



# **EMPLOYEE HANDBOOK**

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## **SECTION ONE**

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# **INTRODUCTION**

# THE FISHER STORY

Named in honor of John Fisher—martyr, scholar, educator, and Bishop of Rochester, England—St. John Fisher University bears the name of an extraordinary man of faith and principle. Executed in 1535 for refusing to sign the Oath of Supremacy, John Fisher died for what he had lived and preached fidelity to his Church and to his own conscience. He was canonized on May 19, 1935.

In 1948, through the combined efforts of civic leaders, the Rochester community at large, the Basilian Fathers and Bishop Kearney, St. John Fisher University, the “University on the Hill,” was borne out of the community’s desire to provide its young men with a traditional education in the humanities, social sciences, sciences, and business. The goal was to create an educational environment that would enable Fisher graduates to succeed in life and help strengthen the fabric of the Rochester community.

In June of 1949, ground was officially broken for the new institution. In 1951, beginning with just one building on campus, the original 120 men in the Class of 1955 began forming the traditions and customs that would make Fisher the University we know today.

The University, which became independent in 1968 and coeducational in 1971, now educates nearly 3,500 men and women in programs of study built on a solid core curriculum. Today, Fisher offers thirty-five undergraduate majors and twelve graduate programs.

# CONCISE MISSION STATEMENT OF ST. JOHN FISHER UNIVERSITY

St. John Fisher University is a collaborative community dedicated to teaching, learning and scholarship in a student-centered educational environment. The University is guided by its liberal arts tradition and its Catholic heritage as expressed in the motto of its founders, the Basilian Fathers: “teach me goodness, discipline, and knowledge.” Fisher engages individuals in lives of intellectual inquiry, professional integrity, and civic responsibility, where diversity and service to others are valued and practiced.

# THE FISHER CREED

In order to be active participants in a shared working and learning experience, we bring to Fisher:

## ***R E S P E C T***

for ourselves, for others, their ideas and beliefs, and for our community as a whole.

## ***O P E N - M I N D E D N E S S***

to things that are new, different, and unfamiliar.

## ***I N T E G R I T Y***

that will enable us to be honest, sincere, and true to ourselves.  
By bringing these qualities to our mutual experience, we help build a workplace that exemplifies the following values:

## ***D I V E R S I T Y***

of cultural backgrounds, personal characteristics, and life situations,  
all of which we value for their contribution to our team.

## ***R E S P O N S I B I L I T Y***

for individual actions and for their impact on others, and for creating  
accountability by employees.

## ***E D U C A T I O N***

with a commitment to scholarship, academic honesty, and life-long learning.

## ***L E A D E R S H I P***

in an environment that fosters active engagement in our community,  
displayed through participation, mentorship, and service.

## ***G R O W T H***

as reflected in continuous personal, intellectual, and spiritual development.  
As employees of the St. John Fisher University community, we live and work in close  
proximity, sharing certain needs, interests and aspirations.

Our common goal is personal, communal and academic development.

By adhering to the personal attributes and values outlined here, we as  
Fisher employees commit ourselves to lives which fulfill the Basilian motto:

***Teach me goodness, discipline, and knowledge.***



# DIVERSITY AND INCLUSION MISSION STATEMENT

At St. John Fisher University, diversity and inclusion on a global basis is a core value. We are committed to providing and promoting a diverse and inclusive environment for all, within which each person can succeed professionally regardless of race, ethnicity, culture, nationality, gender, religious beliefs, sexual orientation, gender identity and gender expression, age, marital status or disability or any other protected class under federal, state or local law. The University works to foster understanding, communication and respect among all people in the University to create an inclusive workplace.

The diversity of our workforce is essential, and we are committed to diversity and inclusion throughout the University to ensure a wide range of experiences, perspectives, and skills to provide better solutions, drive innovation and creativity, and enhance decision making.

Diversity is a mission imperative, and we are continuously focusing on creating a culture of inclusion that values each individual and promotes collaboration and fairness. Our diversity plan includes the following objectives:

- Secure a high-performing workforce drawn from diverse locations and backgrounds.
- Create a culture that encourages collaboration, flexibility, and fairness to enable individuals to contribute to their full potential, feel valued, and supported.
- Make diversity and inclusion one of our strategic priorities, through continued leadership commitment, accountability, and total workforce engagement.

Ensuring a diverse and inclusive workforce enables the University to be more responsive to our students and community and better equipped to fulfill our mission.

Achieving diversity and inclusion at the University is a team effort, and we expect and encourage employees to contribute to this goal. Together, we support a workplace that offers every individual the opportunity to attain professional goals and contribute to accomplishing our mission.

# PREFACE

This Handbook\* outlines the Human Resources Department policies and benefit plans currently in effect at St. John Fisher University. In this Employee Handbook, St. John Fisher University is also referred to as “University.” Policies are revised or added periodically and are effective as of the date issued. Nothing in this Handbook supersedes or replaces policies and procedures set forth in the Faculty Statutes.

The statements regarding the University’s policies, procedures and benefits are for information purposes only. They do not constitute a contract for employment, either expressed or implied. The University adheres to the principle of employment-at-will, which preserves the right of either the employee or the employer to terminate the employment relationship at any time, with or without cause. This principle does not apply to tenured faculty governed by the Faculty Statutes. No supervisor/manager or employee of St. John Fisher University has any authority to enter into an agreement for any employment other than at will. Only the President and/or Assistant Vice President for Human Resources have the authority to make any such agreement and then only if it is reduced to writing. Except for the policy of at-will employment, the University has maximum discretion permitted by law to change, modify or delete any provision in this Handbook at any time with or without notice. However, oral statements or representations cannot supplement, change or modify the provisions in this Handbook.

## Important Information about Benefits

As the University evolves, we will continue to review and revise these human resources policies and benefit plans. The University reserves the right to alter, reduce or terminate any pay practices, policies, premium contributions, benefits and benefit plans, in whole or in part, at any time for any reason to the extent permissible by law. Any such change may affect retirees and beneficiaries, as well as active employees.

The benefit information found in this Handbook is intended to provide an overview of the benefit plans. The actual benefits are controlled by the terms of the applicable plan documents and insurance policies. Questions regarding the interpretation of these plans will be answered in accordance with the actual plan documents and insurance policies, rather than the summaries contained in this Handbook. Employees may obtain copies of these documents from the Human Resources Department.

\* This Handbook and its policies are effective September 2024 and supersedes all other personnel manuals and personnel policies previously distributed by the University. To avoid confusion, please discard any copies of previously published **Employee Handbooks**.

## Disclaimers

This Employee Handbook will be interpreted to comply with all applicable federal, state, and local laws. As more fully described in the University's Statement of Rights Under the NLRA, nothing in this Employee Handbook is intended to unlawfully restrict an employee's right to engage in any concerted activity protected by the National Labor Relations Act.

In this Employee Handbook, the "workplace" may refer to a physical worksite, including the University's private offices, work performed at a client's/customer's worksite, any remote work location, including an employee's home or any other place outside of the traditional workplace where an employee performs work on behalf of St. John Fisher University.

## **SECTION TWO**

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# **EMPLOYMENT PRACTICES**

## 2.01 EQUAL EMPLOYMENT OPPORTUNITY

**St. John Fisher University** is committed to a policy of Equal Employment Opportunity with respect to all employees, interns and applicants for employment. Consistent with this commitment, our policy is to comply with all applicable federal, state and local laws concerning employment discrimination. Accordingly, the University prohibits discrimination against qualified employees, interns and applicants in all aspects of employment including, but not limited to: recruitment, interviewing, hiring (or failure or refusal to hire), evaluation, compensation, promotion, job assignment, transfer, demotion, training, leaves of absence, layoff, benefits, use of facilities, working conditions, termination and employer-sponsored activities and programs, including wellness, social and recreational programs. Employment decisions will be made without regard to an applicant's, employee's or intern's actual or perceived: race (including traits historically associated with race, such as hair texture and protective hairstyles), color, creed, religion (including wearing attire, clothing or facial hair in accordance with the tenets of religion), sex (including pregnancy, childbirth or related medical conditions and transgender status), gender identity or expression, an employee's or dependent's reproductive health decisions, familial status, national origin, citizenship or immigration status, physical or mental disability (including gender dysphoria and being a certified medical marijuana patient), genetic information (including predisposing genetic characteristics), age (18 and over), veteran status, military status, sexual orientation, marital status, certain arrest or conviction records, domestic violence or victim status, and any other status protected by law.

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### MANAGEMENT RESPONSIBILITIES

All members of management are responsible for understanding the University's commitment to this policy and ensuring this policy is carried out. Supervisors/Managers are responsible for immediately reporting and responding to a discrimination complaint, even if the reporting party does not want any action taken. It is critical that any observation of, or any formal or informal reference to discrimination is taken seriously and addressed promptly.

### REASONABLE ACCOMMODATIONS

The University will endeavor to make reasonable accommodations for a qualified applicant, intern or employee with a known disability, unless doing so would result in an undue hardship to the University. If an employee believes they need assistance to perform their job duties because of a physical or mental limitation, the employee should contact the Human Resources Department. Likewise, we will endeavor to make reasonable accommodations, upon request, arising out of an individual's sincerely held religious beliefs or practices, unless doing so would result in an undue hardship to the University. If an employee requires a reasonable accommodation arising out of a sincerely held religious belief or practice, the employee should contact the Human Resources Department.

## QUESTIONS AND COMPLAINTS

Questions regarding the administration of this policy or a complaint regarding Equal Employment Opportunity should be directed to the employee's or intern's supervisor/manager or to the Human Resources Department. Consistent with our policy on **Harassment & Discrimination Prevention**, the University will promptly and thoroughly investigate all complaints. Confidentiality will be maintained to the greatest degree possible, consistent with the University's obligation to thoroughly investigate the complaint.

Any individual at any time, even after separation of employment, who feels this policy has been violated should immediately contact their supervisor/manager or the Human Resources Department.

If not satisfied with the resolution, an employee or intern may pursue an appeal. Appeals will generally follow the steps outlined in the Open Communication policy.

## NO RETALIATION

It is the policy of St. John Fisher University that any employee, intern or applicant who makes or participates in the investigation of a discrimination complaint will not be retaliated against in any way. Employees, interns or applicants who feel they have been retaliated against for such activity should immediately contact the Human Resources Department.

Anyone found to be engaging in any type of inappropriate conduct under this policy may be subject to disciplinary action, up to and including termination of employment.

## **2.02 GENDER INCLUSION**

St. John Fisher University is committed to creating a safe and productive workplace environment for all employees, including those who identify as transgender or gender nonconforming.

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### **EMPLOYEE RIGHTS**

Employees have the right to discuss their gender identity or expression openly, or to keep that information private. Employees also have the right to be addressed by the name and pronoun that correspond to their gender identity and use the restroom or other facilities that corresponds to their gender identity. Employees also have the right to comply with the University's Professional Attire policy in a manner consistent with their gender identity.

### **NON-DISCRIMINATION/NON-HARASSMENT**

As stated in the Equal Employment Opportunity and Non-Harassment and Sexual Harassment policies, St. John Fisher University does not discriminate based on sex, sexual orientation, gender identity, or gender expression. Any incident of discrimination, harassment, or violence based on gender identity or expression will be given immediate and effective attention, including, but not limited to, investigating the incident, taking suitable corrective action, and providing employees and staff with appropriate resources.

### **ADDITIONAL INFORMATION**

Employees who have questions about this policy, including changes to their official record or who would like to discuss their personal circumstances, may contact the Human Resources Department. The needs of each employee will be assessed on a case-by-case basis and in accordance with applicable federal, state and local law.

## 2.03 SEXUAL HARASSMENT

St. John Fisher University is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination and will not be tolerated at St. John Fisher University. All applicants, employees, interns (paid or unpaid), contractors and individuals conducting business with St. John Fisher University are required to conduct themselves in a manner that prevents sexual harassment in the workplace. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action, up to and including termination. This policy is one component of St. John Fisher University's commitment to a discrimination-free and harassment-free work environment.

Sexual harassment is against the law. All employees have a legal right to a workplace free from sexual harassment. Employees can enforce this right by filing a complaint internally with St. John Fisher University, or with a government agency or in court under federal, state or local antidiscrimination laws.

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### JURISDICTION/SCOPE OF THIS POLICY

This policy is applicable to sexual harassment involving faculty, staff, student workers, interns, volunteers, and non-employees. In cases where the accused person is an employee or non-employee of the University, the policy and process outlined in this policy and the Discrimination and Harassment Complaint Procedure will apply. In cases where the accused person is a student, or the complaint falls under Title IX and a Formal Complaint as defined in the University's Sexual Misconduct Policy has been filed, the Sexual Misconduct Policy and process will apply. These policies apply to sexual harassment that occurs on campus, in the workplace, or off campus, while on business travel, or with reasonable connection to University programs or activities, including study abroad, internships, or athletic activities. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices, or not during work hours.

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees; paid and unpaid interns; and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace, regardless of immigration status. Harassers can be a superior, a subordinate, a co-worker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.



## POLICY

1. St. John Fisher University's Sexual Harassment policy applies to all employees including faculty, staff, and student workers; applicants for employment; interns, whether paid or unpaid; volunteers; contractors; and persons conducting business, regardless of immigration status, with St. John Fisher University.
2. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation, as determined through the appropriate investigation process, will be subject to remedial and/or disciplinary action, up to and including termination.
3. Retaliation Prohibition: No person covered by this policy shall be subject to adverse employment or educational action because the individual reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. St. John Fisher University will not tolerate retaliation against anyone who, in good faith complains or provides information about suspected sexual harassment. Any employee of St. John Fisher University who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. Any employee including faculty, staff, and student worker; paid or unpaid intern; volunteer; or non-employee working in the workplace who believes they have been subject to such retaliation should inform a supervisor/manager or the Assistant Vice President for Human Resources. Any employee including faculty, staff and student worker; paid or unpaid intern; volunteer; or non-employee who believes they have been a target of such retaliation may also seek compensation in other available forums, as explained below in the section on Legal Protections.
4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject St. John Fisher University to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including supervisors and managers who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.

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

5. St. John Fisher University will conduct a prompt, thorough and confidential investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including supervisors and managers, are required to cooperate with any internal investigation of sexual harassment.
6. All employees are encouraged to report any harassment or behaviors that violate this policy. St. John Fisher University will provide all employees a Complaint Form to report harassment and file complaints. The [Complaint Form](#) for Reporting Sexual Harassment is available on the University's Human Resources Department website under "forms".
7. Supervisors/Managers are required to report any complaint that they receive, or any harassment that they observe to Assistant Vice President for Human Resources or designee, or the Title IX Coordinator.
8. This policy must be posted prominently in all work locations and be provided to employees upon hiring.

## **DEFINITIONS OF SEXUAL HARASSMENT, SEXUAL ASSAULT, SEXUAL EXPLOITATION AND STALKING**

Sexual harassment, including sexual assault, in any setting, is prohibited at St. John Fisher University. This policy also prohibits sexual exploitation and stalking.

### **Sexual Harassment**

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender. St. John Fisher University recognizes that sexual harassment and sexual misconduct affects individuals of all genders, gender identity, gender expressions, and sexual orientations.

The University recognizes its responsibility to develop and implement educational programs to help its students and employees to recognize and address sexual harassment and misconduct and is committed to its prevention.

Sexual harassment is unlawful and against St. John Fisher University policy when it subjects an individual to inferior terms, conditions, or privileges of employment. Sexual harassment includes unwelcome conduct, which is either of a sexual nature, or is directed at an individual because of that individual's sex, including

advances, requests for sexual favors, or other verbal, written, online and/or physical conduct that creates a hostile work environment when:

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

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, or which interfere with the recipient's job performance. Sexual harassment need not be severe or pervasive and can be any harassing conduct that consists of more than petty slights or trivial inconveniences.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment.

Conduct need not meet the legal definition of unlawful harassment to be a violation of this policy.

### **Examples of Sexual Harassment**

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

- Unwanted sexual advances or propositions, such as:
  - Requests for sexual favors accompanied by implied or overt threats concerning the victim's job performance evaluation, a promotion or other job benefits or detriments; or
  - Subtle or obvious pressure for unwelcome sexual activities.
- Unwelcome touching, physical assault, impeding, restraining, or blocking movements, unwanted sexual advances.
- Sexually oriented gestures, leering; noises, remarks, jokes or comments about a person's sexuality or sexual experience, which create a hostile work environment.

- Sex Stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
  - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes letters, notes, or electronic communications containing comments, words, or images of a sexual or suggestive nature. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity or/and the status of being transgender, such as:
  - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job; or
  - Sabotaging an individual's work; bullying, yelling, name-calling.

Any employee, intern, volunteer, or other non-employee who feels that they have been harassed should file a complaint so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy. A single isolated incident of sexual harassment may create a hostile environment if the incident is sufficient to create inferior terms, conditions, or privileges of employment. The more severe the conduct, the less need there is to show a repetitive series of incidents to create a hostile environment, particularly if the harassment is physical.

The fact that a person is offended is not alone enough to establish a violation of this policy. The University evaluates complaints based on a "reasonable person" standard, taking into account the totality of the circumstances, including the context of the interaction.

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**\*Note:** Silence or lack of resistance, in and of itself, does not demonstrate consent. In addition, consent is unable to be given when a person is incapacitated for any reason, including due to the influence of alcohol, drugs, other intoxicants, physical or mental incapacitation, lack of consciousness, or being involuntarily restrained. Consent also cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.

## **Sexual Assault**

Sexual exploitation and stalking are also prohibited by this policy.

For the purposes of this policy, sexual assault is a non-consensual physical assault or sexual act through force or coercion, including physical assaults of a sexual nature, such as:

- Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body;
- Rape, sexual battery, or molestation;
- Intentional sexual contact of sexual or intimate parts without consent\*; or
- Sexual intercourse without consent\*.

## **Sexual Exploitation**

Occurs when one person takes the non-consensual or abusive sexual advantage of others for self-serving advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:

- Invasion of sexual privacy;
- Prostituting another person;
- Non-consensual digital, video, or audio recording of nudity or sexual activity;
- Unauthorized sharing or distribution of digital, video or audio recording of nudity or sexual activity;
- Engaging in voyeurism;
- Knowingly exposing someone to or transmitting an STI or blood born infection, such as Hepatitis or HIV to another person; or
- Intentionally or recklessly exposing one's genitals in non-consensual circumstances or inducing another to expose their genitals.

## **Stalking**

Engaging in a course of conduct directed at a specific individual that would cause a reasonable person (under similar circumstances and with similar identities to the complainant) to fear for their safety or the safety of others or suffer substantial emotional distress. Acts that together constitute stalking may be direct actions or may be communicated by a third party, and can include acts in which the stalker directly, or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens or communicates to or about a person or interferes with a person's property.

"Substantial emotional distress" is significant mental suffering or anguish, whether or not medical or professional treatment or counseling is sought.

## EMPLOYEE/STUDENT SEXUAL RELATIONSHIPS

Students are not peers of University employees. Therefore, regardless of whether a sexual relationship between a student and a University employee is “consensual,” and regardless of whether or not the relationship constitutes sexual harassment, such relationships are prohibited. All University employees, including full and part-time, are prohibited from entering into any sexual relationships with students.

Employees have a responsibility to disclose any potential or perceived covered relationships to their supervisor/manager and the Human Resources Department. Allegations of University employee/student sexual relationships should be reported to the Human Resources Department, Kearney Hall, Room K-211 (585-385-8048 or [humanresources@sjf.edu](mailto:humanresources@sjf.edu)).

Relationships between two employees are discussed in the Employment of Relatives and Personal Associates Policy (*See policy 6.06*).

## NO RETALIATION

**St. John Fisher University** will not tolerate retaliation against anyone who, in good faith, complains or provides information about suspected harassment.

Unlawful retaliation can be any action that could discourage an employee from coming forward to make or support a sexual harassment claim including, but not limited to being discharged, disciplined, discriminated against, having their personnel file disclosed, except where such disclosure is made as part of filing a complaint or responding to a complaint or otherwise being subject to adverse employment action. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

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

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

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

## **REPORTING SEXUAL HARASSMENT**

Preventing sexual harassment is everyone's responsibility. St. John Fisher University cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern, volunteer, or other non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor/manager or the Human Resources Department. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor/manager or the Human Resources Department at 585-385-8048.

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

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

## **RESPONSIBLE EMPLOYEES**

With the exception of those employees specified as confidential resources, all University employees, including faculty, staff, administrators, and students who are resident assistants, and peer mentors are "Responsible Employees". Responsible Employees are required to share fully with the Title IX Coordinator, as promptly as practical, any disclosure of Prohibited Conduct of which they are aware. The information that should be reported includes but is not limited to the identities of the parties involved, if known. Faculty are not required to make reports to the Title IX Coordinator when they learn of allegations of prohibited conduct through classroom writing assignments or class-related discussions unless the Complainant expressly requests reporting.

### **Title IX Coordinator**

The Title IX Coordinator can be reached Monday-Friday, from 8:30 am - 4:30 pm, Campus Center 206, by phone at 585-385-8232, or by emailing [titleix@sjf.edu](mailto:titleix@sjf.edu). After hours, reporting individuals can contact the Title IX Coordinator through the Residence Director on duty or through the Department of Safety and Security.



## **Department of Safety and Security**

The Department of Safety and Security can be reached 24 hours a day, 7 days a week by phone at (585) 385-8111 or in person at the Haffey Hall Lobby.

## **SUPERVISORY RESPONSIBILITIES**

All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior, or for any reason suspect that sexual harassment is occurring, are required to report such suspected sexual harassment to the Human Resources Department.

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

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

St. John Fisher University fully supports all local, state, and federal laws prohibiting rape and sexual assault and will cooperate with law enforcement officials who investigate such allegations to the fullest extent allowed under the law. Students and University employees should be aware that sexual assault must also be reported to and investigated by law enforcement agencies as required by State law. This may lead to the determination that the conduct represents a violation of state or federal law subject to criminal prosecution.

Incidents involving violent felony offenses reported to the University are automatically reported to local law enforcement authorities.

## **COMPLAINT AND INVESTIGATION OF SEXUAL HARASSMENT**

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

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



Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. St. John Fisher University will not tolerate retaliation against employees who file complaints or participate in any investigation regarding a violation of this policy.

See the discrimination and harassment complaint procedure outlined in the Discrimination & Harassment policy (*See policy 2.04*).

See the Complaint Form for Reporting Sexual Harassment, Harassment and Discrimination. This form is also available on the University website at:

<https://www.sjf.edu/services/human-resources/documents/SexualHarassmentComplaint.pdf>

## **PROCESS FOR ADDRESSING ALLEGATIONS OF SEXUAL MISCONDUCT**

University policy also prohibits “sexual misconduct” which includes sexual or gender-based violence, sexual or gender-based harassment, sexual assault, sexual exploitation, intimate partner violence including dating violence and domestic violence, stalking, and retaliation related to such misconduct. The University will address any incidents of sexual misconduct in the workplace, or which are otherwise connected with University programs and activities through the process which is appropriate to the status of the alleged perpetrator.

## **COMPLAINTS OF SEXUAL MISCONDUCT INVOLVING MEMBERS OF THE CAMPUS COMMUNITY**

If the alleged perpetrator is a University employee, and **the alleged victim is a University employee**, the victim should report the behavior to a supervisor/manager or to the Human Resources Department (585-385-8048, Kearney Hall, Room K-211). An additional report may be made to the Department of Safety and Security (585-385-8111, Haffey Hall Lobby), or to the Monroe County Sheriff’s Office (911).

If the alleged perpetrator is a University employee, and the **alleged victim is a student**, the victim should report the behavior to the Department of Safety and Security (585-385-8111, Haffey Hall Lobby), the Title IX Coordinator ((585-385-8232, Campus Center, Room 206), or by emailing [titleix@sjf.edu](mailto:titleix@sjf.edu)), or the Monroe County Sheriff’s Office (911).

If the alleged perpetrator is a student, and the **alleged victim is a student or University employee**, the victim should report the behavior to the Department of Safety and Security (585-385-8111, Haffey Hall Lobby), the Title IX Coordinator ((585-385-8232, Campus Center, Room 206), or by emailing [titleix@sjf.edu](mailto:titleix@sjf.edu)), or the Monroe County Sheriff’s Office (911). If the alleged victim is a University employee, an additional report should be made to the supervisor/manager, or the Human Resources Department (585-385-8048, Kearney Hall, Room K-211).

When reported to a University official, complaints will be addressed through the process which is appropriate to the status of the alleged perpetrator. In cases where the accused person is an employee or non-employee of the University, the Sexual Harassment policy and process outlined in this policy and the Discrimination & Harassment policy will apply. In cases where the accused person is a student, or the complaint falls under Title IX and a Formal Complaint as defined in the University's Sexual Misconduct Policy has been filed, the Sexual Misconduct Policy and process will apply. When reported to the Monroe County Sheriff's Office, the Sheriff's Office will follow its procedures.

## **COMPLAINTS OF SEXUAL MISCONDUCT INVOLVING NON-MEMBERS OF THE CAMPUS COMMUNITY**

If the alleged perpetrator is a non-member of the campus community and **the alleged victim is a student**, the victim should report the behavior to the Department of Safety and Security (585-385-8111, Haffey Hall Lobby), the Title IX Coordinator (585-385-8232, Campus Center, Room 206), or by emailing [titleix@sjf.edu](mailto:titleix@sjf.edu), or the Monroe County Sheriff's Office (911). If **the victim is a University employee**, the victim should report the behavior to a supervisor/manager, or to the Human Resources Department (585-385-8048, Kearney Hall, Room K-211).

If the alleged perpetrator is a student or University employee and **the alleged victim is a non-member of the campus community**, the victim should report the behavior to the Department of Safety and Security (585-385-8111, Haffey Hall Lobby), the Title IX Coordinator ((585-385-8232, Campus Center, Room 206), or by emailing [titleix@sjf.edu](mailto:titleix@sjf.edu)), or the Monroe County Sheriff's Office by calling 911.

## **LEGAL PROTECTIONS AND EXTERNAL REMEDIES**

Sexual harassment is not only prohibited by St. John Fisher University but is also prohibited by state and federal law.

Aside from the internal process at St. John Fisher University, individuals may also choose to pursue legal remedies with the following government entities at any time.

### **New York State Division of Human Rights (DHR)**

The Human Rights Law (HRL) codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees regardless of immigration status. A complaint alleging violation of the HRL may be filed either with DHR or in New York State Supreme Court.

If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three years** of the alleged discrimination. An individual may not file with DHR if they have already filed a HRL complaint in New York State Supreme Court.

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

An attorney is not needed to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate the complaint and determine whether there is probable cause to believe that harassment/discrimination has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If harassment/discrimination is found after a hearing, DHR has the power to award relief, which varies but may include requiring the employer to take action to stop the harassment, or redress the damage caused, including paying monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458, (718) 741-8400, [www.dhr.ny.gov](http://www.dhr.ny.gov).

Contact DHR 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 that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

The DHR also maintains a toll-free hotline that provides counseling and accepts complaints regarding workplace sexual harassment. This hotline can be reached at 1-800-427-2773.

### **United States Equal Employment Opportunity Commission (EEOC)**

The EEOC enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within **300 days** from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

If an employee believes that they have been discriminated against at work, they can file a "Charge of Discrimination." The EEOC has district, area and field offices where complaints can be filed. Contact the EEOC by calling (800) 669-4000 (800) 669-6820 (TTY), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at

info@eeoc.gov.

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

### **Local Protections**

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists.

### **Contact the Local Police Department**

If the harassment involves physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department, **Monroe County Sheriff's Department** Victim Assistance Program at 585-753-4389 (<https://monroecountysheriff.info/>).

## 2.04 NON-HARASSMENT

St. John Fisher University is committed to maintaining an environment free from all forms of unlawful harassment and where all employees and interns are treated with dignity and respect. This includes conduct both at the workplace and at any other location where University-sponsored activities occur. The University prohibits unlawful harassment against anyone, for any reason, including, but not limited to an individual's actual or perceived: race (including traits historically associated with race, such as hair texture and protective hairstyles), color, creed, religion (including wearing attire, clothing or facial hair in accordance with the tenets of religion), sex (including pregnancy, childbirth or related medical conditions and transgender status), gender identity or expression, an employee's or dependent's reproductive health decisions, familial status, national origin, physical or mental disability (including gender dysphoria and being a certified medical marijuana patient), genetic information (including predisposing genetic characteristics), age (18 and over), veteran status, military status, sexual orientation, marital status, certain arrest or conviction records, domestic violence victim status, and any other status protected by law. All employees, interns and non-employees conducting business in our workplace must refrain from engaging in unlawful harassment.

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### DEFINITION

The creation of an intimidating or hostile working environment, based on one or more of the above categories, constitutes unlawful harassment. Specific types of unlawful harassment include, but are not limited to:

- Physical harassment: refers to pushing, hitting or unwanted physical touching;
- Verbal abuse: refers to verbal comments made regarding an individual's actual or perceived membership in one of the protected categories listed above;
- Written harassment: refers to derogatory or degrading written comments made regarding an individual's actual or perceived membership in one of the protected categories listed above. Specific examples include, but are not limited to e-mail, text messages, memos, notes, graffiti, other visual depictions or pictures;
- Inappropriate, unwelcome behaviors such as whistling and/or not giving someone enough physical space; and
- Any other conduct that has the purpose or effect of creating an intimidating, hostile or offensive working environment as defined by law or has the purpose or effect of unreasonably interfering with an individual's work performance or otherwise adversely affecting an individual's employment opportunities.

Unlawful harassment, whether it is sexual, physical, verbal or written, is a form of employee misconduct which undermines the integrity of the employment relationship within the University.

## REPORTING HARASSMENT

All employees and interns have a duty to report any instances of harassment, whether the harassment is directed towards the employee or another employee and whether committed by a supervisor/manager, fellow employee, or non-employee. Employees and interns, who believe they have been subject to harassment, or if they witness conduct they believe could be considered harassment, should immediately report the conduct to their supervisor/manager or the Assistant Vice President for Human Resources. The Human Resources Department is located on the second floor of Kearney Hall. The University will promptly and thoroughly investigate all reports. An employee who has not received a satisfactory response within five business days after reporting any incident of perceived discrimination or harassment should contact the Assistant Vice President Human Resources.

## MANAGEMENT RESPONSIBILITIES

Supervisors/Managers who observe an employee or intern violating this policy should take immediate action to stop the harassment. Supervisors/Managers who receive a report of harassment or obtain knowledge of potential harassment by other means must immediately notify the Assistant Vice President for Human Resources Department, even if no report has been made by an employee or intern or even if the employee or intern reporting the conduct has requested that no action be taken. A prompt and appropriate investigation will take place.

Supervisors/Managers are also responsible for ensuring that the University is free from unlawful harassment by individuals not employed by the University. This may include, but is not limited to customers/clients, vendors, independent contractors, visitors or any other individual conducting business in the workplace. Supervisors/Managers aware of potential harassment must notify **the Human Resources Department** immediately so the **University** can appropriately respond to the situation.

For a detailed discussion of the University's policy concerning sexual harassment, refer to the Sexual Harassment policy (See Policy 2.02) or visit the University's website at <https://www.sjf.edu/services/human-resources/documents-and-forms/>.

## COMPLAINT INVESTIGATION

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

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

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

While the process may vary from case to case, investigations will generally be conducted in accordance with the following steps:

- Upon receipt of complaint, the Assistant Vice President for Human Resources will conduct an immediate review of the allegations, and take any interim actions, as appropriate. If the complaint is verbal, the individual will be encouraged to complete a "Complaint Form" in writing. If the complainant chooses not to submit a written complaint, the Assistant Vice President for Human Resources will prepare a Complaint Form based on the complainant's verbal report.
- If documents, emails or phone records are relevant to the allegations, steps will be taken to obtain and preserve them.
- The Assistant Vice President for Human Resources will request and review all relevant documents, including all electronic communications.
- The Assistant Vice President for Human Resources will interview all parties involved, including any relevant witnesses.
- The Assistant Vice President for Human Resources will prepare written documentation of the investigation (such as a letter, memo or email), which contains the following:
  - A list of all documents reviewed, along with a detailed summary of relevant documents;
  - A list of names of those interviewed, along with a detailed summary of their statements;
  - A timeline of events;
  - A summary of prior relevant incidents, reported or unreported; and
  - The basis for the decision and final resolution of the complaint, together with any corrective action(s).
- Written documentation and associated documents will be maintained by the University in a secure and confidential location.
- Following the investigation, The Assistant Vice President for Human Resources will promptly notify the complainant and the individual(s) about



whom the complaint was made of the final determination and implement any corrective actions identified in the written document.

- The Assistant Vice President for Human Resources will inform the complainant of their right to file a complaint or charge externally as outlined in the Legal Protections and External Remedies section of this policy.

## **CORRECTIVE ACTION**

If a report of harassment is found to be valid, immediate and appropriate corrective action will be taken. Employees or interns who violate this policy, including the provision against retaliation, will be subject to disciplinary action up to and including termination. This determination will be based on all the facts of the case.

## **CONFIDENTIALITY AND RETALIATION**

It is the policy of St. John Fisher University that any employee, intern or non-employee making a report or participating in the investigation of harassment will not be retaliated against in any way. Employees or interns who feel that they have been retaliated against for reporting harassment or participating in the investigation should contact the Assistant Vice President for Human Resources. Reports will be investigated promptly, and confidentiality will be maintained to the greatest degree possible, consistent with our obligation to thoroughly investigate the allegation.

## **LEGAL PROTECTIONS AND EXTERNAL REMEDIES**

Harassment based on a protected class is against the law. All employees have a legal right to a workplace free from illegal harassment. Employees can enforce this right by filing a complaint internally with St. John Fisher University, or with a government agency or in court under federal, state or local antidiscrimination laws.

Harassment is not only prohibited by St. John Fisher University but is also prohibited by state, federal and (where applicable) local law. Aside from the internal process at St. John Fisher University, employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, employees may seek the legal advice of an attorney.

### **New York State Division of Human Rights (DHR)**

The Human Rights Law (HRL) codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to employers in New York State regarding discrimination and harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with DHR or in New York State Supreme Court.

Complaints with DHR for claims other than sexual harassment may be filed any time **within one year** of the harassment. Complaints for sexual harassment may be filed within **three years** of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three years** of the



alleged discrimination. An individual may not file with DHR if they have already filed an HRL complaint in state court.

Complaining internally to St. John Fisher University does not extend the time to file with DHR or in court. The one to three years is counted from date of the most recent incident of harassment.

An attorney is not needed to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate the complaint and determine whether there is probable cause to believe that harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring the employer to take action to stop the harassment, or redress the damage caused, including paying monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458, (718) 741-8400, [www.dhr.ny.gov](http://www.dhr.ny.gov).

Contact DHR 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 that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

### **United States Equal Employment Opportunity Commission (EEOC)**

The EEOC enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within **300 days** from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

If an employee believes that they have been discriminated against at work, they can file a "Charge of Discrimination." The EEOC has district, area and field offices where complaints can be filed. Contact the EEOC by calling (800) 669-4000 (800)

669-6820 (TTY), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov).

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

### **Local Protections**

Many localities enforce laws protecting individuals from harassment and discrimination. An individual should contact the county, city or town in which they work to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 22 Reade St, New York, NY 10007; call 311 or (212) 306-7450; or visit [www.nyc.gov/html/cchr/html/home/home.shtml](http://www.nyc.gov/html/cchr/html/home/home.shtml).

### **Contact the Local Police Department**

If the harassment involves physical violence or confinement, the conduct may constitute a crime. Contact the local police department.

## 2.05 DISCRIMINATION & HARASSMENT

The University has provided the following procedure to address faculty and staff complaints of unlawful discrimination or harassment, including sexual harassment.

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### MANAGEMENT RESPONSIBILITY

It is the responsibility of each member of management to create an atmosphere free of discrimination and harassment, sexual or otherwise. In addition, it is the responsibility of each employee to respect the rights of co-workers, students and visitors to our facilities.

For a detailed discussion of the University's policy concerning sexual harassment, refer to the Sexual Harassment policy (*See policy 2.02*).

### DISCRIMINATION AND HARASSMENT

Any problem concerning discrimination or harassment in violation of the University's Equal Employment Opportunity Policy or Sexual Harassment Policy, other than sexual harassment covered by Title IX for which a Formal Complaint as defined in the University's Sexual Misconduct Policy\* has been filed will be addressed and resolved using the following guidelines:

1. If an employee witnesses or experiences any job-related discrimination or harassment, or has a complaint about discrimination or harassment, or believes he or she has been treated in an unlawful discriminatory manner, he or she is encouraged to voice their objection to the individual engaging in the conduct and firmly and directly ask that the offensive behavior stop.
2. The employee must promptly report the matter to their immediate supervisor/manager or the Assistant Vice President for Human Resources. The Human Resources Department is located on the second floor of Kearney Hall. The employee is encouraged to use the Complaint Form for Reporting Sexual Harassment, Harassment or Discrimination, which is included in the Sexual Harassment Policy (*See policy 2.02*) and available on the University's website at:  
<https://www.sjf.edu/services/human-resources/documents-and-forms/>.

**\*Note:** Effective August 14, 2020, regulations issued by the federal government set out separate investigatory and determinative procedures for complaints which meet the limited definition of sexual harassment under Title IX of the Education Amendments of 1972 ("Title IX"). The University's Title IX procedures, which are applicable to students and employees, are set out in the University's Sexual Misconduct Policy.

Employees may also report complaints verbally. The Human Resources Department will work with the employee to record the complaint, gathering all of the information requested on the Complainant Form.

3. Supervisors/Managers who receive complaints, or observe harassing or discriminatory conduct, are required to immediately notify the Assistant Vice President for Human Resources of the complaint.
4. Upon receipt of a complaint, other than a complaint alleging sexual harassment covered by Title IX for which a Formal Complaint as defined in the University's Sexual Misconduct Policy has been filed, the Human Resources Department will undertake an investigation as stated below ensuring confidentiality to the maximum extent possible. Formal Complaints covered by Title IX will be investigated and processed as outlined in the University's Sexual Misconduct Policy. The University reserves the right, in its discretion, to decide whether or not to use its Title IX process to investigate and determine any non-Title IX aspects of a complaint, when a single complaint involves both Title IX-covered sexual harassment and another type of discrimination or harassment.
5. The Human Resources Department will ensure that the investigation is conducted in a thorough, objective manner and is considerate of the rights and concerns of all the parties involved.
6. Investigations of harassment or discrimination claims as well as other complaints will take place within a reasonable amount of time and will be documented. Your complaint will be investigated as a private personnel matter.
7. Witnesses will be interviewed and relevant documents, including electronic communications will be reviewed. The investigation will be private and confidential to the greatest extent possible. Information concerning the complaint will be disclosed on a need-to-know-basis in connection with its investigation and resolution. The individual who reported the complaint and the individual(s) about whom the complaint was made will be notified of the final determination and informed of the outcome. Corrective actions, if any, will be implemented.
8. When the investigation is concluded, the Human Resources Department and appropriate management will decide on an appropriate course of action with respect to the alleged offender, if the investigation reveals that an individual has harassed or discriminated against another individual. This may include disciplinary action up to and including termination.

9. If the matter does not receive follow-up or is not resolved satisfactorily, the employee may contact the President of the University in writing, or by appointment for a meeting. The President will review the information relating to the employee's concern and make a final decision.
10. The ultimate goal of this process will be to stop and remedy any harassment or discrimination which, after investigation, is shown to have occurred, and to prevent any harassment or discrimination from occurring in the future. The University will utilize a disciplinary process which is appropriate to assist in achieving these goals. The University also recognizes its responsibility to develop and implement an educational process to help its employees recognize and deal with sexual and other harassment and to assist the University community in changing attitudes and behavior.

### **NO RETALIATION**

The University prohibits any form of retaliatory action against any employee for filing a complaint under this policy or for participating in a complaint investigation. If you voice your concerns and report acts of harassment or discrimination in good faith, you can do so without fear of reprisal or retaliation. You should also promptly report any action taken against you or others that you believe is retaliatory to a supervisor or manager, or to the Human Resources Department. Violation of the University's policy against unlawful harassment or discrimination will not be tolerated and will result in disciplinary action, up to and including termination of employment. Non-employees (contract employees, vendors, service technicians, etc.) who engage in harassing or discriminatory conduct may be deprived access to the University's facilities. The University is committed to maintaining a work environment free of inappropriate or denigrating conduct or communication of any nature.

### **FALSIFICATION OF INFORMATION**

If after investigating any complaint of harassment or unlawful discrimination the University determines that an employee has knowingly provided false information regarding the complaint, disciplinary action may be taken against the individual who knowingly gave the false information.

## 2.06 PREGNANCY ACCOMMODATIONS

The University will not discriminate against an employee or applicant with known physical or mental limitations related to the pregnancy, childbirth or pregnancy-related medical conditions who requests an accommodation due to pregnancy, childbirth and related conditions or who requests an accommodation due to pregnancy, childbirth or pregnancy-related medical conditions unless the accommodation would impose an undue hardship on the operation of the **University**.

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### REASONABLE ACCOMMODATIONS

Employees and applicants for employment may request a reasonable accommodation for pregnancy-related conditions, including, but not limited to, lactation. For purposes of this policy, a "pregnancy-related condition" is a medical condition related to pregnancy or childbirth that inhibits the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques but does not prevent the employee from performing their job functions in a reasonable manner, with or without a reasonable accommodation. Reasonable accommodations may include but are not limited to: providing an accessible worksite; acquiring or modifying equipment; job restructuring and modifying work schedules provided, however, that such actions do not impose an undue hardship on the business.

The University will provide a reasonable accommodation that would enable the employee or applicant to perform their job functions in a reasonable manner, unless the accommodation would impose an undue hardship on the University's business operations.

Employees and applicants affected by pregnancy, childbirth or related medical conditions may also be entitled to a reasonable accommodation under the federal Pregnant Workers Fairness Act (PWFA). The University will comply with all legal requirements under federal and state law, including providing greater or different benefits than those indicated in this policy.

### REQUESTING A REASONABLE ACCOMMODATION

Employees or applicants who would like to request a reasonable accommodation under this policy should contact The Human Resources Department, preferably specifying in writing what barriers or limitations prompted the request. The Human Resources Department will evaluate the information provided regarding any reported or apparent barriers or limitations and will then communicate with the applicant or employee and engage in an interactive process to determine the nature of the limitation and what, if any, reasonable accommodation(s) may be appropriate. If, through this interactive process, the University identifies a reasonable accommodation that does not impose an undue hardship on the operation of the University's, the University will make that accommodation.

Employees who wish to request time away from work to accommodate a limitation related to pregnancy, childbirth or a pregnancy-related medical condition should contact the Human Resources Department. However, the University will not require a qualified employee to take leave if another reasonable accommodation can be provided.

### **CERTIFICATION REQUIREMENTS**

To the extent permitted by federal or state law, employees may be required to provide medical or other information that is necessary to verify the existence of the pregnancy-related condition or that is necessary for the University's consideration of a reasonable accommodation. Such medical information will be kept confidential and disclosed only as permitted by law.

### **NO DISCRIMINATION AND NO RETALIATION**

The University prohibits discrimination on the basis of pregnancy, childbirth or related medical conditions. The University also will not interfere with any individual's rights under federal and state law or take any adverse action against a qualified applicant or employee because they request or use reasonable accommodations in accordance with this policy, report or oppose discrimination under federal or state law, or participate in a proceeding involving an alleged violation of federal or state law. Individuals who believe they have been subjected to, or believe that another individual has been subjected to, prohibited discrimination or retaliation should report it immediately to the Human Resources Department.

### **ADDITIONAL INFORMATION**

Employees or applicants for employment who have questions about this policy or who wish to request a reasonable accommodation under this policy should contact the Human Resources Department by calling (585) 385-8048 or by emailing [humanresources@sjf.edu](mailto:humanresources@sjf.edu). Employees who need reasonable break time to express breast milk for their child should consult the University's Lactation Accommodation policy on the Rights of Employees to Express Breast Milk in the Workplace, which is available in the Employee Handbook or can be discussed with or obtained from with the Human Resources Department.

## 2.07 REPRODUCTIVE HEALTH DECISIONS

The University complies with state law regarding reproductive health decisions as outlined in this policy.

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### **NON-DISCRIMINATION/ NO RETALIATION**

The University will not discriminate or retaliate against an employee because of the employee's, or a dependent of the employee's, reproductive health decision-making, including the use of particular drugs, devices or medical services. The University also will not, without prior informed written consent, access personal information regarding the reproductive health decision-making of employees or their dependents and will not require an employee to sign any document or waiver denying that employee the right to make their own reproductive health decisions.

Employees subjected to unlawful discrimination or retaliation on the basis of reproductive health decision-making can bring an action in court and may be entitled to certain remedies, including monetary and injunctive relief.

### **ADDITIONAL INFORMATION**

Employees who feel they have been subjected to discrimination or retaliation on the basis of their reproductive health decision-making, or that of a dependent, or to any other violation of this policy, should contact the Human Resources Department by calling (585) 385-8048 or by emailing [humanresources@sjf.edu](mailto:humanresources@sjf.edu).



## **2.08 INDIVIDUALS WITH DISABILITIES**

The University complies with the Americans with Disabilities Act (ADA) and New York State Human Rights Laws which make it unlawful to discriminate in employment against a qualified individual with a disability. The University prohibits discrimination against employees and applicants with disabilities in all aspects of employment. The University's commitment to this policy includes making reasonable accommodations to otherwise qualified persons with disabilities to enable them to perform the essential functions of their jobs, unless doing so would pose an undue hardship on the University, would pose a direct threat of substantial harm to the employee or others or is otherwise not required by applicable law.

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### **OUR COMMITMENT**

An employee or applicant in need of a reasonable accommodation should make the University aware of their request by notifying the Human Resources Department. The University will work with each individual to define their job-related or application-related needs and to try to accommodate those needs.

### **QUALIFIED INDIVIDUALS WITH DISABILITIES**

Qualified individuals with disabilities are defined as individuals with disabilities who can perform the essential functions of the job in question with or without reasonable accommodation. The term disability is defined by applicable law.

### **ACCESSIBILITY**

All campus buildings are, in some way, accessible to any employee, student or guest who is disabled. Details may be obtained from the Department of Safety and Security. Handicapped parking is also available.

### **REASONABLE ACCOMMODATION**

A reasonable accommodation is any change or adjustment to a job, the work environment or the way things usually are done that enables a qualified individual with a disability to perform the essential functions of the job and that does not pose an undue hardship on the University or create a direct threat to health or safety.

When requesting an accommodation, employees are required to notify the Human Resources Department of the need for the accommodation. The Human Resources Department may ask for medical documentation supporting the need for an accommodation and all supporting documentation should be returned as quickly as possible to prevent a delay in the accommodation process.

Requests for a reasonable accommodation for a medical condition and any supporting documentation, will be treated as confidential, maintained in a file separate from an employee's other personnel documents and disclosed only as permitted by applicable law.

## **DETERMINING APPROPRIATE ACCOMMODATIONS**

Frequently, when a qualified individual with a disability requests a reasonable accommodation, the appropriate accommodation is easily agreed upon. The individual may recommend an accommodation based on their life or work experience. The ultimate decision as to whether a particular accommodation will be made rests with the University. When the appropriate accommodation is not obvious, the University may assist the individual in identifying one. If more than one accommodation will enable the individual to perform the job, the University reserves the right to choose which accommodation it will make.

Employees who feel they have been unreasonably denied an accommodation or with questions concerning this policy should contact the Human Resources Department.

## 2.09 RELIGIOUS ACCOMMODATION

It is St. John Fisher University's policy not to discriminate against any qualified employee or applicant with regard to any terms or conditions of employment because of such individual's religion or creed.

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### RELIGIOUS ACCOMMODATION

Consistent with this policy against discrimination, any employee whose religious practices conflicts with the employee's job, schedule, the employer's dress code, or with other aspects of the individual's employment and who requires a religious accommodation, may submit a request orally or in writing for an accommodation to the Human Resources Department. The request must include a description of the religious conflict and the employee's suggested accommodation(s). St. John Fisher University may require the employee to document their religious accommodation request in writing.

Once the employee has submitted their request for an accommodation, St. John Fisher University will evaluate the request, giving due consideration to whether a work conflict exists due to a sincerely held religious belief or practice and whether a reasonable accommodation exists which would not create an undue hardship on the University.

The Assistant Vice President for Human Resources will meet with the employee to discuss the request and propose a reasonable accommodation, should one exist. If the employee accepts the University's proposed religious accommodation, the supervisor/manager and/or the Human Resources Department will implement the accommodation. If the employee rejects the proposed accommodation, the employee may lodge an appeal pursuant to St. John Fisher University's Open Communication policy. St. John Fisher University will provide reasonable accommodations of religion consistent with its obligations under applicable law.

### ADDITIONAL INFORMATION

Employees who feel they have been unreasonably denied an accommodation should contact the Assistant Vice President for Human Resources.

Employees with questions concerning this policy should contact the Assistant Vice President for Human Resources.

## 2.10 CONFLICT OF INTEREST

All employees, including faculty and staff have the responsibility of performing their job duties honestly and prudently, and of exercising their best care, skill, and judgment for the benefit of the University.

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### CONFLICT OF INTEREST

Employees must exercise the utmost good faith in all transactions involved in their duties, and they may not use their positions or knowledge gained from their job for their personal benefit. Therefore, all employees must avoid actual and potential conflicts of interest with their obligations to the University. This includes avoiding any activity, agreement, business investment, or interest that is or could be perceived as conflicting with the University's interests or that could interfere with the employee's duty and ability to best serve the University. Employees who are unsure whether a conflict or potential conflict exists, should consult their supervisor/manager, the Human Resources Department, or a University Official (Deans, Vice President) immediately.

The following is an illustrative list of activities that may pose a prohibited actual or potential conflict of interest:

- Using the University's name, logo, stationery, supplies, equipment, or other property for personal gain or profit or in the employee's non-University employment.
- Entering into a contract to supply goods or services to the University from the employee's non-University business, employment, or self-employment.
- Working for personal gain for any organization with which the University transacts business.
- Engaging in any activity for profit or gain outside the University in any field in which the University is engaged.
- Owning, operating, or being employed as an employee or consultant by any business or organization that competes directly or indirectly with the University.
- Engaging in any non-University employment or personal activities during work hours.
- Receiving any kickback, bribe, substantial gift, or special consideration as a result of any transaction or business dealings involving the University.
- Soliciting or entering into any business or financial transaction with University employees whom the employee supervises either directly or indirectly. This prohibition applies to all such transactions, however small, including, but not limited to:
  - Hiring a subordinate to perform personal services; and
  - Soliciting a subordinate to participate in a personal investment of any kind.

- Borrowing from, or lending money to, individuals representing organizations with which the University conducts business; having a direct or indirect financial relationship with a competitor, customer, or supplier of the University.
- With the exception of the holiday season, receiving a gift in connection with the employee's employment without approval from a University official (Dean, Vice President).
- Receiving a gift of substantial value during the holiday season without approval from a University official (Dean, Vice President). For purposes of this policy, gifts of "substantial value" include but are not limited to any gifts with a value over \$25.
- Giving or accepting personal benefits to or from other University employees or their family members, other than the normal salary and benefits afforded to similarly employed persons at the University.

## **OUTSIDE EMPLOYMENT**

Employees may have outside employment (including self-employment) as long as they meet the performance standards of their job and do not have a prohibited actual or potential conflict of interest. If the University determines that an employee's outside work interferes with their job performance or the requirements or interests of the University, the employee may be asked to terminate the outside employment if they wish to remain with the University.

## **ADDITIONAL INFORMATION**

If an employee is or has engaged in a relationship or activity which presents an actual or potential conflict of interest, they must disclose this relationship or activity to the Human Resources Department and a University Official (Dean, Vice President) as soon as possible so that safeguards can be established to protect all parties. The University shall determine whether an actual or potential conflict exists, whether the relationship or activity must be wholly or partially ended, and whether any other steps must be taken to avoid a conflict and protect the interests of the University.

If a violation of this policy is found to have occurred, the University may take disciplinary action, up to and including unpaid suspension and/or termination of employment.

Please contact the Assistant Vice President for Human Resources regarding any questions about this policy.

## **2.11 WHISTLEBLOWER/STANDARDS OF CONDUCT: CONFIDENTIAL REPORTING POLICY**

This policy is intended to encourage and enable trustees, officers, employees, students, and others to bring serious concerns to the attention of the University without fear of impairing their personal status or position at the University.

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### **GENERAL POLICY GUIDELINES**

All trustees, administration, faculty and staff employees, volunteers and students are expected to act with honesty, integrity, and openness in all their dealings for the University. The University depends on its constituents to help the University protect and maintain its resources and the private support that enables the University to pursue its mission. While the University has internal controls and operating procedures to detect and deter improper activities before they occur, even the best of controls cannot provide an absolute safeguard against unintentional or intentional violations of law, regulation, or University policy. We each are responsible for helping to prevent such violations.

Therefore, the University will investigate and take action to stop any suspected fraudulent or dishonest conduct or violation of law, regulation, or University policy, including any misuse of the University's resources or property. Failure to follow the University standards of conduct will result in disciplinary action, including possible termination of employment and possible civil or criminal prosecution if warranted.

All trustees, administration, faculty and staff employees, volunteers and students are encouraged to use this policy to report serious concerns that may amount to fraudulent or dishonest conduct or violation of law, regulation or University policy (i.e., to act as "whistleblower"), pursuant to the procedures set forth below.

### **PROCEDURES**

Generally, these whistleblower procedures are to be used to report matters that are not covered by other complaint procedures offered by the University. For example, complaints concerning prohibited harassment or discrimination must be reported using the procedures set out in the Discrimination & Harassment policy (for employees), the annual Student Handbook (for students), and the Sexual Misconduct Policy (as applicable). Complaints concerning the terms and conditions of an employee's personal employment situation, other than prohibited harassment or discrimination, must be reported through the Staff Complaint Procedure or Faculty Grievance Procedure, as applicable. Complaints concerning students' academic concerns, including reports of academic dishonesty or failure to maintain academic standards, must be reported using the procedures set out in

the Student Handbook or University Bulletin as applicable. Complaints concerning student violation of other University regulations must be reported using the student disciplinary system process.

## **REPORTING GUIDELINES**

1. Employees must follow all University policies and procedures and comply with all laws and regulations in carrying out their duties and responsibilities for the University;
2. It is the employee's responsibility to report violations or suspected violations, as well as fraudulent or dishonest conduct, in accordance with this policy;
3. Employees who become aware of a potential or actual violation of law, regulation, or University policy, or other fraudulent or dishonest conduct, must report such potential or actual conduct to the Assistant Vice President for Human Resources, regardless of whether you are personally involved in the matter. If the Assistant Vice President for Human Resources is involved in the activity that the employee is questioning, the employee must report such conduct directly to the President;
4. Employees who are unsure if the practice that concerns them is inappropriate or not, and therefore unsure if their complaint would be "whistleblower in nature," they may seek guidance from any University Official (or their supervisor/manager) who has responsibility for overseeing compliance with the particular policy. If their supervisor/manager or next respective University Official is involved in the activity that they are questioning, they may address their question to the Assistant Vice President for Human Resources;
5. The University will attempt to handle all such reports with discretion and with due regard for the privacy of the whistleblower;
6. Employees may make an anonymous report, with the understanding that any investigation may be hampered due to the inability to obtain a full and complete account of relevant and necessary facts, or to ask additional questions, or seek clarification as any investigation proceeds;
7. Reporting information on an anonymous basis can be done by using one of the following options:
  - i. Faxing a written complaint from a copy service or other non-traceable fax number to 585-385-2102
  - ii. Submitting an email message from an anonymous email source, such as Yahoo or Hotmail to the Assistant Vice President for Human Resources at [humanresources@sjf.edu](mailto:humanresources@sjf.edu)
  - iii. Using the third-party hotline service "report it" online:
    - 1) Go to: <http://www.reportit.net/>



- 2) Click "Report it Online"
- 3) Click the orange "reportit now" button
- 4) Enter the University's username/password: sjf/reportit
- iv. Using the third-party hotline service "Report It" by phone:
  - 1) Dial 1-877-778-5463
  - 2) Provide the operator with the University's username/password: sjf/reportit
8. Allegations of suspected improper activities should be made in writing so as to assure a clear understanding of the issues raised but may be made orally. Such reports should be factual and contain as much specific information as possible. All reports should be dated and should include all available backup information.
9. Allegations made maliciously or with reckless disregard for their truth or falsity are considered "baseless allegations". Persons making such allegations may be subject to disciplinary action, up to and including termination of employment, by the University.

## **RIGHTS AND RESPONSIBILITIES**

### **Supervisors/Managers**

Supervisors/Managers are required to report suspected fraudulent or dishonest conduct and violations of law, regulations, or University policy. In addition, supervisors/managers are responsible for maintaining a system of management controls which detect and deter fraudulent or dishonest conduct in those areas where they have authority.

Reasonable care should be taken in dealing with suspected misconduct to avoid:

- Baseless allegations;
- Premature notice to persons suspected of misconduct and/or disclosure of suspected misconduct to others not involved with the investigation; and
- Violations of a person's rights under law.

Due to the important, yet sensitive nature of the suspected violations, effective professional follow-up is critical. Supervisors/Managers, while appropriately concerned about "getting to the bottom" of such issues, should not attempt to handle any "whistleblower" matters on their own. Accordingly, any supervisor/manager who becomes aware of suspected fraudulent or dishonest conduct or violations covered by this policy should:

- Immediately notify the Assistant Vice President for Human Resources of the matter (or the President if the Assistant Vice President for Human Resources is involved in the suspected activity);
- Not contact the person suspected to further investigate the matter or demand restitution;



- Direct all inquiries from internal or external parties, such as attorneys or the media, to the Assistant Vice President for Human Resources or, if directed, to the University's Director of Marketing and Communications.

## INVESTIGATION

Upon receipt of a complaint under this policy, the Assistant Vice President for Human Resources (or the President where applicable) will conduct an investigation or arrange for the investigation of the complaint by another University

official(s) as appropriate. Relevant matters will be reviewed and analyzed, with documentation of the receipt and treatment of the complaint. Investigations will be concluded with all due speed. Investigations may warrant participation by independent persons such as auditors, consultants, and/or other outside personnel.

The University will take appropriate corrective and/or disciplinary action, if necessary, against any person found to have engaged in fraudulent or dishonest conduct, or found to have violated any law, regulation or University policy. Actions may include termination or civil or criminal prosecution where warranted.

Any staff employee who is disciplined or adversely affected as a result of the investigation and findings may challenge the decision by filing a written objection with the President (or with the Chair of the Board of Trustees if the complaint involved activity by the President) within ten (10) days of notification of the adverse action. The decision in response to the objection will be final and not subject to any further grievance or complaint process within the University.

Any faculty member who is disciplined or adversely affected as a result of the investigation and findings may challenge the decision by using the Faculty Grievance Procedure in the Faculty Statutes. Where termination is recommended of a faculty member with tenure or whose term appointment has not expired, the procedures for Academic Due Process in the Faculty Statutes shall be followed.

Where potential discipline of a student is involved and falls within the categories covered by student disciplinary procedures set out in the Student Handbook or University Bulletin, those procedures shall be followed.

Any trustee or volunteer who is adversely affected as a result of the investigation and findings may challenge the decision by filing a written objection with the Chair of the Board of Trustees within ten (10) days of notification of the adverse action. The decision in response to the objection will be final.

Files pertaining to the complaint and investigation process will be retained in the Human Resources Department and will be subject to the normal practices for record retention.

## WHISTLEBLOWER PROTECTION

The University will protect whistleblowers as stated below.

- ☐ Trustees, administrators, faculty and staff employees, students, and all other persons engaged by the University are prohibited from retaliating against a whistleblower for any good faith whistleblowing activity. Retaliation shall include, but not be limited to intimidation, harassment, discrimination or other retaliation. In the case of employees or students, retaliation will also include acting with the intent or effect of adversely affecting the terms or conditions of the whistleblower's employment or student status including, but not limited to, making threats of physical harm, loss of job, punitive work or academic assignments, or impacting a whistleblower's salary, fees, or scholarship funds. Whistleblowers who believe that they have been retaliated against may file a written complaint with the Assistant Vice President for Human Resources or the President. All complaints of retaliation will be promptly investigated and appropriate corrective measures and/or disciplinary action taken if allegations of retaliation are substantiated. This protection from retaliation does not prohibit supervisors/managers from taking action, including corrective or disciplinary action, against employees in the usual scope of their duties based on valid performance-related factors that are not part of the whistleblowing activity. Nor does this protection from retaliation prohibit professors from making academic decisions about students based on valid factors that are not part of the whistleblowing activity.
- ☐ Whistleblowing complaints will be handled with sensitivity, discretion, and confidentiality to the extent allowed by the circumstances and the law. Generally, this means that whistleblower complaints will be shared only with those who have a need to know so that the University can conduct an effective investigation and determine what action to take based on the results of any such investigation. In appropriate cases, the University will contact and share information with law enforcement personnel. Should disciplinary or legal action be contemplated against a person or persons as a result of a whistleblower complaint, such persons may also be informed of the identity of the whistleblower where necessary to protect their own ability to defend themselves. In such cases, the person(s) accused of improper conduct will be reminded of the University's strict policy against retaliation.
- ☐ Whistleblowers must be cautious to avoid baseless allegations (as described below in the definitions section of this policy).

## ADMINISTRATION OF POLICY

The Assistant Vice President for Human Resources shall be responsible for administering this policy. Such individual shall report any actions taken pursuant to this policy to the Audit Committee.

This policy shall be distributed to all trustees, officers, employees and volunteers who provide substantial services to the University. Distribution for these purposes may include posting the policy on the University's website or at the University's office in a conspicuous location accessible to employees and volunteers.

## GLOSSARY

"Whistleblower": A trustee, administrator, faculty (adjunct or full-time) employee, staff employee, volunteer or student who informs a University Official about an activity relating to the University which that person believes to be fraudulent or dishonest or a violation of law, regulation, or University policy.

"Employee" (for purpose of this policy only): All full-time and part-time faculty and staff employees, student employees, and temporary and casual employees on the University payroll.

"Baseless Allegations": Allegations made maliciously or with reckless disregard for their truth or falsity. Persons making such allegations may be subject to disciplinary action, up to and including termination of employment, by the University.

"Fraudulent or Dishonest Conduct": A deliberate act or failure to act with the intention of obtaining an unauthorized benefit or privilege. Examples of such conduct include, but are not limited to:

- Forgery or alteration of documents;
- Unauthorized alteration or manipulation of computer files;
- Fraudulent financial reporting;
- Pursuit of a benefit or advantage in violation of the University's Conflict of Interest policy;
- Impropriety in the handling or reporting of money or financial transactions;
- Disclosure of confidential or proprietary information to outside parties;
- Acceptance or seeking anything of material value from contractors, vendors, or persons providing services with the expectation of favorable action by the University official on any specific matters pending between the University and the gift giver;
- Destruction, removal or inappropriate use of records, furniture, fixtures, and equipment;

- Misappropriation or misuse of the University's resources, such as funds, supplies, or other assets;
- Authorization or receipt of compensation for goods not received or services not performed; or
- Authorization or receipt of compensation for hours not worked.

"Assistant Vice President for Human Resources": Contact information is as follows: Office phone number is 585-385-8048; confidential fax number is 585-385-2102, mailing address is 3690 East Avenue, Rochester, NY 14618; and email address is: [humanresources@sjf.edu](mailto:humanresources@sjf.edu).

### **ADDITIONAL INFORMATION**

Employees and students should contact the Department of Safety & Security at 585-385-8111 or 585-385-8000 if they observe behavior or threats that could cause physical harm to an individual. The Department of Safety and Security team responds to all types of behaviors, including physical and emotional distress.

## **SECTION THREE**

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# **EMPLOYEE RELATIONS**

## **3.01 EMPLOYMENT ELIGIBILITY & WORK AUTHORIZATION**

The University is committed to employing only individuals who are authorized to work in the United States and who comply with applicable immigration and employment law.

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### **EMPLOYMENT ELIGIBILITY AND WORK AUTHORIZATION**

As a condition of employment, every individual must provide satisfactory evidence of their identity and legal authority to work in the United States within three business days of commencing employment. If the employee cannot verify their right to work in the United States within three business days of employment, the University will be required to terminate employment immediately.

## 3.02 RECRUITMENT & PLACEMENT

The University recruits and selects individuals for employment on the basis of merit, qualification and competency without regard to all legally protected classes under federal, state and local law. All job offers are contingent upon the applicant providing proof of legal authorization to work at the University.

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### JOB POSTING

Whenever possible, we seek first to fill job openings with qualified applicants from within the University. Notices of job vacancies are posted on the University's website (<https://jobs.sjf.edu>) for five days. Employees should notify their immediate supervisor/manager if they would like to be considered for a different position within the University. To be eligible to participate in the job posting process, employees must be employed in their current position for at least one year, must have a satisfactory work record and be in good standing at their current position. Exceptions will require approval from the Assistant Vice President for Human Resources.

### JOB OFFERS

When an internal candidate receives a job offer, The Human Resources Department will work with the employee's current and new supervisor/manager to arrange a mutually agreeable start date. Ideally, employees should be released to their new position within four weeks of the offer. Release dates beyond four weeks should only be considered in extreme cases and may require discussion and approval by the Assistant Vice President for Human Resources. All parties are encouraged to be flexible on a release date so that all legitimate business and academic needs may be taken into consideration.

The hiring manager or the Human Resources Department will contact internal candidates who have been interviewed to provide feedback resulting from the interviewing process.

## 3.03 EMPLOYMENT CLASSIFICATIONS

Employees of the University are employed based on the classifications detailed below. The University offers different employment classifications in order to meet staffing and business requirements and accommodate employee needs and schedule preferences.

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### **REGULAR FULL-TIME STAFF**

Employees who are regularly scheduled to work a minimum of 35 hours per week throughout the year, as determined by departmental employment requirements, are classified as regular full-time employees. Regular full-time employees are eligible for benefits provided by the University, subject to the terms, conditions and limitations of each benefit program.

### **REGULAR PART-TIME STAFF**

Employees who are regularly scheduled to work less than 35 hours per week are classified as regular part-time employees. Regular part-time employees are eligible for some of the benefits provided by the University as explicitly stated in this Handbook or their appointment letter. They are subject to the terms, conditions and limitations of each benefit program.

### **TEMPORARY**

Full-time or part-time employees (including student employees) who are hired directly by the University or by a staffing agency for a limited, pre-designated period of time are classified as temporary employees. Temporary employees are not included within the definition of “regular employees.” Temporary employees are not eligible for the University's employee benefits, except those required by law.

### **FULL-TIME, PART-TIME, AND TEMPORARY FACULTY**

The full-time, part-time and/or temporary status of faculty members is determined by appointment letters in conjunction with the Faculty Statutes. Refer to the Faculty Statutes or the Office of the Provost for further information.

### **FLSA CLASSIFICATIONS**

Under the Federal Fair Labor Standards Act (FLSA), all positions, regardless of employment classification, are classified as either exempt or non-exempt for overtime and minimum wage requirements based on the nature of the job duties and amount of wages.



**Exempt Employees**

The FLSA provides an exemption from both minimum wage and overtime pay for employees employed as executive, administrative, professional, outside sales and computer employees.

**Non-Exempt Employees**

Under the FLSA, non-exempt employees must be paid at least the federal minimum wage for all hours worked and overtime pay at one and one-half the regular rate of pay for all hours worked over 40 hours in a workweek.

## 3.04 VOLUNTEERS

This policy is designed to enable St. John Fisher University to accept volunteers, to reduce volunteers' risks, and to protect the interests of the University, its volunteers and the community it serves. The University does not intend for volunteers to perform or displace work that is presently being performed by University employees.

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### **VOLUNTEERS**

Volunteers are uncompensated individuals who perform services related to the business of the University, support the activities of the University, or gain experience in specific endeavors. To qualify as a volunteer, an individual must be willing to provide services according to the procedures in this policy.

Volunteers are not covered by the Fair Labor Standards Act and are not considered employees for any purpose. They are not eligible for any University benefits, except workers' compensation, as a result of this volunteer association. At all times, the University has the discretion to select volunteers. The University or the University volunteer may end the service at any time and without advance notice.

Volunteers are expected to abide by all St. John Fisher University policies, procedures, and external regulations that govern their actions, including but not limited to those relating to ethical behavior, safety, confidentiality, protected health information, computer use, financial responsibility, and drug/alcohol use.

Current employees may not volunteer for any capacity in which they are employed at the University, or which is essentially similar to or related to the individual's regular work at the University.

A person must be at least 18 years of age and must be eligible to work in the United States in order to be considered for a volunteer position.

Volunteers are prohibited from performing the following activities:

- Operating or utilizing any Facilities Services' equipment;
- Making any changes to the physical assets of the University;
- Working with steam, electricity, hydraulics, etc.;
- Entering into any contract on behalf of the University;
- Working with infectious or potentially infectious agents, including human blood; and
- Participating in any activity considered inappropriate for an employee.

## PROCEDURES

No volunteer may begin service at the University until all the following steps have been completed:

- Departments considering engaging volunteers must first complete Section 1 of the Voluntary Service Approval and Acknowledgement Agreement (available on the Human Resources Department website) and submit a copy to the Human Resources Department for review. It is essential that each position be evaluated to determine that the position meets the definition of a volunteer. (**Note:** Volunteers serving as a public speaker, reunion chair, phone-a-thon or capital campaign volunteer, or in other roles as may be determined by the Human Resources Department may not be required to sign the Voluntary Service Approval and Acknowledgement Agreement.)
- It is the responsibility of the engaging department to recruit and select the appropriate volunteer(s) and to be certain the individual(s) have the experience, qualifications, and training for the task they will be required to perform. Volunteers must have the necessary training and/or supervision to safely carry out their volunteer work; and depending on the particular function performed, must meet appropriate license requirements and have a good driving record.
- Prior to starting to volunteer at the University, each individual must complete the Voluntary Service Approval and Acknowledgement Agreement. An Authorization of Disclosure and Release of Claims form also must be signed and a background check must be completed by the Human Resources Department. The Human Resources Department will notify the appropriate department when the volunteer has been cleared to begin work.
- It is the responsibility of the engaging department to inform the volunteer regarding responsibilities of the assignment and University policies, procedures, parking regulations, and how to obtain a volunteer ID. Unless pre-approved by the Human Resources Department, volunteers will not have access to Banner, campus facilities such as the workout center, or the campus email system. Volunteers will be assigned a Banner ID.

## 3.05 WORKING HOURS

The University observes a 35-to-40-hour workweek depending upon departmental needs. Time records are kept for each non-exempt employee showing the hours worked each week.

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### WORKWEEK

Due to the nature of our business, workdays and hours may vary with the job. Our standard workweek generally consists of seven to eight hours per day, five days per week.

### WORKDAY

Due to the varying needs of the University, the University has different work hour requirements. An employee's work hours are established at the time of employment. The supervisor/manager will explain the specific work hours commitment. Flexibility in determining employee work hours is at the discretion of the supervisor/manager and the Human Resources Department. Supervisors/Managers may make changes to work hours based on business and academic needs and will consider individual needs.

### MEAL BREAK

Employees working at least a six-hour workday, which extends over the noon meal break (11 a.m. to 2 p.m.), are entitled to a 30-minute meal break to be taken between 11 a.m. and 2 p.m. Employees who start their workday before 11 a.m. and continue after 7 p.m. are entitled to a 30-minute noon meal break and an additional 20-minute break between 5 p.m. and 7 p.m.

Employees who work more than six hours in their workday starting between the hours of 1 p.m. and 6 a.m. are entitled to a meal break of at least 45 minutes in the middle of their workday.

An uninterrupted meal break lasting 30 to 60 minutes will be unpaid for non-exempt employees.

Employees may not take a shorter meal break or skip a meal break to leave early.

If for any reason an employee's meal break is interrupted, the employee must notify their supervisor/manager and the time should be recorded as worked. The employee will be paid for the time and will receive an uninterrupted meal break as soon as practicable. Employees should contact their supervisor/manager if they have any questions regarding the meal break.

## **NURSING MOTHERS' PROTECTION**

Nursing mothers may receive a 30-minute paid break each day to express breast milk for up to three years after the birth of a child. Meal periods may also be used for this purpose. A nearby private area or room, which is not a bathroom, will be provided in which the employee may express breast milk. No employee will be penalized or retaliated against for choosing to express breast milk.

The University provides a lactation and storage room for nursing mothers, located in the Skalny Science Center, Room A236. Employees should contact the Department of Safety and Security for swipe-card access.

## **EMPLOYEE'S RESPONSIBILITY**

Employees are required to provide reasonable advance notice to their supervisor/manager they intend to take breaks for expressing milk upon returning to work following the birth of the child. As cited above, the University has a designated, private room for lactation purposes.

## **NO RETALIATION AND NO DISCRIMINATION**

Employees who believe the Company has failed to comply with the requirements of this policy and federal or state law should immediately notify the Human Resources Department. The University will not retaliate or discriminate against an employee because they exercise their rights under this policy or file a complaint or institute any proceeding under or related to New York State law or the federal Fair Labor Standards Act.

## **ADDITIONAL INFORMATION**

Pursuant to New York State requirements, a Policy on the Rights of Employees to Express Milk in the Workplace that further explains your rights under New York State law will be provided at hire, annually after hire, and whenever an employee returns to work following the birth of a child and is available from the Human Resources Department.

Employees should see their supervisor/manager or the Human Resources Department for more details regarding lactation breaks

## **ADDITIONAL EMPLOYEE WORKING HOURS BREAKS**

Non-exempt employees who work eight hours per day, may take one 15-minute break in the morning and one 15-minute break in the afternoon during their shift.

## **TIME RECORDS**

Non-exempt employees and part-time exempt employees are responsible for recording their hours worked and any absences. Safety and Security and Facilities employees record their hours on a timesheet each week, and all other employees record their hours in the University's timekeeping system and submit them to the Payroll Department by the indicated due date.

Under no circumstances should an employee record time for another employee. Should an employee forget to record their time, the employee should notify their supervisor/manager, and they will make the appropriate notations on the timesheet or in the timekeeping system.

To ensure accurate recordkeeping of hours worked, non-exempt employees are required to enter their time into the time system as close as possible to the beginning or end of their actual working time. Non-exempt employees may not work overtime and must have permission from their supervisor/manager to work before or after their scheduled shift or any time in addition to their scheduled hours or beyond scheduled hours before that time is worked, unless it is not possible to obtain such permission due to unavoidable circumstances (i.e. critically time sensitive matters).

### **ABSENCE REPORTS**

Exempt employees are responsible for recording any time away from work, such as vacation, floating holiday, etc. on a timesheet or in the timekeeping system and then submitting it to the Payroll Department by the indicated due date.

## 3.06 PAY PRACTICES

The University is committed to a policy of fair and equitable compensation for all employees.

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### **WAGE AND SALARY PROGRAM**

Wage rates are assigned to each job based on job requirements and the economic conditions of the University and the marketplace, as well as each employee's qualifications, skills and abilities. The University endeavors to comply with all federal, state and local laws with respect to the payment of wages.

### **MERIT INCREASES**

Pay increases may be provided when an employee demonstrates improvement or outstanding performance in their job. When reviewing pay increases, the University considers profitability, an employee's individual work performance and other economic factors. All merit increases are provided at the sole discretion of the University.

### **PAYDAY**

Employees are paid bi-weekly on Friday. If payday falls on a holiday, employees will ordinarily be paid on the day before the holiday.

### **PAYROLL**

Employees have the option of being compensated by check or direct deposit. The supervisor/manager, Payroll Department or Human Resources Department answers questions regarding compensation options. If direct deposit is elected, employees may view their pay stub on the secure Employee Services module of the Fish 'R' Net web site at: <http://fishrnet.sjf.edu>.

### **GARNISHMENTS**

A court may order the University to garnish amounts directly from an employee's paycheck. The University is required to withhold the amount indicated in the garnishment from the employee's paycheck in accordance with federal, state and local law.

### **OVERTIME**

When operating requirements cannot be met during regular work hours, employees may be scheduled to work overtime hours. When possible, advance notification of these mandatory assignments will be provided.

Non-exempt employees will be paid one and one-half times their regular rate of pay for all hours worked over 40 hours in a workweek.

For purposes of calculating overtime, the University's seven-day workweek begins on Saturday and ends on Friday.

Non-exempt employees are paid one and one-half times their regular hourly rate of pay for hours worked on holiday, not including floating or University holidays.

Paid time off, including vacation, sick leave or paid absence time are not counted as hours worked when calculating overtime. However, holidays are counted as hours worked when calculating overtime.

### **PROPER RECORDING OF TIME WORKED**

Unless pre-approved by the supervisor/manager, non-exempt employees are prohibited from performing work activities during non-working hours. This includes, but is not limited to, accessing electronic communication through cell phones, text messages and emails for work-related purposes and performing preparatory work outside of regular work hours. Time spent accessing work-related electronic communication outside of regular work hours or performing any other work during non-working hours must be pre-approved by the supervisor/manager. Any such time, regardless of whether it has been approved or not, must be recorded and reported as time worked in the University's time system or on the employee's timesheet.

### **SHIFT PREMIUM**

The University maintains 24 hours operations. As such non-exempt employees who regularly work non-standard shifts may receive a shift premium. The selection of those who work on premium pay shifts is at the sole discretion of management and is dictated by operational requirements.

### **CALL-IN PAY**

Certain non-exempt employees who may be called in for emergencies will be paid as follows:

- Employees who are asked to work prior to the beginning of their regularly scheduled shift will be paid the shift differential applicable to their regular shift or prior shift, whichever is higher.
- If an employee is called to work on their day off, the employee will receive their regular hourly rate for at least four hours, or for the number of hours actually worked, whichever is more.

### **TRAVEL/EXPENSE REIMBURSEMENT**

Employees will be reimbursed for pre-authorized expenses, such as: University-related travel mileage, hotel expenses, airfare or other business expenses incurred on behalf of the University. Employees will be reimbursed for their mileage at the University's current reimbursement rate. In addition to obtaining pre-approval, the



employee must complete a travel/expense reimbursement form, attach any receipts and submit to their supervisor/manager.

## **OVERPAYMENTS**

In the event an employee is overpaid due to a mathematical or clerical error, the University will proceed to recoup the overpayment via wage deductions in accordance with the New York State Labor Law. Employees who become aware of an overpayment must notify the Payroll Department immediately. For more information, employees should contact the Payroll Department or the Human Resources Department.

## **POLICY FOR DEDUCTIONS FROM WAGES**

Employee pay stubs itemize deductions made from gross earnings. The University is required by law to make deductions for Social Security, federal income tax and any other appropriate taxes. These required deductions may also include any court-ordered garnishments. Pay stubs also itemize any voluntary deductions such as an employee's portion of medical, dental or life insurance premiums and/or voluntary contributions to the 403(b) Retirement Plan, to the extent applicable. If applicable, pay stubs will also differentiate between regular and overtime pay received.

It is our policy to comply with the salary basis requirements of the Fair Labor Standards Act (FLSA) and applicable state law. In turn, supervisors/managers are prohibited from making any improper deductions from the salaries of exempt employees or from the wages of any employee that are not consistent with federal and state wage and hour laws.

## **PERMITTED DEDUCTIONS FROM EXEMPT EMPLOYEE'S PAY**

Employees who are classified as exempt must record absences from work for reasons such as vacation, sick leave or paid absence.

Exempt employees are paid on a salary basis. This means the employee regularly receives a predetermined amount of compensation each pay period, which cannot be reduced because of variations in the quality or quantity of the employee's work. In general, an exempt employee will receive their salary for any week in which the employee performs any work, regardless of the number of days or hours worked. Under federal and state law, an exempt employee's salary may be subject to certain deductions. For example, absent contrary state law requirements, an exempt employee's salary can be reduced as either partial-day or full-day deductions for the following reasons:

- Full-day absences for personal reasons other than sickness or disability.
- Full-day absences for sickness or disability, if the employee has exhausted or is not yet eligible for paid time off under a bona fide policy or plan that provides compensation for salary lost due to illness.

- Full-day disciplinary suspensions for infractions of written policies and procedures.
- Penalties imposed in good faith for infractions of safety rules of major significance.
- Unpaid leave taken under the Family and Medical Leave Act (if applicable).
- To offset amounts received as jury and witness fees or military pay.
- The first or last week of employment when an employee works less than a full week.
- Any full workweek in which an employee does not perform any work.

In a workweek in which an exempt employee performs any work, the employee's salary will not be reduced for any of the following reasons:

- Partial day absences.
- Absence on a scheduled workday in which the University has decided to close the facility at which an employee is scheduled to work and has not designated an alternate work site.
- Absences for jury duty, attendance as a witness or military leave, except that the University may offset the employee's salary based on the received as jury or witness fees or military pay.
- Any other deductions prohibited by federal or state law.

Please note: It is not an improper deduction to reduce an employee's accrued vacation, sick leave or paid absence or other forms of paid time off for full- or partial-day absences.

It is University policy to comply with the salary basis requirements of the Fair Labor Standards Act (FLSA) and applicable state law. The University prohibits any deductions from pay that violate the FLSA or applicable state law.

## **REPORTING IMPROPER DEDUCTIONS OR OTHER ERRORS**

Employees should immediately contact their supervisor/manager, the Payroll Department or the Human Resources Department with questions about deductions or to report improper deductions and/or errors. Employees will not be retaliated against for making a complaint.

Reports of improper deductions or other errors will be promptly investigated. If it is determined that an improper deduction or other error has occurred, the employee will be promptly reimbursed.

It is our policy and practice to accurately compensate employees and to do so in compliance with all applicable federal and state laws. To ensure accurate pay and proper deductions for all time worked, employees must correctly record all work

time. Additionally, employees should promptly review their paychecks to identify and report all errors.

## **DISCUSSION OF WAGES**

No employee is prohibited from inquiring about, discussing or disclosing their wages or the wages of another employee, if voluntarily disclosed by that employee. Employees are not required to disclose their wages to anyone.

This policy does not apply to disclosure of other employees' wage information by employees who have access to such information solely as part of their essential job functions and who, while acting on behalf of the University, make unauthorized disclosure of that information. University representatives may disclose employees' wages in response to a complaint or charge, or in furtherance of an investigation, proceeding, hearing or action under state law.

## 3.07 PERFORMANCE REVIEWS

St. John Fisher University's staff performance review process is designed to create alignment and focus on the annual goals of staff employees for the upcoming year, reinforce the desired culture of the University through feedback on the St. John Fisher University Competencies, support open discussion and feedback to enable employees to contribute to their fullest ability and provide an input in support of the merit decision-making process.

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### MEETING WITH THE SUPERVISOR/MANAGER

Performance is evaluated by the immediate supervisor/manager. Evaluations should not take the place of informal discussions between employees and their supervisor/manager regarding performance, but rather should provide regular opportunities to discuss the job relationship in depth.

### FREQUENCY

The staff performance review process aligns with the University's fiscal year, which is from June 1st through May 31st. While the University encourages ongoing feedback, regular full-time and part-time employees will typically receive a documented performance review once per year. Performance appraisals are a review of the employee's work performance; not necessarily a review of pay rate. The University addresses merit increases separately and bases them on budget and individual work performance in accordance with University policy.

### FORMS

The Staff Performance Appraisal Form and Guide are available for employees and supervisors on the University website at:

<https://www.sjf.edu/services/human-resources/documents-and-forms/>.

From time to time, the Human Resources Department may make changes to the form and/or process. Any changes will be announced as early as practicable in the performance year.

## 3.08 ATTENDANCE

Each employee's position and the work that they do at the University is important. It is essential that employees be at work on time for us to serve our students and community and run the University in an efficient manner.

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### **PUNCTUALITY**

Although individual schedules may vary, employees should be at their work area on time, ready to work. Punctuality is important. Consistent, unexcused tardiness, as determined by the University, is considered a performance issue and is subject to disciplinary action, up to and including termination of employment.

### **EMPLOYEE'S RESPONSIBILITY**

An employee who is going to be late or absent from work must contact their supervisor/manager before their scheduled start time or as soon as is practicable under the circumstance. Employees may contact their supervisor/manager via call, text or email.

An employee that is absent for three consecutively scheduled days without contacting their supervisor/manager will be considered to have voluntarily resigned from their position.

## 3.09 OPEN COMMUNICATION

The University is committed to the principle of open communication between employees and their supervisor/manager concerning any aspect of the employment relationship.

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### **WORKING TOGETHER, WE CAN FIND A SOLUTION TO ANY PROBLEM**

In every workplace there are honest differences of opinion about working conditions, discipline, policies and other work-related matters. Employees should not keep concerns to themselves and are encouraged to communicate their issues to management via the steps outlined below. Problems that are unknown cannot be solved. If an employee has a work-related complaint, concern or problem of any kind, the University will welcome the opportunity to discuss it with the employee and resolve it.

#### **FIRST STEP**

Employees who have a problem, complaint, question or suggestion about any aspect of the University are encouraged to discuss the issue with their immediate supervisor/manager. The University hopes that most matters can be satisfactorily resolved by such discussions.

#### **SECOND STEP**

Employees who are not satisfied with the outcome of this first step or are not comfortable raising a particular issue with their supervisor/manager, are welcome to discuss the situation with another manager in their reporting line (i.e., department head or vice president, etc.) or the Human Resources Department. They will meet with the employee and/or their supervisor/manager and attempt to reach a satisfactory solution.

#### **THIRD STEP**

Employees who are not satisfied with the outcome of the second step or are not comfortable raising a particular issue with another manager or the Human Resources Department, are encouraged to discuss the situation with the appropriate vice president or the President. They will review the situation in its entirety, meet with the employee and attempt to reach a satisfactory solution. Such requests will be coordinated through the Assistant Vice President for Human Resources.

If for any reason an employee does not feel comfortable speaking with their supervisor/manager or the designated management assigned in any step of this policy, the employee should feel free to discuss their concerns with any other member of management with whom the employee feels comfortable.

## **SUGGESTIONS**

St. John Fisher University values employees' talents and abilities and seeks to foster a cooperative environment. For this reason, the University's Open Communication policy applies not only to complaints and concerns, but to job-related ideas, recommendations and any other suggestions an employee believes would positively benefit St. John Fisher University. St. John Fisher University values employee input and ideas, and therefore all employees should share their feedback, comments and suggestions with a supervisor/manager or any management employee.

## **NO RETALIATION**

Employees will not be retaliated against in any way for raising concerns, asking questions or for making suggestions.

## **NATIONAL LABOR RELATIONS ACT DISCLAIMER**

As more fully described in the University's Statement of Rights Under the NLRA, nothing in this policy is intended to interfere with employees' exercise of their rights under Section 7 of the National Labor Relations Act (NLRA).

## **3.10 SOLICITATION & DISTRIBUTION**

In order to prevent disruptions in the operations of our University and protect our employees from annoyance, embarrassment and interference with their work, solicitation and distribution of advertising material, handbills or other literature during working time or in working areas is restricted as described below.

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### **SOLICITATION DEFINED**

For purposes of this policy, solicitation includes, but is not limited to, asking employees: for funds or contributions; to purchase goods for charitable or commercial purposes; to sign petitions; to join or become members of a group; to support political candidates; or to support or commit to causes, groups, or interests. Solicitations may be made by any form of communication, including verbal, written, email, text message, direct messaging, etc. Solicitation does not include brief conversations that are so limited that they do not interrupt employees' work.

### **DURING WORKING TIME**

Employees may not solicit or distribute non-work-related literature to another employee for any purpose when either the person doing the soliciting, or the person being solicited is on working time. For purposes of this policy, working time refers to that portion of any working day in which the employee is actually working or scheduled to work. It does not include such times as lunch or break time or before or after work. Employees who are on non-working time still may not solicit or distribute non-work-related literature to another employee who is on working time.

### **IN WORKING AREAS**

Employees may not distribute non-work-related literature to another employee for any purpose in the working areas of our University. "Working areas" do not include areas such as, but not limited to, the cafeteria, parking lot or break rooms.

### **OUTSIDE INDIVIDUALS**

Individuals who are not employed at our University may not distribute literature, nor solicit employees or visitors at any time on our University's grounds or inside our offices.

### **POST NOTICES**

Only governmental notices required to be posted due to federal or state regulations may be posted on University property.



## **NON-INTERFERENCE**

As more fully described in the University's Statement of Rights Under the NLRA, this policy is not intended to interfere with, restrain, or prevent employee communications regarding terms and conditions of employment or to otherwise interfere with employees' rights under the National Labor Relations Act.

## 3.11 STANDARDS OF CONDUCT

To ensure safety and security and provide the best possible work environment, the University expects employees to follow basic, common-sense rules of conduct that will protect everyone's interests and safety.

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### FORMS OF UNACCEPTABLE BEHAVIOR

It is not possible to list all forms of behavior that are considered unacceptable in the workplace, but the following are examples of infractions that may result in disciplinary action, including suspension, demotion or termination of employment:

- Falsification of employment records, employment information or other records or work-related information of the University;
- Recording the work time of another employee, allowing any employee to record another employee's work time, or allowing falsification of any timesheet/time record/time report, whether the employee's or another employee's;
- Theft or the deliberate or careless damage of any University property or the property of any employee, customer/client, contractor or student or community member;
- Use of University materials, supplies, tools or products for personal reasons without advanced permission from the supervisor/manager;
- Violation of the University's electronic resources, including sending personal emails during working time or in a manner that interferes with the employee's work performance;
- Possessing, distributing, selling, transferring, using or being under the influence of alcohol or illegal drugs in the workplace;
- Provoking a physical fight or engaging in physical fighting during working hours or on premises owned or occupied by the University;
- Carrying firearms, weapons or dangerous substances at any time, on premises owned or occupied by the University, unless state law provides otherwise;
- Using abusive, violent, threatening or unlawfully harassing language at any time in the work environment, during working hours or while on premises owned or occupied by the University;
- Making knowingly false statements concerning the University or any employee, client, contractor or visitor;
- Failing to obtain permission to leave work or be offline during scheduled working time (not including unpaid meal and rest breaks) unless the reason is legally protected;
- Working overtime without authorization or refusing to work assigned hours;

- Violating any safety, health or security policy, rule or procedure of the University;
- Failure to demonstrate immediate and consistent improvement in poor work performance;
- Committing a fraudulent act or intentional breach of trust under any circumstances; and
- Discrimination or harassment in violation of the University's Equal Employment Opportunity (EEO) or Harassment & Discrimination Prevention policies against any employee, client, contractor, student, visitor or other individual involved in the operations of the University, based upon race, religion, age, sex, national origin, disability or any other protected characteristic under applicable federal, state or local law.

## **CORRECTIVE ACTION**

Before taking corrective action, the supervisor/manager may meet with the employee to explain why the need for corrective action is warranted.

Depending upon the severity of the matter, disciplinary measures may include counseling, verbal warning, written warning, suspension, demotion, transfer or termination. The University will determine the appropriate corrective action and does not guarantee that one form of action will necessarily precede another.

## **AT-WILL EMPLOYMENT**

Although employment may be terminated at-will by either the employee or the University at any time, without following any formal system of discipline or warning, we may exercise discretion to utilize forms of discipline that are less severe than termination. Examples of less severe forms of discipline include verbal warnings, written warnings, performance improvement plans, demotions and suspensions.

Although one or more of these forms of discipline may be taken, no formal order or procedures are necessary. The University reserves the right to determine which type of disciplinary action to issue in response to any type of performance issue or rule violation.

This statement of prohibited conduct does not alter or limit the policy of at-will employment. Either the employee or the University may terminate the employment relationship at any time for any reason, with or without cause, and with or without notice.

As previously set forth in this Employee Handbook, only the President and/or Assistant Vice President for Human Resources or their authorized representative have the authority to enter into an employment agreement that alters the at-will employment relationship, and any such agreement must be in writing and signed by the President and/or Assistant Vice President for Human Resources or their authorized representative.

## **NATIONAL LABOR RELATIONS ACT DISCLAIMER**

As more fully described in the University's Statement of Rights Under the NLRA, this policy in no way prohibits employee affiliations or activities that are protected under applicable local, state and federal laws, including but not limited to any activity that is protected under Section 7 of the National Labor Relations Act (NLRA), which includes the right of employees to organize collectively and to speak with others about their terms and conditions of employment.

## 3.12 FREE EXPRESSION

The freedom to communicate, speak, inquire, question, and express oneself is a core value of St. John Fisher University as an academic institution. Freedom of expression and peaceful assembly are fundamental to the purpose of a University as a center for open inquiry in the search for knowledge and insight. St. John Fisher University is committed to providing proper and meaningful forums and support to further such expression, even if such views are unpopular or controversial.

At the same time, St. John Fisher University has a duty and is committed to ensuring that such expression/communications do not jeopardize, interfere with, or compromise the safety or security of any member of the campus community, and do not violate any applicable federal, state, or local laws or University policies. With the privilege of free expression comes the concurrent obligation to maintain an atmosphere conducive to scholarly pursuits and respect for the rights of all individuals. To that end, St. John Fisher University has adopted this Free Expression Policy, which applies to all students, employees, and guests.

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### Applicability of this Policy

This policy works in conjunction and requires compliance with other related University policies, as well as any applicable federal, state, and local laws, in order to promote the exercise of free expression, while also maintaining the safety and security of all members of the University community.

*Related Documents/Policies include but are not limited to:*

- [Appropriate Use and Privacy Policy for Computing & Information Technology](#)
- [Facility Use Policy](#)
- [Faculty Statutes](#)
- [OIT Copyright Policy](#)
- [Title IX Policy](#)
- [University Social Media Policy](#)
- [University Brand Guidelines](#)

For the purposes of this policy, the definition of speech and expressions are intended to be as broad as possible and include but are not limited to speaking, writing, artistic expression or conduct, communications (electronic or otherwise), and use of other web-based technologies (including social media whether existing or developed in the future).

To be clear, the University never restricts free expression with the goal of suppressing critical and creative thinking or disagreement. Rather, it is the aim of the University to support the conditions in which the open exchange of ideas contribute to educationally purposeful activities. All members of the University community share the responsibility for

maintaining an environment that contributes to the educational and inclusive mission and growth of the University.

## **Prohibited Conduct**

Members of the University community, including guests on campus or with a reasonable connection to the University programs or activities, maintain the responsibility to conduct themselves in a manner that does not infringe on the rights of others, or compromise public safety. Prohibited Conduct includes but is not limited to conduct that fails to comply with this policy or any other University policy or any applicable federal, state, or local laws. The University reserves the right to respond promptly, appropriately, and effectively to conduct prohibited by this policy.

The following is prohibited:

### Obscenities, Hate Speech

In the reasonable discretion of the University, speech or expression that is abusive, targeted based on a protected class/identity/characteristic, bigoted, obscene, condones, promotes, or incites violence, or constitutes hate speech, whether directed at an individual or expressed generally is prohibited.

### Harassment, Violence

Speech or expression that involves a threat of force is prohibited. Additionally, conduct that includes harassment or coercion, threatens or causes physical harm, or incites violence against an individual, a group, or generally are prohibited. When there is alleged harassment, the appropriate policy (Title IX Gender Discrimination and Harassment, Employee Handbook policies related to Equal Employment Opportunity, Sexual Harassment, Discrimination & Harassment, Student Code of Conduct) will apply.

## **Demonstrations and Live Expression**

Use of University property for the purpose of assembly, picketing, or demonstration is permitted only to University students, employees, or internal groups (recognized/affiliate groups) and with prior approval. The University supports any public gathering, congregation, or exhibition of one or more persons for the purpose of conveying or displaying a message or supporting a cause (assembly, picketing, demonstration) within parameters detailed here and as long as the message or cause are not in violation of policies or laws including but not limited to University policies, or any applicable federal, state, or local laws. The use of University property for the purpose of assembly, picketing, or demonstration does not imply the University's endorsement of any organization, activity, cause, person or position.

### *Prior Approval*

Students, employees or internal groups (recognized/affiliated groups) proposing to assemble, picket, or demonstrate must submit a request in writing to the Vice President for Student Affairs (VPSA). The request must include:

- Name(s) of individuals for coordination/contact
- The name of the organization, cause, or message
- The location requested
- The date(s) and timeframe(s) of the planned assembly, picket, or demonstration
- The number of persons expected to participate
- The manner of the demonstration, including all placard language, activities, and waste disposal/cleanup
- A communication plan for ongoing communication with the VPSA or their designee

The VPSA may designate an alternative appropriate University employee to review the request and will endeavor to review such requests as expeditiously as practical. For example, the Office of Student Engagement & Leadership may review requests from clubs/organizations in conjunction with the Office of Safety & Security, while the Provost may review requests from faculty or in conjunction with coursework or research.

The University, in its sole discretion, shall determine whether the request consists of reasonable time, place, and manner, and may direct and approve a different time, place, and manner, or deny approval.

### *Time, Place, Manner*

Assemblies, picketing, and demonstrations may not infringe on or interfere with the rights of others or disrupt essential operations of the University as determined in the reasonable discretion of the University. As such, among other things, no person engaged in the, assembly, picket, or demonstration may impede vehicular or pedestrian traffic, block sidewalks or roadways, impede access to or within University buildings or facilities, or impede non-participants from engaging in their daily activities as a student or employee of the University. This includes engaging in any activity that would constitute a violation of applicable laws and policies including but not limited to any applicable federal, state, or local laws or other applicable statutes or University policies. The University maintains sole discretion in determining whether conduct complies with this or any other University policy.

The following conduct is prohibited:

- Causing physical injury to another person, or threatening to do so;
- Removing anyone from any place where he, she, or they are authorized to remain;
- Damaging or destroying property on the campus or property under its care;
- Removing property of the campus or property under its care;
- Use of campus property or property in the campus's care (including bulletin boards) without approval;
- Entering without permission any individual office;
- Remaining in any building or facility after it is closed without approval;
- Refusing to leave a campus building or facility after being required to do so by a University Official;
- Obstructing the free movement of people and vehicles in any place to which these rules apply;
- Construction of shelters and other temporary structures;
- Camping on University grounds (except for academic purposes with approval of appropriate dean);
- Disrupting or preventing the peaceful and orderly conduct of classes, lectures, residential living, dining, events, meetings, and other University programs and activities;
- Disrupting or preventing the freedom of any person to express his, her, or their views, including invited speakers;
- Inciting others to commit acts prohibited in this or other University policies, or any applicable federal, state, or local laws;
- Taking action, creating, or participating in the creation of any situation which recklessly or intentionally endangers the mental or physical health of anyone;
- Individuals considered "Persona Non Grata" with a No Contact Order or court order prohibiting the person's presence on campus may not request or participate in assembling, picketing, or demonstrating.

Assemblies, picketing, or demonstrations during the first two weeks of any semester, culminating experiences week, and on the days of commencement is prohibited.

### *Revocation*

If, in the sole judgment of University officials, an activity violates this Policy, if the activity has been misrepresented or is carried out in a manner other than what was approved, or is conducted in a manner that violates any applicable federal, state, or local laws or other University Policy, the approval will be withdrawn and the activity (assembly, picketing, or demonstration) must immediately halt.

### **Personal Expression as an Employee**

Consistent with existing University policies as well as any applicable federal, state, or local laws, members of the University community are reminded that it is prohibited to use





University resources or property for personal gain, or to use confidential or privileged information acquired in connection with the individual's University-supported activities for non-University purposes.

In compliance with federal law, University employees, in carrying out their regular employment duties, with the use of University resources, or rendering themselves to be speaking or acting as a University employee, may not endorse, expressly or impliedly, any candidate for public office or comment on specific actions, partisan issues, or lobbying efforts related to candidates for public office.

To report a concern or potential violation of this policy, contact:

- Anyone: Office of Safety & Security: Haffey Hall first floor, [security@sjf.edu](mailto:security@sjf.edu), 585-385-8025
- Involving Students: Vice President for Student Affairs: Donald E. Bain Campus Center 206, [mthornton@sjf.edu](mailto:mthornton@sjf.edu), 585-385-8229
- Involving Employees: Assistant Vice President, Human Resources: Kearney Hall 211; [vbenjamin@sjf.edu](mailto:vbenjamin@sjf.edu) ; 585-385-8048

Please note: The University will not enforce this Free Expression Policy in a manner that would interfere with employees' rights under the National Labor Relations Act to discuss the terms and conditions of employment.

## **SECTION FOUR**

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# **BENEFIT PROGRAMS**

## 4.01 HOLIDAYS

The University provides holidays, floating holidays and University holidays to eligible employees. Time off for observance of holidays is paid for eligible employees.

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### OBSERVED HOLIDAYS

The University typically observes the following holidays each year:

New Year's Day	Labor Day
Martin Luther King Jr. Day	Thanksgiving Day
Good Friday	Day after Thanksgiving
Memorial Day	Christmas Eve
Independence Day	Christmas Day

### ELIGIBILITY

Regular full-time and part-time exempt and non-exempt employees are eligible for these paid holidays immediately upon hire.

### HOLIDAY PAY

Holiday pay for non-exempt employees is calculated based on the employee's straight time pay rate (as of the date of the holiday), equivalent to the number of hours the employee would have otherwise worked on that day.

Regular full-time and part-time, non-exempt employees, who are required to work on a holiday will be compensated for their scheduled work hours, plus one-and-one-half times their regular hourly rate for the hours worked. Upon approval of the supervisor/manager, full-time and part-time exempt employees required to work on a holiday will bank one additional floating holiday (equivalent to their schedule) that can be used any time prior to May 31st.

Holiday pay is counted for the purpose of calculating an employee's overtime hours of work or overtime premiums.

Except in cases of intermittent leave (i.e., FMLA, NY PFL, etc.), employees who are on a leave of absence are not eligible to receive holiday pay.

## **FLOATING HOLIDAYS**

In addition to the holidays listed above, the University typically provides floating holidays on June 1<sup>st</sup> of each year to all regular exempt and non-exempt, full-time and part-time employees. Part-time employees receive a floating holiday that is pro-rated on the approved working hours for the fiscal year. The supervisor's/manager's approval must be obtained before using a floating holiday.

Floating holidays must be used prior to May 31<sup>st</sup> of the following year or will be forfeited. Once an employee has given notice of resignation, any use of accrued floating holidays prior to the date of separation must be pre-approved by a supervisor/manager. At the time of separation, employees will not receive payment for any accrued floating holiday.

## **UNIVERSITY HOLIDAYS**

The President may designate as "University Holidays" other days when the University will be closed. Except in cases of intermittent leave (i.e., FMLA, NY PFL, etc.), employees who are on a leave of absence are not eligible to receive University holiday pay. Employees required to work on a University Holiday will bank one University holiday (equivalent to their schedule) that can be used any time prior to May 31<sup>st</sup>. At the time of separation, employees will not receive payment for any University holiday banked under this policy.

## **HOLIDAY DURING VACATION**

Eligible employees who are on vacation when a paid holiday is observed will receive pay for the holiday at their straight time hourly rate and will not be charged for the vacation day.

## **WEEKEND HOLIDAYS**

When New Year's Day, Independence Day, Christmas Eve, and Christmas Day fall on a Saturday or Sunday, the University may elect to "observe" the holiday either the preceding Friday or the following Monday. In these instances, plus Easter Sunday, employees who are required to work on the actual holiday, will be compensated for their scheduled work hours, plus one-and-one-half times their regular hourly rate for the hours worked.

## 4.02 VACATION

The University provides eligible employees with paid vacation. Vacation is intended to ensure time off for rest and recreation at times mutually convenient to the individual and their department.

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### ELIGIBILITY

Paid vacation is provided as a part of the University's benefits for all regular 12-month full-time and part-time staff, and 12-month faculty.

Faculty, part-year employees (i.e. 9- or 10-month employees), part-time employees hired to work less than 17.5 hours per week and temporary employees are not eligible for vacation.

All eligible employees accrue vacation from the first day of employment. Any unpaid leave time is not used in the calculation of vacation accrual.

For purposes of this policy, the “vacation year” runs from January 1<sup>st</sup> through December 31<sup>st</sup>.

### Non-Exempt Employees

Vacation for eligible non-exempt employees is calculated in accordance with the schedule shown below.

Years of Service	Maximum Accrual
0-5 years	10 days
6 years	11 days
7 years	12 days
8 years	13 days
9 years	14 days
10 years	15 days
11 years	16 days
12 years	17 days
13 years	18 days
14 years	19 days
15 or more years	20 days

## EXEMPT EMPLOYEES

Vacation for eligible exempt employees is calculated in accordance with the schedule shown below.

Years of Service	Maximum Accrual
0-5 years	15 days
6 years	16 days
7 years	17 days
8 years	18 days
9 years	19 days
10 or more years	20 days

Senior staff, department directors, associate directors and exempt librarians accrue four weeks (20 days) of vacation each year.

## PART-TIME EMPLOYEES

Part-time employees who are regularly scheduled to work at least 17.5 hours each week over 12 months will receive a prorated amount of vacation based on the number of hours they are regularly scheduled to work each pay period, their position and length of service.

A maximum of 70 hours worked in each pay period is eligible to be counted for the purpose of vacation accrual. Example: A non-exempt assistant with two years of service works part-time for 17.5 hours per week, or 1/2 the normal work week of 35 hours. The annual vacation entitlement would be 35 hours (divide the full-time rate of 70 hours, or ten days, by 1/2). Please consult with the Human Resources Department for other specific examples of the application of this policy.

## SCHEDULING

Every effort will be made to permit employees to take their vacation at the time requested. However, coordination within and between departments is essential. Vacation time may be taken in partial increments with the approval of the supervisor/manager. All vacations are subject to approval by the supervisor/manager.

The employee may elect to supplement their New York Paid Family Leave (PFL) benefit, Disability benefit, Family and Medical Leave (FMLA) benefit or any other job-protected leave with vacation in the smallest increment permitted under applicable federal or state law.

## HOLIDAY DURING VACATION

Employees who are on vacation when a paid holiday is observed will receive pay for the holiday at their straight time hourly rate and will not be charged for the vacation day.

## **VACATION DURING LEAVE**

Employees who are out of work on Family and Medical Leave (FMLA), unpaid Leave of Absence, New York Paid Family Leave (PFL), Disability, Workers' Compensation, or any other external benefit will not accrue additional vacation while not actively at work.

## **VACATION PAY**

An employee's vacation pay is based on the number of hours they are regularly scheduled to work at their straight time hourly rate.

## **DEFERRAL OF VACATION TIME**

The vacation year begins on January 1st and ends on December 31st. Employees may carry over up to one year of accrued vacation to the following vacation year (e.g., if your annual vacation accrual is 15 days, you can carry over up to 15 days). Vacation time in excess of the maximum carryover will be lost, and no payment is made in lieu of using the time.

Employees can determine their anticipated year-end vacation balance at any time throughout the year.

- **Step 1:** Go to mySJF> Launchpad > FishRNet and log in.
- **Step 2:** Click on Employee Services > Current Leave Time Balances and History > Vacation Pay. Under the "Earned" column, you will see the number of vacation hours you accrue each pay period.
- **Step 3:** Multiply the number of hours you accrue each pay period by the number of pay periods remaining in the calendar year to project the number of additional vacation hours you will accrue during the balance of the year.
- **Step 4:** Multiply the number of hours you accrue each pay period by 26 (there are 26 payrolls in the year) to determine your annual vacation carryover maximum.
- **Step 5:** Add your current available balance to your projected accrual and subtract your annual carryover maximum to determine the number of hours you must use prior to December 31<sup>st</sup> (i.e., the number of hours that will not carry over).

## **PAY IN LIEU OF VACATION**

Employees may not receive pay in lieu of taking the actual time off.

## **EXCESS LEAVE AND UNPAID VACATION**

Leave taken in excess of an employee's allotment will be unpaid and must be approved in advance by the supervisor/manager. All vacation must be used before any unpaid time is granted, except as required by law.

## **VACATION PAY AT TERMINATION**

Employees who resign voluntarily giving at least two weeks' advance notice will be paid for earned but unused vacation. Earned but unused vacation may not be paid to employees who resign with less than the specified advance notice or to employees who are terminated by the University, unless state law requires otherwise.

Once an employee has given notice of resignation, any use of vacation time prior to the date of separation must be pre-approved by the supervisor/manager.



## 4.03 PAID ABSENCE POLICY

The University recognizes that health and personal issues may occur which require an employee's absence from work. To accommodate these situations, the University established a paid absence policy which provides time off with pay to eligible employees who are occasionally absent from work due to health or certain personal reasons beyond their control.

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### ELIGIBILITY

All regular exempt and non-exempt, full-time employees and part-time employees hired to work at least 17.5 hours per week, (except faculty and temporary employees) begin to accrue paid absence upon hire by the University.

- The paid absence accrual will be pro-rated for eligible, regular part-time employees based on the actual hours worked during each pay period.
- Any unpaid leave time is not used in the calculation of paid absence accrual.

### ACCRUAL OF PAID LEAVE

Employees accrue paid absence time equivalent to twelve (12) days during each full year anniversary. Anniversary years are computed from the employee's first full day of employment to their anniversary date and thereafter from one year's anniversary date to the next. Unused paid absence hours will accumulate up to a maximum of fifty-five (55) work days.

An employee out of work on Family and Medical Leave (FMLA), unpaid Leave of Absence, New York Paid Family Leave (PFL), Disability, Workers' Compensation or any other external benefit, will not accrue additional Paid Absence while not actively at work.

### USE OF PAID LEAVE

This benefit is intended to provide employees with a bank of paid time to use for the following purposes:

- Personal illness or injury of employee or employee's family member (defined below), including:
  - For mental or physical illness, injury, or health condition, regardless of whether it has been diagnosed or requires medical care at the time of the request for leave; or
  - For the diagnosis, care, or treatment of a mental or physical illness, injury or health condition; or need for medical diagnosis or preventive care.

- Safe Leave, including:
  - For an absence from work when the employee or employee's family member has been the victim of domestic violence as defined by the State Human Rights Law, a family offense, sexual offense, stalking, or human trafficking due to any of the following as it relates to the domestic violence, family offense, sexual offense, stalking, or human trafficking:
    - To obtain services from a domestic violence shelter, rape crisis center, or other services program;
    - To participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee's family members;
    - To meet with an attorney or other social services provider to obtain information and advice on, and prepare for or participate in any criminal or civil proceeding;
    - To file a complaint or domestic incident report with law enforcement;
    - To meet with a district attorney's office;
    - To enroll children in a new school; or
    - To take any other actions necessary to ensure the health or safety of the employee or the employee's family member or to protect those who associate or work with the employee.
- Employees are required to use available Paid Absence during the Disability waiting period and to supplement Disability benefits.
- Employees may elect to use Paid Absence to supplement New York Paid Family Leave (PFL) benefits while on leave for the care of a family member with a serious health condition.
- **Please Note:** Time used as a supplement to Disability and New York Paid Family Leave (PFL) will be paid directly by the University and will be calculated to bring the employee as close as possible to full pay.

Approval of paid absence usage must be consistent with University policy and approved by the employee's supervisor/manager.

## DEFINITION OF FAMILY MEMBER

For purposes of this policy "family member" means: For the purpose of paid absence, "family" is defined as follows:

- Spouse
- Domestic Partner
- Child (any age)
  - Domestic Partner's child
  - Stepchild

- Adoptive child
  - Foster child
  - In loco parentis
- Parent
  - Stepparent
  - Foster Parent
  - Adoptive Parent
  - In loco parentis
- Parent-in-law
- Grandparent
  - Step Grandparent
- Grandchild
  - Step Grandchild
- Sibling

### **EMPLOYEE'S RESPONSIBILITY**

All employees who are ill and/or unable to report to work should notify their supervisor/manager as far in advance of the beginning of their shift as possible so other arrangements can be made. Paid absence time is not to be used to extend periods of vacation or scheduled days off (i.e. weekends). Paid absence immediately preceding or following vacations and/or weekends must be consistent with University policy and pre-approved by the employee's supervisor/manager. Employees absent for three or more consecutively scheduled workdays may be required to provide an attestation from a licensed medical provider supporting the existence of a need for sick leave, the amount of leave needed, and a date that the employee may return to work.

### **PAID ABSENCE AT SEPARATION**

Once an employee has given notice of resignation, any use of paid absence time prior to the date of separation must be pre-approved by a supervisor/manager.

Upon separation from the University, unused paid absence time is not paid out to the employee.

## 4.04 PAID SICK LEAVE

The University provides eligible employees with paid sick leave in accordance with the requirements of New York's mandatory sick leave law.

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### ELIGIBILITY

Full-time and part-time faculty, coaches and temporary employees working in New York are eligible to accrue paid sick leave.

### ACCRUAL OF PAID SICK LEAVE

Eligible employees began to accrue Paid Sick Leave on September 30, 2020 or the employee's date of hire, whichever is later.

Paid Sick Leave is accrued at a rate of one hour for every 30 hours worked, up to a maximum accrual of 56 hours each leave year. For purposes of this policy, the "leave year" is the calendar year from January 1<sup>st</sup> to December 31<sup>st</sup>.

Only actual hours worked count toward the employee's sick leave accrual. Employees do not accrue sick leave for hours not worked, including during use of sick leave under this policy as well as vacation or holidays.

### USE OF PAID SICK LEAVE

Employees may use accrued leave for the following reasons impacting the employee or a member of their family for whom they are providing care or assistance with care:

#### Sick Leave

- For mental or physical illness, injury, or health condition, regardless of whether it has been diagnosed or requires medical care at the time of the request for leave; or
- For the diagnosis, care, or treatment of a mental or physical illness, injury or health condition; or need for medical diagnosis or preventive care.

#### Safe Leave

- For an absence from work when the employee or employee's family member has been the victim of domestic violence as defined by the State Human Rights Law, a family offense, sexual offense, stalking, or human trafficking due to any of the following as it relates to the domestic violence, family offense, sexual offense, stalking, or human trafficking:
  - to obtain services from a domestic violence shelter, rape crisis center, or other services program;

- to participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee's family members;
- to meet with an attorney or other social services provider to obtain information and advice on, and prepare for or participate in any criminal or civil proceeding;
- to file a complaint or domestic incident report with law enforcement;
- to meet with a district attorney's office;
- to enroll children in a new school; or
- to take any other actions necessary to ensure the health or safety of the employee or the employee's family member or to protect those who associate or work with the employee.

An individual is not eligible for safe leave where that individual has committed such domestic violence, family offense, sexual offense, stalking or human trafficking, regardless of any family relationship.

### **DEFINITION OF FAMILY MEMBER**

For purposes of this policy "family member" means an employee's child, spouse, domestic partner, parent, sibling, grandchild or grandparent; and the child or parent of an employee's spouse or domestic partner.

For purposes of this policy "parent" means a biological, foster, step- or adoptive parent, or a legal guardian of an employee, or a person who stood in loco parentis when the employee was a minor child.

For purposes of this policy "child" shall means a biological, adopted or foster child, a legal ward, or a child of an employee standing in loco parentis.

### **INCREMENTS OF USE**

Paid sick leave may be used in the smallest increment permitted under applicable federal or state law.

Eligible employees may use up to 56 hours of paid sick leave in any leave year.

### **PAY DURING LEAVE**

An employee's sick leave pay is based on the number of hours the employee is regularly scheduled to work at the employee's normal rate of pay or the applicable minimum wage, whichever is greater. Employees who are paid at more than one rate of pay will be paid based on the weighted average of those rates.

### **INTERACTION WITH OTHER LEAVES AND BENEFITS**

Paid sick leave will run concurrently with leave taken under the Family and Medical Leave (FMLA) or any applicable federal and state law or University policy, to the extent permitted by law.



Paid Sick Leave must be used to supplement Workers' Compensation benefits and to receive pay while on Family and Medical Leave (FMLA) or any other job protected leave in the smallest increment permitted under applicable federal or state law.

The University is committed to complying with all applicable laws. Employees should contact the Human Resources Department for information about other federal and state medical, victim or family leave rights.

### **EMPLOYEE'S RESPONSIBILITY**

Employees may provide verbal or written request of the need for leave to their supervisor/manager.

Employees absent for three or more consecutively scheduled workday may be required to provide an attestation from a licensed medical provider supporting the existence of a need for sick leave, the amount of leave needed, and a date that the employee may return to work.

### **QUESTIONS REGARDING ACCRUAL AND USE**

Employees should contact the Human Resources Department with any questions regarding records of individual accrual or use of sick leave.

### **CARRYOVER OR PAY OF UNUSED LEAVE**

Unused sick leave will be carried over to the next leave year. The University does not offer pay in lieu of taking paid sick leave.

### **CONFIDENTIALITY**

Employees are not required to disclose confidential information relating to a mental or physical illness, injury, or health condition of such employee or such employee's family member, or information relating to absence from work due to domestic violence, a sexual offense, stalking, or human trafficking, as a condition of receiving sick leave.

### **REINSTATEMENT**

Employees utilizing paid sick leave will be returned to the same position they held immediately prior to the use of leave with the same pay and other terms and conditions of employment.

### **NO RETALIATION**

Employees have the right to request and use sick leave in a manner consistent with state law. The University will not discriminate or retaliate, or tolerate discrimination or retaliation, against any employee who seeks or obtains leave under this policy or who otherwise exercises their rights under this policy.

Employees who feel they have been retaliated against for such activity should immediately contact the Human Resources Department.

**MISUSE OF LEAVE**

An employee who uses leave for purposes other than those provided for under this policy, or who lies in connection with taking such leave, will be subject to disciplinary action, up to and including termination.

**PAID SICK LEAVE AT SEPARATION**

Unused sick leave is not paid upon separation from employment.

## 4.05 BENEFITS

The University provides eligible employees with a comprehensive benefits package, including a Flexible Benefit Plan (Section 125 Cafeteria Plan), medical, prescription drug, dental and vision insurance, a Health Savings Account (HSA), Flexible Spending Accounts (FSAs), short- and long-term disability insurance, life insurance, a 403(b) retirement plan, paid-time-off, and an Employee Assistance Program (EAP).

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### PLAN INFORMATION

Information regarding benefits provided to eligible employees will be distributed upon hire and during the annual open enrollment. Benefits are controlled by the terms of the applicable plan documents and insurance policies.

### ADDITIONAL INFORMATION

The specific terms of these plans are described more completely in summary plan descriptions that are available online at:

- <https://www.sjf.edu/services/human-resources/benefits/benefit-compliance/>;
- <https://www.sjf.edu/services/human-resources/benefits/retirement/>; or
- may be obtained from the Human Resources Department.

Information regarding benefits for retirees is available online at:

- <https://www.sjf.edu/media/services/human-resources/documents/retirement/RetireeBenefits2021.pdf>

*A more thorough explanation of the plans is contained in the respective Summary Plan Descriptions, plan documents and insurance policies available from the Human Resources Department. In the event of a discrepancy between the terms of this policy and the official plan documents, the official plan documents will control. The University and, if applicable, the benefit plan administrators or insurance companies, reserve the maximum discretion and right permitted by law to administer and interpret the benefits plans, as well as to amend, modify or terminate the plan at any time for any reason.*



## 4.06 CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT (COBRA)

The following is a summary of the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and New York health continuation coverage or “mini-COBRA” law. These laws require most employers to offer employees and their families continued group health insurance coverage at group rates in certain circumstances.

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### CONTINUATION COVERAGE

Federal law requires most employers to offer employees and their families the opportunity to temporarily continue group health insurance coverage (called “continuation coverage”) at group rates in specified circumstances where coverage under the plan would otherwise end. COBRA continuation coverage for the University applies to medical, dental, vision, and healthcare FSA, if required and EAP. New York’s mini-COBRA law also requires temporary continuation coverage by the applicable insurance carrier if COBRA does not apply where either (i) the employer has less than 20 employees or (ii) federal COBRA continuation coverage was exhausted.

### ELIGIBILITY

Employees of the University who are covered by University group medical, dental, vision, and healthcare FSA and EAP coverage have a right to choose this continuation coverage if they lose their group medical, dental, vision, or healthcare FSA and EAP coverage because of a reduction in their hours of employment or the termination of their employment (for reasons other than gross misconduct on the employee’s part), among certain other qualifying events.

The spouse or dependent child of an employee covered by the University group medical, dental, vision, or healthcare FSA and EAP coverage also has the right to choose continuation coverage if they lose group health coverage under certain qualifying events.

### OPTIONS

If an employee does not choose continuation coverage, their group health insurance coverage will end. If an employee chooses continuation coverage, the University is required to give the employee coverage that is identical to the coverage provided under the plan to similarly situated active employees or family members. Employees may be required to pay the entire premium for their continuation coverage, plus a small administrative fee.

At the end of the continuation coverage period, employees must be allowed to enroll in an individual conversion health plan if such an option is available under the University’s group medical, dental, vision, FSA and EAP coverage.

If an employee does not choose continuation coverage of medical, dental, vision or healthcare FSA and EAP benefits, the employee may submit claims only for eligible medical, dental, vision or healthcare FSA and EAP expenses incurred through the last day of employment or applicable grace period, if any. If an employee chooses COBRA continuation medical, dental, vision or healthcare FSA and EAP benefits, the employee may obtain reimbursement of eligible expenses incurred after termination of employment, provided the employee continues to pay contributions to the plan plus a small administrative charge.

## **ALTERNATIVES TO COBRA**

An employee may have other options available when losing group health coverage. For example, an employee may be eligible to buy an individual plan through the Health Insurance Marketplace. By enrolling in coverage through the Marketplace, an employee may qualify for lower costs on monthly premiums and lower out-of-pocket costs. Additionally, an employee may qualify for a 30-day special enrollment period for another group health plan for which the employee is eligible (such as a spouse's plan), even if that plan generally does not accept late enrollees.

*This policy is only a summary of the employee's rights under the continuation coverage provisions of the law. Additional information regarding employee rights is contained in the plan's general COBRA notice or can be obtained from the Human Resources Department. In the event of a discrepancy between the terms of this policy and the official plan documents, the official plan documents will control.*

## 4.07 SHORT-TERM DISABILITY INSURANCE

A loss of income due to disability can be destructive to an individual's or family's security. For this reason, the University provides eligible employees with short-term disability insurance. This insurance program assists employees in replacing lost income in the event that an employee is disabled due to an off-the-job injury, illness or pregnancy.

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### ELIGIBILITY

All employees who cannot work due to a non-job-related disability (including physical and mental health conditions) are covered under the New York State Disability Benefits Law (NYDBL), if they meet the eligibility requirements.

All regular full-time staff employees are also eligible for Short-Term Disability benefits (STD).

### BENEFITS

For both NYDBL and STD, benefits begin on the eighth calendar day of the disability and may continue for up to 26 weeks, inclusive of the one-week waiting period.

NYDBL benefits equal 50 percent of the employee's average weekly wage (based on the last eight weeks of employment) up to a maximum weekly benefit of \$170.00.

STD benefits equal 60% of base earnings, subject to the plan maximum. The insurance carrier will automatically offset any benefits received through NYDBL as the combination of NYDBL and STD payments may not exceed 60% of base earnings.

Employees may receive a combined total of 26 weeks of disability and New York Paid Family Leave (PFL) benefits, inclusive of the one-week disability waiting period.

### COST

The cost of the NYDBL insurance is shared by the University and covered employees. The cost of the STD insurance is paid in full by the University.

### LEAVE ENTITLEMENT

Employees on disability leave must use accrued paid absence to supplement NYDBL and STD payments until this accrued time has been exhausted.

**Please Note:** Time used as a supplement to this program will be paid directly by the University and will be calculated to bring the employee as close as possible to full pay.

## **EMPLOYEE'S RESPONSIBILITY**

Supervisors/Managers and disabled employees must contact the Human Resources Department for forms and information on disability benefits when an absence is expected to extend beyond five workdays. When possible, advance notice of absence due to disability and expected duration should be provided, as in the case of pre-scheduled surgery or childbirth-related disability.

*This is intended as a brief introduction to Disability Insurance. A more thorough explanation of the plan is contained in the Summary Plan Description and plan documents available from the Human Resources Department. In the event of a discrepancy between the terms of this policy and the official plan documents, the official plan documents will control.*

## 4.08 LONG-TERM DISABILITY INSURANCE

The University also provides eligible employees with Long-Term Disability insurance. This insurance program assists employees in replacing lost income in the event that an employee is disabled due to an off-the-job injury, illness or pregnancy.

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### ELIGIBILITY

All regular full-time employees, including full-time faculty, are eligible for Long-Term Disability (LTD) insurance coverage, which includes benefits for approved non-work-related disabilities. LTD claims have a required 180-day waiting period and benefits for an approved LTD claim will not begin until the required 180-day waiting period has been satisfied.

### BENEFITS

The University's LTD insurance provides a benefit of 60% of base earnings, subject to the Plan maximum. For employees who are contributing at least 2% of pay to the 403(b) Retirement Plan immediately prior to their disability leave, the LTD insurance will continue contributions to the retirement plan during the period of disability of 10% (the employee's 2% plus the University's 8%) of the employee's pre-disability monthly earnings, subject the maximum contribution allowable by law. The LTD benefit may continue until the employee reaches the appropriate Social Security Normal Retirement Age (SSNRA) or later, based on age at the time of disability.

### ADDITIONAL INFORMATION

For more information on LTD benefits, please contact the Human Resources Department.

## **4.09 FACULTY MEDICAL LEAVE**

All full-time teaching faculty employees are eligible for medical leave for their own serious health condition (including physical and mental health conditions as defined by the FMLA).

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### **LEAVE ENTITLEMENT**

During an approved leave, faculty employees will receive full base salary and benefits for the duration of their qualified medical disability to a maximum 26 weeks. Medical leaves, whether paid or unpaid, run concurrent with Family and Medical Leave (FMLA). A request for a medical leave of absence must be made to the Human Resources Department. The Human Resources Department will provide the necessary forms and information, including how to apply for FMLA.

While faculty employees are not required or expected to discuss any details of their medical condition with their Department Chair, Graduate Program Director or Dean, the faculty employee is expected to discuss the timing and expected length of the leave and any outstanding work duties with their Department Chair, Graduate Program Director, or Dean and to periodically keep them advised of their work status and expected return date.

### **ADDITIONAL INFORMATION**

Faculty should consult the Faculty Statutes and the Human Resources Department for information regarding medical leaves of absence.

## 4.10 FAMILY & MEDICAL LEAVE ACT

The University provides eligible employees with time off when qualifying family or medical problems require a leave of absence.

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### ELIGIBILITY

Employees must meet three criteria in order to be eligible for FMLA leave. The employee must:

- Have worked for the employer for at least 12 months;
- Have at least 1,250 hours of service in the 12 months before taking leave; and;
- Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.

### LEAVE ENTITLEMENT

Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:

- The birth of a child or placement of a child for adoption or foster care;
- To bond with a child (leave must be taken within one year of the child's birth or placement);
- To care for the employee's spouse, child or parent who has a qualifying serious health condition;
- For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job; or
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child or parent.

An eligible employee who is a covered service member's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the service member with a serious injury or illness.

### LENGTH OF LEAVE

For leaves other than care of a covered service member, eligible employees may take up to 12 weeks of leave in a 12-month period for reasons defined above.

- The "12-month period" utilized by the University is a rolling 12-month period measured backward from the date an employee first takes FMLA leave. Under this method the 12-month period is measured backward from the day the employee uses any FMLA leave.

- Absences due to an employee's serious health condition that are also covered by Disability, Workers' Compensation or Faculty Medical Leave are counted as part of the leave time available to eligible employees under the Family and Medical Leave Act (FMLA).
- Leaves taken for the birth or the placement of a child with the employee for adoption or foster care must be completed within 12 months of that birth or placement.

## **COVERED SERVICE MEMBER LEAVE**

A “covered service member” is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status or is on the temporary retired list for a serious injury or illness. Covered service members also include a veteran who is discharged or released from military services under conditions other than dishonorable at any time during the five years preceding the date the eligible employee takes FMLA leave to care for the covered veteran and who is undergoing medical treatment, recuperation or therapy for a serious injury or illness. These individuals are “covered veterans.”

The FMLA definition of a “serious injury or illness” for current Armed Forces members and covered veterans is distinct from the FMLA definition of “serious health condition” applicable to FMLA leave to care for a covered family member.

Eligible employees may take up to 26 weeks of leave during “a single 12-month period” to care for the service member. The “single 12-month period” begins on the date the employee’s first FMLA leave to care for the service member begins. During this single 12-month period, the employee’s combined total FMLA qualifying-leave for all types of FMLA leave may not exceed 26 weeks.

## **INTERMITTENT OR REDUCED SCHEDULE LEAVE**

Under certain circumstances, leaves may be taken intermittently or on a “reduced leave schedule,” e.g., in periods of days or blocks of time smaller than a day:

- Employees may take leave intermittently or on a reduced leave schedule:
  - When medically necessary for their own serious health condition; to care for a family member with a serious health condition; or to care for a covered service member with a serious injury or illness.
  - When necessary for “qualifying exigency” leave.
- Intermittent or reduced leave for family reasons (leave to care for a newborn or newly adopted child or a child placed in foster care) may be taken only if the University and employee agree to the arrangement.
- If intermittent or reduced schedule leave is taken for planned medical treatment or, if agreed to by the University, for family reasons, the University may require the employee to transfer temporarily, during the period in which intermittent or reduced schedule leave is required, to an available



alternative position for which the employee is qualified and which better accommodates recurring periods of leave than the employee's regular position. The employee will receive their same rate of pay and equivalent benefits in the alternate position.

### **SPOUSES COMBINED LEAVE**

If both spouses are employed by the University and wish to take leave to bond with a newly arrived child or to care for a parent with a serious health condition, their aggregate leave is limited to a combined total of 12 weeks during any 12-month period. If both spouses wish to take leave to care for a covered service member with a serious injury or illness or take a combination of service member leave and leave to bond with a newly arrived child or care for their own parent with a serious health condition, their aggregate leave is limited to 26 weeks during a single 12-month period.

### **PROCEDURE FOR REQUESTING A LEAVE**

In the case of foreseeable FMLA leaves for birth, adoption or placement of a child or for planned medical treatment of the employee, a covered family member or a covered service member, an employee must provide the Human Resources Department with 30 days' advance notice in writing before the date on which the leave would begin. If the employee is unable to provide 30 days' notice, they must provide notice as soon as it is practicable under the circumstances.

In the case of qualifying exigency leave or when the approximate timing of any FMLA leave is not foreseeable, the employee must provide the Human Resources Department as much notice as soon as it is practicable under the circumstances.

In requesting FMLA leave, the employee must provide sufficient information to allow the University to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave.

In the case of leave for planned medical treatment, employees are required to make a reasonable effort to schedule the treatment so as not to unduly disrupt the University's operations.

Employees are expected to consult with their supervisor/manager before the scheduling of treatment to attempt to work out a treatment schedule that best suits the needs of both the employer and the employee.

### **MEDICAL/SUPPORTING CERTIFICATION**

Employees are required to provide medical certification from a health care provider for their own serious health condition or that of a family member or covered service member. Employees who request qualifying exigency leave also are required to provide certification supporting the need for leave and, when the leave is requested for the first time, a copy of the covered military member's active-duty orders. If

employees provide at least 30 days' notice of medical leave, they should submit the medical certification before the leave begins.

### **Initial Certification**

The employee must submit a complete and sufficient certification to the University's FMLA administrator within 15 calendar days after the administrator requests the certification. If the certification is returned incomplete or insufficient, the employee will have seven calendar days to cure the deficiency. Failure to provide a complete and sufficient certification may result in denial of FMLA leave.

If there is reason to doubt an initial medical certification, an employee may be required to obtain a second opinion at the University's expense. If the opinions differ, a third, final and binding certification from a healthcare provider designated or approved jointly by the University and the employee may be obtained at the University's expense.

### **Periodic Certification**

The University's FMLA administrator may also require employees on FMLA leave to submit periodic re-certification throughout the leave, but generally not more often than every 30 days unless a change in circumstances warrants earlier recertification. A new initial medical certification will be required on an annual basis for serious medical conditions lasting beyond a single leave year.

### **Return to Work**

Before returning to work, employees who have taken a leave for their own serious health condition are required to present documentation from their health care provider certifying that they are able to return to work and perform the essential functions of their positions with or without reasonable accommodation. Job restoration may be delayed or denied pending receipt of a return-to-work/fitness for duty certification.

## **OTHER REQUIREMENTS**

Employees may be required to periodically report on their leave status and on their intent to return to work as directed by the Human Resources Department before or during their leave.

Employees must comply with the University's usual call-in procedures for absences while they are on intermittent FMLA leave.

Employees will be required to apply for any available and applicable paid leave to run concurrent with FMLA leave. FMLA leave under this policy runs concurrently with the University's Paid Absence, Disability, New York Paid Family Leave (PFL), Faculty Medical Leave, Paid Sick Leave and/or any other statutory leave entitlement to the extent permitted by law.

The University limits employees on leaves of absence, including FMLA leave, from engaging in outside employment (including self-employment) while on such leaves of absence.

## **EMPLOYMENT AND BENEFITS PROTECTION**

Employees are entitled to continue group health benefits under the same terms and conditions as if they were on the job during an FMLA leave.

- Employees are required to pay their portion of the premium upon return from leave or as agreed upon with the Human Resources Department if FMLA leave is unpaid. Coverage will cease if an employee's premium payment is more than 30 days late. If the health care premium is overdue for 15 days, the University will notify the employee that their health insurance coverage will terminate if the premium is not received within the next 15 days.
- Employees who provide a statement of notice of their intent not to return to work are not entitled to continuation of health care benefits, except as covered by COBRA (refer to COBRA policy).
- Employees who fail to return from the leave, except for reasons of continuation, recurrence or onset of a serious health condition (including the serious health condition of a family member or covered service member) or something else beyond the employee's control, must repay the University for the University's share of health coverage premiums incurred to maintain their coverage during the unpaid leave.

Vacation, sick leave and paid absence time do not continue to accrue, except in cases of intermittent leave.

Other benefits will not normally be continued during unpaid leave but may be continued if a particular benefit plan authorizes benefits for employees on unpaid leave.

When paid leave is not required and/or not available, time off for FMLA is received on an unpaid basis. Employees that are on otherwise unpaid FMLA leave must use accrued vacation, sick leave or paid absence while taking FMLA leave. Employees that are on FMLA leave while receiving paid benefits for workers' compensation, disability or paid family leave have the option of using available vacation, sick leave or paid absence to supplement such benefits, to receive up to a combined total of 100% of their wages. Employees must satisfy the procedural requirements of the University's vacation, sick leave or paid absence policies to receive such paid time off.

The substitution of paid leave time for unpaid FMLA leave time does not extend the length of the FMLA leave and the paid leave time will run concurrently with the FMLA leave time.

An employee (other than a key employee) who qualifies for a leave will return either to the same position they had before or to a position equivalent in pay, benefits and other terms and conditions of employment.

Key employees may not be eligible for reinstatement to the same or an equivalent position if it would cause substantial and grievous economic harm to the University. (A “key” employee is one who is a salaried, FMLA-eligible employee, who is among the highest paid 10 percent of all the employees employed by the employer, within a 75-mile range of the employee’s worksite.) The University will notify an employee if they qualify as a key employee and advise the employee of their rights if the University intends to deny reinstatement.

### **FAILURE TO PROVIDE NOTICE OR CERTIFICATION OR RETURN FROM LEAVE**

Absent unusual circumstances, failure to comply with the University’s notice and certification requirements may result in a delay or denial of the leave. If an employee fails to return to work at the leave’s expiration and has not obtained an extension of the leave, the University may presume that the employee does not plan to return to work and has voluntarily terminated their employment.

### **CONFIDENTIALITY**

Documents relating to medical certifications, re-certifications or medical histories of employees or employees’ family members will be maintained separately and treated as confidential medical records, except that in some legally recognized circumstances, the records (or information in them) may be disclosed to supervisors/managers, first aid and safety personnel or government officials.

### **FRAUDULENT USE OF FMLA**

An employee who fraudulently obtains Family and Medical Leave from the University is not protected by FMLA’s job restoration or maintenance of health benefits provisions. In addition, the University will take all available appropriate disciplinary action against such employee due to such fraud.

### **ADDITIONAL INFORMATION**

The University will not restrain, interfere with or deny the exercise of any employee rights provided under the FMLA. The University will not discriminate against any employee who exercises any rights under the FMLA or makes a complaint related to FMLA leave. Employees who have questions regarding this policy should contact the Human Resources Department.

## 4.11 NEW YORK PAID FAMILY LEAVE BENEFITS

New York's Paid Family Leave (PFL) law provides job protected leave and wage replacement to eligible employees for qualifying events.

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### ELIGIBILITY

To be eligible, employees must: regularly work 20 or more hours per week and be employed for at least 26 consecutive workweeks preceding the first full day family leave is taken; or regularly work less than 20 hours per week and be employed for at least 175 days preceding the first full day family leave is taken. Paid time off can be counted toward an employee's eligibility determination. Employees are eligible for PFL regardless of citizenship and/or immigration status.

Faculty employees are exempt from Paid Family Leave.

PFL is granted to eligible employees who request time off for the following qualifying events:

- To participate in providing care, including physical or psychological care, for an employee's spouse, child, stepchild, parent, parent-in-law, stepparent, grandchild, grandparent, sibling or domestic partner with a serious health condition;
- To bond with a child during the first 12 months after the child's birth, adoption or foster care placement with the employee, the employee's spouse, or the employee's domestic partner; or
- Due to a qualifying exigency for the employee's spouse, domestic partner, child, or parent who is on active military duty or has been notified of an impending call to active duty.

### **"COVERED FAMILY MEMBER" WITH A "SERIOUS HEALTH CONDITION"**

Covered "family members" include:

- Spouse;
- Domestic partner (including same and different gender couples; legal registration not required);
- Child/stepchild and anyone for whom the employee has legal custody;
- Parent/stepparent;
- Parent-in-law;
- Grandparent;
- Grandchild; or
- Sibling.

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves: (a) inpatient care in a hospital, hospice or residential health care facility; or (b) continuing treatment or continuing supervision by a health care provider.

## **LENGTH OF LEAVE AND BENEFITS**

Eligible employees may receive up to 12 weeks of job-protected, paid time off for a PFL-qualifying reason. Employees taking PFL will receive 67% of their average weekly wage, or 67% percent of the state average weekly wage, whichever is less.

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

Employees who take PFL in daily increments (intermittent leave) are eligible for paid leave based on the average number of days worked per week during a base period.

## **INTERMITTENT USE**

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

When an employee takes intermittent PFL, the employee must provide notice to their supervisor/manager as soon as is practicable before each day of intermittent leave.

An employee's use of intermittent FMLA leave on a partial-day basis may, under certain circumstances, reduce an employee's PFL benefit amount. Specifically, each time an employee takes partial-day intermittent FMLA leave during a 12-month period that adds up to the number of hours in an employee's usual workday, the University will deduct one day of PFL benefits from the employee's annual PFL benefit allotment.

Employees who take PFL in daily increments (intermittent leave) are eligible for paid leave based on the average number of days worked per week during a base period.

## **MULTIPLE EMPLOYEES REQUESTING LEAVE**

More than one employee of the University cannot use the same period of PFL to bond with the same child or to care for the same qualifying family member.

## **EMPLOYEE NOTICE REQUIREMENTS**

In the case of a foreseeable leave, a covered employee must provide the Human Resources Department with advance notice 30 days before the date on which the leave would begin. If the employee is unable to provide 30 days' notice, they must provide notice as soon as it is practicable under the circumstances. Usually, this means giving notice the same day the employee receives notice or the next business day. If an employee does not give the Human Resources Department timely notice, the employee's PFL leave may be delayed or denied.

In giving notice, an employee must provide sufficient information for the PFL insurance carrier to determine if the leave qualifies for PFL and the anticipated timing and duration of the leave.

## **PROCEDURE FOR REQUESTING LEAVE**

Employees must complete and submit a Request for Paid Family Leave Form (PFL-1) with supporting documentation as follows to the PFL insurance carrier:

- (1) Bonding Certification: PFL-2 Form plus documentation;
- (2) Health Care Provider Certification: PFL-4 Form plus Personal Health Information (PHI) Release (PFL-3 Form); or
- (3) Military Qualifying Event: PFL-5 Form plus documentation.

The Forms can be obtained from the PFL insurance carrier.

To submit a request for PFL, employees must:

1. Complete the employee's portion of the PFL-1 Form through the PFL insurance carrier.
2. Depending on the type of PFL leave the employee is seeking, the employee will be required to complete additional PFL forms as described in the letter from the PFL insurance carrier.
3. Employees must submit the completed PFL forms to the PFL insurance carrier before or within 30 days after the start of their leave.

After employees complete and submit the PFL-1 forms to the PFL insurance carrier:

1. The PFL insurance carrier must pay or deny leave requests within 18 calendar days of receiving an employee's completed forms.
2. The PFL insurance carrier will contact the University to confirm any required employer related information needed to process the claim.



## **CONTINUATION OF BENEFITS DURING LEAVE**

Employees are entitled to continue group health benefits under the same terms and conditions as if they were on the job during PFL. Employees are required to pay their portion of the premium upon return from leave or as agreed upon with the Human Resources Department. The University's obligation to maintain health insurance coverage ceases if an employee's premium payment is more than 30 days late. If the health care premium is overdue, the University will notify the employee in writing at least 15 days before coverage is to cease, advising that coverage will be dropped on a specified date at least 15 days after the date of the letter, unless payment has been received by that date.

If group health plan benefits lapse because an employee has not made the required premium payments, then upon the employee's return from PFL, the employee will be restored to coverage/benefits equivalent to those the employee would have had if Paid Family Leave had not been taken and premium payment(s) had not been missed, including family or dependent coverage.

If an employee chooses not to retain group health plan coverage during PFL, then upon the employee's return from leave, the employee shall be reinstated into the health plan on the same terms the employee had prior to taking leave.

An employee's use of PFL will not result in the loss of any employment benefits that accrued prior to the start of PFL.

Employees who choose to supplement PFL with accrued Vacation or Paid Absence will receive benefits, including seniority under the same terms and conditions that were in effect prior to the start of PFL.

All other employee-paid benefits will be retained as long as the employee continues to make premium payments.

Vacation and Paid Absence do not continue to accrue while on PFL, except in cases of intermittent leave.

## **CONCURRENCE WITH OTHER LEAVES/BENEFITS**

Employees may choose to supplement PFL benefits with available Vacation or Paid Absence to receive full salary.

Employees should refer to the applicable paid time off policies for information regarding minimum increments applicable to such leave.

### **FMLA**

If an employee takes PFL leave for an event that also qualifies as leave under the FMLA, the employee's PFL leave will run concurrently with available FMLA leave.



## **SHORT-TERM DISABILITY**

Employees cannot use PFL and Disability benefits at the same time, but can use them consecutively, up to a maximum of 26 weeks of Disability and PFL benefits combined in a rolling 52-week period. If an employee is unable to work and qualifies for Workers' Compensation benefits, the employee may not use PFL benefits at the same time the employee is receiving Workers' Compensation benefits. An employee receiving reduced earnings may be eligible for PFL.

## **COST**

PFL premiums are paid for by the employee and are deducted from the employee's paycheck on an after-tax basis. The deduction amount is set annually by the New York State Department of Financial Services.

## **WAIVER OPTION**

Employees have the option of filing a waiver for PFL benefits if:

- The employee's regular employment schedule is 20 hours or more per week, however the employee will not work 26 consecutive weeks; or
- The employee's regular employment schedule is less than 20 hours per week and the employee will not work 175 days in a 52-consecutive-week period.

Employees who are eligible to waive PFL benefits and wish to do so must complete and submit a waiver form to the Human Resources Department. Employees who submit a waiver form will not make any contributions for PFL benefits and will not be eligible to receive PFL benefits. If the employee voluntarily revokes the waiver, or the employee's schedule changes such that it is anticipated that the employee will become eligible to receive PFL benefits, the waiver will be revoked, the employee must start making contributions on a going forward basis and must pay retroactive contributions to the employee's date of hire.

## **PERIODIC STATUS REPORTS AND RETURN FROM LEAVE**

The University may require an employee on PFL leave to report periodically on the employee's status and intent to return to work to the extent permitted by law.

Any employee who exercises their right to PFL will receive job protection. This means that upon the expiration of that leave, the employee will be entitled to return to the same position the employee held when leave began, or to an equivalent position with equivalent pay and other terms and conditions of employment.

## QUESTIONS AND ADDITIONAL INFORMATION

Employees who have questions regarding this policy should contact the Human Resources Department. For additional information concerning leave entitlements and obligations that might arise when PFL is either not available or exhausted, employees should consult the University's other leave policies or contact the Human Resources Department. The University is committed to complying with PFL and shall interpret and apply this policy in a manner consistent with the PFL regulations. Employees who disagree with a denial of their claim for PFL may submit their dispute to arbitration. Employees will be provided with information about how to request arbitration with their PFL denial.

Employees are protected from discrimination and retaliation for requesting or taking PFL. If an employee believes their rights have been violated and/or job restoration has been denied as a result of requesting and/or taking PFL, the employee must send the Human Resources Department a formal request for job reinstatement using the Formal Request for Reinstatement Regarding Paid Family Leave (Form PFL-DC-19), which can be found in the forms section of the New York Paid Family Leave website (<https://www.ny.gov/PaidFamilyLeave>). Employees must file the completed form with the University and send a copy to: Paid Family Leave, P.O. Box 9030, Endicott, NY 13761-9030. If the University does not comply with an employee's request for reinstatement within 30 days, the employee may file a PFL discrimination complaint with the Workers' Compensation Board using the Paid Family Leave Discrimination Complaint (Form PFL-DC-120), which is also available on the New York Paid Family Leave website. Once an employee's complaint is received, the Board will assemble the employee's case and schedule a preliminary hearing in front of a Workers' Compensation Law Judge.

## 4.12 BEREAVEMENT

In the event of a death in an employee's immediate family, the employee may take a leave immediately following the death for the purpose of making arrangements and attending the funeral.

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### COMPENSATION

All employees (except temporary and seasonal employees) will receive up to three days off with pay based on their regular rate of pay in the event of the death of an immediate family member. For the purposes of this policy, members of the immediate family include:

- Domestic Partner
- Child (any age)
  - Stepchild
  - Domestic Partner's child
  - Adoptive child
  - Foster child/ward
  - In loco parentis
- Parent
  - Stepparent
  - Foster Parent
  - Adoptive Parent
  - In loco parentis
- Parent-in-law
- Grandparent
  - Step Grandparent
- Grandchild
  - Step Grandchild
- Sibling.

### DOCUMENTATION

A statement on the timesheet record should indicate the relationship of the deceased to the employee. Employees may be required to provide documentation to their supervisor/manager.

## 4.13 BONE MARROW & BLOOD DONATION LEAVE

In accordance with New York State law, the University offers employees a leave of absence for the purpose of bone marrow or blood donation.

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### TIME AWAY FROM WORK

#### **Bone Marrow Donation**

Employees who work at least 20 hours per week who seek to undergo a medical procedure to donate bone marrow will be granted a leave of absence no longer than 24 work hours. This leave is unpaid.

#### **Blood Donation**

Employees who work at least 20 hours per week may be granted up to three hours of unpaid leave in any 12-month period for the purposes of donating blood.

### RED CROSS BLOOD DONATION DRIVES

The St. John Fisher University community contributes regularly to the American Red Cross Blood Drive. Thousands of pints of blood have been donated since the University opened its doors in 1951. Employees are encouraged to "Give the Gift of Life" during campus blood drives.

### PAY DURING LEAVE

Employee may use available vacation, sick leave or paid absence for leave granted under this policy. Exempt employees will receive pay in compliance with federal and state wage and hour laws.

### VERIFICATION

Employees are requested to give as much advance notice as possible to their supervisor/manager. Employees who donate bone marrow must provide the Human Resources Department with verification from a physician as to the purpose and length of leave requested.

## 4.14 JURY DUTY & COURT ATTENDANCE

The University considers service on a jury to be an important civic duty.

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### **JURY DUTY PAY**

Regular full-time and part-time employees and full-time faculty who are called to serve on jury duty will be paid their regularly scheduled wages for up to 4 weeks. Thereafter, any necessary time off for jury duty service is unpaid. Exempt employees will be paid their full weekly salary if they work any part of the week in which they perform jury service.

### **DOCUMENTATION**

Employees must submit a copy of the Jury Duty Attendance Certificate to their supervisor/manager indicating the dates served. Employees must ask the court to provide a copy of the attendance certificate when their jury duty is complete. The statement should either be attached to the employee's time sheet or submitted to the Payroll Department indicating the time spent on jury duty.

### **TIME AWAY FROM WORK**

In fairness to the University, employees are expected to return to work if they are excused from jury duty during their regular working hours.

### **COURT ATTENDANCE**

Employees who are subpoenaed as a witness in a criminal proceeding will be granted paid time off for their attendance.

## 4.15 CRIME VICTIM LEAVE

The University provides employees with time away from work if they are a victim of a crime or to participate as a witness of a crime.

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### ELIGIBILITY

Eligible employees who are the victim of a crime or subpoenaed to attend a criminal proceeding as a witness, may take time off from work to (1) testify in a criminal proceeding (including time off to consult with the district attorney); (2) give a statement at a sentencing proceeding; (3) give a victim impact statement at a pre-sentencing proceeding; or (4) give a statement at a parole board hearing.

Employees are eligible for time off under this policy if they are:

- The victim of the crime at issue in the proceedings;
- The victim's next of kin, if the victim is deceased as a result of the offense;
- The victim's representative (a person who represents or stands in the place of another person, including an agent, attorney, guardian, conservator, executor, heir, or parent of a minor);
- A good Samaritan (someone who acts in good faith to: (1) apprehend a person who has committed a crime in their presence; (2) prevent a crime or an attempted crime from occurring; or (3) aid a law enforcement officer in effecting an arrest); or
- Pursuing an application or the enforcement of an order of protection as provided under relevant law.

### CRIME VICTIM LEAVE PAY

Time off under this policy is unpaid except that exempt employees will not incur any reduction in pay for a partial week's absence for leave under this policy. However, an employee may supplement time off with Paid Absence or Vacation.

### DOCUMENTATION

Employees must notify their supervisor/manager of the need to take a leave under this policy no later than the day before the absence. In addition, employees must provide the Human Resources Department with verification of their service upon request.

### TIME AWAY FROM WORK

In fairness to the University, employees are expected to return to work if they are excused from proceedings during their regular working hours.

### NO RETALIATION

The University will not retaliate or tolerate retaliation against any employee who seeks or obtains leave under this policy.



## 4.16 DOMESTIC VIOLENCE VICTIM LEAVE

The University will reasonably accommodate employees who are the victim of domestic violence with time off in compliance with the New York State Human Rights Law. Employees should also refer the University's Paid Absence and Paid Sick Leave policies for additional benefits that may be available.

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### REASONABLE ACCOMMODATIONS

The University will reasonably accommodate employees who are the victim of domestic violence and who need a reasonable amount of time off for the following reasons, unless providing such accommodation would result in an undue hardship:

- Seek medical attention for injuries caused by domestic violence, including for a child who is a victim of domestic violence, provided that the employee is not the perpetrator of the domestic violence against the child;
- Obtain services from a domestic violence shelter, program or rape crises center;
- Obtain psychological counseling related to domestic violence incidents, including for a child who is a victim of domestic violence, provided that the employee is not the perpetrator of the domestic violence against the child;
- Participate in safety planning or other actions to increase safety from future incidents of domestic violence, including temporary or permanent relocation; or
- Obtain legal services, assist in the prosecution of an offense or appear in court in relation to an incident of domestic violence.

### EMPLOYEE'S RESPONSIBILITY

Employees must give the University reasonable advance notice of their intention to take leave for this purpose unless such advance notice is not feasible. An employee who cannot give reasonable advance notice must provide certification supporting the need for leave within a reasonable time after the absence.

Acceptable forms of certification include:

- A police report indicating the employee or the employee's child is a victim of domestic violence;
- A court order protecting or separating the employee or their child from the perpetrator of domestic violence;
- Other evidence from the court or prosecuting attorney that the employee appeared in court; or
- Documentation from a medical professional, domestic violence advocate, health care provider or counselor that the employee or their child was

undergoing counseling or treatment for physical or mental injuries or abuse resulting from an act of domestic violence.

When taking leave under this policy, an employee may use any available paid leave, including University-provided paid time off, such as Vacation, Paid Absence or Paid Sick Leave. Otherwise, leave will be unpaid. During the leave, the University will maintain any health insurance coverage being provided in the same manner as if the employee had not taken leave.

### **CONFIDENTIALITY**

Except as otherwise required by law, the University will maintain the confidentiality of any information regarding an employee's status as a victim of domestic violence.

### **NO RETALIATION**

The University will not discriminate or retaliate against an employee because the employee is a victim of domestic violence or requests leave in accordance with this policy.



## 4.17 MILITARY LEAVE

The University recognizes the obligation of those employees serving in any branch of the military or other uniformed services of the United States. Employment status within the University is protected by the Uniformed Services Employment and Reemployment Rights Act of 1994 (“USERRA”) and state military leave provisions.

Employees should also refer to the New York Paid Family Leave (PFL) policy and the Family and Medical Leave Act (FMLA) policy to determine if they are also eligible for benefits under either of those policies.

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### ELIGIBILITY FOR LEAVE

The University provides military leaves of absence to employees who serve in the uniformed services as required by USERRA and applicable state laws.

The uniformed services are defined as the Army, Navy, Marine Corps, Air Force, Coast Guard, Army National Guard, Air National Guard, Commissioned Corps of the Public Health Service and any other category of persons designated by the President of the United States in time of war or national emergency. The uniformed services also include participants in the National Disaster Medical System when activated to provide assistance in response to a public health emergency, to be present for a short period of time when there is a risk of a public health emergency, or when they are participants in authorized training, and making intermittent personnel who are appointed into the Federal Emergency Management Agency (FEMA) service under the Stafford Act or to train for such service.

### LEAVE AND REEMPLOYMENT

Employees who serve on active or reserve duty will be granted a leave of absence up to the maximum time required by law. St. John Fisher University is committed to preserving the job rights of employees absent on military leave in accordance with law.

### COMPENSATION

Regular full-time and part-time employees who have been employed by the University for at the least six months will be paid the difference between their normal weekly compensation (base rate) and military duty pay for up to three weeks per calendar year. All other employees will be provided unpaid time off. Employees on unpaid military leave may choose to apply vacation, sick leave or paid absence benefits to their absence.

Exempt employees will not incur any reduction in pay for a partial week's absence for leave under this policy.

## **HEALTH CARE CONTINUATION**

During a military leave of less than 31 days, an employee is entitled to continued group health plan coverage under the same conditions as if the employee had continued to work. For military leaves of more than 30 days, an employee may elect to continue their health coverage in accordance with USERRA and COBRA.

For additional information on health care continuation contact the Human Resources Department.

## **SPOUSAL LEAVE**

In accordance with New York State law, spouses of members of the U.S. armed forces, National Guard or reserves that have been deployed to a combat area during a period of military conflict are entitled to up to 10 days of unpaid leave. The spouse must work on average at least 20 hours per week to be eligible for this leave. The military personnel must be on leave at the time the spousal leave is taken.

## **EMPLOYEE'S RESPONSIBILITY**

Employees are expected to inform their supervisor/manager of their need for military or spousal leave as far in advance as possible, unless giving notice is impossible, unreasonable, or precluded by military necessity. Employees also must submit a copy of the military orders to the Human Resources Department.

Employees must also notify the Human Resources Department prior to returning to work. For service of less than 31 days, the service member must return at the beginning of the next regularly scheduled work period on the first full day after release from service, taking into account safe travel home plus an eight-hour rest period. If this is impossible or unreasonable, then as soon as possible. For service of more than 30 days but less than 181 days, the service member must submit an application for reemployment within 14 days of release from service. If this is impossible or unreasonable through no fault of the employee, then as soon as possible. For service of more than 180 days, an application for reemployment must be submitted within 90 days of release from service. Reporting or application deadlines are extended for up to two years for persons who are hospitalized or convalescing.

## **REEMPLOYMENT RIGHTS**

Unless an exception applies (e.g., initial enlistments lasting more than five years, periodic National Guard and Reserve training duty, and involuntary active duty extensions and recalls), if the military leave is less than five (5) years, returning service-members are reemployed in the job that they would have attained had they not been absent for military service (the "escalator" principle), with the same seniority, status and pay, as well as other rights and benefits determined by seniority. The University will make reasonable efforts (such as training or

retraining) to enable returning service members to refresh or upgrade their skills to help them qualify for reemployment. The University will explore alternative reemployment positions if the service member cannot qualify for the "escalator" position.

### **OTHER LEAVES**

Where applicable, this leave may run concurrently with any available New York Paid Family Leave (PFL), Family and Medical Leave (FMLA), or any other leave benefit that may be required by state law.

### **NO RETALIATION**

Employees who request military and/or spousal leave will not be retaliated against or penalized in any manner. Any employee who believes they have been retaliated against in violation of this policy should notify the Human Resources Department immediately.

## 4.18 VOTING LEAVE

The University believes that all employees should have the opportunity to exercise their right to vote in elections.

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### **TIME AWAY FROM WORK**

Employees who do not have sufficient time to vote outside their working hours will be allowed the necessary time off to vote at the beginning or the end of their shift. Up to two hours will be paid time off. No time off will be allowed in any election where the polls are open at least four consecutive hours before or after the employee's shift.

Employees must return to work immediately after voting if their shift has not ended.

### **ADVANCE NOTICE**

Employees intending to take leave to vote must inform their supervisor/manager not more than ten but at least two working days prior to Election Day. The employee's supervisor/manager will designate when the leave should be taken (e.g. at the beginning or end of the shift).

## **4.19 VOLUNTEER FIREFIGHTER & AMBULANCE PERSONNEL LEAVE**

The University recognizes the obligations that our employees who serve as volunteer firefighters and ambulance personnel may have in times of emergency.

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### **ELIGIBILITY**

Employees who are volunteer firefighters or ambulance personnel are permitted unpaid time off (unless payment is required by law) in the event that a State or local state of emergency has been declared by the Governor or a local government executive (such as a city mayor) and the employee's duties as a volunteer are related to handling/resolving the declared emergency.

### **NOTIFICATION**

If an employee requests time off under the policy, they must notify their supervisor/manager immediately after the need for the leave becomes known. If the University grants an employee time off pursuant to this law, the employer may request the employee provide appropriate documentation from the head of the volunteer fire department or ambulance service certifying the period(s) of time that the employee spent responding to the declared emergency.

## 4.20 PERSONAL LEAVE OF ABSENCE

Personal, extended leaves of absence may be requested without pay when an employee is ineligible for paid leave or their accrued vacation time has been used. Our service to students and community is of the utmost importance and will be a factor when considering a request for a leave of absence.

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### PURPOSE

Generally, a request for an unpaid leave of absence should be for compelling personal reasons that are not covered by any other leave or established state or federal law.

Consideration will be given to the reason for the request and factors such as work record, length of service, etc. The types of personal leave granted may include educational or public service-related leaves.

### PROCEDURE FOR REQUESTS

Requests should be given in writing to the employee's supervisor/manager as far in advance as possible. The supervisor/manager will give the request to the Human Resources Department, who will review it and determine whether it can be granted. Employees then will be notified of this decision.

Earned but unused Vacation, Paid Sick Leave or Paid Absence benefits must be exhausted before an unpaid leave of absence will be approved.

### BENEFIT STATUS WHILE ON LEAVE

Unless not permitted by law, all benefits and University payments toward insurance coverage will be suspended during leaves. No service credit is accrued toward Vacation, Paid Sick Leave or Paid Absence while on leave.

Employees must contact the Human Resources Department to determine if they are eligible for health insurance continuation at their own expense (*See COBRA policy*).

### REINSTATEMENT

Depending upon our staffing needs and business requirements, the University will make reasonable attempts to place an employee who returns from an authorized leave of absence in the same or equivalent job. However, the University does not guarantee that their position or any other position will be available when the employee returns from a leave of absence.

## 4.21 WORKERS' COMPENSATION

The University carries a Workers' Compensation insurance policy, which covers all employees in the event that they are injured or become disabled due to occupational illness or injury while on the job.

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### REPORTING ACCIDENTS

Reports of accidents or injuries, even if minor, must be filed within 24 hours with the supervisor/manager. Failure to receive medical treatment in a timely manner may result in serious complications and may jeopardize eligibility for medical benefits.

### BENEFITS

For employees who are injured while on the job or who develop an occupational illness, medical expenses and loss of earnings up to the specified maximum normally will be covered by our Workers' Compensation insurance policy. Compensation under this plan is based on a formula using the employee's average weekly wages.

### ELIGIBILITY

Benefits for lost earnings begin after the seventh day of disability. If disability continues beyond two weeks, the benefits will also be paid for the first week of disability. Payment of medical expenses begins on the first day of disability.

### COST

The University pays the entire premium for this insurance policy.

### CONCURRENCE WITH OTHER LEAVES/BENEFITS

Employees must use available Paid Absence or Paid Sick Leave during the seven-day benefit waiting period. This leave runs concurrently with Family and Medical Leave (FMLA) or any other leave benefit that may be required by state law.

### FRAUD

St. John Fisher University will notify the workers' compensation insurance company if we have reason to believe an employee has supplied false or misleading information in connection with a claim and/or has filed a fraudulent claim. Workers' compensation fraud is a crime and may also be grounds for disciplinary action, up to and including termination of employment.

## 4.22 UNDERGRADUATE & GRADUATE TUITION REMISSION

In order to support employees' personal and professional development and to foster life-long learning experiences, the University offers several educational assistance plans for employees and/or their spouses and dependents. The following outlines the criteria and eligibility requirements associated with these plans.

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### UNDERGRADUATE PROGRAMS ELIGIBILITY

#### **Regular Full-Time Employees**

After completion of one (1) year of service with the University, all regular full-time employees, their spouses and dependents are eligible to receive full tuition remission for undergraduate credit courses taken at St. John Fisher University. Usage of this benefit begins the semester following the employee's anniversary date.

#### **Regular Part-Time Employees**

After completion of one (1) year of service with the University, all regular part-time staff employees are eligible for full tuition remission for one 3-hour credit course per semester at St. John Fisher University. Usage of this benefit begins the semester following the employee's anniversary date.

#### **Dependents**

Dependents are defined as those under the age of 24 (at the time the semester begins) who qualify as dependents for federal tax purposes. A spouse is the employee's spouse for federal tax purposes. All must be claimed on an employee's federal income tax return for the prior year and also will be claimed as a dependent for the years in which tuition benefits are being requested. If the employee and their spouse file separate tax returns, both tax returns must be provided along with a copy of their marriage license.

#### **Retirees**

A retiree, their spouse and any dependents under the age of 24 are eligible to receive full tuition remission for undergraduate courses taken at St. John Fisher University. The spouse of a deceased employee, who at the time of death was retirement eligible, or deceased retiree and any of the surviving spouse's dependents from that marriage under the age of 24 are eligible to receive full tuition remission for undergraduate courses taken at St. John Fisher University. Benefit eligibility for retirees, and their family members, and family members of deceased retirees and deceased retirement eligible employees (as defined by the University) continues beyond the last day of work.



## UNDERGRADUATE REQUIREMENTS

The employee, spouse, and dependents must meet the normal requirements of the undergraduate programs and remain in good standing as defined by the “standards of academic progress” according to the University’s Undergraduate Bulletin.

## GRADUATE PROGRAMS ELIGIBILITY

### Regular Full-Time Employees

After completion of one (1) year of service with the University, all regular, full-time employees are eligible to receive full tuition remission for credit courses taken in the graduate programs at St. John Fisher University. Usage of this benefit begins the semester following the employee’s anniversary date.

### Spouses

Spouses of full-time employees are eligible to receive and pay the difference between the graduate and undergraduate tuition rates per credit hour. Usage of this benefit begins the semester following the employee’s anniversary date.

### Regular Part-Time Employees and Dependents

Part-time employees and dependents of full-time or part-time employees are not eligible for graduate tuition remission.

## GRADUATE PROGRAM REQUIREMENTS

The University reserves the right to limit the number of employees (and spouses) accepted into each master level program. The maximum representation of employees (and spouses) is 10% of each entering class/cohort. The employee (and/or spouse) must meet the normal requirements of the graduate programs and remain in good standing. All graduate enrollments require the approval of the respective Divisional Vice President and President. If the number of combined employee and spouse applications for any given entering class/cohort exceeds the 10% limit, the Program Director will consult with the Divisional Vice President and Assistant Vice President for Human Resources. Consideration will be given to:

- St. John Fisher University employees;
- Current job enhancement;
- Employee hire date;
- Employee performance; or
- Other as deemed appropriate

Consistent with IRS guidelines, graduate tuition remission in excess of \$5,250 annually, is considered income to the employee and added to the employee’s taxable income.

The employee and spouse must meet the normal requirements of the graduate programs and remain in good standing as defined by the “standards of academic progress” according to the University’s Graduate Bulletin.

## **ADDITIONAL INFORMATION FOR UNDERGRADUATE AND GRADUATE PROGRAMS**

### **Doctoral Programs**

Tuition Remission does not include any doctoral level programs, including the Pharm.D., Ed.D., and DNP.

### **Definition of Tuition Remission**

Full tuition remission is defined as an amount equal to the full cost of tuition only. Books, lab fees, room and board fees, study abroad, the Washington Semester, workshop and special seminar fees and other specialty course fees are not included.

### **Tuition Assistance Program (TAP)**

Tuition Assistance Program (TAP) awards, grants or other scholarship assistance, as may be made available, are deducted from the tuition benefit.

### **Other Financial Assistance**

Those eligible to seek tuition remission must apply through the Financial Aid Office for any type of federal or state assistance for which they may be eligible. In addition, parents must submit a Free Application for Federal Student Aid (FAFSA) for their eligible dependents (undergraduate courses only). As a result of applying for aid, the applicant may be asked for specific financial information. Applicants will be held responsible for any account balance resulting from failure to complete the financial aid process.

### **Withdrawals**

Repeated withdrawals from classes or a failure to comply with necessary paperwork requirements may, at the University’s sole discretion, result in a loss of eligibility for future tuition remission benefits.

### **Course Scheduling**

Employees should normally take courses outside their standard working hours. However, with prior approval from the employee’s supervisor/manager and the Divisional Vice President, one course per semester may be taken during working hours if that course is not available to be taken at any other time. The approval will take into consideration how the absence will affect the needs of the department, the ability of the department to continue to provide excellent customer service during the absence, and what effect the absence may have on the workload of other employees within the department. Class time during working hours, including travel time to and from class, must be made up during that workweek.

**Separation of Employment**

Tuition benefits under the Tuition Remission Plan cease at the conclusion of the semester in which an employee separates from service. Tuition remission forms completed and submitted prior to separation will be honored to the extent an employee has already registered for classes and the classes have started.

**Forms and Application**

Application forms for tuition remission and an explanation of the process are available from the Human Resources Department or from the HR website at: <https://www.sjf.edu/services/human-resources/documents-and-forms/>

## 4.23 NAZARETH UNIVERSITY UNDERGRADUATE TUITION REMISSION

In order to support employees' personal and professional development and to foster life-long learning experiences, the University offers several educational assistance plans for employees and/or their spouses and dependents. The following outlines the criteria and eligibility requirements associated with these plans.

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### UNDERGRADUATE PROGRAMS ELIGIBILITY

#### **Regular Full-Time Employees**

All regular full-time employees, spouses and dependents of St. John Fisher University are eligible to receive tuition remission for undergraduate credit courses, on a space available basis, at Nazareth University subject to the following:

- One (1) year of service from date of hire for two undergraduate courses per semester, for employees only.
- One (1) year from date of hire for a spouse and/or dependent for undergraduate courses. Must meet admissions requirements and maintain satisfactory academic standing as described in the University catalog.

#### **Part-Time Employees**

Part-time employees and family members of part-time employees are not eligible for tuition remission at Nazareth University.

### DEFINITION OF TUITION REMISSION

Full tuition remission is defined as an amount equal to the full cost of tuition only. Books, lab fees, room and board fees, private music lessons, study abroad, workshop and special seminar fees and other specialty course fees are not included.

### TUITION ASSISTANCE PROGRAM (TAP)

Tuition Assistance Program (TAP) awards, grants or other scholarship assistance, as may be made available, are deducted from the tuition benefit.

### OTHER FINANCIAL ASSISTANCE

Students are expected to apply for all scholarships and educational grants for which they may be eligible.

### PRE-PROFESSIONAL OR FIELD-BASED PROFESSIONAL COURSES

Non-matriculated students may not enroll in pre-professional or field-based professional courses (i.e., clinical, methods based or other designated courses).



## **COURSE SCHEDULING**

Employees should normally take courses outside their standard working hours. However, with prior approval from the employee's supervisor/manager and the Divisional Vice President, one course per semester may be taken during working hours if that course is not available to be taken at any other time. The approval will take into consideration how the absence will affect the needs of the department, the ability of the department to continue to provide excellent customer service during the absence, and what effect the absence may have on the workload of other employees within the department. Class time during working hours, including travel time to and from class, must be made up during that workweek.

## **EMPLOYER'S AND EMPLOYEE'S RESPONSIBILITY**

When qualified applicants wish to attend Nazareth University, each semester the Human Resources Department will prepare a letter giving the name of the full-time employee, date of hire, and spouse/dependent information, if applicable, to validate the request. This letter must be presented by the employee to the Human Resources Department at Nazareth University before registration. If tuition is for the spouse or dependent child of an eligible employee, a copy of the employee's most recent federal income tax return indicating dependency and verification of the child's age (i.e., copy of a driver's license) must be presented as part of the required paperwork.

## **SEPARATION OF EMPLOYMENT**

If the employment of faculty or staff members should terminate, tuition remission benefits end on their termination date. Tuition for the remainder of the semester will be adjusted on the student's account.

If an employee, whose dependent child(ren) or spouse is matriculated and attending the reciprocal University becomes totally disabled or dies, their dependents will be allowed to finish the semester at the reciprocal University.

## **ADDITIONAL INFORMATION**

The Nazareth University - St. John Fisher University Tuition Remission Program is subject to an annual review by the administration of both Nazareth and St. John Fisher and is subject to termination by either with sixty (60) days' notice.

For details on the application process, please contact the Human Resources Department.

## 4.24 TUITION EXCHANGE POLICY

In order to support employees' personal and professional development and to foster life-long learning experiences, the University participants in an undergraduate tuition exchange benefit. The following outlines the criteria and eligibility requirements associated with these plans.

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### ELIGIBILITY

All regular full-time employees who have been employed for at least three (3) years at St. John Fisher University are eligible to have their dependent children apply for the undergraduate tuition exchange benefit. Applicants from St. John Fisher University must be dependent children of employees who qualify to receive this benefit. The availability of this tuition benefit from a member University is directly dependent on its debit/credit situation in the program as well as the debit/credit status of St. John Fisher University.

### CERTIFICATION AND OTHER REQUIREMENTS

A member University may consider an applicant for tuition exchange if all of the following criteria are met:

- The dependent(s) meets the following definition:
  - Dependents are defined as children of employees who are under the age of 24 and claimed as dependents on an employee's federal income tax return for the prior year and who will also be claimed as a dependent for the years in which the tuition benefits are being requested.
- The applicant has been certified for tuition exchange by St. John Fisher University.
- The applicant meets the admissions requirements for the University of choice.
- The University of choice is in a debit/credit position allowing the acceptance (import) of additional applicants and St. John Fisher University is in a debit/credit position allowing the export of the applicant.
- Please note that, even if an applicant has been certified for tuition exchange by Fisher and meets the admission requirements for the University of choice, receipt of tuition exchange is not guaranteed.

### EXCHANGE PROGRAMS

St. John Fisher University is a participating University in the following tuition exchange programs.

- [National Tuition Exchange Program](#)
- [Council of Independent Colleges \(CIC\)](#)



To determine participating colleges or universities, please visit the websites listed above. Specific information regarding the program is as follows:

The National Tuition Exchange Program is a partnership of over 530 colleges and universities offering competitive scholarships to members of faculty and staff families employed at member institutions. Likewise, the CIC tuition exchange program has over 300 member Universities.

One of the fundamental principles of tuition exchange is that the member colleges and universities set their own policies and procedures for determining eligibility and certification of students sent on the exchange, as well as determining the requirements for students received or hosted. For this reason, it is important to work with the University's Director of Freshman Admissions, who has been appointed to facilitate exchange matters. The eligibility guidelines and additional information can be obtained from the Director of Freshman Admissions at (585) 385-8064.

## **SCHOLARSHIPS**

*Scholarships are not fringe benefits; they are competitive awards.* Even if you are eligible to apply for an award and are certified by the University, you may not receive an award because each institution is obligated to maintain a balance between students sent on the exchange (exports) and students received on the exchange (imports). The final decision for acceptance into a tuition exchange program rests with the importing institution.

Tuition Exchange Scholarships are competitive. In addition to meeting the admissions requirements of the receiving institution, some member institutions have established additional requirements, such as higher academic standards or limit awards to just a few students each year. To avoid disappointment, file your application early and apply to one or two schools that offer scholarships to a large proportion of the applicants, as well as your first choice.

St. John Fisher University limits employee eligibility to eight semesters of undergraduate education per dependent. Most Tuition Exchange Scholarships cover four years (eight semesters) of undergraduate education, but importing institutions have the right to limit the duration of a scholarship, for example, to two years of support (four semesters).

Importing institutions also will vary as to limitations and renewal policies of the Tuition Exchange Scholarship. For example, the award may not cover study abroad or other educational experiences. Please check with the importing school for specific Tuition Exchange Scholarship policies.

The employer-provided educational assistance exclusion has been made permanent. Under this provision, exchange scholarships are not deemed to be part of the employee's taxable income.

#### **ADDITIONAL INFORMATION**

The Tuition Exchange Program is subject to annual review, and utilization of the program may be limited by action of the President.

Qualified applicants should contact the Director of Freshman Admissions, Tuition Exchange Liaison at (585) 385-8064 to begin the process of tuition exchange certification. Member universities will typically have deadlines for certification application on or around January 15th prior to fall enrollment.



## 4.25 EMPLOYEE DISCOUNTS

The University offers discounts on products and/or services to current employees.

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### **EMPLOYEE DISCOUNTS ON SPECIAL ACTIVITIES:**

A variety of discounts are available to employees through the University's membership in My Better Benefits. Additional information on My Better Benefits is available at: [www.mybetterbenefits.org](http://www.mybetterbenefits.org).

## 4.26 EMPLOYEE ASSISTANCE PROGRAM

On occasion, everyone has personal problems. Usually, these problems are resolved with the support of relatives and close friends. But sometimes, employees or members of their family may find that they would benefit from the assistance of a trained counselor. It is for this reason that the University provides an Employee Assistance Program (EAP) to employees and family members who may need help with personal or behavioral problems.

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### ELIGIBILITY

Our EAP is available to regular full-time and part-time employees and their family members.

### BENEFITS

Through this program, confidential advice and short-term counseling are provided for any employee or member of an employee's family who requests it or for an employee who is referred by their supervisor/manager. Common problems addressed through counseling include alcoholism, drug abuse, financial difficulties, family tensions and conflicts with co-workers.

The privacy of employees and their family members is always protected. The University is not informed when anyone seeks assistance, unless the individual so requests or the University refers the employee to the program as a requirement of continued employment.

### COST

The University pays the full cost of the Employee Assistance Program. Employees are responsible for the cost of outside referrals. However, the cost for outside referral help may be covered by the University group medical insurance program.

### ADDITIONAL INFORMATION

The University retains the services of the UR Medicine Employee Assistance Program (EAP). Day and evening hours are available. To contact the EAP for more information or to make an appointment, please call 585-276-9110. All emergency or crisis calls will be handled immediately. For non-emergency calls, an appointment will be arranged. Additional information is available on the EAP website (EAP@URMC.Rochester.edu).

## **SECTION FIVE**

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# **SAFETY POLICIES**

## 5.01 ACCIDENT REPORTING AND INVESTIGATION

Properly reporting accidents and/or unsafe conditions is the key to creating a safe workplace. Employees have both a right and responsibility to report work-related injuries and illnesses and unsafe working conditions.

Employees should also refer to the Workers' Compensation Policy for additional information.

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### **PURPOSE**

The purpose of accident reporting and investigation is to discover the cause(s) so proper action may be taken to prevent a recurrence. Every accident indicates that proper preventive action must be taken. Employees have both a right and responsibility to report accidents and work-related injuries and illnesses.

### **NO RETALIATION**

Employees have the right to report unsafe conditions, accidents, and work-related injuries or illnesses without fear of reprisal. It is the policy of St. John Fisher University that any employee or intern who makes a complaint regarding safety and/or reports a work-related injury will not be retaliated against in any way. Employees or interns who feel that they have been retaliated against for such activity should immediately contact their supervisor/manager or the Human Resources Department.

### **RESPONSIBILITIES**

The Department of Safety and Security is responsible for promptly investigating unsafe working conditions and accidents as soon as they are reported.

A good accident investigation will:

- Assist in determining the principal or underlying cause.
- Determine how to initiate significant corrective action.

The supervisor/manager is required to fill out accident/injury investigation reports and report all accidents to the Human Resources Department. The Human Resources Department will fill out and distribute workers' compensation reports and disability paperwork as needed. The Department of Safety and Security is responsible for reviewing each accident/injury investigation report, and with the supervisor/manager, determining the proper corrective action to take.

The Department of Safety and Security is responsible for implementing identified corrective action(s).

## **PROCEDURE**

The following procedure should be adhered to in the event that there is an accident and/or injury in the workplace:

- When an accident occurs, the supervisor/manager will immediately take action to prevent further injury or damage.
- The Department of Safety and Security will interview employee(s) and witnesses as soon after the accident as possible. A fact-finding approach will be maintained.
- The Department of Safety and Security will determine causes of the injury, illness or property damage.
- The Department of Safety and Security will establish corrective action(s) for managing and rectifying the cause of the accident.
- The Department of Safety and Security will ensure compliance with any reporting obligations (i.e., OSHA, Workers' Compensation).
- The Department of Safety and Security will ensure that all reports are recorded and retained. Accurate information must be available regarding the accident, the injury or damage which occurred, the corrective action identified and when the corrective action was implemented.
- The Department of Safety and Security will conduct a periodic review of the accident investigation reports to identify the need for retraining, problem areas, operations that need attention or trends in frequency which indicate a need for added prevention activities and/or training.

## **GENERAL INVESTIGATION GUIDELINES**

The investigative process will:

- Analyze the working conditions and/or incident to determine the cause or causes.
- Inspect the location and equipment involved.
- Inquire about similar incidents which have occurred.
- Review records.
- Interview those involved and witnesses.
- Create a plan of corrective actions to eliminate the causes.
- Assign responsibility for the corrective actions.
- Ensure the plan is carried out.
- Monitor effectiveness of the corrective action.

## 5.02 ALCOHOL & DRUG-FREE WORKPLACE

The University strives to provide a safe environment for employees and others and to minimize the risk of accidents and injuries. Accordingly, each employee has a responsibility to co-workers, students, and community to deliver services in a safe and conscientious manner. As a condition of employment with the University, all employees are required to fully comply with the provisions of this policy.

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### DEFINITION OF CONTROLLED SUBSTANCES

"Controlled substances" are defined as those drugs listed in Schedules I through V of Section 202 of the Federal Controlled Substances Act, 21 U.S.C. 812 and include, but are not limited to: marijuana, cocaine (including "crack" and other cocaine derivatives), morphine, codeine, phenobarbital, heroin, amphetamines and many barbiturates.

### UNAUTHORIZED PRESENCE OF CONTROLLED SUBSTANCES AND/OR ALCOHOL IN THE WORKPLACE

The unauthorized or illegal use, sale, purchase, possession, distribution, dispensation, formulation, manufacture or transfer of controlled substances or alcohol on University property or any location at which University business is conducted, including University vehicles and any private vehicle parked on University premises or work sites, is strictly prohibited.

### PRESCRIPTION AND OVER-THE-COUNTER DRUGS

This policy does not prohibit the possession and proper use of lawfully prescribed or over-the-counter drugs. However, an employee taking medication should consult with a health care professional or review dosing directions for information about the medication's effect on the employee's ability to work safely, and promptly disclose any work restrictions to the Assistant Vice President for Human Resources. Employees are not required to reveal the name of the medication or the underlying medical condition. The University will evaluate and respond to this information on a case-by-case basis and consistent with its reasonable accommodation process. Consistent with applicable policies, the University will maintain the confidentiality of the information provided.

The University reserves the right to transfer, reassign, place on leave of absence or take other appropriate action regarding any employee during the time the employee uses medication that may affect their ability to perform safely. The University will comply with all requirements pertaining to providing reasonable accommodations to the extent required by applicable law.

Any employee who cannot work safely and who does not advise the University about warnings accompanying lawfully prescribed or obtained medications will be

subject to disciplinary action up to and including possible termination of employment. An employee's lack of knowledge concerning such warnings will not excuse a violation of this rule where an employee has failed to make the inquiries required by this policy.

### **UNIVERSITY SPONSORED EVENTS**

The University recognizes that alcohol is served at some University-sponsored events. In those cases, limited consumption of alcohol is permitted provided that all standards of acceptable conduct and job performance are maintained.

### **FLEXIBLE WORK ARRANGEMENTS**

Employees who are working a flexible work arrangement schedule are also required to adhere to this policy while working remotely. Employees working remotely are prohibited from using controlled substances during working hours. Any employee deemed to be in violation of the University's policy will be subject to An investigation, which may result in termination of employment.

### **NOTIFICATION OF WORKPLACE DRUG CONVICTION**

Employees must notify the Human Resources Department if they are convicted under a criminal drug statute of a controlled substance violation in the workplace or while conducting University business outside the workplace, within five days of conviction. Failure to do so will result in disciplinary action, which may include termination from employment for a first offense.

### **EMPLOYEE ASSISTANCE PROGRAM (EAP)**

The University provides an EAP for employees and their family members. Employees are encouraged to use the EAP whenever they feel the need to discuss personal issues. For employees who have difficulty handling drugs or alcohol, the EAP can provide information on treatment. The EAP is a confidential service.

### **VIOLATION OF POLICY**

Violations of this policy will lead to disciplinary action, up to and including termination.

## 5.03 UNIVERSITY SECURITY

The University operates its own security department called Safety and Security. The department is located in Haffey Hall (main floor). Security is provided 24 hours a day, 7 days a week. The department is responsible for the safety of students, faculty, staff and visitors, and security of the physical facilities and University grounds. The Department of Safety and Security handles reports of injuries and disturbances of any kind.

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### **SAFETY**

The University is committed to providing a safe workplace for all employees. Violence or threats of violence, whether by employees, students, or individuals who are not part of the University Community, will not be tolerated. Employees should promptly report any suspicious activities, incidents, or potentially violent situations to the Department of Safety and Security (385-8111) and their supervisor/manager.

### **IDENTIFICATION CARDS**

Identification cards are issued through the Department of Safety and Security. The primary purpose of the card is to identify individuals as an employee or authorized person. Employees must present an identification card in order to borrow material from Lavery Library and to use the University's recreational facilities. Employees are prohibited from "loaning" their card to any other person for any purpose. If a card is lost, contact the Department of Safety and Security for security reasons and to obtain a new card.

### **PARKING PERMITS**

Parking is available to all University employees at no charge. All parking areas are shown on the Campus map. Employees must register their car(s) with the Department of Safety and Security. Temporary parking permits are available through the Department of Safety and Security.

### **SECURITY ESCORT SERVICE**

Any employee of the University may call the Department of Safety and Security (385-8111) and request an escort to their car, or to any building on campus at any time, day or night. This is especially useful for employees who must work late. A security officer is available to perform this service.

### **KEYS**

All University keys required by employees are issued by Facilities Services. Keys may not be duplicated or "loaned" to any other person without authorization. Upon separation of employment, employees must return all keys to Facilities Services. Loss of keys should be reported to the employee's supervisor/manager and to the Department of Safety and Security immediately.



## **LOST AND FOUND**

A lost and found service is provided by the Department of Safety and Security. If an employee loses or finds any item, they are requested to inform the Department of Safety and Security.

## **UNIVERSITY PROPERTY**

Each employee of the University is given responsibility for the use of University supplies and equipment. These supplies and equipment are expensive and may not be removed from University premises without written permission from the employee's supervisor/manager and/or the Department of Safety and Security. Intentional misuse or theft of University supplies or equipment may result in disciplinary action, up to and including termination of employment.

## 5.04 EMERGENCY EVACUATION

The University is committed to ensuring employees understand their roles and responsibilities in the event of an emergency.

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### IN AN EMERGENCY

In the event of a fire or hazardous material emergency, the emergency fire alarm system should be activated by pulling one of the fire alarms. The source of a potential fire or hazardous material emergency should not be investigated. Any employee who suspects an emergency should report it immediately. In any emergency, reporting is the first essential step to protecting oneself and others.

When the emergency fire alarm system is activated, all employees and visitors are required to evacuate the building by exiting in an orderly manner through the nearest exit.

When exiting, employees should not use elevators and should descend stairwells in an orderly manner. After exiting, employees should report to an area away from the building exits designated as the meeting location. Once employees arrive at the designated area, they should immediately report to their supervisor/manager and remain at that location until accounted for and authorized to leave.

No reentry to the building will be permitted until an official all-clear notification is given.

### EMPLOYEE'S RESPONSIBILITY

Employees should review this policy and the evacuation procedures and notify their supervisor/manager or the Department of Safety and Security if they believe they might require an accommodation or assistance in order to comply with these procedures in the event of an emergency.

### ADDITIONAL INFORMATION

For additional information regarding the University's evacuation procedures employees should refer to the University's Fire and Emergency Procedures.

## 5.05 FIRE SAFETY

Fire prevention procedures are important to the safety of all University employees. Each employee has a responsibility to be aware of any unsafe situation that could cause a fire and know how to react in case of a fire. The University has set standards and regulations regarding fire safety in accordance with state and local laws.

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### IN THE EVENT OF A FIRE

Due to the importance of the following procedures, we ask that employees be especially familiar with this section. Knowing how to prevent a fire, and what to do in case of a fire, could prevent unnecessary injuries and save many lives.

### FIRE AND EMERGENCY PROCEDURES

1. If there is a fire or an employee suspects a fire, immediately notify the Department of Safety and Security by dialing 385-8111, or dial 911. State all the facts, such as your name and the location of the fire.
2. **Activate the building alarm system.** Go to the nearest fire alarm box and pull the lever down. Pull stations are located near every exterior door exit.
3. **Exit the building immediately.** If you are in an office or classroom, close the doors and windows before leaving. Some offices have additional procedures to follow prior to leaving if no fire is visible. If a fire is seen, **leave immediately**.
4. **Do Not Use Elevators.**
5. After exiting, stand a safe distance from the building and wait for further instructions from the Department of Safety and Security or the officials in charge. It is important that employees not leave the campus grounds until instructed to do so. In such emergencies, the University must account for the whereabouts of all of its employees.

If the Alarm Horn Rings:

**Exit the building immediately.** Follow the Fire and Emergency procedures 3-5 above.

Any unsafe conditions should be reported to the Department of Safety and Security or Facilities Services for correction. Employees should notify their supervisor/manager of any unsafe conditions, such as the following:

- Frayed or broken electrical cords.
- Flickering lights.

- Overheated office equipment.
- Spillage or improper storage of flammable liquids.
- Excess trash in receptacles.
- Hover boards (which are not permitted on the St. John Fisher University campus due to the significant risk of fire and explosion during operation and charging).

## 5.06 SMOKE-FREE AND TOBACCO FREE WORKPLACE

The following smoking provisions have been adopted in the interest of providing a safe and healthy environment for both employees and visitors to our building. This policy applies to all individuals on campus, including all employees (faculty, staff, adjunct faculty, and contract employees), students (student workers), and visitors of our campus community.

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### DEFINITIONS

For the purpose of this policy, “tobacco or vape” is defined as all tobacco-derived or related products including, but not limited to, cigarettes, cigars, cigarillos, pipes, hookah-smoked products, clove cigarettes, vaping and vaping devices and any smokeless, spit or spitless, dissolvable, or inhaled tobacco products including, but not limited to, dip, chew, snuff or snus, in any form.

“Smoking” refers to inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette or pipe, or any other lighted or heated tobacco or vape product intended for inhalation, whether natural or synthetic.

### SMOKING RESTRICTIONS

St. John Fisher University, Monroe County and the New York State Health Department regulations prohibit smoking, including e-cigarettes and vaping devices, in any University building and in any University vehicle. Smoking is prohibited in the residence halls, including stairwells, lounges, lobbies, and individual rooms. The University maintains a smoke, tobacco and vape-free campus environment.

- Smoking tobacco or use of tobacco or vape products is prohibited on all University grounds, University-owned or leased properties, and University-owned, leased or rented vehicles, regardless of their location. This includes, but is not limited to, all parking lots, fields, stadiums, and recreational areas.
- Smoking is prohibited in all enclosed areas within University property and during lectures, conferences, meetings, and social events held at the University at all times.
- All tobacco products in use must be properly disposed of prior to entering any University property or exiting a personal vehicle.
- The University requires campus members to respect private property bordering all University locations by refraining from trespassing for purposes of tobacco product consumption.
- The sale, free distribution, related advertising or sponsorship of tobacco or vape products, or tobacco-related merchandise is prohibited in and on all

University property (owned or leased), at all University-sponsored events regardless of the venue and in publications produced by the University.

## **COMPLIANCE AND ENFORCEMENT**

This policy is part of the University's commitment to creating a healthy and sustainable environment for all members of the University community and is designed to provide favorable health outcomes for all of our campus members and guests. The University recognizes the addictive nature of nicotine found in tobacco products and understands the difficult challenge of cessation. We expect the policy to be adhered to by all individuals on University property. Also, the campus promotes and provides cessation resources for those individuals who need it. Students interested in these resources should contact the Health and Wellness Center. Faculty and staff can access resources through their health insurance plan. The primary goal of this policy is to achieve voluntary compliance by educating faculty, staff, students, vendors, and visitors about the policy. The enforcement of the policy is a shared responsibility of all individuals in the campus community, tobacco, or vape users and non-users alike. Violations to the policy in residence halls, all University buildings, vehicles, or on the University campus and other University properties will be subject to disciplinary action.

## **AMENDMENTS OF THIS POLICY**

The University reserves the right to modify, amend, or terminate this policy at any time.

## 5.07 VIOLENCE IN THE WORKPLACE

The University is committed to providing a safe environment for employees, students and community and visitors. The University has a zero-tolerance policy concerning workplace violence. Employees who display any violence or threaten violence including talk of committing violence or joking about committing violence in the workplace are subject to disciplinary action, up to and including termination.

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### DEFINITION

Violence in the workplace includes but is not limited to physically harming another or one's self, shoving, pushing, brandishing weapons and explicit or implicit threats or talk of committing violence.

### WEAPONS

All employees are prohibited from carrying a weapon while in the course and scope of performing their job for the University, whether they are on University property at the time or not and whether they are licensed to carry a handgun or not. This policy also prohibits weapons at any University-sponsored functions such as parties or picnics.

Unless this prohibition is contrary to state or local law, the workplace specifically includes University parking areas and University vehicles. Employees are not permitted to transport or store weapons in vehicles owned or leased by the University and used by the employee for work purposes, unless the employee is required to transport or store a weapon as part of their duties, and they have written permission from the University President.

This prohibition specifically includes guns, rifles and firearms of any type, including those for which the holder has a legal permit. Other examples of prohibited weapons include, but are not limited to knives, ammunition, bombs, bows and arrows, clubs, slingshots, blackjacks, metal knuckles and similar devices that by their design or intended use are capable of inflicting serious bodily injury or lethal force. Products such as mace, pepper spray and other defense devices including stun guns and tasers are also prohibited.

Failure to abide by this policy may result in disciplinary action, up to and including termination. Further, carrying a weapon onto University property in violation of this policy will be grounds for immediate removal from University property and may result in prosecution. This policy shall not be construed to create any duty or obligation on the part of the University to take any actions beyond those required of an employer by existing law.

## **REPORTING VIOLENCE**

It is everyone's responsibility to prevent violence in the workplace. Employees must immediately report what they see or hear in the workplace that could indicate that a co-worker may be a threat to the safety of the workplace. Employees should report any incident that may involve a violation of the University's policies that are designed to provide a safe workplace environment. Concerns may be presented to the employee's supervisor/manager or the Threat Assessment Team.

## **REPORTING DOMESTIC VIOLENCE**

Domestic violence perpetrated by or against an employee of the University is considered a workplace issue as these situations may create safety concerns within the workplace. Employees are encouraged to report if they are the victim of domestic violence or if they suspect that a co-worker may be the target of or the perpetrator of domestic violence to their supervisor/manager. Supervisors/Managers made aware of employee-related domestic issues are encouraged to immediately notify the Human Resources Department.

Employees who obtain or are the subject of a restraining order are encouraged to immediately notify the Human Resources Department, so the University may assist in preventing an individual who may display or carry out an act of violence from obtaining access to University premises.

Employees who have questions or concerns related to domestic violence may contact the Human Resources Department. Employees experiencing issues with domestic violence may also contact the National Domestic Violence Hotline at 1-800-799-7233.

## **REPORTING SUICIDAL THOUGHTS AND BEHAVIOR**

Self-harm may be a symptom of a severe mental health issue. Employees who are having thoughts of suicide or become aware of a co-worker having suicidal thoughts and/or displaying suicidal behavior should immediately notify their supervisor/manager. Supervisors/Managers made aware of suicidal ideation by an employee must immediately notify the Human Resources Department.

Employees who have questions or need assistance with the topic of suicide may contact the Human Resources Department. Employees who need assistance may also contact the National Suicide Prevention Lifeline at 988.

If there is a concern of imminent harm, employees should contact the local police department by dialing 911.

## **EMPLOYEE ASSISTANCE PROGRAM (EAP)**

The University provides an EAP for employees and their family members. Employees are encouraged to use the EAP whenever they feel the need for guidance with personal problems, including difficulty handling drugs or alcohol.



The EAP is a confidential service that can provide information on counseling or treatment.

## **CONFIDENTIALITY AND RETALIATION**

It is the policy of the University that any employee making a report or participating in the investigation of workplace violence will not be retaliated against in any way. Reports will be investigated promptly, and confidentiality will be maintained to the greatest degree possible, consistent with our obligation to thoroughly investigate the allegation and consistent with applicable law and the need to facilitate an investigation and/or a solution to the problem. Employees who feel that they have been retaliated against for reporting workplace violence, domestic violence or suicidal behaviors, or for participating in the investigation of an alleged incident, should contact the Human Resources Department.

## **CORRECTIVE ACTION**

If a report of workplace violence is found to be valid, immediate and appropriate corrective action will be taken. Employees who violate this policy, including the provision against retaliation, will be subject to disciplinary action up to and including termination. This determination will be based on all the facts of the case.

## **5.08 CHEMICAL HAZARD COMMUNICATION PROGRAM**

The University's Chemical Hazard Communication Program has been created with health and safety in mind. To be successful, this program requires full commitment. Working together, we can keep our workplace safe.

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### **REPORTING ACCIDENTS**

Facilities Services and/or the Department of Safety and Security is responsible for monitoring and updating the Chemical Hazard Communication Program within the University. Any accidents pertaining to chemicals or hazardous materials should be reported immediately to them. Employees can obtain SDS information from Facilities Services or the Department of Safety and Security.

### **ADDITIONAL INFORMATION**

For additional information regarding our Chemical Hazard Communication Program, contact Facilities Services or the Department of Safety and Security.

## **SECTION SIX**

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# **EMPLOYEE PROGRAMS & PROCEDURES**

## 6.01 MEDIA RELATIONS

Communication with news reporters and other journalists is, at times, sensitive in nature. Therefore, media requests for official statements from the University may be handled only by designated senior managers.

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### **MEDIA REQUESTS FOR OFFICIAL STATEMENT**

Any telephone calls, electronic communications or visits from members of the media requesting the University's official statement should be directed to the Marketing and Communications Office.

If the employee is uncertain about what information can be discussed, they should contact the Director of Marketing and Communications.

## 6.02 UNIVERSITY FACILITIES

As a member of the St. John Fisher University community, certain University facilities are available for employee's personal use. We hope employees use and enjoy the available facilities.

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### **PRINT CENTER**

The Print Center is located on the ground floor of Kearney Hall. Services include copying and printing (both black-and-white and full color); stationery items; vinyl signage; poster printing and paper supplies. With its high-volume printing equipment, the Print Center provides the most cost-effective copy/print capabilities on campus.

### **POSTAL CENTER**

The Postal Center offers all the services of a regular Post Office, including stamps, Express Mail, FedEx, Registered & Certified Mail, postal money orders upon request, and bulk mail. They are responsible for all faculty, staff, and student mail.

### **CHAPEL**

The Hermance Family Chapel of St. Basil the Great is located adjacent to Kearney Hall. Employees are welcome to use the chapel for prayer or reflection when the need arises. For more information about the chapel or services, please contact Campus Ministry at (585) 385-8368.

### **UNIVERSITY BOOKSTORE**

The University Store is located on the lower level of the Campus Center. The University Store offers a variety of merchandise such as books, stationery, office supplies, food, clothing, etc.

### **DINING SERVICES**

The University provides food service for its students and employees in a number of locations. Information on dining services is available at:

<https://www.sjf.edu/student-life/dining-services/dining-menus/>.

### **LAVERY LIBRARY**

The Charles J. Lavery Library was named in honor of the University's second President and the only Chancellor of the University. The library information has a wide range of resources in all formats, and a helpful, friendly staff.

## 6.03 GENERAL INFORMATION

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### EMPLOYEE PUBLICATIONS

The Marketing and Communications Office produces a number of publications that keep faculty, staff, students, and alumni up to date with University developments. Publications include Collegium (alumni magazine), Fisher News Highlights (weekly email newsletter), and the Beak This Week (weekly events digest). All events and news can be found on the website.

### BUS SERVICE

The Regional Transit Service (RTS) bus stop is located at the Park and Ride. RTS bus schedules are now accessible online by visiting: <https://myrts.com/>.

### THE UNITED WAY OF THE GREATER ROCHESTER AREA

An annual appeal is made to employees of St. John Fisher University for donations to the United Way. Donations are accepted through payroll deductions, direct bill, or cash. Through the donations it receives, the United Way is able to provide funding for various local charitable organizations that are completely dependent on outside contributions to carry on their work for the community.

## **6.04 APPROPRIATE USE AND PRIVACY POLICY FOR COMPUTING AND INFORMATION TECHNOLOGY RESOURCES**

The University expects all members of the St. John Fisher University community to use computing and information technology resources in a responsible manner and to respect the public trust through which these resources have been provided, the rights and privacy of others, the integrity of facilities and controls, and all pertinent laws and University policies and standards.

At the University, the computing and information technology resources support the instructional, research, and administrative activities of the University. Computing and information technology resources include but are not limited to: Banner, Web presence, e-mail, telephone and instant messaging applications. Users of these computing facilities and services have access to a valuable institutional resource, to sensitive data, and to external networks. The Office of Information Technology (OIT) establishes, maintains, and supports, the computing facilities and services at the University.

The purpose of this policy is to outline the appropriate use of these resources. This policy applies to all users of computing and information technology resources, including faculty, staff, students, alumni, trustees, patrons of the Library, vendors and other suppliers, contract employees, and volunteers. By using campus computing services, users agree to abide by the guidelines contained in this document.

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### **GENERAL GUIDELINES**

- The computing and information technology resources at St. John Fisher University are to be used in a responsible, ethical, and legal manner.
- Users of the University's computing and information technology resources are expected to respect the rights of others at all times, following the general rules of common sense and common courtesy.
- E-mail is an official means of communication to students, faculty and staff within St. John Fisher University. Therefore, the University has the right to send communications to students, faculty and staff via e-mail and the right to expect that those communications will be received and read in a timely fashion.
- University policies (as found in the Student Handbook, the Employee Handbook, and the Faculty Statutes) provide guidance for the application of freedom of expression to electronic communication. Users of the University's computing and information technology resources are expected to act in accordance with these policies and with local, state, and federal law identified in but not limited to, the Telecommunication Act of 1995, the Patriot Act, and New York State Article 156.

## **APPROPRIATE USE**

The computing and information technology resources at St. John Fisher University are only available to the users defined above. Preserving the access of information resources is a community effort that requires each member to act responsibly and guard against abuses. Therefore, both the community as a whole and each individual user have an obligation to abide by the following standards of acceptable and ethical computer use:

- Use only those computing and information technology resources for which you have authorization;
- Use computing and information technology resources only for their intended purpose;
- Protect the access and integrity of computing and information technology resources;
- Abide by applicable laws, University policies and respect the copyrights and intellectual property rights of others, including the legal use of copyrighted materials;
- Respect the privacy and personal rights of others (see General Guidelines above);
- Use computing and information technology resources in a manner consistent with the educational mission of the University; and
- Primary use of the University's computing and information technology resources should be to advance the educational mission, research, and the administrative activities of the University.

## **EXAMPLES OF POLICY VIOLATIONS**

Examples of violations to this policy include, but are not limited to, the following:

- Using someone else's account and password or sharing your account and password with someone else;
- Using computing and information technology resources you have not been specifically authorized to use including another user's electronic mail, data, or programs;
- Altering or destroying information without authorization;
- Forging or in any way misrepresenting your identity;
- Using the University's computing and information technology resources and facilities to violate federal, state, University policy, or local laws or statutes.
- Accessing content referring directly or indirectly to illegal, pornographic or other inappropriate material;
- Intentionally releasing a virus or worm that damages or harms a system or network;
- Preventing others from accessing an authorized service;
- Downloading, using or distributing copyrighted materials;



- Tapping a phone line or running a network sniffer without authorization;
- Purposely looking for or exploiting security flaws to gain system or data access;
- Sending chain letters;
- Intercepting or monitoring any network communications not intended for you; or
- Using computing or network resources for advertising or other commercial purposes.

## **ENFORCEMENT OF THE APPROPRIATE USE POLICY**

The Office of Information Technology (OIT) is required to monitor system and network activities to promote performance and integrity. Although OIT personnel and University administrators do not routinely monitor an individual's computer use, examine files, or read e-mail in an individual's account without permission or notice, exceptions may be necessary. These include circumstances in which a use or activity is suspected of disrupting the computing network or facilities; violating local, state, or federal law; violating University policies or standards of conduct; being an inappropriate use of computing and information technology resources as described by this document or University policy; or to administer or improve system or network performance; or in other circumstances where the University deems it necessary to the interests of the University. The computing and information technology resources provided by the University, including any files and e-mails in the system, remain the property of the University.

Web content and links referring directly or indirectly to illegal, pornographic or other inappropriate material are specifically prohibited. All web pages will be reviewed regularly, and any site deemed unacceptable by these guidelines will be removed. The University reserves the right to remove any information published through its campus network if determined to be in violation of the University policy, or not in the interest of the University.

Enforcement of this University policy may include, among other actions, any or all of the following actions if users violate this policy:

- Disciplinary action, up to and including termination of employment;
- Loss of computing privileges at the University;
- Prosecution under applicable civil or criminal laws.

## **ADDITIONAL INFORMATION**

Employees who may have questions relating to the content of this policy should contact their immediate supervisor/manager or the Human Resources Department.

## 6.05 CLEAN DESK POLICY REGARDING CONFIDENTIAL AND PROTECTED INFORMATION

St. John Fisher University establishes this policy in order to protect confidential information from being exposed in ways detrimental to the University and to abide by legal obligations in relation to data and information. Every employee has the responsibility to protect documents and data from unauthorized access, from people who are both internal and external to the University.

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Many of St. John Fisher University's projects require confidentiality, and virtually every employee works with documents that contain important and possibly confidential information. We all must take steps to avoid unwarranted access to those documents and that information. Ways to avoid unwarranted access to protected information include:

- 1) To prevent shoulder surfing, position your computer screen to protect the confidentiality of the information. If moving your monitor is not possible, consider using a privacy screen or filter.
- 2) Never write down passwords and leave this information in view or in unlocked drawers.
- 3) Do not leave keys at an unattended desk.
- 4) Do not leave printouts on printers unattended, and shred sensitive documents when they are no longer required.
- 5) Make sure to lock your computer and/or switch on your computer's password-protected screen saver when leaving the office.
- 6) Before leaving for the day, check to ensure that all protected information is not left out on your desk and lock all drawers that can be locked.
- 7) Do not leave cabinet or drawer keys in their locks if these areas contain protected information.

In addition, notify IT Service Desk and Safety & Security immediately if any desktop, laptop, tablet, and/or portable media containing St. John Fisher University sensitive information is missing and notify Safety & Security immediately if your access card or keys are missing.

## 6.06 EMPLOYMENT OF RELATIVES & PERSONAL ASSOCIATES

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### DEFINITION OF RELATIVE

For the purposes of this policy, a relative is any person who is related by blood or marriage, including domestic partnership. “Personal associates” are defined as individuals with close personal relationships such as romantic or “dating” relationships.

### POLICY

The University has the following policy regarding the employment of relatives and personal associates. This policy applies to all categories of faculty and staff, including fulltime, temporary and part-time employees. Employees who fail to disclose required information about relatives or personal associates or who otherwise violate this policy may be subject to disciplinary action, up to and including termination of employment.

The employment of relatives and close friends in the same area of an organization may cause conflicts and problems with favoritism and employee morale. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried into day-to-day working relationships. That said, there may occur instances where the hiring of two related persons is a benefit to the University. SJF will not preclude relatives from applying for positions at the University and will review each instance carefully to prevent bias in favor of a relative while remaining open to an objective review of all applicants.

Individuals who are related to current university employees may apply for and be considered without prejudice for any advertised positions at SJF. However, any SJF employee who is related to the applicant cannot participate in or influence any aspect of the hiring process. Examples of this would include contacting Human Resources, serving on a hiring committee, participating in a discussion about or a vote of the candidate’s application, or discussing the application with the hiring manager on behalf of the applicant.

### LIMITATIONS

The following are some limits and restrictions regarding the employment of relatives and personal associates:

- Relatives and personal associates, in general, should not work for the same supervisor/manager or department head. If a relative of a current employee is recommended for a position in the same department, the hire can only occur if the person is deemed essential for the benefit of the department by the manager/chair and the dean/VP. In such cases, the reporting relationship of

the two employees will be adjusted such that they do not report to the same manager or department head.

- Employees may not employ or supervise their own relatives and personal Associates.
- Relatives and personal associates may not work in a position in which they have regular access to confidential information regarding the other individual.

The University will hire, transfer, or promote employees only when their position will not violate one of the above restrictions. If a restricted reporting relationship is established after employment, the supervisors, in consultation with vice presidents and employees involved, will be expected to resolve the situation so that a policy violation no longer exists. The appropriate Vice President, in consultation with the Human Resources Department, will make the final decision. The University will make reasonable efforts to retain both employees but cannot guarantee that another position at the University will be available for employee(s) who are to be reassigned.

## 6.07 SERVICE & CHAPERONING

At the University, our Service Scholarship Program offers students the opportunity for service in the context of service learning. As such, our program administrators partner with communities where resources to provide services are scarce. The program encourages person-to-person interaction with the goal of empathizing with, and getting to know, the poor and needy, appreciating who they are and what they need, and serving their needs within our ability. Service learning is supported in the classroom through ongoing, connected, challenging and contextual reflection. At the end of the program, the University's aim is that students will have developed a pattern of living for their future -- a pattern of service and giving not only of time but of self.

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### JOB-RELATED EVENTS

The very nature of some events requires employee participation. For example, a lead professor will chaperone a class to a functional-specific event that occurs off site from campus as part of the class curriculum. Another example involves the Lead Director to the Service Scholarship Program who will also accompany and lead the class of service scholars to off-site events. These examples illustrate job-related events for the professor and the Lead Director.

In order for the University-supported events to be successful, we rely on our faculty and staff to participate as volunteers, and in many cases, as chaperones. Therefore, the University welcomes and supports staff who want to participate in such programs when appropriate. However, there are instances when the events are not necessarily job-related. In order to maintain open and timely communications, all employees are encouraged to converse with their supervisor/manager to accomplish the following:

- To determine if the event is job-related;
- To determine if the timing of the event causes any hardship on the operations of the employee's functional unit;
- To approve partial or full participation in the event; and
- To seek final approval from the Department Head and Vice President.

If a conflict is foreseen from this discussion, a supervisor/manager has the right to disapprove the employee's participation in a volunteer event. If participation is approved but is not considered job related for the employee's position, the employee may be required to use vacation time for the duration of time away from work.

## **PAY DURING SERVICE**

For hourly and non-exempt employees who participate in approved volunteer events, the employee will be compensated for hours worked. Compensation is calculated at straight time up to 40 hours per workweek and at time and one-half after 40 hours is worked in a workweek. For more information on overtime for such events, please refer to the Pay Practices policy.

## 6.08 SEVERE WEATHER

Inclement weather is to be expected during certain times of the year. Driving, although rarely impossible, may be difficult at times. When caution is exercised, the roads are normally passable.

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### **NOTICES OF OFFICE CLOSINGS**

Except in cases of severe storms, we will work regular hours. Any alteration in our regular schedule will be decided by the Provost of the University and communicated over local radio, television stations and the RAVE system.

### **ABSENCES DUE TO POOR WEATHER**

When the University is closed due to severe weather conditions, all regular employees who are scheduled to work will be paid their regular pay for the day of closing.

Non-exempt employees who are required to report to work during the time period when the University is closed will be paid time and a half for all hours worked.

Time taken off by employees due to poor weather conditions when the University remains open must be taken as a vacation or unpaid time unless otherwise required by federal or state wage and hour laws.

## 6.09 CHANGES IN PERSONAL INFORMATION

Employees are responsible for notifying the University when there is a change in their personal data. This information needs to be kept up to date, so benefit plans and payroll withholdings are properly administered. Timely notification of these changes will also enable the University to assist employees and their family in matters of personal emergency.

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### NOTIFICATION

Notify Human Resources in writing if any of the following change:

- Name (including appropriate documentation must be presented to support a name change. The two acceptable documents include a social security card showing the new name, or a receipt that a name change has been submitted to the Social Security Administration.)
- Home address or check mailing address. Please see the Human Resources Department website for a change of address form at: <https://www.sjf.edu/services/human-resources/documents-and-forms/>
- Telephone number
- Beneficiary
- Marital status
- Emergency contact
- Birth or death of a dependent (or other event qualifying dependents for continuation of group insurance coverage under the Consolidated Omnibus Budget Reconciliation Act (COBRA))



## 6.10 CHANGES IN EMPLOYMENT STATUS

The following policies will be used to calculate eligibility for various benefits for an employee who changes employment status.

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### **PART-TIME STATUS TO FULL-TIME STATUS**

When an employee goes from part-time status to full-time status, the original date of hire will be the date used for calculating eligibility for the following benefits: tuition remission/exchange, vacation, and service recognition.

### **TEMPORARY TO REGULAR FULL OR PART-TIME STATUS**

For an employee who works in a temporary status and then becomes a regular full or part-time employee, the adjusted employment date will be the date on which the individual became a regular, full-time employee. This is the date that will be used to determine waiting periods for the following benefits: vacation, tuition remission/exchange, and service recognition.

### **ADJUNCT FACULTY MEMBER OR PART-TIME ATHLETIC COACH**

Service as an adjunct faculty member or part-time athletic coach will not be credited toward eligibility for tuition remission/exchange or service recognition benefits should the adjunct faculty member, a part-time coach, subsequently become a regular faculty member.

### **ADDITIONAL INFORMATION**

For information about how eligibility is calculated under the St. John Fisher University 403(b) Retirement Plan for an employee who changes employment status, please contact the Human Resources Department or refer to the plan documents.

## 6.11 PERSONNEL FILES

The University maintains an official personnel file for each employee that contains necessary job-related and personal information. These files are confidential, and guidelines exist to safeguard against improper disclosure.

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### ACCESS TO PERSONNEL FILE

Current employees may see information which is kept in their own personnel file if they wish, except for confidential materials such as job references or information relating to other employees. Employees may make arrangements with the Human Resources Department to see these documents. Employees may request and receive copies of all documents they have signed at the time they are signed.

Internal availability and access to personnel files is limited to those with proper authorization and a business need to know.

### INQUIRIES ABOUT EMPLOYEES

All inquiries or requests for information about employees (active or inactive) from people outside the University should be referred to the Human Resources Department. This applies to all requests, whether written or verbal.

In some cases, employers are required by federal, state or local law to disclose information to the government or other authorized entities even if the University would ordinarily keep such information confidential. The University will comply with all laws which require disclosure of employee information upon receipt of a properly authorized request.

### PROTECTION AND DISPOSAL OF PERSONAL RECORDS

The University is committed to ensuring that records containing personal identifying information are protected and disposed of in accordance with state law. Personal information is disposed of in a manner that ensures no unauthorized person will have access to employee personal information.

## 6.12 PROTECTION OF EMPLOYEE PERSONAL INFORMATION

The University recognizes and respects the privacy of applicants, employees and others with regard to personal information it obtains through the hiring process and the employment relationship.

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### PERSONAL IDENTIFIABLE INFORMATION (PII)

As evidence of our commitment in this regard, this policy provides information regarding the processing of personal information about employees and describes the University's general practices regarding employee privacy. Since privacy laws and business practices vary from state to state, implementation of these practices may also vary to accommodate local rules. This may involve adopting different standards as required by local law or diverging from the principles set out in this policy where the University is not required to follow particular practices either by local law or by contractual commitments. The University will only engage in variation from these principles if the University has a legitimate, business or legal reason to do so and not in an arbitrary or capricious manner.

This policy regulates collection and use of information about the University's prospective, current and former employees and the limited amount of personal information that the University may collect about employee family members (together, all deemed employee personal information). References in this policy to employees should be interpreted accordingly. The policy is not limited to information held by the Human Resources Department. The policy regulates all employee personal information held by the University.

Where the University collects employee personal information, it will take steps to inform the employees concerned of the purposes for which the information will be used and provide them with any further information that is necessary to ensure that the employee personal information is used fairly. For example, where employees are asked to provide personal information about themselves, the University will explain whether provision of the information is mandatory or voluntary and any consequences of not providing the requested information.

Notification to employees need not be provided, however, where:

- The employees concerned already have sufficient information (for example, through this policy or other University policies or general notices); or
- Employee personal information is not collected directly from the individual concerned and to contact that individual directly would be disproportionate

(for example, where an employee provides information about their family member, the University will not usually contact the family member).

The following paragraphs set out general information about the University's collection and use of employee personal information. This information is not intended to be comprehensive:

### **Purposes**

Human Resources collects and uses employee personal information to process payroll payments, determine benefits eligibility and process benefit payments, analyze compensation costs and training needs and determine employee eligibility for different responsibilities. Depending on which business unit an employee works for, additional information may be collected for purposes of complying with regulatory requirements. Information may also be collected to meet legally mandated obligations (such as tax and U.S. Equal Employment Opportunity requirements), ensure compliance with University policies, and protect the University, the workforce and the public against injury, theft, legal liability, fraud or abuse. Information (such as emergency contact information) is also collected from employees for use in connection with disaster recovery and business continuity efforts.

### **Disclosures and International Transfers**

Employee personal information may be shared between the University and its service providers. Without intending to provide an exhaustive list of examples, it may be disclosed in connection with legal proceedings, investigations, or as required by law, regulation or relevant authority. It may also be disclosed to prospective buyers, business partners or other transferees of the business unit in which an employee works in the event of a potential sale, transfer or joint venture involving the unit or the investigation/negotiations which precede the transaction. This sharing, and these other disclosures, may involve transfers of personal information to any country in the world, including to countries which do not have strong data privacy laws. The University will, nevertheless, use all reasonable commercial efforts to protect employee personal information in accordance with this policy.

### **Fair Processing Principles**

The University will only collect and use employee personal information fairly and lawfully. The University will take reasonable steps to ensure that it does not collect or use irrelevant, excessive or inadequate employee personal information and that the employee personal information it holds is accurate and, where relevant, up to date.

In particular, the University will only collect and use employee personal information:

- As necessary for the purposes of its legitimate interests which are not overridden by the rights, freedoms or legitimate interests of the employees concerned; or
- With the consent of the employees concerned; or
- Where the collection or use has been approved by the University's legal counsel as justified under applicable data privacy law.

### **Security**

The University will use commercially reasonable efforts to ensure that it has in place appropriate technical and organizational security measures to protect employee personal information against accidental or unlawful destruction, accidental loss, alteration, unauthorized disclosure or access and all other unlawful forms of processing.

In particular, where the University contracts with third party service providers to collect and/or process employee personal information on its behalf, it will ensure that the service providers are bound by written agreements requiring them to process the information only on the instructions of the University and to have appropriate technical and organizational security measures in place to protect the information.

### **Retention and Destruction**

The University will follow data retention and destruction policies and processes designed to ensure that employee personal information is deleted when it is no longer needed for the purposes for which it is collected and used.

### **Direct Marketing**

The University will not share employee personal information for direct marketing purposes outside of the University.

## **MORE INFORMATION**

Employees who have a reason to believe that their PII and/or the University's proprietary data has been breached should notify the Human Resources Department. Employees should also notify the Human Resources Department if they have knowledge of any University representative not adhering to this policy.

Violations of this policy may result in disciplinary action, up to and including termination of employment.

## 6.13 PROTECTED HEALTH INFORMATION PRIVACY

As an employer with self-insured medical plans or a healthcare Flexible Spending Account plan, the Health Insurance Portability and Accountability Act (HIPAA) privacy rules require group health plans like the University's group health plan to take steps to ensure the privacy of personally identifiable health information (PHI) and provide notice of the plan's legal duties and privacy practices to participants. Generally, the plan cannot use or disclose PHI without written authorization, except for the purposes stated in the plan's Notice of Privacy Practices. The summary below briefly describes some of the aspects of how medical information may be used and disclosed by the University's group health plan and how employees can get access to this information. A more complete summary is contained in the plan's [Notice of Privacy Practices](#).

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### USE AND DISCLOSURE OF PHI

The medical plan is required to provide an employee access to certain PHI in order to inspect or copy it. Use and disclosure may also be required by the Department of Health and Human Services to enable the Department to investigate or determine compliance with the privacy regulations.

### EMPLOYEE RIGHTS

Employees may request that the plan restrict the use and disclosure of PHI to carry out treatment, payment or health care operations. Employees also may request that the plan allow the use and disclosure of PHI to relatives, friends or other individuals identified by the employee. However, there is no requirement that the request be granted.

Employees generally have the right to inspect and copy their PHI. The plan will provide requested information within the federally established timeframe. If the request is denied, the employee will receive a written notice.

Employees have the right to request an amendment of their PHI. The plan will act on the request within the legally required timeframe. If the plan is unable to comply with the request for amendment, the employee will be provided with a written denial that explains the basis for denial. Employees may also submit a written statement disagreeing with the denial.

Employees have the right to request an accounting of disclosures of their PHI. However, such accounting need not include PHI disclosures made to carry out treatment, payment or health care operations or certain other types of disclosures identified in the privacy regulations.

## MORE INFORMATION

Requests to restrict use and disclosure, inspect or copy PHI, amend PHI or receive an accounting of PHI should be made to the Assistant Vice President for Human Resources, (585) 385-7247, and 3690 East Avenue, Rochester, NY 14618. The plan will make every effort to accommodate the request within a reasonable period of time.

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*This policy is a brief summary of some of an employee's PHI Use and Disclosure Rights under the Health Insurance Portability and Accountability Act. Additional information regarding rights may be found in the plan's Notice of Privacy Rights which may be obtained from Human Resources.*

## 6.14 SOCIAL MEDIA AND PUBLIC COMMUNICATIONS

The University recognizes that many employees engage in social media activity. This policy establishes a set of rules and guidelines for any activity and participation in “social media” by all the University’s employees. These rules are intended to be adaptable to the changes in technology and norms of online communication and behavior and may be amended by the University at any time, for any reason, without notice to employees. This policy also applies to social media activity when on or off duty, while using the University’s or personal electronic resources, and whether the employee posts anonymously or using a pseudonym.

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### DEFINITIONS

For purposes of this policy, “social media activity” includes all types of postings on the internet, including, but not limited to, postings on social networking sites, such as Facebook, Instagram, LinkedIn, and Tumblr; blogs and other on-line journals and diaries; bulletin boards and chat rooms; microblogging, such as Twitter; and postings of video or audio on media-sharing sites, such as YouTube or TikTok.

The term “social media” applies to any web-based and mobile technologies, in use now or developed in the future, that enable individuals or entities to disseminate or receive information, communicate or otherwise interact and includes, without limitation, email, texting, messaging, social networking, blogging, micro-blogging, bulletin boards and so on.

This Policy includes communications meant for or likely to result in public dissemination, such as but not limited to communications with the media. Reference to “social media” shall include these communications.

### EXERCISE RESPONSIBILITY ONLINE

If, from an employee’s post in a blog or elsewhere in social media, it is clear the employee is a University employee or if the employee mentions the University or it is reasonably clear the employee is referring to the University or a position taken by the University and the employee expresses an opinion regarding the University’s positions or actions, the post must specifically note that the opinion expressed is the employee’s personal opinion and not necessarily the University’s position. This is necessary to preserve the University’s goodwill, consistent messaging and reputation.

### FOLLOW EXISTING POLICIES AND TERMS OF USE

Observe and follow: (a) existing University policy and agreements, such as our Employee Handbook; (b) the policies and terms of use of the particular social media forum or service that is being used; and (c) applicable laws and regulations. This means that employees are prohibited from using social media to post or display comments about co-workers or supervisors/managers of the University that are



knowingly false, or in the reasonable discretion of the University, vulgar, obscene, threatening, intimidating, disparaging of the University's products or services, or depicts the employee engaging in conduct that is unlawful or in violation of the University's workplace policies against workplace violence or discrimination and harassment based on any protected status under federal, state or local law.

Thus, the rules in the University's Employee Handbook including but not limited to its Equal Employment Opportunity, Sexual Harassment, Discrimination & Harassment, Conflict of Interest, Standards of Conduct, and Appropriate Use and Privacy Policy for Computing and Information Technology Resources policies apply to employee behavior within social media and in public online spaces.

Do not post any information or conduct any online activity that violates applicable federal, state or local laws and regulations. Any conduct which is impermissible under the law if expressed in any other form or forum is also impermissible if expressed through social media. In addition, most social media websites/services have rules concerning the use of and activity conducted on their sites. These are sometimes referred to as "Terms of Use." Employees must follow the established terms and conditions of use that have been established by the venue and not do anything that would violate those rules.

## **SAFEGUARD CONFIDENTIAL PERSONAL AND PROPRIETARY INFORMATION**

Employees should exercise caution when posting their own or others' personal information. It is inappropriate to use or disclose "confidential personal information" (as defined below) about another individual or use or disclose the University's "proprietary confidential information" in any form of social media.

For purposes of this policy, "confidential personal information" refers to information that could be used to commit identity theft such as an individual's Social Security Number, financial account numbers, driver's license number or personal medical information (including family medical history).

The University's "proprietary confidential information" refers to internal information regarding the University's finances, future plans, marketing strategies and information which is or relates to the University's management, personnel, or operations.

Confidential proprietary information does not include information lawfully acquired by non-management employees about wages, hours or other terms and conditions of employment, if used for purposes protected by Section 7 of the National Labor Relations Act such as joining or forming a union, engaging in collective bargaining, or engaging in other concerted activity for their mutual aid or protection.

All the University's rules regarding the University's confidential proprietary information and confidential personal information, apply in full to social media, such as blogs or social networking sites.

## **IDENTIFY YOURSELF IN ENDORSEMENTS**

Employees must disclose their affiliation with the University if they endorse the University's products or services in social media. When commenting on or promoting any University venue or service on any form of social media, we suggest that employees be completely transparent and disclose their identity for their personal protection. Additionally, when commenting on or promoting any University product or service on any form of social media, an employee must clearly and conspicuously disclose their relationship with the University to the members and readers of that social media.

## **EXPECTATIONS OF PRIVACY**

Consistent with the University's Appropriate Use and Privacy Policy for Computing and Information Technology Resources policy, the University may access and monitor its Information Systems and obtain the communications within the systems, including email, Internet usage and the like, with or without notice to users of the system, in the ordinary course of business when the University deems it appropriate to do so. When using such systems, employees should have no expectation of privacy regarding time, frequency, content or other aspects of use, including the websites the employee visits and other Internet/Intranet activity. The reasons the University accesses and monitors these systems include, but are not limited to maintaining the system, preventing or investigating allegations of system abuse or misuse, assuring compliance with software copyright laws and complying with legal and regulatory requirements.

## **PERSONAL USE**

The University respects the right of any employee to participate in social media, such as maintaining a blog or participating in online forums. However, to ensure proper employee focus on job duties and adequate functioning of University equipment, employees are not permitted to engage in social media activities during working time. For purposes of this policy, "working time" is defined as the time during which employees are scheduled to work, but does not include scheduled rest periods, meal breaks and other specified times when employees are not expected to be working. Moreover, during non-working time, employees must avoid usage that may interfere with the system's productivity, such as large attachments or audio/video segments.

## **IDENTIFY ANY COPYRIGHTED OR BORROWED MATERIAL WITH CITATIONS AND LINKS**

When publishing any online material through social media, employees must respect and follow all copyright and other intellectual property laws and should use citations and links to original material, where possible.

## **ADDRESSING PERSONAL CONCERNS**

Consistent with the University's Open Communication policy employees are encouraged to address work related concerns through their supervisor/manager, the Human Resources Department or any other member of management with whom they feel comfortable rather than through social media.

**DISCLAIMER**

The University will not enforce the social media policy in a manner that would interfere with employees' rights under the National Labor Relations Act to discuss the terms and conditions of employment.

**ADDITIONAL INFORMATION**

The University will monitor social media to the fullest extent permitted by applicable law and will take disciplinary action against those who violate the policy.

Contact the Human Resources Department for additional information or clarification of any aspect of this policy.

## 6.15 ANIMALS ON CAMPUS

The University does not permit animals (with the exception of fish) in campus buildings. This policy outlines the University's guidelines regarding animals on campus.

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### GUIDELINES

Live animals used for teaching and research in science departments are allowed on campus and must remain in designated areas of the University. The use of service animals for those with documented disabilities also are permitted on campus.

Animals (with the exception of fish) are not permitted in campus buildings. Campus neighbors have been granted permission to walk their animals on campus, but the animals must be on a leash, as appropriate, and can never be left unattended. Proper care must be taken to clean up after the animal. This permission is granted to the University members as well.

Along with state code that bans animals from dining facilities, there are health, sanitation and personal safety issues which promote the formation of this policy. At the discretion of the University, further restrictions may apply for times when the University cannot allow animals on campus (i.e., during Buffalo Bills Training Camp).

## 6.16 NO STUDENT HOUSING RENTALS

The University recognizes the developmental value of a residentially based education and believes that residence hall living is a key component of a student's overall educational experience. For these reasons, provisions are made to secure appropriate housing arrangements for undergraduate students. The Residential Life Department is responsible for establishing and maintaining the University's policy as it relates to housing arrangements.

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### **GUIDELINES**

The University recognizes that some students will choose to live off-campus. In order to prevent any conflicts of interest, the University prohibits faculty, staff, and trustee members of the St. John Fisher University community from renting off-campus housing to undergraduate or graduate students who are actively enrolled in either part-time or full-time programs. This policy has been established to ensure the rights of our students are protected at all times.

## 6.17 SHOULD YOU LEAVE US

To ensure fairness and consistency throughout the University, terminations are handled in accordance with the following provisions.

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### **TYPES OF TERMINATIONS**

Termination refers to either voluntary resignations initiated by the employee or involuntary terminations initiated by the University.

### **RESIGNATIONS**

Employees resigning voluntarily are required to give a minimum of two weeks advance notice in writing to their supervisor/manager, so that the proper replacement can be found. An employee's consideration in this situation will be viewed favorably by management should the employee reapply for employment with University.

### **UNUSED VACATION**

Employees who resign voluntarily giving the required advance two-weeks' notice will be paid for earned but unused Vacation. Earned but unused Vacation will not be paid to employees who resign with less than the required advance two-weeks' notice or to employees who are terminated by the University.

### **UNUSED SICK LEAVE**

Earned but unused New York Paid Sick Leave is not paid upon termination.

### **UNUSED PAID ABSENCE**

Earned but unused Paid Absence is not paid upon termination.

### **FLOATING AND UNIVERSITY HOLIDAYS**

Floating and University Holidays are not paid upon termination of employment.

### **TERMINATION OF BENEFITS**

Employees should contact the Human Resources Department for information regarding termination of benefits upon separation.

### **REHIRE OF SEPARATED EMPLOYEES**

The following policies will be used to calculate eligibility for certain benefits when an employee separates from service at St. John Fisher University and is subsequently rehired:

- For a rehired employee who has had a break in service of less than two years, the University will base eligibility for Vacation, Tuition Remission,

Tuition Exchange, and service recognition benefits on the employee's adjusted date of hire.

- To calculate a rehired employee's adjusted date of hire, the University will first determine the length of the break in service in days and then add that amount to the employee's original date of hire. For example, if an employee's original hire date was June 5, 2007, and the employee incurred a break in service of 625 days following separation on June 5, 2008, the employee's adjusted date of hire upon rehire will be February 19, 2009 (625 days after June 5, 2007).
- A rehired employee who has had a break in service of two or more years will start as a regular new hire and follow the policies and procedures in the current Handbook regarding the waiting periods for the benefits of Vacation, Tuition Remission/Exchange, and service recognition. An adjusted employment date will not be calculated.

For information about how eligibility is calculated under the St. John Fisher University 403(b) Retirement Plan for an employee who separates from service and is subsequently rehired, contact the Human Resources Department or refer to the plan documents.

## **TUITION REMISSION AND EXCHANGE**

Eligibility for tuition benefits under the Tuition Remission and Tuition Exchange programs ceases at the conclusion of the semester in which the last physical day of work occurs. Benefit eligibility for retirees, and family members of retirees, and family members of deceased retirees (as defined by the University) continues beyond the last day of work as specified in the University's policies. See the applicable tuition policies for additional details (*See Policies 4:22 – 4:24*).

## **REQUESTS FOR REFERENCE CHECKS**

So that the University can handle requests for job references in a consistent, fair and lawful manner, all requests for official job references on behalf of the University should be forwarded to the Human Resources Department. In response to job reference requests, the University will only confirm current or former employees' dates of employment and job title.

## **UNIVERSITY PROPERTY**

Upon termination, employees are expected to return all University-issued items, including, but not limited to: keys, key fobs, tools, uniforms, Employee Handbooks, manuals, computers, cell phones, flash drives and community member or student information and may not retain any copies of University information in any form.

