



# Nazareth College Staff Employee Handbook

March 2020 Edition

# Nazareth College Staff Employee Handbook

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## SECTION 1.0 - INTRODUCTION

### Welcome to Nazareth College!

Welcome to Nazareth College. You have chosen to work at one of the finest comprehensive educational institutions in the nation. We hope your association with the College will be as enjoyable as it is productive. You have the opportunity through your dedication, enthusiasm, and abilities to help the College fulfill its mission of student success and, in turn, grow further in reputation. We are pleased you have joined us, and we are confident that you will find your work to be both challenging and rewarding.

### 1.01 College Mission

The mission of Nazareth College is to provide a learning community that educates students in the liberal arts, sciences, visual and performing arts, and professional fields, fostering commitment to a life informed by intellectual, ethical, spiritual, and aesthetic values; to develop skills necessary for the pursuit of meaningful careers; and to inspire dedication to the ideal of service to their communities. Nazareth seeks students who want to make a difference in their own world and the world around them, and encourages them to develop the understanding, commitment, and confidence to lead fully informed and actively engaged lives.

### 1.02 College Vision

Nazareth College will be nationally and internationally recognized as a comprehensive educational institution, which provides its students with transformational experiences and integrates liberal arts, sciences, visual and performing arts, and professional education at the undergraduate and graduate levels and which places special value on student success, diversity, inclusion, civic engagement, and making a difference in local and global communities.

### 1.03 Human Resources Department Mission Statement

The mission of Human Resources is to be a strategic partner with employees of Nazareth College and identify and respond to its changing needs. The Human Resources department will take a leadership role to develop and administer effective Human Resources programs to recruit, employ, develop and retain a qualified, diverse workforce who will support the mission of the College. Human Resources will foster a positive, caring work environment where the diversity of all members is respected.

The Human Resources Department values ethics, integrity and trust in all that we do. We foster an environment of open communication and collaborative problem solving that provides effective counsel, guidance and advice to others.

### 1.04 Purpose of this Handbook

This handbook is intended to familiarize employees with the policies and procedures at Nazareth College and to help ensure uniformity in the administration of policies throughout the College. This handbook also applies to Deans and Vice Presidents who are classified as exempt staff.

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The material in this handbook supersedes all handbooks and amendments previously issued. The contents of this handbook are not intended nor should they be interpreted to establish a contractual relationship or guarantee of employment or guarantee of benefits. The College reserves the right to modify, revoke, suspend, terminate or change all policies and procedures, written or unwritten, at any time with or without notice orally or in writing, except as required by law.

This handbook is intended for summary purposes only and the actual plan documents, insurance contracts and applicable laws shall govern. It is the policy and practice of the College to comply with all applicable federal, state, and local laws. To the extent that any policy in this handbook could be interpreted to conflict with applicable law, the College will comply with the law and/or interpret the policy in a manner that does not conflict with the law. Additionally, the policies in this handbook do not apply to conduct or speech protected by federal, state or local laws; and nothing in this handbook is intended to prohibit employees from engaging in protected concerted activity or communicating about terms and conditions of employment as protected by federal, state or local law.

Questions concerning the policies of the College should be addressed to individual supervisors. If further clarification or interpretation is needed, please contact the Human Resources Department for assistance.

Violation of any policy contained or referenced within this book may result in corrective action, up to and including termination of employment.

### **1.05 Employment-at-Will**

Staff employment with Nazareth College is employment-at-will, which permits Nazareth College or the employee to terminate the employment relationship at any time, for any reason or no reason, with or without cause, with or without notice. Neither the policies described in this Staff Employee Handbook, nor any other written or verbal communications are intended to create a contract of employment or a warranty of benefits.

## SECTION 2.0 – EMPLOYMENT POLICIES

### 2.01 Equal Employment Opportunity/Notice of Non-Discrimination

Nazareth College is an equal employment opportunity employer. The College does not permit discrimination or harassment in its programs and activities on the basis of race (including traits historically associated with race), color, creed, national origin, ancestry, sex, gender, gender identity, gender expression, sexual orientation, age, religion, disability, medical condition, reproductive health decision making, pregnancy-related condition, genetic information or predisposing characteristic, military or veteran status, political affiliation or belief, arrest or conviction record, domestic violence victim status, marital status, familial status, or any other protected status under applicable law. The College does not discriminate on the basis of sex or gender in its educational, extracurricular, athletic or other programs or in the context of employment.

The College, as an educational community, will respond promptly and equitably to reports of sex discrimination and harassment, sexual harassment, sexual violence, stalking, intimate partner violence, and sex- or gender-based harassment that does not involve conduct of a sexual nature in order to eliminate the harassment, prevent its recurrence, and address its effects on any individual or the community.

All Nazareth students, faculty, staff, visitors, and guests are expected to comply with federal, state, and local laws.

### 2.02 Reasonable Accommodations

It is College policy to provide reasonable accommodations for qualified individuals with a disability who are employees or applicants for employment. The College complies with the Americans with Disabilities Act (ADA), the New York State Human Rights Law (NYHRL), and all applicable laws prohibiting discrimination in employment against qualified individuals with disabilities. The College will provide reasonable accommodations for qualified individuals with disabilities disclosed to the College unless doing so would result in undue hardship to the College. Volunteering information about a disability will not subject an employee to any adverse treatment or penalty. All information concerning disabilities will be considered confidential and will be released only in accordance with the ADA and the NYHRL.

An employee who seeks a reasonable accommodation should contact Human Resources.

### 2.03 Religious Accommodation

Nazareth College respects the individual beliefs and practices of all employees. To aid in accommodating the diverse religious practices of our employees, we will work with individual employees to provide reasonable accommodations that allow for personal religious practices that do not create an undue hardship for the College.

An employee who seeks a religious accommodation should submit a written request to Human Resources. Contact Human Resources for more information.

## 2.04 Immigration Compliance

The College complies with applicable immigration law, as regulated by the Department of Homeland Security, including the Immigration Reform and Control Act of 1986 and the Immigration Act of 1990. As a condition of employment, every individual must provide satisfactory evidence of identity and legal authority to work in the United States through a completed and verified I-9 form. New employees must complete Section 1 of a Form I-9 no later than close of business on the first day of work.

## 2.05 Employment of Minors

The College complies with all applicable Federal and State child labor laws in the employment of minors, those under the age of 18. As a general practice, the College does not employ minors under the age of 18. Minors of any age are not permitted to work under the direct supervision of a relative employed at the College. An employment certificate is required of all employees under the age of 18.

Minors are subject to the same College requirements and forms completion as any other new hire as outlined in the College selection process. The law defines specific requirements for employment of minors, including restrictions on the nature of the work performed and hours worked. Contact Human Resources for more information prior to any hiring decision. The minor must present a work permit in order to be hired. The hiring manager will be responsible for monitoring the work conditions and hours worked to ensure compliance.

## 2.06 Background/Credit Checks

Nazareth College reserves the right to investigate an individual's prior employment history, personal references, educational background, criminal background, sex offender registry status and/or credit check as well as other relevant information as defined within the essential functions of the job. The College complies with the Federal Fair Credit Reporting Act and other applicable Federal and State laws, including providing the job applicant or employee with any required notices and forms. Consistent with these practices, job applicants or employees may be asked to sign certain authorization and release forms. Consistent with legal requirements, Nazareth College reserves the right to require job applicants or employees to sign the forms as requested as a condition of employment.

## 2.07 Introductory Period

For all new full- and part-time staff of Nazareth College, the first three (3) months of employment is a time of appraisal for both the employee and the College. Within this period, the employee's work will be evaluated and a decision will be made regarding continuation of employment.

If paid holidays occur during the introductory period, the employee will be paid for these days. However, no paid vacation days or paid sick days are provided during this period. Upon successful completion of the introductory period, the employee becomes eligible for benefits as described in this Handbook, and receives credit for the sick and vacation days earned during those three (3) months. If employment is terminated during or at the end of the period, the employee will not receive credit for vacation days earned and thus will not be paid for unused vacation days.



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When more than three (3) months are required to provide a full and fair evaluation of the employee's performance in the job, the introductory period may be extended for a period not to exceed another three (3) months. Following this period, continuation of employment is subject to compliance with College policies and performance expectations. The College reserves the right to terminate employment at any time.

## 2.08 Position Status and Classification

Full-Time: Regular work schedule of at least thirty-two (32) or more hours per week and at least thirty-two (32) or more weeks per year.

Part-Time: Regular work schedule of at least eight (8) but fewer than 32 hours per week.

Temporary: Periodic work schedule on as needed, per diem basis.

Student employees are not covered by this Handbook.

The College maintains standard definitions of employment and classifies positions consistent with federal and state Laws.

### Exempt and Non-Exempt Classifications

In addition to full-time and part-time, each staff position is classified as either exempt or non-exempt based on the nature of the job duties and salary level as defined under the Fair Labor Standards Act (FLSA) and applicable state laws.

#### *Exempt Salaried*

Positions that are classified as *exempt* meet federal requirements for job duties, responsibilities and salary. These positions are compensated on a salary basis and are not covered by ("exempted" from) the overtime provisions established by the FLSA/state law. Exempt employees are expected to work whatever hours are necessary in a workweek in order to accomplish their goals and deliverables.

#### *Non-Exempt Hourly*

Positions that are classified as *non-exempt* do not meet federal requirements for job duties, responsibilities and salary. These positions are paid hourly and are covered by the overtime provisions established by the FLSA/state law. These positions require that hours worked are tracked and that employees receive overtime at one and one-half times the regular rate for all hours worked over 40 hours per week.

#### *Non-Exempt Salaried*

Positions that are classified as *salaried non-exempt* do not meet federal requirements for job duties, responsibilities and salary. These positions are paid on a salary basis, regardless of the number of hours worked up to 40 in any one workweek, and are covered by overtime provisions established by the FLSA/state law. These positions require that hours worked are tracked and that employees receive overtime at one and one-half times the regular rate for all hours worked over 40 hours per week.

### Benefit-Eligible

Full and academic year employees working at least thirty-two (32) hours per week, thirty-two (32) weeks per year are generally eligible for benefits as provided by applicable policies and plan documents.

## 2.09 Work Schedule

Core office hours for the College are 8:30 AM to 4:30 PM, Monday through Friday. However, each department head may determine the hours and days that best suit the requirements of the position and the needs of the department, and adjust the office hours accordingly. Establishment of a regular workweek in excess of thirty-five (35) hours for non-exempt employees requires the approval of the Associate Vice President for Human Resources. Exempt employees are expected to work whatever hours are necessary in a workweek in order to accomplish their goals and deliverables. In order to accommodate the needs of the College, it may be necessary to change individual work schedules as deemed appropriate.

## 2.10 Job Descriptions

Job descriptions, maintained in the Human Resources Department, identify job standards and essential job functions as well as additional and peripheral duties and reporting relationships. Supervisors are responsible to partner with Human Resources to periodically review and update job descriptions to reflect changes in duties and/or organizational structure.

## 2.11 Employee Performance and Development

### Performance Appraisals

In addition to regular, informal discussions about job performance between supervisors and employees, the College's annual staff performance appraisal program consists of a [written evaluation](#) and a formal discussion between employee and supervisor to ensure that employees understand how they are performing in their jobs and how their work contributes to the overall success of the College.

The purpose of the formal performance appraisal process is to evaluate progress on previous year's goals, to establish goals for the coming year and to evaluate performance against the College's core competencies.

### Professional Development Programs

Professional development is beneficial to both the staff member and the College, and the College strives to support the development of its employees in a variety of ways. Accountability for development is a joint responsibility between the supervisor and the employee. Employees should discuss with their supervisor attendance at and/or participation in programs of mutual interest and benefit to the College.

### Professional Associations

Staff members are encouraged to enhance their knowledge of developments and trends in their functional area. Management staff members are expected to become involved in professional associations that relate to their duties. Participation in professional association activities, conferences, committees, etc., is encouraged but shall not interfere with tasks necessary for effective and responsible job performance and is subject to supervisory approval.

### Promotions and Transfers

College employees are an important institutional asset and are encouraged to seek growth opportunities. Employees who are interested in and qualified for an internal job opening must complete the on-line application in order to be considered. An employee must be in their position for a minimum of six (6)

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months before becoming eligible to be considered for another position. Employees are required to notify their immediate supervisor prior to interviewing for another position.

To respond to changing needs, at any time and with or without notice of cause, the College may initiate organizational changes, including promoting or reassigning employees, and changing or eliminating jobs, job duties or responsibilities.

### 2.12 Release of Current and Former Employee Information

#### Verifications of Employment

The College will provide verification of employment upon request with proper authorization from the employee. All requests for verifications are administered through the department of Human Resources.

#### Reference Checks

All requests for an employment reference or recommendation must be referred to the Human Resources Department. The College policy allows for the release of job title and dates of employment only.

### 2.13 Separation from Employment

#### Voluntary Separation

Voluntary separations are initiated by the employee. Employees are requested to give at least two (2) weeks written notice of separation stating their last day of work and work through that period. Unused vacation time accrued through the last full month worked will be paid out at termination except in cases when written notice given is less than two (2) weeks, in which case the employee will not be eligible to receive pay for unused vacation. The maximum amount of unused vacation paid at separation will not exceed one year's accrual (and any vacation days in excess of one year's accrual amount will not be paid at separation for any reason). Paid time off cannot be used during the notice period or to extend a termination date.

Unused sick time and/or unused personal days are not paid out at separation. Employees who give at least two (2) weeks written notice and leave in good standing will be eligible for rehire.

#### Involuntary Separation

Employees terminated involuntarily for any reason, including misconduct (as determined in the College's sole discretion), defined as intentional wrongdoing, illegal behavior or deliberate violation of a law or College policy or standard of behavior, will not be eligible to receive pay for unused vacation. Employees terminated for misconduct are not eligible for rehire.

Unused sick time and/or unused personal days are not paid out at separation.

#### Exit Process

Human Resources staff members may conduct exit interviews with employees leaving the College. All College property (keys, ID cards, technology equipment, etc.) is to be returned to the College before an employee leaves campus on the last day of employment. Access to all College systems, including Naz.edu email and Google Drive, will end upon separation of employment.

#### Pay and Benefits at Separation

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In accordance with State law, a final paycheck will be issued on the next possible pay date following the date of separation. An information packet regarding continuation of benefits will be provided to the employee.

## SECTION 3.0 – WORKPLACE CONDUCT

### 3.01 Code of Ethics

As members of the Nazareth College community, all executive officers, trustees, faculty, staff members and student workers are responsible for conducting themselves with the highest ethical standards. The College values integrity, honesty and fairness and strives to integrate these values into its teaching, scholarship, service to the College, business and operational practices, and daily interactions among all members of the campus community. The increasingly necessary relationships that have evolved between the College and outside entities, including but not limited to governmental agencies, community groups and business firms, require that persons representing the College conduct themselves in a manner that will withstand the highest level of scrutiny.

### 3.02 Code of Conduct

Nazareth College is responsible for providing a safe and secure workplace and strives to ensure that all individuals associated with the College are treated in a respectful and fair manner. While not intended to list all the forms of behavior that are considered unacceptable, the following are examples of conduct that may result in disciplinary action, up to and including termination:

- Any conduct reasonably deemed to be detrimental to the College interests.
- Bullying, which is unwanted, aggressive behavior that is repeated or has the potential to be repeated, over time. Bullying includes actions such as making threats, spreading rumors and excluding someone from a group on purpose.
- Continual record of poor attendance or tardiness.
- Destroying, altering, abusing, damaging or wasting property or resources of the College or the property or resources of others while on College owned or controlled premises or while on College business.
- Dishonesty or falsification of documents or records, including employment documents.
- Disruptive or harassing conduct such as the use of or threat of violence, horseplay, practical jokes, physical abuse, verbal abuse or unlawful discrimination.
- Engaging in abusive or demeaning conduct.
- Engaging in an act which results in personal, physical injury to a member of the College community.
- Engaging in violence or threatening violence, including, without limitation, a physical altercation or throwing objects.
- Filing a false complaint or charge against a fellow employee, a student, the institution, a vendor or anyone otherwise connected to the College.
- Improperly disclosing information considered confidential and private by the College.
- Insubordination, including refusal to carry out work-related instructions or tasks.
- Intentionally or repeatedly creating unsafe work incidents or engaging in unsafe work practices.
- Possessing, consuming or being under the influence of unlawful drugs while on the job or in violation of the College Drug-Free Work Environment Policy.
- Possessing weapons, firearms or explosives on College owned or controlled premises or while on College business.
- Sabotage or threats of sabotage.
- Sleeping on the job.
- Theft, wrongful conversion or unauthorized use of funds or property of the College, its faculty, staff, students or its vendors.
- Threatening or intimidating students, supervisors, other staff or faculty.
- Unsatisfactory performance.
- Violating a departmental or College work rule, policy or procedure.

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- Violating criminal law(s) on the College owned or controlled premises or while on College business.

Nothing in this section shall be interpreted or applied as limiting an employee's right to engage in protected concerted activity as provided by federal and state law.

### 3.03 Open Door Policy

Nazareth College recognizes that employees will often have suggestions for improving the workplace and may have concerns about the workplace. The best solution to a job-related problem or concern is usually reached through a discussion between employee and supervisor. Employees may also choose to engage their supervisor's supervisor or Human Resources regarding suggestions or concerns. While recognizing the College has an "Open Door Policy," not every concern can be resolved to the employee's satisfaction; however the process and outcome should have integrity consistent with the College's values. The College believes that open communication is critical to a successful work environment and all employees should feel free to raise issues of concern without fear of reprisal.

### 3.04 Whistleblower/Reporting of Wrongful Conduct

Nazareth College employees are expected to abide by state and federal laws and regulations as well as College policies in carrying out their duties and responsibilities. Nazareth College employees, including student workers, cannot be compelled by a supervisor or College official to violate the law or College policy. In the interest of the College, an individual who has knowledge of specific act(s) which he or she reasonably believes violate(s) the law or College policy has a responsibility to disclose that information.

Nazareth College has established procedures for handling a good faith report of wrongful conduct.

"Wrongful Conduct" is defined in this policy to be:

- A significant violation of applicable state and/or federal laws and regulations
- A significant violation of Nazareth College policy
- An unreported conflict of interest, as described in the College's Conflict of Interest Policy
- The use of Nazareth College property, resources or authority for personal gain or other non-College related purpose
- Improprieties which could include fraud, waste, abuse or irregular activities
- The making of a report under this policy that is not made in good faith.

#### Consequences of Wrongful Conduct

The College will review and investigate all reported complaints and allegations of Wrongful Conduct. Persons who engage in Wrongful Conduct, as defined in this policy, will be subject to the College's established corrective action procedures as outlined in the Faculty Manual, the Staff Employee Handbook or any other document to which the violator's employment is subject. Wrongful Conduct will result in appropriate corrective action, up to and including termination from employment, based upon the circumstances and severity of the action. Certain wrongful conduct may also subject individuals to civil or criminal actions in state or federal courts.

#### Reporting of Wrongful Conduct

A confidential procedure for reporting Wrongful Conduct has been implemented as part of the College's compliance with recommendations by major higher education associations including the National Association of College and University Business Officers and the Association of Governing Boards of Universities and Colleges issued after the enactment of the Sarbanes-Oxley Act.

Individuals who wish to report in good faith any concern they might have about Wrongful Conduct at the College are asked to follow the procedure outlined in the [full policy](#). Individuals who elect to report their good faith concerns can be assured that their identity as whistleblower will be treated confidentially and such action will in no way jeopardize their standing at the College or result in an adverse employment consequence.

### **NAZARETH COLLEGE CONFIDENTIAL PROCEDURE FOR REPORTING SUSPECTED WRONGFUL CONDUCT**

Any member of the Nazareth College community who has concerns about possible Wrongful Conduct should report such concerns with as much detail as possible through one of the confidential methods listed below:

Report Intake Call Center: (855) 653-7071

Web-Based Report Intake System: [www.ethicspoint.com](http://www.ethicspoint.com)

The College will not tolerate retaliation toward or harassment of, anyone who makes a good faith effort to appropriately disclose an alleged impropriety through this method. Likewise, the College will not tolerate abuse of this or any other process by any party.

To access the full whistleblower/reporting of wrongful conduct policy which includes further reporting mechanisms, click [here](#).

### **3.05 Conflict of Interest**

Staff members have an obligation to act in the best interest of the College when fulfilling their job responsibilities and other college-related business transactions. Employees shall take all necessary precautions to avoid potential or actual detriment to the interests of the College.

Staff members must disclose to their manager and Human Resources any activity that might result in a conflict of interest or commitment prior to engaging in that activity. Any existing conflict must be recognized, disclosed and removed or appropriately managed.

### **3.06 Discrimination, Including Discriminatory Harassment**

The College prohibits discrimination, harassment (including sexual harassment), intimidation, bullying, and any other type of conduct that limits another person's right to equal opportunity or otherwise denies another person equal treatment because of an individual's race (including traits historically associated with race), color, creed, national origin, ancestry, sex, gender, gender identity, gender expression, sexual orientation, age, religion, disability, medical condition, reproductive health decision making, pregnancy-related condition, genetic information or predisposing characteristic, military or veteran status, political affiliation or belief, arrest or conviction record, domestic violence victim status, marital status, familial status, or any other protected status under applicable law. Harassment includes offensive conduct and engaging in conduct that creates a work environment that a reasonable person would consider intimidating, hostile or abusive. This policy applies to actions committed by or against any employees (which throughout this document includes student employees), paid or unpaid interns, and non-employees (e.g., contractors, subcontractors, vendors, consultants or others providing services to the College).

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Please see the [College's Sexual Misconduct Policy](#) for additional information and reporting options related to complaints or concerns of sex discrimination and sexual misconduct, including those involving students.

Inquiries concerning the application of this policy prescribed by Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the New York State Labor Law, the New York State Human Rights Law, and any other laws applicable to the employment relationship may be directed to the Associate Vice President for Human Resources, Nazareth College of Rochester, 4245 East Avenue, Rochester, New York 14618-3790, (585) 389-2065, who has been named to coordinate the responsibilities under Title IX (as one of the College's Deputy Title IX Coordinators), Title VII and Section 504.

Faculty and staff (referred to as employees throughout), paid and unpaid interns, and non-employees who want further information or assistance in discussing or filing a complaint of harassment or discrimination on the basis of race (including traits historically associated with race), color, creed, national origin, ancestry, sex, gender, gender identity, gender expression, sexual orientation, age, religion, disability, medical condition, reproductive health decision making, pregnancy-related condition, genetic information or predisposing characteristic, military or veteran status, political affiliation or belief, arrest or conviction record, domestic violence victim status, marital status, familial status, or any other protected status under applicable law should contact Human Resources. Additional reporting options are included in the [College's Sexual Misconduct Policy](#).

### **Employee's or a Dependent's Reproductive Health Decision Making**

Nazareth College will not discriminate nor take any retaliatory personnel action against an employee with respect to compensation, terms, conditions, or privileges of employment because of or on the basis of the employee's or dependent's reproductive health decision making, including, but not limited to, a decision to use or access a particular drug, device or medical service. The College also will not require an employee to sign a waiver or other document which purports to deny an employee the right to make their own reproductive health care decisions, including use of a particular drug, device, or medical service. In addition, the College will not access an employee's personal information regarding the employee's or the employee's dependent's reproductive health decision making, including but not limited to, the decision to use or access a particular drug, device or medical service without the employee's prior informed affirmative written consent. The College prohibits retaliation against anyone who asserts their rights under this policy or who provides information related to the investigation of any complaint alleging a violation of this policy. Any alleged violations of this policy should be promptly reported to Human Resources. Employees may also be able to file a civil action for violations of this policy.

### **Sex Discrimination, including Sexual Harassment and Sexual Misconduct**

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and 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. All employees, paid or unpaid interns, and non-employees have a legal right to a workplace free from sexual harassment.

Prohibited conduct includes all sexually-related conduct prohibited by state or federal law and the following:



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Any unwelcome sexual advances, requests for sexual favors or other unwelcome verbal or physical conduct of a sexual nature when:

- submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, evaluation of academic work or participation in any aspect of a College's program or activity; or
- submission to or rejection of such conduct by an individual is used as the basis for decisions affecting the individual; or
- such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance, i.e., it is sufficiently serious, as to create an intimidating, hostile, humiliating, demeaning or sexually offensive working, academic, residential or social environment under both a subjective and objective standard.

The first two types of conduct described above constitute quid pro quo, or "this for that", harassment (for example: "I'll give you this if you give me that" or "Because you won't do this, I am denying you that"), and the third constitutes harassment that creates a hostile environment. A single isolated incident of sexual harassment may create a hostile environment if the incident is sufficiently severe. 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.

Sexual harassment also includes gender-based harassment, which may include acts of verbal, nonverbal or physical aggression, intimidation or hostility based on sex or sex stereotyping, even if those acts do not involve conduct of a sexual nature.

Sexual harassment:

- May be blatant and intentional and involve an overt action, a threat or reprisal, or may be subtle and indirect, with a coercive aspect that is unstated.
- Does not have to include intent to harm, be directed at a specific target or involve repeated incidents.
- May be committed by anyone, regardless of gender, age, position or authority. While there is often a power differential between two persons, perhaps due to differences in age, social, educational or employment relationships, harassment can occur in any context.
- May be committed by a stranger, an acquaintance or someone with whom the Reporting Party has an intimate or sexual relationship.
- May be committed by or against an individual or may be a result of the actions of an organization or group.
- May occur by or against an individual of any sex, gender identity, gender expression or sexual orientation.
- May occur outside of the workplace. It can occur while employees are traveling for business or at employer sponsored events or parties. 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 during non-work hours.
- May be a one-time event or can be part of a pattern of behavior.
- May be committed in the presence of others or when the parties are alone.
- May affect the Reporting Party and/or third parties who witness or observe harassment and are affected by it.

Examples of conduct that may constitute sexual harassment as defined above may include unwelcome conduct such as one or more of the following:

- Physical conduct:

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- Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body, sexual/physical assault, impeding, restraining or blocking movements
- unwanted sexual advances within the employment context
- Verbal conduct:
  - making or using derogatory comments, epithets, slurs or humor
  - verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene letters, notes or invitations
  - objectively offensive comments of a sexual nature, including sexually explicit statements, questions, jokes or anecdotes
  - yelling or name-calling
- Visual conduct:
  - leering, making sexual gestures, displaying of suggestive objects or pictures, cartoon or posters in a public space or forum
  - visual displays of suggestive, erotic or degrading sexually oriented images that are not pedagogically appropriate
- Written conduct:
  - letters, notes or electronic communications containing comments, words or images described above
- Quid pro quo ("this for that") conduct:
  - direct propositions of a sexual nature between those for whom a power imbalance or supervisory or other authority relationship exists
  - offering employment benefits in exchange for sexual favors
  - making submission to sexual advances an actual or implied condition of employment, work status, promotion, grades or letters of recommendation, including subtle pressure for sexual activity, an element of which may be repeated requests for private meetings with no academic or work purpose
  - making or threatening reprisals after a negative response to sexual advances

The [College's Sexual Misconduct Policy](#) applies to all members of the College community, including employees, students, paid and unpaid interns, and non-employees. The Sexual Misconduct Policy states: Nazareth College prohibits and will not tolerate sex discrimination and harassment, sexual harassment, sexual violence, stalking, domestic violence, dating violence, and sex- and gender-based harassment that does not involve conduct of a sexual nature, in every setting and in every program organized, sponsored, and hosted by the College. Such conduct is detrimental to the College community and the productive, harassment-free living and working environment that the College wishes to foster and maintain.

### Reporting an Incident of Harassment or Discrimination

If an employee, paid and unpaid intern or non-employee feels that he/she has experienced or witnessed an act of harassment (including sexual harassment) or other discriminatory harassment or conduct, they should immediately report such actions, complaints or concerns so that timely and constructive action can be taken.

Employees, paid and unpaid interns, and non-employees should report the matter immediately to the Associate Vice President for Human Resources, the Title IX Coordinator, any other Human Resources representative or their supervisor. It is not necessary for any employee, paid or unpaid intern or non-employee to first report the matter to his/her direct supervisor.

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Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint can be accessed by clicking [here](#), and all employees, paid or unpaid interns, and non-employees are encouraged to use this [complaint form](#). Those who are reporting sexual harassment on behalf of someone else should use the [complaint form](#) and note that it is on another individual's behalf.

All managers and supervisors 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 Associate Vice President for Human Resources, any other Human Resources representative or the Title IX Coordinator.

### **Procedures for Addressing Complaints of Sexual Assault, Domestic Violence, Dating Violence, and Stalking Involving Staff and Non-employees**

There are separate procedures for addressing complaints of sexual assault, domestic violence, dating violence, and stalking involving staff, faculty, and non-employees. [For more information regarding that policy click here.](#)

### **Non-Retaliation**

Retaliation against employees, paid and unpaid interns, and non-employees in any form, including, but not limited to acts of reprisal, interference, restraint, penalty, discrimination, intimidation or harassment, against an individual or group for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination, will not be tolerated and is a serious violation of this policy. Retaliation, like harassment or discrimination itself, is unlawful and will be subject to corrective action.

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, paid and unpaid intern or non-employee has been sexually harassed; or
- encouraged a fellow employee, paid and unpaid intern or non-employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. Acts of retaliation should be reported immediately to Human Resources and will be promptly investigated and addressed.

### **False Allegations**

False and malicious complaints of harassment, discrimination or retaliation (as opposed to complaints, which, even if erroneous, are made in good faith) are not protected under the retaliation provision and will result in appropriate corrective action.

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## The College's Response

The College will investigate any reported allegations of harassment, discrimination or retaliation in a timely manner. The investigation may include individual interviews with the parties involved and where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge. The College expects that all employees, paid and unpaid interns, and non-employees will act responsibly and truthfully during the investigation.

While the process may vary from case to case, investigations may include the following:

- Upon receipt of complaint, the investigator will conduct an immediate review of the allegations, take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. If complaint is verbal, we will encourage the individual to complete the [complaint form](#) in writing. If they refuse, the investigator may prepare a [complaint form](#) based on the verbal reporting.
- The investigator will look to obtain and preserve relevant documents, emails or phone records.
- Interview all parties involved, including any relevant witnesses;
- Create a written document of the investigation, 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).
- Keep the written documentation and associated documents in a secure and confidential location.
- Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
- Inform the individual who reported of the right to file a complaint or charge externally.

Nazareth College views complaints and allegations of discrimination as serious matters and, therefore, has clear expectations for reporting and resolving complaints. Please refer all matters concerning harassment and discrimination to the Human Resources department or the Title IX Coordinator for immediate attention, investigation and resolution. The College will respond promptly, positively, and aggressively to address discrimination, retaliation and/or harassment. Any employee, supervisor or agent of the College who has been found to have harassed, discriminated or retaliated against another employee, paid and unpaid intern or non-employee will be subjected to appropriate corrective action, up to and including immediate termination. Additional responses may include, for example, training, referrals to professionals to improve adherence to behavioral and conduct standards and/or corrective action, such as warning, reprimand, withholding a promotion or pay increase, reassignment, temporary suspension without pay or termination, as the College believes appropriate under the circumstances. Law enforcement agencies will be notified when appropriate. The College's response may also include removal of third party vendors from campus or termination of contracts with such vendors.

Vice Presidents, Deans, Department Chairs, Directors and Managers/Supervisors (all referred to as "supervisors") play a critical role in prevention and correction of discrimination. Supervisors are obligated to respond to inappropriate and/or offensive behaviors that they observe or otherwise become aware of, even if an employee does not file a complaint. All informal or formal complaints of harassment or discrimination should be reported to the Associate Vice President for Human Resources. The obligation applies even if:

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- The reporting party asks that the complaint be kept confidential
- The reporting party does not use the words “harassment” or “discrimination”
- The complaint appears to lack merit

### Additional Protections and Remedies

The College encourages individuals to report claims of alleged discrimination and harassment (including sexual harassment) so that we can investigate and respond. Nevertheless, discrimination and harassment (including sexual harassment) is unlawful under federal, state, and (where applicable) local law. In addition to the resources available internally, individuals may also contact the agencies identified below.

New York State Division of Human Rights (DHR): A complaint alleging violation of the New York State Human Rights Law may be filed either with the DHR or in NYS Supreme Court. For more information, visit: [www.dhr.ny.gov](http://www.dhr.ny.gov) or call 1-888-392-3644.

United States Equal Employment Opportunity Commission (EEOC): An individual can file a charge alleging a violation of Title VII of the Civil Rights Act of 1964 with the EEOC within 300 days from the alleged harassment or discrimination. A charge must be filed with the EEOC before a complaint can be filed in federal court. For more information, visit: [www.eeoc.gov](http://www.eeoc.gov) or call 1-800-669-4000.

Some local agencies (such as the New York City Commission on Human Rights in New York City) enforce laws protecting individuals from harassment and discrimination. For more information, visit: [NYC.gov/HumanRights](http://NYC.gov/HumanRights) or call 718-722-3131. Individuals may also contact the county, city or locality in which they work for additional information.

Legal remedies for harassment claims vary depending on the nature of the claims and the forum.

Harassment may constitute a crime if it involves things like physical touching, coerced physical confinement or coerced sex acts. In these circumstances, individuals should contact the local police department.

### 3.07 Non-Fraternization

Nazareth College wants to preserve a working environment that has clear boundaries between personal and professional relationships.

Intimate relationships between supervisors and subordinates are strictly prohibited. If a relationship does develop between a supervisor and employee in their chain of command, Human Resources should be notified immediately so that appropriate steps may be taken.

While working, employees are expected to keep all personal interactions limited and to exhibit professional conduct to avoid distracting or offending others.

### 3.08 Improper Relationship between Staff and Students

For the purposes of this policy, the terms “staff”, “student” and “consensual relationships” are defined as follows:

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Staff: anyone employed by Nazareth College as an administrator or staff member, full-time or part-time or on a temporary basis.

Student: anyone in a matriculated or non-matriculated undergraduate or graduate program at the College. Staff members taking courses at the College are not considered students for purposes of this policy.

Consensual relationships: dating and/or sexual relationships willingly undertaken by the parties.

Relationships between staff members and students are prohibited, regardless of whether the relationship is consensual or could constitute sexual harassment.

Any College staff member who violates this policy is subject to disciplinary action, up to and including termination of employment. Complaints found to have been intentionally dishonest or made in willful disregard of the truth may subject the complainant to possible discipline, up to and including termination of employment.

Allegations of inappropriate College staff/student relationships should be reported to the Associate Vice President for Human Resources.

### 3.09 Employment of Relatives (Nepotism)

Members of immediate families and other relatives of Nazareth College employees may be employed in any department within the College. However, related persons shall not be employed in a situation where one relative exercises either direct or indirect supervision over the other, including student employment. If such a supervisory relationship is deemed a distinct advantage to the College, a request to employ the individual in question must be made in writing to the appropriate Vice President and approved in writing by the Associate Vice President for Human Resources.

Relationship by family or marriage will not be an advantage or a deterrent to appointment and promotion by the College. There will be no discrimination or favoritism based on relationship by family or marriage in salary, wages, hours or any other conditions of employment. For the purposes of this policy, a relative is any person who is related by blood or marriage or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

### 3.10 Violence in the Workplace

The College is committed to providing students, faculty, staff and visitors a safe environment. Accordingly, the College prohibits acts of violence or threats of violence on campus or while an employee is engaged in College business. This prohibition extends to persons conducting business with or visiting the College.

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

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

Employee involvement is essential to preventing acts or threats of violence on campus. Each employee is responsible for immediately reporting to his or her supervisor or department head, Campus Safety or Human

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Resources any such act or threat. The College will ensure that all reports of workplace violence are treated confidentially to the maximum extent possible.

Anyone who experiences, observes or otherwise knows of an imminent act or threat of violence should immediately call the Campus Safety Department. A Campus Safety Officer can be reached by dialing 585-389-2850 or extension 3333 for emergencies.

### Investigations

The College will promptly and thoroughly investigate all threats or acts of violence in the workplace.

### Retaliation

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

### Weapons

Possessing or storing firearms, explosives or other weapons on the College owned or controlled premises or while on College business is strictly prohibited.

### Sanctions

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

## 3.11 Protection of Minors

Nazareth College maintains programs on- and off-campus that involve and benefit minors of various ages. A minor is defined as any person under 18 years of age (17 years old or younger), including any Nazareth College student under 18 years of age. Programs include, but are not limited to, any program, activity, event or other opportunity designed primarily to serve minors that is:

- Sponsored by Nazareth College, regardless of whether it is held on or off campus;
- Sponsored by a Third Party in Nazareth Facilities; or
- Sponsored by a Third Party at an off campus location where Nazareth Adults engage through their College roles.

Examples of programs include: camps, laboratory experience or internship, clubs, workshops, projects, lessons, team, practices, or tours. This policy applies to all departments, units and areas of the College, and all administrators, faculty, staff, volunteers, enrolled students, interns, employees of temporary employment agencies, and independent contractors/consultants who work on campus or in connection with any event, program, activity or project sponsored or offered by the College.

Anyone that works with minors is required to abide by the rules of conduct, forms, reporting procedures, training and background check requirements as outlined in the full [Protection of Minors policy](#).

## SECTION 4.0 – BENEFITS

Nazareth College provides a comprehensive benefits package for employees. This section of the Staff Employee Handbook is intended as a general overview of the College's employee benefits program. Actual benefits are subject to the terms of the insurance policies, plans and/or applicable laws, and in the event that any information in this handbook conflicts with those terms, the terms of the insurance policies, plans, and/or applicable laws will control. Employees should consult the Summary Plan Description and/or booklets provided by each insurance carrier as to the specific conditions and benefits of each plan. The College expressly reserves the right to change or terminate any or all non-statutory benefits, at any time, for any reason, at its sole discretion.

Additional information concerning the various benefits outlined in this section is available through the Human Resources Department's web pages:

<https://www2.naz.edu/human-resources/employee-benefits/>

### 4.01 Eligibility

Nazareth College provides full-time benefit-eligible employees (minimum of thirty-two (32) hours per week/ thirty-two (32) weeks per year; reference policy 2.08), their eligible spouse/dependent child(ren) access to medical, dental, vision, and life insurance, as well as other benefits.

The College also recognizes the same or opposite sex domestic partners of its (non-student) employees who meet established eligibility requirements as spousal equivalents for certain benefits to the extent permitted by law. Employees and their domestic partner must certify their relationship by completing an Affidavit of Domestic Partnership.

Eligibility for benefits generally begins the first of the month following hire date or transfer date to a full-time position unless otherwise noted in the applicable policy, plan document or summary plan description. A non-benefit eligible staff employee who transfers to a benefit eligible classification will begin accruing benefits based on their transfer date to the eligible class, not based on their original date of employment, even if they have worked for the College in an ineligible classification longer than the proscribed waiting period. Additionally, an employee who transfers from a benefit eligible classification to a classification that does not afford a particular benefit will have their transfer date used to determine their future benefits eligibility.

Temporary employees are not eligible to participate in any of the regular employee benefits programs; exceptions may be made for participation in retirement program when previous eligibility has been met.

### 4.02 NazFlex – Flexible Benefit Program

The College offers a flexible, pre-tax benefits program, which includes a monthly benefit credit to use towards purchasing eligible benefits, called NazFlex to full-time employees. Employees may select from a variety of benefit options at hire, after a qualifying event and annually each year during open enrollment; changes made during open enrollment become effective on January 1.

Per Internal Revenue Service (IRS) guidelines, employees may not change benefits other than at open enrollment, unless an employee experiences a *qualifying event* (QE) such as a marriage, divorce, birth or adoption of a child, death of a dependent or significant change in his/her employment or that of a



spouse. Employees may elect a change in their benefit coverage within thirty (30) days of experiencing a qualifying event. Contact Human Resources for information regarding what constitutes a qualifying event, what benefits may or may not be changed and instructions.

### **4.03 Medical Insurance**

Eligible employees can obtain medical insurance coverage for themselves and eligible dependent(s) through the College's group medical insurance plans. The College contributes toward the monthly premium cost for employees who elect group medical insurance through the institution.

### **4.04 Dental and Vision Insurance**

The College offers dental and vision programs for eligible employees and dependent(s). Employees are responsible for the full monthly premium cost for these benefits.

### **4.05 Flexible Spending Accounts (FSAs)**

FSA accounts (medical and dependent care) enable employees to pay for eligible out-of-pocket medical expenses and/or qualified dependent care expenses with pre-tax dollars. Per IRS guidelines, unused FSA dollars are forfeited at calendar year-end. Both the Health Care and Dependent Care FSA's have a monthly administration fee. The College and the employee split the fee; the amount paid by the employee is deducted through payroll.

### **4.06 Health Savings Account (HSA)**

Eligible employees with high-deductible medical plans can enroll in an HSA account to make pre-tax contributions to a personal health savings account. Eligible employees have the option to set up an account with any financial institution, however, the College offers the option to make pre-tax contributions directly to our designated HSA provider through payroll deduction. With this option, the monthly administrative fee is automatically deducted from the employee's account.

### **4.07 Group Term Life Insurance**

The College provides group term life insurance coverage for eligible employees in the amount of \$25,000 at no cost to the employee. Supplemental group term life coverage, subject to medical evidence of insurability, may be purchased and paid for by the employee post-tax. Total coverage is limited to seven (7) times annual salary up to \$500,000. Both basic and supplemental coverage include accidental death and dismemberment coverage. Dependent life insurance for a spouse or dependent child(ren) is also available. Conversion to a personal policy is possible at the time of retirement or termination at which time the full cost is assumed by the individual insured.

### 4.08 Cancer Financial Protection

The Cancer Financial Protection Plan is a voluntary plan, paid for by the employee, designed to supplement existing medical benefits. Enrollment is subject to approval by the insurer.

### 4.09 Short-Term Disability

The College provides short-term disability coverage consistent with the requirements of New York State Disability Benefits Law (DBL) providing financial protection to employees who become temporarily disabled due to a non-work-related injury or illness.

All staff members who have worked for at least four (4) consecutive weeks are insured against total loss of wages because of short-term disability under the DBL. To receive benefits under short-term disability, a staff member must report to Human Resources any situation in which a medical-related absence is expected to extend beyond seven (7) days. The first seven (7) days or five (5) working days, of disability are not covered by DBL benefits. During this waiting period, the individual may use accumulated sick leave to provide continuing income. Provided an application for benefits has been approved, disability payments will begin on the eighth day. Short-term disability insurance provides payments of 50% of the disabled individual's weekly wage up to a maximum of \$170 per week. Employees are required to use accrued, unused sick time to supplement NYS disability benefits. If applicable, receipt of disability benefits will run concurrent with Family Medical Leave Act (FMLA) leave.

### 4.10 Long-Term Disability

The College provides a long-term disability plan with a core College-paid benefit of 50% of monthly salary up to \$6,000 per month, to all full-time eligible employees after one year of full-time employment. Eligible employees may buy-up to 70% at their own expense. Employees not able to return to work are eligible to apply for long-term disability income replacement after having exhausted the twenty-six (26) week short-term disability period.

Employees with one year of full-time service working at least thirty-two (32) hours per week and at least thirty-two (32) weeks per year are eligible. Coverage begins on the one-year anniversary of the eligible employee's hire date or transfer to a benefit-eligible class. If applicable, receipt of long-term disability benefits will run concurrent with Family Medical Leave Act (FMLA) leave.

### 4.11 Retirement Plans

The College offers opportunities to contribute earnings on a tax-deferred basis up to federal annual contribution limits for retirement savings through its 403(b) Plans.

#### Defined Contribution Plan

Employees who meet service eligibility requirements and make the required elective deferral of eligible compensation receive matching contributions from the College (Employer Contributions) based on years of eligible service.

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### Tax-Deferred Annuity Plan

All eligible employees (excluding temporary and student employees) may make contributions subject to plan rules and regulatory limits.

Extensive details including eligibility, plan limits, tax implications and investment options are described on the web pages and through the College's third-party retirement plan administrator.

[Click here for more information about Nazareth's retirement plans.](#)

### **4.12 Tuition Benefits**

Nazareth College offers tuition remission benefits to full-time and part-time staff members, and their legal dependents. The College also offers undergraduate tuition waiver benefits through a partnership with St. John Fisher College.

In addition, Nazareth participates in the Tuition Exchange (TE) program, a cooperative arrangement among more than 600 colleges and universities to make tuition scholarships available to selected dependent children of eligible employees.

All employees applying for tuition benefits (remission and exchange) for themselves and/or for their eligible dependent(s) must complete a FAFSA form.

Please refer to the Human Resources department web pages for information on tuition benefits, waiting periods and restrictions.

[Click here for more information about Nazareth's tuition waiver policy.](#)

[Click here for more information about Tuition Exchange \(TE\).](#)

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

The College provides a confidential Employee Assistance Program for all employees through an outside organization. Some of the issues the EAP can assist with include emotional problems, stress management, family conflict, substance abuse, compulsive gambling, grief counseling, career concerns and assistance navigating the legal system. [Click here for more information about the EAP program.](#)

### **4.14 Workers' Compensation**

Workers' Compensation insurance provides benefits for work-related injuries or illnesses. Under the New York State Workers' Compensation Law, all staff members are covered by insurance that provides benefits for illness or injury incurred in the course of or arising directly out of their employment. The College pays the entire cost of this coverage.

If disability from a job-related illness or injury continues for seven (7) days, the disabled individual becomes eligible to receive payments of two-thirds of his or her regular weekly wages up to the current maximum as designated by State law. If the disability continues for more than fourteen (14) days, payments are also made to cover the first seven (7) days of disability. Payments continue as long as the individual remains disabled, in the judgment of a licensed physician.

To avoid possible loss of benefits, staff members should report all job-related illnesses or injuries to their supervisor immediately and to Campus Safety (ext. 3333 or 585-389-2850) to file a required incident report. The employee or other individuals are responsible for completing an Accident Report Form within twenty-four (24) hours. Human Resources should also be notified promptly, whether or not the situation involves the loss of working time or requires medical attention. If applicable, receipt of Workers' Compensation benefits will run concurrent with any disability leave and/or Family Medical Leave Act (FMLA) leave.

### 4.15 Travel Accident Insurance

In addition to other benefit coverages, all full-time employees are insured through the College in the case of accidental death while on business-related travel. Bodily injury is insured on a pre-determined schedule.

### 4.16 Health Insurance Portability and Accountability Act (HIPAA)

The College provides benefits through group medical plans (including the medical flexible spending account) to its eligible employees and their eligible dependents. In so doing, it can create, receive, use and maintain health information about plan participants which is protected by federal law (protected health information or PHI).

The Health Insurance Portability and Accountability Act (HIPAA) requires medical plans to provide plan participants and others with a notice of the plan's privacy practices with regard to the medical information it creates and maintains in the course of providing benefits (Notice of Privacy Practices). This Notice of Privacy Practices describes the way the plan uses and discloses PHI and is available from the Human Resources Department. [Click here to review the notice.](#)

### 4.17 Continuation Coverage Rights under COBRA

The Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) regulates rights to continuation of certain benefits coverages for covered employees and other covered dependents when group medical, dental, vision and/or medical FSA coverage would otherwise end. For more information about employee COBRA rights and obligations, review the [Summary Plan Description](#) or contact Human Resources.

## SECTION 5.0 – TIME AWAY FROM WORK

### 5.01 Lunch and Rest Periods

#### Lunch/ Meal Periods

All employees will be provided and are required to take a minimum 30-minute uninterrupted meal break for shifts of six (6) hours or longer in accordance with New York State law. Meal breaks are unpaid at the College. If a non-exempt staff member's meal period is missed or significantly interrupted due to work load or emergency, the employee will record the time as hours worked and will be paid accordingly.

#### Breaks

Breaks are not guaranteed and cannot be accumulated to reduce a work day. Supervisors may allow non-exempt employees up to two (2) paid breaks per workday. Break time begins when an employee leaves their work station and should not exceed fifteen (15) minutes. Excessive break time may lead to corrective action, up to and including termination of employment.

### 5.02 Vacation

The College provides annual vacation time with pay to full-year staff employees, which may be used after successful completion of the new hire introductory period. Vacation accruals are based on position classification, work schedule and length of service. Requests to use accrued vacation time are to be made with as much advance notice as possible and approved in advance by the employee's supervisor. The supervisor has the right to deny the time off request if the employee's absence will interfere with or adversely impact departmental operations.

Vacation days accrue on the last day of each month from September through June, providing employees are employed for the entire month and work every work day that month or are on an approved paid leave of absence (including sick leave/disability) of fewer than thirty (30) days. Vacation will not accrue during any unpaid portion of a leave of absence. New employees begin accruing vacation their first full calendar month of employment.

Vacation days are available to be used only as earned. Vacation days in excess of one year's accrual that are not used by August 31 will be forfeited. An employee's usable bank as of September 1 will not exceed one year's accrual. There will be no extensions beyond that date, and cash will not be paid in lieu of vacation usage.

When an employee transitions from part-time status to full-time status, from a partial (academic) year to full-(calendar) year schedule or vice versa, the transfer date will be used for computing vacation accrual eligibility rate, providing there has not been a break in service for more than three (3) months.

In the event that a day designated as a holiday falls on a regularly scheduled workday during the period an employee is on authorized vacation, the employee shall record that day as a holiday and not as vacation.

Vacation is earned as follows:

# Nazareth College Staff Employee Handbook

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## Exempt Staff (Full-Time)

Deans, vice presidents and associate/assistant vice presidents who work full-time, 52 weeks per year accrue vacation days at the rate of two (2) days per month up to a maximum of twenty (20) days per year.

All other exempt staff who work full-time, 52 weeks per year accrue vacation days at the rate of one and one-half (1½) days per month up to a maximum of fifteen (15) days per year. After five (5) years of employment, this rate is increased to two (2) days a month, up to a maximum of twenty (20) days per year.

## Non-Exempt Staff (Full-Time)

Full-time non-exempt staff who work 52 weeks per year accrue vacation at the rate of one (1) day per month up to a maximum of ten (10) days per year. After five (5) years of employment, this rate is increased to one and one-half (1½) days a month, up to a maximum of fifteen (15) days per year. After fifteen (15) years of employment, the rate is increased to two (2) days per month, up to a maximum of twenty (20) days per year.

## Part-Time Staff

Part-time (full-year) employee vacation days are pro-rated based on the employee's normal scheduled weekly hours.

## Academic Year Employees

Academic year employees do not accrue vacation benefits.

## Vacation Accrual after Rehire

Original date of hire will be used to calculate vacation accrual for employees who terminate and are rehired within ninety (90) calendar days of termination date. The rehire date will be used to calculate vacation accrual for a break in service greater than ninety (90) calendar days.

## **5.03 Sick Leave**

In case of missed work due to illness, employees are required to inform their supervisor before the time scheduled to report for work. The College reserves the right to require a doctor's excuse prior to returning to work. All employees are required to contact the Human Resources Department as soon as possible prior to a planned absence due to surgery or incapacity of more than five (5) consecutive work days in order to obtain information on sick pay and benefit continuation. Employees will be required to complete the New York State Disability process establishing the period of disability, and other forms as necessary. Supervisors must immediately inform Human Resources if an employee is out for more than five (5) consecutive work days.

### Exempt Staff

The College provides up to thirty (30) days of sick leave after completion of the introductory period.

On January 1 of each subsequent year, up to thirty (30) new sick days become available. Sick leave is cumulative; leave that is not used in one year may be carried over to the next year. The maximum sick leave accrual is sixty (60) days.

### Non-Exempt Staff

The College provides up to ten (10) days of sick leave after completion of the introductory period.

## Nazareth College Staff Employee Handbook

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On January 1 of each subsequent year, ten (10) new sick days become available. Sick leave is cumulative; leave that is not used in one year may be carried over to the next year. The maximum sick leave accrual is sixty (60) days.

The number of sick days is pro-rated depending on the hire date and work schedule.

Sick leave benefits will be renewed each January 1, provided the employee has not been absent due to illness for more than seven (7) consecutive calendar days during December through the first work day following the holiday break. If on the first scheduled work day in January an employee has been absent for more than seven (7) consecutive calendar days due to illness, the employee will not become eligible for additional sick leave until the employee has returned to a normal work schedule and has worked thirty (30) calendar days without an absence.

There is no payment at termination for unused sick leave nor can any unused sick leave be converted to cash, time off or vacation time. Employees who leave Nazareth College and subsequently are rehired and begin working within ninety (90) days of their leave date will have their accrued sick time reinstated (pro-rated as applicable).

### **Family Sick Leave**

Employees may use up to three (3) days of their annual sick leave allowance to care for a sick child(ren), step-child(ren) who reside in employee household, spouse, eligible domestic partner, mother, father, mother-in-law or father-in-law. When possible, approval for a family sick leave absence should be made in advance with the supervisor.

## **5.04 Personal Days**

### Full- and Part-time Full-Year Employees

The equivalent of two (2) personal days are granted on July 1 to full- and part-time, full-year employees. Personal days must be used by June 30 of the following year or those days will be forfeited. Employees hired after July 1 will not receive personal days until the following July 1. Personal days may not be used until completion of the introductory period. Personal days are not paid out upon termination of employment.

### Academic Year Employees

Academic year employees are not eligible for personal days.

## **5.05 Holiday Observances**

A list of College-designated holidays is published each spring by Human Resources. Full-time and part-time employees will be compensated for each College holiday that falls on their regularly workday(s). Employees receive holiday pay according to their normal scheduled work hours, not to exceed eight (8) hours per holiday.

The College may decide, without setting precedent for future years, to be closed between Christmas and New Year's for December holiday break. If the December holiday break is granted, academic year employees are not eligible for holiday pay.

## Nazareth College Staff Employee Handbook

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When a regularly scheduled holiday occurs on a Sunday, most likely the holiday will be observed on the following Monday. If the holiday occurs on a Saturday, the preceding Friday will generally be considered a holiday.

**IMPORTANT:** To qualify for holiday pay, an employee must work the regularly scheduled workday before and the regularly scheduled workday after the observed holiday, unless the employee is on pre-approved vacation. An exception to this eligibility requirement may be made and holiday pay granted if an employee is absent on either the regularly scheduled workday before or after the observed holiday because of an illness or injury or some other valid and substantiated reason (as determined in the College's sole discretion). The College may require a doctor's statement to support the illness or injury or other documentation, as applicable. Unpaid days voluntarily taken the regularly scheduled workday before or the regularly scheduled workday after a holiday are not considered vacation time, and as such would not qualify as an exception. Holiday pay is not extended to employees on a leave of absence (including paid family leave) or on short term disability leave.

Each department head is responsible for maintaining a holiday work schedule in his/her department. At times, it may be necessary to keep certain College offices open during holidays, such as the Library or the Campus Safety Department.

In addition to receiving regular holiday pay at straight time, eligible non-exempt staff who work on a college-designated holiday will receive an additional one and one-half times pay for hours actually worked on that holiday.

Vacation and personal days are not allowed to be used in addition to holiday pay.

### 5.06 Religious Observances

All employees who desire time off for a religious holiday which does not coincide with a College-wide holiday observance date should discuss this with their supervisor. The College is committed to accommodating employees' religious observances and will do so unless the accommodation would pose an undue hardship. Time off in observance of these holiday(s) is to be charged to vacation, personal days or time off without pay. Any questions concerning this policy should be referred to the Human Resources Department.

### 5.07 Family Medical Leave of Absence

The Family Medical Leave Act (FMLA) requires covered employers to provide up to twelve (12) weeks of unpaid, job-protected leave to eligible employees for certain reasons, as outlined below. Employees are eligible if they have worked for Nazareth College for at least one year and for at least 1,250 hours over the previous twelve (12) months. Leaves of absence or receipt of benefits for disability, Workers' Compensation or similar leaves will run concurrently with FMLA leave to the maximum extent permitted by law.

Reasons for Taking Leave:

- for incapacity due to pregnancy, prenatal medical care or child birth;
- for a serious health condition that makes the employee unable to perform his/her job;
- to care for the employee's child after birth or placement for adoption or foster care;
- to care for the employee's spouse, son or daughter or parent, who has a serious health condition;



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- to care of a covered service member with serious injury or illness (up to 26 weeks for this type of leave); or
- for qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child or parent.

FMLA leave is normally unpaid leave. However, the College will require that unpaid FMLA leave be taken concurrently with paid leaves that may be available to employees under any other College policies or practices. All other College policies or practices with regard to paid leaves, whether fully or partially paid, are hereby amended to the extent necessary to make them consistent with these rules.

If an employee is eligible to take more than one kind of paid leave under the same circumstance as unpaid FMLA leave (for example, vacation and personal days), the paid leaves must be used one at a time. The employee must use at least one available paid leave, for so long as at least one of them is still available, at all times while out on an otherwise unpaid FMLA leave.

Employees receiving workers' compensation or disability benefits may elect to use accrued sick days to supplement pay while on FMLA leave.

These rules apply regardless of whether the employee requests FMLA leave or available paid leave. In either case, the leaves must be taken concurrently in accordance with these rules and applicable law.

The College's full FMLA policy outlining the eligibility requirements, leave parameters, required advance notice, medical certification, employment and benefits protection is available on the Human Resources web page or by clicking [here](#).

Any questions regarding FMLA leave should be referred to Human Resources.

### 5.08 Military Leave

Nazareth complies with the provisions of the Uniformed Services Employment and Re-employment Rights Act of 1994 (USERRA), with regard to benefits and re-employment rights and non-discrimination. Benefits, except those required by law and salary difference, do not apply to those who enlist for the first time.

Nazareth College staff will be granted rights provided to employees on other types of leaves of absence, subject to carrier approval and individual contract specifications.

Employment seniority accrues during Military Leave as required by law. Employees will be granted seniority and seniority-based benefits they would have attained if continuously employed by the College, consistent with applicable law.

### 5.09 Bereavement

In the case of absence due to a death in the immediate family (spouse, eligible domestic partner, child, step-child, dependent child/step-child of an eligible domestic partner, mother, father, stepparent, mother-in-law, father-in-law, brother or sister), employees are allowed up to four (4) working days off with pay. Three (3) working days are allowed for the death of a grandchild, grandparent, brother-in-law or sister-in-law. One (1) day will be allowed for the death of a niece, nephew, aunt or uncle. Employees may

use vacation or personal days to attend services for others provided the immediate supervisor is informed in advance and approves of the absence.

### 5.10 Jury Duty

Upon receipt of a jury duty summons, the employee should immediately provide a copy of the summons to his/her supervisor and the Payroll Department. Employees will receive regular pay from the College while serving on jury duty for up to six (6) weeks of pay. Employees must submit the jury pay voucher to their supervisor which indicates the time served for jury duty to support the absence. Employees should return to work if the jury duty is less than a full day. Monies paid to the employee for mileage and parking need not be reimbursed to the College. The College will not reimburse the employee for meals, mileage, parking or any other costs associated with serving as a juror. Jury duty pay is not counted as hours worked for overtime calculations.

### 5.11 Time Off to Vote

The College encourages employees to exercise their privilege to vote. If an employee is unable to vote prior to work, after work or during their lunch break, a registered voter may take up to three (3) hours off from work, with pay, to vote if there is not sufficient time to do so outside of working hours. Time off is allowed only at the beginning or end of the employee's shift, unless otherwise mutually agreed upon. Additional time off, without pay, is also allowed if the time is required to enable the employee to vote. An employee is deemed to have sufficient time to vote if the polls are open at least four (4) consecutive hours before or after the employee's shift. Employees must notify their supervisor of the need for time off to vote no less than two (2) working days before Election Day.

### 5.12 Blood Donation Leave

In compliance with New York State law, the College provides eligible employees with three (3) hours of unpaid leave per calendar year for the purpose of donating blood off-campus. Time taken, including recovery time, to donate blood in connection with a blood drive on campus is paid time. Employees who wish to utilize blood donation leave must provide three (3) days' notice to their supervisor prior to the donation date.

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

### 5.13 Bone Marrow Leave

An employee who works an average of twenty (20) or more hours per week is eligible for up to twenty-four (24) hours of unpaid leave to seek or undergo a medical procedure to donate bone marrow. The College may require verification by a physician for the purpose and length of each leave requested by the employee to donate bone marrow. Please contact Human Resources for details.

### 5.14 Nursing Mothers

The College provides reasonable unpaid break time or will permit an employee to use paid break time or meal time each day to allow the employee to express breast milk for the nursing child for up to three (3) years following the birth.

Nazareth College has a dedicated lactation rooms that is fully compliant with New York State Labor Law guidelines. Nursing mothers should contact Human Resources for room access.

An employee who needs to express milk should talk with their supervisor regarding the break schedule.

The College does not discriminate in any way against employees who choose to express breast milk in accordance with this policy.

### 5.15 Leave of Absence without Pay

Employees may request unpaid leave for reasons other than what may be considered a qualifying leave under FMLA. The employee must submit a request jointly to Human Resources and their supervisor for consideration. A request for leave without pay will be granted only where the serious needs of the employee are sufficient to offset the costs and administrative burden to the College. Each request will be decided on its own merits. Each decision, including the status of benefit payments and length of service credit during the leave, will be based on the employee's position, length of service, employment record, plus the reason for and the duration of the leave.

When possible and depending on the length and timing of the leave, the College will make a reasonable attempt (without guarantee) to reinstate the employee to his/her former position and department upon their return. Requests for extension of the initial leave period may be approved at the sole discretion of the College. Employees who do not return from an approved leave of absence by the end of the stipulated leave period will have been deemed to have voluntarily resigned their position at the College.

### 5.16 NYS Paid Family Leave

The New York State (NYS) Paid Family Leave (PFL) Benefit Law provides eligible employees with partially paid, job protected family leave benefits when they are unable to work due to a qualifying event.

#### Employee Eligibility

##### *Full-Time Staff*

Employees who work a regular schedule of 20 or more hours per week are eligible after 26 consecutive weeks of employment at Nazareth.

##### *Part-Time Staff*

Employees who work a regular schedule of less than 20 hours per week are eligible after working for Nazareth for 175 days within a rolling 52-week period.

Depending on work schedule, some employees may have the opportunity to waive PFL coverage. Please see Human Resources for more information about this option.

#### Qualifying Events for PFL

- To bond with a newly born, foster or adopted child in the first twelve (12) months after birth or placement.

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- To care for a relative with a serious health condition (including physical care and emotional support). A serious health condition may include an illness, injury, impairment or physical or mental condition that involves inpatient care in a hospital, hospice or residential health care facility or continuing treatment under supervision of a health care provider.
  - Relatives for whom leave may be taken to provide care include a spouse, domestic partner, child, grandchild, parent, parent-in-law, stepparent, grandparent, legal guardian or other person with whom an employee has a loco parentis relationship.
- For a qualifying exigency arising from the active duty (or impending call or order to active duty) of a spouse, domestic partner, child or parent in the armed forces of the United States.

College policy allows only one employee at a time to receive PFL to bond with the same child or to care for the same family member.

### Advance Notice Requirement and Process for Applying for Leave

An employee must provide notice, apply for, and be approved in order to receive PFL. Employees must provide the College with 30 days advance notice of a foreseeable leave, or if the leave is not foreseeable, the employee must provide advance notice as soon as practicable. Notice should be given to Human Resources.

After providing notice, employees must complete required application paperwork, obtain supporting documentation, and submit required claim forms and supporting documentation to the College's insurance carrier. An employee's claim for PFL will be paid or denied within 18 days of receipt of the completed claim.

Claim forms are available from the College's insurance carrier or at [ny.gov/paidfamilyleave](http://ny.gov/paidfamilyleave).

Failure to provide required notice or complete required paperwork regarding your leave may result in the delay or denial of your request for PFL.

### Employee Payroll Deductions

The PFL benefit is funded by employee payroll contributions that are set each year by the NYS Superintendent of Financial Services. The College will withhold employee contributions in accordance with the law.

### PFL Rights and Benefits

Employees taking PFL have a right to return to their same or comparable job upon return from leave. Health and welfare benefits will be continued during PFL on the same terms as when an employee is actively at work. Employees on PFL are still responsible to pay employee premiums for plans elected, and the failure to pay the required premiums may result in the termination of coverage.

PFL benefits are payable for the first day of an eligible absence with no waiting period. PFL can only be taken in full-day increments.

The College will not discriminate or retaliate against employees for taking or requesting PFL.

## Use of Paid Time Off During PFL

An employee may supplement PFL with any unused vacation, family sick leave or personal time in order to receive full pay during their leave. Employees cannot use their own sick leave bank to supplement PFL. Employees must designate if they want to supplement their pay at the onset of their PFL.

## Relationship Between PFL and Other Types of Leave

### *NYS Disability Benefit Leave (NYSDBL)/Short-Term Disability benefits*

- PFL leave may not be taken for an employee's own illness/disability.
- Employees cannot receive PFL benefits and NYSDBL benefits at the same time.
- An employee may not take more than 26 combined weeks of short-term disability and Paid Family Leave within a 52-week period.

### *Family Medical Leave Act (FMLA)*

- PFL can be taken by employees who are eligible for time off under a provision of the FMLA.
- PFL will run concurrently with designated FMLA leave when the reason for leave qualifies under both PFL and FMLA.
- Eligible employees must apply for both PFL and FMLA for qualifying events covered by both laws.
- Any period of approved PFL will run concurrently with any other applicable period of leave, including FMLA leave, to the maximum extent permitted by law.

### *Workers' Compensation*

- PFL leave may not be taken for an employee's own illness/injury.
- Employees who qualify for Workers' Compensation Benefits are not eligible to receive PFL benefits at the same time.

## Other Information

Additional information regarding PFL can be found: <https://www.naz.edu/human-resources/employee-benefits/away-work-programs/>

Any questions regarding PFL should be referred to Human Resources.

## SECTION 6.0 – TIME KEEPING & PAY PRACTICES

### 6.01 Mandated Withholdings

The College is required to deduct federal and state withholdings, Social Security (FICA) and Medicare taxes from an employee's wages in accordance with Federal and State law and the employee's withholding forms. Additionally, .5% of gross wages per pay period (up to a maximum of \$1.20 biweekly) is deducted from each employee's pay for New York State Disability Insurance.

### 6.02 Direct Deposit

All employees are paid on a biweekly basis. Employees are encouraged to have pay directly deposited into checking or savings accounts on the scheduled pay day. With electronic payroll processing, the College can make the direct deposit to any domestic financial institution that accepts ACH transactions such as a credit union, bank, etc. Employees can sign up for direct deposit through Naznet using the "Direct Deposit Bank Info" link. This process can be started, changed or stopped any time.

### 6.03 Timekeeping

All non-exempt staff members are required to record all hours worked in the NazNet Time and Attendance system. The electronic time card should also include any time off taken (such as paid time off, jury duty, unpaid time, etc.). Falsification of a time card may result in corrective action. Under no circumstances may an employee complete a time card for another employee. Electronic time cards must be entered and electronically signed by the employee by the Monday before pay day, and approved electronically by the employee's supervisor no later than 3 p.m. on the Monday before pay day.

### 6.04 Garnishments

A garnishment of wages is a court order requiring the College to pay an agency or the court a portion of the employee's wages to repay indebtedness and will be honored in accordance with the law.

### 6.05 Error in Pay

Employees should report any errors in pay, including any improper deduction from pay, to Human Resources for investigation and resolution. If an error has occurred, it will be promptly corrected. The College complies with all applicable wage and hour laws, including the Fair Labor Standards Act. The College does not willfully make any improper deductions.

### 6.06 Overtime

Non-exempt staff employees are paid time and one-half their regular hourly rate for all hours worked in excess of forty (40) in one workweek and as otherwise required by state and federal law. All hours worked over the regularly scheduled workweek, as well as overtime work, must be approved in advance by the employee's supervisor.

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Overtime pay is calculated only on actual hours worked. Time off that is taken for vacation, personal and sick or time paid when the college is closed are not included within the definition of “hours worked” as it applies to the calculation of overtime.

Exempt employees are expected to work as much of each workday as necessary to complete their job responsibilities. No overtime or additional compensation is provided to exempt employees as a normal course of business.

### 6.07 Call-in Pay

If a non-exempt employee is called in to work the same day on a day not scheduled to work, the employee will be paid for a minimum of four (4) hours pay at the employee’s regular hourly rate.

### 6.08 On-Call Pay

Non-exempt staff on-call must be readily available to come to Nazareth within approximately thirty (30) minutes of the request. Staff called to work while on-call will be paid their regular rate of pay for actual hours worked.

### 6.09 Travel/Expense Reimbursement

Employees will be reimbursed for pre-authorized expenses, such as: college-related travel mileage, hotel expenses, meals, airfare or other business expenses incurred on behalf of Nazareth College.

The employee must complete a travel/expense reimbursement form, attach any receipts, obtain necessary approval and submit it to Accounts Payable for reimbursement. [Click here for detailed information about the College’s travel and expense policy.](#)

## SECTION 7.0 – OTHER WORK RELATED POLICIES AND PROCEDURES

### 7.01 Dress Code

Nazareth College follows a business casual standard of dress and expects its employees to be professionally and appropriately attired at all times while performing their college work responsibilities. Some employees, in some positions, because of the nature of their responsibilities may be required to dress more formally on a regular basis and to adhere to a more formal standard of workplace dress than other Nazareth employees. Examples of business casual attire include khakis, dress slacks, blouses, sweaters, polo shirts, collared shirts, etc. Examples of inappropriate attire include t-shirts, halter tops, flip-flops, shorts, sweatshirts, sweatpants, and sneakers (except for Athletics, of course). Jeans, in good condition, are permitted only when performing certain tasks or on specific days as directed by the College or your department head (e.g., Dress Down for United Way, Battle of the Beaks, moving days, etc.).

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

### 7.02 Attendance and Punctuality

As part of the employee's essential job function, the College expects employees to report to work on a reliable and punctual basis. Absenteeism, early departures from work and late arrivals burden fellow employees and the College. If employees cannot avoid being late to work or are unable to work as scheduled, they must notify their direct supervisor as soon as possible providing a reason or explanation including the expected duration of any absence.

Supervisors must consult with the Human Resources Department before taking action in cases involving absenteeism. Employees who fail to report for work without any notification to the supervisor for three (3) or more consecutive days, approved disability/FMLA absences notwithstanding, may be considered to have resigned their position.

### 7.03 Operation of Vehicles for College Business

College vehicles must only be used in work-related activities and may not be used for personal business or activities without the approval of management. In accordance with New York State law, smoking is not allowed in College-owned vehicles. In some instances, employees may be required to drive their own personal vehicle for the purposes of conducting College business.

Employees driving on College business must obey all traffic laws including laws pertaining to communication devices. Employees may not text message or send e-mail while driving on College business.

Employees who are charged with traffic violations while driving on College business will be solely responsible for all liabilities that result from such actions and could be subject to disciplinary action, up to and including termination.

All vehicles (owned, leased or rented) must be operated in a safe and responsible manner. All vehicle operators must possess a valid state driver's license and insurance. Only approved drivers shall operate any Nazareth College owned or rented vehicle. The use of College vehicles is limited to authorized



employees. It is the responsibility of every employee operating a College vehicle or operating their own vehicle for College business, to drive safely and obey all traffic, vehicle safety and parking laws or regulations.

### **7.04 Use of College Equipment**

During the course of employment, employees may have the use of College owned equipment, such as offices, desks, chairs, computers, computer software, telephones, fax machines, copy machines, email, Internet access, network accounts, etc. Employees should not have an expectation of privacy in connection with College equipment and property. Employees should use College equipment in a careful, professional manner for work-related purposes. Inappropriate, careless, wrongful or improper use of the College equipment, materials or assets, is subject to corrective action, up to and including termination.

### **7.05 College Identification Card (NazCard)**

The College will provide each employee with an official identification card (NazCard), which is required to use the library, computer laboratories, recreational facilities, obtain discount tickets at the Arts Center and to access some campus buildings. A lost or stolen card must be reported immediately to Campus Safety; the employee is responsible for obtaining another card and may be charged a fee.

### **7.06 Keys and Other College Property**

Keys to campus buildings, offices and other secured areas will be issued to employees on the basis of demonstrated need. A Key Request Form, available from the Facilities Department, must be approved by the appropriate department chair or director.

Duplication of keys is not permitted. All lost, stolen or found keys must be reported immediately Campus Safety.

### **7.07 Political Activities**

As a tax-exempt organization under section 501(c)(3) of the Internal Revenue code, Nazareth College cannot intervene in any political campaign on behalf of or in opposition to, any candidate for public office. In accordance with IRS rules, violation of this prohibition could cause the College to lose its tax-exempt status or incur excise taxes imposed on political expenditures.

To ensure that the College does not jeopardize its tax-exempt status or incur excise taxes on political expenditures, Nazareth College, including any individual acting on behalf of Nazareth College, will not engage in any of the following on College property, during any College function or otherwise using Nazareth College's resources or facilities:

- Endorse any candidate for public office
- Donate or contribute money, goods or services to any candidate's campaign
- Participate or engage in political fundraising events
- Publish or distribute statements for or against any candidate

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- Engage in any other activity that favors or opposes any candidate

Notwithstanding the above, the College does not seek to inhibit the expression of personal political views by any individual in the College community. Individual members of the faculty, staff, and student body of Nazareth College are entirely free to support candidates of their choice for elective office or to express their personal views on political issues as long as they are not acting in an official capacity as a representative of Nazareth College. These regulations preclude the use of Nazareth College letterhead, telephones, e-mail or use of any other property owned by Nazareth College on behalf of any political party or candidate for public office. There is no restriction on discussion of political issues or teaching of politics or campaign-related topics.

Questions on this policy should be directed to the Vice President for Institutional Advancement.

### 7.08 Solicitation and Distribution

The distribution of non-work-related literature is restricted unless protected by law.

During working time, employees may not solicit or distribute non-work-related literature to other employees for any purpose. Working time refers to that portion of any working day in which employees are being paid to perform actual job duties. It does not include such times as lunch or break time or before or after work.

Employees who are not working may not solicit or distribute non-work-related literature to other employees who are working.

### 7.09 Responding to Legal Actions/Subpoenas

The individuals who are authorized to accept service of process for Nazareth College are: the President or the Vice President for Finance and Administration or their designee(s). Employees are not authorized to accept any legal documents (e.g., subpoenas, legal notices, summons and/or complaints) on behalf of the College and should direct all process servers or messengers delivering legal documents to the above individuals.

### 7.10 Media and Public Relations

All contact with the media on behalf of the College is to be handled only by designated representatives of the College.

All media inquiries should be referred to Marketing and Communications. All public statements and College publications referencing the College require prior clearance through Marketing and Communications. Publications include but are not limited to brochures, advertisements, flyers, press releases, and other promotional material used to communicate information about College programs or services. Related marketing communication efforts, such as promotions for special events and advertisements, should be directed to Marketing and Communications prior to release.

### 7.11 Receiving and Giving Gifts

Receiving and giving substantial gifts and favors to other staff or faculty and/or vendors is prohibited. A gift or favor is considered substantial or excessive if it might be reasonably expected to interfere with the exercise of independent and objective judgement in making or participating in business decisions. For the purpose of this policy, gifts of “substantial” or “excessive” value include, but are not limited to, any gifts with a value over \$25. In rare exceptions, gifts of substantial value in connection with employment must receive prior approval from a College official (Dean, Vice President).

### 7.12 Student Housing

In order to prevent any conflicts of interest, the College strongly discourages employees from renting off-campus housing to students who are actively enrolled in either part-time or full-time programs.

### 7.13 Animals on Campus

With the exception of approved service animals, therapy dogs utilized by the Health and Counseling Services program, and animals specially approved within the educational curriculum of the College, employees are not allowed to bring or have animals on campus property including in all College-owned or leased residential and non-residential buildings.

## SECTION 8.0 – INFORMATION SECURITY, USE AND EXPECTATIONS

### 8.01 Computing Code of Conduct

A variety of computer resources are currently available at Nazareth, from local area networks that provide access to PC and Mac based software, to wide area networks such as the Internet, including wireless internet and cloud-based or hosted services (the “Computing Resources”). All users are required to follow the College Code of Conduct when using these resources.

Any information stored on College computers or with third party providers under contract by the College, is stored digitally in multiple live and backup sources and, aside from the usual difficulties of guaranteeing confidentiality, is always subject to "discovery" by means of subpoena. Although the College may seek appropriate legal counsel, users should assume that the college will cooperate with outside agencies investigating violations of local, state or federal law, including but not limited to copyright infringement (this should be specifically noted with respect to downloaded music, videos, etc.).

Internal and external e-mails are considered property of the College and business records. The College reserves the right to review these records at any time and may be subject to discovery in the event of litigation. Employees must be aware of this possibility when communicating electronically within and outside the College.

Violation of the Code or abuse of the privilege of using the College Network and the College’s computer resources can lead to:

- Loss of computing privileges
- Disciplinary action
- Criminal Prosecution

All employees are expected to abide by the terms in the Computing Code of Conduct policy. Click [here](#) to access the full policy.

### 8.02 Records Retention

For the purpose of this policy, “Record” is recorded information, regardless of physical form or characteristic, generated or received by or on behalf of the College. A record includes, but is not limited to, all documents, emails, papers, letters, photographs, cards, books, maps, blueprints, sound or video records and other media for recording information.

Supervisors in each department are responsible for establishing appropriate record retention management practices in accordance with the requirements of applicable regulatory standards and law. Staff members who have access to or the use of such Records are responsible for adhering to the record retention and destruction policies set forth by their department.

Unauthorized removal, modification, destruction or disposition of records is prohibited. Anyone who falsifies or inappropriately alters a record or discloses a record without authorization may face disciplinary action, up to and including termination of employment.

### 8.03 Confidentiality/Privacy

Offices, desks, lockers, computers, other equipment and storage devices are provided to employees to facilitate their work but remain the sole property of the College. If deemed necessary, a representative of the College can inspect them, as well as any articles found within them, at any time, with or without prior notice.

The College likewise prohibits theft or unauthorized possession of the property of employees, the College, visitors and students. Therefore, the College reserves the right to inspect packages and persons entering and/or leaving the premises.

All records and files maintained by the College are the property of the College. Files classified as confidential are not to be disclosed to any outside party without appropriate permission. Confidential information includes but is not limited to financial records, personnel and payroll records regarding current and former employees (including but not limited to employees' social security numbers, home addresses, home telephone numbers, personal e-mail addresses, Internet identification names or passwords, parents' surnames or drivers' license numbers), and student records. Confidential information may not be removed from the College premises without authorization.

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

Nothing in this policy is intended to prohibit employees from engaging in protected concerted activity or communicating about terms and conditions of employment as protected by federal, state or local law.

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

The Federal Educational Rights and Privacy Act of 1974 (FERPA) governs the release of information about students. FERPA applies to information related to current students and alumni. Most of the information maintained by the College regarding students, regardless of the form in which it is maintained, cannot be disclosed except under specific circumstances. Employees must guard the confidentiality of this information which is maintained by many offices on campus. Questions regarding FERPA and its application to specific situations should be addressed to the Registrar at (585) 389-2800. For more information regarding the College's FERPA policy, click [here](#).

## SECTION 9.0 – SAFETY

### 9.01 Injury Reporting

Employees or other individuals who experience a personal accident or injury on Nazareth College Property must immediately report the incident to Campus Safety at 585-389-2850. The employee or other individuals are responsible for completing an Accident Report Form within twenty-four (24) hours.

### 9.02 Bloodborne Pathogen

Employees considered at risk of coming into contact with blood or body fluids while performing their daily duties receive training. Campus Safety coordinates this program and will advise new employees in the high risk category.

### 9.03 Chemical Hazard Communication Program

To ensure compliance with the OSHA Hazard Communication Standards, Nazareth College maintains a Chemical Hazard Communication program, thereby keeping our employees informed of the hazardous chemicals to which they may be exposed. Program information is located on the naz.edu Campus Safety site. For more information, click [here](#).

### 9.04 Fire Safety

In the case of fire, employees should sound the fire alarm in the building and call Campus Safety, extension 3333 (internal) or 585-389-2850 (external). All persons must evacuate the building.

### 9.05 Drug-Free Work Environment

The College is committed to maintaining a drug-free environment. In accordance with the Drug-Free Workplace Act of 1988 and the New York Policy on Alcohol Violation, the College prohibits the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance (drugs or alcohol) in and on Nazareth College owned or controlled property. Violations may be subject to disciplinary action up to and including termination, as well as prosecution by Federal, State or local law enforcement agencies. For a complete copy of this policy, click [here](#). The policy includes details regarding an employee's obligation if convicted of a drug violation and compliance with the Drug-Free policy as a condition of employment. The Employee Assistance Program (EAP) can be utilized for confidential consultations.

### 9.06 Tobacco and Vape-Free Campus

Smoking tobacco or vape products is prohibited on all College grounds; College-owned or leased properties; and College-owned, leased or rented vehicles, regardless of their location. This includes but is not limited to all College sidewalks, parking lots, paths, landscaped areas, fields, stadiums, and recreational areas. Smoking is prohibited in all enclosed areas, including but not limited to offices, classrooms, hallways, waiting rooms, restrooms, meeting rooms, community areas, performance venues, private residential space within College housing, (including dormitories and student group housing

located on College property), and during lectures, conferences, meetings, and social and cultural events held at the College.

For the purposes of this policy, “tobacco or vape” is defined to include any lighted or unlighted cigarette (e.g., clove, bidis, kreteks, etc.), e-cigarettes, cigars, cigarillos, pipes, vaping and vapor devices, hookah products and any other smoking product; and any smokeless, spit or spitless, dissolvable, or inhaled tobacco products, including but not limited to dip, chew, snuff or snus, in any form (e.g., orbs, sticks, strips, pellet, etc.). “Smoking” means 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, in any manner or any form.

For more information and to access the full [Tobacco and Vape-Free policy click here](#).

### 9.07 Campus-Wide Emergency Notifications

NazAlert is a centralized notification system used to simultaneously broadcast urgent or emergency information to all campus community members. To sign up to receive these notifications, click [here](#).

### 9.08 Emergency Closings

The College may close due to severe weather conditions or other emergencies. Employees are advised to monitor the local radio and television stations or log onto the Nazareth website for closing information. Employees registered for NazAlert will be notified as appropriate.

Employees responsible for providing essential services (designated members of Campus Safety, Residential Life, etc.) will be required to report to work. Essential staff will be paid their regular scheduled hours in addition to any hours worked during the period the College is closed that day(s). Vacation, personal or sick time planned and approved prior to the College closure will be charged as planned to the appropriate leave time.

When the College is open, employees unable to report to work because of weather or emergency conditions must use available vacation or personal time.

## SECTION 10.0 – PERKS & SERVICES

### 10.01 Arts Center

Nazareth Arts Center presents events in theater, dance and popular entertainment. Employees and their immediate family are eligible for discounted tickets for many Arts Center sponsored events and for a season subscription. For more information, click [here](#).

### 10.02 ATM

An ATM is located in the lower level of the Shults Center between the bookstore and the Campus Safety Department.

### 10.03 Bookstore

The bookstore, located in the lower level of the Shults Center, offers a variety of merchandise, including textbooks, office supplies, clothing, convenience foods, emergency supplies, greeting cards, magazines, etc. Some employee discounts are available.

### 10.04 Chapel

The Paul and Judy Linehan Chapel, located on the first floor of the Golisano Academic Center, serves as a gathering place for special occasions. With seating for up to 400 people, the chapel is used for religious services, weddings, Center for Spirituality events, music performances, lectures and other events. Contact the Center for Spirituality at (585) 389-2303 for more information about chapel events and availability.

### 10.05 Early Learning Center at St. John Fisher College

Nazareth College employees receive discounted tuition rates for early childhood education programs for children ages 18 months to 8 years old. For additional information, visit [SJFC Early Learning Center](#).

### 10.06 Food Services

Dining services operates several areas throughout campus, which include:

- Cabaret – Otto A. Shults Community Center
- Roost – Otto A. Shults Community Center
- Café Sorelle – Golisano Academic Center
- Millie's – Library
- Kearney and Lourdes student dining halls

#### Dining Dollars

The College's contracted food service provider offers the ability for employees to purchase dining credit to be used at campus dining facilities. Dining dollars can be purchased throughout the semester at any



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cash register and added to the employee's NazCard. The policy regarding Dining Dollars is administered by the food service provider. For more information, please click [here](#).

### 10.07 Lorette Wilmot Library

All Nazareth College employees may use the library services. Click [here](#) for hours and more information.

### 10.08 Parking

Free parking is available to all College personnel. Parking permits are required and are available through Campus Safety. Employees may purchase reserved parking spaces in designated parking lots. For more parking information, click [here](#).

### 10.09 Recreational Facilities

Nazareth College employees may use the gym, swimming pool, tennis and racquetball courts, aerobics room, Bikes@Naz, snowshoeing, cross country skiing, and fitness center at no cost. An employee's spouse or eligible domestic partner and/or eligible dependent child(ren) may use these facilities with a Guest Recreation Card. A Guest Recreation Card authorization form is available from Human Resources. Children under fifteen (15) must be accompanied by a parent.

A complete schedule of hours is available at the Information Desk in the Shults Center, (585) 389-2322.