



Mount Saint Mary College

# EMPLOYEE HANDBOOK

2023-2024





## WELCOME

On behalf of your colleagues, we welcome you to Mount Saint Mary College. We believe that each employee contributes directly to the growth and success of the college and hope that you will take pride in being a member of the MSMC team.

This Employee Handbook is to assist you in understanding the expectations we have of MSMC employees and to outline the policies and procedures that exist to help you meet those expectations. In addition, this Handbook describes the programs and benefits the college makes available to eligible employees. Please familiarize yourself with the contents of this Handbook as soon as possible, as it will answer many questions related to your employment.

We hope that your experience here will be fulfilling and rewarding. Again, welcome.



Jason Adsit  
President



Arthur Glass II  
VP for Finance and Administration



Sharnie Canary  
Director of Human Resources

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## FOREWORD

The purpose of this Handbook is to provide a reference for employees regarding expectations of you as an employee and the benefits, which may be available to you as an employee of Mount Saint Mary College (the “College”). The Handbook is not intended to be all-inclusive. Use it for guidance concerning some of the usual questions asked. If you have questions about your employment or any policy herein, please contact the Director of Human Resources. This Handbook is an overview or a guideline. It cannot cover every matter that might arise in the workplace. For this reason, specific questions regarding the applicability of a particular policy or practice should be addressed to the Director of Human Resources. The College reserves the right to unilaterally add, amend or delete policies in this Handbook.

**THIS HANDBOOK IS NOT AN EMPLOYMENT CONTRACT AND SHOULD NOT BE INTERPRETED AS ONE.** The College maintains an “AT-WILL EMPLOYMENT RELATIONSHIP” with its employees. This permits the College, or you, the employee, to terminate the employment relationship at any time, with or without cause, with or without notice, and at any time. No manager, supervisor or employee has any authority to enter into a verbal or written agreement of employment for any specified period of time or to make an agreement for employment other than at-will. Only the President of the College has the authority to make any such agreement and then only in writing.

**This Handbook supersedes and replaces all previous versions.**

If you have any questions about the policies contained in this Handbook, please reach out to Human Resources (“HR”) using the contact information below:

Sharnie Canary, Director of HR:

845-569-3548

[Sharnie.Canary@msmc.edu](mailto:Sharnie.Canary@msmc.edu)

Melissa Caridi, Assistant Director of HR:

845-569-3229

[Melissa.Caridi@msmsc.edu](mailto:Melissa.Caridi@msmsc.edu)

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## Section 1: ABOUT THE COLLEGE

### 1.1 HISTORY

Mount Saint Mary College is a higher education institution guided by the Catholic and Dominican traditions of academic rigor, pursuit of truth, social justice, leadership and service.

The Dominican Sisters of Newburgh founded Mount Saint Mary College in 1959, but the Sisters had established an academic presence in Newburgh since 1883 with Mount Saint Mary Academy. The College grew out of the Dominican Sisters' school for teacher training, founded in 1930. Since opening its doors in 1959, the College's goals have been the pursuit and dissemination of truth and the development of the capacity to discern and use it.

The College maintains a firm belief in the value of a liberal arts education and a commitment to the Judeo-Christian traditions upon which it is founded. It retains the spirit of the intellectual, cultural, ethical, spiritual, and social philosophies of its founders.

### 1.2 MISSION STATEMENT

As reflected in its motto "*Doce Me Veritatem*" (Teach Me the Truth), the College is an independent, coeducational institution committed to providing students with a liberal arts education to prepare them for lives of leadership and service. Through a variety of majors and professional programs, students are prepared for careers and/or graduate studies. Consistent with Judeo-Christian values and the Dominican tradition of education that values the inherent worth of the individual, the mission of the College is to create an environment that fosters close student-faculty interaction that enables students to reach their full potential as lifelong learners.

The College is committed to cultivating intellectual achievement, religious and spiritual growth and development of moral character. Consistent with these principles, the College endeavors to attract, educate and inspire students who:

- are inquisitive and value the free exchange of ideas in the pursuit of truth
- are analytical in their approach to problem-solving
- are motivated toward self-improvement
- have developed an aesthetic sense
- possess effective leadership and communication skills
- respect the value and ethics of the Catholic and Dominican traditions
- embrace civic responsibility and community service

The deepening of the College's commitment to these principles will involve the efforts of the entire College community.

### 1.3 VISION

The College will be the most community service-oriented college in the United States, while continuing its tradition of excellence in the liberal arts, sciences, and pre-professional programs. In all activities, the College will celebrate scholarship, education, and the values and traditions expressed in its mission.

## Section 2: EMPLOYMENT

### 2.1 AT-WILL EMPLOYMENT

The College maintains an “AT-WILL” employment relationship with its employees. This permits the College, or you, the employee, to terminate the employment relationship with or without cause, with or without notice, and at any time.

No manager, supervisor or employee has any authority to enter into a verbal or written agreement of employment for any specified period of time or to make an agreement for employment other than at-will. Only the President of the College has the authority to make any such agreement and then only in writing.

THIS HANDBOOK IS NOT AN EMPLOYMENT CONTRACT AND SHOULD NOT BE INTERPRETED AS ONE. The College reserves the right to unilaterally amend the contents of this Handbook at any time, with or without notice.

### 2.2 OPEN DOOR POLICY

The College is committed to providing its employees with a work environment conducive to personal and professional development. Employees who have concerns that are not addressed by some other College policy, including, but not limited to, the policies contained in this Handbook, may bring such concerns to their supervisor’s attention. If an employee is uncomfortable broaching a particular subject with their immediate supervisor or previous discussions have not led to a satisfactory resolution, the employee may express their concerns to the Director of HR or the Assistant Director of HR.

Retaliation against employees who avail themselves of this open door policy is strictly prohibited. Employees who believe that they have been subjected to retaliation for reporting concerns under this policy should follow the complaint procedure set forth in the Anti- Retaliation policy in this Handbook.

### 2.3 EQUAL EMPLOYMENT OPPORTUNITY / ANTI-DISCRIMINATION

In accordance with its obligations pursuant to Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Educational Amendments Act of 1972, Section 504 of the Rehabilitation Act of 1973, the New York State Human Rights Law and all other applicable laws, the College does not permit discrimination, harassment or retaliation on the basis of any of the following in the administration of its employment practices: age; race; color; religion; creed; sex; sexual orientation; gender; gender identity/expression; pregnancy; pregnancy-related condition; disability or perceived disability; national or ethnic origin; ancestry; predisposing genetic characteristics; marital/familial status; military status; status as a victim of domestic violence; relationship or association with a member of a protected class; sexual or reproductive health decisions; the fact that one has opposed an act or practice which they reasonably believed to be discriminatory; or any other characteristic protected by applicable federal, state or local law(s).

Unlawful discrimination, harassment, and retaliation has no place at the College and offends the College’s core values that include, but are not limited to, the commitment to equal opportunity and inclusion. All College employees are expected to join with and uphold this commitment. Any employee who violates this policy will be subject to disciplinary action, up to and including termination.

The Director of HR is responsible for overseeing the College’s equal employment opportunity programs. All questions, concerns and complaints should be brought to the attention of the Director of HR, provided,

however, that if a matter concerns Title IX, the Director of HR may refer same to the Title IX Coordinator. For information about Title IX, please see the College's [Sexual Misconduct and Grievance Policy](#).

## 2.4 ACCOMMODATIONS FOR INDIVIDUALS WITH DISABILITIES OR PREGNANCY-RELATED CONDITIONS

The College does not discriminate against any qualified individual with regard to any terms and/or conditions of employment because of such individual's disability, perceived disability or pregnancy-related condition so long as the employee or applicant can perform the essential functions of the job description or the job for which they are applying. Consistent with this policy of non-discrimination and in accordance with applicable federal, state, county and/or local laws, the College will provide reasonable accommodation(s) to a qualified individual with a disability who has made the College aware of their disability or pregnancy-related condition unless doing so would result in undue hardship.

The College encourages individuals with disabilities or pregnancy-related conditions to come forward and request reasonable accommodations. A job applicant or employee with a disability or pregnancy-related condition who believes they need a reasonable accommodation to perform the job or the job for which they are applying should contact the Director of HR. Any request for accommodation should be submitted to the Director of HR in writing as soon as possible upon the employee or job applicant learning or becoming aware of their need for accommodation. Requests for accommodation will be treated as confidential to the extent practicable.

When the College receives a request for a reasonable accommodation, or is placed on notice that someone may need a reasonable accommodation, the individual will be expected to engage in an interactive process with the College to discuss and identify the precise limitation(s) resulting from the disability or pregnancy-related condition and the potential accommodation(s) that the College may make to help such individual overcome those limitations in order to perform their job or the job for which the individual is applying. The College will determine the reasonableness of the requested accommodation taking into consideration various factors, including but not limited to the nature and cost of the requested accommodation, the impact of the requested accommodation on the College's operation, and whether an accommodation other than what was requested may meet the individual's needs.

This policy is neither exhaustive nor exclusive. The College is committed to taking all other actions necessary to ensure equal employment opportunity for persons with disabilities in accordance with the Americans with Disabilities Act, the New York State Human Rights Law, and all other applicable federal, state, and local laws.

## 2.5 UNLAWFUL HARASSMENT

The College will take reasonable steps to prevent unlawful harassment from occurring. In addition to prohibiting other forms of unlawful discrimination, the College maintains a strict policy prohibiting harassment because of: age; race; color; religion; creed; sex; sexual orientation; gender; gender identity/expression; pregnancy; pregnancy-related condition; disability or perceived disability; national or ethnic origin; ancestry; predisposing genetic characteristics; marital/familial status; military status; status as a victim of domestic violence; relationship or association with a member of a protected class; sexual or reproductive health decisions; the fact that one has opposed an act or practice which they reasonably believed to be discriminatory; or any other characteristic protected by applicable federal, state or local law(s). All such harassment is prohibited. The College's anti-harassment policy applies to all employees and

independent contractors involved in the operations of the College and prohibits harassment by any College employee, including supervisors and co-workers, or independent contractors.

The College's anti-harassment policy also protects employees from harassment by vendors, visitors, interns, applicants, students, parents of students or others doing business with the College. If harassment occurs on the job by someone not employed by the College, the procedures in this policy should be followed as if the harasser were an employee of the College.

## A. SEXUAL HARASSMENT PREVENTION POLICY

The College is committed to maintaining a work environment free from unlawful sexual harassment, which is a form of employment discrimination. This Policy is one component of the College's commitment to a discrimination-free work environment.

### POLICY

- This Policy applies to all College employees, interns, temporary workers, agency workers, volunteers, individuals providing services to the College in the workplace, as well as everyone with whom the College does business (*e.g.*, outside vendors, consultants, independent contractors). All such individuals are prohibited from engaging in unlawful sexual harassment.
- Sexual harassment is strictly prohibited and will not be tolerated by the College. Anyone who engages in sexual harassment in violation of this Policy will be subject to disciplinary action, up to and including termination.
- No persons covered by this Policy shall be subject to adverse employment action because they make a good faith report of an incident of sexual harassment, or provides information or otherwise assists in any investigation of a sexual harassment complaint. Any person covered by this Policy who engages in retaliation prohibited by this Policy will be subject to disciplinary action, up to and including termination.
- The College will conduct a prompt, thorough and impartial investigation, consistent with this Policy, in response to any complaint about sexual harassment, and will take appropriate disciplinary or other corrective action against the harasser whenever prohibited sexual harassment is found to have occurred. All employees, interns, and temporary workers are required to cooperate with any investigation of sexual harassment conducted by the College.

### WHAT IS "SEXUAL HARASSMENT?"

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and the status of being transgender.

Sexual harassment includes unwelcome conduct that is of a sexual nature or directed at an individual because of that individual's sex when: such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating a hostile work environment, even if the complaining individual is not the intended target of the sexual harassment;

- such conduct is made either explicitly or implicitly a term or condition of employment; or
- submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment; or
- such conduct has the purpose or effect of treating an individual unequally with regard to a term or condition of employment.

A sexually harassing hostile work environment can consist of unwanted sexual advances, threats, derogatory comments, signs, jokes, pranks, intimidation, physical contact, violence, or other conduct which is of a

sexual nature, or which is directed at an individual because of that individual's sex such that it alters the terms of employment for the individual subject to the harassment or results in treating that individual less well than others with respect to the individual's terms of employment. It makes no difference if the individual engaging in such conduct is "just joking", "teasing", or "playful."

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

## EXAMPLES OF SEXUAL HARASSMENT

The following is a non-exhaustive list of some of the types of acts that may constitute sexual harassment:

- Physical acts of a sexual nature, such as:
  - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employees' body;
  - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions.
- Sexually oriented gestures, noises, remarks, jokes, or comments about a person's sexuality or sexual experience.
- Written conduct such as authoring threatening, derogatory or offensive letters, e-mails, text messages, or social media posts.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
  - Displaying pictures, videos, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes sexual displays on College-issued or personal computers, cell phones or tablets in the workplace or to anyone covered by this Policy.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, or the status of being transgender.

## WHO CAN BE A TARGET OF SEXUAL HARASSMENT?

Sexual harassment can occur between any individuals, regardless of their sex or gender. It is unlawful for males to sexually harass females or other males, and for females to sexually harass males or other females. Sexual harassment is prohibited regardless of whether the person engaging in the harassing conduct is a co-worker, intern, temporary worker, volunteer, agency worker, subordinate, supervisor or manager, anyone else providing services to the College in the workplace or anyone else with whom the College does business (e.g., outside vendors, consultants, independent contractors).

## WHERE CAN SEXUAL HARASSMENT OCCUR?

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business, at employer-sponsored events, or other occasions outside work (*i.e.*, not in the workplace). Calls, texts, emails, and social media usage containing inappropriate messages, language, videos or graphics may also constitute sexual harassment or contribute to unlawful workplace harassment for anyone covered by this Policy, even if such things occur away from the workplace, on personal devices, or during non-work hours.

## WHAT IS “RETALIATION?”

Retaliation includes any conduct, whether or not in the workplace or employment-related, which might deter a reasonable person from making or supporting a charge of discrimination or harassment and is directed at someone who engages in protected activity. Protected activity includes opposing a discriminatory practice, making a good faith report of a suspected violation of this Policy, filing a harassment complaint, participating in an investigation or proceeding of such a report or complaint, or encouraging a fellow employee to make a report.

Retaliation against an individual who makes a good-faith complaint about sexual harassment or what they believe to be a violation of this Policy, or who participates in an investigation into alleged sexual harassment is strictly prohibited and will not be tolerated. Anyone who engages in retaliation prohibited by this Policy will be subject to disciplinary action, up to and including termination in accordance with applicable law.

## REPORTING SEXUAL HARASSMENT

**Preventing sexual harassment is everyone’s responsibility.** The College cannot prevent or remedy sexual harassment unless it knows about it. Any employee or other person covered by this Policy who has been subjected to behavior that may constitute sexual harassment, or who witnesses or becomes aware of potential instances of sexual harassment, is encouraged to do the following:

- If possible, tell the harasser that their actions are not welcome and must stop.
- Promptly report the harassing action(s), word(s) and/or incident(s) to your supervisor, the Director of HR or the Assistant Director of HR.
- If you feel uncomfortable speaking with your supervisor, the Director of HR or the Assistant Director of HR, or if you feel a complaint you previously made has not been adequately addressed, report the harassing action(s), word(s) and/or incident(s) to the Vice President for Finance and Administration.

Reports of sexual harassment may be made verbally or in writing. A form for submitting a written complaint is available in this Handbook’s Appendix. Individuals are encouraged to use this complaint form, but using the form is not required. Regardless of whether being made verbally or in writing, a report of sexual harassment should be as detailed as possible and include the names of the individual(s) involved, any witness(es) to the harassment, direct quotes and/or evidence (*e.g.*, notes, e-mails, digital recordings, etc.) of the harassment.

Individuals who report sexual harassment on behalf of another person should state clearly that the complaint is being made on another person’s behalf.

## SUPERVISORY RESPONSIBILITIES

Any supervisor or manager who receives a complaint or information about suspected sexual harassment, or observes conduct that may be sexually harassing behavior is required to take appropriate steps to address the conduct and to report such suspected sexual harassment to the Director of HR.

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

## INVESTIGATIONS OF SEXUAL HARASSMENT

The College, either itself or through a delegated investigator, will investigate all reports, complaints or other information about suspected sexual harassment, regardless of whether that information was reported in verbal or written form.

Investigations will be conducted in as timely and thorough a manner as possible commensurate with the nature of the complaint, and will be confidential to the extent possible. Upon receiving a complaint, the College will conduct a review of the allegations and, if appropriate, put interim measures in place for the investigation. The individual bringing the complaint, and the victim if that person is not the complainant, will each be given an opportunity to present their version of events and any relevant evidence to the investigator. Anyone accused of sexual harassment will be informed of the allegations against them, and will be given an opportunity to present their version of events and any relevant evidence to the investigator. The investigation may also include reviewing documentation and other evidence, and interviewing other individuals identified as witnesses to the alleged harassment or who may otherwise have information relevant to the allegations being investigated. The College may adapt and modify the investigatory procedure, in its discretion, based on the nature of the complaint and the conduct at issue.

All employees and other individuals covered under this Policy are required to cooperate with the College's investigation into suspected sexual harassment, and are required to provide truthful and complete answers to questions asked of them by the investigator. Everyone involved in the reporting and investigation of sexual harassment is obligated to keep the information pertaining to the investigation confidential to the maximum extent possible, to protect the privacy of those involved in the investigation and to allow the College to conduct an objective and appropriate investigation.

Once the investigation is complete and a determination has been made, such determination will be communicated to the individual who complained, the victim of the harassment (if the victim is not the individual who made the complaint), and the accused harasser. As appropriate, the College may follow-up with the individual who complained, the victim of the harassment (if the victim is not the individual who made the complaint) and/or any individual who participated in its investigation to ensure that the sexual harassment has not resumed and that no retaliation has occurred.

If the College's investigation is conclusive and prohibited sexual harassment is found to have occurred, appropriate disciplinary or other corrective action will be taken in a timely manner and appropriate measures will be taken to deter any future harassment.

#### LEGAL PROTECTIONS AND EXTERNAL REMEDIES

Sexual harassment is not only prohibited by the College but is also prohibited by federal, state and, where applicable, local law.

In addition to the procedures described in this Policy, if the sexual harassment involves potential criminal conduct such as physical touching, coerced physical confinement or coerced sex acts, it may be appropriate to report such conduct to the local police department.

Individuals may also bring complaints to the U.S. Equal Employment Opportunity Commission ("EEOC") or the New York State Division of Human Rights ("NYSDHR") in court within the time periods required by law.

The NYSDHR enforces the New York State Human Rights Law (N.Y. Executive Law, art. 15, § 290 *et seq.*), which prohibits sexual harassment in employment in New York State and protects employees and other individuals working in an employer's workplace. A complaint alleging a violation of the New York State Human Rights Law may be filed either with the NYSDHR or in New York State Supreme Court within three years of the alleged sexual harassment. If unlawful discrimination is found, the NYSDHR or the court may award relief, which may include requiring the employer to take action to stop the harassment, to redress

the damage caused, including reversing an unlawful employment action, and paying monetary damages, attorneys' fees, and civil fines. The NYSDHR can be contacted at (888) 392-3644 or at its website [www.dhr.ny.gov](http://www.dhr.ny.gov).

The EEOC enforces federal anti-discrimination laws, including Title VII of the 1964 Civil Rights Act (42 U.S.C. § 2000e *et seq.*). A discrimination complaint can be filed with the EEOC within 300 days from the conduct giving rise to the complaint. The EEOC investigates complaints, and may pursue a claim in federal court on behalf of the complaining party or issue a Right to Sue Letter that allows an individual to pursue their claims in federal court. Federal courts may award remedies if discrimination is found to have occurred. The EEOC can be contacted by calling 1-800-669-4000 (1-800-669-6820 (TTY)) or at its website [www.eeoc.gov](http://www.eeoc.gov).

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

Call the DHR sexual harassment hotline at 1(800) HARASS3 for more information about filing a sexual harassment complaint. This hotline can also provide you with a referral to a volunteer attorney experienced in sexual harassment matters who can provide you with limited free assistance and counsel over the phone.

## QUESTIONS

If you have any questions about this Policy, please contact the Director of HR.

## B. OTHER FORMS OF DISCRIMINATION, HARASSMENT AND RETALIATION

In addition to sexual harassment, discrimination, harassment and retaliation on the basis of any protected characteristic protected by law is strictly prohibited (*e.g.*, age; race; color; religion; creed; pregnancy; pregnancy-related condition; disability or perceived disability; national or ethnic origin; ancestry; predisposing genetic characteristics; marital/familial status; military status; status as a victim of domestic violence; relationship or association with a member of a protected class; sexual or reproductive health decisions; the fact that one has opposed an act or practice which they reasonably believed to be discriminatory; or any other characteristic protected by applicable federal, state or local law(s)). Such prohibited harassment includes comments, conduct and/or behavior similar to the examples of sexual harassment set forth above when such things relate to or are done because of these characteristics. It makes no difference if the conduct is "just joking", "teasing", or "playful." The following is a non-exhaustive list of examples of harassing conduct:

- Visual conduct such as derogatory posters, photographs, images, messages, cartoons, drawings, gestures, or computer or television broadcasts.
- Verbal conduct such as ethnic or religious jokes, or derogatory comments, slurs, innuendoes, epithets or threats (including but not limited to those uttered over radio or television or online broadcasts).
- Physical conduct such as touching, blocking movements or assault.
- Retaliation for reporting harassment or threatening to report harassment.

It is unlawful for members of the same protected group to harass each other, and for members of one protected group to harass members of another protected group. Like sexual harassment, harassment based on any other protected characteristic set forth above is unlawful, regardless of whether it involves: co-worker harassment; harassment by a supervisor, member of management or other College officer; or harassment by a vendor, intern, contractor, volunteer, visitor or persons doing business with or for the College.

If you believe that you have experienced or witnessed discrimination, harassment or retaliation based on a protected characteristic, please see the College's Complaint Procedure below for information on how to report such discrimination, harassment or retaliation.

### COMPLAINT PROCEDURE FOR OTHER FORMS OF DISCRIMINATION, HARASSMENT AND RETALIATION

This complaint procedure provides for prompt, thorough and objective investigation of any claim of unlawful discrimination, harassment or retaliation; and appropriate disciplinary action against one found to have engaged in unlawful discrimination, harassment or retaliation.

Every College employee, supervisor, manager, administrator, officer, as well as students, visitors, vendors, volunteers, interns, contractors and anyone with whom the College does business is responsible for maintaining a workplace free from unlawful discrimination, harassment or retaliation. Accordingly, any such person who believes the actions or words of a co-worker, supervisor, manager, administrator, officer, visitor, vendor or individual with whom the College does business, or other incident(s) involving such individual(s), constitute unlawful discrimination, harassment or retaliation must take the following actions:

- If possible, tell the offender that their actions are not welcome and must stop.
- Promptly report the discriminatory, harassing or retaliatory action(s), word(s) and/or incident(s) to your supervisor, the Director of HR or the Assistant Director of HR. If you feel uncomfortable speaking with your supervisor, the Director of HR or the Assistant Director of HR, or feel a complaint previously made has not been adequately addressed, report the harassing action(s), words and/or incidents to the Vice President for Finance and Administration.

Reports of discrimination, harassment or retaliation may be made verbally or in writing. A form for submitting a written complaint is available in this Handbook's Appendix. Individuals are encouraged to use this complaint form, but using the form is not required. Regardless of whether being made verbally or in writing, a report of harassment should be as detailed as possible and include the names of the individual(s) involved, any witness(es) to the discrimination, harassment or retaliation, direct quotes and/or evidence (e.g., notes, e-mails, digital recordings, etc.) of the discrimination, harassment or retaliation. Individuals who report such conduct on behalf of another person should state clearly that the complaint is being made on another person's behalf.

The College, either itself or by a delegated investigator, will conduct a prompt and appropriate investigation into all complaints of unlawful discrimination, harassment or retaliation. The College is committed to investigating any instance of alleged or suspected unlawful discrimination, harassment or retaliation that comes to the College's attention, even if the victim does not make any complaint, and even if the victim or complainant does not want the matter pursued. The accused shall be afforded an opportunity to present his or her version of events.

All employees are hereby directed and required to cooperate with the College in conducting its investigation(s) into complaints of alleged unlawful discrimination, harassment or retaliation or any other instance of unlawful discrimination, harassment or retaliation that comes to its attention. All complaints of discrimination, harassment or retaliation and the investigation of complaint(s) will be kept confidential to the maximum extent practicable consistent with law and the College's commitment to conduct a thorough investigation.

Once the College's investigation is complete and a determination has been made, such determination will

be communicated to the individual who complained, the victim of the discrimination, harassment or retaliation (if the victim is not the individual who made the complaint), and the accused offender. If the College's investigation is conclusive, and unlawful discrimination, harassment or retaliation is found to have occurred, appropriate corrective action will be taken in a timely manner and appropriate measures will be taken to deter any future discrimination, harassment or retaliation. Appropriate disciplinary action, up to and including termination of employment, will be taken in accordance with applicable law.

ALL EMPLOYEES SHOULD NOTE THAT THE FAILURE TO USE THE COLLEGE'S COMPLAINT PROCEDURE MAY RESULT IN THE DEFEAT OF ANY CLAIM OF UNLAWFUL HARASSMENT IF LITIGATED.

Retaliation against an individual who makes a good-faith complaint about discrimination, harassment or what they believe to be a violation of this Policy, or who participates in an investigation into alleged discrimination or harassment is strictly prohibited and will not be tolerated. Anyone who engages in retaliation prohibited by this Policy will be subject to disciplinary action, up to and including termination in accordance with applicable law. False and malicious complaints of harassment, discrimination or retaliation (as opposed to complaints that, even if erroneous, are made in good faith) may be subject to appropriate disciplinary action, up to and including termination.

## 2.6 ANTI-RETALIATION

The College strictly prohibits and does not tolerate unlawful retaliation against any employee or intern, by any employee. All forms of unlawful retaliation are prohibited, including any form of discipline, reprisal, intimidation, or other form of retaliation for participating in any activity protected by law.

Examples of protected activities include:

- Lodging a good faith internal complaint (written or oral) with HR or management, specifically opposing unlawful discrimination or harassment, or complaining about violations of wage and hour law (*e.g.*, if an employee believes he/she has been sexually harassed or not paid overtime he/she is owed).
- Filing a good faith complaint of unlawful discrimination or harassment with an administrative agency or in court.
- Participating in the College's internal investigation into allegations of discrimination or harassment.
- Supporting another employee's internal or administrative complaint of unlawful discrimination (*e.g.*, by testifying or providing an affidavit in support of a co-worker who has filed a discrimination complaint).
- Filing a good faith complaint with an administrative agency or in court about alleged wage and hour violations or unfair pay practices, or participating in a wage and hour investigation or audit conducted by an administrative agency.
- Requesting an accommodation under the Americans with Disabilities Act or the New York State Human Rights Law.
- Requesting or taking leave under the Family and Medical Leave Act or the New York State Paid Family Leave Law.
- Requesting or taking leave provided under New York State law.
- Taking advantage of the College's Open Door Policy.

The examples above are illustrative only, and not exhaustive. No form of unlawful retaliation for any protected activity will be tolerated.

## COMPLAINT PROCEDURE

If you are subjected to any conduct that you believe violates this policy, you must promptly speak to, write, or otherwise contact the Director of HR, ideally within ten (10) days of the offending conduct. If you feel uncomfortable contacting the Director of HR, or feel a complaint previously made has not been adequately addressed, you may report the retaliation to the Vice President for Finance and Administration.

Your complaint should be as detailed as possible, including the names of all individuals involved and any witnesses. The College will investigate the facts and circumstances of all perceived retaliation and will take prompt corrective action, if appropriate.

Additionally, any manager or supervisor who observes retaliatory conduct must report the conduct to the Director of HR so that an investigation can be made and corrective action taken, if appropriate.

Any employee, regardless of position or title, who has been found to engage in retaliation in violation of this policy, will be subject to disciplinary action, up to and including termination.

## 2.7 PROHIBITION OF DISCRIMINATION BASED ON REPRODUCTIVE HEALTH DECISIONS

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

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

Any employee who believes that they have been subject to discriminatory or retaliatory behavior in violation of this policy should report it immediately to the Director of HR.

## 2.8 EMPLOYMENT CLASSIFICATIONS

### A. EXEMPT EMPLOYEES

Exempt employees are generally paid a salary and fall into one or more of the following classifications: administrative; executive; professional or sales. Exempt employees are generally not subject to state and federal wage and hour laws.

### B. NON-EXEMPT EMPLOYEES

Non-exempt employees are employees who are eligible to receive overtime pay in

accordance with state and federal wage and hour laws if they work in excess of forty (40) hours in a workweek. Such employees must submit a time record for each pay period through the College's payroll system, approved by the appropriate supervisor, for the purpose of tracking hours worked and calculating compensation.

#### C. FULL-TIME EMPLOYEES

Full-time employees are regularly scheduled to work at least thirty-five (35) hours per week. Full-time employees are eligible for College benefits.

#### D. PART-TIME EMPLOYEES

Part-time employees are regularly scheduled to work fewer than thirty-five (35) hours per week. Part-time employees are not eligible for College benefits, unless their scheduled hours are at least 30 hours per week.

#### E. TEMPORARY/SEASONAL EMPLOYEES

Temporary/seasonal hourly employees are hired for a limited period of time. Temporary/seasonal employees may work up to forty (40) hours per week and may be employed for up to five (5) months. Temporary/seasonal employees are not eligible for any College benefits set forth herein, unless stated otherwise.

#### F. PER DIEM

Per Diem employees are employees that may be called to replace an absent regular employee or to supplement staff during a period of special needs. Per Diem employees are not eligible for any College benefits set forth herein, unless stated otherwise.

## 2.9 PROBATIONARY PERIOD

The first ninety (90) calendar days of employment shall be considered an employee's probationary period. It is an opportunity for the employee to become acquainted with their job and College policies and procedures. It is also an opportunity for the College to evaluate the employee's job performance and interaction with other members of the community.

Neither the existence of the probationary period nor one's successful completion of the probationary period change the fact that employment with the College is at-will.

## 2.10 TRANSFERS

### A. EMPLOYEE-INITIATED

An employee may request a lateral transfer to another department or within a department subject to approval of the affected department supervisors and the Director of HR. Such requests may only be granted if: a position is available; and the transfer is consistent with the legitimate business needs of the College.

### B. COLLEGE-INITIATED

College officials may transfer an employee at any time: to resolve conflicts; to comply with applicable state, federal or local law(s); to provide additional help in special situations; and/or for the legitimate business needs of the College.

## Section 3: COMPENSATION

### 3.1 PAYROLL

The College pays its employees via paychecks; however, employees may opt for direct deposit of their paychecks. Employees will receive their paychecks via mail unless they are utilizing direct deposit and choose to receive electronic notifications instead.

Employees are paid bi-weekly on Fridays except when a College holiday falls on a Friday. When a College holiday falls on a Friday, employees will be paid on the last workday immediately preceding the holiday. Unless specifically advised otherwise, paychecks are cashable on payday.

### 3.2 OVERTIME

#### A. NON-EXEMPT EMPLOYEES

As necessary, employees may be required to work overtime. A supervisor must authorize all overtime work in advance except in the case of an emergency. Failure to work additional hours, as required, or working overtime hours not authorized by a supervisor, may result in disciplinary action, up to and including termination of employment.

It is the College's policy and practice to comply with applicable wage and hour laws. Non-exempt employees shall be compensated at a rate of one and a half times their regular rate of pay for:

- hours worked beyond 40 hours in a workweek
- hours worked on a regularly scheduled College holiday; and
- hours worked when the College is temporarily closed due to inclement weather for employees who are required to work on campus during the closure.

Payment for periods when no work is performed due to vacation, personal days, holidays or sick days is not included in the regular rate of pay for the purpose of calculating overtime.

Federal law does not permit the use of "comp" time. A supervisor may permit the adjusting of workdays within a workweek, but may not extend the adjustment into the next week. For example, an employee may work on Sunday (subject to our overtime pay policy) in exchange for not working on Monday. The employee cannot substitute a Saturday for the preceding Friday, as that Saturday would be in a new workweek.

#### B. EXEMPT EMPLOYEES

As necessary, employees may be required to work beyond normal business hours. Exempt employees are not eligible for overtime pay. The salary paid to employees classified as exempt is intended to pay for all hours worked during each workweek, regardless of the scheduled or reported hours.

### 3.3 PAY DEDUCTIONS AND SET-OFFS

The law requires the College to make certain deductions from every employee's compensation. Among these are applicable federal, state and local income taxes and social security (FICA) taxes.

As set forth below, the College also offers programs and benefits beyond those required by law. Eligible employees may voluntarily authorize deductions from their paychecks to cover the costs of participation in these programs. Such authorizations must be made in writing.

If you have any questions concerning why deductions were made from your pay or how they were calculated, or believe that you have been subject to any improper deductions, you should immediately contact the Director of HR who will assist you in having your questions answered.

It is the College's policy and practice to accurately compensate all exempt employees and to do so in compliance with all applicable state and federal laws. It is also the policy of the College to comply with the salary basis requirements of the Fair Labor Standards Act and New York Labor Law. In addition, it is the policy of the College that exempt employees' pay will not be "docked," or subject to deductions, in violation of salary pay rules issued by the United States Department of Labor and any corresponding rules issued by the New York State Department of Labor, as applicable. However, the College may make deductions from employees' salaries when permitted under federal and state wage and hour rules.

To ensure that you are paid properly for all time worked and that no improper deductions are made, you should review your paycheck to make sure it is correct. If you believe an improper or incorrect deduction was made or you have any questions, you should immediately contact the Director of HR. If it is determined that an improper or incorrect deduction was made, the College will reimburse you in full and correct any further misapplication of this policy. The College is committed to full compliance with this policy.

The College also will not allow or tolerate any form of retaliation against individuals who report alleged violations of this policy or who cooperate in the investigation of such reports. If you believe that you have been retaliated against for reporting an alleged violation of this policy, you must immediately report the incident to the Director of HR. If you feel uncomfortable speaking to the Director of HR, or if you feel a complaint you previously made has not been adequately addressed, you must make such a report to the Vice President for Finance and Administration. Complaints of retaliation will be handled in accordance with the Complaint Procedure outlined in the College's Unlawful Harassment Policy, which is set forth in this Handbook. Such complaints will be treated as confidential to the extent practicable.

Any questions regarding this policy should be directed to the Director of HR.

### 3.4 GARNISHMENTS

The College maintains a policy to cooperate with legal requirements pertaining to garnishments.

By court order, a creditor may force the College to withhold wages and turn them over to the court. The College will make every effort to assist the employee through this process, as well as keep this information confidential to the extent practicable to protect the employee's privacy.

If employees find themselves in this situation, they are expected to cooperate with the College fully in the execution of the garnishment. In the event the employee disagrees with the court's decision, it is the employee's responsibility to pursue the matter through legal channels. The College will comply with court orders regarding garnishments.

## Section 4: Benefits and Leaves of Absence

The College offers certain employees employment benefits. Full-time and part-time employees who are scheduled to work at least 30 hours per week (collectively referred to as “eligible employees”) are eligible for such benefits.

Subject to applicable law(s), the College reserves the right to eliminate, amend or add to the plan of benefits at any time.

### 4.1 MEDICAL INSURANCE

Eligible employees may elect individual, employee plus child(ren), employee plus spouse or family coverage from the College’s health provider.

Coverage is voluntary and begins on the first of the month following the employee’s first day of work for administrators and the first of the month following sixty (60) days for hourly employees. Eligible employees may also enroll or make changes to their enrollment in the College’s health insurance plan once per year during the open enrollment period.

Eligible employees who elect health insurance coverage must contribute to the monthly premium through payroll deductions according to the following schedule:

COVERAGE TYPE	EMPLOYEE PAYS	MSMC PAYS
Individual	25%	75%
Employee + Child(ren)	25%	75%
Employee + Spouse	25%	75%
Family	25%	75%

Eligible employees who work an academic year, or a ten (10)-month year and/or special contract, may enroll in a health plan, but are responsible for paying the total monthly premium for those time periods not actively employed by the College. Checks should be made payable to “Mount Saint Mary College” and received by HR by the first of the month.

Eligible employees who decline MSMC coverage must sign a coverage waiver form.

### 4.2 DENTAL INSURANCE

Eligible employees may elect individual, employee plus child(ren), employee plus spouse or family coverage from the College’s dental insurance provider.

Such coverage begins on the first of the month following the employee’s first day of work for administrators and the first of the month following sixty (60) days for hourly employees.

Eligible employees may also enroll or make changes to their enrollment in the College’s dental insurance plan once per year during the open enrollment period.

Eligible employees who elect dental insurance coverage must contribute to the monthly premium through payroll deduction according to the following schedule:

COVERAGE TYPE	EMPLOYEE PAYS	MSMC PAYS
Individual	0%	100%
Employee + Child(ren)	47%	53%
Employee + Spouse	47%	53%
Family	63%	35%

### 4.3 FLEXIBLE SPENDING ACCOUNT

Full-time employees may enroll in the Flexible Spending Account with the College’s current provider after three (3) months of service. The FSA permits an employee to withhold pre-tax earnings to be used for un-reimbursed medical expenses and qualified dependent care expenses.

Participation is voluntary and the option to enroll is offered during the annual open enrollment period. Once enrolled, participants must remain in the FSA for one full Plan Year.

Flexible Spending Account information booklets and enrollment forms are available in the HR Office.

### 4.4 HOLIDAYS

The College maintains a standard practice of observing 20-22 paid holidays (depending on where the days fall on the calendar each year) throughout its fiscal year. Each year, the College releases the holiday calendar on the portal and in ADP for easy access. Among these holidays, employees are entitled to one (1) Floating Holiday. Employees are required to request the Floating Holiday in advance and obtain approval from their supervisor.

For full-time non-exempt employees, holiday pay is determined based on their standard work hours for a typical workday. Part-time non-exempt employees receive holiday pay based on the number of hours they would typically work on the designated holiday.

In the event that full or part-time non-exempt employees are required to work on a holiday, they will be compensated at a premium pay rate of time and one half their regular rate for the hours worked during that holiday.

In compliance with the Title VII of the Civil Rights Act of 1964, employees have the right to request time off for religious observances that do not align with the College's approved holiday schedule. The College is committed to making reasonable accommodations for such requests. Employees who have their request approved must utilize their available Paid Time Off (PTO). If an employee has exhausted their available PTO, they may be granted an unpaid day off for the religious observance. To ensure ample time for planning, employees should make requests for time off for religious observances not included in the College's holiday schedule as early as possible.

Employees who are on a leave of absence are not eligible for holiday pay while on leave. Questions regarding this policy should be directed to the Human Resources office.

### 4.5 VACATION

Employees are encouraged to use accrued vacation time. It is important to take breaks and time away from the duties and responsibilities of the job. Eligible employees are entitled to vacation as set forth below. Those who are entitled to vacation must receive approval from their supervisor to schedule and take vacation. Employees should request vacation as soon as possible but no later than two (2) weeks before their planned vacation. Exceptions may be granted at the supervisor’s discretion. Some departments have

periods of the year when vacation is either not permitted or permitted on a very limited basis. Please check with your supervisor as to whether or not you are affected by such restrictions.

Vacation time will not be advanced, nor can accrued vacation be taken before awarded at the beginning of each fiscal year (July 1st). Accrued vacation time will not be paid in lieu of time off from work.

Employees may use vacation time for absences under the College's Inclement Weather policy. Vacation time used for this purpose will be considered time worked for the purpose of vacation accrual.

Employees may request payment of vacation for time lost due to illness if the employee has exhausted the employee's sick leave allowance.

Employees may carry over a maximum of ten (10) days of vacation time from one fiscal year to the next. All current earned vacation time must be used before accessing carryover leave.

Upon termination of employment for any reason, there shall be no financial payout for any carryover leave.

Upon resignation or retirement, employees not at the director level or higher, will receive payment for their current year, accrued, unused vacation, provided they give the College at least two (2) weeks' notice of their resignation or retirement and work during that notice period; employees at the director level and higher will receive payment for their current year, accrued, unused vacation, provided they give the College at least four (4) weeks' notice of their resignation or retirement and work during that notice period. Such payment will be made with the next scheduled payroll period following termination. The College will not pay employees for their accrued, unused vacation if:

- they are terminated;
- they fail to provide sufficient notice of their resignation or retirement;
- and/or they fail to work during the notice period.

## A. FULL-TIME NON-ADMINISTRATIVE EMPLOYEES

The amount of vacation time for full-time non-administrative employees is based on the length of continuous service and time worked at the end of each fiscal year (June 30 of each year). Upon completion of the probationary period, employees are entitled to vacation time on a pro-rated basis. All vacation leave must be recorded in the College's payroll system.

Employees must work at least ninety percent (90%) of their regularly scheduled days each month for that month to count for vacation accrual purposes. Paid sick days, paid personal days, paid vacation days, paid holidays, approved bereavement leave and absences due to an injury at work shall be considered days worked for the purpose of accruing vacation.

Unpaid absences and absences for which employees receive New York State short-term disability benefits will result in reduced vacation accruals if the absences total more than ten percent (10%) of an employee's regularly scheduled workdays in any month. One-twelfth (1/12<sup>th</sup>) for each month the employee does not work ninety percent (90%) of their regularly scheduled days will reduce vacation accruals.

Full-time, non-administrative employees earn vacation days according to the table below:

Employee's Length of Service	# of Vacation Days Earned As of June 30
Less than 4 months	0
4 months	3

5 months	4
6 months	5
7 months	6
8 months	7
9 months	8
10 months	9
11 months	10
1 year	11
2 years	12
3 years	13
4 years	14
5 years	15
6 years	16
7 years	17
8 years	18
9 years	19
10 years	20

The maximum vacation permitted for full-time, non-administrative employees is twenty (20) days each year, which is achieved with ten (10) years of service as of June 30 in a given year.

All vacation leave must be recorded in the College’s payroll system.

## B. ADMINISTRATIVE EMPLOYEES

Full-time administrative employees receive twenty (20) days of vacation at the beginning of each fiscal year. New employees hired during the fiscal year will be granted vacation on a pro-rated basis.

All vacation leave must be recorded in the College’s payroll system.

## 4.6 SICK LEAVE

Employees may be eligible for paid sick leave as set forth in this Policy. Nothing in this Policy is intended to restrict employees’ rights to use sick leave afforded under any applicable laws, including, but not limited to, the Family and Medical Leave Act, the Emergency Paid Sick Leave Act, the Emergency Family and Medical Leave Expansion Act, the New York Emergency Paid Sick Leave Act and the New York Paid Family Leave Act.

### ACCRUAL & CARRYOVER

Full-time employees accrue eight (8) sick days per year and part-time employees accrue sick days pro-rated by date of hire.

Employees may carry over unused sick leave from one fiscal year to the next.

### PERMITTED USES OF PAID SICK LEAVE

Employees can use accrued paid sick leave for the following reasons:

- For a mental or physical illness, injury, or health condition of the employee or the employee’s family member;

- For the diagnosis, care, or treatment of a mental or physical illness, injury or health condition of, or need for medical diagnosis of, or preventive care for, the employee or employee’s family member;
- For an absence from work due to any of the following reasons when the employee or employee’s family member has been the victim of domestic violence, a family offense, sexual offense, stalking or human trafficking:
  - To obtain services from a domestic violence shelter, rape crisis center, or other services program;
  - To participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or the employee’s family members;
  - To meet with an attorney or other social services provider to obtain information and advice on, and prepare for or participate in any criminal or civil proceeding;
  - To file a complaint or domestic incident report with law enforcement;
  - To meet with a district attorney’s office;
  - To enroll children in a new school; or
  - To take any other actions necessary to ensure the health or safety of the employee or the employee’s family member or to protect those who associate or work with the employee.

If an employee commits an act of domestic violence, family offense, sexual offense, stalking or human trafficking, the employee will not be eligible to take leave associated with such act(s).

For the purposes of this Policy, “family member” shall mean the employee’s child (biological, adopted, foster, legal ward, or child of an employee standing in loco parentis); spouse; domestic partner; parent (biological, foster, step or adoptive parent, or a legal guardian of an employee, or a person who stood in loco parentis when the employee was a minor child); sibling; grandchild or grandparent; and the child or parent of an employee’s spouse or domestic partner.

Subject to any applicable law(s), paid sick leave taken under this policy shall run concurrently with leave taken pursuant to the Family and Medical Leave Act and may run concurrently with leave taken pursuant to the Paid Family Leave policy in this Handbook.

The use of sick leave for any purpose other than one of the permissible reasons described above is prohibited and may lead to disciplinary action, up to and including termination.

#### NOTICE REQUIREMENT

Notice of the need for sick leave under this Policy should be provided as soon as practicable. Such notice may be provided orally or in writing. Employees should provide such notice to their supervisor or the Director of HR.

Employees who use five (5) or more consecutive sick days must provide documentation verifying the need for the absences from the appropriate individual(s) (*e.g.*, if taking sick leave for illness, the employee should provide a note from a health care provider); provided, however, that if an employee has been disciplined for absenteeism, that employee must provide such documentation after three (3) consecutive sick days. The College may also require verification for intermittent (less than three (3) days) absences of less than three (3) days.

All sick leave must be recorded in the College's payroll system. Sick leave will not be paid out upon separation of employment.

#### RESTORATION TO EMPLOYMENT

At the conclusion of an employee's use of paid sick leave, the employee will be returned to the position held by the employee prior to taking paid sick leave.

#### SICK LEAVE BANK

The sick leave bank may provide additional paid sick leave for employees, when approved, who have exhausted their approved paid time off because of a catastrophic illness or injury. Please contact Human Resources for more information.

#### RETALIATION

Retaliating or discriminating against any individual for requesting or taking paid sick leave, or filing a complaint for violations of this policy is strictly prohibited.

The College is committed to enforcing this policy and prohibiting retaliation against employees who request or take sick leave under this policy, or who file a related complaint. If employees feel that they or someone else may have been subjected to conduct that violates this policy, they should report it immediately to the Director of HR.

### 4.7 PERSONAL LEAVE

After their first year of employment, full and part-time employees are entitled to three (3) personal days per fiscal year based on their regularly scheduled hours.

Upon completion of the probationary period, employees are entitled to personal leave on a pro-rated basis.

Employees should submit requests for personal time to their immediate supervisor as soon as possible, but at least three (3) days before the date they are requesting. Exceptions may be granted at the supervisor's discretion.

Personal time may be used for any reason. All personal time must be recorded in the College's payroll system.

Unused personal time will be forfeited at the end of each fiscal year. Personal time will not be paid out upon separation of employment.

### 4.8 RETIREMENT PLAN

The College maintains a 403(b) Retirement Plan administered by TIAA. Employee participation in the plan is voluntary.

Full-time employees are eligible to participate in the plan after completing one (1) year of continuous employment. The waiting period is waived for new hires that were previously employed in a higher education institution with an existing TIAA account.

An employee must contribute a percentage of their W-2 wages to receive the College's discretionary contribution. The current percentage rate is available in the HR Office. The College reserves the right to

unilaterally change the amount it contributes. Vesting is immediate upon participation.

Additionally, employees may contribute to a Group Supplemental Retirement plan through the College. The Group Supplemental Plan is also available to part-time employees who are not eligible for participation in the College plan, and to all employees in their first year of employment before they are eligible for the College plan. The College does not contribute to this Group Supplemental Retirement plan.

Informational brochures and forms are available in the HR Office.

## 4.9 TUITION EXCHANGE

The College is a member of two (2) tuition exchange programs: The Tuition Exchange, Inc. (TE) and the Council of Independent Colleges Exchange Program (CIC).

TE permits children of college employees in one institution to attend a participating institution at significantly reduced tuition and, in some cases, tuition-free, subject to TE rules. Dependent children of full time employees are eligible to apply for Tuition Exchange (TE) (undergraduate only) after the employee has completed two (2) consecutive years of employment at the College. Participating institutions can be found at <https://www.tuitionexchange.org>.

The availability of TE awards is determined by “credits” accumulated under TE rules. The accumulation of credits is based upon the College enrolling students from other institutions, which, in turn, allows the College to provide opportunities to children of College employees to apply for TE. There is no certainty as to the number of awards that will be made each year.

Circumstances can result in no awards in a given year. Employees may apply for the tuition exchange benefit in the fall of their dependent’s senior year of high school.

When an importing institution awards an eligible College dependent TE benefits, the award is for four (4) years (i.e., eight (8) consecutive semesters). Tuition Exchange (TE) is available to eligible full-time employees only and the determination of who is granted the opportunity to apply is based upon the employee’s years of service at the College.

Acceptance of tuition exchange awards are determined by the importing institution.

The CIC exchange program permits employees and dependents of one institution to attend a participating institution tuition free, subject to CIC rules. Full time employees and their spouses are eligible to apply for CIC tuition exchange benefits upon completion of one (1) year of continuous service at the College. Dependent children of full time employees are eligible to apply for CIC tuition exchange benefits (graduate or undergraduate) after the employee has completed two (2) consecutive years of employment at the College. Participating institutions can be found at <https://www.cic.edu/member-services/tuition-exchange-program>. When awards are granted, the award is for four (4) years (i.e., eight (8) consecutive semesters), as long as the student remains in good academic standing. Employees may apply for the award in the fall of each academic year.

The Office of Human Resources in consultation with the Vice President of Finance and Administration administers the TE and CIC Exchange programs.

## 4.10 TUITION WAIVER

### A. FULL-TIME EMPLOYEES

Full-time employees and their spouses are eligible for tuition waiver benefits upon completion of one (1) year of continuous service. Eligible employees and spouses are entitled to take a three (3)-credit course (graduate or undergraduate) each semester or session, not to exceed eight (8) courses in any fiscal year (July 1 to June 30).

An employee may take a second course within a session only with the written consent of the employee's supervisor. The second course may not be taken during the employee's regularly scheduled workday. Employees enrolled in a course during any part of their workday must arrange with their supervisor to make up their work time.

Dependent children of full-time employees are eligible for full-tuition benefits (graduate or undergraduate) after the employee has completed two (2) consecutive years of employment at the College. Any dependent student receiving a tuition waiver is not eligible for any College scholarships or grants towards room and board, fees or tuition.

### B. PART-TIME EMPLOYEES

Part-time employees (who work at least twenty (20) hours per week, twelve (12) months per year) and their spouses are eligible for tuition waiver (graduate or undergraduate) upon completion of one (1) year of continuous service. Eligible employees and their spouses are entitled to take a course each semester or session not to exceed four (4) courses in any fiscal year (July 1 to June 30).

Part-time employees may not take a course during any part of their normally scheduled workday.

Dependent children of eligible part-time employees are eligible for one-half tuition waiver (graduate or undergraduate) following the employee's completion of two (2) consecutive years of employment at the College. Any dependent student receiving a tuition waiver is not eligible for any College scholarships or grants towards room and board, fees or tuition.

### C. STUDENT EMPLOYEES

The tuition waiver benefit is not available to student employees. For purposes of this policy, a student employee is defined as a part-time hourly employee who is concurrently enrolled at the College with the primary goal of achieving a degree. Thus, the employment is interim or temporary in nature and is incidental to the pursuit of an academic program.

### D. DEPENDENT ELIGIBILITY

Dependents are defined as those individuals that meet the IRS rules for establishing dependency. Employees will be required to submit a copy of their most recent federal tax filing to the Financial Aid office as proof of dependency. Proof of marriage for spousal waivers may also be requested. All employees, spouses and dependents must submit applications for scholarships, TAP grants,

etc., as required by the Financial Aid office.

#### E. GRADUATE TUITION WAIVERS

The tuition waiver benefit for graduate courses is a tax-free benefit for employees up to a maximum of \$5,250. The value of a graduate tuition waiver received by employees, spouses and dependents is a taxable fringe benefit to the employee. Contact the Human Resources office for additional information.

#### F. FAILED COURSES

Tuition waivers for both graduate and undergraduate courses may not be used to repeat a graded course, including a “WF” grade.

#### G. BISHOP DUNN MEMORIAL SCHOOL

Children of full-time College employees who have completed one (1) year of continuous service are eligible for one-half tuition waiver while attending Bishop Dunn. This tuition waiver applies to regular school tuition only and does not apply to the before or after school programs. Bishop Dunn limits the number of waivers available to College employees. This may result in the denial of a waiver for some employees.

### 4.11 BEREAVEMENT LEAVE

With the exception of temporary/seasonal employees, all employees are entitled to up to three (3) consecutive workdays of paid bereavement leave for a death in the employee’s immediate family. For purposes of this policy, immediate family shall include the following:

Spouse	Son	Grandchild	Mother-in-Law
Brother	Daughter	Son-in-Law	Grandparent-in-Law
Sister	Stepson	Daughter-in-Law	Dependent Living in Household
Half Sister	Stepdaughter	Brother-in-Law	
Half Brother	Grandparent	Sister-in-Law	
Legal Parent	Great Grandparent	Father-in-Law	

\* Dependent Living in Household shall refer to an individual residing in the employee’s home that the employee claims as a dependent on the employee’s tax return.

The term “Legal Parent” shall include court appointed guardians and stepparents.

The “In-Law” relationship will continue to be honored after the death of a spouse unless and until the surviving employee remarries. Divorce will terminate “In-Law” relationships for the purpose of this policy.

To receive pay for bereavement leave, the employee must notify their immediate supervisor as soon as practicable, but no later than one (1) hour prior to the start of the employee’s shift. The College reserves the right to require proof of death (obituary, death certificate, etc.) from the employee before paying the employee.

Employees will be paid for approved bereavement leave at their regular rate of pay. Time paid under this policy shall not be considered as time worked for the purpose of computing overtime. Bereavement pay will not be paid for weekend days unless the employee is regularly scheduled to work on a weekend day(s).

Employees may use an accrued personal day or vacation day to attend a funeral for someone other than a member of the employee's immediate family. A day off without pay is not permitted unless the employee has exhausted all personal and vacation time.

## 4.12 JURY DUTY

The College encourages employees to fulfill their civic duties related to jury service. The College will comply with all legal requirements regarding payment for jury duty service.

With the exception of temporary/seasonal employees, employees will continue to receive their regular earnings while they are absent from work due to jury duty service, provided that such employees give their supervisor: a copy of the jury summons at least three (3) work days before the date the employee may be required to report for service; and a written statement from the appropriate court official verifying the date(s) and time(s) served upon completion of such service. To be eligible for such paid time off, employees must also report for work on any day when the employee is excused before noon from jury duty service or the employee is on call to report for such service.

Employees summoned to jury duty who are customarily assigned to the second or third shift shall be considered as having been scheduled for the first shift on any day they are required to report for jury duty.

Absences under this policy shall be considered as time worked for the purpose of accruing paid sick leave, personal leave and vacation.

This policy shall also apply when an employee has been subpoenaed to testify as a witness in court.

Any employee who abuses this policy will be subject to disciplinary action, up to and including termination.

## 4.13 FAMILY AND MEDICAL LEAVE ACT ("FMLA") POLICY

This policy provides employees with a general description of their FMLA rights. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law.

### ELIGIBILITY

To be eligible for a leave of absence under this policy, an employee must have:

- been employed by the College for at least twelve (12) months; and
- worked at least 1,250 hours for the College over the twelve (12)-month period immediately preceding commencement of any leave.

Employees who do not meet these eligibility requirements may be granted leaves of absence on a case-by-case basis, as the College, in its discretion, deems appropriate.

### LENGTH OF LEAVE

Eligible employees may take up to twelve (12) work weeks of unpaid, job-protected leave during a rolling twelve (12)-month period (measured backwards from the first day of a leave period) for one or more of the following reasons:

- the birth of a child;
- the placement of a child for adoption or foster care;
- the care of an immediate family member (spouse, child or parent) with a serious health condition;
- the employee’s own serious health condition that makes the employee unable to perform their job duties; or
- a qualifying exigency arising out of the fact that an employee’s spouse, child, or parent is on covered active duty (or has been notified of an impending call or order to covered active duty) in the United States Armed Forces.

Eligible employees may also take up to twenty-six (26) work weeks of unpaid leave in a single twelve (12)-month period to care for a family member in the Armed Forces (including a member of the National Guard or Reserves, or a veteran who is the employee’s spouse, child, parent, or next of kin) who is undergoing medical treatment, recuperation, or therapy, or is otherwise temporarily disabled, for a serious injury or illness incurred or aggravated in the line of duty.

When the College employs both spouses, only a combined total twelve (12) weeks of leave due to the birth or adoption of a child may be taken by the spouses. Similarly, only a combined total of twenty-six (26) weeks of military caregiver leave may be taken by spouses when both are employed by the College.

For purposes of this policy, the term “serious health condition” does not apply to brief illnesses (such as a cold or the flu), which do not require the employee to be absent for more than three (3) consecutive days, or which do not involve ongoing treatment by a physician or health care provider. The term “serious health condition” is intended to cover conditions or illnesses that: (1) require inpatient care (e.g., overnight hospitalization); or (2) that require the employee to be absent for more than three (3) consecutive days and also require continuing treatment by a health care provider.

As used in this policy, the term “covered active duty” means military service during deployment to a foreign country.

“Qualifying exigencies” may include short-notice deployment; attending certain military events and related activities; arranging for alternative childcare and attending certain College meetings; addressing certain financial and legal arrangements; spending time with a covered service member who is on short-term rest and recuperation leave; attending certain counseling sessions; and attending post-deployment activities that occur within ninety (90) days after the service member’s covered active duty status.

#### **SUBSTITUTION OF PAID LEAVE FOR UNPAID FAMILY AND MEDICAL LEAVE**

An employee taking FMLA leave because of the employee’s own serious health condition must use all accrued sick, personal and vacation time, in that order, concurrently with the employee’s FMLA leave. After the exhaustion of sick, personal and vacation time, any remaining FMLA leave will be unpaid.

Eligible employees must also apply for disability at the beginning of the leave. If an employee’s application for disability insurance benefits is granted, the period for which such benefits are granted will also run concurrently with the employee’s FMLA leave.

Employees who are taking FMLA leave for a reason other than the employee’s own serious health condition must use all accrued sick, personal and vacation time, in that order, concurrently with the employee’s FMLA leave, subject to the Paid Family Leave policy in this Handbook. If an employee is eligible for both FMLA

leave and Paid Family Leave, the employee may use their accrued personal leave, vacation and sick leave, in that order, to supplement the Paid Family Leave benefit.

Any such accrued leave used concurrently with leave taken under this policy will be used to pay the employee for such leave time, and will count towards the maximum of 12 weeks, or 26 weeks, of leave permitted by this policy; the remainder of the leave, if any, will be unpaid.

Where an employee qualifies for leave under both the FMLA and Paid Family Leave policies, such leave will run concurrently. Under such circumstances, employees may be required to use their accrued sick leave, personal leave and vacation to supplement their Paid Family Leave benefits if permitted by law.

### INTERMITTENT LEAVE / REDUCED SICK LEAVE

Family and medical leave time under this policy may be taken intermittently or on a reduced schedule basis as follows:

- When medically necessary for the employee to care for their own serious health condition or to care for child, spouse or parent with a serious health condition.
- When medically necessary to care for the employee's military family member.
- When taken for qualifying exigencies.
- When taken by an expectant mother employee before the birth of her child for prenatal care or if her condition makes her unable to work.

For the birth, adoption or foster care of a child, the College and the employee must mutually agree to the schedule before the employee may take leave intermittently or work a reduced schedule. Leave for birth or placement of a child must be taken within one (1) year of the birth, or placement of the child.

If the need for intermittent leave is foreseeable, based on planned medical treatment, the employee is responsible for scheduling the treatment in a manner that does not unduly disrupt the College's operations. If an employee is granted leave under this policy on an intermittent or a reduced schedule basis, the College may temporarily transfer the employee to an alternative position of equivalent pay and benefits, which better accommodates recurring periods of absence or a reduced schedule.

### NOTIFICATION AND REPORTING REQUIREMENTS

For an employee who requests leave for qualifying exigencies, the employee must give the College notice of their need for family and medical leave as soon as possible, regardless of how far in advance the need for leave is known. The employee may be required to provide the College with a copy of the military service member's active duty orders, or other form documentation certifying the employee's request for family and medical leave.

For an employee who requests leave for any other reason under this policy and where the need for leave is foreseeable (such as the birth or adoption of a child, or scheduled medical treatment), the employee must submit the leave request in writing to the Director of HR at least thirty (30) days before the date the requested leave is to begin. In an unexpected emergency where it is not possible to provide thirty (30) days' advance notice, the employee is expected to provide as much advance notice as is practicable.

If the employee's need for family and medical leave is foreseeable, the employee must make efforts to schedule leave in a manner that does not unduly disrupt the College's operations. The College reserves the right to request that such leave be rescheduled.

When on FMLA leave, employees must report periodically (at least every thirty (30) days) on their leave status and intention to return to work at the end of the approved leave period. All such information should be submitted to the Director of HR.

### REQUIRED CERTIFICATION

When an employee requests leave under this policy because of the employee's own serious health condition, or to care for a spouse, child or parent with a serious health condition, the employee must submit to the College written medical certification from a health care provider that states:

- the date on which the serious health condition began; and
- the probable duration of the serious health condition; and
- appropriate medical facts within the knowledge of the health care provider regarding the condition.

When the leave is requested for the employee's own serious health condition, the medical certification must also state that the employee is unable to perform the duties of the employee's job because of the condition. When the leave is to care for a spouse, child or parent with a serious health condition, the medical certification must provide an estimate of how much time the employee needs to care for that individual. When leave is requested on an intermittent or reduced schedule basis for planned medical treatment, the medical certification must also state the dates on which treatment is expected to be provided and the duration of the treatment.

The College may, at its discretion and at its own expense, require the employee to obtain a second opinion from a health care provider designated and approved by the College. If the second opinion differs from the first opinion, the College, again in its discretion and at its own expense, may request a third opinion from a health care provider approved by both the College and the employee. The third opinion will be binding on both parties. The College may also require an employee on family and medical leave to undergo periodic recertification.

The College may also require certification from an employee requesting qualifying exigency leave, or leave to care for a seriously injured or ill covered service member in accordance with applicable law.

### BENEFITS CONTINUATION DURING LEAVE

Any employee, who is granted an approved leave of absence under this policy and has elected coverage under the College's insurance plans, will continue to be covered under the College's insurance plans in effect at the time so long as the employee continues to pay whatever employee portion of the premium costs is required under College policy. If paid leave is used for any portion of the family and medical leave, employee premiums will be deducted from the payments in accordance with the practice applicable to active employees. Otherwise, the employee will be responsible for paying their portion of the monthly premium by mailing it to MSMC 330 Powell Avenue Newburgh, NY 12550 no later than the first day of each month. The employee's group medical coverage and the coverage of all the employee's enrolled dependents will be terminated if the employee's portion of the premium is paid more than thirty (30) days late. The College will provide at least fifteen (15) days' written notice to the employee prior to terminating for non-payment.

In the event that an employee elects not to return to work upon completion of an approved unpaid family and medical leave of absence, the College may recover from the employee the cost of any payments made by the College to maintain the employee's coverage, unless the failure to return to work was due to the

continuation, recurrence or onset of a serious health condition, or was due to other circumstances beyond the employee's control.

The period of time an employee is on family and medical leave will be treated as continued service for purposes of vesting and eligibility to participate under any available pension or retirement plan.

Absences due to unpaid family and medical leave will not be counted as time worked for the purpose of seniority or computing paid time off, sick leave or personal days. The employee will not be entitled to accrue seniority or earn additional employee benefits (such as vacation time) during any period of unpaid family and medical leave. Benefit entitlements based upon length of service will be calculated as of the last paid workday prior to the start of the unpaid leave of absence.

Employees on FMLA leave are not eligible to be paid for holidays or College closings.

### **JOB RESTORATION**

An employee returning to work within the approved FMLA leave period will be returned to the same job the employee had before going on leave or an equivalent position with the same pay, benefits, and working conditions which involves substantially similar duties and responsibilities and entails substantially equivalent skill, effort, responsibility, and authority. Except as may otherwise be provided for by law, any employee seeking to return to work after the approved leave period will not be entitled to return to work if the job has been filled by another employee or business conditions preclude such reinstatement.

Notwithstanding the above, under certain circumstances the College may deny job restoration to key employees. A key employee is a salaried employee eligible to take leave who is among the highest paid ten percent (10%) of all College employees. Unless otherwise prohibited by applicable law, the College may refuse to reinstate key employees after taking FMLA leave under this policy if it determines that substantial and grievous economic injury would result from reinstatement. If this determination is made, the key employee will be notified in writing and given an opportunity to end the leave and return to work.

If an employee took leave under this policy because of their own serious health condition, when the employee is ready to return to work, the employee must provide the College with a certification from their health care provider confirming that the employee is medically able to return to work.

The employee must immediately notify the Director of HR when the employee is able to return to work. An employee's failure to return to work when able or a failure to return to work when the approved leave expires may result in disciplinary action, up to and including termination. Any employee who secures alternative employment, or was gainfully employed elsewhere while on FMLA leave will be deemed to have terminated their College employment as of the date when the leave began.

### **QUESTIONS ABOUT FMLA LEAVE**

If you have any questions about your rights or responsibilities under this policy, contact the Director of HR.

### **RESERVATION OF RIGHTS**

The College will comply with all applicable laws in administering this policy. To the extent the law permits employer discretion, the College reserves the right to modify, change or eliminate any provision of this policy subject to applicable law.

## 4.14 NEW YORK STATE PAID FAMILY LEAVE (“PFL”)

In accordance with the New York State Paid Family Leave Benefits Law, the College provides eligible employees with job protected paid time off for family related reasons as detailed below. Employees on paid family leave (“PFL”) will receive partial pay through an insurance policy funded by a small weekly post-tax payroll deduction (set in accordance with state law). Payroll deductions began on January 1, 2018, or the employee’s first day of employment, whichever was later. Pursuant to state law, participation in the PFL program is mandatory for all College employees except for certain employees who are eligible for an exemption.

### ELIGIBILITY

Employee eligibility for PFL depends on the number of hours an employee is regularly scheduled to work for the College. For purposes of this policy only, “full-time employees” are those employees who are regularly scheduled to work twenty (20) or more hours per week for the College, and “part-time employees” are those employees who are regularly scheduled to work less than twenty (20) hours per week for the College. Per-diem employees who are called-in by the College to work on an as needed basis will be deemed “part-time employees” for the purposes of this policy only.

A full-time employee is eligible to take PFL after being employed by the College for twenty-six (26) consecutive weeks. Periods of paid time off (*e.g.*, vacation, sick time, personal leave, bereavement leave, etc.) will count towards this twenty-six (26) week employment threshold for full-time employees, however periods of paid short-term disability leaves of absence will not count towards this twenty-six (26) week employment threshold.

A part-time employee is eligible to take PFL after they have worked 175 days for the College.

### AMOUNT OF LEAVE

The maximum amount of PFL time available to an eligible employee during a fifty-two (52)- week period (counted by measuring backwards from each day for which PFL is taken) is 12 weeks.

PFL may be taken in weekly or daily increments. In the event an employee also collects short-term disability benefits for the employee’s own disability, the maximum combined amount of time that the employee can take for short-term disability and PFL is twenty-six (26) weeks in a fifty-two (52)-week period.

If more than one eligible employee seeks to take PFL for the same qualifying event, those employees will not be permitted to take PFL at the same time. For example, if both parents of a newborn child work for the College each parent will be able to take time off to bond with that child but only one parent at a time will be permitted to take PFL.

### PAY DURING PFL

Employees do not receive their pay from the College during PFL. Instead, an employee on PFL will receive a partial wage replacement benefit directly from the College’s insurance carrier after the employee files a claim with that insurance carrier. See [Applying for Pay Benefits](#) below. The amount of the partial wage replacement benefit is set by state law as a percentage of the employee’s weekly wage up to a maximum amount. The benefit amount that an eligible employee will receive is 67% of the employee’s average weekly wage, up to a cap of 67% of the current statewide average weekly wage. The maximum weekly benefit for 2021 is \$971.61.

*\* The maximum benefit amount for 2022 and thereafter will be determined annually by New York State.*

If a continuous PFL leave spans across calendar years, the employee's benefit amount is set at the start of the leave and does not increase during the leave.

Employees that are absent due to time taken under the PFL benefit are not paid for holidays or College closings.

### QUALIFYING REASONS FOR PFL

Once eligible, an employee can apply to take PFL for the following reasons:

- To provide care for a child (regardless of age), parent (including parent-in-law), grandparent, grandchild, spouse and/or domestic partner, or sibling with a "serious health condition."
  - *Providing care* includes providing necessary physical care, emotional support, visitation, assistance in treatment, transportation, arranging for a change in care, assistance with essential daily living matters, and personal attendant services. During the period of leave, the employee must be in close physical proximity to the care recipient.
  - *Serious health condition* means an illness, injury, impairment or physical or mental condition that involves either in-patient care or continuing treatment or supervision by a health care provider. Ordinarily, illnesses such as the common cold, the flu, an earache, an upset stomach, a minor ulcer, a headache other than migraine, routine dental or orthodontia problems, periodontal disease, etc. do not constitute serious health conditions. For further detail as to whether a particular condition could qualify as a serious health condition, please consult with the Director of HR.
- To bond with a new child following the birth, adoption or placement in foster care.
  - In the case of a birth, the leave must be taken within twelve (12) months immediately after the child is born.
  - In the case of adoption or placement, leave may be taken prior to the adoption or placement if the employee's absence is necessary for the placement or adoption to proceed. All leave must be taken within one (1) year of the first day of leave, or within one (1) year of the adoption/placement, whichever is earlier.
- To attend to a qualifying exigency arising out of the fact that the employee's spouse, domestic partner, child or parent is on or has been called to active military duty.
  - If you have questions about what could be a *qualifying exigency*, please consult with the Director of HR.

PFL cannot be taken for an employee's own disability or serious health condition. Disability leave and/or PTO may be available in those circumstances. Please speak with Human Resources if you have questions regarding leaves of absence under those policies.

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

## INTERMITTENT LEAVE

PFL can be taken intermittently in full-day increments for any of the qualifying reasons for PFL.

## EMPLOYEE NOTICE REQUIREMENTS

Employees must provide the College with notice prior to the start of PFL by contacting the Director of HR.

Where the need for PFL is foreseeable, the employee must notify the Director of HR at least thirty (30) days in advance of the first day of leave. The need for PFL will generally be foreseeable for an expected birth, placement for adoption or foster care; the planned medical treatment for a serious health condition of a family member and known qualifying exigencies relating to military service.

If the need to use PFL is not foreseeable (such as in a medical emergency), the employee must notify the Director of HR as soon as practicable (such as within one (1) or two (2) business days of learning of need for leave). Notice of the need for unforeseeable PFL should ordinarily be given prior to the start of the employee's workday, absent extenuating circumstances.

Employees are expected to provide notice in accordance with this policy, as well as the College's policy regarding reporting absences.

If PFL is taken on an intermittent basis, the employee must notify the Director of HR before each day of leave, unless the employee has already notified the Director of HR that they will be absent on the specific date(s) intermittent leave is being sought.

When the need for PFL is foreseeable, including intermittent leave, employees are encouraged to consult with their supervisor and schedule leave in order to minimize operational disruptions.

## APPLYING FOR PAY BENEFITS

In order to receive pay benefits while on PFL, an employee must submit a claim using the *Request for Paid Family Leave* form (PFL-1) to The College's PFL insurance carrier, as well as the appropriate certification form (PFL-2 for bonding; PFL-3/PFL-4 for providing care; or PFL-5 for qualifying exigency) and supporting documentation. These claim forms provide details regarding the documentation that will be required to support an employee's request to be paid PFL. Claim forms and the appropriate certification forms are available from the Office of Human Resources, the College's PFL insurance carrier and New York State's PFL website (<https://paidfamilyleave.ny.gov/employees>).

Prior to submitting the *Request for Paid Family Leave* form to the College's PFL insurance carrier, an employee must provide the form to the Director of HR so that the College can complete the employer section (Part B) of that form. The College will return the form to you with the employer section completed within three (3) business days.

Employees are responsible for timely filing their own PFL claim forms, certification forms and supporting documentation with the College's PFL insurance carrier. The College will not file a claim on an employee's behalf, but the Director of HR is available to answer questions employees may have. The College's PFL insurance carrier will either pay or deny an employee's PFL claim within eighteen (18) days of when the completed PFL claim form, certification form and supporting documents are submitted by the employee to the insurance carrier. The College's PFL insurance carrier will make no payment to an employee until the employee's PFL claim is submitted and approved.

If an employee is seeking payment for time off that they previously took (for example, for time off taken because of an unforeseeable emergency), the employee's PFL claim must be filed with the College's

insurance carrier within thirty (30) days of the date(s) for which payment is sought. However, employees are encouraged to file PFL claims as quickly as possible to ensure prompt payment of benefits for qualifying leaves.

The College's PFL insurance carrier will make the final determination of whether an employee is eligible for PFL, whether the reason for the leave qualifies under the law, and whether the employee has provided sufficient documentation to support their need for leave. The College is not responsible for making, and will not make, any determination with regard to such things.

If an employee is absent from work and the College's PFL insurance carrier denies their PFL claim, the College will charge the employee's accrued/unused time balance to cover the absence, or treat the absence as an unpaid and/or unauthorized absence.

### **SUBSTITUTION OF PAID TIME OFF**

If an employee takes leave for one of the PFL qualifying reasons (as discussed in the *Qualifying Reasons for PFL* section above) and wants to receive their full wages during the leave, the employee can elect to use paid time off ("PTO") concurrently during the period of PFL. If the employee elects to use PTO concurrently during the period of PFL, the employee will be paid their regular wage by the College and the PFL benefit payment will be remitted to the College (instead of to the employee) by its PFL insurance carrier. In no case can an employee on PFL receive more than 100% of their regular wage.

### **MAINTENANCE OF HEALTH BENEFITS**

While an employee is on PFL, the College will maintain the employee's health benefits (assuming the employee is eligible for health benefits) as if the employee continued to be actively employed and not on leave. The College will continue to pay its portion of the employee's group medical premium during an approved PFL absence.

If the employee elects to use their paid leave time concurrently with PFL (as discussed in the *Substitution of Paid Time Off* section above) and the employee contributes to the premium cost of their health benefits, the College will deduct the employee's portion of the group medical premium as a regular payroll deduction. Otherwise, the employee will be responsible for paying their portion of the monthly premium by mailing it to MSMC 330 Powell Avenue Newburgh, NY 12550 no later than the first day of each month. The employee's group medical coverage and the coverage of all their enrolled dependents will be terminated if the employee's portion of the premium is paid more than thirty (30) days late. The College will provide at least fifteen (15) days' written notice to the employee prior to terminating for non-payment.

### **WAIVER**

Certain temporary and part-time employees will be afforded the opportunity to waive PFL coverage. Only the following employees have the option of waiving PFL coverage:

- full-time employees who will not work twenty-six (26) consecutive weeks for the College; and
- Part-time employees who will not work 175 days in a consecutive fifty-two (52)-week period for the College.

If such an employee decides to waive PFL coverage, the College will not take PFL payroll deductions from the employee, and the employee will not be able to use PFL or receive payment from the College's PFL insurance carrier for any absence.

If an employee elects to waive coverage and their regular schedule changes such that they do work for the College for twenty-six (26) consecutive weeks (full-time employees) or 175 days in a consecutive fifty-two (52)-week period (part-time employees), the waiver will be automatically revoked. An employee may also choose to revoke the waiver at any time by contacting the Director of HR. If the waiver is revoked, either automatically or by the employee's choice, the College will begin collecting PFL payroll deductions from the employee from the date of the revocation going forward and may retroactively collect from the employee deduction amounts from the employee's date of hire or an amount necessary to prevent the College from paying for PFL coverage for the employee.

## RESTORATION TO EMPLOYMENT

An employee will be reinstated to the same or comparable position (with comparable employment benefits, pay and other terms and conditions of employment) upon the end of their period of approved PFL. If an employee has exhausted all approved PFL and is still unable to return to work, the employee is no longer provided with any job restoration rights under PFL. The College cannot guarantee that it will be able to keep an employee's position vacant following the expiration of any PFL leave, unless other job protections apply.

## APPEAL RIGHTS

An employee whose claim for PFL benefits has been denied by the College's PFL insurance carrier has the right to appeal the carrier's determination through an arbitration proceeding.

Further information about appeal process can be obtained from the College's PFL insurance carrier.

## PROTECTION AGAINST DISCRIMINATION AND RETALIATION

The College will not discriminate or retaliate against any employee for inquiring about, applying for or using PFL. Employees who believe they have experienced such discrimination and/or retaliation should immediately notify the Director of HR.

## QUESTIONS

If you have questions about PFL, please contact the Director of HR.

## 4.15 BLOOD DONATION LEAVE

Employees who work an average of at least twenty (20) hours per week may take up to three (3) hours of unpaid leave during any calendar year for the purpose of donating blood at an off-site location. From time to time, the College may sponsor an on-site blood drive, and under these circumstances, employees will be paid for the time necessary to donate blood. In either case, employees will not be required to use vacation, personal choice holiday, sick or personal time. Employees who wish to donate blood must provide at least two (2) working days' notice prior to their need for the blood donation leave and will be required to provide proof of their donation activity.

## 4.16 BONE MARROW DONATION LEAVE

Employees who work an average of twenty (20) hours or more each week are eligible to receive up to twenty-four (24) hours of unpaid leave to donate bone marrow. Employees must provide notice at least twenty-four (24) hours in advance of a scheduled bone marrow donation. If the bone marrow donation is unscheduled, employees should provide notice as soon as possible after receiving the request for a bone marrow donation. An employee must provide their immediate supervisor and the Director of HR with a written physician verification for the purpose and length of each bone marrow leave requested. For more information regarding this leave, please contact the Director of HR.

## 4.17 VOTING LEAVE

The College encourages employees to exercise their voting privileges. If an employee has four (4) consecutive hours either between the opening of the polls and the beginning of the employee's shift, or between the ends of the employee's working shift and the closing of the polls, the employee has sufficient time to vote outside of working hours.

However, if an employee does not have sufficient time to vote, the employee should notify their supervisor that they require time off to vote between two (2) and ten (10) working days before the day of the election. The College will permit an employee to take sufficient time off to enable the employee to vote. The College will not compensate an employee for more than two (2) hours of this time. An employee must take this leave at the beginning or end of their shift as directed by the College, unless the employee and the College agree to another time.

## 4.18 LIFE INSURANCE

The College provides a life insurance benefit at no cost to all full-time employees. Eligible employees are covered beginning the first of the month following the employee's first day of work. The benefit amount is equal to two (2) times the employee's base annual salary rounded to the next even thousand dollars unless the multiple is an even thousand. The maximum benefit is \$350,000.00.

Employees whose benefit amount exceeds \$50,000 will be taxed on the amount over \$50,000 as required by IRS regulations.

Information and enrollment/beneficiary forms are available in the HR Office. It is the responsibility of each employee to keep beneficiary information up to date.

## 4.19 WORKERS' COMPENSATION

Employees who sustain injuries and/or illnesses arising out of and in the course of their employment with the College may be eligible for workers' compensation benefits.

Employees must report injuries and illnesses sustained at work to their supervisor as soon as possible and complete an accident report. The HR department will file all claims with the insurance company. The insurance company will review the claim and determine if benefits are applicable and the degree of coverage.

The College will cooperate with the insurer's efforts to determine the legitimacy of a claim and any follow-up investigations.

## 4.20 SHORT-TERM DISABILITY

Short-term disability coverage is provided for employees as required under New York State law. The amount of disability benefits an employee can collect is based upon state law. Currently, the benefit is equal to 50% of an employee's average weekly wage for the last eight (8) weeks worked up to a maximum benefit of \$170 per week. Employees who are eligible for PFL may not collect disability and PFL benefits at the same time. The total combined disability leave and PFL may not exceed twenty-six (26) weeks in any fifty-two (52)-week period.

There is a seven (7)-day waiting period for which no benefits are paid. Benefits, if granted, begin on the eighth (8<sup>th</sup>) consecutive day of disability.

Employees must use their accrued sick time before collecting disability payments directly. The disability insurer will remit the disability payment to the College as reimbursement for paying the sick leave to the employee. Disability will then be paid directly to the employee once sick time has been exhausted.

Employees are required to contribute the maximum amount permitted by law to the premium via payroll deduction.

Employees will not be paid for holidays or College closings while on Short-Term Disability leave.

#### 4.21 LONG-TERM DISABILITY

The College offers a Long-term Disability (“LTD”) benefit at no cost to full-time employees. A full-time employee is eligible for (LTD) benefits on the first of the month following three (3) months of continuous service. The LTD insurance carrier is the sole determiner if an LTD benefit will be paid to a College employee.

For more information about the LTD benefit, please contact the Director of HR.

#### 4.22 COBRA ENHANCEMENT FOR CERTAIN RETIREES

Upon completion of twenty (20) years of continuous full-time service at the College, a College employee who is at least sixty (60) years old and retires prior to becoming eligible for Medicare coverage will be permitted to continue medical insurance benefits through the College until the retired employee becomes eligible for Medicare coverage.

Continuation of medical insurance under this policy shall be governed by the following rules:

The retired employee is responsible for reimbursing the College for the full monthly premium for the level of coverage selected. Payment is due on the first day of each month. Coverage will be terminated if payment is not received or mailed with a postmark within thirty (30) days of the due date.

A retired employee who opts to continue coverage under this policy must have been a participant in the College’s medical plan for at least two (2) consecutive years immediately prior to retiring and must begin coverage immediately at retirement. An employee who does not exercise this option at retirement will not be permitted to enter the plan at a later date.

A spouse and/or dependent(s) may be covered under the employee’s plan if enrolled at the beginning of the continuation period. The spouse may continue coverage under this policy until attaining the eligible age for Medicare coverage. Should the retired employee predecease the spouse, the surviving spouse will be permitted to continue the coverage until attaining the eligible age for Medicare by reimbursing the College for the full monthly premium per the same premium payment rules stated above.

Dependent children will be covered under the rules of the plan outlined for dependent children.

Eligible employees will be required to enroll in the current provider program as required by the College. If applicable, state and/or federal law regarding continuation of benefits shall prevail.

## Section 5: WORK CONDITIONS

### 5.1 HOURS OF WORK

The College's core workday hours are from 8:00 AM to 5:00 PM. During these core hours, department supervisors should stagger employees' shifts to ensure adequate coverage.

Full-time employees will work 35, 37.50, or 40 hours per work depending on the department assignment. In most cases, office and clerical are assigned a 35-hour workweek, custodial employees are assigned a 37.50-hour workweek, and grounds, maintenance and security employees are assigned a 40-hour workweek. Variations may occur within an individual department.

Work schedules may be altered for College recesses, holidays, Fridays and at any other time the College deems necessary.

### 5.2 REMOTE WORK POLICY

A telecommuting/remote-work (TRW) arrangement allows an employee to be compensated for performing assigned responsibilities in a non-campus, non-College affiliated environment, typically their place of residence. TRW requests are considered on a case-by-case basis, and are not a right or guaranteed. The employee's Vice President in consultation with the requesting employee's supervisor grants final approval and communicates the decision to the requesting supervisor and employee and informs HR of the decision. TRW may be requested and/or approved on a short or long-term basis or for specific day(s) of the week or on an occasional basis.

#### CONDITIONS NECESSARY TO CONSIDER AN EMPLOYEE FOR TRW

- There is mutual agreement between employee and supervisor.
- Documentation of the arrangement is developed and submitted to the employee's Vice President.
- All or significant components of the work can be done remotely
- The operational needs of the department are met.
- The work is considered official College business.

#### APPROVAL PROCESS

The employee should make the supervisor aware of the desire to telecommute. If the supervisor approves the TRW request, the next step is for the employee and supervisor to document the following including, but not limited to:

- a brief description of the work while working remotely
- identification of job responsibilities that cannot be accomplished remotely and requires on-campus presence
- an explanation of how the supervisor will monitor for reasonable productivity
- the beginning and ending dates for working remotely and the daily work hours
- a telephone number where the employee can be reached during work hours
- a record of the college-owned equipment that will be used in telecommuting

Evaluation of success and continuation of TRW will be evaluated by the supervisor as circumstances warrant, but no less than twice a year. The supervisor may rescind the authorization for the employee to work remotely at any time for any reason.

#### USE OF COLLEGE RESOURCES WHILE WORKING REMOTELY

Equipment and supplies can be made available by the College on a case-by-case basis depending on the

work to be done and the availability within the department. Neither confidential information nor original College records should be taken off campus. Access to College resources through the network should be done through an approved and secure method such as VPN. A record of College-owned equipment used by the employee remotely should be documented, signed by the employee and supervisor, and retained by the supervisor for inventory and control purposes. Employees designated by the College administration may, with 24 hours' notice, visit the remote work site to examine workplace safety, College equipment, supplies, and records in possession of the employee.

### EMPLOYEE RESPONSIBILITIES FOR COLLEGE EQUIPMENT, SUPPLIES OR RECORDS

Care of the College-owned equipment, supplies, and records is the responsibility of the employee.

Copies of all records, papers, and correspondence must be safeguarded by the employee to protect them from unauthorized disclosure, loss, or damage, and for their return to the appropriate College location. Release or destruction of any records is only done at the College location, according to statute and regulation. The employee agrees to return such items to their appropriate campus location when no longer needed for the telecommuting assignment, or when otherwise requested by the appropriate official. Equipment owned or provided by the employee is used at no cost or risk to the College and is maintained by the employee.

Exceptions to this should be prearranged, documented, and approved by the supervisor and the appropriate vice president. The employee is responsible for operating costs, maintenance, and/or any other incidental costs (e.g. utilities) associated with the use of his/her residence or other location.

### LOST, STOLEN OR DAMAGED COLLEGE EQUIPMENT

If College equipment is lost, stolen, or damaged, the employee agrees to participate in any investigation and to include the College equipment in his/her homeowners' insurance claim.

### INJURY DURING PREDETERMINED TELECOMMUTING SCHEDULE

Workers' Compensation laws may apply if the employee is injured in the course of performing official duties at the alternative work location. The College is not liable for other property damage or bodily injury that results from participation in a telecommuting arrangement.

### EXPECTATIONS OF EMPLOYEES WORKING REMOTELY

The following expectations for employees outlined below are to avoid issues that may cause disruption to the workday and/or during virtual meetings.

#### GENERAL EXPECTATIONS

- Remote employees are expected to be available and communicative during scheduled work hours.
- All Mount Saint Mary College work rules and other policies continue to apply to offsite work locations.
- Consumption of alcohol during work hours is never acceptable.
- Employees should seek a quiet and distraction-free working space to the extent possible.
- Employees are expected to maintain their workspace in a safe condition and free from safety hazards.

#### VIRTUAL MEETINGS

- While distractions are often unavoidable, try to keep them to a minimum. No music or

television in the background during meetings.

- Keep yourself muted during video or audio conferencing unless you are speaking.
- Turning on video is encouraged but not required.
- Avoid eating a meal during a virtual meeting unless invited to do so by the meeting host.
- Smoking or vaping is not permitted during a video conference.
- Casual dress is acceptable; however, use discretion. No sleeveless tops, pajamas or other apparel that would not be appropriate to wear outside of your home.
- Avoid multi-tasking. Give your full attention to the meeting as if you were face to face.

### 5.3 WORKWEEK

The normal workweek begins at 12:00 AM on Saturday and concludes at 11:59:59 PM on the next succeeding Friday.

### 5.4 ATTENDANCE

The College expects its employees to report to work except in cases of illness or a planned day off.

If an absence is anticipated (vacation, floating holiday, personal day), the employee should notify the employee's supervisor as far in advance as possible, but no later than two (2) weeks before their planned absence. Exceptions may be granted at the supervisor's discretion. The College reserves the right to approve or deny requests for vacation and personal time based on the College's needs.

In the case of an unexpected absence, employees must notify their supervisor no later than one-half hour after the employee's regular scheduled start time. This must be done for each absence that is not expected to last beyond one workday.

Employees who use five (5) or more consecutive sick days must provide documentation verifying the need for the absences from the appropriate individual(s) (e.g., if taking sick leave for illness, the employee should provide a note from a health care provider); provided, however, that if an employee has been disciplined for absenteeism, that employee must provide such documentation after three (3) consecutive sick days. The College may also require verification for intermittent absences.

Employees who are absent for three (3) consecutive days without speaking directly to their supervisor or the Director of HR will be considered to have abandoned employment and will not be permitted to return to work at the College.

### 5.5 TARDINESS

Employees are expected to begin working at the designated start time of their workday and return from authorized breaks and lunch times in a timely manner. Frequent tardiness places an unfair burden on others. If you expect to be late for work, you must notify your supervisor as soon as possible. If the event was not foreseeable, the employee must notify the College as soon as practical.

Frequent lateness of any kind will result in disciplinary action, up to and including termination.

### 5.6 LEAVING BEFORE END OF WORKDAY

Employees are expected to work to the end of their designated workday. Leaving work before the end of the workday is not permitted and may result in disciplinary action, up to and including termination.

## 5.7 BREAKS AND MEAL PERIODS

Employees may take reasonable, periodic breaks during the workday to do such things as use the restroom, or get coffee or other refreshments without leaving their employees' assigned work area. If the College determines that an employee is abusing this privilege by taking excessive breaks during the workday, in quantity and/or duration, such employee may be subject to disciplinary action, up to and including termination. However, nothing in this section is intended to limit or in any way, interfere with or restrict the rights of nursing mothers as described in the Rights of Nursing Mothers policy set forth in this Handbook.

Non-exempt employees who work more than a six (6)-hour workday, are entitled to take one thirty (30)-minute lunch break during their workday. Such employees are expected to take their lunch breaks every day. Lunch breaks are to be taken between the hours of 11:00 a.m. and 2:00 p.m. on a staggered schedule so as not to interfere with the needs of co-workers or the continuous operation of College business. If, for some reason, you perform work during your lunch break, you must report doing so to your immediate supervisor.

Lunch breaks will be unpaid unless, upon the request of their supervisor, employees are required and authorized by their supervisor in writing to make themselves available during their lunch break. Non-exempt employees are not permitted to work during their lunch break without prior written authorization from their supervisor. If a supervisor asks you to work during your lunch break and refuses to give you prior written authorization to do so, you must report the incident to the Director of HR.

## 5.8 TIMEKEEPING

All non-exempt employees are required to accurately record their time worked for payroll purposes. Employees must clock in/out at the start and at the end of each workday via time clock or through the College's timekeeping system on their computer. Employees may not perform any work before punching in or after punching out, nor may they perform work during their lunch break.

You are not permitted to do any work for the College without accurately reporting the hours you have worked. No supervisor may ask you to do any work and not report the hours. If there is any discrepancy between the hours that you actually worked and your reported time, it is your responsibility to notify your supervisor immediately so that it can be reviewed and corrected. If, for some reason, you perform work during your lunch break, you must report doing so to your immediate supervisor.

Failure to follow the policies described in this Handbook regarding overtime work and/or the reporting of any such overtime work, may subject you to disciplinary action, up to and including termination.

If a supervisor asks you not to report any hours, report the incident to the Director of HR. You **MUST** report all hours worked.

## 5.9 INCLEMENT WEATHER AND EMERGENCY CLOSINGS

When severe inclement weather makes it necessary to close the College, employees who are not required to report in order to maintain those services designated as essential to students,

will not be required to report to campus until the campus has been reopened for normal activities. Employees who are able to work remotely are expected to do so as directed by their supervisor.

If an employee is unable to return to work once the campus has been reopened or does not remain at work due to the inclement weather if the College remains open, the employee must use personal or vacation hours, in that order, to be paid for the absence.

An employee who has previously scheduled paid time off when the college closes will be charged for the paid time off under the assumption that the employee is not available to work. If an employee chooses to cancel the approved time off request, they may do so by getting approval from their supervisor and working that day.

Closings or delayed opening announcements will be placed on voicemail and can be heard by dialing 845-569-3500 or at the College's web portal ([portal.msmc.edu](http://portal.msmc.edu)). In the event of a delayed opening announcement, continue to check the voice message prior to leaving for work in the event that a closing eventually occurs.

Announcements will also be made via several radio stations in the area including:

WHUD 100.7 FM	WRWD107.3 FM
WCZX 97.7 FM	WEOK 101.5 FM
WGNV 1220 AM	WBNR 1260 AM
WEOK 1390 AM	WKIP 1450 AM

Employees are encouraged to sign up for MSMC Alert on the College's web portal ([my.msmc.edu/secure/MSiteAlerts/](http://my.msmc.edu/secure/MSiteAlerts/)) to receive text or email alerts regarding inclement weather or other campus emergencies.

## 5.10 CHILDREN IN THE WORKPLACE

The College values family life and maintains policies and benefits that are supportive of families. Nonetheless, the College believes that the workplace should not be used in lieu of other childcare provider options. It is inappropriate for children of employees to be in the workplace for several reasons:

- The risk of harm to the children
- The potential liability to the College
- The decreased employee productivity due to distractions and disruptions that affect both the parent and other employees in the area

Children of employees may not be present at an employee's workplace for other than a momentary visit during the employee's work hours. If an employee needs to meet with their child, the employee may do so during the employee's break or lunchtime in one of the College's common areas.

## 5.11 PERSONNEL FILES

The College maintains a personnel file on each employee. Personnel files are the exclusive property of the College. Information contained in an employee's personnel file is confidential and access to it is restricted.

Only authorized College employees are permitted to access employee personnel files. Such authorized College employees must preserve the confidentiality of personnel files and the information contained therein, and may not share such files/information with any unauthorized College employee or use such files/information for any purpose other than official College business. Personnel files shall be filed separately from other business files and secured to prevent unauthorized access.

Current employees may request access to their personnel files to inspect their contents. All such requests must be made in writing to the Director of HR. Within a reasonable time after receiving an employee's written request, the College will provide the employee with access to the employee's personnel records.

The College will notify the employee of the time and place for inspection of the personnel records, which will be at a reasonable place and time. The employee may view the personnel records in the presence of a College representative. The employee may not remove any documents from the personnel file.

Employees may inspect records related to their qualifications for employment, compensation and disciplinary actions. An employee may not inspect any other records in their personnel file. If the employee disagrees with the accuracy of any record that the employee has inspected, the employee may submit a written statement to be attached to the record.

Health/medical records are not included in employees' personnel files. The College will safeguard such records from disclosure and divulge such information only:

- as allowed by law;
- to the employee's personal physician upon written request with permission of the employee; or
- as required for workers' compensation claims.

## 5.12 PERFORMANCE EVALUATIONS

Your first performance evaluation will be made after you complete twelve (12) months of continuous employment or as deemed necessary by the College. After that review, you will receive a performance evaluation every twelve (12) months or as deemed necessary by the College. The frequency of performance evaluations may vary depending upon such factors as length of service, job position, past performance, changes in job duties or recurring performance problems.

Your performance evaluations will document your job performance, including but not limited to such factors as the quality and quantity of the work you perform, your knowledge of your job, your initiative, your work attitude and your behavior towards others.

Salary adjustments or promotions are solely within the discretion of the College and depend upon many factors in addition to your individual performance.

## Section 6: EMPLOYEE CONDUCT

### 6.1 PERSONAL CONDUCT RULES

It is expected that employees will satisfactorily perform their work responsibilities and conduct themselves appropriately. When an employee does not meet these expectations, the employee may be subject to disciplinary action, up to and including termination of employment.

The following list is a non-exclusive sample of infractions that may lead to disciplinary action, up to and including termination of employment:

- A. Theft or unauthorized possession of College, co-worker, student, vendor or visitor property;
- B. Fraud;
- C. Possessing, manufacturing, being under the influence of, distributing, selling or using alcohol or any form of narcotic or controlled substance (unless specifically prescribed for the employee by a physician) while on College property or while carrying out College business off of College property, or pressuring, assisting or aiding another College employee to do such things;
- D. Threatening violence or engaging in violent, dangerous, unsafe, or disorderly conduct of any kind on College or client premises, including, but not limited to, fighting, wrestling, roughhousing, or any other dangerous or unsafe act;
- E. Falsifying information;
- F. Insubordination;
- G. The use of excessive profanity or abusive language;
- H. Use or possession of firearms or other weapons on College property (including personally owned weapons stored in vehicles);
- I. Unauthorized use of College equipment.
- J. Poor or unsatisfactory work performance, including unsatisfactory attitude.
- K. Excessive absenteeism or tardiness.
- L. Engaging in sexual or other unlawful harassment, bullying or discrimination inside or outside the workplace (including via social or other media).
- M. Willful, reckless or negligent destruction or defacement of College, coworker, student, vendor or visitor property.
- N. Conducting personal business during working hours.
- O. Using tobacco products (including, but not limited to, smoking cigarettes, pipes and/or cigars, and the use of chewing tobacco) and simulated smoking products (including, but not limited to, electronic cigarettes) at any time inside any College office, building, vehicle or facility, or during work time.
- P. Committing any act that violates the College's policies against unlawful harassment, discrimination or retaliation, or any other policy set forth in this Handbook.
- Q. Engaging in any off-duty misconduct or action that has a harmful connection (nexus) to your employment with the College.
- R. Interfering with other College employees in the performance of their duties.
- S. Engaging in discourteous or inappropriate conduct with coworkers, students, vendors or visitors;
- T. Engaging in horseplay or other action that endangers others, equipment, or disrupts work;

- U. Disloyalty to the College, including but not limited to defaming the College or its employees, or acting in such a manner as could damage the College’s reputation or result in a loss of trust in the College;
- V. Sleeping, loafing or loitering on the job or assigned work area without authorization;
- W. Soliciting gratuities and/or gifts;
- X. Dishonesty regarding any aspect of employment with the College;
- Y. Engaging in behavior that results in a breach of security;
- Z. Discussing or removing confidential information without prior authorization in writing and signed by the President of the College. Confidential information includes, but is not limited to, personnel information, student information, contractual agreements, intellectual property, marketing/ business strategies, and information regarding the development of systems/processes/know-how/technology;
- AA. Refusing to work overtime when required;
- BB. Being absent on scheduled work days without management approval and/or proper notification;
- CC. Failing to follow appearance standards;
- DD. Excessive personal use of the Internet or mobile devices during working time;
- EE. Committing assault, including, but not limited to, sexual assault; and
- FF. Littering on College property.

## 6.2 WORKPLACE VIOLENCE

The College is committed to preventing workplace violence and to maintaining a safe work environment. Acts or threats of physical violence, including intimidation, harassment and/or coercion, which involve or affect the College or its employees or which occur on or off College property or during or outside of work hours, including by means of social or other media, will not be tolerated.

These prohibitions apply to all persons involved in the operation of the College, including, but not limited to, College employees, members of the College’s Board of Trustees, students, vendors, interns, volunteers, contractors, temporary workers and anyone else on College property. Violations of this policy, by any individual on College property, by any individual acting as a representative of the College while off College property or by any individual acting off College property when his or her actions affect the business interests of the College, may lead to disciplinary and/or legal action, as appropriate.

### DEFINITION

Workplace violence is defined as any physical assault or act of aggressive behavior occurring where an employee performs any work-related duty in the course of his or her employment including but not limited to: an attempt or threat, whether verbal or physical, to inflict physical injury upon an employee; any intentional display of force which would give an employee reason to fear or expect bodily harm; intentional and wrongful physical contact with a person without his or her consent that entails some injury; or stalking an employee when such stalking has arisen out of and in the course of employment.

Workplace violence does not refer to occasional comments of a socially acceptable nature. Such comments may include references to legitimate sporting activities, popular

entertainment or current events. Rather, it refers to behavior that is or should reasonably be understood that it is potentially personally offensive, threatening or intimidating.

## ENFORCEMENT

Acts of violence against any of our employees where any work-related duty is performed will be thoroughly investigated and appropriate action will be taken, including involving law enforcement authorities when warranted. All employees are responsible for helping to create an environment of mutual respect for each other as well as students, members of the College's Board of Trustees, vendors, interns, volunteers, contractors, temporary workers and visitors; following all policies, procedures and practices; and for assisting in maintaining a safe and secure work environment.

All incidents of violence or threatening behavior will be responded to immediately upon notification. All personnel are responsible for reporting any violent incidents, threatening behavior, including direct or indirect threats, they have witnessed, received, or have been told that another person has witnessed or received to a supervisor as soon as possible. This includes threats by employees, as well as threats by students, members of the College's Board of Trustees, vendors, interns, volunteers, contractors, temporary workers, and visitors or other members of the public. When reporting a threat of violence, employees should be as specific and detailed as possible.

All suspicious individuals or activities should also be reported as soon as possible to a supervisor. Do not place yourself or others in peril. If you see or hear a commotion or disturbance near your workstation, do not try to intercede or see what is happening. Anyone determined to be responsible for threats of (or actual) violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action, up to and including termination of employment.

The College will promptly and thoroughly investigate all reports of threats of (or actual) violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as is practical. The College will not tolerate retaliation against anyone who makes a good faith report under this policy. Employees who engage in such retaliation shall be subject to disciplinary action, including but not limited to termination of employment.

Any person who engages in a threat or violent action on College property may be removed from the premises as quickly as safety permits and may be required, at the College's discretion, to remain off College premises pending the outcome of an investigation into the incident.

When threats are made or a College employee commits acts of violence, a judgment will be made by the College as to what actions are appropriate, including possible disciplinary action, up to and including termination of employment.

## TEMPORARY AND PERMANENT RESTRAINING ORDERS

Any employee who applies for a temporary or permanent protective or restraining order, which lists any College location as a protected area, must provide to the Director of HR a copy of the order, as well as a copy of the petition and declarations used to apply for the order. Such information will be kept confidential to the extent possible without compromising the safety and security of College employees and the College community.

Important Note: The College will make the sole determination of whether, and to what extent, threats or acts of violence will be acted upon by the College. In making this determination the College may conduct a

case-by-case analysis to ascertain whether there is a reasonable basis to believe that workplace violence has occurred. No provision of this policy shall alter the at-will nature of employment at the College.

## 6.2 WHISTLEBLOWER POLICY

The College is responsible for the stewardship of the College's resources and the public and private support that enables it to pursue its mission. As employees and representatives of the College, we must practice honesty and integrity in fulfilling our responsibilities and comply with all applicable laws and regulations. Therefore, any violations of laws, regulations, policies and/or procedures must be reported in accordance with this policy.

### REPORTING

All members of the College community, including members of the Board of Trustees, employees, directors, officers, students, vendors and alumni, may report instances of alleged misconduct within the College that they reasonably believe constitutes fraud, questionable accounting, internal controls and/or auditing improprieties. Allegations of improper activities shall be made in writing to the College's designated Compliance Officer. Such reports shall contain as much detail and specific information including names, dates and times where possible.

When there is a potential conflict of interest or if the College's designated Compliance Officer is the subject of the report, such report may be made to the Vice President for Finance and Administration. All reports will be investigated promptly, thoroughly and with discretion. If the allegations are substantiated, the College will take remedial and/or disciplinary action.

An employee who knowingly makes a false allegation or whose allegations are not made in good faith may be subject to disciplinary action, up to and including termination of employment.

### COMPLIANCE OFFICER

The College's Compliance Officer is responsible for investigating and resolving all reported complaints of alleged violations. The Compliance Officer is also required to report to the audit committee at least annually on compliance activity. The VP for Finance and Administration serves as the College's Compliance Officer.

### CONFIDENTIALITY

Violations or suspected violations may be submitted on a confidential basis by the complainant or may be submitted anonymously. Reports of violations or suspected violations will be kept confidential to the extent possible and permitted by law.

### NO RETALIATION

No employee, director, officer, student, vendor or alumnus/alumna, who reports a violation in good faith, shall suffer harassment, retaliation or any adverse employment consequence. An individual who retaliates against someone who has reported a violation in good faith may be subject to disciplinary action, up to and including suspension, termination, expulsion, cancellation of a vendor contract, removal from campus and/or any other action the College deems appropriate and necessary.

This Whistleblower Policy is intended to encourage and enable individuals of the College community to raise serious concerns within the College prior to seeking resolution outside of the College.

## 6.3 DRUG AND ALCOHOL ABUSE

The possession and/or use of illegal drugs by an employee on College property is prohibited. Any employee who is found to have violated this policy shall be subject to disciplinary action up to and including termination

of employment.

Any employee convicted of violating a criminal drug statute (including alcohol violations) while in the workplace must notify the HR office no later than five (5) days following the conviction. Within thirty (30) days of receiving this notification, the College will determine a course of action, which may include disciplinary action, up to and including termination of employment.

If it is determined that an employee's job performance is being negatively affected by a drug or alcohol problem, the employee will be asked to seek professional assistance to remedy the problem. Referrals may be made to and through the departments of Health Services, College Counseling Center and/or HR. If the employee refuses assistance or does not attempt to correct this health problem and job performance continues to be unsatisfactory, the employee shall be subject to disciplinary action, up to and including termination.

## 6.4 EMPLOYMENT OF RELATIVES

The College is committed to providing employment and advancement opportunities based on qualifications and merit and does not discriminate in favor of, or in opposition to, the employment of relatives.

Due to potential for perceived or actual conflicts, such as favoritism or personal conflicts from outside the work environment that can be carried into the daily working relationship, the College will hire or consider other employment actions concerning relatives of persons currently employed only if:

- Candidates for employment will not be working directly for or supervising a relative; and
- Candidates for employment will not occupy a position in the same line of authority in which employees can initiate or participate in decisions involving a direct benefit to the relative (*e.g.*, hiring, retention, transfer, promotion, wages and leave requests).

Relatives are defined as one of the following:

- Relationships by blood—parent, child, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece and first cousin;
- Relationships by marriage—husband, wife (as defined by state law), stepparent, stepchild, brother-in-law, sister-in-law, father-in-law, mother-in-law, son-in-law, daughter-in-law, half-brother, half-sister, uncle, aunt, nephew, niece, spouse/partner of any of the above and co-habiting couples or significant others.

Department directors are responsible for monitoring changes in employee reporting relations after initial hire to ensure compliance with this policy. Employees are responsible for immediately reporting any changes to their supervisor.

If any employee, after employment or change in employment, enters into one of the above relationships, one of the affected individuals must seek a transfer or a change in the reporting relationship. Such changes must be approved and assigned by the vice president of the department.

No exception to this policy will be made without the written consent of the Vice President for Finance and Administration.

## 6.5 SEXUAL AND/OR ROMANTIC RELATIONSHIPS

Sexual and/or romantic relationships between employees (whether faculty or staff) and students are problematic due to the inherent power differential. Therefore, sexual and/or romantic relationships between employees and students are strictly prohibited. Similarly, sexual and/or romantic relationships

between a supervisor or manager and any person with lesser authority within the chain of command are strictly prohibited.

## 6.6 CONFLICT OF INTEREST

All employees are expected to conduct themselves in a manner that does not adversely affect the College's integrity, reputation or credibility. No employee shall derive for them self, a relative, or close acquaintance, any improper benefit or gain from their association with the College. Reports of conflicts of interest or appearances of conflict of interest can undermine the public trust and damage the integrity of the College.

Officers, faculty and staff may not accept gifts, travel or entertainment with a value of \$100 or greater from a vendor, organization or individual who conducts or wishes to conduct business with the College.

Employees must avoid the appearance of impropriety and/or favoritism when: educating students; conducting research; setting policy; purchasing supplies, services or equipment; deciding on vendors; or exercising any role in which objectivity and sound judgment are required.

If an employee has reason to believe that a conflict of interest (financial or otherwise) might exist, the employee shall disclose the interest as follows:

- Vice Presidents must disclose circumstances to the President.
- Faculty must disclose circumstances to the VP for Academic Affairs.
- Other employees must disclose circumstances to the VP in charge of their department.

## 6.7 SOLICITATION

The College has established rules governing the solicitation and distribution of written materials to:

- maintain and promote safe and efficient operations, employee discipline, and an attractive clutter-free work place; and
- minimize non-work-related activities that could interfere with customer service, productivity, and teamwork.

## DEFINITIONS

*Solicitation* - For purposes of this policy, the term “solicitation” includes, but is not limited to, approaching someone in person or through employer-owned property such as computers, smartphones, email systems, and intranets for any of the following purposes:

- Offering anything for sale.
- Asking for donations.
- Collecting funds or pledges.
- Seeking to promote, encourage or discourage participation in or support for any organization, activity or event, or membership in any organization.
- Distributing or delivering membership cards or applications for any organization.

*Distribution* - For purposes of this policy, the term “distribution” includes, but is not limited to, disseminating, posting or delivering in person or through employer-owned property such as bulletin boards, computers, smartphones, emails, and intranets any literature or other materials including circulars, notices, papers, leaflets or other printed, written or electronic matter (except that distributing or delivering membership cards or applications for any organization is considered solicitation and not distribution).

*Working Time* – For purposes of this policy, the term “working time” includes any time in which either the

person doing the solicitation (or distribution) or the person being solicited (or to whom non-business literature is being distributed) is engaged in or required to be performing work tasks. Working time excludes times when employees are properly not engaged in performing work tasks, including break periods and meal times.

*Working Areas*- For purposes of this policy, the term “working areas” includes areas controlled by the College where employees are performing work, excluding, for example, cafeterias, break rooms and parking lots.

## RULES

Employees may not:

- Solicit other employees during working time.
- Distribute literature during working time.
- Distribute literature at any time in working areas.

The sole exceptions to this policy are for solicitations and distributions related to charitable and community activities approved by College management and College-sponsored programs and services.

Employees should report violations of this policy to the Director of HR. Employees who violate any provision of this policy may be subject to disciplinary action, up to and including termination.

## DISCLAIMER

This policy is not intended to restrict communications or actions protected or required by state or federal law.

## 6.8 APPEARANCE

An employee’s appearance is a reflection of the College and the employee. The College expects employees to maintain a professional appearance at all times while working. All employees are expected to dress in a manner appropriate for their position and responsibilities.

Employees who work in departments where uniforms or other types of attire are required must wear all such items. This includes employees working in Security, Grounds, Maintenance, and Custodial Services.

Employees in academic or administrative offices are expected to use good judgment in dressing professionally for the workplace. It is the responsibility of each department head to counsel employees whose appearance is unsatisfactory.

## 6.9 TELEPHONE AND CELL PHONE USAGE

Office telephones and College-issued cell phones are to be used to conduct College business. Discretionary use for personal phone calls during non-working time is permitted.

The use of personal cell phones while at work should be restricted to break and lunch periods. Using a cell phone at other times should not be of a frequency or duration as to keep the employee’s attention away from work. Employees may not use cell phones for College business while driving or when using a College vehicle.

An employee using an office phone or cell phone for personal use is considered not to be working at the time of usage.

## 6.10 USE OF COLLEGE VEHICLES

The College owns vehicles that can be borrowed to conduct official College business.

An employee who wishes to borrow a College vehicle must contact the Director of Purchasing. The employee will need to sign a waiver authorizing the College insurer to conduct a driver license verification report with the DMV to verify the employee's license is in good standing. The employee must also follow all instructions regarding the use of the vehicle including, but not limited to, reporting any accidents with the vehicle, returning the vehicle with a full tank of fuel and reporting any performance issues with the vehicle.

Fines incurred because of driving violations (parking or speeding, for example) are the responsibility of the College employee who borrows the vehicle. The College will not pay for or reimburse an employee for the cost of tickets obtained while driving College owned vehicles.

The following conduct is strictly prohibited while operating a College vehicle: driving under the influence of alcohol or any illegal drug or controlled substance; using a mobile device (including, but not limited to, texting on a cell phone); distributing, selling, purchasing, or offering to sell or purchase, an illegal drug or controlled substance; transporting passengers without prior authorization from the Director of Purchasing; smoking, vaping and/or using tobacco products; and engaging in any other conduct which violates a policy in this Handbook.

## 6.11 TOBACCO-FREE ENVIRONMENT

In order to provide a healthy, comfortable and productive working and learning environment for students, faculty and staff, the College is a tobacco-free environment. The College prohibits and will not tolerate smoking, vaping and/or the use of tobacco products in the workplace, including all indoor facilities, buildings owned or leased by the College (on and off campus), residences, residence halls, on-campus housing, lunchrooms, breakrooms, bathrooms, and College vehicles. Smoking, vaping and/or using tobacco products is also prohibited within twenty (20) feet of any College: building (on and off campus); and outdoor gathering areas, including, but not limited to, serving areas, eating facilities and athletic fields.

For the purpose of this policy, smoking is defined as, but not limited to inhaling, exhaling, burning or carrying any lighted product including but not limited to cigarettes (cloves, bidis and kreteks), e-cigarettes, cigars, cigarillos, pipes and hookah-smoked products. Prohibited uses of tobacco products includes chewing tobacco.

This policy applies to all faculty, staff, students, volunteers, interns, contractors and visitors twenty-four (24) hours a day, seven (7) days a week.

Smoking and tobacco waste management products such as ashtrays have been removed wherever use is prohibited. All tobacco products must be properly disposed of prior to entering a tobacco-free area. Improper disposal includes, but is not limited to, littering (*e.g.*, discarded cigarette butts, throwing butts out of windows, spitting etc.), or any action that creates a fire or health hazard.

## 6.12 OUTSIDE EMPLOYMENT

The College has no objection to an employee holding another job (in addition to their College job) as long as the employee can effectively meet the performance standards for their position with the College.

Employees should consider the effects that another job may have on their endurance, health, well-being, performance and effectiveness.

Employees holding another job must remember that the College is the primary employer and is entitled to the loyalty and primary efforts of the employee while employed with the College. All employees will be held to the same scheduling demands and standards of performance. We cannot make exceptions for those who also hold outside jobs. If an outside position interferes with the employee's ability to work for the College, that employee may be subject to disciplinary action, up to and including termination, for tardiness, unsatisfactory attendance and/or unsatisfactory work performance.

## 6.13 SOCIAL MEDIA POLICY

The College understands that social media can be a fun and rewarding way to share your life and opinions with family, friends and co-workers around the world. However, use of social media also presents certain risks and carries with it certain responsibilities. The College has established this policy to assist you in making responsible decisions about your use of social media.

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

The same principles and guidelines found in the College's policies (*e.g.*, Unlawful Harassment Policy; Sexual Harassment Prevention Policy; Workplace Violence Policy; etc.) apply to your activities online. Harassment, bullying, discrimination or retaliation that would not be permissible in the workplace is not permissible between co-workers online, even if it is done after hours, from home and on home devices.

Ultimately, you are solely responsible for what you post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job performance, the performance of fellow employees or otherwise adversely affects College personnel, students, administrators, faculty, interns, volunteers, contractors, vendors, people who work on behalf of the College or the College's legitimate business interests may result in disciplinary action, up to and including termination.

Nothing in this policy or in any other College guideline and/or policy is intended to prohibit any employee from receiving a communication or engaging in activities that are protected by law. Examples include, but are not limited to, communications between employees related to wages, hours and other terms and conditions of employment.

### BE HONEST AND ACCURATE

Make sure you are always honest and accurate when posting information or news, and if you make a mistake, correct it quickly. Be open about any previous posts you have altered.

Remember that the Internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors that you know to be false about the College, fellow employees, students, administrators, faculty, interns, volunteers, contractors, vendors and people working on behalf of the College or competitors.

### POST ONLY APPROPRIATE AND RESPECTFUL CONTENT

Maintain the confidentiality of the College's trade secrets and private or confidential information. Trade secrets may include information regarding the development of systems, processes, products, know-how and technology. Do not post internal reports, policies, procedures or other internal business-related confidential communications/information.

Do not create a link from your blog, website or other social networking site to the College's website without identifying yourself as a College employee.

Express only your personal opinions. Never represent yourself as a spokesperson for the College. If the College is a subject of the content you are creating, be clear and open about the fact that you are an employee and make it clear that your views do not represent those of the College, fellow employees, students, administrators, faculty, interns, volunteers, contractors, vendors, or people working on behalf of the College. If you do publish a blog or post online related to the work you do or subjects associated with the College, make it clear that you are not speaking on behalf of the College. It is best to include a disclaimer such as "The postings on this site are my own and do not necessarily reflect the views of Mount Saint Mary College."

### USING SOCIAL MEDIA AT WORK

You may not use social media while on work time or on College equipment, unless it is work-related as authorized by your supervisor. Do not use a College e-mail address to register on social networks, blogs or other online tools utilized for personal use.

### RETALIATION IS PROHIBITED

The College prohibits taking negative action against any employees, students, administrators, faculty, interns, volunteers, contractors, vendors, and people working on behalf of the College or competitors for reporting a possible deviation from this policy or for cooperating in an investigation. Any employee who retaliates against another employee, customer, tenant, supplier, or person working on behalf of the College or competitors for reporting a possible deviation from this policy or for cooperating in an investigation may be subject to disciplinary action, up to and including termination.

### MEDIA

Employees shall not speak to the media on the College's behalf. Members of the media may request to speak with employees "off the record" or "on background." However, all media inquiries, no matter how they are positioned, have the potential to be published, so any interaction with the media must be handled by the Assistant Vice President for Marketing and Communications.

## 6.14 IT RESOURCES & COMMUNICATIONS SYSTEMS

The College's computers, networks, communications systems, and other information technology ("IT") resources are intended for business purposes only (except for limited personal use as described below) during working time and at all other times. To protect the College and its employees, it is the College's policy to restrict the use of all IT resources and communications systems as described below. Each user is responsible for using these resources and systems in a productive, ethical, and lawful manner.

The College's policies prohibiting harassment apply to the use of the College's IT resources and communications systems. No one may use any communications or computer system in a manner that may be construed by others as harassing or offensive based on: age; race; color; religion; creed; sex; sexual orientation; gender; gender identity / expression; pregnancy; pregnancy-related condition; disability or perceived disability; national or ethnic origin; ancestry; predisposing genetic characteristics; marital / familial status; military status; status as a victim of domestic violence; relationship or association with a member of a protected class; sexual or reproductive health decisions; the fact that one has opposed an act or practice which they reasonably believed to be discriminatory; or any other characteristic protected by applicable federal, state or local law(s).

The use of the College's IT resources and communications systems by an employee shall signify their understanding of, and agreement to, the terms and conditions of this policy, as a condition of employment.

### SECURITY, ACCESS AND PASSWORDS

The security of the College's IT resources and communications systems is the responsibility of the Information Technology (IT) Department, including approval and control of employees' and others' access to systems and suspension or termination of access in cases of misuse and when a user is no longer an employee or otherwise is ineligible to use the systems.

It is the responsibility of each employee to adhere to IT security guidelines including but not limited to the creation, format, and scheduled changes of passwords. All user names, pass codes, passwords, and information used or stored on the College's computers, networks, and systems are the property of the College. No employee may use a user name, pass code, password, or method of encryption that has not been issued to that employee or authorized in advance by the College.

No employee shall share user names, pass codes, or passwords with any other person. An employee shall immediately inform the IT Department if they know or suspect that any user name, pass code, or password has been improperly shared or used, or that IT security has been violated in any way.

### RESOURCES AND SYSTEMS COVERED BY THIS POLICY

This policy governs all IT resources and communications systems owned by or available at the College, and all use of such resources and systems when accessed using an employee's own resources, including, but not limited to:

- Email systems and accounts
- Internet and intranet access
- Telephones and voicemail systems, including wired and mobile phones, smartphones, and pagers
- Printers, photocopiers, and scanners
- Fax machines, e-fax systems, and modems
- All other associated computer, network, and communications systems, hardware, peripherals, and software, including network key fobs, tablets and other devices
- Closed-circuit television (CCTV) and all other physical security systems and devices, including access key cards and fobs

### NO EXPECTATION OF PRIVACY

All contents of the College's IT resources and communications systems are the property of the College. Therefore, employees should have no expectation of privacy whatsoever in any message, file, data, document, facsimile, telephone conversation, social media post, conversation, or any other kind or form of information or communication transmitted to, received, or printed from, or stored or recorded on the College's electronic information and communications systems.

You are expressly advised that to prevent against misuse, the College reserves the right to monitor, intercept, and review, without further notice, every employee's activities using the College's IT resources and communications systems, including but not limited to email (both outgoing and incoming), telephone conversations and voice mail recordings, instant messages, and internet and social media postings and activities, and you consent to such monitoring by your acknowledgement of this policy and your use of such resources and systems. This might include, without limitation, the monitoring, intercepting, accessing,

recording, disclosing, inspecting, reviewing, retrieving, and printing of transactions, messages, communications, postings, log-ins, recordings, and other uses of the systems as well as keystroke capturing and other network monitoring technologies.

The College may also store copies of such data and communications for a period of time after they are created, and may delete such copies from time to time without notice.

Do not use the College's IT resources and communications systems for any matter that you desire to be kept private or confidential from the College.

## NETWORK SYSTEMS

The College maintains integrated computer and data communications networks to facilitate all aspects of its business. You may never sign on to any network equipment using the password or user name of another employee. No employees should access, attempt to access, alter, or delete any network document except in furtherance of authorized College business.

## DOWNLOADING AND INSTALLING SOFTWARE / WEBSITE AGREEMENTS

Email and downloading from the internet are prime sources of viruses and other malicious software. Therefore, no one may download or install any software or shareware to their hard drive that is not expressly authorized or approved by the IT Department. In addition, employees may not accept the terms or conditions of website agreements without first obtaining approval from the IT Department.

## CONFIDENTIALITY AND PROPRIETARY RIGHTS

The College's confidential information and intellectual property (including trade secrets) are extremely valuable to the College. Do not jeopardize them through your business or personal use of electronic communications systems, including email, text messaging, internet access, social media, and telephone conversations and voice mail. Ask your supervisor if you are unsure whether to disclose confidential information to particular individuals or how to safeguard the College's proprietary rights.

Do not use the College's name, brand names, logos, taglines, slogans, or other trademarks without written permission from the President of the College.

This policy also prohibits use of the College's IT resources and communications systems in any manner that would infringe on or violate the proprietary rights of third parties. Electronic communications systems provide easy access to vast amounts of information, including material that is protected by copyright, trademark, patent, and/or trade secret law. You should not knowingly use or distribute any such material downloaded from the internet or received by email.

## SPAM

Unfortunately, users of email and text messaging will occasionally receive unsolicited commercial or bulk messages (spam) which, aside from being a nuisance and a drain on IT resources, might be a means to spread computer viruses and other malicious software. Avoid opening unsolicited messages and report any suspicious messages to the IT Department. Delete all spam immediately. Do not reply to the message in any way, even if it states that you can request to be removed from its distribution list. If delivery persists, contact the IT Department.

## ETIQUETTE

Proper business etiquette should be maintained when communicating via email and text messaging. Such

communications should resemble typical professional and respectful business correspondence.

### PERSONAL USE OF COLLEGE IT RESOURCES AND COMMUNICATIONS SYSTEMS

Personal use of the College's IT resources and communications systems, including email, text messaging, internet access, social media, telephones, and voicemail, is permitted on non- working time only so long as it does not involve unprofessional or inappropriate content and does not interfere with your employment responsibilities or productivity.

### INAPPROPRIATE USE OF COLLEGE IT RESOURCES AND COMMUNICATIONS SYSTEMS

Employees may never use the College's IT resources and communications systems, including email, text messaging, internet access, social media, telephones, and voicemail, for any inappropriate or unlawful purpose. This includes, but is not limited to:

- Misrepresenting yourself as another individual.
- Sending, posting, recording, or encouraging receipt of messages or information that might reasonably be interpreted as offensive.
- Revealing proprietary or confidential information, including official the College information, or intellectual property without authorization.
- Conducting or soliciting illegal activities.
- Representing your personal opinion as that of the College.
- Interfering with the performance of your job or the jobs of other the College employees.
- For any other purpose that violates College policies or practices.

Click here for more information on [MSMC IT Policies and Procedures](#).

## 6.15 GIFTS, PRIZES, MEALS, HONORARIA AND AWARDS POLICY

Mount Saint Mary College (MSMC) supports the recognition of its community members, employees, and students through the use of gifts, prizes, and awards. Such items may not be lavish or extravagant, and must comply with funding source restrictions outlined in this policy. Policy objectives are to achieve the following:

- that the College is in compliance with federal tax regulations instituted by the Internal Revenue Service (IRS); and
- that gifts, prizes and awards are reasonable and support MSMC's mission; and
- that College funds are used with a clear business purpose.

Funds may not be used to purchase gifts, prizes, or awards where the distribution of that item benefits a charitable organization.

NOTE: Any purchase contemplated under the guidelines of this policy that is not explicitly authorized or addressed in this policy should not be made without contacting the Vice President for Finance and Administration for authorization.

### EMPLOYEE AS RECIPIENT

MSMC does not allow cash or cash equivalent(s) to be given as a gift, prize, or award to employees where the work done is within the scope of their position responsibilities that would normally result in qualifying for overtime pay or other similar type of remuneration. Tangible gifts, prizes, and awards are the preferred method for recognizing an employee. Tangible items must be of a de Minimis value and follow the funding source requirements on the [Gifts, Prizes and Awards Chart](#).

Awards of tangible personal property given as part of a meaningful and documented presentation, for the purpose of congratulating an employee on their retirement, are tax exempt. College guidelines on limits and allowable funding sources are included in the attached [Gifts, Prizes and Awards Chart](#).

Holiday gifts for faculty, staff, and student employees are not allowable from MSMC funds. In addition, gifts to honor an individual for personal reasons (e.g., birthday, wedding, baby shower, housewarming, promotion, etc.) may not be charged to MSMC funds. Personal contributions among colleagues may be considered as a method of providing such gifts.

Employees who receive a gift, prize, or award resulting from performing an activity that is separate and distinct from their position at MSMC will be treated as nonemployees for the purpose of the gift, prize, or award. This includes, employee donors, employee alumni, and employee volunteers.

### NONEMPLOYEE AS RECIPIENT

Gifts, prizes, and awards given to nonemployees are generally reportable as taxable income if cumulative payments in a calendar year equal or exceed \$600. MSMC will file IRS form 1099- MISC to report the gifts, prizes, and awards when the value of cash and the fair market value of noncash awards to an individual total \$600 or more in a calendar year. Noncash awards to nonemployees that have little intrinsic value, such as medals, trophies, and plaques are not reportable. A *Taxable Income Reporting Form* must be completed for all awards of cash, cash equivalents, and for all awards of tangible property with a value of \$250 or greater.

### NONRESIDENT ALIEN AS RECIPIENT

All gifts, prizes, and awards to nonresident aliens are subject to 30 percent tax withholding and reported on IRS form 1042-S.

This policy applies to all faculty, staff, and student employees who use College funds to purchase gifts, prizes, or awards to distribute on behalf of MSMC.

This policy does not apply to honoraria, employees compensated for work, moving expenses, allowances, tuition support, or items purchased using non-college funds. This policy also does not govern the acceptance of a gift from a third party. Granting or awarding financial aid is not considered an award for the purposes of this policy. Awards to students related to academic performance are considered financial aid and are not subject to this policy.

### HONORARIA

Honoraria are processed as Check Requests. The following guidelines apply to honoraria payments:

This method of payment is usually made to a guest speaker or lecturer as a "thank you" and gesture of good will and appreciation. An honorarium is not based on an agreed amount between the individual providing services and the individual seeking services. If payment is agreed upon, this constitutes a contractual agreement. Honoraria are payments for one-time teaching or speaking engagements to individuals who are not employed by the College; and, honoraria payments have no time/date stipulations, thus normal payment terms apply = Net 30 days.

Honoraria represent taxable income to the recipient. If accumulated honoraria payments are \$600.00 or more during a calendar year, a 1099 is sent to the recipient and the IRS. All payments require a social security number and completing a W-9. Honoraria should not be recurring to the same individual.

Honoraria should not be confused with payments to employees or payments to independent contractors (Note: Again, where an amount has been agreed upon by the individual providing service and the individual seeking service, the payment is NOT an honorarium, and a contract is required.)

### DEFINITIONS

**AWARD** - Cash or noncash items given for exemplary performance or productivity and given in recognition of an accomplishment, achievement, or activity that is tied to a vital business reason.

**CASH** - Currency, coin, checks, limited amount credit or debit card(s), gift cards, bank notes, bullion, traveler’s checks, registered checks, and money orders.

**CASH EQUIVALENT** - An instrument used in lieu of cash but can be used in the same manner as cash. Cash equivalents at MSMC include gift cards, campus cash, and reloadable debit cards.

**DE MINIMIS** - Gifts, prizes, or awards so small in value that it is not reasonable or practical to account for their value. Cash and cash equivalents are never considered de minimis as defined by the IRS. For MSMC purposes, de minimis is normally defined as non-cash items having a value of \$100 or less (in some case, may exceed \$100 but must not exceed \$500 based on the [Gifts, Prizes, and Awards chart](#)) and must be provided on an occasional basis.

**GIFT** - Noncash items given to express appreciation or gratitude, not related to job performance, and no negotiation conducted in advance. Gifts should be of nominal value and, ideally, bear the College’s licensed logo or be MSMC themed. Use of MSMC brand items is not a requirement unless indicated in the [Gifts, Prizes, and Awards Chart](#).

**HONORARIUM** - is a payment for services for which custom or propriety forbids a price to be set.

**PRIZE** - Cash or noncash items received as a result of a game of chance, drawing, or contest of skill, either with or without the purchase of a chance or ticket.

**PROMOTIONAL ITEM** - A product branded with the MSMC logo or slogan and distributed at little or no cost to promote the College, our identity, or a specific event or department.

**RAFFLE** - Game of chance in which a participant pays money in return for a ticket or other receipt and in which a prize is awarded on the basis of a winning number or numbers, color or colors, or symbol or symbols designated on the ticket or receipt, determined by chance as a result of a drawing from among those tickets or receipts previously sold (NYS General Municipal Law, Section 186.3-b). Raffles include, but are not limited to, Penny Social, Queen of Hearts, and Treasure Chest Raffles.

<b>Gift, Prize, Meals, Award</b>	<b>Guidance for MSMC employees</b>	<b>Taxable</b>	<b>Tax form</b>	<b>Use MSMC funds</b>
<b>NOTE</b>	Any purchase contemplated under the guidelines of this policy that is not explicitly authorized or addressed in this policy should not be made without contacting the Vice President for Finance and Administration for authorization.	NA	NA	NA
Employee recognition award	Must be tangible (preferably MSMC-branded) Must be recognition of work-related accomplishment. Must be occasional (not more than annual) Must not discriminate in favor of highly compensated employees.	No	No	Yes

Departmental recognition by Division VP	VPs may approve recognitions to departments based on peak workload periods and/or accomplishment(s) of major events or activities (not to individuals) These recognitions are limited to meals at the VP discretion. (i.e., donuts and coffee, pizzas, luncheon for a department (on or off campus), etc.	No	No	Yes – must be charged to VP budget
Retirement gift	Must be tangible (preferably MSMC-branded) Suggested guideline: \$20 for every year of service. Maximum value allowable: \$400.	No	No	Yes
Employee incentive, promotional, and recognition items	Must be tangible and MSMC-branded. Must be recognition of work-related accomplishment. Value must be De Minimis. Cash and cash-equivalents may not be used & are considered taxable at any amount.	No	No	Yes
Luncheon/dinner for departing employees	MSMC funds may not be used for these purposes.	No	No	No
Holiday luncheons and related activities	MSMC funds may not be used for these purposes by Departments. (MSMC hosts college-wide functions for these events.)	No	No	No
<b>Gift, Prize, Award</b>	<b>Guidance for nonemployees</b>	<b>Taxable</b>	<b>Tax form</b>	<b>MSMC funds</b>
Donors, alumni, and business partners	Managers may take or approve staff to take nonemployees to lunch and/or dinner to build and/or maintain positive relationships with MSMC.	No	No	Yes, if approved
Candidates for employment	When candidates come to campus for interviews and serving meals or snacks is appropriate the host (MSMC employee) should use Parkhurst catering and/or dining facilities on campus. Employees must obtain approval from their VP for off-campus meals for visiting candidates.	No	No	Yes, if approved
Recognition of a student	Must be tangible and MSMC-branded Value must be De Minimis (not to exceed \$200)	No	W-9 or W-8	Yes, requires VP approval
Expression of gratitude to donor for contribution to MSMC	Must be tangible (preferably MSMC-branded) Value must be tied proportionately to donor generosity Maximum value allowable: \$250	No	No	Yes
	Donor may not receive more than two gifts per year.			
Recognition to members of the governing board and volunteers	Must be tangible (preferably MSMC-branded) Value must be tied proportionately to the person's service to MSMC. Value must be De Minimis. Maximum value: Board member \$500; Maximum value: volunteers \$200	No	No	Yes
Honoraria	Requires non-employee individual to complete documentation for payment through the Accounts Payable Department (including when the person requests that MSMC send the honorarium to a charitable organization in their name as it is taxable to the individual.)	Yes	W-9 or W-8	Yes

## **Section 7: Additional Information**

### **7.1 ID CARD**

All Mount Saint Mary College employees are issued an ID card that contains a photograph of the employee. ID cards are processed and issued by the Safety/Security Office and the Support Services Department. Employees are expected to possess their ID card while on campus property and to produce their ID card if requested by Security personnel.

### **7.2 LIBRARY PRIVILEGES**

College employees enjoy the same library privileges that students receive. Employees must present their College ID card when borrowing books, DVD's, etc., from the library. Borrowed items are expected to be returned on time and in good condition.

### **7.3 FOOD SERVICE PRIVILEGES**

Employees may avail themselves of any of the food service establishments on campus. Employees may pay with cash or charge their "Mount Money" account. Employees may create a personal "Mount Money" account by depositing money with the College and charging their account by using their College ID card. Charges are automatically deducted from their account balance.

### **7.4 PARKING PRIVILEGES**

Employees must secure a parking permit from the Department of Safety/Security ("Security"), display it according to Security directions, and park in approved employee parking. An employee's vehicle must display the permit or the employee will be subject to a fine, which must be paid in the Finance office.

Employees are responsible for reading and complying with all parking and traffic regulations issued by Security. Parking is on a first come, first served basis. The College cannot guarantee parking for each employee.

A complete description of the College's parking rules can be found on the College website. Alternatively, you may request a printed copy from Security.

## Section 8: SEPARATION FROM EMPLOYMENT

### 8.1 TERMINATION OF EMPLOYMENT

As described above, the College maintains an “AT-WILL” employment relationship with its employees. This permits the College, or you, the employee, to terminate the employment relationship, with or without cause, with or without notice, and at any time.

No manager, supervisor or employee has any authority to enter into a verbal or written agreement of employment for any specified period of time or to make an agreement for employment other than at-will. Only the President of the College has the authority to make any such agreement and then only in writing.

The College may, in its sole discretion, suspend an employee without pay pending an investigation into alleged misconduct.

The College reserves the right to determine, in its sole discretion, whether to impose disciplinary action, up to and including termination of employment. While the College may choose to impose progressive discipline to address performance issues, it is not required to do so and may terminate employees without imposing any progressive discipline.

### 8.2 NOTICE

#### A. RESIGNATION

Employees who intend to resign from the College are asked to provide their supervisor with at least two (2) weeks’ notice before their effective resignation date. Whenever possible, earlier notice is preferred. Upon resignation or retirement, employees will receive payment for their accrued, unused vacation, provided they give the College at least two (2) weeks’ notice of their resignation or retirement and work during that notice period.

Employees at the Director level and higher, who intend to resign from the College are asked to provide their supervisor with at least four (4) weeks’ notice before their effective resignation date. Whenever possible, earlier notice is preferred. Upon resignation, employees at the Director level or higher will receive payment for their accrued, unused vacation, provided they give the College at least four (4) weeks’ notice of their resignation or retirement and work during that notice period.

The College will not pay employees for their accrued, unused vacation if:

- They are terminated;
- they fail to provide sufficient notice of their resignation or retirement;
- and/or they fail to work during the notice period.

#### B. RETIREMENT

Employees who intend to retire are asked to provide their supervisor with at least four (4) weeks’ notice before their effective retirement date.

### 8.3 RETURN OF COLLEGE PROPERTY

All College-owned property (*e.g.*, vehicles, keys, ID cards, credit cards, cell phones, iPads, laptops, work product created during employment, etc.) must be returned at or before the time

of termination, whether the termination is voluntary or otherwise. Employees shall not retain or take any work product or any item/records/information considered proprietary.

## 8.4 FINAL PAYCHECK

Upon separation from service, one will receive their final paycheck on the former employee's regular payday for the week in which employment terminated in accordance with state law.

## 8.5 REFERENCES

All requests for references must be directed to Human Resources. No other manager, supervisor or employee is authorized to respond to requests for references for current or former employees.

The College's policy on references for current or former employees is to disclose only the dates of employment and the title of the last position held.

Individuals who choose to write a personal reference may not do so on College letterhead. Similarly, any such reference should not be signed using one's College title.

## ACKNOWLEDGEMENT OF RECEIPT OF EMPLOYEE HANDBOOK

I acknowledge that I have received a copy of College’s Employee Handbook (and if additions, changes or amendments have been made after my initial execution of this acknowledgement and agreement, those as well) and understand that it sets forth the terms and conditions of my employment as well as the duties, responsibilities and obligations of employment with College. I understand and agree that it is my responsibility to read and familiarize myself with the provisions of Employee Handbook and to abide by the policies in it.

By initialing in the space provided below, I confirm that I have read the following Sections of the Handbook:

Section	Initials
At-Will Employment	_____
Equal Employment Opportunity / Anti-Discrimination	_____
Accommodations for Individuals with Disabilities or	
Pregnancy-Related Conditions	_____
Unlawful Harassment (including Sexual Harassment	
Prevention)	_____
Anti-Retaliation	_____
Timekeeping	_____
Paid Family Leave	_____
Personal Conduct Rules	_____

If I do not understand any College policy or procedure, I understand that I should address any questions to the Director of HR.

I understand and agree that the Handbook, in whole or in part, is not a contract of employment, nor is it evidence of a contract between the College and me.

I also acknowledge and agree that my employment with the College is not for a specified period of time and can be terminated or modified at will at any time for any reason, with or without cause or notice, by the College. No one in the College has made any statements to the contrary to me, and no representative of the College has the authority to enter into an agreement contrary to the foregoing employment-at-will relationship through oral statements, representations, or practices, standards, or course of behavior regarding me or any other employee, including whether the College may often or typically terminate an employee only after one or more warnings or disciplinary actions have been issued or applied concerning an employee in some or most or all circumstances (in other words, just because the College seems to have a practice of giving employees warnings, that does not mean that practice constitutes an agreement, implied or otherwise, that the College will terminate an employee only after a certain number or warnings have been given: the College may terminate an employee at any time, with or without cause, and with or without one or more warnings). Only the President of the College has the authority to enter into an agreement altering my at-will employment status and then only in writing. No other representative of the College has the authority to enter into a contrary employment relationship with me.

I agree that, except for any complaint of harassment or discrimination that I may have currently pending as of the date below, from my first date of employment, I have had no cause to complain about discrimination or harassment. I acknowledge that at all times I have been fully aware of the College's procedures for addressing such complaints. I also agree that, with regard to any such complaints I may have made before the date below, they have been resolved to my satisfaction. I further agree that the College has made reasonable accommodations for any disability I have where the College is required by law to make reasonable accommodation, and that I have informed the College of any disability I may have, including any disability arising following my first date of employment.

\_\_\_\_\_  
Employee Name

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

## DISCRIMINATION, HARASSMENT AND RETALIATION COMPLAINT FORM

Mount Saint Mary College is committed to maintaining a work environment in which all individuals are treated with respect and dignity. The College strictly prohibits unlawful discriminatory practices, including harassment. If you believe that you have been subjected to discrimination, harassment (including sexual harassment), or retaliation, you are encouraged to complete this form and submit it to your immediate supervisor or to Human Resources. The Human Resources Office is located at 45 Elmwood Place. You will not be retaliated against for filing a complaint. Your cooperation in truthfully completing this form and providing as much accurate information as possible will enable us to investigate and respond to these matters.

Today's Date: \_\_\_\_\_

Name of the Complainant: \_\_\_\_\_ Department: \_\_\_\_\_

Phone Number: \_\_\_\_\_ E-mail: \_\_\_\_\_

Immediate Supervisor's Name: \_\_\_\_\_ Department: \_\_\_\_\_

### COMPLAINT INFORMATION

1. Your complaint is made about:

Name of the Accused: \_\_\_\_\_ Department: \_\_\_\_\_

Relationship to you:  Supervisor  Subordinate  Co-Worker  Other \_\_\_\_\_

Date of Incident: \_\_\_\_\_ Is the behavior continuing?  Yes  No

*(If more than one event, please report each separately.)*

\_\_\_\_\_

Where did the specific event occur?

\_\_\_\_\_

Please describe the events that occurred. If this is a sexual harassment complaint, please explain your reasons for concluding that the conduct is sexual harassment. Use additional sheets of paper if necessary and attach any relevant documents or evidence.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Have you previously complained or provided information (verbal or written) about this harassment? If yes, when and to whom did you complain or provide information and what was the resolution?

\_\_\_\_\_

\_\_\_\_\_

How did you react to the situation? Did you take any action to stop perceived inappropriate behavior?

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Describe the harm you have suffered as a result of the event.

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Were there any witnesses to this specific event? (If yes, please provide their names and contact information.)

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Is there any physical evidence that supports your complaint? If so, please describe or attach copy of evidence.

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What would be your desired outcome of the investigation?

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Upon receipt of this report, the College or its designee will contact you. Every effort will be made to ensure that confidentiality is maintained throughout the investigatory process to the extent consistent with the need to investigate your report and to take appropriate corrective action.

The information provided in this complaint is true and correct to the best of my knowledge. I am willing to cooperate fully in the investigation of my complaint and provide whatever evidence the College deems relevant.

\_\_\_\_\_  
Name (Please Print)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

***Please return this form to Human Resources***

## NY HERO ACT –AIRBORNE INFECTIOUS DISEASE EXPOSURE PREVENTION PLAN

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

Employees should report any questions or concerns with the implementation this plan to the designated contacts:

Director of Health Services, Director of Human Resources, Director of Security and Safety and/or the Executive Director of Risk Management.

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

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

### RESPONSIBILITIES

This plan applies to all employees of Mount Saint Mary College. This plan requires commitment to ensure compliance with all plan elements aimed at preventing the spread of infectious disease. The following supervisory employee(s) are designated to enforce compliance with the plan. Additionally, these supervisory employees will act as the designated contacts unless otherwise noted in this plan:

Title	Location	Phone
Director of Health Services	Guzman	845-569-3153
Director of Human Resources	45 Elmwood Place	845-569-3548
Director of Security and Safety	GA1	845-569-3598
Executive Director of Risk Management	GA1	845-569-3597

## EXPOSURE CONTROLS DURING A DESIGNATED OUTBREAK

### A. MINIMUM CONTROLS DURING AN OUTBREAK

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

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

Employees should remember to:

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

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

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

4. Face Coverings: Employees will wear appropriate face coverings in accordance with guidance from State Department of Health or the Centers for Disease Control and Prevention, as applicable. Face coverings and physical distancing should be used together whenever possible. The face covering must cover the nose and mouth, and fit snugly, but comfortably, against the face. The face covering itself must not create a hazard, e.g. have features could get caught in machinery or cause severe fogging of eyewear. The face coverings must be kept clean and sanitary and changed when soiled, contaminated, or damaged.

5. Physical Distancing: Physical distancing will be followed as much as feasible. Physical distancing will be used, to the extent feasible, as advised by guidance from State Department of Health or the Centers for Disease Control and Prevention, as applicable.

In situations where prolonged close contact with other individuals is likely, use the following control methods:

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

- reconfiguring workspaces;
- physical barriers;
- signage;
- floor markings;
- telecommuting;
- remote meetings;
- preventing gatherings;
- restricting travel;
- creating new work shifts and/or staggering work hours;
- adjusting break times and lunch periods;
- delivering services remotely or through curbside pickup;

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

- Touching your eyes, nose, or mouth;
- Touching your mask;
- Entering and leaving a public place; and
- Touching an item or surface that may be frequently touched by other people, such as door handles, tables, gas pumps, shopping carts, or electronic cashier registers/screens.

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

7. Cleaning and Disinfection: See Section V of this plan.

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

9. Special Accommodations for Individuals with Added Risk Factors: Some employees, due to age, underlying health condition, or other factors, may be at increased risk of severe illness if infected. Please inform your supervisor or the HR department if you fall within this group and need an accommodation.

## B. ADVANCED CONTROLS DURING AN OUTBREAK

For activities where the Minimum Controls alone will not provide sufficient protection for employees, additional controls from the following hierarchy may be necessary. Employers should determine if the following are necessary:

1. Elimination: Employers should consider the temporary suspension or elimination of risky activities where adequate controls could not provide sufficient protection for employees. Examples include:

- Limiting or eliminating in-person learning,
- Limiting gatherings by location (outdoors), and scale
- Limiting or eliminating in-person recreational and/or sporting events.

2. Engineering Controls: Employers should consider appropriate controls to contain and/or remove the infectious agent, prevent the agent from being spread, or isolate the worker from the infectious agent. Examples of engineering controls include:

- Mechanical Ventilation such as local exhaust ventilation, for example:
  - Local duct.
  - General Ventilation, for example:
    - Increasing the percentage of fresh air introduced into air handling systems;
    - Avoiding air recirculation;
    - Utilize air filters with rating of Minimum Efficiency Reporting Value (MERV) 13 or higher, if compatible with the HVAC system(s). If MERV–13 or higher filters are not compatible with the HVAC system(s), use filters with the highest compatible filtering efficiency for the HVAC system(s);
    - If fans are used in the facility, arrange them so that air does not blow directly from one worker to another. Remove personal fans as necessary but keep heat hazards in mind and address in other methods if appropriate;
  - Air purifiers.

3. Natural Ventilation, for example:

- Opening outside windows and doors; and
- Opening windows on one side of the room to let fresh air in and installing window exhaust fans on the opposite side of the room so that they exhaust air outdoors.
- Automatic disinfection systems such as ultraviolet light disinfection systems.
- Install cleanable barriers such as partitions and clear plastic sneeze/cough guards.
- Establish entry to building protocols that are contactless.
- Install hand washing or sanitizing stations throughout facility.

Subject to changes based on operations and circumstances surrounding the infectious disease, engineering controls that are anticipated to be used are listed in the following table:

Utilize air filters with rating of Minimum Efficiency Reporting Value (MERV) 13 or higher, if compatible with the HVAC system(s). If MERV–13 or higher filters are not compatible with the HVAC system(s), use filters with the highest compatible filtering efficiency for the HVAC system
Filters will be changed more often to maintain HVAC system.

Utilize air scrubber to clean and disinfect air.

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

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

Subject to changes based on operations and circumstances surrounding the infectious disease, the following specific administrative controls are anticipated to be used:

Administrative Controls Utilized/Location:
Increasing the space between employees and students; Disinfecting procedures for specific operations; Identify and prioritize job functions that are essential for continuous operations:
Cross-train employees to ensure critical operations can continue during worker absence; Limit the use of shared workstations; Prohibiting eating and drinking in the work area; Do not utilize drinking fountains;
Post signs reminding of respiratory etiquette, masks, hand hygiene; Provide additional short breaks for handwashing and cleaning;
Minimize elevator use, post signage of limitations; Utilize remote learning methods;
Require health screening of students and employees upon entry to campus and Host the meetings outdoors or electronically.

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

PPE Required – Activity Involved/Location:
Face coverings
Face Shields
Gloves
1 The use of respiratory protection, e.g. an N95 filtering face piece respirator, requires compliance with the OSHA Respiratory Protection Standard 29 CFR 1910.134 or temporary respiratory protection requirements OSHA allows for during the infectious disease outbreak.
2 Respirators with exhalation valves will release exhaled droplets from the respirators. Respirators are designed to protect the wearer. Surgical masks and face coverings, which are not respirators, are designed to protect others, not the wearer.

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

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

### HOUSEKEEPING DURING A DESIGNATED OUTBREAK

#### A. Disinfection Methods and Schedules

Objects that are touched repeatedly by multiple individuals, such as door handles, light switches, control

buttons/levers, dials, levers, water faucet handles, computers, phones, or handrails must be cleaned frequently with an appropriate disinfectant. Surfaces that are handled less often, or by fewer individuals, may require less frequent disinfection.

The disinfection methods and schedules selected are based on specific workplace conditions.

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

#### B. Adjustments to Normal Housekeeping Procedures

Normal housekeeping duties and schedules should continue to be followed during an infectious disease outbreak, to the extent practicable and appropriate consistent with NYSDOH and/or CDC guidance in effect at the time. However, routine procedures may need to be adjusted and additional cleaning and disinfecting may be required.

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

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

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

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

### INFECTION RESPONSE DURING A DESIGNATED OUTBREAK

If an actual, or suspected, infectious disease case occurs at work, Mount Saint Mary College will take the following actions:

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

### TRAINING AND INFORMATION DURING A DESIGNATED OUTBREAK

A. The Director of Human Resources, the Director of Health Services, the Director of Security and Safety and/or the Executive Director of Risk Management will verbally inform all employees of the existence and location of this Plan, the circumstances it can be activated, the infectious disease standard, employer policies, and employee rights under the HERO Act. (Note: training need not be provided to the following individuals: any individuals working for staffing agencies, contractors or subcontractors on behalf of the employer at any individual work site, as well as any individual delivering goods or transporting people at, to or from the work site on behalf of the employer, where delivery or transport is conducted by an individual or entity that would otherwise be deemed an employer under this chapter)

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

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

C. The training will be:

1. Provided at no cost to employees and take place during working hours. If training during normal work hours is not possible, employees will be compensated for the training time (with pay or time off);
2. Appropriate in content and vocabulary to your educational level, literacy, and preferred language; and
3. Verbally provided in person or through telephonic, electronic, or other means.

**PLAN EVALUATIONS DURING A DESIGNATED OUTBREAK**

The employer will review and revise the plan periodically, upon activation of the plan, and as often as needed to keep up-to-date with current requirements. Document the plan revisions below:

Plan Revision History			
Date	Participants	Major Changes	Approved By
8/2/2021	Sharnie Canary, Dir. of HR	Adoption of Plan	
9/7/2021	Sharnie Canary, Dir. of HR	Activation of Plan per NYS Commissioner of Health	
10/1/2021	Sharnie Canary, Dir. of HR	Model language change on face coverings and physical distancing	
9/12/2022	Sharnie Canary, Dir. of HR	Review of Plan	
6/23/2023	Sharnie Canary, Dir. of HR	Review of Plan	

## RETALIATION PROTECTIONS AND REPORTING OF ANY VIOLATIONS

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

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

Notifications of a violation to this policy should be made to the Director of Security and Safety at 845-569-3598 or [richard.algarin@msmc.edu](mailto:richard.algarin@msmc.edu).