

# The Paul Smith's College

## Employee Handbook



C Nancie Battaglia

**Nothing in this Handbook constitutes a contract or assurance of employment.  
The College has the right to modify its policies at any time.**

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## 1. Introduction

### 1.1 Welcome!

As an employee of Paul Smith's College, you are an important part of an exciting and challenging educational endeavor. The College's success in carrying out its mission is, in large degree, dependent on the success of each of its employees. Your skill, pride and commitment to your work help ensure the continued progress and strength of the College.

This handbook is designed to provide guidelines to keep you informed of relevant facts about your employment. It will acquaint you with the policies, rules and benefits that apply to non-faculty employees\* at Paul Smith's. It should be regarded as a general guide to policy and terms of employment. It is your responsibility to become familiar with its contents, understanding that while it will provide answers to most general questions, it cannot cover every situation that might arise. For more detailed explanations, you may, for example, need to consult with a member of the Human Resources staff or your supervisor, or research information on another part of the HR webpage.

We believe that only when both the College and the employee are satisfied should the employment relationship continue. Employment at Paul Smith's College is at the mutual consent of Paul Smith's College and the employee, and either party may end the relationship at any time, with or without cause, and with or without advance notice. Employment is at-will which is a statement of the voluntary nature of the relationship between Paul Smith's College and its employees.

### 1.2 Revisions, Recommendations and Feedback

The College reserves the right to make changes to the policies contained within this handbook at any time without notice in its sole discretion. However, in the event of changes, pertinent information will be forwarded to employees by e-mail by the Human Resources Office, within a reasonable period of time.

Information contained in this handbook is not intended to establish an employment contract of any kind or duration. It is not a legal document. It is merely a guide to the College's personnel practices and policies, which may be modified, deleted or amended at any time without notice.

In order for this handbook to be effective, continued feedback from employees is essential. We encourage employees to assist in maintaining current personnel practices by suggesting changes or revisions. Please call, write or visit the Human Resources Office if you have any suggestions or concerns regarding this document.

Read this handbook carefully. One of your responsibilities as an employee of the College is to be familiar with the policies and procedures of the College as set forth in this Handbook.

Again, welcome. We are happy that you are part of the Paul Smith's College Community!

\*Policies, rules and benefits regarding faculty are contained in the Faculty Handbook.

## **2. College History, Mission and Values**

### **2.1 College History**

Paul Smith's College is named for a man whose famous resort on Lower St. Regis Lake was synonymous with Adirondack hospitality. Many wealthy and famous people of the late 19th and early 20th centuries gathered to enjoy the mountain wilderness and the comfortable accommodations provided by Apollos A. (Paul) Smith and his wife, Lydia.

Paul was born in Milton, Vermont in 1825. He soon ventured to the Adirondack Mountains of Upstate New York and saw endless opportunities awaiting him. In 1858, Paul bought 50 acres of land on Lower St. Regis Lake to establish Paul Smith's Hotel--the very same site on which the college is located.

The bulk of Paul's estate was bequeathed by his son Phelps for the establishment of a college in the name of Paul Smith.

The purpose of the college was to provide an opportunity for young men and women to gain practical experience in a chosen field while obtaining the academic background necessary for a well-rounded education. This purpose remains the same today as when the first class matriculated in 1946 on the site of the original Smith resort. The College's land holdings of 14,200 acres of forests and lakes, and its laboratories, culinary training kitchens, and sawmill provide practical settings within which students can apply the skills and knowledge acquired in the classroom. Students are instructed in both classroom and laboratory settings by a dedicated faculty committed to teaching undergraduate students. The serene environment of the rural campus extends the same comfort and opportunity for contemplation to today's Paul Smith's College students that Paul and Lydia offered to their guests years ago.

A Paul Smith's education is a practical education with a strong liberal arts foundation, acquired in the casual and comfortable environment of the Adirondacks. The tradition remains as the name remains—Paul Smith's.

### **2.2 College Mission**

The Paul Smith's College Community provides a dynamic educational environment which encourages students to be actively engaged in their own learning experience by fostering creative, ethical and intellectual growth.

The College's comprehensive educational approach offers the integration of traditional and experiential learning to encourage discovery, discipline and creativity. Through courses in classrooms and laboratories, program-specific fieldwork, and internship experiences, Paul Smith's students gain knowledge and develop skills to equip them for rewarding career and a future of life-long learning.

The Adirondack Park provides a dramatic and complex natural setting, as well as an historical perspective on stewardship and hospitality. Paul Smith's College is committed to promoting and practicing the principles of sustainable development, encouraging environmental awareness and maintaining an environmentally sound campus. Students' participation in a broad range of recreational, cultural, student life and community service activities promotes their individual growth, and serves to enhance their understanding and awareness of others. These attributes complement the distinctive educational experience of Paul Smith's to prepare students well for successful living and leadership positions in their communities and careers.

### **2.3 College Values**

Through its focus on teaching, learning, research, and outreach, the College endeavors to create, disseminate, and apply knowledge to expand the horizons and opportunities of our students, and to advance community and economic development in the Adirondack region. The College also strives to

graduate persons capable of making significant and enduring contributions to their families, professions, communities and the world. The foremost goal is to prepare students to become competent professionals and active citizens, confident in their knowledge, skills and beliefs. Eight fundamental values guide the personal and professional conduct of the PSC faculty and staff as they serve as educators, facilitators, and role models for delivery of the Paul Smith's educational experience. It is our aspiration to challenge our students to reach their full potential by embracing these values:

#### Self-Confidence

We see ourselves as positive, competent and successful, with poise and self-assurance.

#### Tolerance

We celebrate diverse social, cultural and ecological communities through awareness and active involvement in vital contemporary issues.

#### Lifelong Learning

We are committed to nurturing our love for learning. We are problem solvers, decision makers, critical thinkers. We are creative, communicative, and organized. We are leaders.

#### Integrity

We hold ourselves to high ethical standards of trustworthiness, integrity, mutual respect and honesty.

#### Responsibility

We celebrate independent thinking, self-motivation, maintenance of optimum physical stamina, and a strong work ethic. We exhibit this through ownership of positive work and lifestyle choices.

#### Excellence

We have pride and ownership for our work and demonstrate the highest level of competence, professionalism and productivity.

#### Community

We are committed to our local and global community. We are responsible, active members of that community. We value the strength that comes through teamwork and collaboration.

#### Experience

We are involved in the learning process as we discover the essential knowledge of our chosen discipline, the arts, and sciences.

### **3. College Organization and Committees**

#### **3.1 Organizational Charts**

The Administration of the College is organized by areas of business activity: Executive, Academic, Business and Finance, Enrollment Management, Institutional Advancement, Information Technology, and Capital Projects. The College's organizational charts are diagrams that show the structure of the College and the relationships and relative ranks of its parts and positions/jobs.

The College Organizational Chart and Academic Organizational Chart, located in Human Resources, provide visual details of the overall organization and the academic elements of the Paul Smith's College.

#### **3.2 Committees**

Committees address matters of concern and interest to the College community and share the common goal of supporting and improving the operations of the College. There are administrative committees, institutional committees, faculty committees, staff committees, student committees and task forces that address specific ad hoc issues. Employees serve on committees and task forces with the approval of their supervisors.

Committees are generally appointed by the President, and may report either directly or through a designated faculty or staff member to him. The selection of the chairperson for committees may be made by the President or delegated to the committee.

The President may attend any and all meetings of committees. Furthermore, he or other appropriate administrators, faculty, or staff should be invited to attend appropriate committee meetings when considerations of topics that directly affect their area(s) are on the agenda.

Agendas and minutes, including attendance and a record of all actions taken, of all committee meetings should be available to the individual to whom the committee reports and to the President, as well as to committee members and any other appropriate individuals.

The listing of committees and their members for the current academic year is distributed at the start of each academic year by the Office of the Provost.

### **3.2.1 Staff Advisory Council**

Staff Advisory Council is a representative body of the non-Cabinet staff at Paul Smith's College. The primary purpose of Staff Advisory Council is to serve as an ongoing means of communication between the College's staff and administration. Its goals are to help the Paul Smith's College educational community be an efficient, fulfilling, and attractive environment for employment and to support the College's formal mission statement.

Membership on the Staff Advisory Council is determined by its by-laws. With the approval of the supervisor, staff members serve on the Staff Advisory Council sub-committees, which are chaired by the members.

Information regarding Staff Advisory Council is posted on the Staff Advisory Council section of the HR webpage.

## **4. General Human Resources Policies and Procedures**

### **4.1 At-Will Employment**

Paul Smith's College's non-faculty employees are employed on an at-will basis. At-will employment means that either the employer or the employee can terminate the relationship at any time for any reason, or for no reason, with or without notice by either party.

Neither an initial offer of employment, nor any statement or representation in this handbook or in any other College communication should be construed as an implied contract of permanent employment. Nothing in this handbook should be read or interpreted as to alter an employee's at-will status.

No representative or agent of the College, other than the President, can authorize or sign an employment agreement contrary to the above terms or otherwise make any binding offer of employment for a specific term. To be effective, any agreement altering the terms and provisions of this handbook and at-will employment must be in writing and signed by the President.

The terms and conditions of employment of faculty employees are set forth in the Faculty Handbook.

### **4.2 Definition of Employee Groups**

Employees at the College are classified as faculty, full-time non-exempt, part-time non-exempt, temporary, or exempt, depending upon the position for which they are hired. New employees are informed of their status at the time of hire. Determination of the non-exempt or exempt pay status of a position is governed by the Fair Labor Standards Act (FLSA), a federal law.

#### **4.2.1 Non-exempt Employees**

Employees are subject to the Fair Labor Standards Act's minimum wage, overtime and hours-worked provisions, and are compensated at a designated base hourly pay rate.

- **Full-Time Non-exempt Employees**

Full-time non-exempt employees are those who are normally scheduled to work and who work a schedule of



40 or more hours per week. All work time in excess of 40 hours in any one workweek shall be paid at 1-1/2 times the employee's regular rate of pay.

- **Part-Time Non-exempt Employees**

Part-time non-exempt employees are scheduled for more than 20 but less than 35 hours a week (considered on an annualized basis) and may be eligible for some pro-rated benefits such as paid leave.

#### 4.2.2 Exempt Employees

Exempt employees are those whose job assignments meet the federal and state requirements for exemption from the entitlement to overtime pay. Generally, executive, administrative, professional, and certain outside sales employees are exempt. Exempt employees are compensated on a salary basis. Their salaries take into consideration the possibility of extra hours which the employees may need to work to fulfill the requirements of the position. No extra compensation over normal salary is payable to exempt employees for such additional hours worked in fulfillment of their job description.

#### 4.2.3 Temporary Employees

Temporary employees are those who are employed for short-term assignments. Short-term assignments will generally be periods of three months or less. Temporary employees are not eligible for benefits, except as required by applicable law, and may be classified as exempt or non-exempt on the basis of job duties and compensation.

#### 4.2.4 Change in Status

Any proposed change in an employee's status must be approved in advance by a supervisor, the Director of Human Resources and the President prior to it becoming effective. Oral representations or assurances are not binding or valid. Such changes include: a change in the rate of pay; transfer or promotion; change from temporary to full-time status; interruption of service, such as paid/unpaid leave, etc.

Employees whose status changes from part-time to full-time, or non-exempt to exempt, are eligible for the benefits, including paid leave, of their new status at the same eligibility dates as new hires. Employees in such circumstances are encouraged to use any accrued leave from their prior status during the eligibility periods.

#### 4.3 Affirmative Action Policy

Paul Smith's College encourages qualified employees and applicants for employment without regard to their race, color, creed, gender, sexual orientation, national or ethnic origin, physical or mental handicap, age, or other factor which cannot lawfully form the basis for an employment decision. Paul Smith's College admits qualified students regardless of gender, sexual orientation, race, color, creed, national or ethnic origin, physical or mental handicap, age or other factors which cannot lawfully be the basis for an admissions decision; and the College encourages the participation of all students without regard to gender, sexual orientation, race, color, creed, national or ethnic origin, physical or mental handicap, age, or other impermissible factors in its educational programs or activities.

Affirmative Action will assure the complete implementation of the above policy. This action includes, but is not limited to, the following:

- Utilization of all sources of applicants to insure equal consideration of qualified individuals from all segments of society;
- Equal consideration of all qualified employees for promotion, transfer, and training;
- Cooperation with authorized individuals responsible for administering federal and state laws and regulations in the areas of Equal Employment Opportunity and Fair Employment practices;
- Compliance with such federal and state laws in its employment opportunity notifications; and
- Provision of maximum opportunity to employees, within institutional resources, to enhance their skills to reach their full potential through College-supported educational and professional development programs.

Paul Smith's College approves in principle federal and state laws, statutes and regulations regarding Affirmative Action, because they relate to the College's Mission and because such public interest and human rights legislation improves the common good.

The College consistently seeks to recruit the most qualified students, faculty and staff. The criteria for selection may include an individual's history of success in dealing with the issues and concerns of those in minority or protected classes.

The goal of the Paul Smith's College Affirmative Action Plan is to increase the presence of minority group members, including women and those in protected classes, in order to advance the educational purposes of the College.

#### **4.4 Equal Employment Opportunity Commitment**

Paul Smith's College does not discriminate on the basis of race, sex, age, religion, ancestry, color, marital status, national or ethnic origin, physical or mental disability, sexual orientation, citizenship or veteran status, or any other characteristic protected by law, in the administration of its employment practices, or in the educational programs or activities it offers. The College takes positive steps to increase the ethnic and general diversity among its employees.

The basic principle of the employment policy is that equal employment opportunities are available to all qualified applicants. All decisions are based solely on the applicant's experience, ability, potential and willingness to support the programs and general aims of the College.

Advancements are based on the individual's achievements and capacity to succeed. This policy emphasizes that all applicants and employees will receive fair treatment in all employment practices, including, but not limited to hiring, firing, promotion, layoffs, transfers, and benefits.

The College seeks to maintain highly productive and loyal employees by hiring qualified individuals and providing them with compensation and opportunities for advancement in accordance with this policy.

#### **4.5 Basic Hiring Procedures**

Paul Smith's College is an Equal Opportunity Employer. The College strives to recruit and hire qualified candidates on the basis of experience, ability, potential and motivation to support the total program of the College. It is committed to a selection process free of discrimination. While there may be circumstances requiring that the hiring process be abbreviated or modified, it is the general practice of the College to follow an inclusive process involving recruitment of qualified applicants, review of application materials by a qualified and representative committee of employees, campus visit and interview with key individuals, and recommendation for hire with the support of the supervising vice president/provost to the President.

General methods of recruiting applicants for employment are:

- Internal posting of position on the Human Resources recruitment bulletin board and on the College's [website](#);
- Advertising through appropriate print and web media including a collegiate consortium (UNY HERC), professional periodicals and local and regional newspapers;
- Targeted notices to potential candidate pools.

Whenever appropriate, search committees are assembled to conduct the evaluation of candidates and to make recommendations to the supervisor. Application materials are maintained by the Human Resources Office for one year at the conclusion of a search.

No oral representation of terms and conditions of employment for any employee will constitute a binding obligation on the part of the College.

All offers of employment are contingent on new employees providing proof of eligibility to work in the United States, as required by the Immigration Reform and Control Act of 1986. Employees who do not present the appropriate

documentation within 3 days of employment may be asked to stop working.

#### 4.5.1 Appointment Letter

An official employment Appointment Letter is prepared by the Office of Human Resources for the President's signature. This letter confirms the title, salary, starting date, and conditions of employment. The candidate is asked to indicate acceptance of the offer of employment by signing and returning a copy of the Appointment Letter to the Human Resources Office within a specified time period. Employees are expected to agree to the College's [Business Ethics Policy](#), [Drug-Free Alcohol-Free Workplace Policy](#) and [Student Information System and College Confidentiality Agreement](#) as a condition of employment. The College also informs all new employees of the availability of information regarding the [Campus Security and Crime Awareness Act \(Clery Act\)](#).

It is the College's practice to issue re-appointments effective September 1 of each year. Prior to that time, the President sends a letter of appointment which states the terms and conditions of employment for the period September 1 to August 31 of the following year. Employees are asked to indicate acceptance of the appointment and return a signed copy within a specified time period.

#### 4.5.2 Introductory Period

The first 6 months of continuous employment at the College is the introductory period. A new employee will learn about job duties and responsibilities, get acquainted with his/her supervisor(s) and fellow employees, and become familiar with the College in general. Performance in the introductory period will be reviewed. The completion of the introductory period does not guarantee continued employment and does not modify the at-will nature of the employment relationship.

Conditional status may be assigned to any employee whose performance does not continue to meet the required standards of his/her job. The length of such a conditional status period will be determined by the supervisor in consultation with Director of Human Resources, and will be confirmed in writing to the employee with a copy to the employee's personnel file.

#### 4.5.3 Date of Hire

A new employee may not engage in activities related to specific job functions prior to the official start of employment.

The official date of hire is the date on which a new employee begins work. The date of hire for an employee who has had a break-in-service is the latest date on which employment began. Employees on approved leaves are not considered to have had a break-in-service.

Eligibility for most benefits, including paid leave, is calculated based on the date regular full-time employment begins. For an individual who is hired as a temporary employee and subsequently (without any intervening break-in-service) appointed to a regular full-time position, it is the date at which regular full-time employment begins.

Employees whose status changes from part-time to full-time, or non-exempt to exempt, are eligible for the benefits, including paid leave, of their new status at the same eligibility dates as new hires. Employees in such circumstances are encouraged to use any accrued leave from their prior status during the eligibility periods.

#### 4.5.4 Keys, College-Owned Equipment, Parking, Driving, ID Cards and E-Mail

At the start of employment, employees are provided with

- 4.5.1.1 a parking permit (Parking Registration),
- 4.5.1.2 e-mail/internet access, and
- 4.5.1.3 keys that are necessary.

Supervisory approval is required for keys and e-mail/internet access.

Charges are assessed for lost keys and for any re-keying that is required because of lost or unreturned keys.

Employees are provided with the equipment that is needed to perform their jobs, and are responsible to comply with the College's policies for the use and care of such items.

All new employees are issued an e-mail account with access to the Internet and other permissions appropriate to their employment needs, such as IQ Web, Blackboard, etc., in compliance with the College's Electronic Communication and E-Mail Policies. E-mail addresses are issued by the Department of Information Technology. Access to the College's e-mail and Internet systems ends at the termination of employment.

Identification cards are available at the Campus Safety Office. The laminated cards serve to identify the employee, and to authorize access to both on-campus and off-campus benefits.

The College's parking policy is available at Parking at PSC. All employees must register their vehicles with the Campus Safety Office. After an application has been submitted, a Parking hang tag will be issued for the vehicle. The hang tag must be hung in clear view on the rear view mirror. Employees are authorized to park in specifically designated areas: staff Lot #7, front section of Lot #8, and Lot #9.

The Campus speed limit is 15 mph. All employees must obey College driving regulations and posted signage. Fines or penalties resulting from parking or driving violations are the responsibility of the employee. Failure to pay a parking or driving ticket issued by Campus Safety may result in corrective action. Parking tickets may be appealed to Staff Council.

#### **4.6 Inter-departmental Appointments**

The College occasionally appoints employees to College duties outside of their normal positions and responsibilities to serve as adjunct faculty, coach or the like, under certain conditions. Such appointments will be approved by the President only after the staff member has submitted written approval from his/her immediate supervisor and the vice president/director responsible for the employee's department. Included in the documentation must be an explanation of how the employee's regular paid duties will be accomplished during the period of the ancillary appointment.

#### **4.7 Reemployment**

Paul Smith's College welcomes the opportunity to rehire former employees who terminated their college employment in good standing. When the break in service is less than one year and the original length of employment exceeded two years, the original hire date will be used.

In a case of reemployment, an employee who has previously qualified for enrollment in a retirement plan will be eligible to participate immediately in the retirement program. The eligibility for all other benefit participation will be the same as for a new employee.

#### **4.8 Faculty and Staff Directory**

The Paul Smith's College website hosts an online [directory](#) that is maintained by the Human Resources Office. This contains information about all regular employees of the College including name, title, department, office phone number, office room number and email address.

Supervisors should notify the Human Resources Office of any changes to that information.

#### **4.9 Work Hours**

Paul Smith's College will generally be open for business Monday through Friday, 8:00 am to 4:30 pm with a half-hour unpaid lunch break for all employees.

The Office of the President will be open from 8:00 am to 5:00 pm, Monday through Friday in order to accommodate the particular needs of that office. Other offices maintain weekend or evening hours to accommodate the needs of students or visitors. The Campus Safety Office is staffed seven days per week, 24 hours a day.

#### 4.10 Workplace Dress Policy

While the College does not have a strict policy regarding appropriate workplace attire, there are expectations that employees will dress in a way that is consistent with our professionalism and roles. Each supervisor is responsible for establishing reasonable standards of dress for the work performed in a department, and may choose to counsel an employee who dresses inappropriately, or in the case of repeated or severe situations, to ask the employee to leave the workplace until the matter is resolved.

#### 4.11 Supplemental Employment

A regular full-time employee who decides to hold supplemental employment with an employer other than Paul Smith's College may do so as long as employment outside the College has no negative effect on job performance, or the availability of the employee to provide the necessary time required for the position at the College. If such supplemental employment is considered, the employee should discuss the matter with the supervisor in advance.

#### 4.12 Employment of Minors

Paul Smith's College complies with state and federal laws regarding the employment of persons less than 18 years of age.

#### 4.13 Nepotism

The criteria for appointment and promotion of all College faculty and staff are basic: position- appropriate skills and qualifications. Relationship by family, marriage or partnership will constitute neither an advantage nor a deterrent by the College in making employment decisions, provided that the individual meets and fulfills the appropriate standards for the position, and that the appointment is consistent with the entirety of this policy. Members of the same family (by marriage or partnership) whose qualifications are deemed appropriate for hire may be employed either on a full-time or a part-time basis, so long as neither family member is responsible for the decision to hire or fire, act as supervisor, director, evaluator or to make salary recommendations for the other. Should such an incident arise, all final decisions will be referred to the Office of the Provost for faculty, and to the Office of the President for staff.

#### 4.14 Motor Vehicle Record (MVR) Checks, Mileage Reimbursement, Travel Expenses

The College performs Motor Vehicle Record checks to confirm eligibility either to drive College- owned vehicles (whether owned, leased or rented) in the course and scope of employment or to be reimbursed for College-related travel in a personally-owned vehicle. The College has an established [MVR program](#) to review an employee's driving history to determine driving eligibility. Employees are informed of their rights under the Fair Credit Reporting Act when they agree to an MVR check.

College-owned vehicles are available for use by employees for work-related purposes by arrangement with the Facilities Department. These vehicles are primarily intended for use by the academic, student life and athletics areas. Employees who drive college-owned vehicles, rent vehicles for work-related travel, or who seek reimbursement for the use of their own vehicles for work-related purposes, must comply with the College's policy and meet documentation requirements, including notification of their [Fair Credit Reporting Act](#) rights.

The College reimburses employees for approved travel expenses. Mileage is reimbursed at 90% of the federal rate.

Following college-related travel, a Travel Expense Report must be completed to receive reimbursement or to reconcile a travel advance. For information in regard to traveling on College-sponsored long distance travel, please refer to the [Travel Policy](#).

#### 4.15 Personnel Records

Personnel records are maintained for the College in the Human Resources Office, and include the application for employment, wage and salary information, benefit information/applications, notices of commendations, warnings of disciplinary actions, leave records, employment history, attendance records, performance evaluations and

retirement records.

To assure proper benefit coverage and emergency contact information, it is the responsibility of each employee to notify the Human Resources Office promptly of any changes in personal data or status. Changes of name, personal mailing address, or telephone number, marriage, divorce, birth, adoption, a dependent losing dependent status, individuals to contact in the event of an emergency, educational accomplishment and other such information should be accurate and current.

Employees may inspect their personnel files at the Human Resources Office under the following conditions:

- At least 24-hour advance notice
- The review of the file takes place during business hours
- Neither the file nor any part thereof may be removed from the Office
- The file is reviewed in the presence of the Director or a member of the Human Resources staff
- The employee is permitted to take notes.

All requests from outside the College for personnel-related information should be directed to the Human Resources Office.

#### **4.16 Professional and Career Development**

The College encourages and supports employees' efforts to pursue professional and career development opportunities.

##### **4.16.1 Performance Evaluation**

The evaluation process is an opportunity for mutual goal setting, reinforcement, direction and communication. At the initiation of a supervisor, employees complete a [Self-Evaluation](#). The supervisor completes a Performance Evaluation and conducts a personal interview to review the evaluation. Accomplishments of annual goals are assessed and goals for the upcoming year are jointly planned. An [Employee Performance Review](#) may be used to review and update accomplishments and goals. Supervisors may modify this sequence to address particular performance issues. Both employee and supervisor sign the evaluation to witness their mutual understandings. The original evaluation is maintained in the Human Resources Office, and a copy is provided to the employee.

##### **4.16.2 Staff Development**

Paul Smith's College provides learning opportunities to employees to address six main areas: professional development, communication, safety, wellness, technology and compliance. The College endeavors to provide employees with the tools to make continuous improvements in their performance and to fulfill their annual objectives and personal goals. Such training also serves to inform employees of new ideas and techniques and to assist the College in maintaining its employees' knowledge of workplace regulations and issues.

Training & Development resources are listed on the [HR website](#) and at the Human Resources Office. Many other training opportunities are arranged and funded by departmental resources.

When funding is available, the College provides opportunities for employees to participate in meetings of professional associations and conferences, workshops and seminars. With the approval of the supervisor, employees may be given time off with pay to participate in educational opportunities and professional events that will enhance their effectiveness at the College.

Employees are eligible for tuition remission benefits for themselves and members of their immediate families. The College is highly supportive of employees' efforts toward career advancement and academic achievement. Certain policies and procedures apply to these benefits. Information on tuition remission is available at the Human Resources Office or the Financial Aid Office.

##### **4.16.3 Promotions and Transfers**

The College recognizes the value of its dedicated staff, and strives to provide opportunities for promotion and professional fulfillment. Whenever possible, the College promotes or transfers qualified employees based on the

employee's competence as demonstrated in his/her current position, as well as potential for growth and development in the advanced position.

As a standard procedure, vacancies occurring within the College are posted internally on the [website](#) and on the Employment Opportunities bulletin board outside the Human Resources Office. Employees are encouraged to apply for positions for which they are qualified. It is expected that an employee who applies for another position at the College will inform his/her current supervisor in advance.

Notification for a transfer must allow adequate time to fill the position being vacated and must be approved by all supervisors involved, the Director of Human Resources and the President.

#### **4.17 Non-College Business**

College facilities and resources, as well as employee time, should not be used for non-College business purposes. Payment for personal copies and/or printing charges should be made promptly at the Student Accounts Office. The use of these or other services should not interfere with College business. Any attempt to misuse the College telephone system which results in a loss of funds or increased expense to the College is a serious offense and will be handled appropriately.

#### **4.18 Professional Associations/Local Volunteer Involvement**

Employees are encouraged to participate in professional associations as such participation assists them in their own professional development. Leadership positions within such associations, if requiring participation during normal College business hours, should be approved by the immediate supervisor and should not affect the job performance of the participant. If such involvement should require more than 3 days' absence from the College, a written request for participation should be made to the immediate supervisor who will make a decision in consultation with the President. Local volunteer involvement must not interfere with College business, and involve only incidental College time. Local volunteer positions requiring more than incidental work time should be approved in the same way. If more time is required for volunteer participation, vacation time may be used.

#### **4.19 Code of Conduct**

The successful operation and reputation of Paul Smith's College is built upon the principles of fairness and honest dealings with others. The College will comply with all applicable policies, procedures, laws and regulations, and expects its directors, officers and employees to conduct themselves similarly, and to follow rules of conduct that will protect the interests and safety of all employees and the College.

It is not possible to list all forms of behavior that are considered unacceptable in the workplace. The following are examples of infractions of rules of conduct that may result in disciplinary action, up to and including termination of employment:

- Theft or inappropriate removal or possession of property
- Falsification of time-keeping records
- Working under the influence of alcohol or illegal drugs
- Possession, distribution, sale, transfer or use of alcohol or illegal drugs in the workplace, while on duty, or while operating college-owned vehicles or equipment
- Fighting, bullying, threatening violence, or causing harm to others in the workplace
- Behavior that prevents other from doing their work
- Negligence or improper conduct leading to damage to college-, student-, or employee- owned property
- Insubordination or other disrespectful conduct
- Violation of safety or health rules
- Smoking in prohibited areas
- Sexual or other unlawful or unwelcome harassment
- Possession of dangerous or unauthorized materials, such as explosives or firearms in the workplace
- Excessive absenteeism or any absence without notice
- Unauthorized use of telephones, e-mail system or other college-owned equipment
- Unauthorized disclosure of confidential information

- Use of College supplies, equipment, property or services for one's private business venture
- Violation of personnel policies
- Unsatisfactory performance or conduct which interferes with the performance of others
- Violation of local, state, or federal laws while on College property or while working as an employee of the College
- Any willful behavior that results in the destruction of College property or brings injury to another employee.

Employment at Paul Smith's College is at the mutual consent of the College and the employee, and either party may terminate that relationship at any time, with or without cause, and with or without advance notice.

#### **4.20 Resignation, Retirement and Involuntary Termination of Employment**

All employees leaving the employment of the College should submit a written notice of resignation to their supervisor and the Human Resources Office. All College keys and College ID cards must be returned to the Human Resources Office on the last day of employment. Supervisors are responsible for collecting all College-issued equipment, such as laptops, cell phones, pagers, PDAs and any other electronic devices. Access to computer services and voicemail are terminated on the last day of employment, and PC- or system-stored computer files are transferred to the immediate supervisor upon the supervisor's request.

##### **4.20.1 Resignation/Voluntary Termination**

If an employee wishes to resign from his/her position at the College, a written notice should be presented to the supervisor, with a copy to the Director of Human Resources, preferably one month prior to the last working day. Employees who walk off the job, fail to report for regularly-scheduled work or otherwise abandon their positions are considered to have voluntarily terminated their employment.

##### **4.20.2 Retirement**

The College's normal retirement date is the employee's 65<sup>th</sup> birthday. The retirement date for an employee who remains in active service beyond the normal retirement date shall be at the employee's option, subject to the terms of employment for all non-faculty employees.

Employees who retire are eligible to continue medical insurance coverage through the College's group plan until their 65<sup>th</sup> birthday by agreeing to fully fund the premium, a small administrative charge and certain other conditions. Dependent coverage is not available. Employees and their dependents are eligible for COBRA under the regulations of the law. Information is available at the Human Resources Office.

Employees are eligible to be compensated for up to 20 days' accumulated sick leave at the time of retirement.

##### **4.20.3 Involuntary Termination of Employment**

If an employee's performance of duty or personal conduct is unsatisfactory, appropriate action with regard to discipline or possible involuntary termination of employment will be taken.

In the case of a layoff, the employee may contact the nearest office of the NYS Department of Labor to register for work and to file a claim for unemployment benefits.

#### **4.21 Exit Interview**

Employees may elect to have an Exit Interview at the end of their employment by the College. These interviews are generally scheduled with the Director of Human Resources, but alternates may be suggested. The College values these opinions regarding all aspects of the employment experience. Such input can help to improve working conditions and influence future practices. Alternatively, employees may choose to complete a confidential [Exit Interview Questionnaire](#).



#### 4.22 References for Former Employees

All requests for references on former College employees should be directed to the Human Resources Office. Unless specifically prohibited by the employee, the Office will generally respond and confirm dates of employment and position/s held. Requests for information or references of a more specific nature must be accompanied by a signed release from the former employee.

The College has a policy of neutral references, meaning that recommendations, character references and professional references will not be given in the name of the College by the Human Resources Department.

Employees of the College may serve as personal references for current or former employees, to the extent that they are comfortable doing so. Employees who provide personal references for other employees are doing so as individuals, and their evaluations do not represent those of the College. As such, these references should not be given on College stationery or attributed to the College in any way.

#### 4.23 Conflict Resolution

Serious disputes between members of the College community, or individual members of that community and the College administration, are unusual and infrequent. In most cases, disagreements, misunderstandings, and problems can be resolved to the satisfaction of those involved through an informal process of discussion or negotiation. However, in those few instances when such a process proves inadequate or inappropriate, it may be necessary to

resolve the matter through workplace mediation conducted by external facilitators. Such a procedure will be available only after every effort has been made to resolve the dispute through an administration-supervised process of discussion and negotiation.

Any member of the College community may request a workplace mediation to resolve a serious dispute. The request must be in writing, and include a concise statement of the nature of the dispute. The request should be directed to the appropriate vice president, or alternatively, to the Director of Human Resources, who will refer the request to a vice president. This provision in no way alters the "at-will" status of all employees.

#### 4.24 Grievance Process

A "grievance" is an alleged violation of policy or procedure contained within this handbook. The handbook defines the relationship and rules that exist between the employee and the College, and a grievance exists only if there is a claim that an existing policy has been violated by the College. A complaint over a matter outside the handbook cannot be taken through a grievance process. Instead, it may later serve as a basis for amending the handbook. This grievance procedure applies to exempt and non-exempt staff only. Grievances must be submitted in a standard format.

##### Scope of the Grievance Procedure

The grievance procedure covers all exempt and non-exempt staff (excluding temporary employees). However, where a claim of discrimination is made, temporary employees are also entitled to coverage.

##### Parties in the Grievance

The Respondent(s) - The employee(s) who engaged in the actions or failure to act, out of which the grievance arises.

The Ombudsman - The ombudsman is appointed by the President as needed, and hears all sides to the grievance, counsels with each party, and recommends solutions. The ombudsman's role is to review the facts and determine if a provision of the handbook has been violated. The ombudsman does not support or override decisions of the College.

The Director of Human Resources acts as an investigator between parties to the grievance. If the Director of Human

Resources is a respondent, the President shall appoint a professional staff member to perform the duties of the Director of Human Resources in the particular grievance procedure.

If the President is a respondent, the Chairman of the Board of Trustees shall appoint a professional staff member to perform the duties of the President in this grievance procedure, including the appointment of an ombudsman.

#### Steps in the Grievance Procedure

Step I: The Aggrieved shall take up the matter in writing with the Respondent(s) within five (5) working days of the date of the action, or of the Aggrieved's knowledge of its occurrence. Any claim not presented within the time provided shall be deemed to have been waived. The Respondent shall respond in writing to the Aggrieved within five (5) working days after receiving notice of the complaint.

Step II: If the grievance is not settled in Step I, the Aggrieved shall submit a written grievance notice in the prescribed form to the Director of Human Resources within five (5) working days after the response from the Respondent. The Director of Human

Resources shall determine if the matter is grievable under the grievance definition as set forth in this grievance procedure. If it is not, the Grievant and the Respondent will be notified that the grievance is dismissed. If it is a grievable matter, the Director of Human Resources will inform all parties to the grievance within five (5) working days of receipt of the grievance and will immediately open a grievance action file. Within 15 working days, the Director of Human Resources will consult with the Aggrieved and the Respondent(s) on any institutional policy if necessary and recommend a resolution or resolutions. If the Aggrieved does not submit a written request for further review of the grievance within the next five (5) working days, the grievance will be considered resolved.

Step III: If the grievance is not settled in Step II, within twelve (12) working days of notification of appointment, an ombudsman shall be appointed by the President and shall interview the Respondent(s), the Aggrieved, any other appropriate parties, and may review material or records appropriate to the fact-finding or interpretation of policy. The ombudsman shall then prepare a brief memorandum summarizing the facts within eight (8) working days. The memorandum will include a recommendation or recommendations for resolution. If these findings concur with the findings of the Director of Human Resources then the decision of the ombudsman is final and the memorandum will so state. Should the findings conflict, the Aggrieved may appeal to the President by forwarding a response within seven (7) working days of the date of the ombudsman's memo. If this response is not received by the President within seven (7) working days, the grievance is considered resolved.

Step IV: If the grievance is not settled as a result of Step III and an appeal is received by the President within the time allotted, the President will review the written record of all parties. Should he need further information, he will request a brief hearing with the Aggrieved, the Respondent and the Director of Human Resources. The President shall make a decision which shall be final and will be recorded in the grievance file. Within three (3) working days of the President's decision, the Director of Human Resources shall give written notification to the parties to the grievance of the President's decision and shall close the grievance.

## **5. Employment, Safety and Information Security**

### **5.1 Policy Regarding Sexual Harassment in the Workplace**

#### Scope and Application of the Policy

It is the College's policy to strictly prohibit sexual harassment. This policy applies to all employees of the College, regardless of the employee's job title or full-time or part-time status, and also applies to interns (paid and unpaid) and individuals who are not employees of the College but are employees of contractors, subcontractors, vendors, consultants,

and other persons who provide services in the College's workplace. This policy applies to students who are employees of the College in their capacity as employees of the College.

### Identifying Sexual Harassment

Sexual harassment includes harassment based on sex/gender, such as unwelcome sexual conduct, or offensive or discriminatory conduct based on sex/gender, self-identified or perceived gender, gender identity, gender expression, transgender status, and sexual orientation as well as harassment based on sex-stereotyping.

Sexual harassment may be verbal, written, visual or physical. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when submission to such conduct is made either explicitly or implicitly a term or condition of an individual's education, is used as the basis for education decisions affecting such individual, or where such conduct has the purpose or effect of creating an intimidating, hostile or offensive educational environment.

Merely by way of illustration, sexual harassment includes, but is not limited to:

- Physical assaults of a sexual nature, such as:
  - Touching, pinching, patting, grabbing, brushing against another's body or poking another employees' body;
  - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions.
- Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience.
- Written conduct such as authoring threatening, derogatory or offensive letters, e-mails, text messages, or social media posts.
- Sexual or discriminatory displays or publications anywhere in the working or learning environment, 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 computers or cell phones in the campus environment.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, or the status of being transgender.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.

The fact that a person was personally offended by a statement or incident does not alone constitute sexual harassment. Instead, the determination is based on a "reasonable person" standard and takes into account the totality of the circumstances. The College considers the context of a communication, the relationship of the individuals involved, whether an incident was an isolated occurrence or part of a broader pattern of conduct, the seriousness of the incident and the intent of the individual engaged in the allegedly offensive conduct. Paul Smith's College is an academic institution, and freedom of intellectual thought and expression is valued. The College will not construe this policy to prevent or penalize a statement, opinion, theory, or idea offered within the bounds of legitimate, relevant, and responsible teaching, learning, or academic discussion.

The College also prohibits "quid pro quo" (or "this for that") harassment. This type of harassment occurs when a person in a position of authority links the receipt of some benefit (such as a promotion or a passing grade) to another's submission to unwelcome sexual advances or sexual activity. It can be expressly stated, but it also can be implied by words or actions. No person should believe that any other person – no matter their title or position- has the right to pressure another person for sexual activity.

Paul Smith's College reserves the right to discipline conduct that is inconsistent with community standards even if it does not rise to the level of a hostile environment as defined by applicable law.

Sexual harassment can occur in a variety of circumstances and can include victims of both genders and can occur between individuals of the same gender. A perpetrator of harassing behavior may be a supervisor, a co-worker, or a non-employee, such as a vendor or visitor. Victims may include any individual affected by the offensive conduct, not just the person to whom the harassment is directed. This policy is not limited to conduct that occurs on campus; this policy applies to all work performed on behalf of the College, including off-campus, and also prohibits off-duty conduct if that conduct creates or contributes to a sex-based hostile work environment.

#### Making a Report

A College employee who is experiencing sexual harassment or suspects that another employee is being harassed should inform his/her supervisor or manager, the Director of Human Resources, the Director of Campus Safety, or the Title IX Coordinator. A written complaint form is provided at the end of this policy. Individuals may but are not required to use this written complaint form. Verbal reports are accepted as well. Employees should report harassing behavior of non-employees, and non-employees may report harassment experienced by the non-employee pursuant to this policy as well.

A College employee with supervisory responsibilities over other employees who receives a complaint or information about workplace sexual harassment is required to take appropriate action. Appropriate action may include immediately intervening if harassment is witnessed by the supervisor. In addition to being subject to discipline if they themselves engage in sex discrimination, sexually harassing conduct, or retaliation, persons with supervisory authority over other College employees will be subject to discipline for knowingly allowing sexual harassment to continue.

#### Investigation

Following the receipt information concerning alleged or suspected sexual harassment, the College will conduct an investigation. The investigation will be initiated and completed as promptly as possible. The investigator(s) will be appointed by the Title IX Coordinator or his/her designee. The scope and exact nature of the investigation will depend upon the circumstances and the incident(s) at issue, and the College reserves the right to tailor the scope and procedures of the investigation to the circumstances. As a general rule, at a minimum, the complainant will be interviewed, the respondent will be interviewed, any relevant witnesses will be interviewed, and relevant documentation will be reviewed and considered. The respondent will be informed of the allegations. The complainant and the respondent will be provided an equitable and fair opportunity to provide information, including the opportunity to suggest relevant witnesses and to provide relevant documentation. The investigation will be fair and impartial. At the conclusion of the investigation, the investigator(s) will prepare a written report. The complainant and respondent will be provided an opportunity to review the report and to submit a written response to the report. If the investigator(s) determine that additional investigation is needed, this will be completed, and a final investigation report prepared.

The investigation report will be provided to an appropriate College official or body for a decision as to what action, if any, is appropriate. Where the respondent is a non-faculty staff member, a decision as to disciplinary action will be by an appropriate individual, such as a vice president, in consultation with Human Resources. Where the respondent is a faculty member, any disciplinary decision will be compliant with the Faculty Handbook. Where the complaint is brought against a non-employee, an appropriate vice president will determine the action to be taken, which may include restrictions on the individual's presence on campus.

The College uses a "preponderance of evidence" standard in determining whether this policy has been violated. The College's policy is to investigate all complaints thoroughly and promptly. To the fullest practical extent, the College will keep complaints and the terms of their outcomes confidential, except to inform the parties of the complaint of the outcome of the complaint. If an investigation confirms that a violation of the Policy has occurred, the College will take corrective action, including discipline, up to and including immediate termination of employment.

#### External Complaint Options

The College reserves the right to take action to correct -- including to discipline -- behaviors that violate the College's professional conduct expectations even if the conduct does not violate the law. Therefore, not all situations that violate

College policy necessarily will constitute a violation of the law or allow for a legal remedy. The following agencies enforce laws prohibiting sexual harassment. An individual who has experienced harassment may file a complaint with the College only, may file a complaint with an enforcement agency in addition to filing with the College, or may file only with an enforcement agency. An employee who is dissatisfied with the College's handling of a complaint also may file a complaint with an agency listed below. Complaining internally to the College does not extend your time to file with an enforcement agency or in court. You do not need an attorney to file a complaint with an enforcement agency and there is no cost to file with an enforcement agency.

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 DHR, subject to a one year statute of limitations, or in New York State Supreme Court, subject to a three year statute of limitations.

The DHR will investigate the complaint to determine if unlawful harassment occurred and if the circumstances amount to a violation of the law. If unlawful discrimination is found after a hearing, the DHR or the court may award relief, which varies, but may include requiring the employer to take action to stop the harassment, or redress the damage caused, including reversing an unlawful employment action, paying monetary damages, attorneys' fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458, (718) 741-8400 [www.dhr.ny.gov](http://www.dhr.ny.gov). The DHR can be contacted at (888) 392-3644 or visit [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint) for more information about filing a complaint. The website has a complaint form and contact information for DHR's regional offices across New York State.

The **United States Equal Employment Opportunity Commission (EEOC)** enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An employee must file a complaint with the EEOC within 300 days from the conduct giving rise to the complaint. The EEOC also investigates complaints, but does not hold hearings or award relief. The EEOC may take other action including pursuing cases in federal court on behalf of complaining parties, or issuing 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 visiting their website at [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 DHR, DHR will file the complaint with the EEOC to preserve the individual's right to proceed in federal court.

There may be local laws that address sexual harassment in addition to federal and state laws.

If the harassment involves physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. An employee who believes that a crime has been committed, or if the employee believes he/she is in physical danger, is urged to file a report with the local police department immediately.

### Retaliation

No one who in good-faith makes a complaint of sexual harassment or participates in an investigation into sexual harassment -- whether an internal College process or an external enforcement agency process -- may be retaliated against. Retaliation is against College policy and it is against the law. The College's position against retaliation is further set forth in Policy 5.3.

## **5.2 Policy Regarding Other Forms of Harassment**

It is Paul Smith's College's policy to prohibit harassment of an employee by any supervisor or manager, co-worker or visitor including, but not limited to, harassment on the basis of age, race, religion, color, citizenship, disability, marital status, sexual orientation, national origin, service in the military or any other characteristic protected by law. While it is not easy to define precisely what harassment is, it certainly includes slurs, epithets, threats, derogatory comments, unwelcome jokes, teasing, and other similar verbal or physical conduct. Violations of this policy will not be permitted and may result in discipline up to and including discharge.

Any employee who feels that he or she is a victim of such harassment should immediately report the matter to his/her

supervisor or manager, the President, or the Director of Human Resources. If he or she does not feel comfortable discussing the matter with his or her immediate department head or the President, contact the Director of Human Resources. For the College to be able to remedy alleged harassment, it is imperative that claims be brought forward. Failure to report harassment claims promptly hampers the College's ability to take necessary steps to remedy such situations.

All reports of harassment will be thoroughly and discreetly investigated by members of management not involved in the alleged harassment.

### **5.3 Policy Regarding Retaliation for Reporting Any Type of Harassment or Discrimination**

The College forbids retaliation against anyone who, in good-faith, reports discrimination or harassment, assists in making a discrimination or harassment complaint, cooperates in a discrimination or harassment investigation, files an Equal Employment Opportunity Commission or Division of Human Rights claim, participates in an Equal Employment Opportunity Commission, Division of Human Rights, or other governmental agency investigation, or encourages another to make a complaint or report.

Retaliation includes any conduct, whether or not in the workplace or employment-related, which might deter a reasonable person from making or supporting a charge of discrimination or harassment and is directed at someone who engages in the foregoing activities.

If you feel you have been retaliated against, you are to notify the Director of Human Resources, appropriate vice president, or the Title IX Coordinator.

It is the College's policy that all employees are informed of the College's position on workplace harassment and participate in Sexual Harassment Prevention Training on a recurring schedule.

### **5.4 Consensual Relationships**

It is incumbent upon all members of the College community to behave appropriately and in such a manner as to encourage honesty, objectivity, mutual trust and respect. Such professionalism is vital to creating a healthy learning community and to fostering integrity. Sexual relationships between staff members and students, as between faculty members and students, strike at the heart of a learning community, creating as they do the perception of favoritism, privilege or unequal treatment at the very least, and the potential for exploitation and loss of the integrity in the evaluative process inherent in all aspects of the college experience.

- It is therefore a violation of professional conduct for a member of the staff to engage in a sexual relationship with a student, and it is the responsibility of the employee to discourage the development of such a relationship.
- It is also incumbent on students, in their role as members of a professional community, to discourage the development of such relationships, harmful as they may be to both parties and to the academic community of which they are an integral part.
- Preexisting consensual relationships between staff members and students, that is, those begun prior to the joining of the college community by one or both of the parties may not violate this policy if both parties make all reasonable efforts to avoid conflict of interest and the perception of favoritism.

The violation of this policy will be cause for discipline of the employee up to and including termination.

### **5.5 Commitment to Compliance with Americans with Disabilities Act (ADA)**

Paul Smith's is committed to complying with the Americans with Disabilities Act (ADA) and ensuring equal opportunity in employment for qualified persons with disabilities or for persons regarded as having disabilities. The ADA specifically prohibits discrimination in employment on the basis of disability. The College's employment practices are conducted without discriminatory practices. It is an employee's responsibility to notify and provide documentation to the College of the existence of any qualifying disability and any "reasonable accommodation" necessary to perform the essential functions of the job. Such notifications and discussions should involve the

employee's supervisor and the Director of Human Resources.

### 5.6 Alcohol-Free and Drug-Free Workplace Statement

Paul Smith's College is committed to providing a safe work environment and to fostering the well-being and health of its employees. That commitment is jeopardized when any employee of the College illegally uses drugs or alcohol on the job, comes to work with these substances present in his/her body, or possesses, distributes, or sells drugs in the workplace. Therefore, Paul Smith's College has the following policy:

- 5.6.1 It is a violation of College policy for any employee to possess, sell, trade, or offer for sale illegal drugs or otherwise engage in the illegal use of drugs or alcohol on the job.
- 5.6.2 It is a violation of College policy for anyone to report to work under the influence of illegal drugs or alcohol -- that is, with illegal drugs or alcohol in his/her body.
- 5.6.3 It is a violation of the College policy for anyone to use prescription drugs illegally. (However, nothing in this policy precludes the appropriate use of legally prescribed medication.)
- 5.6.4 Violations of this policy are subject to appropriate personnel action against the employee, up to and including termination, or requiring the employee to participate satisfactorily in a drug-abuse assistance or rehabilitation program approved for such purposes.
- 5.6.5 The goal of this policy is to balance our respect for individuals with the need to maintain a safe, productive, and drug-free environment. The intent of this policy is to offer a helping hand to those who need it, while sending a clear message that illegal drug use and alcohol abuse are incompatible with employment at Paul Smith's College.

As a condition of employment, employees must abide by the terms of this policy, and must notify the Director of Human Resources in writing of any conviction or a violation of a criminal drug statute occurring in the workplace no later than 5 calendar days after such conviction.

Additionally, Employee misconduct related to alcohol or other drug abuse will not be tolerated. The unlawful manufacture, distribution, sale, use or possession of a controlled substance, marijuana or a dangerous drug, by employees of the College is prohibited by federal and state law. Violation of this policy will result in appropriate disciplinary sanctions including but not limited to dismissal, demotion or suspension of employment and /or referral to the appropriate state agency for legal prosecution.

Under New York State and federal law, it is a crime to possess, manufacture, sell, or distribute illegal drugs. As required by federal regulations, you may view charts detailing federal penalties for marijuana trafficking and federal penalties for drug trafficking.

The College offers an [Employee Assistance Program](#) (EAP) benefit for employees and their dependents. The EAP provides confidential assessment, referral and short-term counseling for employees who need or request it. If an EAP referral to a treatment provider outside the EAP is necessary, the costs of such outside services are the employee's responsibility. However, medical expenses may be covered by the employee's medical insurance.

For additional information regarding counseling, treatment and training resources for employees, and regarding the College's policies on alcohol and other drugs as they pertain to employees, contact Human Resources at x6400.

### 5.7 Business Ethics Policy Statement

Employees of the College will maintain the highest ethical standards in the conduct of College affairs. The intent of this policy is that each employee will conduct the College's business with integrity and comply with all applicable laws in a manner that excludes considerations of personal advantage or gain.

The following is a summary of the College's policy with respect to gifts, favors, entertainment and payments given or received by College associates, potential conflicts of interest, and related matters.

**A. Gifts, Favors, and Payments by the College: Gifts, favors, and payments may be given to others at College expense, if they meet all of the following criteria:**

- They are consistent with accepted business practices;
- They are of sufficiently limited value and in a form that will not be construed as a bribe or payoff;

- They are not in violation of applicable law and generally accepted ethical standards; and
- Public disclosure of the facts will not embarrass the College.
- Payments, donations of value, commissions or other compensation to or for the benefit of associates of customers (or their family members or associates) not required by written contract are contrary to College policy.

**B. Gifts, Favors, Entertainment and Payments Received by College Employees:**

1. Employees shall not seek or accept for themselves or others any gifts, favors, entertainment, payments without a legitimate business purpose nor shall they seek or accept personal loans (other than conventional loans at market rates from lending institutions) from any persons or business organizations that do or seek to do business with or is a competitor of the College. In the application of this policy:
  - a. Employees may accept for themselves and members of their families common courtesies usually associated with customary business practices. These include but are not limited to:
    - Lunch and/or dinner with vendors sometimes including spouses as long as the invitation is extended by the vendor.
    - Gifts of small value from vendors such as calendars, pens, pads, knives, etc.
    - Tickets to events (such as sports, arts, etc.) are acceptable if offered by the vendor and the vendor accompanies the employee to the event. These are not to be solicited by the College employee and must be approved by the appropriate College officer.
    - Overnight outings are acceptable under the condition that individuals from either other companies or the vendor are in attendance. The employee must have prior approval from the appropriate College officer.
    - The receipt of alcoholic beverages is discouraged.
    - Gifts of perishable items usually given during the holidays such as hams, cookies, nuts, etc., are acceptable.
  - b. A strict standard is expected with respect to gifts, services, discounts, entertainment or considerations of any kind from suppliers.
    - Day outings such as golf, fishing, skiing and hunting are acceptable with prior approval from the employee's immediate supervisor. The vendor must be in attendance and participation by the employee's family members is not acceptable.

Use of vendor's facilities (vacation homes, etc.) by employees or families for personal use is prohibited.

In the event the vendor is present for the duration of the visit such a situation is acceptable as long as it is only once per year and for limited duration, i.e. a long weekend. The employee must have prior approval from the employee's immediate supervisor.

    - It is never permissible to accept a gift in cash or cash equivalent such as stocks or other forms of marketable securities of any amount.
2. Supervisory employees should not accept gifts from those under their management of more than limited value.

**C. Conflicts of Interest:**

Employees should avoid any situation which involves, appears to involve or may involve a conflict between their personal interest and the interest of the College. As in all other facets of their duties, employees dealing with students, suppliers, contractors, competitors or any person doing or seeking to do business with the College are to act in the best interest of the College.

Each employee shall make prompt and full disclosure in writing to their immediate supervisor of any potential situation which may involve a conflict of interest. Such conflicts include:

1. Ownership by employee or by a member of their family of a significant interest in any outside enterprise which does or seeks to do business with or is a competitor of the College.
2. Serving as a director, officer, partner, consultant, or in a managerial or technical capacity with an outside enterprise which does or is seeking to do business with or is a competitor of the College. Exceptions to this can be approved by the Chief Executive Officer of Paul Smith's College.
3. Acting as a broker, finder, go-between or otherwise for the benefit of a third party in transactions involving or potentially involving the College or its interests.
4. Any other arrangements or circumstances, including family or other personal relationships, which might dissuade the employee from acting in the best interest of the College.



#### **D. Confidential Information:**

The revelation or use of any confidential product information, data on decisions, plans, or any other information which might be contrary to the interest of the College without prior authorization, is prohibited. The misuse, unauthorized access to, or mishandling of confidential information, particularly personnel information, is strictly prohibited and will subject an employee to the Discipline Policy up to and including immediate discharge.

#### **E. Compliance:**

Any violation of this policy will subject the employee to administrative disciplinary action or immediate discharge. Any College employee having knowledge of any violation of the policy shall promptly report such violation to the appropriate level of management. Each vice president is responsible for compliance in his/her area of responsibility. When questions arise concerning any aspect of this policy, contact the Director of Human Resources.

Where an employee is accused of violating this policy, and the employee has relied in good faith on the advice of supervisors or College legal counsel, after full disclosure of the material facts, no disciplinary action may be taken against the employee under this Policy; and the College may, within the limits permitted by law, assist in the employee's defense.

### **5.8 Gift Acceptance Policy**

The College encourages the solicitation and acceptance of gifts to secure its future growth and mission. To assure that each gift to, or for the use of, the College serves the best interests of both the donor and the College, an employee knowing of a potential donation should contact the Office of Institutional Advancement. No gift should be solicited or accepted on behalf of the College without the approval of the Vice President for Institutional Advancement.

### **5.9 Electronic Communications Policy**

Electronic (e-mail) is the official means of communication for the College community. The College has the right to expect that e-mail communications will be received and read in a timely manner. Employees are expected to regularly check, read and respond to e-mail. Employees are advised not to forward their College e-mail to an off-campus e-mail address (i.e., @aol.com), as the College cannot be responsible for e-mail delivered beyond the College's system.

The College's computer, fax, voice mail and e-mail, internet and internal network systems are established for business use. All of these, as well as all messages or communications made, sent or transmitted through them, are the property of the College. Employees are expected to follow the highest standards of care in guarding the security of the systems that support the College's electronic communications. An employee is not permitted to install or download software without authorization from the College's Director of Information and Computer Services.

Employees must abide by all local, state and federal laws that pertain to communication and to publishing. This includes laws on libel and copyright law. Copyright law pertains to all published and unpublished materials, including cartoons, pictures, graphics, text, song lyrics and sounds. Employees who make personal use of the College's electronic communications should limit such use to breaks in the workday, or before or after work hours. While such is permitted, employees have no guarantee of privacy, and the College reserves the right and the discretion to determine whether misuse of these systems has occurred. The reasons for which the College may obtain such access include, but are not limited to: maintaining the system; preventing or investigating allegations of system abuse or misuse; assuring compliance with software copyright laws; complying with legal and regulatory requests for information; ensuring that the College's operations continue appropriately during an employee's absence; and any other purpose deemed appropriate by the College.

The College may store electronic communications for a period of time after the communication is created. From time to time, communications stored in the system may be deleted, printed or utilized for any purpose.

The College's policy prohibiting all forms of harassment applies fully to use of the College's electronic communications systems. No one may use electronic communications in a manner that may be construed by others as harassment or discrimination based on race, national origin, sex, sexual preference, age, disability, religious

beliefs, service in the military or any other characteristic protected by federal, state or local law. The College will apply the provisions of its anti-harassment policy to such misuse of its electronic communications systems.

Since the College's electronic communications systems are for business use, these systems may not be used to solicit for social, religious, political or other causes, outside organizations or other personal matters unrelated to the business of the College. Employees should not use the College's electronic communications systems for confidential or proprietary information.

While no one may access, or attempt to obtain access, to another individual's electronic communications without appropriate authorization, employees should exercise a high level of caution in the use and storage of passwords.

In the instance of a "litigation hold" being placed on specific employees' electronic communications, the College prohibits any deletion or destruction of documents that have been identified for segregation and preservation.

### **5.10 Confidentiality Regulations**

It is not uncommon for employees to have access to or to collect personally-identifying or private information regarding students, employees or alumni in the course of their work. Employees must understand that the protection of such information is expected in the workplace. Any inter- departmental transfer of information is based on the understanding that such a transfer is critical to the success, health or safety of the individual involved and is protected by the College's overall policy on confidentiality.

The College requires that all employees agree to sign a Student Information System and College Confidentiality Agreement. The disclosure of personally identifiable information is federally regulated by the Family Education Rights and Privacy Act (FERPA) of 1974 and Health Insurance Portability and Accountability Act (HIPAA) of 1996. Training on FERPA compliance is provided on a regular basis to employees whose positions involve access to personally identifiable information.

### **5.11 HIPAA Compliance**

The federal government has enacted the HIPAA laws to protect how and when health care and personal information can be shared. If you would like to share information about yourself with people (including a spouse or a significant other) or with another organization, you will need to submit a HIPAA Authorization Form that is available through the College's health insurance provider.

### **5.12 Crime Awareness and Campus Security Act of 1990 and 1998 ("Clery Act")**

Colleges and universities are legally accountable to inform students, employees and others about crime problems on campus. Clery Act compliance is administered by the United States Department of Education. The Act requires colleges and universities to follow a detailed series of guidelines regarding the disclosure of crime statistics. The aim of the Clery Act is to provide students and employees of educational institutions, as well as members of the general public, with information that allow them to make decisions concerning personal safety and to take steps to protect themselves. Students and employees may obtain information about reports of crime at Campus Safety, Human Resources, or on the College's website: [Clery Act](#).

"Paul Smith's College will provide upon request the Annual Security Report, Annual Fire Report and all campus crime statistics as reported to the United States Department of Education. The statistics are available on the US Department of Education website <http://ope.ed.gov/security/> or on the college website <http://www.paulsmiths.edu/campusafety/annual-security-fire-report/>

You can also request a printed copy of the report by contacting the Director of Campus Safety at 518-327-6300 or the Compliance Coordinator at 518-327-6451."

### **5.13 General Procedures for Reporting a Crime or Emergency**

Community members, students, faculty, staff, and guests are encouraged to immediately report all crimes and public

safety related incidents to the Campus Safety Office at extension 6300 or, from outside the College phone system, (518) 327-6300. Call the same number to report a non-emergency security or public safety-related matter.

The Campus Office is staffed 24 hours a day, 365 days a year. In response to a call, Campus Safety will take the required action, dispatching an officer, or asking the victim to report to Campus Safety to file an incident report. The 24-hour Rape/Sexual Violence Hotline number is (800) 656-4673.

Detailed Information is available for PSC community members about the resources that are available in the event that they become the victim of a crime. The agencies or services identified as "resources" are not "reporting entities" for PSC.

Security Awareness Programs are offered by the Paul Smith's College Campus Safety Office to new employees, as well as to prospective students during summer orientation sessions. Video and slide presentations outline ways to maintain personal safety and residence hall security.

Periodically during the academic year the Campus Safety Office, in cooperation with other College organizations and departments, presents crime prevention awareness sessions on

sexual assault (rape and acquaintance rape), Rohypnol abuse, theft, and vandalism, as well as educational sessions on personal safety and residence hall security. In addition to such programs, information is disseminated to students and employees through crime prevention awareness packets, security alert posters, displays and videos. When time is of the essence, information is released to the College community via the A.L.E.R.T. email system and broadcast via voice mail.

A common theme of all awareness and crime prevention programs is to encourage employees and students to be aware of their responsibility for their own security and the security of others.

#### **5.14 Policy Regarding Workplace Violence**

The College is committed to maintaining a safe environment that is free from physical assault, intimidation, and harassing conduct. Any threatening statement, harassment, or behavior that gives people cause to believe that their safety or health is at risk will be considered workplace violence. All reports of possible workplace violence will be taken seriously. The College community will be notified through the A.L.E.R.T. system of any threats to personal safety and security.

Examples of workplace violence include but are not limited to the following:

- Threatening, harassing, assaulting or endangering the health or safety of any individual/s
- Slapping, punching, or otherwise physically attacking a person
- Wielding a weapon or an object which appears to be a weapon
- Using greater physical size/strength or institutional power to intimidate another
- Threatening someone with harm
- Destroying or damaging College property

Employees who engage in actions or threats of violent behavior toward other employees, students, or the public while at the College will be subject to corrective action, including disciplinary action ranging from conditional status, mandatory counseling, dismissal and/or arrest if appropriate.

#### **5.15 Weapons in the Workplace**

Employees are strictly prohibited from bringing onto or possessing on the College's premises any firearms, weapons of any kind, or other hazardous devices or substances. It is not permissible to have any of these items in a personally-owned vehicle or storage container on the College campus.

#### **5.16 Safety in the Workplace**

The College is committed to providing a safe and healthful working environment. In this effort, the College makes every effort to comply with relevant federal and state occupational health and safety laws and to develop the best operating practices and procedures to maintain this environment. All employees have a responsibility to promote and insure

safety and to exercise caution in the workplace. Any unsafe condition must be reported immediately to a supervisor or to the Office of Campus Safety. Employees must promptly report workplace injuries to their supervisor for filing with the Human Resources Office. The College abides by all State and Federal laws regarding the safety of its employees, and employees are required to observe all safety rules of the College. There are specific policies relating to emergency procedures and hazardous chemicals.

Employees who violate safety standards, who cause hazardous or dangerous situations, or who fail to report or, where appropriate, to remedy such situations, may be subject to disciplinary action.

Please see your supervisor or contact a member of the Safety Committee for more information. Each employee is responsible for reporting to the supervisor and the Risk Manager the need for the elimination of safety hazards. Contact the Campus Safety Office at x6300 immediately in case of emergency.

### **5.17 Smoking**

Paul Smith's College is committed to the health and well-being of the students, staff, faculty and guests of our community. The College strongly supports the right of any of its community members to work and live in a smoke-free environment, and is committed to healthy living, as research continues to document the negative health impact of smoking and exposure to smoke. It is important to note that the College recognizes the needs of individuals who smoke.

Smoking is prohibited in all of the college's buildings, including all residence halls, and is not allowed within 25 feet of any campus building or in any College-owned vehicle. Employees who smoke are expected to respect the choice of non-smokers by avoiding entrances, porches and open windows.

Understanding the addictive nature of smoking, and that breaking the habit is extremely difficult, the College's Employee Assistance Program (EAP) offers help to those who elect to stop smoking. Interested employees should contact the Human Resources Office or EAP directly at 1- 800-724-0747.

### **5.18 Sustainability on Campus**

At Paul Smith's College, a growing coalition of faculty, staff and students are committed to the greening of our campus and expanding and deepening our sustainability related efforts. We are determined to make a difference on our home campus and contribute to the growing sustainability movement in higher education.

Members of the College community are expected to not only dispose of recyclable materials in the appropriate containers provided by the College or to re-use whenever possible, but to actively engage in conserving the College's resources. Employees are expected to fully participate in and cooperate with the efforts to accomplish the stated goals of the Paul Smith's College Sustainability Initiative.

### **5.19 Solicitation and Distribution**

The College limits solicitation and distribution on its premises because, when left unrestricted, such activities can interfere with the normal operation of the College, can be detrimental to efficiency, can be annoying, and can pose a threat to security.

The College may authorize a limited number of fund drives by employees on behalf of charitable organizations, such as for United Way, or for employees' gifts.

#### **Employees**

Employees shall not solicit funds or promote support for any cause or organization during his/her working time or during the working time of the employee/s at whom the activity is directed. Similarly, employees shall not distribute or circulate any written or printed material in work areas or in any student areas during his/her working time, or during the working time of the employee/s or students at whom the activity is directed.

As used in this policy, “working time” includes all time for which an employee is paid and is scheduled to be performing services for the College; it does not include break periods, meal periods, or periods in which an employee is not, and is not scheduled to be, performing services or work for the College. “Working areas” include the College’s offices, vehicles and other facilities, and student locations where an employee is working.

### **Non-Employees**

Under no circumstances are non-employees permitted to solicit funds or to distribute written material for any purpose on the College’s property, other than as approved by the Office of Student Life or by the Office of the President.

## **5.20 Emergency Procedures**

In the event of an emergency at your worksite, contact Campus Safety at x6300 and advise them of the nature and scope of the emergency. If appropriate, follow posted evacuation routes to your pre-determined meeting place, and await further instructions.

Emergency Closing Procedures exist in each area of the College. It is the responsibility of each supervisor to assure that staff members are informed of appropriate responses to emergencies.

It is expected that all employees will participate in emergency response and preparedness drills, as announced by the Office of the President.

## **6. Payroll Policies**

### **6.1 Payroll Dates**

All employees are paid on a semi-monthly basis. The [payroll schedule](#) is available online, at the Human Resources Office and at the Payroll Office. While direct deposit is strongly encouraged, employees may also receive a paycheck through US Mail.

### **6.2 Payroll Reductions and Deductions**

Employees are required to authorize various payroll deductions and withholding for taxes at the time of their employment. In addition, payroll deductions are made for the employee’s share of the costs involved in the benefit programs. Employee participation and benefits under these programs are explained under the [Benefits Section](#).

Payroll deductions are also available for the convenience of the employee to contribute to the College and the United Way of Franklin County.

### **6.3 Compensation Increases**

Based on the financial condition of the College, the Board of Trustees may approve increases in employees’ compensation to be effective at the beginning of each academic year, on or about September 1. In addition, compensation rates are reviewed annually by the President in consultation with each vice president and the Director of Human Resources. Recommendations for salary adjustments must be based on budgetary planning. Any other adjustments to rates of compensation during the year are by exception only, and subject to the approval of the supervisor, vice president and President.

### **6.4 Workweek**

A workweek is a period of seven consecutive days. The College’s workweek begins on Saturday at 12:01 am, and ends the following Friday, at 12:00 pm. The College is generally open for business Monday through Friday, 8:00 am to 4:30 pm with a half-hour unpaid lunch break for all employees.

## 6.5 Safe Harbor Policy

It is the College's policy and practice to accurately compensate employees and to do so in compliance with all applicable state and federal laws. To ensure that you are paid properly for all time worked and that no improper deductions are made, you must correctly record all work time on your semi-monthly time sheet and review your paychecks promptly to identify and to report any errors. You must not engage in off-the-clock or unrecorded work. All employees of the College are paid on a semi-monthly basis.

### 6.5.1 Review Your Pay Record

We make every effort to ensure that employees are paid correctly, but if an error does occur, we will promptly make any necessary corrections. If you believe a mistake has occurred or if you have any questions, please contact the Payroll Office immediately. If you have elected to have your compensation directly deposited to your bank or financial institution, you should review your payroll record by accessing the [Paylocity secure website](#). Information on logging in for this service is available at the Payroll Office. It is your responsibility to review your pay record or check stub after each pay period to make sure it is correct.

### 6.5.2 Non-exempt Employees

Non-exempt employees are required to accurately record time actually worked on semi-monthly [time sheets](#). These must be signed by the employee and approved by the supervisor.

Supervisors are responsible for assuring that the time sheets for employees in their areas are submitted to the Payroll Office on a timely basis, according to the schedule distributed to all employees at the start of the academic year.

Employees are prohibited from performing any "off-the-clock" or unrecorded work. "Off-the-clock" work means work that is performed but not reported on a time sheet. Your time sheet must accurately reflect all regular and overtime hours worked, any absences, early or late arrivals, and early or late departures. At the end of each pay period, you should submit your completed time sheet for verification and approval. Any employee who fails to report or inaccurately reports any hours worked may be subject to disciplinary action.

It is a violation of the College's policy for any employee to falsify a time record, or to alter another employee's time record. It is also a serious violation of policy for any employee or supervisor to instruct another employee to incorrectly or falsely report hours worked, or to alter another employee's time record to under- or over-report hours worked. If any supervisor or employee instructs you to incorrectly or falsely under- or over-report hours worked, or to alter another employee's time records to inaccurately or falsely report that employee's hours worked, you should report it immediately to the Director of Human Resources.

### 6.5.3 Exempt Employees

If you are classified as an exempt (salaried) employee, you will receive a salary which is intended to compensate you for all hours you may work for the College. This salary will be established at the time of hire or when you become classified as an exempt employee. While it may be subject to review and modification from time to time, such as during performance evaluations, the salary will be a predetermined amount that will not be subject to deductions for variations in the quantity or quality of the work you perform.

You will receive your full salary for any workweek in which work is performed. Your salary may be reduced as permitted by federal and state laws for such reasons as:

- Full day absences for personal reasons.
- Full day absences for sickness or disability.
- Full day disciplinary suspensions for infractions of our written policies and procedures.
- Child support orders, wage garnishments.
- Family and Medical Leave absences (either full or partial day absences).
- Any full work week in which you do not perform any work.
- For certain types of deductions such as your portion of health, dental or life insurance; state, federal or local taxes, social security; or, voluntary contributions to a pension or other retirement plan.

In any work week in which you performed any work, your salary will not be reduced for any of the following reasons:

- Partial day absences for personal reasons, sickness or disability.
- Your absence on a day because the College is closed on a scheduled workday.
- Absences for jury duty, attendance as a witness, or military leave.
- Any other deductions prohibited by state or federal law.

Please note: it is not an improper deduction to reduce an employee's accrued vacation, personal or other forms of paid time off for full or partial day absences for personal reasons, sickness or disability. However, your salary will not be reduced for partial day absences if you do not have accrued paid leave.

You are required to submit a [Leave Request/Report Form](#) for all time off, including days for which you are using accrued paid vacation, personal and sick leave. Your supervisor must approve the form, and forward it to the Human Resources Office for record-keeping.

#### **6.5.4 To Report Payroll Concerns or Obtain More Information about Your Pay**

It is a violation of the College's policy for any employee to falsify a time sheet, or to alter another employee's time sheet. It is also a serious violation of policy for any employee or manager to instruct another employee to incorrectly or falsely report hours worked or alter another employee's time sheet to under- or over-report hours worked. If any supervisor or employee instructs you to

- Falsely or incorrectly under- or over-report your hours worked,
- Alter another employee's time records to inaccurately or falsely report that employee's hours worked, or
- Conceal any falsification of time records or to violate this policy,

Do not do so. Instead, report it immediately to the Director of Human Resources.

If you have questions about deductions from your pay, please immediately contact the Payroll Office. If you believe you have been subject to any improper deductions or your pay does not accurately reflect your hours worked, you should immediately report the matter to your supervisor. If the supervisor is unavailable or if you believe it would be inappropriate to contact that person (or if you have not received a prompt and fully acceptable reply), you should immediately contact the Payroll Office, or any other supervisor at the College with whom you feel comfortable. If you are unsure of who to contact, or if you have not received a satisfactory response within 5 business days after reporting the incident, you should immediately contact the Vice President for Business and Finance.

Every report will be fully investigated and corrective action will be taken where appropriate, up to and including discharge for any employee(s) who violates this policy. In addition, the College will not allow any form of retaliation against individuals who report alleged violations of this policy or who cooperate in the College's investigation of such reports.

#### **6.6 Final Pay Policy**

Separating employees shall receive all compensation due them through the day of their separation at the next regularly scheduled payroll date. Only deductions permitted by law or expressly authorized in writing by the separating employee shall be made from final pay owed to that employee.

#### **6.7 Emergency Closing Pay Procedures**

The College's intention is to pay employees on those occasions when significant emergency conditions cause the cancellation of work schedules. The College will only be closed if it is deemed unsafe for students, faculty and staff to conduct normal business on campus. A closing may include cancellation of all work schedules for the entire day, a delayed opening or an early closing.

When all work schedules are canceled, employees will be paid for their regularly scheduled hours for that day at their regular base rate of pay. Employees who are on pre-scheduled vacations, ongoing illness, or other planned absence from work will have that absence recorded as originally planned. Pay for hours when the campus experiences a

delayed opening or early closing may only be received by employees who physically reported to work on that day. If employees choose to work during an emergency closing period, they will receive their regular pay in lieu of emergency closing pay for the hours they worked. There is no additional payment for any hours an employee chooses to work during the emergency closing period.

Employees in some positions must work during an emergency closing. These employees will be paid at their regular rate of pay for hours worked. (If these employees work less than their regular work schedule, the remaining hours will be paid as emergency closing pay.)

### **6.8 Compensatory Time**

The College does not grant compensatory time for exempt employees.

### **6.9 Payroll Records**

Payroll records, including time cards, are retained by the College in accordance with federal and state law, generally for six (6) years from the date of the record.

### **6.10 Pay Advances**

It is the College's policy not to advance compensation to employees in any circumstance.

## **7. EMPLOYEE BENEFITS AND SERVICES**

### **7.1 Mandated Benefits**

The College is required to provide these benefits for its employees.

#### **7.1.1 Social Security**

The Social Security Act of 1935 is the basic Federal social welfare legislation in the United States. During working years employees and their employers pay Social Security taxes which are placed in special trust funds. (Social Security deduction is 6.20%; Medicare deduction is 1.45%). When earnings stop because the worker retires, dies, or becomes disabled, monthly cash benefits are paid to replace part of the earnings the worker's family has lost. In compliance with the law, the College withholds the tax from each employee's salary and matches it with an equal amount. Approximately six months prior to retirement, the employee should consult with the local Social Security office to make the necessary arrangements for retirement payments to begin.

#### **7.1.2 Workers Compensation**

In compliance with the New York State Workers' Compensation Law, the College is required to provide disability and medical benefits to an employee who incurs a work-related injury or illness. Work-related injuries and illnesses must be reported at once to the employee's immediate supervisor. The supervisor must immediately report the injury to the Benefits Manager so that the necessary claim forms ([Incident Report Form](#)) can be filed with the worker's compensation carrier.

#### **7.1.3 Unemployment Compensation**

Unemployment Compensation assures benefits to eligible former employees during any period when, through no fault of their own, they become unemployed. The employee should contact the nearest NYS Department of Labor office to register for work elsewhere, and to file a claim for unemployment benefits. Contact information is available from the Benefits Manager.



### 7.1.4 Disability Income Insurance

New York State Disability Insurance provides statutory coverage of 50% of pay to a maximum of \$170.00 per week for up to six months. Coverage begins after one week of disability caused by non-work-related injury, illness or childbirth. Employees participate in the cost of this insurance at the rate of \$1.30 per pay period. Additional information is available from the Benefits Manager

### 7.1.5 COBRA

The Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) provides employees and their dependents who are covered under the College's group health plan the opportunity to continue group health care benefits in a number of situations. The COBRA-eligible employee/dependent/s pay/s for these benefits if continuation of coverage is elected.

Once an employee is determined eligible for, and chooses to elect COBRA, the Benefits Manager notifies Excellus Benefits Solutions (EBS) which administers the plan, providing information and application materials.

## 7.2 College-Sponsored Benefits

**The College reserves the right to amend, modify, or terminate any or all of these plans at any time in its sole discretion.**

The College elects to offer its employees these benefits. Employees share the cost of many of these benefits with the College. The Human Resources Office administers the benefits programs available to employees. Details of each program are provided to participants at the time of appointment. Questions regarding benefits and coverages should be addressed to the Benefits Manager. While the following summaries are intended to generally describe the nature of the benefit, copies of current descriptive booklets are available from the Benefits Manager in the Human Resources Office or at [Benefits](#).

### 7.2.1 Health Insurance

Regular full-time employees are eligible to participate in the College's group health insurance program. The plan year is from 1/1 to 12/31. Employees contribute to the cost of this plan, and are eligible to enroll the coverage tier of their choice: individual, 2-person (employee + 1), or family.

The College's group health insurance plan is underwritten by BlueCross BlueShield of Utica/Watertown, an Excellus company. Eligibility begins the first day of the month following 30 days' of regular full-time employment. Subsequent enrollment date: January 1<sup>st</sup> of each year. Contact the Benefits Manager for current information.

### 7.2.2 Employee Assistance Program (EAP)

An [Employee Assistance Program](#) (EAP) benefit for employees and their dependents is administered by Behavioral Health Services North. The EAP provides confidential assessment, referral and short-term counseling for employees who need or request it. Supervisors may refer an employee to EAP in consultation with the Director of Human Resources. If an EAP referral to a treatment provider outside the EAP is necessary, costs may be covered by the employee's medical insurance, but the costs of such outside services are the employee's responsibility.

The College's EAP provides a wide range of support and guidance, including, but not limited to, the following:

- Alcohol and drug misuse and dependency
- Stress and emotional disturbances
- Marital and family issues
- Depression and grief
- Critical incident debriefing
- Workplace mediation

The contact number for the service is 1-800-724-0747.

The EAP also provides access to LifeHub, an online resource for many personal and work issues and training opportunities. To access the website, go to [www.lifehub.com](http://www.lifehub.com) and use the Key Code - **pscollege**. Eligibility begins upon employment.

### 7.2.3 Retirement Plan

The College provides, through TIAA, a retirement income plan for employees who have attained 21 years of age and have met the employment requirement of the Plan. An employee becomes eligible by completing 6 months of regular full-time employment at Paul Smith's College, or through prior qualifying employment.

A Supplemental Retirement Annuity plan is available for employees who wish to make additional contributions toward their retirement. Contact the Benefits Manager in the Human Resources Office for current information.

For additional information, contact the Office of Human Resources. For online information, visit [www.tiaa-cref.org](http://www.tiaa-cref.org).

### 7.2.4 Group Life Insurance

Paul Smith's College provides each eligible employee with a \$10,000 basic benefit of group term life insurance. If the employee does not want this benefit, they need to fill out a Waiver of Benefit form. Supplemental life insurance equal to 1.5 times the employee's annual salary is available, as is dependent coverage for spouse and dependent children. Coverage begins after 30 days of employment with the College. Contact the Benefits Manager in the Human Resources Office for current information.

### 7.2.5 Supplemental Long Term Disability

Supplemental Long Term Disability is available, which pays 67% of income to age 65, subject to maximum salary levels and types of disability. Coverage begins six months after the onset of a disability caused by non-work-related injury or illness. Employees share the cost of this benefit with the College. Eligibility begins after 90 days of employment. Enrollment forms must be completed within 30 days of the date of hire. No additional enrollment period is available.

### 7.2.6 Tuition Remission and Tuition Exchange

The College offers 3 plans to assist employees in advancing their or their dependents' educational objectives:

- Employees and their dependents are eligible for tuition remission at Paul Smith's College, according to the College's policy and procedures.
- The College participates in the CICU Tuition Remission Plan, through which dependents of employees may receive tuition remission from a number of other independent colleges in New York State. A list of participating institutions is available at the Financial Aid and Human Resources offices.
- The College also participates in The Tuition Exchange, an international scholarship exchange program for dependent children of employees. To view the Paul Smith's College Guidelines click on the following "[Tuition Exchange Guidelines](#)." To view a list of Tuition Exchange- participating colleges and universities, go to [www.tuitionexchange.org](http://www.tuitionexchange.org).

Program Details & Application forms for employees and their immediate family members are available on the College's website.

### 7.2.7 Guardian Dental Plan

This voluntary plan provides two levels of coverage, a variety of benefits and allows employees and their families to use a dentist or specialist of choice. Benefits are paid after any applicable deductible has been met, up to an annual maximum. Contact the Benefits Manager in the

Human Resources Office for current information. Eligibility begins the first day of the month following 30 days of employment. Subsequent enrollment date: January 1<sup>st</sup>

### 7.2.8 Guardian Vision Plan

This is an optional plan offered through Guardian/Davis Network. Significant out-of-pocket savings available with the Full Feature plan. Locations including retail centers such as Wal-Mart, JC Penney, Sears, Target, Sam's Club, Pearl and Vision works. Eligibility begins the first day of the month following 30 days of employment. Subsequent enrollment date: Jan 1<sup>st</sup>

### 7.2.9 Flexible Spending Account Plan

A program administrated by EBS Benefit Solutions allows an employee the opportunity to pay for predictable health care and dependent expenses on a pre-tax basis. Under this plan the employee may voluntarily allocate a certain amount of before-tax pay as "Flexible Spending Account". No Federal or State income tax or social security tax (FICA) is assessed on funds allocated to the plan.

The employee may allocate "Flexible Spending Account" dollars toward any of these routine, predictable expenses:

- Benefit Plan Premiums
- Health Care Reimbursement
- Dependent Care Reimbursement
- Over-The-Counter Drugs and Medications

### 7.3 Credit Union

The College is affiliated with [Tri-Lakes Federal Credit Union](#) and the [Adirondack Regional Federal Credit Union](#). Applications for share accounts, checking accounts, loans, and IRAs are available in the Office of Human Resources.

### 7.4 Direct Deposit

Paychecks can be deposited electronically to accounts at the financial institution of your choice. [Direct Deposit Authorization Forms](#) are available in the Payroll and Human Resources Offices. Direct Deposit funds will be available in the employee's bank account by 9 AM on each pay date. It is the employee's responsibility to verify the accuracy of the deposit and to inform the Payroll Office of any irregularity.

If an employee elects not to authorize Direct Deposit, checks will be mailed to the employee's address of record through the US Postal Service.

### 7.5 Paid Time Off

The College provides generous paid time off benefits: Categories include:

- Vacation Days
- Personal Days
- Float Days
- Holidays
- Sick Days

#### **Eligible Administrative and Professional Staff receive paid time off as follows:**

**Full time** – working 35-40 hours per work week – full leave

**Part time** – working 20-34 hours per work week – pro rata leave

**Reduced Appointment** (less than 12 months) – pro rata leave

**Temporary** – not eligible for paid leave

**Casual** (working less than 20 hours per work week) – not eligible for paid leave

**Seasonal** – not eligible for paid leave

Combined types of time off can only be used for the same day up to the maximum of the employee's regularly scheduled shift length.

### 7.5.1 Vacation

Eligible full-time Administrative and Professional staff annually receive **20 days (160 hours)** of vacation leave. Eligible Administrative and Professional staff working part time or less than a 12- month appointment will receive pro rata vacation. Temporary, casual, or seasonal employees are not eligible for vacation leave. Use of vacation time must be approved in advance by an employee's supervisor.

In an employee's first year, an eligible employee will accrue vacation time. The College discourages use of vacation time during an employee's first six months, but such time off may be requested and approved if the supervisor deems appropriate. Employees in their first year may use approved vacation time in advance of its accrual up to 80 hours or the remaining number of hours in the employee's first year accrual, whichever is less. In the pay period following an employee's first anniversary and annually thereafter, the College will post to the employee's leave balances the next year's full vacation allocation based upon the employee's eligibility.

Current-year vacation balances expire at the end of the pay period in which the employee's anniversary date falls. An employee's vacation balance does not roll forward to the next employment year, unless unusual and extraordinary business needs of the College prevent the employee's use of the vacation, as attested by the employee's supervisor and area Cabinet member. The maximum rollover is 20 days and must be used within three months of the anniversary date.

Unused vacation time will be paid out upon separation from employment at the employee's final wage or salary. Employees may not receive pay in lieu of vacation except when separating from employment with the College.

Any use of time off requires the supervisor's advance approval on the Leave Request form. Employees are encouraged to request vacation time as far in advance of the proposed date(s) as possible. Supervisors should respond to vacation requests promptly. Supervisors are responsible for monitoring, tracking, and approving the use of vacation time. Employees should also keep track of their own balances.

When a College-scheduled holiday occurs during a paid vacation period, eligible employees will be paid for the holiday and will not have to use vacation time for that day. Similarly, if an employee requests a vacation day and the College is forced to close on that day, the employee will not be required to use a vacation day.

### 7.5.2 Personal

**Eligible Administrative and Professional staff** receive paid time off as follows:

**Full time** – working 35-40 hours per work week – full leave

**Part time** – working 20-34 hours per work week – pro rata leave

**Reduced Appointment** (less than 12 months) – pro rata leave

**Temporary** – not eligible for paid leave

**Casual** (working less than 20 hours per work week)– not eligible for paid leave

**Seasonal** – not eligible for paid leave

Eligible full-time Administrative and Professional staff will be credited **3 days (24 hours)** of personal time upon hire and annually thereafter based on the employee's anniversary date. A new employee's initial personal time allotment will be posted as part of the employee's first payroll.

Annual allotments will be posted in the payroll next following the employee's anniversary date.

Unused personal time will not carry forward to a future year and is not compensable upon separation from employment.

### 7.5.3 Float

As part of the President's annual announcement of the next year's holidays for staff members, the President may grant up to three float days (24 hours) for the upcoming calendar year (January – December). Conditions on the use of these extra holidays are announced at that time.

When granted, float days are allocated in the first calendar year of employment as follows:

- Hire date on or before April 30<sup>th</sup> – 3 float days.
- Hire date on May 1<sup>st</sup> – July 31<sup>st</sup> – 2 float days.
- Hire date August 1<sup>st</sup> and after – 1 floatday.

A new employee's initial float allotment will be posted as part of the employee's first payroll. Annual allotments of float days will be posted in the payroll next following January 1<sup>st</sup>.

Float days must be taken in full-day (8-hour) increments. Unused float days will not carry forward to a future year and are not compensable upon separation from employment.

Eligible staff working less than a 12-month appointment will receive float time on a pro rata basis.

### 7.5.4 Holidays

The schedule of holidays observed by the staff is released annually by the President's Office.

Full-time regular hourly staff required to work on a College-declared holiday will receive 8 hours of premium holiday pay. Part-time regular hourly staff required to work on a College-declared holiday will receive pro rata premium holiday pay. Temporary, casual, or seasonal employees are not eligible for holiday premium pay. Hours actually worked are subject to regular and/or overtime pay as defined by the College's work week. Salaried employees required to work on declared College holidays are entitled to arrange in advance with their supervisor to have an equivalent amount of time off during the same payperiod.

Employees are not entitled to compensation for unused holidays upon separation from employment.

### 7.5.5 Sick

Eligible full-time Administrative and Professional staff will annually receive **10 days (80 hours)** of sick time commencing with hire date and accumulating up to a maximum total of 1040 hours.

Eligible staff working less than a 12-month appointment will receive sick time on a pro rata basis. Part-time, temporary, casual, and seasonal employees are not eligible for sick time.

A new employee's initial sick time allotment will be posted effective as of the employee's first payroll.

Full-time Administrative and Professional staff who are out of work due to their own or an immediate family member's (as defined by the FMLA policy) illness or doctor's appointment are eligible to use sick time.

Employees should report by telephone or email to their office and immediate supervisor at least a half-hour before their normal work day begins on the first day of their absence advising the cause and probable length of absence. Should the absence extend beyond this projection, employees are expected to contact their supervisor to request additional leave.

Sick time taken for scheduled doctor's appointments should be requested as far in advance as possible. The College reserves the right to request a doctor's certificate in any case when sick time is used. Unused sick time is not compensable upon separation from employment with the exception of retiring employees who are age 65 or older at the time of retirement and who began employment at Paul Smith's prior to January 1, 2005. For these retirees, unused sick time of up to 20 days will be paid out upon retirement.

## 7.6 Inclement Weather

During inclement weather, always check with the campus A.L.E.R.T. system, or local and regional media outlets where College closing announcements are posted. These are, generally, Saranac Lake, Malone, Plattsburgh, Watertown television stations, and North Country Public Radio.

When the College declares a weather emergency, only "essential" personnel should report for work as scheduled. Each supervisor has determined in advance, on the basis of typical categories of situations (e.g., weather emergencies), who in the department is to be considered "essential." However, it is understood there will be unanticipated types of emergency that may require the supervisor to make last-minute contact with key employees.

If Paul Smith's College does not declare an emergency closing, it is understood that classes are in session. On rare occasions, the College may have to announce an emergency so severe that classes are canceled. The announcement of the cancellation of classes will be a separate announcement from the declaration of the closing of College offices.

[Announcements would be "Paul Smith's College offices are closed; classes are as regularly scheduled. Only essential personnel should report to work."; -- or "Paul Smith's College offices are closed; classes are canceled. Only essential personnel should report to work."]

Unless an emergency has been declared which closes College offices, the assumption should be that normal operations continue. If the College is open, individuals may decide not to come to work when travel risks or other weather-related factors make it inadvisable. In such a case, employees who are unable to come to work when a weather emergency has not been declared, should contact their supervisor and elect to use accrued vacation or personal leave.

## 7.7 Compensatory Time

The College does not grant compensatory time for exempt employees.

## 7.8 Rights for Nursing Mothers

The College supports the rights of nursing mothers to have access to private space to express breast milk at work. An employee wishing to use this benefit must give notice to her supervisor, preferable prior to returning to work after the birth of a child.

## 7.9 Family Medical Leave Act (FMLA)

As a College employee, you may be entitled to a leave of absence under the Family and Medical Leave Act (FMLA). This policy is intended to provide you with information concerning FMLA entitlements and obligations you may have during such leaves. If you have any questions concerning FMLA leave, please contact the Benefits Manager in the Office of Human Resources.

### 7.9.1 Employee Entitlements for FMLA Leave

The FMLA provides eligible employees with a right to leave, health insurance benefits and, with some limited exceptions, job restoration.

### 7.9.2 Leave Entitlement

The FMLA provides eligible employees up to 12 workweeks of unpaid leave for certain family and medical reasons during a 12 month period. The 12 month period is determined on rolling method, such that available leave will be calculated by determining the amount of leave used by an employee for the 12 months prior to each day for which leave is requested and subtracting that number from the total of days equal to 12 work weeks. Leave may be taken for any one, or for a combination, of the following reasons:

- For the birth of the employee's child, and to care for the newborn child;

- For placement with the employee of a child for adoption or foster care and to care for the newly placed child;
- To care for the employee's spouse, child or parent (but not in-law) with a serious health condition; and/or
- For the employee's own serious health condition that makes the employee unable to perform one or more of the essential functions of the employee's job.

FMLA leave usually will be taken for a period of consecutive days, weeks or months. When it is medically necessary for planned and/or unanticipated medical treatment or recovery from treatment or a serious health condition, eligible employees also may request FMLA leave on an intermittent basis or on a reduced leave schedule. FMLA leave also may be taken intermittently or on a reduced leave schedule when leave is taken to provide care or psychological comfort to an immediate family member with a serious health condition.

To be an "eligible employee", you must have been employed by the College: (1) for at least 12 months (which need not be consecutive); (2) for at least 1250 hours during the 12-month period immediately preceding the commencement of the leave; and (3) at a worksite where 50 or more employees are located within 75 miles of the worksite.

A "serious health condition" is an injury, illness, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider.

### **7.9.3 Health Insurance Benefits**

During FMLA leave, eligible employees are entitled to receive group health plan coverage as if they had continued to work.

### **7.9.4 Job Restoration**

At the end of FMLA leave, subject to some exceptions including situations where job restoration of "key employees" will cause the College substantial and grievous economic injury, employees generally have a right to return to the same or equivalent positions they held before the FMLA leave. The College will notify employees if they qualify as "key employees", if it intends to deny reinstatement, and of their rights in such instances.

### **7.9.5 Employee Obligations for FMLA Leaves**

#### **7.9.5.1 Provide Notice of the Need for Leave**

Employees who take FMLA leave must notify the College of their need for FMLA leave. When leave is foreseeable for childbirth, placement of a child or planned medical treatment for the employee's or family member's serious health condition, employees must provide the College with at least 30 days advance notice, or such shorter notice as is practicable (i.e., within 1 or 2 business days of learning of the need for the leave). When the timing of the leave is not foreseeable, employees must provide the College with notice of the need for leave as soon as practicable (i.e., within 1 or 2 business days of learning of the need for the leave).

If employees fail to give 30 day's notice for foreseeable leave and there is no reasonable excuse for the delay, the College may delay the taking of leave until at least 30 days after the date employees provide notice of the need for the leave. Employees should request FMLA leave by completing the Employer's Request for Leave form and submitting it to Human Resources Department.

#### **7.9.5.2 Cooperate in the Scheduling of Intermittent Leave or Reduced Work Schedule**

If employees take leave intermittently or on a reduced work schedule basis, employees must, when requested, attempt to schedule the leave so as not to unduly disrupt the College's operations. When employees take intermittent or reduced work schedule leave for foreseeable planned medical treatment for the employee or a family member, including a period of recovery from a serious health condition, the College may temporarily transfer employees to alternative positions with equivalent pay and benefits for which the employees are qualified and which better accommodate recurring periods of leave.

### **7.9.5.3 Submit Initial Medical Certifications Supporting Need for Leave**

Employees requesting leave because of their own, or a covered relation's, serious health condition must supply medical certification supporting the need for such leave from their, or the covered family member's, health care provider. Medical Certification forms for employees and for their family members can be obtained from the College's Human Resources Office. When employees request leave, the College will tell them when the medical certification is due (no more than 15 days after employees request leave). If employees provide at least 30 days' notice of medical leave, they also should provide the medical certification before leave begins. Failure to provide requested medical certification in a timely manner may result in the delay of FMLA leave or a designation that leave already taken is not authorized as FMLA leave.

If the College has reason to doubt an initial medical certification, the College may:

- With the employee's permission, have a designated health care provider contact the employee's health care provider in an effort to clarify or authenticate the initial certification; and/or
- Require the employee to obtain a second opinion by an independent designated provider at the College's expense.

If the initial and second certifications differ, the College may, at its expense, require the employee to obtain a third, final and binding certification from a jointly selected health care provider.

### **7.9.5.4 Provide Medical Recertification upon Request during FMLA Leave**

Depending on the circumstances and duration of FMLA leave, the College may require employees to provide recertification of medical conditions giving rise to the need for leave. The College will give employees at least 15 calendar days to provide medical recertification.

### **7.9.5.5 Report Periodically during FMLA Leave**

If employees take FMLA leave because of their own serious health conditions or to care for a covered relation, they must contact the College on the first and third Tuesday of each month regarding the status of the condition and their intention to return to work at the end of the FMLA leave period. If an employee's anticipated return to work date changes and it becomes necessary for the employee to take more or less leave than originally anticipated, the employee must provide the College with reasonable notice (i.e., within 2 business days) of the employee's changed circumstances and new return to work date. If employees give the College unequivocal notice of their intent not to return to work, they will be considered to have voluntarily resigned and the College's obligation to maintain health benefits (subject to COBRA requirements) and to restore their positions will cease.

### **7.9.5.6 Provide Return to Work Certification at the End of FMLA Leave**

Unless notified that providing such certification is not necessary, employees returning to work from FMLA leave that were taken because of their own serious health conditions that made them unable to perform their jobs must provide the College medical certification confirming that they are able to return to work. The College may delay job restoration until employees provide return to work/fitness for duty certifications.

### **7.9.5.7 Substitute Paid Leave for Unpaid FMLA Leave**

If employees request FMLA leave because of a birth, adoption, or foster care placement of a child, they must first substitute any accrued paid vacation or other paid personal leave for unpaid family/medical leave. If employees request FMLA leave because of their own serious health conditions (excluding absences for which employee are receiving workers' compensation or short term disability benefits) or to care for a covered relation with a serious health condition, they must first substitute any accrued paid vacation or medical/sick leave for unpaid family/medical leave. The substitution of paid time for unpaid family/medical leave time does not extend the length of FMLA leaves.

### **7.9.5.8 Pay Employee's Share of Health Insurance Premiums**

As noted above, during FMLA leave, employees are entitled to continued group health plan coverage under the same conditions as if they had continued to work. If paid leave is substituted for unpaid family/medical leave, the



College will deduct employees' shares of the health plan premium as a regular payroll deduction. If FMLA leave is unpaid, employees must pay their portion of the premium through submitting payment to the College on each regularly scheduled

paydate during the period of their leave. The College's obligation to maintain health care coverage ceases if an employee's premium is more than 30 days late. If an employee's payment is more than 15 days late, the College will send a letter notifying the employee that coverage will be dropped on a specified date unless the co-payment is received before that date.

If employees do not return to work with 30 calendar days at the end of the leave period (unless employees cannot return to work because of a serious health condition or other circumstances beyond their control) they will be required to reimburse the College for the cost of the premiums the College paid for maintaining coverage during their unpaid FMLA leave.

### **7.9.6 Coordination of FMLA Leave with other Leave Policies**

FMLA leaves are administered as part of the College's Integrated Medical Leave policy. For additional information concerning leave entitlements and obligations that might arise when FMLA leave is either not available or exhausted, please consult the Colleges' Integrated Medical Leave Policy in this handbook or contact Human Resources.

### **7.10 Integrated Medical Leave Policy**

Because of the different protections provided by federal and state law, it is difficult to state exactly how much leave employees are entitled to receive if they are unable to perform one or more essential job functions due to injury or illness or pregnancy, childbirth or related medical conditions. For example, depending on the reason for your absence, your length of service with the College, and state law, you may be entitled to leave under the ADA, federal FMLA, state pregnancy laws or state worker's compensation laws. Our policy is to provide all the leave required by federal and state law and to consider providing leave extensions thereafter on a case by case basis. This policy shall be interpreted to meet this goal.

#### **7.10.1 Applying for Leave**

If you are unable to work due to injury, illness, pregnancy, childbirth or related medical conditions, you should review our College's Family and Medical Leave policy to determine if you are eligible for medical leave under that policy. Thereafter, you should contact Human Resources to confirm your understanding concerning your leave entitlement and any additional steps you may need to take to obtain such leave including but not limited to submission of medical certification and documentation.

#### **7.10.2 Obtaining Approval for Leave Extensions**

In instances where employees are unable to work due to injury, illness, pregnancy, childbirth or related medical conditions and either:

- Federal or state law does not provide a leave entitlement; or
- Employees have exhausted all leave expressly provided by federal or state law,

our policy is to consider the possibility of holding an employee's position open for an additional defined period of time where employees provide requested documentation confirming their inability to return to work and need for additional leave. Specifically, employees must provide written documentation from their health care provider supporting the need for additional leave including a detailed explanation of the medical reason why the employee is not able to return to work, any accommodations that might enable the employee to return to work, and the health care provider's option (supported by medical reasoning) as to the likely date the employee will return to work, if known.

This period of additional job protected leave is referred to as the "leave extension period" or "LEP". During the LEP, we may take steps to fill the employee's position should the employee be unable to return to work at the end of the LEP or any additional period that may be required by law.

Such steps might include, for example, posting or advertising the positions internally or

externally and interviewing internal or external candidates. We determine eligibility for leave extension on a case-by-

case basis.

The decision concerning an employee's right to a leave extension does not affect an employee's right to short or long term disability or workers' compensation. An employee's eligibility for such compensation is based on an independent determination pursuant to the terms of the applicable benefit plans and/or the laws governing such benefits.

### **7.10.3 Ensuring Full Employment**

Absenteeism and leave creates hardships for everyone involved. Employees unable to work lose some or all of their income and benefits while supervisors and/or co-workers have to work longer, harder or different work schedules to fill the void created by the absence. For all these reasons, before authorizing leave on an intermittent or full-time basis, the College will attempt to engage in an interactive dialogue with the employee and the employee's health care provider to identify any accommodations that might enable the employee to continue working. Depending on the medical and operational circumstances, the potential accommodations might include:

- Eliminating responsibility to perform non-essential job functions
- Swapping non-essential job functions with other employees
- Provision of equipment or devices to facilitate performance of essential job function
- Temporary or permanent reassignment to available positions
- Modifying work schedules

### **7.10.4 College Communication with Medical Professionals**

Our policy regarding communication with doctors and other medical professionals is simple: we don't make medical decisions and we don't allow doctors to make employment decisions. Instead, we seek to work cooperatively with medical professionals to make informed individualized assessments about our employee's ability to work and/or be at work.

To accomplish this goal, for time to time, and as permissible by law, we may need to obtain medical information from your treating physician or other medical professionals we might retain to offer an opinion on your ability to work or be at work. While we expect you to comply with these requests, if you have any concerns about providing such information, you should contact Human Resources so it can attempt to address them. When it is necessary to receive such information, we will pay for any out-of-pocket costs associated with obtaining the information. While we will assist you in whatever ways we can, it is your responsibility to see that your treating physician provides the information we request.

### **7.10.5 If You Are Unable to Return to Work**

Despite our effort and commitment to provide employees a reasonable period of leave to recover from injuries or illnesses, there will be times when employees will be unable to return to work after exhausting the leave period discussed above. In such circumstances, it may become necessary to terminate the employment of these individuals to avoid further operational hardships and challenges. Terminated employees still may be eligible for workers' compensation or short or long-term disability benefits.

### **7.11 Other Benefits and Leave**

Other benefits normally provided to an employee shall be provided to the employee only if permitted by the plan and if the employee makes any required premium contributions. Employees will not earn any vacation, sick leave, or personal leave while on unpaid FMLA leave. Employees on an intermittent or reduced-schedule leave will earn prorated vacation or other leave.

### **7.12 Personal Leave of Absence**

The College may grant an employee a leave of absence without pay for up to one month after 1 year of employment,

for up to 2 months after 2 years of employment, and for up to 3 months after 3 or more years of employment. In all such cases, the employment must be continuous, satisfactory and full-time service. Such a request must be made in writing, through the supervisor to the Director of Human Resources, to the President. Individual requests for personal leave of absence without pay will be evaluated on a case-by-case basis. All unused accrued vacation must be taken before a leave without pay will be granted. Employees on an approved leave of absence without pay must reimburse the College the full expense of any employee benefit.

### **7.13 Bereavement Leave**

When a death occurs in the immediate family of a regular full-time employee, the employee will be granted three days' bereavement leave. The immediate family is defined as parent, spouse/significant other/partner, sister, brother, child, stepchild, grandchild, grandparent, parent in-law, or any individual who has acted as a parent or guardian. Similarly, an employee is eligible for one day of bereavement leave when death occurs among the employee's close relatives, defined as aunt, uncle, son-in-law or daughter-in-law, brother-in-law or sister-in-law, niece or nephew.

When an employee wishes additional time off for bereavement, accrued sick or vacation leave may be used as bereavement leave. Requests for additional bereavement time may be approved by the immediate supervisor in consultation with the Director of Human Resources. Bereavement leave time may not be accumulated or postponed to a later date. The College reserves the right to require an employee to provide documentation of a family death.

The Human Resources Office will facilitate an announcement to the College Community regarding the death of an employee's family member at the request of the employee's supervisor.

### **7.14 Court and Jury Duty**

If a full-time employee is called to serve as a juror or subpoenaed as a witness, the College will pay the employee's regular pay for three regular work days. The employee must present a copy of the statement from the Court Administrator's Office. This policy applies to employees who are called to serve as jurors or witnesses. It is not applicable to private suits where the employee is a plaintiff, defendant, or witness. An employee's absences from work will not be counted as vacation leave if the court appearance is required.

### **7.15 Military Leave**

Paul Smith's College protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service according to the Uniformed Services Employment and Reemployment Rights Act of 1994 ([USERRA](#)). The College will not discriminate against past and present members of the uniformed services, or applicants to the uniformed services.

### **7.16 Blood Donor Leave**

Employees who wish to participate as donors in a blood drive on campus may do so without any loss of paid time. Reasonable notice should be provided to your supervisor. Employees are eligible for 3 hours unpaid leave (or the use of accrued leave) if they wish to participate as a donor in an off-campus blood drive.

### **7.17 Supplemental Benefits**

#### **7.17.1 Cafeteria**

Employees may enjoy a full cafeteria meal at lunch in the Lakeside Dining Hall for the employee discounted price. Check with Campus Dining Services for current cost at X6311.

#### **7.17.2 Access to Facilities and Events**

These include use of Paul Smith's [Joan Weill Adirondack Library](#), Saunders Sports Complex, athletic fields, tennis courts, etc., and free admission to athletic and cultural events, and many student social activities.

### **7.17.3 Pack Basket/Bookstore**

A 15 % discount on Paul Smith's logo merchandise is offered to all College employees. A Paul Smith's College employee ID is required at the time of purchase. Maple syrup is not discounted.

### **7.17.4 Ganzi Training Center Dining**

Fabulous gourmet dinners are served when classes are in session in the Ganzi Training Center in Cantwell Hall. They are available to the PSC Community at a very reasonable price.

### **7.17.5 St. Regis Café**

Located in the Joan Weill Student Center and staffed by Hospitality and Culinary students, the Café is open for lunch and dinner throughout the year when classes are in session. The seasonal menu features daily specials, and its reasonable cost, well-prepared and served food make it especially popular among members of the local community.

### **7.17.6 Verizon Wireless**

Verizon Wireless offers discounts to College employees on monthly access fees for some plans and also on accessories. To be eligible, employees must present a College employee ID card. Information on these savings opportunities is available at [www.verizonwireless.com](http://www.verizonwireless.com).

### **7.18 Additional Benefit Information**

Further questions regarding any of the College's benefits should be directed to the Office of Human Resources, 327-6400.