regarding the employee's or the employee's dependent's reproductive health decision making, discriminate or take and retaliatory action against any employee with respect to compensation, terms, conditions or privileges of employment because of or on the basis of the employee's or their dependent's reproductive health decision making, or require an employee to sign a waiver or other document which purports to deny an employee the right to make their own reproductive health care decisions. For purposes of this policy "reproductive health decision making" includes, but is not limited to, a decision to use or access a particular drug, device, or medical service. In addition to reporting any alleged violations of this policy to the University, employees may also choose to pursue legal remedies by initiating a civil action in court for damages, injunctive relief, reinstatement, and/or liquidated damages,

No employee will be subject to retaliation or discipline by the University as a result of making or threatening to make a complaint to the University, a co-worker, or a public body, that rights guaranteed under applicable law have been violated; causing to be instituted and proceeding alleging violations of applicable law; or providing information to, or testifying before, any public body conducting an investigation, hearing, or inquiry into any alleged violation by the University of applicable law, rule or regulation.

Any employee who believes that he or she has been subject to discriminatory or retaliatory behavior in violation of this policy should report it immediately to his or her supervisor or Human Resources.

### **Confidential Employee Complaint Policy**

St. Bonaventure recognizes that situations occur that create a need for employees to express concerns or complaints in a formal manner. The purpose of this policy is to establish a procedure for the fair, orderly, and timely resolution of disputes that sometimes arise. This shall serve as the exclusive university procedure for the resolution of job-related issues except for those complaints for which there exists a separate, specific policy and procedure. In those instances, employees are encouraged to follow that policy and file complaints in accordance with the relevant procedural requirements. This is the case, for example, of employees who are interested in filing discrimination, harassment, Title IX and/or whistleblower complaints, all of which have specific University policies that apply.

#### Applies to:

All regular full-time, part-time, seasonal and temporary employees.

#### Informal Complaint Procedure:

Regular and forthright communication between employees reduces the likelihood of the need for more formal review and is in the mutual best interest of both the university and employee. Therefore, employee work-related problems should follow the employee's chain-of-command whenever possible, and the complaint should be brought to the attention of the immediate supervisor to discuss the concern with the objective of resolving it. For example, a Faculty member with a concern should begin by speaking with their department chair. Many concerns can be resolved informally when an employee and supervisor take time to review the issue and discuss options to solve the problem.

Should informal attempts at resolution not be satisfactory, employees may then escalate the issue and file a formal complaint, which is detailed in this policy.

## Confidentiality

In instances where informal resolution cannot be reached, it may be necessary to involve the Office of Human Resources (HR). HR will treat all information with appropriate discretion, given the nature of the information and the circumstances regarding its use. SBU cares about employees and their privacy and, whenever possible and appropriate, will keep their information and inquiries private. In cases where University policies or the law require disclosure (for example, should the safety of our faculty, staff, students or others be compromised or there is a compelling business reason), HR will use appropriate discretion in disclosing employee information to those who have a legitimate need to know.

## Protection Against Retaliation

Employees may not be retaliated against for exercising rights under this complaint procedure in good faith. When an employee alleges he or she has been retaliated against for exercising rights in good faith under this procedure, or for participating in a complaint as a witness, a separate complaint should immediately be initiated directly with the Office of Human Resources. Such acts of retaliation are unacceptable conduct and a violation of university policy.

## Time Limits

The time limits included in this procedure have been established to facilitate a timely resolution of the problem while providing ample time to prepare and present arguments.

## FORMAL COMPLAINT PROCEDURE:

### Step 1: Department Head or Academic Dean

In the event that informal attempts to resolve work-related issues are not successful, an employee may then file a formal complaint. The complaint must be in writing, signed by the staff member, and submitted to their department head within ten (10) business days of the occurrence which gave rise to the complaint, or within ten (10) business days of the date the employee had reason to know of the occurrence.

The written complaint should include:

- The nature of the complaint.
- Detailed information including evidence of the issue, witnesses, date/time/location of the occurrence, and any related materials.
- The remedy or outcome desired.

Within ten (10) business days from receipt of the written complaint, the department head or his or her designated representative will interview necessary employees and investigate the allegations. At the completion of this process, the department head will provide the employee with a written answer and a copy of the complaint and answer will be kept in the Office of Human Resources.

### Step 2: Appeal to Office of Human Resources

In the event the issue is not resolved at Step I, the complainant may, within ten (10) business days from receipt of the Step I answer, file a written appeal to the Office of Human Resources. An explanation of the complaint and details of all previous efforts to resolve the issue including the employee's dissatisfaction with the immediate supervisor's response should be included.

The Office of Human Resources will meet with the appropriate Division Vice President or Provost and the parties involved in the complaint within ten (10) business days of the receipt of the written appeal. The outcome of the review by the Office of Human Resources and the Division Vice President/Provost will be final unless new evidence or other circumstances warrant additional review.

Options for submitting written complaints & appeals

Written complaints may be submitted via NeoEd, by university email, by phone, by fax, or in-person.

University Contact Information:  
 Office of Human Resources – 716/375-2102  
 HR Fax – 716/375-7689

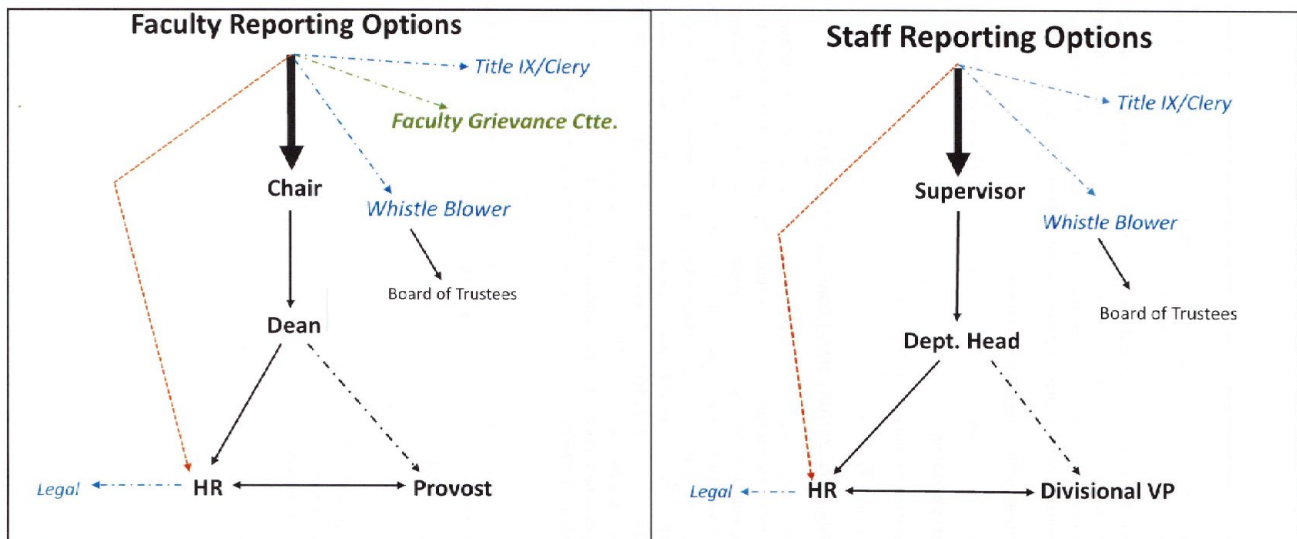
**EXCEPTIONS TO INFORMAL AND/OR FORMAL COMPLAINT PROCEDURE**

For consistency and continuity of the complaint process, it is expected that employees will follow this policy. However, there are exceptions that may require the procedure to deviate from the chain-of-command. For example, if an employee has a complaint with their immediate supervisor or department chair and does not feel comfortable discussing the issue with them. In that instance, the employee may file a complaint directly with the Office of Human Resources. Another example, if an employee has a complaint against the Office of Human Resources. Should that occur, the employee, may file the complaint directly with the Divisional Vice President, or directly to the President. Other exceptions may arise or other policies may be more applicable, such as Title IX, in which case the employee should follow the steps outlined in the appropriate policy. It is the expectation in all other circumstances that the procedure outlined in this policy will effectively mitigate any employment issue that arises.

Recordkeeping

The Office of Human resources will maintain all records related to the complaint and resolution in accordance with the Information Security Policy & Procedure.

**Employee Complaint Process**



\*Discrimination or harassment of any form - see *Discrimination and Harassment Policy & Procedures*  
 \*\*Faculty Grievance Committee only applies to academic program issues



# TERMS AND CONDITIONS OF EMPLOYMENT AND DISCIPLINE

## At-Will Employment and Other Terms of Hiring and Appointment

Staff of St. Bonaventure University are considered at-will employees. This means that both the employee and the University may end the employment relationship at any time, for any lawful reason. The University does, of course, comply with all State and Federal laws protecting the employee's rights to employment. In addition, a small group of employees may have written employment contracts that have been signed by either the President or the Vice President for Finance and Administration and which more specifically spell out terms and conditions of their employment.

"Faculty Status" is conferred on some exempt employees pursuant to the *Faculty Status and Welfare Handbook*. To the extent the employee also holds a staff or administrative position, the employee's Faculty Status will generally not affect the holder's rights, privileges, and obligations as an exempt staff member under this Staff Handbook. A tenured faculty member may retain faculty tenure upon appointment as a staff member and may have the right to return to a tenured faculty position, with an appropriate faculty salary, after completion of his or her term in a staff position.

Because St. Bonaventure is an at-will employer, both the employee and the University have the discretion to end the employment relationship at any time and for any lawful reason unless an employee has a contract signed by the President or V.P. for Finance and Administration that provides otherwise. Employees may ask to schedule an exit interview to discuss their separation of employment with the Office of Human Resources.

The University requests that employees provide at least two weeks' notice of their intent to terminate employment unless otherwise agreed to by the employee's department. Unused accumulated leave pay of any kind (PTO and holiday) shall be forfeited upon voluntary or involuntary termination of employment.

Any employee who voluntarily terminates employment and applies for rehire, if eligible for re-employment, will be hired as a new hire. Wages and benefits will be commensurate with the entry-level position.

## Employment Eligibility

The University complies with the Immigration Reform and Control Act of 1986, employing only those persons who are legally eligible to work in the United States (U.S. citizens and non-citizens who are authorized to work in the United States). All employees are asked on their first day of employment to provide original documents verifying the right to work in the United States and to sign a verification form required by federal law (INS Form I-9). If an individual cannot verify his/her right to work within three days of hire, St. Bonaventure University must terminate his/her employment.

The University occasionally employs minors for temporary summer work. St. Bonaventure University complies with all Federal and State Laws regarding the employment of minors. Full detail on these laws and restrictions can be obtained from the Human Resources department. An employment certificate (also known as working papers) is required for all employees under 18 years of age and must be provided to the Office of Human Resources by the first day of work. Minors can obtain employment certificates from the school they attend or from the superintendent of schools in that area.

Further information regarding employment eligibility is set forth in the H-1B and Permanent Residency Sponsorship Policies, which are included among the University's Governing Documents.

## **Training**

It is a condition of employment that employees timely undergo University-required training. Such training may vary from year to year and is selected at the discretion of the University. The mandatory training includes, but is not limited to, annual sexual harassment training.

## **Absenteeism and Tardiness**

It is important that all employees know and understand that their work for the University is important and that, while employees are entitled to certain time off under St. Bonaventure's PTO Policy and other applicable policies, employees are otherwise expected to work on their regularly scheduled days.

Excessive unexcused absences or tardiness, as well as any instance of a no call, no show, may result in disciplinary action, including the possibility of termination of employment.

## **Disciplinary Process**

The procedure for disciplinary action may, at the University's discretion, involve some or all of the steps set forth below. Each matter is handled on a case-by-case basis depending on the severity and all of the relevant circumstances. The University retains the discretion, in particular cases, to skip steps in the process or to proceed in a different order.

1. Coaching, Counseling, Oral Reprimand: A work-related problem affecting the smooth operation of the unit and a plan of action to correct the problem will be clearly outlined for the employee.

2. Written Warning: The rule violation and/or employee's poor record of performance, and the consequences should another violation occur or if the poor performance continues, will be noted.

3. Suspension with or without pay: Removal of the employee from the work setting may be imposed to allow the University to investigate a matter, as a first step of discipline or as a final step before termination of employment. When this step is used, the employee will be asked to reflect on their behavior and decide if they truly wish to continue working at St. Bonaventure. A plan of final correction regarding the final step in the disciplinary process may be created.

4. Dismissal from employment. The University reserves the right to invoke dismissal with or without prior progressive discipline and regardless of the length of contract, if any, under which an employee may be serving. A decision to terminate employment is taken very seriously and will reflect the nature of the act(s) or omission(s) on the part of the employee.

## **Rules of Conduct**

The types of conduct which may, at the discretion of the University, subject the employee to a warning, suspension without pay, or immediate discharge without prior warning include, but are not limited to:

1. Falsification of any employment or work-related records including time sheets or on-line time entry.

2. Insubordination or refusal to follow instructions; disrespect toward management, fellow employees, members of the University community, or guests.

3. Excessive tardiness or unreported or chronic absenteeism.

4. Disorderly conduct, fighting on the job, rough "horseplay."

5. All forms of dishonesty or failing to report knowledge or suspicion of another's dishonesty.
6. Destruction of property.
7. Any act(s) of negligence or misconduct, especially in performance of job duties, job requirements, or job responsibilities.
8. Immoral or indecent behavior that reflects poorly upon the University, as well as or some forms of criminal behavior on or off the job.
9. Possession of any weapon or explosive on University premises or while conducting University business.
10. Sleeping on the job.
11. Violating safety, fire, or any other University rules, regulations or policies.
12. Refusing to work scheduled requirements, including but not limited to overtime, weekends during emergencies, transfer to different job, change in hours, etc.
13. Failure to timely report any accident to management.
14. Unsatisfactory work performance or incompetence.
15. Conduct detrimental to the University, its mission, or its reputation.
16. Bullying of coworkers, students, volunteers, vendors, or guests of the University.
17. Discrimination or harassment on a basis protected by State or Federal law.
18. Inappropriate and/or unprofessional conduct.

# GENERAL EMPLOYMENT POLICIES

## Alternative Work Arrangements/Remote Work

Alternative work arrangements, including remote work, are generally not available for most positions, as employees are expected to be working on campus on their regularly scheduled shifts. In no case will alternative work arrangements be permitted without the approval of an employee's supervisor and the Office of Human Resources. The University will assess requests for alternative work arrangements on a case-by-case basis. Factors to be considered will include, among other things, the ability of the employee to properly perform his or her duties and responsibilities remotely, as well as the potential tax implications of such an arrangement. If an arrangement is approved, the University reserves the right to modify or terminate any such arrangement with or without notice if the University determines, in its own discretion, that the needs of the University justify the termination or modification of the arrangement. Employees are required to comply with all applicable policies and performance expectations during any period of telecommuting. Employees are also required to ensure that their workspace is safe and allows them uninterrupted time to devote to work.

## Conflicts of Interest

As an employee of St. Bonaventure, you are expected to act in the best interest of St. Bonaventure and avoid conflicts of interest. A conflict of interest may arise whenever a personal interest interferes -- or even appears to interfere -- with the interest of St. Bonaventure. While we respect your right to manage your personal affairs and investments and we do not wish to intrude on your personal life, St. Bonaventure employees should place the University's interest in any business transaction ahead of any personal interest or gain.

To avoid a conflict of interest, you should identify potential conflicts when they arise and notify your supervisor if you are unsure whether a relationship or transaction poses a conflict. Your supervisor will be able to pre-clear or resolve certain conflicts, or will be able to contact someone else at the University who can. The following are examples of conflict of interest that could arise and are prohibited unless they have been pre-cleared or resolved:

- You or your spouse, partner, or family member work at an outside job, or serve as an officer, director or consultant to another company that interferes with your ability to do your job at St. Bonaventure.
- You provide additional professional services (e.g., teaching St. Bonaventure courses) or work in an additional part-time function (e.g., coach, tutor, or etc.) other than those services specified in your primary job description or contractual agreement.
- You have a spouse, partner or family member that is in a direct reporting relationship with you, or you have the ability to supervise, review or influence the job evaluation, hiring, pay or benefits of any spouse, partner or family member who also works at St. Bonaventure.
- You have other work obligations or other commitments which, due to the time associated with these commitments or obligations or on account of other relevant circumstances, materially impairs or in conflict with the duties and responsibilities associated with your primary position with St. Bonaventure.

Because it is impossible to describe every potential conflict, we rely on your commitment to exercise sound judgment and to seek advice when appropriate. If you need advice on whether a particular activity is a conflict of interest, please contact your supervisor or the Office of Human Resources.

## **Performance Appraisals**

All full-time employees are generally evaluated on an annual basis. Other employees may also be evaluated from time to time. Appraisals may be done more frequently at the discretion of the supervisor.

All evaluations are maintained in the employee's personnel file.

The supervisor performing the appraisal will have a dialogue with the employee to discuss job specifics as well as overall job performance. After this discussion, both the employee and the supervisor will sign the performance evaluation. The employee's signature does not indicate that he or she agrees with the evaluation. The signature simply means that the evaluation was issued and reviewed with the supervisor.

## **Use of University's Electronic Resources**

St. Bonaventure requires the ethical, legal, and secure use of computing and electronic communications by all members of the St Bonaventure community. All users of University electronic resources are expected to utilize such resources in a responsible, ethical and legal manner consistent with St. Bonaventure's mission and policies. Commercial use of University systems for non-university purposes is strictly prohibited. In addition, employees may not engage in use that impedes, interferes with, impairs, or otherwise causes harm to the activities of others. Additional guidance and policies concerning the use of electronic resources can be found in the Electronic Resources Policy on Responsible and Acceptable Use, Confidentiality and Security, and World Wide Web Site Policies, which are included in the University's Governing Documents.

## **Use of University's Physical Facilities and Space**

The University's facilities and space are generally to be used only for purposes relating to University business and activities. Any employee seeking to use the University's facilities or space for any non-University purpose must request approval from the Office of Events and Conferences.

## **Work Schedule**

Most employees are scheduled to work 52 weeks of each year (less paid leave time outlined later). Based on the needs of the University, however, employees may be hired with an expectation of being scheduled to work 48 of 52 weeks; 44 of 52 weeks; or 39 of 52 weeks (additional iterations are possible with approval of Human Resources). Employees will be notified at time of hire of their weeks of obligation or when/if their obligation changes. Individual departments define the exact full weeks of non-work for employees with less than 52-week obligations.

Supervisors of any employee working an annual schedule of less than 52 weeks must determine the employee's schedule and provide the Office of Human Resources with a copy of the schedule, which must identify the weeks during the calendar year that the employee will not be expected to work.

Notwithstanding any other provisions contained herein, staff members hired for projects funded by grants will be scheduled according to the University's fiscal year or until the termination of funding of the position.

## **Consensual Relationship Policy**

The educational mission of the University is promoted by professionalism in relationships between administrators, faculty, students and staff. Professionalism is fostered by an atmosphere of mutual trust and respect. Trust and respect are diminished when those in position of authority abuse, or appear to abuse, their power.

Sexual relationships between, for example, staff-student are expressly prohibited by the University. Even when both parties have consented to the development of such relationships, these relationships can raise serious concerns about the validity of the consent, conflicts of interests, and/or unfair treatment of others. Moreover, others may be adversely affected by such behavior because, for example, it places a supervisor in a position to favor or advance one student's or employee's interest at the expense of others.

Sexual relationships (consensual or otherwise) between supervisor-employee are prohibited when a direct evaluative or supervisory relationship exists. In such cases, the University may require, in its discretion, that the administrator, staff member or employee divest himself or herself of the professional responsibility for evaluation and/or cease such conduct. Failure to do so may result in discipline, including possible termination of employment.

The University recognizes that there may be unique circumstances in which a consensual relationship merits an exemption from this policy. Any employees seeking such an exemption should contact the Office of Human Resources.

## **Anti-Nepotism Policy**

St. Bonaventure University welcomes the hiring of qualified individuals who are related to other employees at the University. A supervisor, however, is not permitted to hire or to evaluate his or her own spouse, children, relatives, or any other individual with whom he or she has a significant personal relationship. In cases where there is a supervisory role between relatives or people in a significant personal relationship, it is required that the participants in such a relationship act immediately to remove the conflict of interest. In addition, the person in the more powerful position in such a relationship is required to report it to her/his supervisor in consultation with the Office of Human Resources. With such knowledge, accountability for ensuring that such conflicts of interest are properly addressed will rest with the person's direct supervisor and the Office of Human Resources through the normal chains of command up to and including the appropriate executive officer.

## **Social Media**

The University fully supports the free marketplace of ideas and the importance of freedom of expression on a University campus. This includes academic freedom, which remains a bedrock principle on campus. Nevertheless, to assist employees in making responsible decisions about their use of social media, the University has established this policy to provide guidance on the appropriate use of social media. This policy applies to all University employees. The University reserves the right to use search tools and other software to monitor social media use for compliance with this policy.

In the rapidly expanding world of electronic communication, social media can mean many things. Social media includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog or vlog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, or other social media application or platform, whether or not associated or affiliated with University, as well as any other form of electronic communication.

Ultimately, employees are solely responsible for what they post online. Before creating online content, employees should consider some of the risks and rewards that are involved. Employees should be aware and understand that the University may respond if employee conduct adversely affects your job performance, the performance of fellow employees or otherwise adversely affects the University's management, employees, customers, or its legitimate business interests.

The University reserves the right to use content management tools to monitor or block content on its computer system, and search tools and other software to monitor Social Media for compliance with this policy.

Employees are required to comply with the University's policies in their activities online. The University considers postings inappropriate when they include discriminatory remarks, harassment, threats of violence, incitement of violence, or other offensive or unlawful conduct. Inappropriate postings may result in disciplinary action, up to and including termination.

### Respect

Employees should always be fair and courteous to fellow employees, customers, members, suppliers or people who work on behalf of the University. Also, employees should keep in mind that they are more likely to resolve work-related complaints by speaking directly with co-workers or by using the University's Confidential Employee Complaint Policy than by posting complaints to a social media outlet. Nevertheless, if employees decide to post complaints or criticism, they should avoid using statements, photographs, video(s) or audio that (1) reasonably could be viewed as malicious, obscene, threatening or intimidating, (2) disparage other employees, volunteers, customers, associates or suppliers, or (3) might constitute discrimination, harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, age, religion, disability, sexual orientation, gender identity or gender expression, status of being transgender, predisposing genetic characteristics, genetic information, national origin, military or veteran status, citizenship, color, marital or familial status, domestic violence victim status, or any other characteristics protected by law.

### Honesty and Accuracy

Employees should make sure they are always honest and accurate when posting information or news, and if they make a mistake, should correct it quickly. Employees should be truthful about any previous posts have been altered. Never post any information or rumors that are known to be false about the University, fellow employees, associates, customers, suppliers, people working on behalf of the University.

### Using Social Media at Work

Employees should refrain from using social media while on working time or on University computers or equipment, unless it is work related and pre-approved by your immediate supervisor. Do not use University e-mail addresses to register on social networks, blogs or other online tools utilized for personal use.

### Violations

The University expects employees to immediately report to their supervisor or to the Office of Human Resources any suspected violations of this policy. The University may investigate reported violations of this policy. Violations of these policies may result in disciplinary action, up to and including termination. The University reserves the right to take legal action where necessary against employees who engage in prohibited or unlawful conduct. The University reserves the right to ask employees to remove a post or to shut down a website if it violates the policy.

### Retaliation is Prohibited

The University prohibits retaliation against any employee for reporting a possible violation of this policy or for cooperating in an investigation. Any retaliation may result in disciplinary action, up to and including termination.

### **Dress Policy**

St. Bonaventure University's usual dress practice is considered primarily "business casual" attire.

This policy applies to all employees during work hours, work events, and while otherwise engaged in University business or while representing the University.

The University follows a business casual standard of dress and expects its employees to be professionally and appropriately dressed at all times while performing their University work responsibilities. Employees are expected to report to work in clean, appropriate attire, and practice good hygiene. Apparel with offensive, discriminatory, derogatory, or otherwise inappropriate content is not acceptable attire.

There may be occasions or positions where business professional attire is more appropriate because of the nature of the position or responsibilities, or because of an event or engagement. Certain positions may also require other attire because of the nature of the position and job duties.

Even when classes are not in session, it is important that we continue to present a professional image to all of the University's constituents and it is therefore important that employees use their best judgment in dressing appropriately and maintaining professionalism at all times.

Special dress code rules may apply to certain positions and on particular occasions.

Employees with questions about standards of dress for their position or department should consult their supervisor or the Office of Human Resources.

Employees who believe that they need an accommodation for any part of this Dress Policy should contact Human Resources.

### **Whistleblower Policy**

St. Bonaventure's Whistleblower Policy can be found in the University's Governing Documents.



# HEALTH AND SAFETY

## Airborne Infectious Disease Exposure Prevention

In accordance with the New York HERO Act (New York Labor Law, Section 218-b), St. Bonaventure adopted the NYSDOL airborne infectious disease exposure prevention model plan (the “Plan”). The Plan can be found in Attachment A of this Staff Handbook. The Plan is only required to be implemented or “activated” when the New York State Commissioner of Health designates an airborne infectious disease as a highly contagious communicable disease that presents a serious risk of harm to the public health. The University will notify employees when a designation is active and when the Plan is active. Any questions or concerns regarding the NY HERO Act or the Airborne Infectious Disease Exposure Prevention Plan should be directed to the Director of Environmental Health and Safety.

## Work-Related Injuries or Illnesses

All work-related injuries and illnesses should be reported immediately (within 24 hours) to your supervisor and the Office of Human Resources, even if you are not sure whether it is truly work-related. Even small, insignificant injuries left untreated can result in more serious conditions. You and your supervisor will each complete an Accident Report within 24 hours after the incident. When injuries are reported immediately, accidents can quickly be investigated and corrective action taken to prevent another injury.

If you see any potential hazards that need attention, notify Facilities Operations or submit and Facilities Service Request (FSR) immediately. FSR’s can be found on my.sbu.edu.

## Health, Safety, and Security

St. Bonaventure University endeavors to provide a healthy and safe atmosphere in which to work. If an employee feels, during the course of work, that they are being subjected to an unsafe working environment, they should report it to a supervisor, the Office of Human Resources, or the Campus Safety and Security Office. Employees are expected to adhere to all health and safety regulations.

Safety and Security personnel are employed to help safeguard the property of the University and its employees, students and visitors. The employee’s cooperation is requested in helping to prevent theft by reporting anyone acting in a suspicious manner to a supervisor or to the Director of Safety and Security.

The University is not responsible for the loss of an employee’s personal property (e.g., rings, watches, radios, clothing, etc.), and asks that each employee exercise care in safeguarding valuable items.

Any object or substance designed to inflict a wound, injure or incapacitate, is prohibited on campus. Such objects or substances include, but are not limited to: guns, firearms, knives other than kitchen utensils, billies, sling shots, black jacks, metal knuckles, martial arts weapons, mace, tear gas, pepper spray, etc. Additional prohibited weapons include any instrument capable of firing a projectile, including but not limited to firearms, BB guns, pellet guns, air soft guns, nerf guns, paintball guns, tasers etc. All explosive chemicals and devices are prohibited, including all forms of fireworks.

Work rules and procedures regarding inspection and investigation into theft, possession of drugs, possession of alcohol, possession of weapons, possession of explosives or possession of other dangerous materials include the following:

- A. The University reserves the right to search before, during, and after working hours any and all areas on University premises, including, but not limited to employee lockers and storage areas, when it has reason to believe that illicit drugs or controlled substances,

alcohol, stolen property, explosives, weapons, or other dangerous materials may be present or in any other circumstances it believes appropriate. The University reserves the right to seize and retain all discovered contraband.

- B. The University reserves the right to search before, during, and after working hours, all employees entering University premises, present on the premises, and leaving the premises when it has reason to believe that the person may possess illicit drugs or controlled substances, alcohol, stolen property, explosives, weapons, or other dangerous materials or in any other circumstances it believes appropriate. The University reserves the right to seize and retain all discovered contraband.
- C. Any employee found to have in his or her possession any discovered items will be subject to immediate disciplinary action up to and including immediate discharge.
- D. Any employee who fails or refuses to cooperate with the University in the search for contraband, including the person being searched or investigated, will be subject to disciplinary action up to and including immediate discharge.

### **Smoking Policy**

In compliance with New York State law, and consistent with the core values of St. Bonaventure University, the following smoke-free regulations have been adopted, and apply to all legal smokable products, including but not limited to cigarettes, e-cigarettes, and “vaping”:

- 1. **Smoke-free Workplace:** Smoking is prohibited in ALL indoor areas of the University, including University vehicles and all residence facilities, as well as ALL outdoor areas of the University main campus property.
- 2. **Tobacco Products:** Sale of tobacco products is prohibited on campus.
- 3. **Posting of Signs:** “Smoke-Free” signs will be prominently displayed on campus. Additionally, copies of this policy will be posted on the University’s intranet and will be available to all employees and prospective employees upon request.
- 4. **Enforcement:** Complaints may be directed to the Office of Safety and Security.

### **Drug and Alcohol Policy**

St. Bonaventure is committed to providing and maintaining a safe and healthy workplace and campus. The use, influence of, or impairment by alcohol or drugs in the workplace presents a risk to the safety and security of employees and everyone on campus. The use of or impairment by drugs or alcohol can directly impact the efficiency of our operations. It is, therefore, University policy to prohibit the use, sale, manufacture, transfer, distribution, possession, dispensation, consumption, cultivation, or impairment by alcohol or drugs, including other intoxicating substances, on University property, during working hours (including meal periods/rest breaks), while otherwise engaged in University business, or with the use of or while using University equipment or property. This policy is not intended to govern or otherwise impact the proper use of prescription drugs.

#### Prohibited Conduct

St. Bonaventure prohibits the possession, distribution, dispensation, manufacture, cultivation, use or sale of drugs, alcohol, or controlled substances, including marijuana, during working time (including meal and rest breaks), while on University owned or managed property, or while otherwise engaged in University official business, including but not limited to while operating a University vehicle or while

operating any other vehicle (customer or personal), in the course of engaging in work duties or official University business. Impairment or being under the influence of alcohol, drugs, or other controlled or intoxicating substances is also strictly prohibited.

### Testing

For employees who exhibit symptoms of being under the influence of drugs or alcohol and/or where there is reasonable suspicion that someone is under the influence, the University reserves the right to require that the employee submit to a drug and/or alcohol test, in accordance with applicable law. The University may take appropriate action, including discipline up to and including termination, based on a violation of this policy in compliance with applicable law and regulations.

### Social Consumption of Alcohol for Approved Work-Related Events

From time to time, the University may sponsor social or University-sponsored events where alcohol may be served. This policy does not prohibit the responsible use or consumption of alcohol at these events. However, if you choose to consume alcohol at such events, you must do so responsibly and maintain your obligation to conduct yourself properly and professionally at all times. Employees should not drink and drive. The University encourages employees to use a taxi, ride-share, or designated driver to safely travel from any event where alcohol is consumed and the employee cannot safely or legally operate a motor vehicle.

### Medical Marijuana

The University recognizes that New York's Compassionate Care Act legalizes a physician's prescription of marijuana for individuals with certain medical conditions. An employee who qualifies as a patient under the laws and complies with its regulations may be entitled to a reasonable accommodation. An employee who believes that he or she qualifies for these protections and needs a reasonable accommodation should contact Human Resources. The University may request supporting documentation, including, but not limited to, a copy of the individual's medical marijuana card, documentation from an employee's medical provider, including an assessment of what, if any accommodations may be appropriate and necessary. It is the University's policy not to discriminate against a qualified individual with a medical marijuana prescription in connection with any terms or conditions of employment. Employees are reminded, however, that use of, possession of, or impairment by marijuana during working time and on University premises or while engaged in University business is still generally prohibited.

### Adult Use of Recreational Marijuana

The University recognizes that effective March 31, 2021, New York State legalized adult recreational use of marijuana (cannabis). In accordance with state law, the University will not refuse to hire, employ, or will not discharge an employee, or otherwise discriminate against an individual in terms, conditions, or privileges of employment because of an individual's lawful off-duty use of consumable cannabis products or for engaging in lawful off-duty cannabis related recreational activities, in accordance with state law.

Nevertheless, the following conduct is still explicitly prohibited:

- Possession, purchase, sale, cultivation, or use of marijuana (cannabis) during work hours (including during meal or break periods), on University premises, and/or while using University equipment or property
- Working while impaired by the use of marijuana (cannabis), meaning the employee manifests specific articulable symptoms while working, which may include a decrease or decline in the

employee's performance of the duties or tasks of their position, or which are inconsistent with a safe, healthy, and productive workplace.

- Driving while impaired by the use of marijuana (cannabis) while engaged in University business.
- Smoking marijuana (cannabis) on campus.
- Engaging in conduct that otherwise endangers others.

Nothing in this policy prohibits or limits the University from taking action as required by state or federal statute, regulation, ordinance, or other governmental mandate. Moreover, nothing in this policy requires the University to commit any act that would cause it to be in violation of federal law, or which would result in the loss of a federal contract or federal funding.

#### Violations

A Violation of this policy may result in disciplinary action, up to and including the possibility of termination of employment.

# WAGES AND HOURS

## Direct Deposit and Pay

The University's preferred method of payment is direct deposit. The University can accommodate direct deposit with any financial institution that accepts 'ACH' electronic fund transfer. Your paycheck can be split among different financial institutions. Please contact your financial institution to see if they accept ACH electronic funds transfer. Direct deposit authorization agreements are available from the Office of Human Resources and the Payroll office. If direct deposit is not elected, paychecks will be mailed to the employee at their address on file.

All employees are paid on a biweekly basis. Employees who are scheduled to work less than 12 month per year are paid over 26 pay periods if salaried or over a reduced number of pay periods if overtime-eligible.

## Rate of Pay

The University has adopted a pay grade system in which each position is placed within an appropriate pay grade. An employee's rate of pay is then set by reference to the pay grade in which his or her position falls. The University nevertheless retains the discretion to assign an appropriate rate of pay to each employee and, in doing so, to consider all relevant factors, including, but not limited to, seniority and performance.

## Hours and Overtime Pay

### Work Week

The normal workweek for regular full-time employees is forty (40) hours per week during a seven (7) calendar day period. Benefits are offered to employees working more than thirty (30) hours during a seven (7) calendar day period. Part-time, casual, and seasonal employee work schedules are established by the Department Supervisor.

The workweek begins Saturday and ends Friday.

Work schedules and hours in some departments vary according to job requirements (e.g., maintenance, housekeeping, and security). These special work schedules are administered through departmental policies. All employees are expected to observe their schedule of working hours, and supervisory approval is always necessary for any adjustment to regularly scheduled working hours.

Nothing herein shall be construed as a guarantee of hours of work per day or per week. St. Bonaventure University reserves the right to alter the work schedule.

### Overtime

Overtime pay is available only to those employees designated as overtime-eligible through job duties analysis conducted by the Human Resources department.

Overtime pay specifically refers to pay at one and a half times the normal rate for hours worked in excess of 40 during a pay week. Where an employee has multiple rates of pay, the regular rate is the weighted average of the employee's multiple rates of pay for the week based on the number of hours worked at each rate. The weighted average is the total regular pay divided by the total hours worked in the week.

Overtime pay will be calculated based on the hours beyond the standard workweek of 40 hours. Paid time off (PTO), holidays, or other forms of leave will count toward overtime hours.

In certain circumstances, SBU may require employees to work mandatory overtime to meet business demands. Employees will be notified in advance whenever possible unless unforeseen circumstances necessitate immediate action.

Under certain circumstances for special events, the Director of Facilities Operations and the Associate Dean for Campus Safety may authorize double-time pay for a non-exempt employee who is required to accommodate the special event needs of the university. Double-time hours will be compensated at a rate of 2 times the regular hourly wage for non-exempt employees. For example, if the regular hourly wage is \$X, the double-time wage will be  $\$X * 2$ . Any double-time hours will not be used in the calculation of normal overtime hours.

Regular full-time employees who are called upon to work on a designated Holiday will receive the employee's regular straight-time hourly rate for hours worked on the Holiday plus 8 hours of Holiday pay. This does not apply to Paid Time Off (PTO) days typically scheduled around designated holidays (See also "Holiday and PTO Days").

Overtime-eligible employees who work during the 11:00 p.m. to 7:00 a.m. shift are entitled to a shift differential of \$2/hour for work performed during that time period.

Non-exempt employees who are called into work as a result of an emergency are guaranteed a minimum of four hours of regular pay regardless of of time actually worked.

Premium pay in the form of time and one-half may be awarded in other special circumstances but must be approved in advance by the Vice President for Finance and Administration.

### **Meal and Rest Periods**

Employees are permitted two fifteen-minute breaks during the course of an eight-hour shift. The scheduling of breaks may vary and will be designated by the supervisor or department head. Breaks are not cumulative and are lost if not used the same day. Under no circumstances may breaks be taken or combined to create longer lunches, later start, or an earlier end to workdays.

All employees are entitled an unpaid, uninterrupted meal break in accordance with state law. Supervisors are responsible for establishing meal break schedules for the employees they supervise. While the schedules may vary for different employees or departments, the meal periods will be between 11:00 am and 2:00 pm each day.

If you do not take a scheduled meal break for any reason, you must notify your supervisor as soon as possible so that alternative arrangements can be made. Employees may not work through their meal breaks or skip meal breaks to leave work early.

# **EMPLOYEE BENEFITS**

This Handbook contains a brief description of a select number of benefits available to employees. A full description of all of the employee benefits offered to employees is found in the separate Employee Benefits Overview, which can be found on my.sbu.edu.

## **Employee Assistance Program**

An Employee Assistance Program (EAP) is provided to all University employees. This plan provides confidential counseling for employees, their spouse, and dependent children on a variety of matters. The employee and their family members can access the EAP on a 24-hour a day basis. For current information please contact the Office of Human Resources.

## **Health Insurance**

All full-time employees are eligible to participate in a health insurance plan sponsored by the University on the first of the month following their date of hire of continuous full-time employment. Part-time employees who work an average of 30 hours per week over a twelve-month period also become eligible for health benefits (human resources will notify you of your eligibility). Details about the University's health insurance plan options may be obtained from the office of human resources. The University reserves the right to change the plan, carrier, benefits offered, and/or level of contribution.

Annually during Open Enrollment and following a qualifying event (marriage, birth of a child, divorce, etc.), employees may join or leave the group plan and/or change their plan election.

During unpaid leaves of absence, employees must make arrangements to continue to pay their share of the insurance premiums; however, employees on short-term disability leave may have their portion of the health insurance premium waived after 30 calendar days of consecutive absence. Waiver continues for a maximum of 60 calendar days, unless employment with the University ends before that time.

Pre-Tax Premium Plan: as per Internal Revenue Service Code – Section 125, the employee contribution for health insurance is paid for with their pre-tax dollars. This means tax savings for the employee Health Insurance Premium contributions are not subject to Federal Income Tax, New York State Income Tax, and Social Security Taxes. Should you wish to pay for your premiums on an after-tax basis, please submit your request in writing to the Office of Human Resources.

## **Rights of Nursing Mothers**

St. Bonaventure will provide a reasonable amount of break time to accommodate an employee's need to express breast milk for the employee's infant child. Lactation breaks will be provided for up to three years following the child's birth.

Generally, these breaks shall be twenty to thirty minutes in duration, once every three hours. An employee may require a different break schedule and, if so, she should notify her supervisor who will work with her to accommodate her needs. The employee may be required to postpone her scheduled unpaid break time for no more than 30 minutes if she cannot be spared from her duties until appropriate coverage arrives.

The break time should, if possible, be taken concurrently with other break periods already provided. Non-exempt employees should clock out for any time taken that does not run concurrently with normally scheduled rest periods, and such time generally will be unpaid, in accordance with state law.

St. Bonaventure will also make a reasonable effort to provide the employee with the use of a room or other location near the employee's work area, for the employee to express milk in private.

Please notify your supervisor to request time to express breast milk under this policy.

St. Bonaventure reserves the right to deny an employee's request for a lactation break if the additional break time will seriously disrupt operations and/or causes an undue hardship. Reasonable alternatives will be discussed with the employee in an effort to accommodate the employee's needs. No provision of this policy applies or is enforced if it conflicts with or is superseded by any requirement or prohibition contained in a federal, state, or local law or regulation.



# LEAVES OF ABSENCE AND PAID TIME OFF

## Jury Duty

Employees who are summoned for jury duty acknowledge their civic responsibilities by fulfilling this obligation. The employee's supervisor must first be notified. Paid leave of absence for jury duty is available for employees when such duty is required by law (jury duty fees paid by the court must be surrendered to the University). Jury duty papers should be presented to the supervisor as soon as they are received so that departmental schedules can be adjusted. Paid jury duty for full-time employees is limited to ten (10) working days per calendar year, unless extended in the exclusive discretion of the University, and it applies only to jury service performed during the scheduled work week. Paid jury duty for part-time employees is limited to the first three days of jury duty for service performed during regularly scheduled hours. The employee shall be required to:

1. Notify his or her immediate supervisor as soon as possible before the employee is required to report for jury service.
2. Return to his or her immediate supervisor a completed form certified by the Court Clerk.
3. Cooperate with the University in requesting excuse or delay from jury service where the employee's absence will adversely affect the University's operations.
4. Report back to work at any time when he or she is free from the responsibilities of jury duty.

## Military Leave and Reemployment Policy

St. Bonaventure will provide the necessary time off to employees who are required to fulfill military obligations in any Armed Forces, National Guard, other uniformed services or state military, as required by federal and state law. If employees return to work or apply for reemployment on a timely basis, they will be reinstated in accordance with federal and state law.

Military leave under this policy is unpaid; however, employees may use available paid time off. Exempt employees may be provided time off with pay as necessary to comply with state and federal wage and hour laws.

If you need to take military leave, you must give advance notice of your service obligations to your supervisor, unless military necessity makes advance notice impossible. Military orders should be presented to the Office of Human Resources and arrangements for leave made as early as possible before the beginning of leave.

Your benefits may continue to accrue during the period of leave in accordance with state and federal law.

Additional information may be found in the Military Leave policy found in the Governing Documents.

## Military Leave: Leave of Absence for Military Spouses

An employee who works an average of twenty or more hours per week, who is a spouse of a member of the armed forces of the United States, National Guard or reserves who has been deployed during a period of military conflict to a combat theater or combat zone of operations, shall be allowed up to ten days unpaid leave.

A period of military conflict includes a period of war declared by the United States Congress or a period in which a member of a reserve component of the armed forces is ordered to active duty as set forth in New York Labor Law §202-i.

This leave shall only be used when the employee's spouse is on leave from the armed forces of the United States, National Guard or reserves while deployed during a period of military conflict to a combat theater or combat zone of operations. St. Bonaventure reserves the right to require documentation to substantiate the right to take such leave.

### **Bereavement Leave**

In the event that an employee is bereaved by the death of a spouse, child, step-child, parent, parent-in-law, step-parent, sibling, sibling-in-law, grandchild or grandparent, that employee shall be entitled to a leave of absence not to exceed three (3) workdays. Use of bereaved days does not have to be consecutive. The employee will receive his or her regular straight-time wages for each scheduled workday, provided:

1. The employee attends the funeral (unless excused by the University).
2. Bereavement leave shall not apply during periods where the employee is on vacation or absent from work because of sickness, leave of absence, or any other leave.
3. At the time a request for bereavement leave is made, proof of death may be required at the discretion of the University.
4. Additional bereavement leave may be granted by the supervisor after consultation with the Office of Human Resources.

### **Blood Donation Leave**

St. Bonaventure University provides a paid leave benefit for those donating blood on campus if the blood drive is held during the employee's regular work hours. Per NYS labor law section 202-j, the University grants all employees sufficient paid leave time necessary to donate blood on campus, to recover, including partaking of nourishment after donating, and to return to work. Should the employee be unavailable during an on-campus blood drive, or if a blood drive is held outside the employee's normal work hours, the employee may, during their normal work hours, use vacation, personal, PTO time or up to three (3) hours of unpaid leave once per year to donate off-site at a time and place convenient to them.

### **Bone Marrow Donation Leave**

Employees who work an average of 20 hours or more each week are eligible to receive up to 24 hours of unpaid leave to donate bone marrow.

Please provide Human Resources with written physician verification of the purpose and length of each leave.

For more information regarding this leave, please see Human Resources.

## **Witness/Crime Victim Leave**

Employees who are the victim of a crime or who are subpoenaed to be a witness in a criminal proceeding shall be given time off without pay to attend the criminal proceeding or to consult with the District Attorney. We ask that you notify Human Resources of the need to take witness leave as far in advance as is possible and may require that you provide documentation of the need for leave under this policy.

## **Voting Leave**

The University believes that every employee should have the opportunity to vote in any local, state, or federal election, general primary, or special primary. Any employee whose work schedule does not provide him or her with sufficient time to vote while polls are open will be granted up to two paid hours off in order to vote. Any additional time off will be without pay. We reserve the right to select the hours you are excused to vote.

Notify Human Resources of the need for voting leave at least two business days before the election. When you return from voting leave, you must present a voter's receipt to Human Resources as soon as possible.

## **Family and Medical Leave**

Consistent with the Family and Medical Leave Act (FMLA) of 1993, eligible employees are entitled to take up to twelve (12) weeks or twenty-six (26) weeks of unpaid leave for specified family and medical reasons.

### **A. Employee Eligibility**

To be eligible for FMLA leave, an employee must:

- 1) have worked for St. Bonaventure University ("University") for at least twelve (12) months;
- 2) have worked at least 1,250 hours during the twelve (12) month period immediately preceding commencement of the leave; and
- 3) work within a 75-mile radius of 50 employees.

Determination as to whether an employee has met these requirements will be made as of the date that the leave is to commence.

### **B. Leave Entitlement**

- 1) The University will grant an eligible employee up to a total of twelve (12) workweeks of unpaid leave during any twelve (12) month period for one or more of the following reasons:
  - a) the birth and care of the employee's newborn child;
  - b) the placement of a child with the employee for adoption or foster care;
  - c) to care for an immediate family member (spouse, child or parent, but not parent-in-law) with a serious health condition;
  - d) the employee's own serious health condition that prevents him/her from performing the functions of his/her position; or

- e) a qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on covered active duty (or has been notified of an impending call or order to active duty).
- 2) The twelve (12) month period is defined as a "rolling" twelve (12) month period measured backward from the date an employee uses any FMLA leave. According to the "rolling" twelve (12) month period, each time an employee takes FMLA leave the remaining leave entitlement would be any balance of the twelve (12) weeks which has not been used during the immediately preceding twelve (12) months.
- 3) Leave for birth or adoption (including foster care placement) must conclude within twelve (12) months of the birth or placement.
- 4) For purposes of FMLA, "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves:
  - a) Inpatient care in a hospital, hospice, or residential medical care facility; or
  - b) Continuing treatment by a health care provider. A serious health condition involving continuing treatment by a health care provider requires:
    - (i) A period of incapacity for more than three consecutive calendar days that involves treatment two or more times by a health care provider or treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider;
    - (ii) Any period of incapacity due to pregnancy or for prenatal care;
    - (iii) Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which: (1) requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider; (2) continues over an extended period of time (including recurring episodes of a single underlying condition); and (3) may cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.);
    - (iv) A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective; or
    - (v) Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis).

Ordinarily, the common cold, the flu, earaches, upset stomach, minor ulcers, headaches, periodontal disease, routine dental or orthodontia problems are examples of conditions that do not meet the definition of a serious health condition and do not qualify for FMLA leave.

- 5) Spouses employed by the University are entitled to a separate family leave for the birth or placement of a child for adoption or foster care, and to care for a child who has a serious health condition, or for their own serious health conditions. In all circumstances, spouses are limited to a combined total of 12 weeks in a 12-month period.

- 6) When medically necessary, an employee may take leave on a reduced schedule or intermittently (a few days or a few hours at a time) to care for an immediate family member with a serious health condition or because of a serious health condition of the employee. Medically necessary means there must be a medical need for the leave and that the leave can best be accomplished through a reduced or intermittent schedule. An employee taking intermittent leave, or leave on a reduced leave schedule, may be required to transfer temporarily to a position with equivalent pay and benefits that better accommodates recurring periods of leave.
- 7) When leave is needed to care for an immediate family member or the employee's own illness, and is for planned medical treatment, the employee must attempt to schedule treatment so that it will not unduly disrupt the University's operations.

### **C. Pay During Leave**

Employees will not be paid while on FMLA leave except as follows:

- 1) Nothing in this policy prevents an employee from applying for Workers' Compensation, Paid Family Leave or Disability Benefits. Any leave which is covered by Workers' Compensation or Disability Benefits will count against an employee's FMLA entitlement.
- 2) To the extent permitted by applicable law, employees are expected to utilize accrued, available PTO during an FMLA leave.

### **D. Maintenance of Health Benefits**

- 1) The University will maintain group health insurance benefits for employees on FMLA leave on the same basis as coverage would have been provided if the employee had been continuously employed during the FMLA leave period. Any share of group health plan premiums which had been paid by the employee prior to FMLA leave must continue to be paid by the employee during the FMLA leave period. If in unpaid leave status, employees on short-term disability leave may have their portion of the health insurance premium waived after 30 calendar days of consecutive absence for the duration of the FMLA leave period. Waiver continues for a maximum of 60 calendar days unless employment with the University ends before.
- 2) If the University pays the employee's share of any premium payments (other than as waived above), the University reserves the right to recover payments made in any manner permitted by law.
- 3) If coverage is terminated and the employee returns to work from FMLA leave, the employee's group health insurance benefits will be reinstated, to the same extent the employee would have been entitled to these benefits had he/she not taken FMLA leave.
- 4) For all periods during which an employee substitutes paid leave for unpaid FMLA, benefits will continue to accrue and deductions for group health insurance will continue to be made.
- 5) If an employee gives unequivocal notice of intent not to return to work, the University's obligation to continue group health insurance benefits ceases. If the employee chooses not to return to work for reasons other than a continued serious health condition, the University will require the employee to reimburse the University the entire amount it paid for the employee's health insurance premium during the unpaid FMLA leave period.

## **E. Job Restoration**

- 1) Upon return from FMLA leave, an employee will be restored to his or her original position, or to an equivalent position with equivalent pay, benefits, and other employment terms and conditions, unless the individual's employment would have terminated for reasons unrelated to the leave (e.g., reorganization, lay off, etc.).
- 2) Under specified and limited circumstances, the University may refuse to reinstate certain highly paid "key" employees after using FMLA leave. In order to do so, the University will:
  - a) notify the employee of his/her status as a "key" employee in response to the employee's notice of intent to take FMLA leave;
  - b) notify the employee as soon as the employer decides to deny job restoration and explain the reasons for this decision; and
  - c) offer the employee a reasonable opportunity to return to work from FMLA leave after giving this notice.
- 3) If an employee's need for FMLA ceases prior to the end of the requested leave, the employee is required to promptly return to work. If the employee fails to return to work, the employee will be considered to have voluntarily quit.
- 4) After exhausting the FMLA entitlement, an employee must return to work or apply for an Unpaid Personal Leave. (See, Handbook p. 45) If the University approves the Personal Leave, the FMLA leave will count against the employee's entitlement under the Personal Leave policy. For example, an employee, who exhausts his/her FMLA entitlement and is approved for a Personal Leave Medical Leave of Absence, is entitled to only an additional nine-month Personal Leave.
- 5) An employee failing to return to work at the end of approved leave or when able to may be terminated.

## **F. Notice and Medical Certification**

- 1) Except where leave is not foreseeable, all employees requesting leave under this section must submit their request in writing to the Office of Human Resources thirty (30) days before the leave is to commence. If an employee fails to provide thirty (30) days' notice for a foreseeable leave, the leave request may be denied until at least thirty (30) days from the date the employer receives notice.
- 2) Where the need for leave is not foreseeable, the employee must submit a written request as soon as is practicable.
- 3) For leaves taken because of the employee's or a covered family member's serious health condition, the employee must submit a completed "Medical Certification Form", and return the form to the Office of Human Resources. The Medical Certification Form must be provided by the employee no later than sixteen (16) days from the date of such request. In emergencies, a completed Medical Certification Form must be submitted as soon as practicable. Failure to provide medical certification may result in a denial of leave. A doctor's excuse or note does not evidence a serious health condition. Instead, the employee must provide the University with a Medical Certification Form, which is completed in its entirety. An employee who fails to provide the University with a Medical Certification Form is not protected under FMLA. An employee who has not filed the required leave form and "Medical Certification Form", where applicable, must

follow the call-in procedure for each day of absence. Failure to do so shall be considered a no-show/no-call.

- 4) Upon review of the application and Medical Certification Form, the University has the right to require the employee to obtain the opinion of a second health care provider. The University will pay for the examination by the second health care provider, who will be selected by the University. In the event of a dispute between the two medical opinions, the University and the employee will choose a third health care provider. The third health care provider will render a binding opinion as to the serious health condition.
- 5) The University has the right to require periodic medical recertification.
- 6) The University has the right to require medical certification of an employee's ability to return to work.
- 7) If it becomes necessary for an employee to take more leave than originally planned, the employee is obligated to give the University reasonable advance notice of the change in circumstances.
- 8) While on leave, employees are required to report periodically to the University regarding the status of the medical condition and their intent to return to work. If an employee gives unequivocal notice of intent not to return to work or the employee fails to return to work after exhausting his/her FMLA entitlement, the University's obligation to restore the employee to employment ceases and the employee may be terminated.

## **G. Service Member Family Leave**

### **a. Employee Eligibility**

An eligible employee who is the spouse, son, daughter, parent, or next of kin (nearest blood relative) may qualify for service member family leave to care for a "covered service member" with a serious illness or injury.

A "covered service member" is a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in "outpatient status," or is otherwise on the temporary disability retired list, for a "serious injury or illness."

A covered service member is on "outpatient status" when the member is assigned to a military medical treatment facility as an outpatient, or a unit, established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

A covered service member has a "serious injury or illness" when the member has an injury or illness incurred in line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.

### **b. Leave Entitlement**

An eligible employee shall be entitled to a total of twenty-six (26) workweeks of leave during a twelve (12) month period to care for a "covered service member." Such leave shall only be available during a single twelve (12) month period. During such a period, the eligible employee shall be entitled to a combined total of twenty-six (26) workweeks of FMLA leave, including both service member family leave and other FMLA leave.

Spouses employed by the University are jointly entitled to a combined total of twenty-six (26) workweeks of leave under the FMLA during a single twelve (12) month period, if the leave is service

member family leave or if the leave is a combination of service member family leave and other FMLA leave. Leave based on a serious health condition that makes the employee unable to perform the functions of the position of the employee does not count toward this limit. Such spouses remain subject to the limitation of a combined total of twelve (12) workweeks of leave for the birth or placement of a child for adoption or foster care, and to care for a child or their own parent who has a serious health condition, set forth in Section B(5), above.

Service member family leave may be taken intermittently or on a reduced leave schedule when medically necessary. Such leave is subject to the requirements in Section B(6), above.

An employee taking service member family leave for planned medical treatment shall make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the University, as set forth in Section B(7), above.

c. Pay During Leave

An employee shall not be paid while on service member family leave except as provided under Section C, above. To the extent permitted by applicable law, employees are expected to utilize accrued, available PTO during a service member family leave.

d. Maintenance of Health Benefits

Service member family leave is subject to the maintenance of health benefits rules of Section D, above.

e. Job Restoration

Service member family leave is subject to the job restoration rules of Section E, above.

f. Notice and Medical Certification

Service member family leave is subject to the notice and medical certification rules of Section F, above.

The University may require a medical certification by the health care provider of the service member being cared for by the employee, in the case of an employee unable to return to work because of a condition forming the basis for service member family leave.

## **Paid Time Off**

Purpose:

In keeping with the Franciscan values and mission of the university, this policy provides eligible employees with Paid Time Off (PTO) for time away from work for a variety of reasons. Time away from work must be approved and recorded in a manner that protects the interests of both the institution and its employees.

Scope and Eligibility:

All full-time, part-time, seasonal, and temporary staff are eligible to receive an allotted amount of PTO to allow for time off in compliance with the NYS Paid Sick Leave law.

Policy Statement:



The University appreciates the work of all employees, and wants employees to understand their rights to time away from work for personal, family, community, and other outside needs and obligations. At the same time, it is necessary to place reasonable limits on time away from work to ensure that each individual's job responsibilities are properly carried out, and that all employees are treated fairly and consistently in dealing with time away from work.

The PTO Policy does not cover scheduled university holidays, time off for jury duty, voting, or bereavement leave. Questions about PTO should be directed to the Office of Human Resources.

PTO may be used for any reason including an employee's own illness, to care for a family member, to attend to personal business, or to enjoy a vacation.

#### Use of PTO for Qualifying Paid Sick Leave Purposes

This policy is intended to comply with the requirements of the NY Paid Sick Leave Law. Accordingly, employees may use any available PTO time for a qualifying reason recognized under the NY Paid Sick Leave Law including the following:

1. The mental or physical illness, injury, or health condition of the employee, regardless of whether such illness, injury, or health condition has been diagnosed or requires medical care at the time that such employee requests such leave, as well as the diagnosis, care or treatment of the same;
2. The mental or physical illness, injury, or health condition of an employee's family member, regardless of whether such illness, injury, or health condition has been diagnosed or requires medical care at the time that such employee requests such leave, as well as the diagnosis, care or treatment of the same;
3. An absence from work when an employee or an employee's family member has been the victim of domestic violence, a family offense, sexual offense, stalking, or human trafficking, including leave to:
  - a. Obtain services from a domestic violence shelter, rape crisis center, or other services program;
  - b. Participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or the employee's family members;
  - c. Meet with an attorney or social services provider to obtain information and advice on, and prepare for and participate in, any criminal or civil proceeding;
  - d. File a complaint or domestic incident report with law enforcement;
  - e. To enroll children at a new school;
  - f. Meet with a district attorney's office; and
  - g. Take any other actions necessary to ensure the health or safety of the employee or the employee's family member, or to protect those who associate or work with the employee.

\*\*An employee who has committed domestic violence, a family or sexual offense, stalking, or human trafficking is not eligible for leave under 3(a)-(g), nor may this leave be used on behalf of an employee's family member who has engaged in any of these.

For purposes of this policy, "family member" is defined as an employee's child (including biological child, adopted child, foster child, a legal ward, or a child for whom the employee stands "in loco parentis"), spouse, domestic partner, parent (including biological parent, foster parent, step-parent, adoptive parent,

legal guardian, or an individual who stood “in loco parentis” to the employee as a minor child), sibling, grandchild or grandparent, and the child or parent of an employee’s spouse or domestic partner.

### Use of Voluntary PTO time limits

Employees wishing to use PTO time voluntarily (planned in advance) will be limited to the use of two consecutive weeks of paid time off at any one time, subject to the supervisor’s discretion and approval. In the event an employee requests, or needs to use more than two consecutive weeks at one time, permission from the applicable Division Vice President is required in writing. \*This time limit does not pertain to employees using the time for medical leave.

The minimum increment of time that can be used is two (2) PTO hours.

### Requesting time off & Tracking of Leave for Exempt Employees

- Requests – planned PTO requests should be submitted to the appropriate supervisor in writing with as much advance notice as possible. A minimum of 5 business days is recommended.
- Approvals – The supervisor will approve or deny the request for the use of voluntary PTO in writing, and a copy of the approval provided to the Office of Human Resources. Except in cases of medical need, supervisors may deny PTO requests when PTO balances are at zero or the request causes staffing and scheduling issues.
- Discretion – In the case of multiple staff in the same department requesting PTO for the same day(s), the supervisor may approve and/or deny the requests based on the needs of the department, scheduling conflicts, and/or seniority, etc.
- Reporting and Tracking – For non-exempt employees, PTO will continue to be reported via the bi-weekly timesheet. For exempt employees, time off must be requested using the “Time Off Request” currently found on My.SBU.edu until such time that the new HRIS system is implemented and time can be recorded using that system.
- Other leave types –If PTO is used for the illness of the employee or family member, the employee may be eligible for other leave options such as short-term disability, Family and Medical Leave (FMLA), and/or NYS Paid Family Leave (NYS PFL). In these circumstances, the employee should contact the Office of Human Resources for guidance with navigating leave options. For absences greater than 3-consecutive days due to illness, a medical note will be required to be submitted to the Office of Human Resources verifying the existence of a need for sick leave, the amount of leave needed, and a date that the employee may return to work. In some circumstances, the employee may be required, prior to the employee’s return to work, to provide medical documentation confirming the employee’s ability to return to work. If the clearance to return to work includes a request for an accommodation, it is requested that the medical clearance be submitted a minimum of two days prior to the date of return to allow for HR and the employee’s supervisor to determine if the accommodations are reasonable and can be provided without creating an undue hardship.

### Annual PTO allotment

Annual PTO allotments will be available in full on the first day of each new fiscal year (June 1) for all current employees. The amount of annual PTO awarded is determined by the employee’s years of service.

### Factors that may affect the PTO allotment

- Date of hire
- Employment status (changing positions, transition from full-time to part-time, work schedule, etc.)
- Number of months position is expected to work (i.e., 9, 10, 11, or 12-months)

Annual PTO allotment based upon years of service:

Annual PTO allotments for full-time, 12-month employees

- 0 to <5 years of full-time service – 20 days (4-weeks)
- 5 to <10 years of full-time service – 25 days (5-weeks)
- 10+ years of full-time service – 30 days (6-weeks)

Full-time employees working less than 12-months – the annual PTO allotment for full-time employees working less-than 12-months shall be 56 hours per year. At no time will an employee receive less than 56 hours of PTO per fiscal year.

\*PTO is only awarded at the beginning of each fiscal year (June 1). Should an employee reach a milestone anniversary after June 1 that would increase their amount of annual PTO, they will receive the increase at the beginning of the next fiscal year. For example, if an employee reaches their 6-year anniversary on June 2nd, they will receive 20 days (160 hours) of annual PTO until June 1 the following year.

Part-time, seasonal & temporary employees - In compliance with the NYS Paid Sick Leave Law, part-time, seasonal and temporary employees will be allotted 56 hours of PTO per fiscal year that is available for use for any personal reason, as well as any Paid Sick Leave qualifying reason as defined in the NY Paid Sick Leave Law and summarized above.

90-day probationary period – All newly hired employees will begin accruing paid leave in accordance with the NYS Paid Sick Leave law for the first 90 days of employment. Employees will earn 1 hour of paid leave for every 30 hours worked. Upon the successful completion of 90 days of employment, all newly hired employees will receive an allotment of PTO that will bring their allotment to a minimum of 56 hours of leave (inclusive of the time that was accrued during the first 90 days of employment). For full-time, 12-month employees completing their 90-day probationary period, they will receive an allotment of PTO not to exceed the prorated time detailed below.

Prorated annual allotment for full-time, 12-month employees in their 1st year of employment

90-day probationary period ending in:

- July – 18.5 days (148 hours)
- August – 17 days (136 hours)
- September – 15.5 days (124 hours)
- October – 14 days (112 hours)
- November – 13 days (104 hours)
- December – 12 days (96 hours)
- January – 11 days (88 hours)
- February – 10 days (80 hours)
- March – 9 days (72 hours)
- April – 8 days (64 hours)
- May – 7 days (56 hours)

Unused PTO – At the end of each fiscal year, any unused paid time off will carry-over to the next fiscal year. However, at no time will an employee be allowed to use more than their annual allotment of paid time off plus 56-hours in compliance with the NYS Paid Sick Leave Law.

Separation of Employment - Unused PTO will not be paid out at the time of separation from employment, regardless of the reason for such separation, including retirement.

### Franciscan Care Benefit (FCB)

The Franciscan Care Benefit (FCB) has been created to support full-time employees who have worked for the university a minimum of 5 years. The FCB is available to eligible employees in the event of a disability that prevents them from returning to work upon the exhaustion of their annual PTO and that, at the time the employee begins their leave, is expected to last for at least 35 calendar days. If available, the FCB will provide an eligible employee with continued income in an amount which, when added to short-term disability benefits for which they are eligible, will equal their full-time compensation. The FCB is NOT for temporary, short-term conditions. (The FCB will replace the existing sick bank). The FCB is not intended to be a replacement for short-term disability insurance. Employees who are eligible for short-term disability must file a claim for benefits as a condition for eligibility for FCB benefits. To the extent permitted by applicable law, any use of FCB will run concurrently with any other leave type (i.e., FMLA).

#### Definitions:

A. "Eligible Employee" means a full-time employee who has worked for the university for at least 5 years. All full-time employees become eligible employees upon reaching their 5-year service anniversary.

B. "Full-time Compensation" means for salaried employees, their regular base salary, and for hourly paid employees, their hourly rate times their regular weekly hours of service.

C. "Full-time Employee" means a university employee expected to work 30 or more hours per week on a regular basis for at least 9-months out of the calendar year.

D. "Long-Term Disability (LTD) Insurance" refers to an insurance product that replaces one's income for an extended period of time in the event of a disability.

E. "Short-Term Disability (DBL) Insurance" refers to an insurance product that supplements or replaces one's income for a short period of time in the event of a disability.

### Approved Uses and Exclusions

- The FCB is only available to eligible employees who experience a disability that prevents them from returning to work upon the exhaustion of their annual PTO and that, at the time the employee begins their leave, is expected to last for at least 35 calendar days, as supported by written certification from a licensed medical professional.

- In no event will FCB benefits exceed an amount that, when added to the short-term disability benefits for which an employee is eligible, equals their full-time compensation.
- FCB leave is only available to eligible employees and is not available for an illness, injury or disability of an employee's family member or to care for or assist other persons who are ill or disabled. Employee's needing leave for the purpose of caring for family members should speak to the Office of Human Resources to determine eligibility for other leaves such as the NYS Paid Family Leave.
- FCB benefits are not available for any condition or disability that is covered under Worker's Compensation laws.

- All annual PTO leave must be exhausted before an eligible employee may receive paid leave under the FCB.
- If an employee is using FCB leave hours at the end of a fiscal year (May 31), they will not be eligible for the annual renewal of PTO until they are medically cleared and have returned to work. In such a case, the amount of annual PTO awarded at the conclusion of the FCB leave will be prorated based upon the month in the fiscal year in which they return.
- Once an employee becomes eligible for long-term disability (LTD) insurance benefits, no additional leave days will be granted under the FCB, whether or not the employee files a claim for LTD.
- Employees may only use leave under the FCB policy a maximum of 2 times in a 15-year period of employment. Any use of the FCB will count even if the employee does not use the full benefit. For example, if an employee uses 1 month of FCB, this usage will count as 1 of 2 possible FCB usages during a fifteen (15) year period.

### Requesting Use of the Franciscan Care Benefit (FCB)

Employees wishing to request leave under the FCB should reach out to the Office of Human Resources a minimum of 2-weeks prior to the exhaustion of their annual PTO to review and discuss their eligibility.

The FCB shall provide full-time employees with the following amount of paid leave:

- 0 to <5 years of service = no benefit
- 5 to <10 years of service = up to 3 months (13 weeks) paid leave
- 10+ years of service = up to 6 months (26 weeks) paid leave or until the employee is eligible for Long-term disability (LTD) insurance benefits, whichever comes first. LTD coverage is provided to all full-time employees of SBU.

This policy does not apply to bereavement leaves, voting leaves, or leaves necessary for jury duty.

### Example Scenario 1:

Jane Doe has worked for SBU for 7-years. Recently she had to have surgery that required her to be out of work for approximately 6-weeks. Jane has not used any of her PTO yet this year (5-weeks) and plans to use this time to cover her time away from work. After surgery, Jane needs additional time for recovery and she will not be cleared to return to work until 8-weeks following her surgery. Jane will have the option to request compensation under the Franciscan Care Benefit (FCB) to provide her with full-income for the 3-weeks she will need to be out-of-work after her PTO has been exhausted. HR has determined that Jane is eligible for up to 3 months of paid leave under the FCB and the requested use is granted. This will count as 1 of the 2 possible opportunities that Jane may use the FCB in a period of 15 years of employment with SBU.

### Example Scenario 2:

Joe Smith has worked for SBU for 15 yrs. Joe is involved in an automobile accident over the weekend. He is hospitalized and is expected to remain inpatient for at least 4-months. Joe has used 22 of the 30-days of PTO he has been allotted this year, prior to the date of the accident. Joe is unable to request use of the FCB due to his incapacitation. HR speaks with his family to explain the options available to Joe and it is decided that after the 8 remaining PTO days are exhausted, SBU will continue to pay Joe his salary using the FCB for a maximum of 6-months, or until Joe becomes eligible for Long Term Disability, whichever comes first.

The University's Human Resources Office will have full discretion to make all decisions and determinations under the FCB policy, including determinations as to the existence of a qualifying disability, an employee's years of service, an employee's eligibility for STD or LTD insurance benefits, and the availability and amount of any FCB benefits.

### **University Holidays**

The University designates a certain number of holidays each year. On these holidays, most University offices are scheduled to be closed, and regular full-time employees are eligible to receive Holiday Pay. Even during holiday closures, however, some essential services must be continued. Employee scheduling during closures is at the discretion of the appropriate, responsible supervisor. Employees scheduled to work during an official holiday closure will be paid 8 hours for the holiday and straight time for actual hours worked. Any exceptions must be approved by the Office of Human Resources. PTO days are not considered holidays and are not subject to holiday pay rules. Holiday time and PTO balances do not have a monetary value and are not paid out upon separation from employment.

The University will announce holiday closure dates each year by the end of May. Although the University retains the discretion to announce a new holiday schedule each year, the typical list of holidays is set forth below:

## St. Bonaventure University Designated Holidays

(Dates vary by year and are announced annually. Holidays may include multiple days.)

- ❖ Independence Day
- ❖ Fall Break Day
- ❖ Thanksgiving Day
- ❖ Christmas Eve
- ❖ Christmas Day
- ❖ New Year's Eve
- ❖ New Year's Day
- ❖ Martin Luther King Jr. Day
- ❖ Holy Thursday
- ❖ Good Friday
- ❖ Easter Monday
- ❖ Memorial Day
- ❖ Juneteenth

In the event that a holiday falls on a weekend, the University reserves the right to recognize the holiday on a weekday. In order to be eligible for holiday pay, the employee must be scheduled to work before and after the holiday, or be on paid leave. Holidays falling within a period of vacation will not be counted as vacation.

Employees on unpaid leave of absence at the time the holiday occurs are not eligible for Holiday pay. Employees with reduced-year obligations are not eligible for any holidays that fall within the time of the year when they are not otherwise scheduled to work.

### New York State Paid Family Leave

Effective January 1, 2018, the University will provide its employees working in New York with paid leave benefits in accordance with the New York State Paid Family Leave Benefits Law ("PFL"). PFL is designed to enable covered, eligible employees to take time off from work to care for family members under circumstances as outlined below. Employees taking PFL will receive partial wage replacement through an insurance policy that is funded by biweekly, post-tax employee payroll deductions (established annually in accordance with state law). Payroll deductions will begin on January 1, 2018, or the employee's first day of employment, whichever is later. Participation in the PFL program is mandatory for all employees, except for those individuals eligible for a waiver (explained below).

#### Employee Eligibility

An employee regularly scheduled to work at least 20 hours per week is eligible to take PFL after he/she has been employed by the University for 26 consecutive weeks.

An employee regularly scheduled to work less than 20 hours per week is eligible to take PFL after working for the University for 175 days.

Note: Time spent on paid time off will count towards an employee's eligibility determination, provided deductions were taken during that period of paid time off. However, time that an employee spends on New York State Disability Leave or unpaid leave will not be counted towards an employee's eligibility determination.

Eligible employees may apply to take PFL for the following qualifying reasons:

1. **Caring:** To provide care for their child (regardless of age), parent (including parent-in-law), grandparent, grandchild, spouse and/or domestic partner with a “serious health condition.”
  - “*Providing care*” includes: necessary physical care, emotional support, visitation, assistance in treatment, transportation, arranging for a change in care, assistance with essential daily living matters, and personal attendant services.
    - **Note:** During the leave, the employee must be in close physical proximity to the identified family member who is receiving care.
  - “*Serious Health Condition*” means: an illness, injury, impairment or physical or mental condition that involves either in-patient care or continuing treatment (or supervision) by a health care provider. Questions regarding the definition of “serious health condition” should be directed to the Office of Human Resources.
    - **Note:** Absent complications, the common cold, the flu, an earache, an upset stomach, a minor ulcer, a headache (other than a migraine), a routine dental procedure/orthodontia problem, a periodontal disease, etc., ***does not*** typically constitute a serious health condition.
2. **Bonding:** To bond with their child following the child’s birth, adoption or placement in foster care.
  - In the case of adoption or placement, PFL may be taken prior to the adoption or placement if the employee’s absence is necessary for the placement or adoption to proceed. PFL taken for these circumstances must be used within one year of the first day of leave, or within one year of the adoption/placement, whichever is earlier.
  - In the case of the birth of a newborn child, PFL taken to bond with the child must be used within the first year following the child’s birth.
3. **Preparing:** To prepare for, or attend to, a qualifying exigency arising out of a family member’s military service.
  - “*Family member*”, as applied to this particular provision, shall include the employee’s spouse, domestic partner, child or parent who is currently on active duty or has been notified of an impending call to active duty in the Armed Forces of the United States.
  - “*Qualifying exigency*” shall have the same meaning and interpretation under PFL as the term is currently used under the federal Family and Medical Leave Act (“FMLA”). Questions regarding the definition or application of “qualifying exigency” should be directed to the Office of Human Resources.

**PFL is not available for the employee’s own disability or serious health condition.** Disability, FMLA or a non-FMLA medical leave may be available in those circumstances. Please see the University’s Short-Term Disability, FMLA and other medical leave policies for additional information.

**Note:** **PFL will run concurrently with leave under the FMLA where the reason for leave qualifies under both PFL and FMLA.** In these cases, employees will be required to comply with all applicable employee requirements (e.g., application, certification, notice, etc.) under both policies. Accordingly, employees should also review and refer to the University’s FMLA Policy. If an employee’s need for leave qualifies under both PFL and FMLA, but the employee declines to apply for PFL benefits (despite being notified that the reason for leave is a PFL-qualifying reason), any leave taken by the employee for such reason will nevertheless be counted against the employee’s PFL allotment.



## Waivers

Employees have the opportunity to waive PFL benefits under the following limited circumstances:

- The employee's regular work schedule is 20 or more hours per week, but the employee will not work for the University for 26 consecutive weeks.
- The employee's regular work schedule is less than 20 hours per week and the employee will not work for the University for 175 days during a consecutive 52-week period.

If an employee elects to waive PFL coverage, the University will not take PFL payroll deductions from that employee. However, if an employee elects to waive PFL coverage and his/her regular schedule changes such that he/she works for either 26 consecutive weeks or 175 days in a consecutive 52-week period, the employee's waiver will be automatically revoked under the law. When such a waiver is revoked, the University will notify the employee regarding his/her contribution obligations. Thereafter, the University may begin taking PFL payroll deductions from the employee, including any retroactive amounts from the employee's date of hire or the amount necessary to prevent the University from having to pay the applicable PFL insurance premium.

## Amount of PFL Leave Available

Employees are entitled to 12 weeks of PFL during a 52-week period.

The 52-week time period is calculated by measuring backwards from each day for which PFL is taken. PFL may be taken in daily or weekly increments. In the event that an employee also collects New York State Disability Leave Benefits (DBL) for his/her own disability, the maximum amount of time that can be taken for both DBL and PFL can total no more than 26 weeks during a 52-week time period.

The University will not permit more than one employee to use PFL to care for the same family member at the same time.

Example: If both spouses work for the University, the University may deny PFL to one spouse if both employees have requested to take PFL during the same period of time to bond with the same child. However, both spouses could take PFL at different times to bond with the same child.

## PFL Benefit Levels

Employees do not continue to receive their full pay from the University during PFL. Rather, they will receive a partial wage replacement benefit payment which will be paid directly from the University's insurance carrier. Benefit levels are set by state law as a percentage of the employee's average weekly income, which will be capped as a percentage of the state average weekly wage.

The maximum benefit is prescribed by law and is currently 67% of an employee's average weekly wage, but capped at 67% of New York State's average weekly wage.

If PFL leave spans across calendar years, the employee's benefit amount/rate is set at the time the PFL leave begins and does not increase during the leave period.

## Intermittent Leave

PFL may be taken on either a weekly or intermittent basis (*i.e.*, separate blocks of time). Intermittent PFL must be used in full-day increments.

If an employee takes intermittent FMLA in partial day increments for a reason that also qualifies for PFL, and the employee is paid and works at least part of a day, the University will track the hours taken against the employee's FMLA allotment. When the partial day increments taken total the number of hours in the employee's regular workday, the University will deduct one day of PFL from the employee's available PFL allotment.

### Employee Notice Requirements

Employees must provide the University with notice regarding the need for PFL before the start of the leave. Notice should be given to the Office of Human Resources. Employees are required to provide sufficient information and notice to inform the University of the Qualifying Event, the anticipated timing, and the duration of leave.

- If the need for PFL is foreseeable (*i.e.*, planned medical treatments/appointments, to bond with a child, a qualifying military exigency, etc.), the employee must provide The University with at least 30 days' advance notice, or as soon as the need for leave becomes known.
- If the need for PFL is not foreseeable because of a medical emergency, change in circumstances or lack of advance knowledge, the employee must notify the University as soon as practicable under the circumstances. See "Absence", page 13.
- If an employee fails to provide 30 days' advance notice of foreseeable PFL and provides no reasonable excuse for the delay, the insurance carrier may partially deny the claim for a period of up to 30 days from the date the notice is given.
- If leave is taken on an intermittent basis, the employee must provide notice as soon as is practicable before each day taken as intermittent leave.

When the need for PFL is foreseeable, including intermittent leave, employees are encouraged to consult with their supervisor and the Office of Human Resources regarding leave scheduling so as to minimize operational disruptions to the University.

### Applying for PFL Benefits

Employees needing PFL should notify the Human Resources Department. In order to receive income replacement benefits while on PFL, an employee must submit a claim form to the University's PFL insurance carrier using the applicable *Request for Paid Family Leave* forms. The claim form(s) will provide details regarding the documentation that will be required to support the request for PFL benefits. These forms may be obtained from the Office of Human Resources.

Employees are responsible for timely filing their own PFL claim(s) with the University's insurance carrier. While employees have 30 days from the date PFL is taken to file the claim, employees should consider filing the claim as quickly as possible to ensure prompt payment of PFL benefits if the claim is ultimately approved. The University will not file a claim on an employee's behalf. In addition, an employee will not receive any PFL benefits until the claim has been fully submitted and approved by the insurance carrier. The insurance carrier has 18 days, from the date of submission, to make this decision.

An employee who is absent from work and whose PFL claim is later denied by the insurance carrier, may be authorized for leave, if eligible, under the University's other leave of absence policies.

If the employee is not eligible under any other leave of absence policy, the employee will be required to apply any accrued, unused paid time off (vacation, sick or personal time). If the employee does not have any accrued, unused paid time off, the employee's absence may be treated as unexcused and subject to the University's attendance policy.

### Reminders:

- If the employee's need for leave is for an FMLA-qualifying event and the individual is an eligible employee under the FMLA, the employee must also apply for FMLA pursuant to the University's FMLA Policy.
- If an employee's need for leave qualifies under both PFL and FMLA, but the employee declines to apply for PFL benefits (despite being notified that the reason for leave is a PFL-qualifying reason), any leave taken by the employee for such reason will nevertheless be counted against the employee's PFL allotment.

### Substitution of Paid Time Off

If an employee takes PFL, but would prefer to receive his/her full pay, the employee may elect to substitute a full day of paid time off. In this instance, the employee is still required to file a claim with the University's insurance carrier, though the employee will not receive the PFL wage replacement benefit. Any paid time off substituted by the employee will be counted against his/her PFL allotment.

### Maintenance of Health Benefits

While an employee is out of work on an approved PFL, the University will maintain the employee's health benefits as if the employee continued to be actively employed. Specifically, SBU will continue to pay its portion of the group health insurance premium (where applicable) while the employee is on PFL.

The employee will be responsible for continuing to contribute his/her portion of the health insurance premium(s) and is expected to make arrangements with the Office of Human Resources to ensure timely payment. If payment is more than 30 days late, the employee's health insurance coverage may be dropped for the duration of PFL. The University will provide 15 days' notice prior to terminating coverage.

### Restoration of Employment

An employee who returns to work at the conclusion of an approved period of PFL will be restored to the same position or to a comparable position (with comparable pay, benefits and other terms and conditions of employment). If the employee has exhausted all weeks of available PFL and is still unable to return to work, the employee is no longer provided with any job restoration rights under PFL, unless other job protections apply (e.g., FMLA).

### Appeal Rights

If an employee's request for PFL has been denied by the insurance carrier, the employee has the right to appeal the determination through an arbitration proceeding. Information regarding the appeal process is available from the insurance carrier.

### Protection from Discrimination and Retaliation

The University will not discriminate and/or retaliate against any employee for inquiring about, applying for, or using PFL benefits. Employees who believe they have experienced discrimination and/or retaliation should immediately notify their supervisor, the Office of Human Resources or any other member of management.

### Fraud

An employee who fraudulently obtains PFL, or who uses PFL in an improper manner, is subject to disciplinary action, up to and including termination.

## Questions

An employee who has questions concerning PFL is encouraged to contact the Office of Human Resources for more information, clarification and/or appropriate guidance.

## **Attachment A**

### **Airborne Infectious Disease Exposure Prevention Plan St Bonaventure University**

**August 12, 2021**

The purpose of this plan is to protect employees against exposure and disease during an airborne infectious disease outbreak. This plan goes into effect when an airborne infectious disease is designated by the New York State Commissioner of Health as a highly contagious communicable disease that presents a serious risk of harm to the public health. This plan is subject to any additional or greater requirements arising from a declaration of a state of emergency due to an airborne infectious disease, as well as any applicable federal standards.

Employees should report any questions or concerns with the implementation this plan to their supervisor.

This plan applies to all “employees” as defined by the New York State HERO Act, which means any person providing labor or services for remuneration for a private entity or business within the state, without regard to an individual’s immigration status, and shall include part-time workers, independent contractors, domestic workers, home care and personal care workers, day laborers, farmworkers and other temporary and seasonal workers. The term also includes individuals working for digital applications or platforms, staffing agencies, contractors or subcontractors on behalf of the employer at any individual work site, as well as any individual delivering goods or transporting people at, to or from the work site on behalf of the employer, regardless of whether delivery or transport is conducted by an individual or entity that would otherwise be deemed an employer under this chapter. The term does not include employees or independent contractors of the state, any political subdivision of the state, a public authority, or any other governmental agency or instrumentality.

As of the date of the publication of this document, while the State continues to deal with COVID-19 and a risk still exists, no designation is in effect at this time. Please check the websites of Departments of Health and Labor for up to date information on whether a designation has been put into effect, as any such designation will be prominently displayed. No employer is required to put a plan into effect absent such a designation by the Commissioner of Health.

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##### **I. RESPONSIBILITIES**

This plan applies to all employees of St Bonaventure University, and requires commitment to ensure compliance with all plan elements aimed at preventing the spread of infectious disease.

Supervisors are designated to enforce compliance with the plan and will act as the designated contacts unless otherwise noted in this plan:

## **II. EXPOSURE CONTROLS DURING A DESIGNATED OUTBREAK**

### **A. MINIMUM CONTROLS DURING AN OUTBREAK**

During an airborne infectious disease outbreak, the following minimum controls will be used in all areas of the worksite:

#### 1. General Awareness

Individuals may not be aware that they have the infectious disease and can spread it to others.

Employees should remember to:

- Maintain physical distancing;
- Exercise coughing/sneezing etiquette;
- Wear face coverings, gloves, and personal protective equipment (PPE), as appropriate;
- Individuals limit what they touch;
- Stop social etiquette behaviors such as hugging and hand shaking, and
- Wash hands properly and often.

#### 2. “Stay at Home Policy”

If an employee develops symptoms of the infectious disease, the employee should not be in the workplace. The employee should inform the designated contact and follow New York State Department of Health (NYSDOH) and Centers for Disease Control and Prevention (CDC) guidance regarding obtaining medical care and isolating.

3. Health Screening: Employees will be screened for symptoms of the infectious disease at the beginning of their shift. Employees are to self-monitor throughout their shift and report any new or emerging signs or symptoms of the infectious disease to the designated contact. An employee showing signs or symptoms of the infectious disease should be removed from the workplace and should contact a healthcare professional for instructions. The health screening elements will follow guidance from NYSDOH and CDC guidance, if available.

#### 4. Face Coverings

To protect your coworkers, employees will wear face coverings throughout the workday to the greatest extent possible. Face coverings and physical distancing should be used together whenever possible. The face covering must cover the nose and mouth, and fit snugly, but comfortably, against the face. The face covering itself must not create a hazard, e.g. have features could get caught in machinery or cause severe fogging of eyewear. The face coverings must be kept clean and sanitary and changed when soiled, contaminated, or damaged.

#### 5. Physical Distancing

Physical distancing will be followed as much as feasible. Avoid unnecessary gatherings and maintain a distance of at least six feet (or as recommended by the NYSDOH/CDC for the infectious agent) from each other. Use a face covering when physical distance cannot be maintained. In situations where prolonged close contact with other individuals is likely, use the following control methods:

- restricting or limiting visitor entry;
- limiting occupancy;
- allowing only one person at a time inside small enclosed spaces with poor ventilation;

- reconfiguring workspaces;
- physical barriers;
- signage;
- floor markings;
- telecommuting and/or remote meetings;
- preventing gatherings;
- restricting travel;
- creating new work shifts and/or staggering work hours;

## 6. Hand Hygiene

To prevent the spread of infection, employees should wash hands with soap and water for at least 20 seconds or use a hand sanitizer with at least 60% alcohol to clean hands BEFORE and AFTER:

- Touching your eyes, nose, or mouth;
- Touching your mask;
- Entering and leaving a public place; and
- Touching an item or surface that may be frequently touched by other people

Because hand sanitizers are less effective on soiled hands, wash hands rather than using hand sanitizer when your hands are soiled.

## 7. “Respiratory Etiquette”

Because infectious diseases can be spread by droplets expelled from the mouth and nose, employees should exercise appropriate respiratory etiquette by covering nose and mouth when sneezing, coughing or yawning.

## 8. Special Accommodations for Individuals with Added Risk Factors

Some employees, due to age, underlying health condition, or other factors, may be at increased risk of severe illness if infected. Please inform your supervisor or the HR department if you fall within this group and need an accommodation.

## **B. ADVANCED CONTROLS DURING AN OUTBREAK**

For activities where the minimum controls alone will not provide sufficient protection for employees, additional controls from the following hierarchy may be necessary. Examples include:

1. Elimination: the temporary suspension or elimination of risky activities where adequate controls could not provide sufficient protection for employees including limiting or eliminating in-person learning, limiting gatherings by location and scale, and limiting or eliminating in-person recreational and/or sporting events.
2. Engineering Controls: appropriate controls to contain and/or remove the infectious agent, prevent the agent from being spread, or isolating the worker from the infectious agent. Examples include: mechanical ventilation such as local exhaust ventilation, general ventilation including increasing the percentage of fresh air introduced into air handling systems, avoiding air recirculation, use of air filters with rating of Minimum Efficiency Reporting Value (MERV) 13 or higher, if compatible with the HVAC system(s), or the highest compatible filtering efficiency, arrangement of fans so that air does not blow directly from one worker to another, no personal fans, and air purifiers.
3. Natural ventilation including opening outside windows and doors; and opening windows on one side of the room to let fresh air in and installing window exhaust fans on the opposite side of the room so that they exhaust air outdoors, installing cleanable barriers such as partitions and clear plastic sneeze/cough guards and hand washing or sanitizing stations throughout facility.

4. “Administrative Controls” are policies and work rules used to prevent exposure, including:

- Increasing the space between employees and students;
- Disinfecting procedures for specific operations;
- Employee training;
- Identify and prioritize job functions that are essential for continuous operations;
- Cross-train employees to ensure critical operations can continue during worker absence;
- Limit the use of shared workstations;
- Close break rooms;
- Prohibit eating and drinking in the work area;
- Do not utilize drinking fountains;
- Post signs reminding of respiratory etiquette, masks, hand hygiene;
- Rearrange traffic flow to allow for one-way walking paths;
- Provide clearly designated entrance and exits;
- Provide additional short breaks for handwashing and cleaning;
- Establishing pods or cohorts of staff and students to limit exposure;
- Minimize elevator use, post signage of limitations;
- Increase time between classes to allow for cleaning and ventilation;
- Utilize remote learning methods;
- Require health screening of students upon entry to facilities; and
- Limit attendance of in-person meetings by hosting meetings outdoors or electronically

5. Personal Protective Equipment (PPE) are devices like eye protection, face shields, respirators, and gloves that protect the wearer from infection. PPE will be provided, used and maintained in a sanitary and reliable condition at no cost to the employee. The PPE provided to an employee will be based on a hazard assessment for the workplace.

### **C. EXPOSURE CONTROL READINESS, MAINTENANCE AND STORAGE**

The controls we have selected will be obtained, properly stored, and maintained so that they are ready for immediate use in the event of an infectious disease outbreak and any applicable expiration dates will be properly considered.

## **III. HOUSEKEEPING DURING A DESIGNATED OUTBREAK**

### **A. Disinfection Methods and Schedules**

Objects that are touched repeatedly by multiple individuals, such as door handles, light switches, control buttons/levers, dials, levers, water faucet handles, computers, phones, or handrails must be cleaned frequently with an appropriate disinfectant. Surfaces that are handled less often, or by fewer individuals, may require less frequent disinfection. The disinfection methods and schedules selected are based on specific workplace conditions.

The New York State Department of Environmental Conservation (NYSDEC) and the Environmental Protection Agency (EPA) have compiled lists of approved disinfectants that are effective against many infectious agents (see [dec.ny.gov](http://dec.ny.gov) and [epa.gov/pesticide-registration/selected-epa-registered-disinfectants](http://epa.gov/pesticide-registration/selected-epa-registered-disinfectants)). Select disinfectants based on NYSDOH and CDC guidance and follow manufacturer guidance for methods, dilution, use, and contact time.

### **B. Adjustments to Normal Housekeeping Procedures**

Normal housekeeping duties and schedules should continue to be followed during an infectious disease outbreak, to the extent practicable and appropriate consistent with NYSDOH and/or CDC guidance in



effect at the time. However, routine procedures may need to be adjusted and additional cleaning and disinfecting may be required.

Housekeeping staff may be at increased risk because they may be cleaning many potentially contaminated surfaces. Some housekeeping activities, like dry sweeping, vacuuming, and dusting, can resuspend into the air particles that are contaminated with the infectious agent. For that reason, alternative methods and/or increased levels of protection may be needed.

Rather than dusting, for example, the CDC recommends cleaning surfaces with soap and water before disinfecting them. Conducting housekeeping during “off” hours may also reduce other workers’ exposures to the infectious agent. Best practice dictates that housekeepers should wear respiratory protection. See [cdc.gov](http://cdc.gov) for more guidance.

**C.** If an employee develops symptoms of the infectious disease at work, it is ideal to isolate the area in accordance with guidance issued by NYSDOH or the CDC, before cleaning and disinfecting the sick employee’s work area. This delay will allow contaminated droplets to settle out of the air and the space to be ventilated.

**D.** As feasible, liners should be used in trash containers. Empty the containers often enough to prevent overfilling. Do not forcefully squeeze the air out of the trash bags before tying them closed. Trash containers may contain soiled tissue or face coverings.

#### **IV. INFECTION RESPONSE DURING A DESIGNATED OUTBREAK**

If an actual, or suspected, infectious disease case occurs at work, take the following actions:

- Instruct the sick individual to wear a face covering and leave the worksite and follow NYSDOH/CDC guidance.
- Follow local and state authority guidance to inform impacted individuals.

#### **V. TRAINING AND INFORMATION DURING A DESIGNATED OUTBREAK**

**A.** The Director of Human Resources will verbally inform all employees of the existence and location of this Plan, the circumstances it can be activated, the infectious disease standard, employer policies, and employee rights under the HERO Act.

(Note: training need not be provided to the following individuals: any individuals working for staffing agencies, contractors or subcontractors on behalf of the employer at any individual work site, as well as any individual delivering goods or transporting people at, to or from the work site on behalf of the employer, where delivery or transport is conducted by an individual or entity that would otherwise be deemed an employer under this chapter)

**B.** When this plan is activated, all personnel will receive training which will cover all elements of this plan and the following topics:

1. The infectious agent and the disease(s) it can cause;
2. The signs and symptoms of the disease;
3. How the disease can be spread;
4. An explanation of this Exposure Prevention Plan;
5. The activities and locations at our worksite that may involve exposure to the infectious agent;
6. The use and limitations of exposure controls
7. A review of the standard, including employee rights provided under Labor Law, Section 218-B.

C. The training will be provided at no cost to employees and take place during working hours. If training during normal work hours is not possible, employees will be compensated for the training time (with pay or time off). Training will be appropriate in content and vocabulary to the educational level, literacy, and preferred language, and will be verbally provided in person or through other electronic means.

## **VI. PLAN EVALUATIONS DURING A DESIGNATED OUTBREAK**

This plan will be reviewed and revised periodically, upon activation of the plan, and as often as needed to keep up-to-date with current requirements.

## **VII. RETALIATION PROTECTIONS AND REPORTING OF ANY VIOLATIONS**

No employer, or his or her agent, or person, acting as or on behalf of a hiring entity, or the officer or agent of any entity, business, corporation, partnership, or limited liability company, shall discriminate, threaten, retaliate against, or take adverse action against any employee for exercising their rights under this plan, including reporting conduct the employee reasonably believes in good faith violates the plan or airborne infectious disease concerns to their employer, government agencies or officials or for refusing to work where an employee reasonably believes in good faith that such work exposes him or her, other workers, or the public to an unreasonable risk of exposure, provided the employee, another employee, or representative has notified the employer verbally or in writing, including electronic communication, of the inconsistent working conditions and the employer's failure to cure or if the employer knew or should have known of the consistent working conditions.

Notification of a violation by an employee may be made verbally or in writing, and without limitation to format including electronic communications. To the extent that communications between the employer and employee regarding a potential risk of exposure are in writing, they shall be maintained by the employer for two years after the conclusion of the designation of a high risk disease from the Commissioner of Health, or two years after the conclusion of the Governor's emergency declaration of a high risk disease. Employer should include contact information to report violations of this plan and retaliation during regular business hours and for weekends/other non-regular business hours when employees may be working.

## ACKNOWLEDGEMENT

I have been given an opportunity to read the policies in this Handbook and understand that this Handbook supersedes all prior employee handbooks. I understand that, while the Handbook is not an employment contract (express or implied) for a specific term, I am expected to abide by the policies set forth herein.

I further understand that the University may modify, revise, and update this Handbook at any time. I am also aware that the University may add or delete terms at any time. I understand that changes to this Handbook may only be authorized by the University President.

I also understand that no one other than the University President or the Vice President for Finance and Administration has the authority to enter into an agreement with me for employment for a specified period of time.

Employee signature: \_\_\_\_\_

Print name: \_\_\_\_\_

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