

Personnel Policies
and
Procedures Manual

Buffalo State College
Foundation, Inc.



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Introduction

This Policy and Procedures Manual codifies and formalizes the human resource practices for all Buffalo State College Foundation employees. It is intended to be a reference document where supervisors can obtain guidance in managing human resource issues as they occur.

The contents of the manual are designed to reflect and support the consistent application of human resources best practices. It is important that all personnel actions comply with the accompanying policies and practices. Managers are encouraged to become familiar with the contents of the manual and its impact on the employee's they supervise.

Questions related to the content, interpretation or execution of these policies should be referred to the Foundation human resources representative.

As appropriate, revised editions of this manual will be prepared. Copies of the manual may be obtained by contacting the Foundation human resources representative.

Americans with Disabilities Act Policies

Overview

The Americans with Disabilities Act (ADA) extends federal protection to people who are considered "disabled." Built upon the Rehabilitation Act of 1973 and the Civil Rights Act of 1964, the ADA's purpose is to provide "a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities."

The ADA seeks to dispel limiting assumptions about disabilities and to assure equal opportunity and economic self-sufficiency for disabled people. To achieve these goals, the ADA prohibits covered entities from excluding people from jobs based on disability.

Not all disabled people are covered by the ADA. Certain thresholds must be achieved for a person to qualify for the ADA's protection. To be considered "disabled" under the ADA, a person must have a condition that impairs a major life activity or history of such or be regarded as having such a condition.

A disabled person must be **qualified** for the job to which he or she seeks access. To be qualified under the ADA, a disabled person must be able to perform the essential functions of a job with or without a reasonable accommodation.

Applicability

Title I prohibits employment discrimination and applies to all employers **except** those with fewer than 15 employees. The ADA defines an employer as any person engaged in an industry affecting commerce who has 15 or more employees for each working day in each 20 or more calendar weeks of the current or preceding calendar year. As such, the Foundation is a covered entity for ADA purposes.

Title I - Employment Provisions

The ADA prohibits discrimination against qualified individuals with a disability. The law covers a wide range of employment related issues including:

- (1) recruitment, advertising, and the processing of applications of employment;
- (2) hiring, reclassifying, promoting, demotion, transfer, layoff, termination, and return from layoff;
- (3) compensation administration;

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- (4) position descriptions, job assignments, job classifications;
- (5) leaves of absence;
- (6) fringe benefits.

Who is Covered

A person is protected under the ADA if he or she is a qualified individual with a disability. More specifically, this means an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the position that the individual holds or desires.

The major purposes of the ADA are to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities and to provide clear, strong, consistent, enforceable standards addressing discrimination against individuals with disabilities.

The ADA defines disability as:

- (1) a physical or mental impairment that substantially limits one or more major life activities;
- (2) a record of such impairment; or
- (3) being regarded as having such an impairment.

The definition of physical or mental impairment is twofold. To meet the test of point #1 above, an individual must have:

- (1) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic or lymphatic; skin; and endocrine; or
- (2) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

Examples of points 1 and 2 (see above) include epilepsy; muscular dystrophy; diabetes; visual, speech, or hearing impairment; and specific learning disabilities. HIV, **past** drug addiction and alcoholism also fall within the above parameters. However, current users of illegal drugs are excluded from ADA coverage.

Americans with Disabilities Act Policies

The impairment must be severe enough to substantially limit one or more major life activities. This means the individual is limited in his or her ability to perform such functions as caring for oneself, executing manual tasks, walking, seeing, hearing, breathing, or working.

A comment on the provision regarding an individual who has a record or history of an impairment. The language on the "regarding" provision was added to protect someone who has recovered from a physical or mental impairment. For example, a recovered alcoholic who experiences discrimination based on his or her prior history of alcoholism is protected under the ADA.

The "regarded as" section of the ADA is particularly important for individuals with conditions that are viewed as impairments but do not substantially limit major life activities such as people who have been badly burned or have physical abnormalities. This language also extends to discrimination resulting from negative attitudes.

Who is Not Covered

The ADA legislation and current theories suggest that a physical or mental impairment does not constitute a disability unless it is severe enough to result in a substantial limitation of one or more major life activities. Thus, people with impairments that do **not** restrict their major life activities, such as a limp, are not covered by the ADA. Personal limitations such as having a prison record or failure to graduate from high school are also excluded from ADA coverage.

The ADA specifically excludes from the definition of disability the following: homosexuality, compulsive gambling, kleptomania, and certain other behaviors.

Discrimination

Section 102 (b) of the ADA notes that no covered entity will discriminate against a qualified individual with a disability because of the disability of such individual in regard to job application procedures, the hiring or discharge of employees, employee compensation, advancement, job training, and other terms, conditions, and privileges of employment.

It is a prohibited act to discriminate based on the known disability of an individual with whom the qualified individual is known to have a relationship. The fear that the employee might frequently be tardy or absent to care for this other person is not sufficient grounds to justify a refusal to hire or promote.

Additionally, the ADA stipulates that covered entities are required to make employment decisions based on the facts applicable to individual applicants and not on the basis of presumptions as to what a class of individuals with disabilities can or cannot do.

Americans with Disabilities Act Policies

Reasonable Accommodation

The term "reasonable accommodation" is defined in Title I of the ADA as follows:

- (1) making existing facilities used by employees readily accessible to and usable by individuals with disabilities; and
- (2) job restructuring, part-time or modified work schedules, reassignments to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

Covered entities are required by the ADA to make reasonable accommodations to the known physical and mental limitations of otherwise qualified individuals with disabilities unless they can demonstrate that the accommodation would impose an undue hardship on the operation.

A reasonable accommodation is an adaption to a program, facility or work place that allows an individual with a disability to participate in the program or service or perform a job. Accommodations may also consist of changes in policies, practices or services and the use of auxiliary aids of services. Auxiliary aids are defined as:

- (1) qualified interpreters or other effective methods of making aurally delivered materials available to individuals with hearing impairments;
- (2) qualified readers, taped texts, or other effective methods of making visually delivered materials available to individuals with visual impairments;
- (3) acquisition or modification of equipment or devices; and
- (4) other similar services and actions.

It is important to recognize that reasonable accommodations must be provided to "qualified" individuals with a disability.

The decision as to what accommodation is reasonable must be determined on a case by case basis depending on the requirements of the job, particular disability of the employee or applicant, and the extent to which modifications or auxiliary aids are available without posing an undue hardship on the employer.

Employees and applicants may be required to provide medical documentation that they need the requested accommodation. The Foundation may also consult with the individual to find out how the disability limits him or her and how it can be overcome. After

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considering such feedback, the Foundation may select the reasonable accommodation it deemed most satisfactory.

If required, the reasonable accommodation will be provided by the department which employs the person covered by the ADA.

Undue Hardship

For employment purposes, an undue hardship is defined as an action requiring significant difficulty or expense when considered in light of certain other factors. In determining whether an accommodation would pose an undue hardship, the Foundation may consider the following criteria:

- (1) the nature and cost of the accommodation needed;
- (2) the overall financial resources of the Foundation; the number of persons employed; the effect on expenses and resources, or the impact otherwise of such accommodation upon the Foundation;

Position Description Development

Overview

Job descriptions are a valuable management tool. A job description lists the specific duties the employee performs along with the required education and experience criteria. The job description (page 12) differs from the performance program (page 34) in that it contains position specific data without any reference to the individual performing the duties. Position descriptions should be reviewed on an annual basis to ensure their accuracy.

Foundation job descriptions will detail what duties are essential and which are marginal. Essential functions are the fundamental duties the incumbent performs. In brief, the "must haves." These tasks may be defined as essential because the position exists to perform them. A task may also be deemed essential if there are a limited number of other employees available to perform such duties. Duties may be deemed essential based on the percentage of time spent performing them and the consequences of not having them performed. A duty may be essential if it requires a certain degree of skill or expertise.

Marginal duties are routine, simplistic tasks that must be performed coincidentally with the essential duties. Such duties might include filing and copying. The job does not exist to perform these ancillary functions. In summary, these are nonessential duties.

Job Description Design

The best place to capture essential and marginal position duties is a position description. The Foundation will utilize the following process when preparing job descriptions:

- (1) A standardized job description form (page 12) will be used to record position specific information. This form can be completed by the incumbent or supervisor. Both essential and marginal duties need to be listed. The necessary physical and mental skills required need to also be recorded. Once completed, it should be sent to the Foundation human resource representative for review and analysis.
- (2) The human resource representative will analyze the position in question. The appropriate position grade and pay level will be established.
- (3) The results of the analysis will be shared with the incumbent and the supervisor.

Position Description Development

On an annual basis, department position descriptions will be reviewed by the supervisor to ascertain if they are current and accurately reflect essential and marginal duties and the required education and experience levels. Any change to an approved position description must be reviewed and approved by the Foundation human resource representative.

General Information

This section contains such basic information as the position title, grade, supervisor, and department. An organization chart must accompany each position description to provide a view of how this position relates to others.

Section 1 - Position Summary

This section provides a brief summary of the complete position responsibilities. It highlights the essential position duties. It should detail the nature of supervision received (e.g., close, ongoing, limited, minimal, etc.) and note anything unusual about the work performed.

Section 2 - Essential Functions

This is the most important section of the form. It details the critical elements of the job and the approximate time spent on them. Each major duty performed should be listed individually. Each sentence should begin with an action verb (e.g., trains, operates, analyzes, etc.) that best describes the work performed. If using a verb such as "assists" or phrases such as "is responsible for" explain how and to what degree the individual in that position assists others or is responsible for completion of tasks. The language should be as descriptive as possible.

Information should be provided on decisions an individual is expected to make; how, if at all, the individual resolves problems; and what level of authority the person has. Also, provide information on how and why a task is to be performed.

The following matrix is provided to assist in completion this section:

<u>ELEMENT:</u>	<u>DATA</u>	<u>PEOPLE</u>	<u>THINGS</u>
	analyze	negotiate	set up/schedule
	compile	instruct	operate
	compare	direct	drive
	compute	supervise	manipulate
	synthesize	assist/help	handle
	coordinate	mentor	arrange
	copy	manage	prepare

Position Description Development

Section 3 - Marginal Duties

This section should list the minor tasks that are performed in support of the essential functions. For example, a human resource representative may staple and sort reports, answer the phone, or open mail, but these duties are not essential to his/her function. As such, they are classified as marginal duties.

Section 4 - Required Knowledge, Skills, and Abilities

This section details the skills, knowledge, and abilities including specific physical and mental abilities that are necessary to perform the tasks identified. The knowledge, skills, and abilities must be directly linked to the tasks listed, especially those noted as essential. The level of knowledge (e.g., some, working, or detailed, etc.) should be included. The knowledge, skills, and abilities necessary to perform marginal duties should be listed as desirable but not required.

Section 5 - Qualifications

This section should include the amount of experience and/or type of background required to perform the position's responsibilities. Any required degrees, licenses, or certifications should be listed. A qualifier on how many years of experience may substitute for years of education (e.g., a high school diploma or two year's experience) should be included. The amount and type of experience necessary to acquire the knowledge, skills, and abilities to perform a position's essential responsibilities should also be listed.

Buffalo State College Foundation, Inc.

POSITION DESCRIPTION FORM

Position Title: _____ Line#: _____

Fund/Department: _____ Exempt/Non-Exempt: _____

Position Grade: _____ Completed by: _____

Supervisor: _____ Reviewed by: _____

1. Position Summary

2. Essential Functions:

<u>Job Functions</u>	<u>Duties</u>	<u>Percent of Time</u>
A.		
B.		
C.		
D.		
E.		

3. Marginal Duties

4. Required Knowledge, Skills, and Abilities

5. Qualifications

JOB POSTING POLICY

Overview

It is the philosophy of the Foundation to recognize and reward superior employee performance. Employment opportunities in the form of a promotion or lateral transfer provide a vehicle to acknowledge such exceptional performance. As such, Foundation employees will be extended first consideration to fill staff vacancies as they occur.

When a supervisor plans an internal or external search, proper planning of the entire recruitment process is mandatory. A recruitment plan form (page 15) must be prepared and approved prior to any recruitment activity.

Note, to be eligible to apply for a vacancy, opening, promotion or other such opportunity, an employee must have an overall evaluation of effective or better and have served in his/her current position for at least 12 months. Foundation employees will be released from their current position to fill a vacancy, promotional opportunity, etc. within two (2) weeks from date of selection unless operational needs prohibit.

Procedure

Internal Search

When a vacancy arises, the position will be posted (page 16) for a period of ten (10) business days. The posting will be displayed on the Foundation bulletin board. During the posting period, current employees who are interested in being considered as candidates for the vacancy should complete a Job Posting Bid Form (page 17) and submit it along with a resume to the Foundation human resource representative. On or before the close of the posting period, the supervisor and/or human resource representative may interview internal candidates to determine their qualifications for the position. No offer of employment will be made until the completion of the posting period. Consult with the human resource representative regarding securing a search waiver on an internal posting.

External Search

During or concurrent with the posting period, the supervisor and/or human resource representative may advertise the vacancy externally. If this action is taken, affirmative steps must be taken to seek out and identify qualified candidates from traditionally under represented groups. External job applicants must complete the external applicant form (page 19).

External searches are necessary if the position is for a professional vacancy or if the Vice President for Institutional Advancement or human resource representative deem such a search appropriate.

JOB POSTING POLICY

In selecting the candidates to fill the vacancy, the human resource representative and the supervisor will consider the following criteria: years of directly related experience, educational credentials, performance evaluations, letters of reference, reference checks, and other such related items. It is the responsibility of the supervisor to verify all work, education, and references provided by the applicant.

Upon selection of the successful candidate, the human resource representative will provide written confirmation to the selected candidate which details the employee's salary and conditions of employment. Candidates not selected will also be advised in writing by the supervisor. The letter requires the approval of the human resource representative. Consistent with the Foundation's commitment to affirmative action, the human resource representative in conjunction with the search committee chair will complete the Search Procedure Report (page 21) and secure required signatures prior to extending an offer of promotion, transfer, or employment.

Notify the Office of Equity & Campus Diversity (GC 415) whenever any external recruitment occurs. Equity & Campus Diversity will forward an Applicant Survey & Data Collection Form (page 18) to qualified interviewees for completion.

Buffalo State College Foundation, Inc.

RECRUITMENT PLAN

Department: _____

Supervisor: _____

Position Title: _____

Target Salary Range: _____

Date Position Became/Will Become Available: _____

Date Appointment Becomes Effective: _____

Type and Purpose (narrative) of search (example: internal, national, local, other):

Describe the methods of advertising to be used to recruit a diverse pool of candidates. Include a copy of the **advertisement** and a **job description**:

Describe the procedures to be used for review and selection of candidates:

For External Search Only:

Search Committee Chair: _____

Members of Search Committee: _____

BSCF Human Resource Representative: _____

Director of Finance: _____

Buffalo State College Foundation, Inc.

JOB ANNOUNCEMENT

Position: _____

Days/Hours: _____

Department: _____

Dates Posted: _____

Essential Duties

Qualifications

Persons interested in the above position should submit an application to:

Buffalo State College Foundation, Inc.
Attn: Human Resource Representative
Grover Cleveland 215
1300 Elmwood Avenue
Buffalo, NY 14222

Human Resource Representative

Buffalo State College Foundation, Inc.

JOB POSTING BID FORM (Internal Candidate)

Position applying for: _____

Directly related experience: _____

Educational qualifications: _____

Please list other experience which qualifies you for this position: _____

Have you read the job posting announcement and job description for this position? _____

Are you able to perform the essential duties as indicated? _____

Please indicate any accommodation(s) you would require to perform the duties as listed: _____

Applicant's signature

Date

Human Resource Representative's signature

Date

Buffalo State College Foundation, Inc.

Applicant Survey and Data Collection Form

Line Number: _____ Title: _____
(To be completed by the hiring unit)

In accordance with the U.S. Department of Education policies for affirmative action, employers receiving federal funds are required to collect data regarding applications for positions on the campus. This information is used to monitor the success of our recruitment efforts. Your participation is voluntary and refusal to participate will not subject you to adverse treatment in the hiring process. No personally identifiable information provided on the form will be shared with the department or the recruitment committee without your specific written permission.

Please assist us by completing the form and returning it directly to the **Office of Equity and Campus Diversity, Cleveland Hall Room 415, Buffalo State College, 1300 Elmwood Avenue, Buffalo, NY 14222.**

**DO NOT RETURN THE FORM TO THE DEPARTMENT
IN WHICH YOU ARE SEEKING A POSITION.**

Name of Applicant: _____ Date: _____

Ethnicity: (The following categories have been developed by the federal government in order to provide for the collection and use of compatible, non-duplicated racial and ethnic data by federal agencies.)

___ American Indian or Alaskan Native

___ White, not of Hispanic origin

___ Asian or Pacific Islander

___ Hispanic/Latino

___ Black, not of Hispanic origin

___ Other (specify country)

Gender: ___ FEMALE

___ MALE

Citizenship: ___ USA

___ OTHER (specify country) _____

Disabled: ___ YES

___ NO

Vietnam Era Vet: ___ YES

___ NO

OPTIONAL

I give my permission for personally identifiable information from this form to be shared with the recruitment/search committee and/or the hiring unit.

Signature: _____ Date: _____

Buffalo State College Foundation, Inc.

1300 Elmwood Avenue, GC 215

Buffalo, NY 14222

EMPLOYMENT APPLICATION

The Buffalo State College Foundation, Inc. is an Equal Opportunity Employer. It is the Foundation's policy to employ qualified applicants without regard to race, color, religion, age, national origin, sex, disability, marital, or veteran status.

PERSONAL INFORMATION (Please print or type all responses)

Last Name _____ First _____ M.I. _____

Address (Street, City, State, Zip) _____

Home Phone (____) _____ Business Phone (____) _____

Citizenship Status: Citizen of United States? ☐ Yes ☐ No

(Proof of citizenship and/or eligibility for employment in the United States will be required upon employment.)

Position Title(s) Desired:

Type of Employment Desired: ☐ Part-time ☐ Full-time

Hours Desired:

Date You Can Start:

EDUCATION	NAME AND LOCATION	YRS. COMPLETED	DATE GRADUATED	MAJOR SUBJECT	DEGREE RECEIVED
High School					
College, University, Technical School					
Graduate School or Special Courses					
Skills (e.g. Word Processing, or Motor Vehicle Licenses)	Typing: Word Processing:	Other Skills:	Licenses:		

MILITARY

Did you serve in the U.S. Armed Forces? ☐ Yes ☐ No

Describe any training received relevant to the position for which you are applying:

WORK EXPERIENCE: List employment beginning with most recent. Attach additional sheets if necessary.

Employer Name _____ Employed From _____ To _____

Employer's Address _____

Your Title _____

Your Duties

Supervisor's Name and Title _____

Reason for Leaving _____

Employer Name _____ Employed From _____ To _____

Employer's Address _____

Your Title _____

Our Duties

Supervisor's Name and Title _____

Reason for Leaving _____

Except for minor traffic violations and adjudications as youthful offender, wayward minor, or juvenile delinquent, have you ever been convicted of a criminal offense against the law? ☐ Yes ☐ No

If yes, explain _____

Do you have any pending conviction awaiting adjudication? ☐ Yes ☐ No

If yes, explain _____

I voluntarily give the Buffalo State College Foundation, Inc. the right to make a thorough investigation of my past employment, agree to cooperate in such investigation, and release from all liability or responsibility all persons, companies or corporations supplying such information. It is understood that my present employer will not be contacted without my further consent.

I certify that the information provided herein is true and correct. I authorize investigation of all statements contained in this application. If employed, any misstatement or omission of fact on this application may result in my dismissal.

Signature: _____ Date: _____

Buffalo State College Foundation, Inc.

SEARCH PROCEDURE REPORT

This report provides a complete record of the search procedure for the vacant position listed below. Each question must be fully answered before submitting this form for approval. This form must be approved before an employment offer is extended.

Position Title: _____

Target Salary Range: _____

Date Position Became Available: _____

Date Recruitment Was Initiated: _____

Date Appointment Becomes Effective: _____

Contact Person: _____

(1) The Search Committee

Please list the search/screening committee members and indicate chairperson.

(2) Recruitment Plan

Please outline the actual recruitment procedures used to identify qualified candidates. Include in this description specific activities undertaken to identify and encourage ethnic minority and women applicants. Attach advertisements placed in publications and copies of letters sent to groups and organizations to solicit applications from qualified women and ethnic minorities. (Attach additional sheets if necessary.)

- (3) Indicate criteria used in the pre-screening of the candidates. Include copies of rating sheets or other processes used to evaluate the applications.

- (4) Indicate the gender and ethnicity of candidates applying for the position:*

Ethnicity	Black	Hispanic	Asian	Native American	Caucasian	Totals
Male						
Female						
Total						

* Information to complete this section will be provided by Equity & Campus Diversity.

- (5) Please list the names, gender, and ethnicity of the candidates interviewed for the position. Attach a copy of the application and resume of the candidate recommended and indicate why they are being recommended.

- (6) Please compile a list of all ethnic minority, women candidates, Vietnam Era Vets, and persons with disabilities who were not selected and indicate why they were not selected.

- 7) Supply any minutes of the search committee meetings, rating sheets, or other documentation used in reaching a decision on the candidates selected.

Documentation Checklist: This Report Should Include:

- A copy of the position posting
- A copy of a published advertisement, announcements, etc.

Signatures Required for Approval:

Comments:	
Hiring Supervisor:	Date:
Comments:	
Human Resource Representative:	Date:
Comments:	
Director of Finance:	Date:

JOB POSTING POLICY

Post Hiring Procedures

When a job offer has been accepted by an applicant, the following steps will be taken:

Internal Candidate

1. The hiring supervisor will complete the employee appointment form (page 26) and route for approval. When the form is fully approved, the human resource representative will prepare an internal offer memo (page 25) and forward it to the employee.
2. The employee will review, sign, and return the offer memo to the human resource representative.
3. The human resource representative will update the Foundation payroll consistent with the appointment specifics and notify the College's human resource department of any change in title, location, etc.

External Candidate

1. The hiring supervisor will complete the employee appointment form (page 26) and route for approval. When the form is fully approved, the human resource representative will prepare the offer "package" and forward to the applicant.
2. An external offer memo (page 27) will be completed and mailed to the applicant. The candidate will review, sign, and return the memo along with the FHRMS (page 28) and I-9 form (page 30).
3. Following offer acceptance, the human resource representative will enter the FHRMS data into the Foundation human resource database and place the employee on the Foundation payroll and forward a copy of the form to the College's human resource management department.
4. During the employee's first week of employment at the Foundation, the human resource representative will meet with the employee to provide a benefit orientation and secure the employee's acceptance or declination of the Foundation benefit package. A W-4 will be completed at this time. The human resource representative will provide the new hire with a copy of the Foundation Employee Handbook.
5. At the completion of the new employee's second week, the human resource representative will secure a signed copy of the "acceptance form" from the Foundation Employee Handbook.

Internal Offer Memo

Date

Name
Address
City, State, Zip

Dear _____:

I am pleased to offer you a new appointment with the Buffalo State College Foundation, Inc. The specifics of your new appointment are as follows:

Title	_____
Department	_____
Effective Date	_____
Salary	_____

The first three (3) months in your new position will be on a training basis. The period will allow Foundation management to review and evaluate your suitability for the position. At any time during this training period you may be returned to your previous position with a corresponding change in title and salary to that of your former status. At the end of your training period your supervisor will decide on whether your employment will continue in this new position or whether you will return to your prior status.

We wish you success in your new position and look forward to working with you.

Sincerely yours,

Human Resource representative

I accept the foregoing appointment:

Date: _____

C: Hiring supervisor
 file

Buffalo State College Foundation, Inc.

Employee Appointment Form

☐ Internal

☐ External

Employee Name: _____

Social Security Number: _____

Foundation Hire Date: _____

"New" Position Date: _____

Reports to: _____

Position title: _____

Grade: _____

Hours Worked Per Week: _____

Days Worked Per Week: _____

Paid from:

BSC Foundation Account Name: _____

BSC Foundation Account Number: _____

Status (check one):

Full-time Employee _____

Full-time Temporary _____ Term Date _____ to _____

Part-time Employee _____

Part-time Temporary _____ Term Date _____ to _____

Compensation (fill in one)

Hourly Rate _____

Annual Salary _____

Supervisor's signature: _____

Director's signature: _____

HR Representative's signature: _____

External Offer Memo

Date _____

Name _____
Address _____
City, State, Zip _____

Dear _____:

I am pleased to offer you an appointment to the staff of the Buffalo State College Foundation, Inc. The specifics of your appointment are as follows:

Title	_____
Department	_____
Effective Date	_____
Salary	_____

To facilitate your employment at the Foundation and, where applicable, in compliance with federal law, two (2) forms are included. Please complete, sign, and return these forms to me at GC 215. The forms are the Human Resource Data Form (FHRMS) and Employment Eligibility Verification Form (I-9).

The first six (6) months of your employment with the Foundation will be on a training basis. This will allow Foundation management to review and evaluate your suitability for the position. At any time during this training period your employment may be terminated with or without cause. Further, all of your employment post training period at the Foundation is considered "at will."

If you wish to accept this appointment, please sign and return the enclosed copy of this letter to Human Resource Management (GC 215). Retain one copy for your records. This offer may be withdrawn at our option if we do not receive your written acceptance within 10 working days.

We wish you success in your new position and look forward to working with you.

Sincerely yours,

Human Resource representative

Enclosure

I accept the foregoing appointment:

Date: _____

C: Hiring supervisor
file

PERFORMANCE PROGRAMS

Overview

The starting point for effective evaluation of Foundation employees is the development of a performance program (page 34). The program should detail the primary duties and responsibilities to be performed by the incumbent during the coming year. It should also list objectives to be achieved and criteria to be used in evaluating performance effectiveness. The program provides performance targets for the incumbent to strive for. This chartering function is critically important to the overall evaluation process. Without predetermined and understood objectives, meaningful evaluations are difficult to prepare.

Performance Program Development

At the end of each evaluation year, complete a preliminary program for the next year. Provide the employee with a copy and ask for feedback. Schedule a meeting, allowing time for the employee to reflect on the program's content. The aim of this process is to provide for meaningful consultation. The supervisor is soliciting input relative to targeted goals and objectives. The meeting should be an open exchange of ideas. Where feasible, incorporate the changes suggested by the employee. Done properly, this participative step will enable the employee to assume ownership of job responsibilities and thus facilitate support for the program's content.

When the review meeting is concluded, the employee and supervisor should have a clear understanding of the goals and objectives to be accomplished during the next year. Incorporate all changes agreed upon, obtain the employee's signature, and route for necessary review. When fully signed, provide the employee with a final copy.

In instances of differences over the program's content, the supervisor should explain reasons for not including the incumbent's suggestions. All suggested activity by the employee should fall within the scope of the job description for the position. If the program is in dispute, the employee may attach a statement detailing specific points of contention. Such a statement must be received within ten (10) working days after the review session if it is to be made part of the permanent record. If such a statement is received, it must be attached to the program. Ultimately, the content of the performance program is the supervisor's prerogative.

Form Completion

The performance program is divided into four (4) distinct sections. The sections are as follows:

PERFORMANCE PROGRAMS

Section 1 - Identification Information

List the employee's name, title, supervisor, department and the period covered.

Section 2 - Duties & Responsibilities

Summarize the primary duties to be performed by the incumbent for the specified time period. Rank in order of importance. A review of the expiring program and current position description will prove helpful when preparing this section. Certain responsibilities may carry over from year to year. This process assures organizational stability and continuity. However, each supervisor should work to improve operations and efficiencies. These improvements may not be supported by reassigning the same performance program objectives year after year. Therefore, to assure improved methodologies, new objectives should be added to program each year. This will not only support organizational excellence but also provide an opportunity for professional growth and thus minimize the possibility of stagnation or boredom.

This section is also important in that it assists the Foundation in achieving compliance with the Americans with Disabilities Act (ADA). The ADA requires employers to define essential job functions. The Equal Employment Opportunity Commission defines essential functions as "the fundamental job duties of the position." Marginal duties need not be listed.

Section 3 - Objectives & Assessment Criteria

List the major objectives to be achieved and the criteria to be used in measuring performance. The objectives are an amplification of the duties as listed in Section 2. They more fully describe the subset or support tasks to be performed and assure primary duties will be accomplished.

The assessment criteria should describe the result that is expected. The criteria should be specific and understandable. The criteria should clarify expectations and remove ambiguity. To the extent those time limits are appropriate to the tasks, they should be included.

When this Section is combined with Section 2, employees should be fully aware of their specific duties and the expected performance level. Keep in mind that the assessment criteria are benchmarks which define performance expectations to the employee. Objectives and criteria should be written in a way which will help employees focus on what has to be accomplished during the next evaluation period and the standards by which the work will be judged.

Section 4 - Acknowledgment

The incumbent and supervisor need to sign the form. Provide the incumbent with a finalized copy.

PERFORMANCE PROGRAMS

Summary

Employees need to have the program reviewed and renewed on a yearly basis. This should be done in conjunction with the completion of the prior year's performance evaluation.

New hires should have a program developed within one month of the date of hire. Thereafter, programs should continue to be completed on a yearly basis.

In the event of a substantive change in duties, or a shifting of Foundation priorities resulting in different performance objectives, a new program should be developed. The program should detail the new duties. The new duties should also be included in a revised position description.

By properly outlining the duties to be performed and securing the incumbent's support, the supervisor will help the employee be more productive. This focusing step will assist in accomplishing Foundation goals. The important objectives on which the employee will be evaluated will also be clarified.

In closing, note that the content of the program is not meant to be all inclusive in describing employee duties. Rather, the program is intended to be representative of the major position responsibilities and the objectives to be achieved during the year. Keep in mind supervisors cannot evaluate an employee on objectives or duties not contained in the performance program.

Buffalo State College Foundation, Inc.

PERFORMANCE PROGRAM

Section 1

Name: _____

Title: _____ Date in Title: _____

Performance Program Period From: _____ To _____

Section 2 - Duties & Responsibilities: (Summarize the **primary** duties of the position.)

Section 3 - Objectives & Assessment Criteria: (List the **major** objectives to be achieved by the incumbent and the criteria to be used in assessing progress toward achievement.)

Objective

Criteria

1.

2.

Section 4 - Acknowledgement:

Employee: _____ Date: _____

Human Resource Representative: _____ Date: _____

Supervisor: _____ Date: _____

Comments:

NOTE:

The performance program content is intended to be representative of the major position responsibilities and the objective to be achieved during the year. It is not meant to be all inclusive.

PERFORMANCE EVALUATION

Overview

The requirement to annually evaluate the performance of Foundation employees is established in the Foundation's personnel policies. These mandates place an ongoing responsibility on supervisors to assess individual performance. Yet, the purpose of the performance evaluation goes far beyond mere policy compliance.

All supervisors must recognize that decisions relating to renewal, termination, promotional opportunities and training appointments need to be based on an accurate and objective assessment of a staff member's performance. Such determinations flow from an effective evaluation (page 40).

The evaluation process is not intended to be a one-time review of performance. Rather, feedback on performance should be provided on an ongoing basis. This practice will assist employees in staying focused on the achievement of important objectives as well as clarifying expectations.

Benefits of Evaluation

The benefits of well-done evaluations are many. By focusing the employee's talents on the attainment of critical goals and objectives, increased efficiencies may be realized. Secondly, the channeling of employee efforts toward the attainment of important targets eliminates confusion and wasted energies. By reviewing how employee efforts support the accomplishments of objectives, employee commitment is increased. Morale increases when employees see how their efforts support the attainment of objectives. Finally, the evaluation process provides Foundation employees with a meaningful reward -- **recognition**. Studies have shown a significant correlation between job satisfaction and the quality of performance. For many employees, the most critical factor in job satisfaction is the realization that one's efforts are recognized as making a vital contribution to the successful operation of the Foundation.

Evaluation Methodology

When completing the evaluation form, compare the employee's performance against the performance program objectives. Each item from the respective evaluation criteria should be reviewed separately and rated with the performance rating scale (i.e., outstanding, highly effective, effective, effective but needs improvement, or unsatisfactory). An evaluation matrix (page 39) is included to provide further assistance. Such criteria as performance, job knowledge, and supervision required are provided with accompanying points of demarcation.

PERFORMANCE EVALUATION

Supervisors may wish to log significant employee achievements as they occur. This log should be referred to prior to completing the evaluation. Note that unanticipated changes may occur causing certain items on the program to be de-emphasized or to be dropped. The evaluation should be prepared in draft form for discussion with the employee.

When contemplating the performance review, select a time (2-3 days in advance) and schedule the formal one-on-one evaluation. It should be conducted in a private place with no interruptions. In staging the review, strive to eliminate any psychological obstacles (i.e., work station or desk) to foster a more favorable, and thus less threatening environment.

Open the discussion by reviewing the employee's positive accomplishments. Explain how his/her performance contributed to the accomplishment of the Foundation's goals. This approach captures the employee's attention and provides a segue into discussing areas that need improvement. When discussing such area(s) keep in mind the following:

- Be specific in reviewing issues of concern. Do not be vague or ambiguous. Have details available to support your position.
- Focus on the unacceptable behavior/performance and **not** the employee. Be clear in stating you are dissatisfied with the performance and not the person. These areas should not be a surprise to the employee if you have been providing appropriate feedback referred to in the overview of this section.
- In cases where an employee needs improvement, be sure to develop an action plan with dates and specific objectives for follow-up action. It is important that supervisors support the employee in his/her pursuit of improved performance.
- Do not play the role of counselor. If the employee indicates that personal problems are affecting performance, make it clear to the employee that the problem must be resolved so that it does not continue to interfere with performance.

Recognize this is a discussion that may lead to changes in your preliminary evaluation. If agreement is reached on all aspects of the evaluation, prepare the final evaluation, secure the employee's signature, and route the evaluation form for review.

If a difference arises regarding either an individual ranking or the overall ranking, provide the employee with a reasonable opportunity to respond in writing. If after careful consideration of the employee's comments, the supervisor determines that no changes are warranted, prepare the final evaluation, secure the employee's signature, and route for review. If requested by the employee, his/her written response should be attached to the final evaluation. If the supervisor determines a change in either an individual ranking criterion or the overall evaluation is justified, make the change. Utilize the follow-up meeting to explain the rationale for the change.

PERFORMANCE EVALUATION

As with the performance program, the goal in the evaluation process is to provide a forum for meaningful two-way dialogue. As such, be open and receptive to employee input. In instances where a modification from the initial determination is justified, initiate such change. At the same time, strive to provide the employee with candid feedback. In closing, be resolute in your judgement where the objective facts support the position.

EVALUATION MATRIX

OUTSTANDING	HIGHLY EFFECTIVE	EFFECTIVE	EFFECTIVE BUT NEEDS IMPROVEMENT	UNSATISFACTORY
A. Performance:				
Consistently demonstrates excellence in performance.	Performs duties in highly efficient manner.	Performs all duties in fully satisfactory manner.	Performs at a minimally acceptable manner.	Performs below minimally acceptable level.
Work quality is of highest caliber.	Work quality exceeds targeted goals.	Work quality consistent with predetermined goals and objectives.	Work quality falls below preset targets.	Work consistently must be redone to achieve minimally acceptable levels.
Consistently and without fail exceeds performance expectations.	Regularly exceeds performance expectations.	Occasionally exceeds performance expectations.	Does not fully achieve performance program objectives.	Performance program objectives go unattained with no supporting explanation.
Constantly improve procedures/policies thereby increasing departmental operations.	Regularly identifies procedural enhancements and works to effect their implementation.	Occasionally identifies and makes recommendations to change policies to improve efficiencies.	Does not identify or recommend changes to improve efficiencies.	Does not or has not recommended processing or procedural improvements.
B. Knowledge:				
Assigned most difficult/complex projects and can deliver exceptional results.	Assigned non-routine duties and accomplishes in an above average fashion.	Assigned tasks consistent with performance program and accomplishes them in an acceptable and desired fashion.	Can be assigned only basic tasks and requires ongoing review.	Lacks basic understanding and familiarity of department policy and procedures.
Exceedingly well informed in all position duties and can rapidly utilize knowledge and very efficiently perform all assigned duties.	Well informed on important dimensions of job.	Possesses sufficient knowledge of job duties.	Lacks full scope position knowledge.	Does not possess basic understanding of position, duties or responsibilities.
C. Supervisory/Planning Skills:				
Displays advanced abilities to plan, organize, direct and control assigned workload, both within and outside the department.	Displays better than average ability to plan and control assignments utilizing both intra/interdepartmental employees.	Demonstrates satisfactory ability to plan, organize and direct assigned work.	On a routine basis, displays an inability to coordinate department efforts toward the attainment of a preset goal.	Cannot prioritize assignments and/or coordinate staff to effectively achieve department's objectives.
Completes all assignments ahead of schedule and adds perceived value to final output.	Assignments frequently completed ahead of schedule. Consistently accomplishes all assigned work in a timely manner.	Regularly completes assignments in a timely manner.	Inattentive to preset targets and deadlines.	Performance deadlines are consistently not achieved.
D. Supervision Required:				
Only the most minimal direction is required.	Requires minimal supervision and direction.	Requires routine direction and supervision.	Requires ongoing follow-up and direction.	Constant and ongoing supervision is required. Monthly one-on-one meetings are necessary to review progress vs. preset goals and objectives.

Buffalo State College Foundation, Inc.

PERFORMANCE EVALUATION

Section 1

Name: _____

Title: _____

Performance Evaluation Period From: _____ To _____

Section 2 - Overall Performance Rating:

☐ Outstanding ☐ Highly Effective ☐ Effective ☐ Effective But Needs Improvement ☐ Unsatisfactory

Section 3 - Acknowledgment:

Your signature signifies that you have received and discussed the final evaluation with your supervisor. It does not represent agreement or disagreement.

Employee: _____ Date: _____

Supervisor: _____ Date: _____

Human Resource Representative: _____ Date: _____

Section 4 - Evaluation Criteria

Performance Rating Scale

(Indicate which rating criterion most closely approximates the incumbent's performance and list in the space provided below.)

●**Outstanding** The employee's performance clearly is exceptional in comparison with expectations. Performance consistently exceeds expectations for all tasks. The employee can be relied upon to perform the most difficult tasks in a most productive manner and has made exceptional contributions to the work of the Foundation.

●**Highly Effective** The employee always meets and frequently exceeds the performance expectations for all tasks. The employee is performing better than expected for many of the tasks and is recognized as a particular asset to the Foundation.

●**Effective** The employee meets performance expectations for all tasks and performs in a competent manner. This is the expected and usual level of performance for an employee.

●**Effective But Needs Improvement** The employee meets performance expectations at a minimally acceptable level. Some tasks may require extra direction or more difficult tasks cannot be assigned to the employee.

●**Unsatisfactory** The employee performs below a minimally acceptable level. Such employee lacks a basic understanding of position duties and responsibilities. Constant and ongoing monitoring of performance is required.

A.

Rating: _____

Supporting Narrative:

B.

Rating: _____

Supporting Narrative:

C.

Rating: _____

Supporting Narrative:

D.

Rating: _____

Supporting Narrative:

ADMINISTRATIVE POLICIES

Affirmative Action

It is the policy of the Foundation that no discrimination against or harassment of individuals will occur in any of the Foundation's programs or activities. All judgements about and actions toward Foundation employees will be based on their qualifications, abilities, and job performance.

The Foundation will not discriminate against any employee, volunteer, or applicant for employment because of his/her age, race, color, sex, religion, veteran's status, national origin, or disability.

This policy will apply to all Foundation decisions relating to employment, promotion, demotion, training opportunities, or benefit salary administration.

Persons who believe that there has been a violation of this policy should contact:

Director of Finance
Buffalo State College Foundation
1300 Elmwood Ave., GC 215
Buffalo, NY 14222

Attendance and Leave Policies

1. Regular attendance by Foundation employees is extremely important. Absenteeism is costly, disturbs work schedules, imposes added co-worker and supervisory workloads, and increases payroll costs.
2. The Foundation's policy is to make fair and reasonable allowances for an employee's absence, being aware that a moderate amount of absence due to sickness or emergency situations may be beyond the employee's control. However, it is the belief of the Foundation that it is entitled to regularity in employee attendance and that disciplinary action is proper for failure to comply with reasonable attendance standards.
3. As an employee's absences reach the following levels, the supervisor may proceed as follows:
 - a. After seven (7) calendar day absences within any calendar year period or less:
 - (1) The supervisor will meet with the employee to discuss the employee's attendance and attempt to determine

ADMINISTRATIVE POLICIES

the problem causing the absenteeism and offer potential solutions to solve it, if possible.

- (2) The discussion should be recorded by the supervisor and a copy given to the Foundation human resource representative who will place the note in the employee's personnel file. In the documentation, the date of the discussion as well as the content of the supervisor/employee meeting will be recorded.
- b. After eight (8) calendar day absences within any calendar year period or less, the supervisor will issue a "first" written warning for excessive absenteeism. The warning will be signed by the supervisor and employee and placed in the personnel file by the human resource representative.
- c. When an employee accumulates nine (9) absences within any calendar year period or less, the supervisor will issue a "second" written warning for excessive absenteeism. The warning will be signed by the supervisor, human resource representative, and employee.
- d. After an employee has received a second written warning and the employee accumulates one (1) additional absence within the next six (6) months, the Foundation will suspend the employee for two (2) days without pay for excessive absenteeism. If an employee accumulates one (1) additional day of absence within six (6) months following his/her suspension, the Foundation will discharge the employee for excessive absenteeism. Prior to implementing these final two disciplinary steps, the supervisor will review all case specifics with the Foundation human resource representative.
- e. The following absences will not be counted as days of absence in regard to the disciplinary procedures established above:
 - (1) Paid holiday time.
 - (2) Paid vacation time.
 - (3) Approved leaves of absence.
 - (4) Absences caused by job-related injury.
 - (5) Days of absence due to an illness or injury which qualify for and for which an employee receives New York State Disability benefits.
 - (6) Jury duty.
 - (7) Military Reserve duty.
- f. The lack of regular attendance by training period employees will **not** be dealt

ADMINISTRATIVE POLICIES

with under the above discipline process. Failures to display satisfactory attendance during training may be grounds for termination.

- g. Employees will not be allowed to charge unauthorized and unscheduled absences to paid time accruals such as unused vacation days, or holidays.
- h. An employee absent for five (5) consecutive work days without notice to his/her supervisor will be deemed a voluntary resignation.

Staff members who are absent due to illness must personally notify their supervisor no later than two (2) hours after the beginning of their workday. Sick pay may be withheld if the employee does not call in when absent or does not provide the required notice. Any employee absent for a period in excess of three (3) days must supply medical documentation to their supervisor.

The Foundation reserves the right to withhold payment to an employee in the event the employee is absent without notice. Disciplinary action may follow any such unreported and unapproved absence.

LEAVE ACCRUALS

Full-time employees must be in full pay status to accrue vacation and sick leave accruals. Vacation and sick leave are allocated based on the following tier systems:

Tier 1

Tier 1 employees are those hired before 6/1/98. Vacation and sick accruals for full-time employees are accrued as follows:

<u>Years of Service</u>	<u>Accrual Rate</u>
0-1	1.25 days a month
2	1.33 days a month
3-5	1.5 days a month
6	1.66 days a month
7 or more	1.75 days a month

Sick leave balances may not exceed 200 days and vacation leave balances may not exceed 40 days. Any excess accruals beyond these totals are forfeited. Upon separation of service, accrued and unused vacation will be paid to the employee up to a maximum of thirty (30) days. All unused sick leave balances are forfeited upon separation of service.

Tier 2

Tier 2 employees are those hired post 6/1/98. A full-time tier 2 employee is entitled to 75 hours (10 days) of vacation after one year of employment. Upon completion of said year,

ADMINISTRATIVE POLICIES

full-time employees are entitled to an additional 7.5 hours (1 day) of vacation for each year of employment thereafter up to a maximum of an additional 52.5 hours (7 days). A full-time employee who does not use all accrued vacation time in an employment year is entitled to carry over a maximum of 75 hours (10 days) vacation into the next employment year. Any excess vacation accruals beyond this maximum is forfeited.

A full-time tier 2 employee accrues 52.5 hours (7 days) of sick leave per year. Such accruals are credited to the employee on his/her anniversary date of hire. All sick leave accruals unused at the end of the "anniversary year" are carried forward into the next calendar year. Sick leave may be accumulated via rollover up to a 112.5 hour maximum.

On a month-end basis, Tier 1 employees will receive the Record of Attendance Form (page 50). Employees are to record all absences by appropriate category and credit accrued time. The form is then routed to their supervisor for review and approval. The supervisor will forward the approved form to the human resource representative by the 10th day of the following month. The human resource representative will modify the individual records appropriately.

Part-time employees are not eligible to accrue vacation or sick leave.

The Foundation reserves the right to have employees provide medical documentation to substantiate any claims.

USE OF LEAVE

Vacation Leave - Vacation leave must be scheduled as far in advance as practical. However, a minimum of seven (7) working days notice to his/her supervisor is required in the event an employee is scheduling three (3) or more consecutive days off. A minimum of two (2) days notice is required when requesting individual days. All requests for vacation leave must be submitted in writing to supervision for review and approval. Requests will be approved on a first-come first-served basis subject to operating needs.

Sick Leave - Sick leave is an insurance to protect against loss of income in the event of illness. It is appropriately used for medical appointments, to provide medical care to family members, bereavement, and short-term disability. Medical appointments should be scheduled so as to minimize the disruption to the workday, and where possible, advance notice should be given. Staff who are absent due to illness must **personally** notify their supervisor **as soon as possible but no later than two hours after the beginning of their workday**. In case of an extended absence, **three workdays or more**, due to illness or accident, a doctor's statement will be required.

ADMINISTRATIVE POLICIES

Child Rearing Leave - Child rearing leave following the disability period will be paid or unpaid depending on the employee's accrual balance and selection.

Unpaid Leave - Leaves of absence may be granted to staff members, subject to supervisory approval, due to extraordinary circumstances. All such leaves of absence are without pay.

In the event of an unpaid leave of absence in excess of twelve (12) weeks, all benefits paid by the Foundation will cease at the end of the month in which the twelfth (12th) week occurs.

Full-time employees may elect to pay their individual health insurance premium cost while in any period of unpaid leave during this twelve week period.

Holiday Leave - An employee must work or charge vacation leave accruals for the normally scheduled days immediately prior to or immediately following the holiday to receive payment for a holiday. Full-time employees are granted payment for the following holidays:

New Year's Day	Columbus Day
Martin Luther King, Jr. Birthday	Veteran's Day
Washington's Day	Thanksgiving Day
Memorial Day	Day after Thanksgiving Day
Independence Day	Christmas Day
Labor Day	

These days will be observed consistent with the College's declared holiday.

In addition, all full-time tier 1 employees accrue two (2) floating holidays per year. These holidays will normally be observed on Lincoln's Day and Election Day.

Upon successful completion of the training period, a newly hired employee will accrue whatever holiday compensatory time she/he earned, but was not authorized to use. The holiday compensatory time must be used within one (1) year from the day it was earned.

Bereavement Leave - Vacation and sick accruals (up to a five (5) day maximum) may be used to attend to the duties associated with bereavement. A leave of absence of up to five (5) business days may be taken without pay for a death or serious illness in the immediate family or of a significant other.

Jury Duty - If a Foundation employee is required to serve jury duty, the employee will be paid his/her wages for such service up to a maximum of two (2) weeks. Compensation for jury service which extends beyond the two (2) week period will not be paid by the

ADMINISTRATIVE POLICIES

Foundation. While on jury duty, regardless of the length of service, a Foundation employee will continue all current fringe benefits without interruption.

An employee selected for jury duty is required to provide verification of service to his/her supervisor.

Disability Leave - Full-time employees are eligible for disability leave in the event they are absent more than eight (8) consecutive days due to a non-work related injury or illness. An employee so affected may choose to use accruals to maintain a paid status. Or, he/she may elect to charge available accruals for the first seven days and then commence a disability leave. While on disability leave, he/she will be paid 50% of his/her average weekly salary up to a \$170 maximum. Full-time employees are eligible for 26 weeks of disability pay.

Maternity disability is treated the same as any other temporary disability subject to medical certification of the individual's ability to work. A maximum of 7 weeks of accruals may be used to maintain an employee's paid status during this period.

Military Leave - Foundation employees who are members of a military unit, the National Guard, Naval Militia or Armed Forces Reserves are eligible for 15 work days of paid leave per federal fiscal year (10/1 - 9/30). If notified of service obligation or emergency duty, employees must present a copy of their military orders to their supervisor. The supervisor will charge such absences to military leave.

ADMINISTRATIVE POLICIES

FMLA (Family and Medical Leave Act) - Foundation Posting Notice of FMLA Specifics

The provisions of the FMLA do not currently apply to the Foundation. If and when the provisions of the FMLA apply to the Foundation, the Foundation intends to comply with them in their entirety.

YOUR RIGHTS under the FAMILY AND MEDICAL LEAVE ACT OF 1993

Under FMLA New York State provides up to 12 weeks of paid or unpaid leave (at the employee's option) to "eligible" employees for certain family and medical reasons each calendar year. Employees are eligible if they have worked at least one year, and for 1250 hours over the previous 12 months.

REASONS FOR TAKING LEAVE: Unpaid leave must be granted for any of the following reasons:

- to care for the employee's child after birth, or placement for adoption or foster care;
- to care for the employee's spouse, son, or daughter, or parent, who has a serious health condition; or
- for a serious health condition that makes the employee unable to perform the employee's job.

At the employee's option, use of leave credits may be substituted for unpaid leave for any absences the employee would otherwise be allowed to charge leave.

ADVANCE NOTICE AND MEDICAL CERTIFICATION: The employee may be required to provide advance leave notice and medical certification. Taking of leave may be denied if requirements are not met.

- The employee ordinarily must provide 30 days' advance notice when the leave is "foreseeable."
- An employer may require medical certification to support a request for leave because of a serious health condition, and may require second or third opinions (at the employers' expense) and a fitness for duty report to return to work.

JOB BENEFITS AND PROTECTION:

- For the duration of FMLA leave, the employer must maintain the employee's health coverage under any "group health plan," if the employee wishes to continue it.
- Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.
- The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

UNLAWFUL ACTS BY EMPLOYERS: FMLA makes it unlawful for any employer to:

- interfere with, restrain, or deny the exercise of any right provided under FMLA;
- discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

ENFORCEMENT:

- The U.S. Department of Labor is authorized to investigate and resolve complaints of violations.
- An eligible employee may bring a civil action against an employer for violations.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family and medical leave rights.

FOR ADDITIONAL INFORMATION: Contact the nearest office of the Wage and Hour Division, listed in most telephone directories under U.S. Government, Department of Labor. In Buffalo, Department of Labor, 111 West Huron, Buffalo, NY 14202, (716) 846-4891.

ADMINISTRATIVE POLICIES

Payment of Leave Upon Separation

Upon termination of employment, tier 1 employees will be paid all accrued and unused vacation credits up to a maximum of thirty (30) days. Tier 2 employees will receive a lump sum payment equal to 75% of current unused vacation accruals, up to a maximum of 150 hours. Sick or personal leave credits are not reimbursable.

Training Period Employees

Training period employees are not entitled to paid vacation or holidays during their training period. They may use sick time as necessary to ensure a paid status in the event they are ill during their training period. Upon successful completion of their training period, **employees will receive all accruals retroactive to their respective date of hire.**

RECORD OF ATTENDANCE

TIER 1 EMPLOYEE

MONTH OF _____, 1998

Employee Name: _____

Department: _____

Date of Hire: _____

DATES CHARGEABLE - SPECIFIC DATES SHOULD BE LISTED

Vacation Leave

Sick Leave

Vacation Comp. Time

<u>Full Days</u>	<u>Partial Days</u>	<u>Full Days</u>	<u>Partial Days</u>	<u>Full Days</u>	<u>Partial Days</u>

Accrual Summary

Vacation Leave

Sick Leave

Vacation Comp. Time

Recorded balance as of _____, 1998

Time used during _____, 1998

SUBTOTAL

Time earned for _____, 1998

Balance ending _____, 1998

Floating Holiday - to be taken within one year from date accrued

Tier 1 full-time employees are eligible to accrue vacation and sick leave credits as follows:

Years of Services

0 - 1

2

3, 4, 5

6

7 or more

Accrual Rate

1.25 Days a Month (15 days a year)

1.33 Days a Month (16 days a year)

1.50 Days a Month (18 days a year)

1.66 Days a Month (20 days a year)

1.75 Days a Month (21 days a year)

Complete this form at the end of the month and turn it in to your supervisor within 3 days. All forms must be returned to Foundation Human Resources Management (GC 215) no later than the 10th of the month.

Supervisor's Signature _____

Date _____

Employee's Signature _____

Date _____

ADMINISTRATIVE POLICIES

COBRA: Continuation of Coverage

Continuation of coverage: important benefit

This letter explains your rights under the Consolidated Omnibus Budget Reconciliation Act (COBRA), a federal continuation of coverage law for you and (if applicable) your covered dependents. The law requires that most employers sponsoring group health plans offer employees and their families the opportunity for a temporary extension of health care called "continuation coverage" at group rates in certain instances where coverage under the program would otherwise end. The health care benefits you may continue are the same benefits you receive as an active employee. There is no change in benefits when you enroll in COBRA.

Who is eligible

If you are an active employee enrolled in Independent Health, you have a right to choose this continuation coverage if you lose your group health care coverage because of a reduction in your hours of employment or the termination of employment (unless terminated for misconduct).

Your spouse has the right to choose continuation of coverage if the spouse's coverage is lost for any of the following reasons:

1. The death of the employee;
2. Termination of the employee's employment;
3. Reduction in employee's hours of employment (continuation max is 18 months);
4. Divorce or legal separation. (Spouse does not automatically lose coverage if legally separated from employee. However, if legally separated and the employee chooses to discontinue the spouse's dependent coverage, the spouse is eligible to continue coverage under COBRA);
5. Employee is a COBRA enrollee and becomes eligible for Medicare.

A dependent child of an employee has the right to continuation coverage if coverage is lost for any of the following reasons:

1. The dependent ceases to be an eligible "dependent child";
2. The termination of a parent's employment;
3. A reduction in hours of a parent's employment (continuation max is 18 months);
4. A parent's divorce or legal separation;
5. A parent who is a COBRA enrollee becomes eligible for Medicare; or
6. The death of a parent.

ADMINISTRATIVE POLICIES

Choice of option

A spouse or dependent child who continues coverage under COBRA will continue in the same health insurance plan. They may change to an option different from yours during the annual Option Transfer Period, or if a qualifying event occurs.

Proof of insurability

You do not have to show that you are insurable to choose continuation of coverage.

60 day deadline

Under COBRA, the employee or a family member is responsible for informing the health insurance provider of a divorce, of the Social Security determination that a qualified beneficiary was disabled at the time of the employee's termination or reduction in hours, or of a child's losing eligible dependent status within 60 days from the date coverage ends.

If the enrollee or dependent does not notify the provider in writing within that 60 day period, regardless of the reason, the dependent will not be entitled to choose continuation coverage. Your employing agency is responsible for notifying the health insurance provider of a reduction in your hours or termination of your employment. When you or your supervisor notifies your provider of an event that entitles you to COBRA coverage, the provider will, in turn, notify you, the employee, that you have the right to choose continuation coverage. You must then inform the provider that you want continuation coverage within 60 days from the date you would lose coverage because of a qualifying event or 60 days from the date you are notified of your eligibility for continuation of coverage, whichever is later.

A dependent who wishes to continue coverage as a COBRA enrollee must send a written request to the provider within 60 days from the date coverage would otherwise end.

If you do not choose continuation coverage, your group insurance coverage will end.

How long you may keep COBRA coverage

You, the employee, will have the opportunity to maintain continuation coverage for 18 months. However, the continuation coverage period will be extended to 29 months if it is determined that you are disabled (under Social Security Act provisions defining disabilities) at the time of a termination or reduction in hours of employment. To qualify for this extension to 29 months, you must notify the provider within 60 days of your disability award from Social Security and before the end of the 18 month continuation period.

If, during your 18 or 29 month continuation coverage period, another event takes place that would also entitle a dependent spouse or child to his or her own continuation coverage, the continuation coverage may be extended for the spouse or child. However, in no case will any period of continuation coverage be more than 36 months from the original COBRA qualifying event.

ADMINISTRATIVE POLICIES

Dependents who lose eligibility have the opportunity to elect continuation coverage for up to 36 months.

When you no longer qualify for COBRA coverage

Continuation coverage may be stopped for any one of the following reasons:

1. If the premium for your continuation coverage is not paid on time; or
2. If you become eligible for Medicare. (In this case, your covered dependents may continue COBRA coverage for up to 36 months from their original COBRA qualifying event.)

Your costs under COBRA

You will have to pay all of the premium for your continuation coverage plus a two percent administrative fee. You will have an initial grace period of 45 days starting with the date you choose continuation coverage to pay any premium due for the period since your qualifying event. After that initial 45 day grace period, you will have a grace period of at least 30 days to pay any subsequent premiums.

Conversion rights after COBRA coverage ends

At the end of the 18 month, 29 month, or three year continuation coverage period, you will be allowed to convert to direct pay conversion contracts with your HMO. If you choose COBRA coverage, you must exhaust those benefits before converting to a direct pay conversion contract. If you choose COBRA coverage and fail to make the required payments or cancel coverage for any reason, you will not be eligible to convert to an individual policy.

Whom to contact

If you have questions about continuing health insurance under COBRA, contact your provider.

ADMINISTRATIVE POLICIES

SAMPLE LETTER

Date

Name
Address
City, State, Zip

Dear :

I am reporting your (date) termination of employment to (_____) via this correspondence. Under your current health insurance plan, your coverage will end (date).

The attached bulletin outlines your rights to continued coverage under the Consolidated Omnibus Reconciliation Act (COBRA), a federal continuation of coverage law.

You should be hearing from (_____) in the near future regarding the steps you must follow if you wish to continue your present coverage.

Please call (_____) with any questions you may have regarding continuing your coverage under COBRA.

Sincerely yours,

Human Resources Representative

c: Health Insurance Provider

ADMINISTRATIVE POLICIES

Compensation

Foundation positions are assigned a specific pay grade based upon the duties and responsibilities of each job. Each pay grade includes a range of salaries, including hiring rates, maximum rates, etc. All Foundation employees will be paid at least the minimum of their salary grade range. The Foundation compensation plan is reviewed periodically by the human resource representative to ensure competitiveness. Adjustments to the compensation plan may occur based upon our organizational needs, job market surveys, budgetary considerations, or if there are significant changes in duties and responsibilities. All employees will be considered for an annual salary adjustment subject to budget constraints.

Drug Free Policy

The unlawful possession, use, distribution, sale or manufacturing of illicit drugs and alcohol on College (Foundation) grounds (including vehicles) is strictly prohibited. All Foundation employees are subject to applicable federal, state, and local laws related to this matter. Any violation of this policy will result in immediate disciplinary action.

Emergency Closing

If a decision is made to cancel College (Foundation) operations prior to the start of the work day, the following stations will be notified:

RADIO
WBEN 930
WGR 55

TV
WGRZ (Ch. 2)
WIVB (Ch. 4)
WKBK (Ch. 7)

In the event that the College (Foundation) is closed prior to the beginning of the work day, employees will stay home and must charge appropriate leave accruals. When the College (Foundation) is closed prior to the beginning of the work day, no Foundation employee should report to work. Should the College (Foundation) be closed during the work day, Foundation employees may leave their work site and charge the remainder of the work day to appropriate accruals. Those employees who wish to continue working may do so. Any employees who are directed to leave work because of extraordinary circumstances beyond the employee's control (e.g., a physical plant breakdown) will not be required to charge such directed absences to their accruals.

ADMINISTRATIVE POLICIES

Employee Conduct/Progressive Discipline

The policies detailed in the manual do not establish an employment contract and should not be considered as such. All employment at the Foundation is considered at will and, as such, terminable at any time without notice, with or without cause, except as provided by law.

When an aspect of an employee's behavior or performance has become unsatisfactory, the supervisor, in conjunction with the Foundation human resource representative, may utilize the following progressive steps to correct the problem. Any conduct that is expressly prohibited in this manual or conduct that is criminal will result in termination of employment.

Step 1

The supervisor will conduct an informal counseling session with the employee. The supervisor will meet privately with the employee to discuss the area(s) of concern (e.g., unsatisfactory behavior or performance), and discern why the employee has acted in that way. The supervisor will explain why the behavior or performance is unsatisfactory and clarify expectations for satisfactory performance or behavior in the future. Before closing the meeting, the supervisor should review strategies with the employee that may facilitate the desired change, and establish a time frame within which the performance/behavior will be evaluated. Inform the employee that continuation of said unacceptable behavior or unsatisfactory performance may lead to further progressive discipline up to and including termination. The supervisor will record the notes from the meeting and maintain a copy.

Step 2

If performance/behavior remains at an unacceptable level following step 1, the supervisor will meet with the employee to issue a written warning. Such warning will identify the unacceptable behavior/performance and reference the meetings conducted at step 1. The supervisor will again solicit employee input relative to the unsatisfactory behavior/performance. The supervisor will instruct and include in the written warning that further progressive discipline up to and including termination may follow unless the employee's behavior/performance improves. A copy of this warning will be placed in the employee's personnel file (GC 215). Assistance in writing the memo will be provided by the human resource representative. Note: Review any written warning with the Foundation human resource representative prior to issuance. The employee will be asked to sign the warning and be provided with a copy.

The Foundation reserves the right to require an employee's participation in a workshop or seminar designed to assist the employee in resolving the problem which negatively impacts the employee's performance.

Step 3

If the employee's behavior/performance remains at an unacceptable level, the supervisor will suspend the employee without pay. A notice of suspension will be prepared and

ADMINISTRATIVE POLICIES

issued to the employee. Such notice will state that unless immediate correction of the unsatisfactory behavior/performance occurs within the next specified period of time, termination will result. Consult with the Foundation human resource representative prior to issuing any suspension.

As with step 2, the employee will be asked to sign the notice and will be provided with a copy of the letter. A copy will be placed in the employee's personnel file.

Step 4

In the event steps 1-3 were not successful in correcting the employee's behavior/performance the supervisor will terminate the employee. Such termination will be in writing and issued to the employee. The employee will be discharged following the delivery of the termination letter.

Prior to implementing step 3 or 4, the supervisor must consult with the human resource representative. Certain actions may result in the immediate suspension or termination of a Foundation employee. They include but are not limited to:

- Verbal or physical assault of a Foundation or College employee
- Insubordination
- Theft of Foundation (College) property or funds
- Possession of or being under the influence of unlawful drugs or alcohol
- Falsification of documents or records
- Possession of a weapon on Foundation (College) property
- Gambling on Foundation (College) property
- Leaving work area/station without supervisory approval
- Other criminal behavior or activity.

Employment Opportunities and Advancement

Employees are eligible to seek a promotion or transfer to another position within the Foundation. A promotion is a change to a position in a higher pay grade than the one an employee currently occupies. A transfer is a lateral change within the same grade to a differently titled position. The human resource representative will advise employees on how to apply for a promotion or transfer. See the Job Posting section for additional information on promotional opportunities or lateral transfers.

Hours of Work, Pay Days, And Paychecks

The work schedule for full-time staff is set for the employee by the supervisor and

ADMINISTRATIVE POLICIES

approved by the human resource representative. A full-time workday for non-exempt employees consists of seven and one half hours of time actually worked. The "normal" weekly obligation for exempt Foundation employees is 37.5 hours. Such exempt employees may be required to work hours above this threshold as a function of their professional obligation. All BSCF full-time employees are entitled to a 45 minute lunch break (unpaid). Workdays will be scheduled as consistently as possible across the department.

The supervisor has the option of granting two paid 15 minute breaks during the day. These breaks will be given at the discretion of the supervisor.

Part-time employees may be utilized by the Foundation to supplement the full-time staff. Part-time arrangements need the approval of the human resource representative and are subject to financial considerations.

Paychecks and/or notification of deposit (direct deposit only) are distributed biweekly every other Wednesday. The check or notification received on payday represents earnings for the two week pay period which ended on the prior Sunday. A copy of the pay schedule is available from the human resource representative.

In compliance with federal and state laws, the following deductions are made from all staff paychecks: state, federal, and social security taxes.

All non-exempt employees are to record all hours worked on their time cards/sheets at the end of each day (pages 59-60). Time cards are to be delivered to the human resource representative for review and approval by 10 a.m. on the Monday preceding payday.

Contact the human resource representative with any question regarding exempt, non-exempt status.

**BUFFALO STATE COLLEGE FOUNDATION, INC.
FULL TIME NON-EXEMPT EMPLOYEE TIME SHEET**

TIER 1 EMPLOYEE

EMPLOYEE NAME: _____

EMPLOYEE NO.: _____

PAY PERIOD: FROM: _____
Month Day

TO: _____ 19____
Month Day

EMPLOYED AT: _____
DEPARTMENT

HOURLY RATE: _____

HOURS WORKED								CHARGE TO ACCRUALS		TOTAL
DAY	DATE	IN	OUT	IN	OUT	IN	OUT	TYPE OF ACCRUAL	HOURS CHARGED	
MON.										
TUES.										
WED.										
THURS.										
FP ¹										
SUN.										
MON.										
TUES.										
WED.										
THURS.										
FRI.										
SAT.										
SUN.										
										TOTAL HOURS

EMPLOYEE'S SIGNATURE: _____

DATE: _____

SUPERVISOR'S SIGNATURE: _____

DATE: _____

FOUNDATION HR MANAGEMENT'S SIGNATURE: _____

DATE: _____

NEW YORK STATE LABOR LAW REQUIRES A LUNCH BREAK AFTER SIX CONSECUTIVE HOURS OF WORK

**BUFFALO STATE COLLEGE FOUNDATION, INC.
FULL TIME NON-EXEMPT EMPLOYEE TIME SHEET & RECORD OF ATTENDANCE**

TIER 2 EMPLOYEE

EMPLOYEE NAME: _____

EMPLOYEE NO.: _____

PAY PERIOD: FROM: _____
Month Day

TO: _____ 19____
Month Day

EMPLOYED AT: _____
DEPARTMENT

HOURLY RATE: _____

		HOURS WORKED						CHARGE TO ACCRUALS		
DAY	DATE	IN	OUT	IN	OUT	IN	OUT	TYPE OF ACCRUAL	HOURS CHARGED	TOTAL
MON.										
TUES.										
WED.										
THURS.										
FRI.										
SAT.										
SUN.										

MON.										
TUES.										
WED.										
THURS.										
FRI.										
SAT.										
SUN.										

TOTAL HOURS

Accrual Summary

Vacation Leave

Sick Leave

Recorded balance as of _____, 1998

Time used during _____, 1998

Balance ending _____, 1998

Time earned for year end _____, 1998
(HR Rep Only)

EMPLOYEE'S SIGNATURE: _____

DATE: _____

SUPERVISOR'S SIGNATURE: _____

DATE: _____

FOUNDATION HR MANAGEMENT'S SIGNATURE: _____

DATE: _____

NEW YORK STATE LABOR LAW REQUIRES A LUNCH BREAK AFTER SIX CONSECUTIVE HOURS OF WORK

**BUFFALO STATE COLLEGE FOUNDATION, INC.
PART TIME NON-EXEMPT EMPLOYEE TIME SHEET**

EMPLOYEE NO. _____

EE NAME: _____

PAY PERIOD: FROM: _____ TO: _____ 19____
Month Day Month Day

EMPLOYED AT: _____ HOURLY RATE: _____
DEPARTMENT

DAY	DATE	IN	OUT	IN	OUT	IN	OUT	TOTAL
MON.								
TUES.								
WED.								
THURS.								
FRI.								
SAT.								
SUN.								

MON.								
TUES.								
WED.								
THURS.								
SAT.								
SUN.								
								TOTAL HOURS _____

EMPLOYEE'S SIGNATURE _____ DATE _____

SUPERVISOR'S SIGNATURE _____ DATE _____

NEW YORK STATE LABOR LAW REQUIRES A LUNCH BREAK AFTER SIX CONSECUTIVE HOURS OF WORK

ADMINISTRATIVE POLICIES

Insurances

Health Insurance

All full-time Foundation employees are eligible to participate in either a single or family health insurance program offered through Independent Health. The Foundation pays 90% of the health insurance premiums for an individual plan. The employee pays the additional 10% to secure individual plan coverage. The Foundation pays 75% of the premiums for a family plan. The employee will contribute 25% to secure family coverage. Health insurance premiums are deducted on a biweekly basis. Part-timers and full-time temporary employees are ineligible for health insurance coverage. Employees who do not participate in the health insurance program cannot have the Foundation funded premium payment allocated to any other benefit option.

Retirement

All full-time Foundation employees with one (1) year of Foundation service are eligible to participate in a retirement plan offered through TIAA-CREF. Participating employees will contribute \$300 per year (deducted biweekly) and the employing department will contribute \$500 yearly {contributed on a biweekly basis}.

Dental, Vision & Prescription Drug Plans

All full-time Foundation employees receive an annual payment of \$150 on June 30 to cover expenses related to vision and dental care and prescription drugs. This payment is not added to the employee's annual gross salary.

Unemployment Insurance

Foundation employees are eligible to file with the Department of Labor to collect unemployment insurance benefits. Departments should forward any correspondence related to a unemployment insurance claim to the human resource representative. The Foundation follows a direct reimbursement process for any unemployment insurance claim. Departments are responsible for all costs associated with an unemployment insurance claim.

Nepotism

The Foundation recognizes that members of the same family may be employed by the BSC Foundation. This is not an issue unless one employee supervises, evaluates, makes recommendations regarding promotions, hiring, termination, salary adjustments, and other matters. At no time may one employee (relative) supervise, evaluate, hire, promote, or make any other employment related decision regarding a relative. Any questions regarding this matter should be referred to the Foundation human resource representative.

ADMINISTRATIVE POLICIES

Outside Employment

No Foundation employee may engage in other employment which interferes with the performance of the employee's duties relative to the Foundation. In no case may a Foundation employee hold another full-time position of employment.

Overtime

The federal Fair Labor Standards Act (FLSA) mandates that non-exempt or hourly paid employees be paid time and one-half for any hours that they have worked more than forty (40) hours per week. Contact the Foundation human resource representative for a list of non-exempt employees. The Foundation intends to follow the overtime payment obligations of the FLSA. New York State Labor Law dictates that every employee who works four (4) or more hours per day are obligated to receive a fifteen (15) minute break.

The FLSA rule provides exception to the payment of overtime for employees classified as "exempt." These exempt employees are individuals charged with managerial professional or administrative duties who work for a salary, exclusive of the amount of hours that they actually work during a given week. Anyone classified as "exempt" will not be paid overtime. Questions regarding an employee's "exempt" status should be referred to the Foundation human resource representative.

Personnel Files

An employee's personnel file is maintained and kept current by the human resource representative. It contains information on an employee's employment with the Foundation. It also contains such items as employment application, performance programs, performance appraisals, address, and emergency contacts and benefit forms. Employees may view the contents of their files by providing a written request to the human resource representative. The human resource representative will make an employee's file available for review within 24 hours of such written request.

The ADA requires that employers keep all medical records separate from an employee's personnel file. These records include physical exams, medical leaves, and workers' compensation claims. I-9 data will be separately filed chronologically by year. Additionally, if any internal/external charges are investigated by a federal or state agency, these files will be maintained separate and apart from an employee's personnel records.

Personnel files will only be made available to an external agency with the employee's permission or to an agency having the power of subpoena.

ADMINISTRATIVE POLICIES

In order to keep personnel records up to date, staff members are urged to notify the human resource representative of any changes in name, address, telephone number, marital status, number of dependents, beneficiary designation, and emergency contact.

Phone Use

The telephones at the Foundation are for business use. Personal calls should not be made from the telephone in the Foundation unless it is an absolute necessity. Family and friends should NOT call employees at work unless there is an absolute necessity.

Resignation/Retirement

Employees should provide three (3) months notice to their supervisor in the event they choose to retire. Such advanced notice is necessary to secure appropriate information relative to social security and pension provisions. Such request must be in writing and is considered binding once presented.

In the event of a resignation, a minimum of two (2) weeks notice is expected. Employees who resign without providing prior notice may forfeit their right to accrued, yet unused vacation. Such notice must be in writing.

On the employee's final day, all Foundation (College) property should be reclaimed.

Employees who retire or resign will be paid all accrued vacation. Tier 1 employees will be paid up to a maximum of 30 days and tier 2 employees will be paid 75% of their current vacation balance up to a 150 hour maximum. The payment will be made 10 business days following the issuance of their final paycheck.

Safety/Security

The Foundation endeavors to provide a safe and healthy environment in which to work. Employees are expected to notify their supervisor or human resource representative of any hazardous conditions or unsafe procedures as they are observed. The supervisor is charged with taking immediate corrective action to eliminate such conditions.

ADMINISTRATIVE POLICIES

Sexual Harassment

Sexual harassment is unwelcome sexual conduct, such as sexual advances, requests for sexual favors, for other verbal or physical conduct of a sexual nature when it is made as a term or condition of employment. Unwelcome sexual conduct which creates an intimidating, hostile or offensive work environment is also considered sexual harassment.

The Foundation's policy on sexual harassment is:

"The Foundation is committed to creating and maintaining a work environment free of objectional and disrespectful conduct and/or communication of a sexual nature and prohibits sexual harassment by all employees. Conduct which creates an intimidating, hostile, or offensive work environment will not be tolerated. The confidentiality of all parties involved in a sexual harassment charge will be strictly respected insofar as it does not interfere with the Foundation's obligation to investigate allegations of misconduct and to take corrective action."

If you believe that you have been the recipient of sexually offensive behavior, you should contact your supervisor or the Foundation human resource representative. Employees should report such incidents of harassment as quickly as possible after said occurrence. Any such reports received will be treated in a highly confidential manner. Any employee who has been found, after thorough investigation of the facts, to have harassed another employee will be subject to appropriate sanctions up to and including termination of employment.

Smoking

Smoking is prohibited in all (College) Foundation building or areas of the (College) Foundation. This also includes any vehicle owned by the (College) Foundation. It is the (College) Foundation's intention to comply with this policy and enforce it in its entirety.

The human resource representative is charged with enforcing this policy. Questions regarding this policy will be directed to the human resource representative.

Solicitation And Distribution

In order to avoid unnecessary annoyances and interruptions, solicitation by an employee of another employee is prohibited while either person is on working time.

Employee distribution of literature, including handbills, in work areas is prohibited at all

ADMINISTRATIVE POLICIES

times.

Trespassing, soliciting or distribution of literature by non-employees on these premises is prohibited at all times.

Training Period

All employees (including part-timers) will be employed in a training period for the first six (6) months of their employment with the Foundation. This period may be extended for a period not to exceed three (3) months in the event of extraordinary circumstances. At the end (or at any time prior to) of an employee's training period, they will either be granted employment or terminated. Such continuation will be on an "at-will" basis.

In the event an internal candidate is promoted into a higher graded position and either as a result of management or the individual's choice is returned to his/her previous (pre-promotion position), the employee's salary title and grade will be changed to its pre-training period status. A current employee selected to fill a vacancy, promotion, or other such opportunity will serve a three (3) month training period. At the end of this period the supervisor will determine the employee's suitability for employment in the "new" position.

Workers' Compensation

Workers' compensation is insurance paid for by the Foundation that will provide wage continuation and medical reimbursement to Foundation employees who are involved in a work-related injury or illness.

Insurance Carrier

The State Insurance Fund is the workers' compensation insurance carrier for the Foundation. They are responsible for determining an injured employee's entitlement to workers' compensation benefits and the extent of those benefits.

Eligibility

The following persons are eligible for workers' compensation benefits if they are disabled from a work-related injury or disease:

1. All full-time and part-time employees, and temporary
2. All student employees
3. Volunteers

ADMINISTRATIVE POLICIES

Duration

The maximum workers' compensation leave that the Foundation will authorize is six (6) months or one hundred and eighty-three (183) days. If an employee sustains an injury, returns, and subsequently reagggravates the **same** injury resulting in additional absences, such cumulative absences will be considered as one for purposes of calculating total absences relative to the 6 month/183 day provision.

The Foundation maintains the right to terminate employment after six (6) months or one hundred and eighty-three (183) days if an employee is unable to return to his/her former position without medical or physical restrictions. Thirty (30) days notice will be provided to the employee by the human resource representative if termination is contemplated.

All workers' compensation leaves in excess of two (2) months will be reviewed on a monthly basis with the Director of Finance.

Award and Supplement Program

The carrier will determine whether a claim filed by a Foundation employee or volunteer will be accepted, and as such, paid or not.

If the claim is accepted, the employee will receive in lieu of a "regular" pay check, an award issued by the carrier. The check received from the carrier will approximately equal two-thirds (2/3) of an employee's weekly pay. If the claim is not accepted, no monetary award will be issued and the employee must charge accruals to maintain a paid status.

An employee who sustains an illness/injury that lasts no more than seven (7) calendar days must charge accruals for the time lost. Medical bills related to the illness/injury will be paid if the claim is accepted.

An employee who is disabled more than seven (7) calendar days but less than 14 calendar days is eligible for the carrier award beginning on the eighth day. Sick leave used for the first seven (7) calendar days is not restored.

An employee disabled for longer than fifteen (15) calendar days is eligible to receive the carrier award from the first day of absence and have all accruals restored.

Injury/Illness Reporting Process

Step 1

- An employee sustains a work place injury or illness.

Step 2

- The injured/ill employee reports the incident specifics to his/her supervisor or designee. Such notice must occur within three (3) working days of the incident. Failure to report the injury/illness specifics may jeopardize the entitlement to workers' compensation benefits.

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■ If an injury/illness exposes an employee to possible blood borne viruses or bodily fluids, the incident must be immediately reported to Public Safety by the human resource representative or designee.

■ If an injury/illness requires immediate medical attention, Public Safety must be contacted to coordinate an emergency response.

Step 3

■ The human resource representative completes the Employee Personal Injury/Illness Form and the C-2 form and forwards the original to the NYS Workers' Compensation Board. A copy of the C-2 should also be sent to the insurance carrier. The C-2 must be relayed to the Workers' Compensation Board within 10 working days of the accident.

■ The human resource representative should contact Campus Services to coordinate the repair of a physical plant or mechanical problem that contributed to the employee's injury/illness.

Step 4

■ The human resource representative verifies incident specifics with the injured/ill employee, coordinates communication with the carrier, updates required reporting logs, and commences case management. As required, the human resource representative will review and forward for reimbursement any bills received from an injured/ill employee to the carrier. A copy should be retained for case management.

Step 5

■ An employee returning to work from a workers' compensation leave **must** provide medical documentation from his/her attending physician regarding his/her reemployment status. The documentation must be presented the human resource representative **prior** to the resumption of duties. The human resource representative will review the documentation to insure the employee is medically cleared to return to work with no restrictions. The human resource representative will notify the carrier of the employee's return and update case records.