



Five Colleges, Incorporated

Employee Handbook

Effective July 10, 2023

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Introduction

Welcome

Welcome to Five Colleges, Incorporated (FCI)!

We value the energy and enthusiasm, the expertise and professionalism, and the unique background and perspective of every FCI employee. In accomplishing the mission of the organization, we strive to provide meaningful work, reasonable wages, and comprehensive benefits as outlined in the following pages. Further, we aim to provide an inclusive work environment that supports employees in successfully managing professional responsibilities and personal life; this goal forms the foundation for many of FCI's policies, procedures, and benefits.

We also recognize that, at times, circumstances may warrant flexibility in the application of policies. Support for workplace flexibility is reflected in [*flexible work*](#) policies, a wide range of [*leave options*](#), opportunities for [*professional development*](#), and help [*dealing with life circumstances*](#).

Although FCI's size and resources may limit the extent to which we can offer additional support, any employee who needs consideration should discuss their situation with their supervisor or the Director of Operations.

FCI Mission

Five Colleges, Incorporated, sustains and enriches the excellence of its members—Amherst, Hampshire, Mount Holyoke, and Smith Colleges and the University of Massachusetts Amherst—through academic and administrative collaboration. The consortium facilitates intellectual communities and broad curricular and co-curricular offerings, affording learning, research, performance, and social opportunities that complement the distinctive qualities of each institution.

Purpose of This Handbook

The purpose of this *Employee Handbook* is to explain FCI's general employment and compensation policies, leave provisions, and benefit programs for regular employees. Although it in no way represents an employment contract, the *Employee Handbook* is intended to communicate workplace guidelines, rules, and expectations.

Employees are expected to read the *Employee Handbook* upon hire and refer to it whenever questions about employment, benefits, and any other policy matters arise and when any of the policies contained therein are revised.

FCI reserves the right to amend, eliminate, and modify these *Employee Handbook* policies from time to time at its discretion without prior notice. Employees may recommend policy changes, but none are permitted to informally alter these provisions. The Executive Director has the authority to modify an FCI policy in order to mitigate unintended negative effects of the policy. Employees will be advised and updated when changes are made.

This *Employee Handbook* supersedes the *New Employee Handbook* published in June 2017.

Assistance with Policies and Procedures

For general help with the application and interpretation of the policies in this *Employee Handbook*, employees should consult their supervisor, the Director of Operations, or the Business Office.

I. Diversity and Inclusion

I.1. Diversity and Inclusion Statement

FCI is an Equal Opportunity Employer and reaffirms its commitment to a policy of equal opportunity in employment.

It does not discriminate on the basis of race, ethnicity, color, age, sex, sexual orientation, gender, gender identity, gender expression, genetic information, religion, national origin, ancestry, disability, veteran status, pregnancy, or any other category protected by federal, state, local, or municipal law (“protected classes”). This applies to employment, access, and treatment in FCI’s workplace, activities, and programs and to the administration of its employment policies. Discrimination or harassment on the basis of these factors is in direct conflict with the FCI mission and values and is strictly prohibited.

FCI believes diverse and inclusive workplaces are successful and creative because they bring together people with different life experiences and perspectives where individuals may achieve their personal best and at the same time advance the work of the group. Like our associated institutions, we are committed to nurturing an environment that both enables and promotes respectful and open exchange, the essential precondition of true education: an environment that not only rejects harassment and intolerance, but also actively seeks to engage the energies of all.

Supporting and sustaining diversity and inclusiveness is the responsibility of all who work at FCI, and in our recruitment and retention policies and practices as well. If you encounter or witness treatment that is not consistent with this policy, FCI requires supervisory employees to report such behavior and urges all employees to speak to a supervisor, the Director of Operations, or the Executive Director.

I.2. Respectful Workplace

FCI strives to create and maintain a workplace environment in which all are treated with dignity and respect, characterized by the absence of intimidation, oppression, and exploitation.

FCI neither condones nor tolerates discrimination or harassment of any kind. All employees, regardless of position, are covered by, and are expected to comply with, the *Harassment, Discrimination, and Bullying* policy and to take appropriate measures to ensure that prohibited conduct does not occur.

I.3. Americans with Disabilities Act (ADA) and Accommodations

Federal and Massachusetts laws prohibit discrimination on the basis of disability. If any FCI employee or visitor believes that discrimination has occurred on the basis of disability, that person should contact the Director of Operations or the Executive Director as soon as possible so the concerns may be addressed and any issues resolved.

Anyone who at any time in the recruitment process or during employment with FCI would like to disclose a disability or *request accommodations* should contact the Director of Operations. FCI will reasonably accommodate a qualified individual with a disability so the employee can perform the essential functions of the position, unless the accommodation creates an undue hardship for FCI. A supervisor who becomes aware of an employee's potential need for accommodation should contact the Director of Operations for guidance.

2. Employment

2.1. Employee Categories

There are five categories of employment at FCI. They are primarily used to determine the benefits available to the employees within them.

2.1.1. Regular full-time

Regular full-time employees are regularly scheduled to work 30 or more hours per week for at least 10 months of the year.

2.1.2. Regular part-time

Regular part-time employees are regularly scheduled to work at least 20 but fewer than 30 hours per week for at least 10 months of the year.

2.1.3. Part-time (not regular)

Part-time employees regularly work fewer than 20 hours per week and/or fewer than 10 months per year.

2.1.4. Temporary

Personnel hired for a specific task who work a regularly scheduled number of hours per week, but only for a limited duration. In most cases, personnel in this category are hired and employed through a temporary employment agency. This category may include grant-funded positions.

2.1.5. Student

Student employee status applies to those currently enrolled in a degree program at an institution associated with the consortium. Students are considered temporary and are not eligible for benefits.

2.1.6. Exempt and Nonexempt Employees

This handbook also uses the terms “exempt employee” and “nonexempt employee.” These designations relate primarily to an employee’s eligibility to earn overtime pay as defined by the [*Fair Labor Standards Act \(FLSA\)*](#).

2.1.6.1. Exempt employees

Exempt employees hold positions that fall within certain “exempt” categories as defined by the FLSA. Exempt employees are paid on a salaried basis, and are not eligible for overtime pay.

2.1.6.2. Nonexempt employees

Nonexempt employees hold positions that do not fall into the FLSA’s “exempt” categories. Nonexempt employees are paid on an hourly basis, and are eligible for overtime pay.

2.2. Hours of Operation

FCI’s standard hours of operation are 8:30 a.m. to 4:30 p.m., Monday through Friday. The standard work week is 35 hours (7 hours/day).

FCI reserves the right to set and change work schedules, days of work, work weeks, and employment category as needed for business reasons or to comply with federal or state laws or regulations.

Employees may propose a change in work hours and/or work days. See [*Flexible Work Policy*](#).

Employees will be paid for all time worked and must accurately and completely record worked hours on their timesheet. For more information about time reporting, see [*Compensation and Time Reporting*](#).

2.3. Outside Employment

FCI recognizes that employees may want to earn additional income outside of FCI.

Employees considering employment outside of FCI should first consult the [*Conflict of Interest*](#) policy. Employees who would like to hold additional employment may do so as long as there is no conflict of interest or perceived conflict of interest. If there is any possibility of a conflict of interest, employees should immediately discuss the outside job with their supervisor, who may refer questions of conflict to the Director of Operations to determine if a conflict exists.

At no time should the employee’s duties, responsibilities, and/or work schedule for their other position conflict with those for FCI. In addition, employees must ensure that FCI work performance is not negatively affected by outside employment.

Employees may not use FCI facilities, staff, equipment, or other organizational resources to perform work for another employer.

2.4. Personal Relationships and Employment of Relatives

An FCI employee cannot participate in the selection, hiring, supervision, promotion, or evaluation of any other FCI employee, consultant, or vendor who is a member of the employee's family or household. Nor can an FCI employee give input or try to influence decisions about that person's compensation, scheduling, work assignments, or working conditions. For more information, see [*Conflict of Interest*](#).

FCI prohibits relationships in which a supervisor has a significant personal relationship (such as one of a romantic or sexual nature) with an employee who reports to them directly or indirectly. Such relationships tend to:

- create compromising conflicts of interest or the appearance of such conflicts
- give rise to favoritism or bias or the perception of such in employment decisions affecting the direct report
- undermine the validity of consent by a direct report, given the uneven balance of power within such a relationship
- be viewed by others or, at a later date, by the direct report as having been entered into as the result of coercion or intimidation.

If an FCI employee becomes involved in a romantic or sexual relationship with another employee where there is supervisory responsibility, or if through reorganization or transfer an individual reports to someone with whom they have a significant relationship, both employees must notify the Director of Operations, who will work with the supervisor to resolve the conflict.

As a remedy, one employee may be reassigned; if reassignment is not possible or the employee does not agree to be reassigned, one or both employees may be released from FCI employment.

This requirement does not apply when an employee does not supervise or otherwise manage responsibilities over the other. Employees in significant personal relationships are expected to act in a professional and appropriate manner at all times in the workplace.

2.5. Orientation Period

All new employees and employees promoted or transferred to a new regular position will have an orientation period. For nonexempt employees, that period is generally three (3) months, and for an exempt employee, generally six (6) months. During this

time, the supervisor will work with the new employee to help them learn the duties of the position, make introductions to other FCI employees and consortium contacts, and provide other information and tools to help the employee succeed.

At the end of the orientation period, employees will receive a performance evaluation from their supervisor. Through this evaluation, the supervisor will: classify the employee's performance as satisfactory; or recommend a 30-day extension of the evaluation period; or recommend termination. The extension of an orientation period requires review and approval by the Director of Operations. The recommendation for termination requires review and approval by the Director of Operations and Executive Director. At all times, employees remain employees-at-will.

2.6. Performance Evaluation

Employees are evaluated at the end of their orientation period. Thereafter, performance is evaluated on FCI's [*annual performance review schedule*](#).

Performance evaluations are intended to encourage the flow of communication between supervisors and employees, to improve job understanding, to promote effective job performance, and to facilitate employee development.

Every employee is expected to have a documented performance review annually. Employees and supervisors should, however, be engaging in conversation throughout the year to assess the employee's progress toward goals and evaluate the factors that support or hinder effective performance.

The annual performance review becomes a part of the employee's personnel file and may influence recommendations for salary increases, professional development opportunities, promotion, transfer, and/or termination. While performance evaluations are not subject to the [*Complaint and Appeal Process*](#), employees may comment on any part of the annual performance evaluation and/or write a statement that will also go into the personnel file.

When a supervisor identifies a serious performance issue, the supervisor may provide coaching, develop a performance improvement plan, or take other action to assist the employee with meeting expectations.

Employees who do not participate in the formal review process, and supervisors who do not file reviews for their reporting staff, may be cited for not meeting performance expectations.

2.6.1. Annual Performance Review Schedule

Performance Period: April 1-March 31

By March 31: Set goals for the upcoming April 1-March 31 period

By September 30: Conduct a mid-year check-in

By April 30: Conduct and file performance evaluation for the previous April 1-March 31 period

2.7. Performance Issues

Sometimes an employee performs below expectations; that is, the employee does not meet the requirements of their position as outlined in the position description and articulated by the supervisor. When performance issues arise, the supervisor will work with the employee to improve performance:

1. The supervisor will discuss the performance concerns with the employee to clarify expectations and also to learn about any roadblocks that are hindering the fulfillment of job expectations.
2. The supervisor will provide coaching, training, and feedback to assist the employee in improving performance.
3. The supervisor may develop a formal performance improvement plan. That plan may be communicated informally through discussion. The plan should also be documented in writing to describe the steps necessary to improve performance to expected levels; determine a time period with benchmarks by which significant and sustained improvement will be reached; and outline possible consequences if improvement is not achieved.

Inability to meet performance expectations may lead to disciplinary action up to and including termination of employment.

2.8. Progressive Discipline

The purpose of this policy is to state FCI's position on administering equitable and consistent discipline for unsatisfactory conduct in the workplace. The best disciplinary measure is the one that does not have to be enforced and comes from good leadership and fair supervision at all employment levels. FCI's own best interest lies in ensuring fair treatment of all employees and in making certain that disciplinary actions are consistent and prompt. The primary purposes of any disciplinary action are to correct the problem, prevent recurrence, and prepare the employee for satisfactory service in the future.

Disciplinary action may call for any of four steps:

1. verbal warning
2. written warning
3. suspension with or without pay
4. termination of employment, depending on the severity of the problem and the number of occurrences

Progressive discipline means that, with respect to many performance problems, these four steps will normally be followed. However, FCI reserves the right to alter the order described above, to skip or eliminate disciplinary steps, to issue one or more of the above forms of discipline at one time, or to create new and/or additional disciplinary steps. FCI may use progressive discipline at its discretion.

This handbook, and this specific policy, is not an employment contract, and is not intended to create contractual obligations of any kind. Employment with FCI is at-will, and FCI has the right to terminate employment at-will, with or without cause or advance notice.

Although it is impossible to list every type of behavior that may be deemed a serious offense, the [*Employee Standards of Civility and Conduct*](#) include examples of problems that may result in discipline, from a verbal warning, to immediate suspension, or even to termination of employment.

By using progressive discipline, FCI aims to correct many employee-related issues at an early stage, thus benefiting both the employee and FCI.

2.9. Standards of Civility and Conduct

Work rules and standards of civility and conduct are important. All employees are urged to become familiar with FCI's rules and standards, and any others applicable to their positions (such as policies set by the campuses).

Employees are expected to follow the rules and standards faithfully while conducting FCI business and while interacting with other employees or with anyone else associated with the workplace. FCI employees are expected to treat others with civility, courtesy, and respect at all times. The opinions of others are to be respected, and the exchange of ideas and criticism should be handled in a professional manner.

The following list is not meant to enumerate all forms of behavior considered unacceptable in the workplace; instead, it constitutes examples of rule infractions or misconduct that may result in disciplinary action, up to and including immediate termination of employment. These examples in no way limit or change FCI's at-will policy.

- theft or inappropriate removal or possession of property
- falsification of timekeeping records
- for nonexempt employees: working “off the clock” (that is, time without pay)
- requiring a colleague to work “off the clock”
- reporting to work under the influence of alcohol or a controlled substance
- possession, manufacture, distribution, sale, transfer, dispensation, purchase, or use of recreational marijuana or an illegal drug in the workplace
- sleeping on the job
- fighting or threatening violence in the workplace
- rude conduct or intimidation
- harassment of or threats against another person
- sexual or other unlawful or unwelcome harassment or touching
- inappropriate contact or conduct with minors (as per FCI's [*Minor Safety Policy*](#))
- unauthorized disclosure of business “secrets” or confidential information
- negligence or improper conduct leading to damage of FCI-owned or associated institution–owned property
- insubordination or other disrespectful conduct
- violation of safety or health rules
- smoking in the workplace
- excessive absenteeism, tardiness, or leaving work before the end of the scheduled shift
- use of abusive language when addressing other members of the Five College community or the public
- excessive use of FCI equipment for purposes other than business
- falsification of company records (e.g., time records)
- vandalism
- violation of FCI policies

2.10. Separation of Employment: Voluntary Termination

A voluntary employment termination occurs when an FCI employee initiates the separation. A voluntary termination may occur in any of the following ways:

- by written resignation
- through job abandonment—that is, an absence from the job for three or more consecutive workdays without notifying FCI, barring any unusual circumstances that preclude the employee from giving timely notification to the immediate supervisor or department
- as a result of a failure to return to work at the expiration of an approved leave of absence or any extension of leave granted by FCI

Nonexempt employees who plan to leave FCI are expected to give at least two (2) weeks' notice; exempt staff are encouraged to give four (4) weeks' notice, as practicable. Those resigning or retiring should submit a letter of resignation to their supervisor and to the Director of Operations. Departing employees are encouraged to contact the Business Office to discuss benefit changes upon separation.

2.11. Separation of Employment: Involuntary Termination (Dismissal)

An involuntary employment termination occurs when FCI initiates the separation. Termination may be the result of an employee's unsatisfactory work performance; misconduct, such as actions that are in violation of FCI policies or local, state, or federal law; insubordination; theft; or misuse of FCI property or equipment. An involuntary termination may also be due to changes in organizational needs or resources.

When FCI determines that there may be grounds for disciplinary action or dismissal, the employee will be informed and, depending on the nature of the performance or misconduct, may be put on leave until a determination regarding continued employment, disciplinary action, or other related action has been made. To come to the determination, FCI may conduct an investigation to gather the facts and weigh the impacts of the possible misconduct. Should there be an investigation, the employee will have the opportunity to respond to the concerns, and others may be asked for information related to the situation.

All FCI employees are expected to fully cooperate with such investigation by providing information that may help FCI make an appropriate determination.

2.12. Exit Interview

Departing employees are encouraged to participate in a confidential exit interview, which typically occurs in the two weeks before separation. Exit interviews are conducted by the Director of Operations.

Alternatively, employees may request their exit interview to be conducted by Smith College Human Resources. Smith College Human Resources can be contacted at: hr@smith.edu or (413) 585-2270.

2.13. Termination of Benefits upon Separation from FCI

Upon termination, employees will be given documentation that explains their benefit status, end dates, and possible continuation of certain benefits. Departing employees will also receive other legally required information, such as how to apply for unemployment and COBRA health insurance continuation benefits.

2.14. Complaint and Appeal Process

An employee experiencing a workplace complaint not covered by the [Whistleblower Policy](#) may find it helpful to discuss it with:

- their supervisor
- the Director of Operations
- free, confidential counselors available through FCI's [Employee Assistance Program\(s\)](#)
- [Smith College Human Resources](#)

FCI, like any other organization, will occasionally experience conflicts and misunderstandings that require clarification or resolution. FCI believes that the best way to resolve problems is to address them promptly, fully, and fairly.

FCI recognizes that employees have the right to file complaints with various federal and state agencies. However, FCI has established this internal procedure with the expectation that it will provide an effective means of resolving issues without the necessity of federal or state remedies. Concerns related to harassment, whether it be sexual harassment, discrimination, or bullying, are not covered by the appeal process outlined in this section. To learn about the appeal process for those issues, see [Harassment, Discrimination, and Bullying](#). Concerns related to the safety of minors should be addressed using the process described in FCI's [Minor Safety Policy](#).

Steps to reach a resolution are outlined below. Among the issues that may be addressed in the procedure are the interpretation and application of the provisions of this handbook, disciplinary actions, terminations, and matters related to FCI environmental and work-safety conditions. Performance evaluations are not subject to the appeal process.

In general, these are the steps that comprise the complaint and appeal process. The steps may vary, however, depending on the nature of the offense.

1. An employee who wants to file a complaint or to question or appeal a decision is expected to bring the problem to the attention of their supervisor in a timely fashion and before initiating a formal appeal procedure, so that an attempt can be made to resolve the problem.
2. If this informal exchange does not resolve the matter and the employee elects to pursue the complaint or appeal further, the employee must submit a written complaint or appeal to their supervisor, who is expected to respond within five (5) working days.
3. If the supervisor's response does not resolve the problem to the employee's satisfaction, the employee may notify the Director of Operations within seven (7) working days of receiving the supervisor's response. Within seven (7) working days of receipt of the appeal statement, the Director of Operations will attempt to resolve the problem with all concerned parties. The Director of Operations will communicate the resolution in writing.
4. If the Director of Operations' response does not resolve the problem to the employee's satisfaction, the employee may, within five (5) working days, submit an appeal to the Executive Director, whose resolution of the matter will be final and binding.

Note: If the complaint or appeal relates directly to actions of the supervisor, such complaint or appeal may be submitted to the Director of Operations. If the complaint or appeal relates directly to the actions of the Director of Operations, such complaint or appeal may be submitted to the Executive Director.

All FCI employees are expected to cooperate honestly and fully in any appeal process. Throughout the appeal process, the Director of Operations and [Smith College Human Resources](#) are available for support.

FCI reserves the right to modify or change any aspects of the above procedure at its sole discretion.

3. Workplace Expectations

3.1. Attendance, Punctuality, and Reporting of Absence

Employees are expected to report to work on time, ready to assume responsibilities at the time that their workday is scheduled to begin.

For anticipated absences, such as a scheduled medical appointment, employees are expected to:

- inform their supervisor of the anticipated absence with as much notice as possible
- submit a time-off request through the electronic time and payroll system
- as applicable, update their calendar to reflect their absence
- apply out-of-office messages to their outgoing voicemail and email for absences of a full day or more

For unanticipated absences, such as illness, employees (or their designee) are expected to:

- notify their supervisor by the scheduled start time for each day of their anticipated absence
- upon return to work, submit a time-off request through the electronic time and payroll system

Unreported and/or repeated unauthorized absences may be considered job abandonment and could lead to disciplinary action, up to and including termination.

See related policies in the [Compensation and Time Reporting](#) section.

3.2. Attire

Attire must be neat, clean, and appropriate for the work being performed and for the setting in which the work is performed. Supervisors should communicate a department's workplace attire and appearance guidelines to new employees during the orientation period.

There are many business-related reasons for implementing a workplace attire policy, such as:

- to ensure safety on the job

- to present a professional appearance to all with whom employees may interact
- to promote a positive environment and limit distractions caused by inappropriate clothing

3.3. Animals in the Workplace

Pets are not allowed to join employees in the workplace. Trained service animals may be permitted in the workplace as a reasonable accommodation for employees with a documented disability.

3.4. Ethical Conduct

All employees representing FCI should conduct themselves ethically, honestly, and with integrity. While not all-encompassing, these statements underpin what ethical conduct means within FCI:

- Each employee must comply fully with all policies, laws, rules, and regulations that pertain to working at FCI.
- All employees treat one another and those they encounter through their FCI work with dignity and respect.
- No employee allows, initiates, or condones any act of discrimination, harassment, violence, intimidation, or coercion.
- Each employee is truthful in word, work, and actions and acts in good faith in all FCI-related endeavors.

This ethical conduct policy underlies many of the other policies addressed in this handbook, such as [*Harassment, Discrimination, and Bullying*](#); [*Acceptable Use of IT Resources*](#); and [*Conflict of Interest*](#).

When in doubt about the propriety of a proposed course of action, FCI employees should seek counsel from colleagues, their supervisor, or organizational leadership for assistance in determining the appropriate course.

Any employee who learns of any action that is in violation of this policy or in violation of any other FCI policy, law, rule, or regulation has an ethical obligation to report it to the Executive Director or Director of Operations.

FCI prohibits any act of intimidation or retaliation toward an employee who submits a good-faith report of unethical conduct.

3.5. Workplace Health and Safety

FCI is committed to protecting the health and safety of all employees, in keeping with the requirements established by the [*Occupational Safety and Health Act*](#), including:

- ensuring that the workplace is free of unnecessary hazards and is environmentally safe for employees
- ensuring that employees follow safety procedures and wear protective equipment as required

FCI and its employees share the responsibility for maintaining safe conditions in the workplace and for working in a safe manner. Any hazardous conditions should be corrected or reported immediately. Employees are expected to follow guidelines or rules designed to protect employee safety and to wear any provided protective equipment. Failure to do so can result in disciplinary action, up to and including termination.

All FCI employees should ensure that they have ready access to the campus' emergency phone number(s) and are familiar with the emergency response procedures at their work locations(s). Employees should also learn the locations of the fire alarms, fire extinguishers, and their designated evacuation meeting location.

If an employee suspects the presence of an unwelcome visitor or that any individual is a threat to workplace safety, the employee is expected to contact campus police/public safety immediately and to report the concern to their supervisor.

3.6. Reporting Accidents and Injuries

Employees who are involved in an accident (including an automobile accident) or who incur any injury or medical event while performing a job-related function, regardless of work location, must:

- obtain medical assistance as necessary
- report the accident or injury to their supervisor as soon as possible
- complete a [*First Report of Work-Related Accident*](#), no matter how minor the injury, within 24 hours of the incident
- follow the provisions in the [*Workers' Compensation*](#) section

Members of campus police/public safety are trained to handle most emergencies that could occur and will render emergency first aid and/or provide necessary transportation to a medical facility.

3.7. Workers' Compensation

Workers' compensation insurance provides partial income replacement and medical care payments for an employee who experiences a job-related injury or illness. If death results, benefits are payable to the surviving spouse and dependents or to the employee's estate as defined by law.

3.7.1. Eligibility

For all FCI employees, coverage is automatic upon employment. Workers' compensation insurance is paid entirely by FCI.

3.7.2. Reporting an Accident

An employee who is injured at work or while performing a job-related function required by FCI, must report the accident to their supervisor as soon as possible and complete the [*First Report of Work-Related Accident*](#) form within 24 hours of the incident.

FCI must report all workplace accidents to the workers' compensation insurance company. The insurance company has the responsibility for investigating all claims and determining (along with the Massachusetts Department of Industrial Accidents) eligibility for workers' compensation benefits. FCI may provide an evaluation by an occupational or environmental health specialist.

3.7.3. Reimbursement for Medical Treatment

If the insurance company or the Massachusetts Department of Industrial Accidents determines the employee to be entitled to workers' compensation, the employee will be reimbursed by the insurance company for any necessary medical treatment and care received.

Employees receiving medical treatment for a work-related injury at a hospital, doctor's office, or health center should do all of the following:

- inform the service provider that the injury is work-related as they will be required to complete workers' compensation forms in order to receive payment for their services
- retain all receipts for prescription medications and other medical equipment related to the injury

- provide the Business Office with claim information
- report on the timesheet all time related to the injury or its treatment

Charges for medical treatment, prescriptions, and equipment resulting from a work-related injury should not be submitted to the medical insurance carrier.

For more information about workers' compensation, see [*Workers' Compensation Leave*](#).

3.8. Records Management

FCI retains vital records of its business and operations to preserve the organization's history, ensure current and future operations, and comply with legal obligations. The Business Office and other units within FCI and within its associated institutions hold a variety of records.

A 'record' is anything containing information reflecting FCI business transactions regardless of format (paper, digital, photographic, etc.). Typical records include fiscal data, incoming/outgoing correspondence including email, minutes of meetings, reports, and official publications.

FCI employees are expected to respect the organization's records and comply with the safeguards in place for all of them.

3.8.1. Personnel File

The Business Office maintains a confidential personnel file for each employee. It comprises, in part:

- employee's name, address, date of birth
- job title and description
- starting date of employment;
- employment application materials (e.g., resume, cover letter)
- letters of reference supplied at the time of initial employment
- correspondence or agreements regarding the terms of employment
- performance evaluations
- rate of pay and any other compensation information
- copies of correspondence and other records relating to an employee's probation, promotion, resignation, disciplinary action, or dismissal
- waivers signed by the employee

Employees who make a written request to the Director of Operations will be entitled to review their personnel file within five (5) business days of the request, no more than two times in a calendar year. This review will generally take place during regular business hours. Upon request, an employee may receive a copy of all or part of the personnel file.

3.8.2. Confidential Information

All FCI employees are required to protect the various forms of protected information they may encounter or use in their work, such as:

- personal information (PI)
- health information covered under the Health Insurance Portability and Accountability Act (HIPAA)
- student records covered under the Family Educational Rights and Privacy Act (FERPA)

Personal information (PI) is defined by [*Massachusetts General Law Chapter 93H*](#) as any data that contains an individual's first name and last name (or first initial and last name) in combination with any of the three following data elements that relate to that person:

1. social security number
2. driver's license number or government-issued identification card number
3. financial account number or credit or debit card numbers that would permit access to an individual's bank or other financial account

Employees handling such information are required to be fully knowledgeable about the specific requirements for maintaining the files as confidential and should follow applicable laws and FCI's current recommended practices.

3.8.3. Records Retention

Employees are expected to follow FCI's [*Record Retention and Document Destruction Policy*](#) and the retention timelines outlined within it.

The Business Office and all FCI employees are expected to cull their paper and electronic files at least annually in compliance with record retention requirements.

3.9. Intellectual Property

FCI and its associated institutions derive both tangible and intangible benefits from the intellectual and creative activity of Five College community members. Faculty, staff, and students inevitably create intellectual property in the course of their research, teaching, and administrative and service activities. FCI believes the public interest is best served by fostering an environment in which creative efforts and innovations can be encouraged and rewarded, at the same time retaining reasonable access to and use of the intellectual property for whose creation FCI has provided assistance.

FCI supports the development, production, and dissemination of intellectual property and honors the tradition that individuals own the copyrights of the academic, scholarly, and other creative original works of authorship that they produce in association with FCI. This policy identifies the ownership interest of authorship with respect to original works created with FCI involvement. Following are examples of “works of authorship”:

- computer programs
- literary works
- musical works, with or without any accompanying words
- dramatic works, with or without any accompanying music
- pantomimes and choreographic works
- pictorial, graphic, and sculptural works (that is, photographs, prints, diagrams, models, and technical drawings)
- motion pictures and other audiovisual works
- sound recordings
- architectural works
- administrative policies and procedures
- grant proposals
- articles and essays
- posters and other promotional designs

This policy is incorporated by reference into the conditions of employment of all those who work for FCI, as well as in sub-awards for the engagement of employees of other institutions and, as appropriate, in consultant contracts for specialized services.

3.9.1. Covered Individuals

The policy applies to all covered individuals, defined as “all persons employed by FCI, including full- and part-time employees; independent contractors and consultants; and anyone using FCI facilities or resources, such as employees and students of associated institutions, and volunteers, under the supervision of or with the permission of an FCI employee.”

3.9.2. Ownership of Intellectual Property

For purposes of this policy, intellectual property is categorized as an “academic work,” a “corporation work,” or a “staff work.”

3.9.2.1. Academic Works

FCI takes as its guiding assumption that in general, intellectual property shall be the sole and exclusive property of the individual who created or originated it, except as that person may voluntarily choose to transfer such property, in full, or in part. Members of the faculty of the associated institutions working on FCI projects and FCI associates shall own all “academic works,” meaning original works of authorship that reflect scholarly research and creativity produced by and on their initiative within the scope of collaboration with FCI, including books, periodicals, manuscripts, films, tapes, disks, and other “hard” creations.

3.9.2.2. Corporation Works

FCI shall own all corporation works, meaning original works of authorship or invention that are created, in whole or in part, with the use of substantial corporation resources, meaning financial, material, personnel, or other support provided that is beyond the level of common research and/or teaching or other support typically provided by FCI to an employee, a member of the faculty, or an associate; as a specific requirement of employment, pursuant to an explicit FCI assignment by a supervisor or duty, on commission from FCI for its own use, or pursuant to a gift, grant, or contract that requires ownership by FCI. Corporation works shall be owned by FCI as works made for hire within the scope of employment by FCI.

Note: Corporation works may be FCI-sponsored or FCI-owned journals, periodicals, newsletters, and other print or electronic publications. Corporation administrative materials—such as policies, curricula, promotional materials, and websites—are examples of works created for FCI and FCI committees and works created by FCI employees or faculty members in assigned administrative roles.

FCI grants to employees the nonexclusive rights to noncommercial use and distribution of corporation works that they have authored unless otherwise prohibited by contractual or legal restrictions.

3.9.2.3. Staff Works

FCI shall own all staff works, defined as original works of authorship that are created within the scope of employment by FCI or by nonemployees, consultants, and contractors expressly for FCI. Exceptions may be granted in particular circumstances: for example, for work done in an approved consultancy for another institution or creative and scholarly work produced with FCI resources not related to the individual's job description if so identified by the FCI Executive Director. FCI does not claim ownership of works created by individuals outside of their scope of employment by FCI.

3.9.3. Use of the Five Colleges, Incorporated Name

The Five Colleges name, associated symbols, and the seal are important and valuable representations of FCI and its reputation. Therefore, use of the FCI name, any associated symbol, or the seal in connection with work other than for the sole purpose of identifying the author as an affiliated member of FCI requires the written permission of the Executive Director. This does not limit the right of FCI employees and other associated members to use the FCI name in accurate descriptions of events and activities that were sponsored by FCI.

Furthermore, employees and other associated members may not participate in the creation or use of works that might give the impression of FCI sponsorship where there is none. If the FCI name, any associated symbol, or the seal is to be used in connection with any works created under collaborative agreements with outside entities, other than to identify the creator by that individual's title at FCI, such agreements must be approved in advance and in writing by the Executive Director.

3.10. Political Activities and Lobbying

FCI must restrict employee political activities at work, as many actions related to political campaigning or lobbying may jeopardize FCI's nonprofit status. In addition, solicitation of coworkers has the potential to create an uncomfortable or polarizing environment. For these reasons, among others, FCI has established restrictions on activities and use of FCI resources for solicitation and political activities.

- Employees may not use their FCI positions or FCI facilities, devices (such as computers or photocopiers), letterhead, communications media (such as campus or electronic mail), or other resources for purposes of political or other solicitation, lobbying, or canvassing.
- Employees may not utilize for political purposes the non-public information and records they access through their FCI role (e.g., salary data or contact information).
- Employees taking political positions for themselves must clearly indicate, by words and actions, that their positions are not those of FCI and are not being taken in an official capacity on behalf of FCI or its associated institutions.
- To avoid misunderstandings, FCI discourages employees from identifying their titles and affiliations with FCI when they take political positions or work for a campaign.

3.10.1. Definition of Lobbying

Direct lobbying involves any attempt to influence legislation by communicating with a member of the legislative body or other government official who has a say in the legislation. In pursuit of its mission, from time to time FCI may conduct a limited degree of lobbying at the discretion of the FCI Board of Directors and/or the Executive Director.

FCI employees should consult with and get the approval of the Executive Director before participating in or initiating any FCI-related political or lobbying activity.

3.10.2. What is Not Lobbying?

General communication may not be considered lobbying, including:

- general communication with a legislator about broad policy issues
- response to written requests from a legislative body (not just a single legislator) for technical advice on pending legislation

3.11. Solicitation, Gifts, and Gratuities

3.11.1. Solicitation

Solicitation may be defined as:

- a communication made by an employee to another employee or group of employees that encourages, advocates, demands, or requests contributions of money, time, effort, personal involvement, or membership in any charitable or other fund, political or other organization, or activity or

- the purchase of any merchandise, raffle or lottery ticket, or similar item

FCI employees should consult with and get the approval of the Executive Director before participating in or initiating at FCI offices or on the premises an activity related to:

- an ongoing business or other commercial activity not administered by FCI
- the benefit of individuals or organizations other than FCI
- political or lobbying activities

As with political activities, employees may not use their FCI position or FCI facilities, devices (such as computers or photocopiers), letterhead, communications media (such as campus and electronic mail), or other resources for purposes of solicitation of gifts or gratuities.

FCI employees may collect monetary donations for a gift for a coworker who is resigning, retiring, or getting married, for example; such solicitation, however, is not permitted during scheduled work hours. It is allowed during scheduled breaks (lunch, for example) and before and after work.

Note: Employees should be sensitive to the fact that many of their coworkers find frequent solicitations objectionable at any time, even during non-working hours, and no one should pressure a coworker for a donation.

3.11.2. Gifts and Gratuities

It is important that no employee receive or be perceived as receiving any gift or gratuity that could have an influence on a decision related to contractual relationships with vendors and others. Therefore, no employee may accept a gift, gratuity, or other payment, in cash or goods, that exceeds a value of \$25 (twenty-five dollars), whether from a currently engaged vendor or from one seeking to do business with FCI. If in doubt as to a gift's value, the employee should consult with the Director of Business Services/Treasurer before accepting any present or a gratuity.

3.11.3. Employee Charitable Campaign

FCI may organize participation in an annual employee giving campaign, such as through United Way. This provides an opportunity for employees to contribute to charities of their choice.

3.12. Media Relations

The Executive Director and Director of Strategic Engagement are the designated spokespersons for FCI; they are responsible for communicating with media and responding to media inquiries.

No other FCI employees are authorized to speak to the media or disseminate FCI information, including print and electronic documents, to any media organization or outlet unless that individual has specific approval to communicate with the media on a particular issue.

If an FCI employee is contacted by a member of the media with a request for information, the employee should refer the media contact to the Director of Strategic Engagement and also notify the Director of Strategic Engagement of the media contact's request.

3.13. Social Media

Social media can be an effective business tool for collaboration, connection, positive attention, and exchange of information. All employees must ensure that their use of social media during the workday enhances productivity and contributes to FCI goals. Engaging in social media for more than incidental personal use is prohibited while being paid to conduct FCI business.

4. Information Technology and Resources

4.1. IT Resources

FCI provides to its employees an extensive information technology environment. The cooperation of the entire Five College community helps to ensure that high-quality IT resources are available for FCI's many endeavors.

As opportunities arise, FCI employees are encouraged to utilize a wide range of IT resources, such as hardware, software, social media, and work-related apps in order to:

- work efficiently and effectively
- provide information and resources for interactions with Five College partners
- create opportunities for collaboration in the sharing of knowledge, skills, expectations, and information

4.1.1. Definition of IT Resources

FCI defines IT resources as:

- all computers, systems, equipment, software, networks, and computer facilities owned, managed, maintained, or used by FCI for the handling of data, voice, other media, telephone, and related signals or information
- any access or use of FCI's IT resources from a computer or other system not controlled or maintained by FCI
- the creation, processing, communication, distribution, storage, and disposal of information under FCI's control

4.1.2. Training

All FCI employees are expected to complete training upon hire, renew that training upon request, and to comply with the best practices as recommended by the Director of IT and/or Director of Operations.

4.1.3. Help Desk

FCI's IT department offers a Help Desk for regular tech support and problem solving, and collaborates with the campuses' IT departments to support FCI employees' use of technology.

4.2. IT Resources: Acquisition and Disposal

All hardware, software, and technology supplies required to complete an employee's work at FCI will be provided and disposed of by FCI IT. Please utilize the IT Help Desk for acquisition/disposal requests.

4.2.1. Software Downloads

To prevent computer viruses and other malware from corrupting or being transmitted through IT resources, all software downloads from the Internet must be pre-approved by the Director of IT. In addition, no software should be installed or deleted by an employee without the approval of FCI IT (including free software).

4.2.2. Hardware and Software Configuration

The proper configuration of all hardware and software is the responsibility of FCI IT. Employees should not make changes to the settings of their IT resources without first seeking guidance from the FCI IT department.

4.2.3. Records Retention

For the timetable regarding deletion of electronic data (documents and email), see [*Record Retention and Document Destruction Policy*](#).

4.3. Acceptable Use of IT Resources

FCI employees have a responsibility to utilize IT resources appropriately, to preserve information, and to protect the resources from unauthorized access or use.

IT resources, whether provided by FCI IT or made available through affiliation with the associated institutions, should be used in a manner that:

- encourages collaboration and productivity
- demonstrates respect and inclusiveness among all with whom an employee communicates and collaborates
- provides safety and security for FCI's IT systems
- respects the rights of others to privacy and freedom from harassment

An employee may not use IT resources to [*threaten or harass*](#) any other person or to create a hostile workplace. Fraudulent and obscene messages are also prohibited.

Use of IT resources must comply with:

- FCI Acceptable Use of IT Resources Policy

- [*Amherst College Electronic Resources Acceptable Use Policy*](#) (applicable to all employees, regardless of home campus)
- relevant Acceptable Use Policies on any campus(es) that have issued the employee any IT resources and/or where the employee regularly works
- applicable laws and regulations
- relevant licenses and other contractual commitments

Upon hire, employees are expected to review and acknowledge Acceptable Use Policies as requested.

4.3.1. Authorized Uses

IT resources should be used primarily for activities related to FCI purposes, such as authorized work, study, research, and service consistent with FCI's mission, along with the job description and responsibilities of the individual employee.

FCI recognizes that many employees participate in outside academic and professional activities that naturally complement their commitments and enhance their contributions to FCI and its Five College partners. Examples are being active in learned societies, in professional associations, and at conferences. Use of IT resources in connection with such activities is acceptable.

FCI also acknowledges that limited personal use of IT resources is compatible with the community FCI fosters in support of its broader balance of work-life goals. Such personal use must be incidental at most and may not significantly hinder an employee's performance or productivity, and may not cause FCI to incur additional costs. Above all, use of IT resources for outside or personal purposes is always a privilege and should be exercised sparingly.

4.3.2. Electronic Communication (email)

FCI may send official correspondence to employees via email; employees are expected to check their FCI email account regularly. FCI employees are expected to use only their FCI email account (rather than other accounts) for all work-related communications.

4.3.3. Password Protection and Access Restrictions

Every employee should select a strong password and maintain it securely. Passwords must comply with system requirements at the time of creation or as updated.

Employees are cautioned that they are responsible for all activity conducted with their password and are therefore prohibited from sharing passwords under any circumstance. An employee must change the password and contact the Director of IT immediately if there is a suspicion that a password has been compromised.

All employees must protect FCI's IT resources from unauthorized access. Specifically, all employees must:

- take responsibility for the security and integrity of information stored on any personal or assigned device
- take care to access IT resources only from a secure environment and to log out of and shut down all sessions before leaving any device unattended
- take all appropriate precautions when accessing confidential or restricted FCI data to protect that information from any unauthorized disclosure
- comply with requests to cease use of IT resources that compromise FCI or campus IT resources
- cooperate with investigations of improper use of IT resources
- report to the Director of IT any hacking, phishing, or other attempt to access passwords or IT resources

Employees should be aware that FCI cannot guarantee the security of IT resources against unauthorized access or disclosure.

4.3.4. Expectation of Privacy

FCI does not routinely monitor employee's email, documents, data, software, computers, or online activity. FCI has a right as an employer, however, to determine circumstances under which FCI IT or management personnel may access, monitor, limit, and/or disclose a user's devices, communications or other files and data related to IT resources. Among these circumstances are the following:

- to maintain the integrity of IT systems, its network, or its data
- to address a legitimate business need
- to access files and documents for the transfer of information when an employee goes on leave or departs employment
- when there are reasonable grounds to believe that a violation of law or a significant breach of policy has taken place and access, inspection, or monitoring may produce evidence related to the possible misconduct

- when required by federal, state, or local law, administrative rules, court order, or other legal authority

FCI will access individual IT resources only with the approval of the Executive Director or a designee. All employees must sign an agreement regarding the limited privacy of IT resources and acknowledge FCI's right to access employee email and electronic documents.

5. Compensation and Time Reporting

5.1. Overtime and Comp Time

5.1.1. Payment for Hours Worked

Nonexempt employees (for definition, see [Employee Categories](#)) must be paid for all hours worked. Nonexempt employees must be paid for trainings and meetings, including training or meeting time outside of regular work hours.

With supervisor's pre-approval, a full-time employee may occasionally work fewer than 35 hours/week and more than 35 hours/week, as long as the total does not exceed 70 hours worked in the same pay period and the employee works no more than 40 hours in any one week. Supervisors may similarly approve this kind of schedule for part-time employees, as long as the employee does not exceed their regular two-week hours total.

With approval of the employee's supervisor, a nonexempt employee's work hours may vary in particular positions according to workload, as long as the number of hours worked does not exceed 40 per week (unless specifically approved by the Executive Director) and the employee's hours do not exceed the total number indicated in the employee's job description.

5.1.2. Overtime

These provisions apply to overtime hours worked beyond an employee's regular two-week work schedule or beyond the employee's annual total of hours, as specified in job descriptions for some part-time employees.

As outlined in the [Fair Labor Standards Act \(FLSA\)](#), nonexempt employees' hours worked in excess of 40 in one (1) work week are paid at the rate of time and a half.

Unless overtime is pre-approved by a supervisor and the Executive Director, nonexempt employees may not work hours beyond the normal paid work week, except during a rare emergency situation.

If a nonexempt employee works overtime without pre-approval, the employee will be paid for that time. Supervisors who are aware of a nonexempt employee working in excess of 40 hours must ensure that such employee is paid for all time worked.

Working overtime hours without approval, may, however, be considered a performance issue.

Exempt employees are paid on a salaried basis and are not eligible for overtime.

5.1.3. Comp Time

Working unpaid hours in one week to take off a corresponding number of paid hours in a future week is considered compensatory (“comp”) time. Nonexempt employees may not accumulate such “comp” time. Accordingly, supervisors should not permit this practice.

5.2. Timesheets

The FCI workweek is Saturday to Friday. The pay period is two weeks. All employees are paid biweekly on the Wednesday following the close of the two-week pay period.

Employees are expected to submit timesheets by the end of the workday on the final Thursday of the pay period. Supervisors are expected to approve their employees’ timesheets by noon on the final Friday of the pay period.

For some pay periods, timesheets will be due earlier. For pay periods and the corresponding timesheet due date, refer to the [Payroll Schedule](#) on the FCI website.

Those on grant funding must include time and effort reporting on each timesheet.

Any employee who discovers a possible timesheet error should report it to the Business Office right away.

5.3. Lunch and Breaks

State law entitles all workers to a break of at least 30 minutes for every six (6) hours worked.

FCI supports and encourages employees in taking a real midday break. To that end, FCI requires full-time nonexempt employees to take a one (1) hour unpaid lunch break daily. Part-time employees, if they prefer, may take a 30-minute lunch break. Lunch breaks must be taken daily.

The lunch break usually falls between noon and 1:00 p.m. However, lunch breaks may need to be scheduled at other times to meet operational needs (such as reception desk coverage) as directed by a supervisor.

During break periods, employees are neither required nor expected to respond to work-related communications or address any other work-related matters. Nonexempt

employees who work as a rare exception during a lunch break must be paid for that work time.

Employees whose work does not allow them to move about freely can normally take a 15-minute paid mid-morning break and a 15-minute paid mid-afternoon break when convenient for operations (such as ensuring adequate reception coverage). Those who are free to move about and attend to their comfort needs do not have specifically scheduled breaks.

No breaks can be taken at the beginning or end of the workday and breaks cannot be used to extend a lunch/meal period. Breaks cannot be accumulated for future use.

5.4. Lactation Breaks

In accordance with the [*Massachusetts Pregnant Workers Fairness Act*](#), FCI, or the employee's host campus, will make available a private, non-bathroom space that is shielded from view and free from intrusion by other employees and the public, when needed, for a nursing employee to express milk, for up to one year after the child's birth. This space may be the employee's assigned workspace.

Reasonable break time will be provided as frequently as needed by the nursing employee and this time will be compensated.

Lactation breaks are not considered [*Paid Family and Medical Leave \(PFML\)*](#) time and will not be counted against this or any other leave.

Employees should communicate the need for lactation space to the Director of Operations.

5.5. Flexible Work Arrangements

FCI understands that some operational and/or individual needs can be addressed with flexible work arrangements. Flexible work arrangements may be possible for both nonexempt and exempt employees whose job functions allow for such flexibility. Flexible work arrangements may incorporate a non-standard work schedule or may include work from home.

Non-standard work schedules are expected to be set, that is, the schedule should remain the same from week to week. The schedule must be documented, as it will become part of the employee's personnel file. A non-standard work schedule may be

requested for a limited period, such as during the summer or at the start of the semester.

5.5.1. Remote Work

It should generally be understood that most work-related activities will be in an in-person modality (unless there is a mandated need to work remotely or to minimize onsite staffing levels). However, working remotely may be an option for eligible employees whose job function does not require a daily presence. The supervisor must certify that sufficient work is available to perform off-site and that remote work will not serve as a detriment to the unit or to FCI's overall operations. For the purposes of this policy, remote work is any work performed at a non-FCI location to which the employee does not have to travel. Working from home is an example of remote work, whereas attending meetings on another campus and working from that campus in between meetings would not be considered remote work.

With supervisor permission, an employee may request a change in their assigned work week and/or hours to a schedule that differs from FCI's standard operational hours.

5.5.2. *De minimis*

Remote work, for purposes of this policy, does not include informal arrangements made between a supervisor and employee for unanticipated situations that require working from home for a limited period (e.g., handling a service call at home, or fitting in an off-site appointment). Generally, supervisors have the authority to allow *de minimis* (minimal, trivial) work-from-home arrangements in these circumstances, when the arrangement is not ongoing and is for a limited time each occasion. *De minimis* remote work, for nonexempt employees, is compensable and may create overtime situations, which supervisors are expected to monitor.

For full policy and implementation guidelines see [Flexible Work Policy](#).

5.6. Work-Related Communication Outside of Regular Working Hours

FCI encourages employees to take true breaks and to limit engagement in work outside of their working hours.

While employees may want to stay connected, there are considerations for working outside of working hours that differ for exempt and nonexempt employees.

Nonexempt employees must be paid for all time worked. For this reason, nonexempt employees should not work outside of their scheduled hours beyond a *de minimis* (minimal, trivial) basis unless directed to do so by their supervisor or when there are exceptional, unavoidable, or urgent circumstances.

Exempt employees have the latitude to access email and engage in other FCI work outside of their regular working hours. However, supervisors should refrain from expecting or encouraging their nonexempt employees to respond to communications or perform work outside of their scheduled hours, except when exceptional situations warrant.

5.6.1. Work Communication During Paid Time Off or a Leave

Any employee who will be out of the office on more than one (1) day on paid time off or a leave should put an “away message” on voicemail and email and indicate an alternate FCI employee contact.

5.7. Travel and Reimbursement

FCI reimburses employees for local business-related travel at the IRS mileage reimbursement rate. An employee’s normal commute is not eligible for reimbursement and should be deducted from any work trips that include getting to work or returning home from work.

Pre-approved business-related travel beyond the Five College area, such as mileage, ground, air or rail transportation, meals, lodging, and event registration may also be reimbursed.

To be eligible for reimbursement, all reimbursable expenses must be properly documented.

5.7.1. Overnight Travel for Nonexempt Employees

Generally, nonexempt employees do not participate in overnight business travel. When approved for such travel, a nonexempt employee is expected to follow [*Fair Labor Standards Act \(FLSA\)*](#) guidelines, as outlined below:

- Time spent as a passenger on an airplane, train, boat, or automobile that takes place during regularly scheduled working hours (e.g., between 8:30 a.m. and 4:30 p.m.)—even outside of the regular work week (such as on Saturday or Sunday)—constitutes hours worked.

- Time spent as a passenger on an airplane, train, boat, or automobile outside of regular working hours does not constitute hours worked. However, work done while traveling is hours worked (that is, if working while a passenger).
- Traveling to/from an airport or bus/train terminal is considered commuting, and does not constitute hours worked.
- Time spent driving a vehicle, regardless of whether it takes place within or outside of regularly scheduled working hours constitutes hours worked.
- Reporting of hours is based on the FCI (home) time zone (that is, Eastern Time).

6. Time-Off Benefits and Leave Plans

6.1. Vacation

Regular full-time employees earn 20 vacation days per year (prorated for regular part-time employees and employees scheduled to work fewer than 52 weeks/year).

Employees begin earning vacation time on the first day of employment. Vacation time accrues per pay period, and may not be taken before it is accumulated.

Accumulated vacation time may not be taken during the first three (3) months of employment.

FCI encourages employees to take accrued time off. To promote good work-life balance, vacation time will accumulate to a maximum of 25 days (175 hours for full-time employees), after which an employee will stop earning vacation time until after a portion of the 25 days has been taken.

Nonexempt employees may take vacation time in no less than 15-minute increments. Exempt employees may use vacation time in no less than half-day increments.

It is expected that vacation schedules be approved three (3) weeks in advance by the employee's immediate supervisor.

A holiday that occurs during an employee's vacation will be charged as a holiday, that is, it will not be counted as a vacation day. Illness while on vacation will not be charged as sick leave unless medical documentation is provided.

Accrued unused vacation time will be paid to an employee upon separation from FCI.

6.2. Holidays

At a minimum, FCI observes the following holidays.

- New Year's Day
- Martin Luther King Jr. Day
- Memorial Day
- Juneteenth
- Independence Day
- Labor Day

- Thanksgiving Day
- Christmas Day

Additional paid holidays are determined by FCI each year.

Benefited employees are eligible to be compensated only for the holidays that fall on their regularly scheduled work days.

6.3. Floating Holidays

Paid holidays may include floating holiday(s).

Floating holidays are intended for personal, religious, or other reasons. Floating holidays are awarded on July 1 of each year (prorated for regular part-time employees, employees scheduled to work fewer than 52 weeks/year, and in the first year for employees who begin employment later than July 1). Floating holidays are forfeited if not used by June 30 and do not accumulate from year to year.

6.4. Personal Leave

Each year, full-time employees may take three (3) days of absence with pay for personal reasons (prorated for regular part-time employees, employees scheduled to work fewer than 52 weeks/year, and in the first year for employees who begin employment later than July 1) that may be taken on short notice or as part of a planned absence.

Personal leave is awarded on July 1 of each year. These days are forfeited if not used by June 30 and do not accumulate from year to year.

6.5. Sick Leave

Paid Sick Leave is provided to protect employees financially in the event of an illness or disability during employment. No payment is made for unused Sick Leave when an employee leaves FCI employment.

6.5.1. Eligibility

Per Massachusetts law, “workers in Massachusetts have the right to earn and use up to 40 hours of job-protected sick time per year to take care of themselves and certain family members.” Sick Leave may be used for the eligible employee or the individual’s child, spouse, domestic partner, parent, or parent of a spouse or domestic partner. Sick Leave may be used for any of the following four purposes:

1. To care for a physical or mental illness, injury, or other medical condition requiring home, preventive, or professional care for the employee or for others covered by this policy.
2. To attend regular medical and dental appointments for the employee or for others covered by this policy.
3. To travel to or from an appointment, pharmacy, or other location related to a purpose covered in this policy.
4. To address psychological, physical, or legal effects of domestic violence (see [*Domestic Violence Leave*](#)).

6.5.2. Accrual

Each employee begins earning Sick Leave on the first day of employment and may begin using accrued unused Sick Leave three (3) months after starting work. Accrued but unused Sick Leave may be accumulated from year to year to a maximum of 130 days.

If a former employee is rehired within one (1) year, the employee may have a portion of Sick Leave reinstated, following the [*Massachusetts Earned Sick Leave Law*](#).

Eligible employees earn paid Sick Leave according to this schedule.

Sick Leave Accrual Schedule

If You Are You Accrue
A regular employee scheduled to work at least 30 hours per week for at least 10 months of the year	1 day of Sick Leave per month
A regular employee scheduled to work at least 25 hours per week but fewer than 30 hours per week for at least 10 months of the year	.75 day of Sick Leave per month
A regular employee scheduled to work at least 20 hours per week but fewer than 25 hours per week for at least 10 months of the year	.5 day of Sick Leave per month
An employee who works fewer than 20 hours per week and/or who works fewer than 10 months a year	1 hour of Sick Leave for every 30 hours worked
A student employee or other employee exempt from paying FICA payroll contributions	You do not receive sick-leave benefits.

Non-exempt employees may take sick time in no less than quarter-hour (15-minute) increments. Exempt employees may use sick time in full or partial days but in no less than half-day increments.

If an employee's paid Sick Leave is exhausted, available personal time, floating holiday time, or vacation time must be used to extend the term of Sick Leave.

When all paid leave is exhausted, an employee may be eligible for an unpaid leave under one of FCI's leave plans or as a reasonable accommodation for a covered disability. For additional information, see [Parental Leave](#) (additional payment available), [PFML](#), and [Americans with Disabilities Act \(ADA\) and Accommodations](#).

6.5.3. Notification

An employee should notify their supervisor no later than 8:30 a.m. on the first day the employee is out sick. If the absence is foreseeable (for example, a previously scheduled appointment), the employee is expected to provide seven (7) days' notice, unless the employee learns of the need within a shorter period.

In the case of routine Sick Leave for a minor illness (e.g., a cold), the employee is expected to inform the supervisor of the intention not to report to work, then must inform the supervisor each day of a continued absence. Such notice will assist the supervisor in scheduling or reassigning work.

If Sick Leave is expected to be lengthy, the employee should contact the supervisor on a regular basis to report on the estimated or actual return-to-work date.

6.5.4. Medical Certification

If an employee is on Sick Leave for more than three (3) consecutive days of scheduled work time, FCI may require supporting medical documentation. If required, this documentation should be provided within seven (7) days of the absence.

FCI may require medical or return-to-work certification for a Sick Leave of any length when in its judgment there is a question of any of the following:

- illness or injury potentially affecting an employee's ability to perform safely on the job or in the workplace
- illness or injury potentially affecting an employee's ability to perform the core functions of the job
- possible contagion

- possible work-relatedness of the disability
- possible abuse of sick leave benefits

6.5.5. Application for Medical Leave

As soon as it is apparent that the employee will be out of work for any medical reason for five (5) or more consecutive workdays (or if requested by the employee's supervisor or FCI), the individual should obtain the relevant medical leave forms:

- Request for Medical Leave
- Physician's Statement Related to Medical Leave
- Physician's Approval to Return to Work

The employee should promptly complete the Request for Medical Leave form and submit it to the Director of Operations and give the Physician's Statement Related to Medical Leave to the employee's or family member's physician with the request that the completed form be returned to the Director of Operations within ten (10) days.

In most cases, the Physician's Statement Related to Medical Leave will provide FCI with the medical information necessary to administer this plan. However, in those situations when FCI judges that more complete medical information is necessary, FCI reserves the right to have an employee sign a Medical Release Form, which allows the Director of Operations or an FCI-designated professional to contact the physician directly to discuss the employee's medical condition as it relates to the individual's ability to come to work and/or perform the duties of the job.

Upon review of the employee's request and the physician's statement, FCI will confirm in writing to the employee and to the supervisor the terms of the medical leave and the expected return-to-work date, if it is known.

6.5.6. Return-to-Work Certification

After an employee has been examined by a physician and has been cleared to return to work, the employee's physician must complete the Physician's Approval to Return to Work form and provide it to the Director of Operations. In some cases, FCI may also require the employee to be examined by an FCI-designated physician before returning to work to ensure that the individual is able to resume all job duties, with or without accommodations.

6.5.7. No Retaliation

An employee using earned sick time legitimately under this policy cannot be terminated or otherwise retaliated against for exercising or attempting to exercise rights under the Massachusetts Earned Sick Time Law. Examples of retaliation include:

- denying use or delaying payment of earned sick time
- taking away work hours
- giving the employee undesirable work assignments
- terminating the employee

Requesting leave documentation from an employee, however, is not a form of retaliation, nor are regular supervision, performance management, and counseling for legitimate performance deficiencies.

6.5.8. Misuse of Sick Leave and Failure to Provide Required Documentation

Massachusetts Sick Leave law allows an employer to discipline an employee, including termination, if the employee engages in fraud or abuse when using accrued Sick Leave for purposes that are not permitted under the policy. FCI can also discipline an employee who demonstrates a clear pattern of taking leave on days just before or after a weekend, vacation, or holiday, unless the individual can verify that the use is for sanctioned purposes.

An employee is prohibited from using Sick Leave as an excuse to be late to work unless the individual is tardy for a purpose allowed under this policy.

If an employee fails to provide required documentation after using paid Sick Leave without reasonable justification under the Massachusetts Earned Sick Leave Law, FCI has the right to recover sums for paid Sick Leave from future pay, as long as FCI has given the employee notice of the policy. If an employee fails to provide required documentation after using unpaid Sick Leave without reasonable justification, FCI has the right to deny the future use of an equivalent number of hours of accrued earned sick time until the employee provides the required documentation.

6.5.9. Long-Term Disability (LTD) Potential Eligibility

In the event of a serious or permanent disability (either full or partial) that will prevent an employee from returning to work for an extended period, the individual should contact the Business Office regarding potential eligibility for LTD benefits.

The Business Office will review the situation with the employee and will provide assistance in completing the LTD application.

6.5.10. Concurrent Leaves

Sick Leave will run concurrently with all other applicable protected state and federal leave or FCI leave policies, whether paid or unpaid, including [PFMI](#), FCI's [Parental Leave](#), the [Massachusetts Parental Leave Act](#), and long-term disability.

6.6. Parental Leave

To support families, FCI provides a parental leave benefit.

6.6.1. Eligibility

Employees who have completed three (3) months of employment may be eligible for Parental Leave.

Under the [Massachusetts Parental Leave Act \(MPLA\)](#), an employee is entitled to up to eight (8) weeks of unpaid leave related to the birth, adoption of a child under the age of 18, or under age of 23 if the child is mentally or physically disabled, or placement of a child by court order. FCI grants the first six (6) weeks as paid leave to regular full-time and regular part-time employees. An employee may also take the remaining two (2) weeks of MPLA as unpaid Parental Leave and may, but is not required to, apply available paid time off for these two weeks. Other part-time employees are entitled to eight (8) weeks of unpaid Parental Leave. Under normal circumstances, employees will be reinstated to the same or a similar position at the end of Parental Leave.

When both parents work for FCI and are spouses or declared Domestic Partners, they are entitled to a combined total of eight (8) weeks of Parental Leave for the birth, adoption or placement for adoption of the same child, or for placement by court order. Regular full-time and regular part-time employees may take a combined six (6) weeks of paid leave and two (2) weeks unpaid. Other part-time employees may take eight (8) weeks of combined unpaid Parental Leave.

At the point of delivery, adoption, or placement, the eight (8) weeks of Parental Leave begins. If an employee works up to the date of delivery, adoption, or placement, Parental Leave will begin on that date. If the employee stops working before the delivery for any reason other than medical, the employee will be expected to apply available vacation, personal, or floating holiday time. An employee who stops working for a medical reason must use sick time. If sick time is exhausted, the employee must

use vacation, personal, or floating holiday time or otherwise request to take unpaid leave.

6.6.2. Notice Requirement

An employee is expected to notify the supervisor of the expected birth, adoption, or placement date at least four (4) months in advance.

At least two weeks before the employee's leave, the employee is expected to notify the supervisor and the Director of Operations of their anticipated leave date, their intention to return to work, and the anticipated return date.

6.6.3. Additional Leave

To the fullest extent permitted by applicable law, Parental Leave will run concurrently with any other leave, whether paid or unpaid, taken under other leave laws or FCI leave policies, including [PFML](#).

6.6.4. Returning From Leave

At the end of the leave, the employee will be returned to their same or equivalent position with the same pay, benefits, working conditions and duties so long as similarly situated employees have not been affected by layoffs.

6.7. Paid Family and Medical Leave (PFML)

Paid Family and Medical Leave ("PFML") is a mandatory Massachusetts program that provides employees with paid time off to give or receive care.

6.7.1. Eligibility

This policy applies to all FCI employees—including full-time, part-time, and temporary employees. This policy also applies to unemployed former employees for twenty-six (26) weeks after separation or until re-employed, whichever comes first.

Eligibility for paid benefits and the benefit amount is determined by the [Department of Family and Medical Leave](#). Employees must [apply for benefits](#) directly.

6.7.2. Notice

While an employee is expected to provide 30 days' notice to FCI, FCI is not involved in the benefit claims process.

6.7.3. Types of Leave

Eligible employees may take PFML for the following reasons:

- Medical Leave: Employees are eligible for up to twenty (20) weeks of medical leave in a benefit year for a serious health condition that incapacitates them from work.
- Family Leave: Employees are eligible for up to twelve (12) weeks of family leave in a benefit year to care for a family member with a serious health condition
- Family Bonding: Employees are eligible for up to twelve (12) weeks of family leave in a benefit year to bond with a child during the first twelve (12) months after the child's birth, adoption or foster care placement with the employee. In the case of multiple births, no more than twelve (12) weeks of leave benefits total are available in a benefit year for this purpose.
- Family Leave — Military Exigency: Employees are eligible for up to twelve (12) weeks of family leave to manage any needs that take place immediately after a military family member is deployed or has been notified of an upcoming deployment.
- Family Leave — Care of a Covered Service Member: Employees are eligible for up to twenty-six (26) weeks of family leave in order to care for a family member with a serious health condition who is a current member of the Armed Forces, including the National Guard and Reserves.

Employees may take a total of 26 weeks of paid leave in a *benefit year*, with up to 20 weeks of medical leave, and up to 12 weeks of any kind of family leave. Employees may qualify for medical leave during pregnancy and/or childbirth before taking family leave to bond with a child. When the medical leave is complete, an employee can transition directly into family leave to bond with a child after the child's birth. Alternatively, an employee can wait to take family leave to bond with a child some other time before the child's first birthday.

6.7.4. Benefit Year

Eligible employees may take up to a total of twenty-six (26) weeks of PFML in a “benefit year.” A “benefit year” is based on when an employee takes any time off that is associated with a qualifying reason (i.e., the reason that makes an employee unable to work and eligible for Paid Family and Medical Leave benefits). The “benefit year” begins on the Sunday immediately preceding the first date on which an employee begins taking leave and continues for 52 consecutive weeks.

6.7.5. Family Member Defined

For purposes of the PFML policy, a “family member” is defined as the spouse, domestic partner, child, parent or parent of a spouse or domestic partner of the covered employee, a grandchild, grandparent or sibling of the covered employee, or a person who stood *in loco parentis* to the covered employee when the covered employee was a minor child (*in loco parentis* means a person who put themselves in the situation of a parent to the employee by assuming the typical rights and duties of parent to child).

6.7.6. Wages

An employee who is approved for paid leave under this policy will receive a weekly wage replacement benefit. The *maximum weekly wage* is set annually by the Department of Family and Medical Leave; not all employees may be eligible for benefits as eligibility is based upon earnings. The PFML wage replacement benefit may not be 100% of the employee’s regular weekly earnings.

6.7.7. Initial Seven-Day Waiting Period

No wage replacement benefits are payable during the first seven calendar days of leave; however, the employee may apply accrued sick, vacation, or other accrued paid leave during this time.

6.7.8. Absence reporting

Employees on PFML medical leave for their own health condition are expected to follow FCI’s *absence reporting* policies.

6.7.9. Returning from a medical leave

Employees on PFML for their own serious health condition will be required to present a physician’s approval to return to work prior to resuming their job responsibilities.

6.7.10. Coordination with Paid Time Off

Employees may, but are not required to, use their accrued paid time off (vacation, sick or personal time) during PFML leave, including during the unpaid initial 7-day waiting period.

Employees who take a leave for a reason covered by the PFML, but who elect to use accrued paid leave such as vacation, sick, or personal time in lieu of the PFML benefit, will have that time run concurrently (i.e., at the same time) with PFML time.

Paid time off may not be used to “top-off” PFML benefits.

6.7.11. Effect on Benefits

An employee not receiving pay from FCI continues to earn personal time but does not accrue vacation or sick time and is not entitled to holiday pay, bereavement leave, or jury duty leave. If on intermittent PFML, the employee will accrue benefits for the hours worked. Upon return to a regular work schedule, the employee's accruals for vacation and sick time will resume at the regular rates.

An employee not receiving pay from FCI is responsible for continuing to pay the employee portion of insurance premiums while on leave.

6.7.12. Coordination with Other Leaves

Leave under PFML will run concurrently with all other applicable protected state and federal leave or FCI leave policies, whether paid or unpaid, including FCI's [*Parental Leave*](#), the [*Massachusetts Parental Leave Act*](#), and long-term disability.

6.7.13. Employee Protections Under PFML

FCI shall not threaten to retaliate or retaliate by discharging, firing, suspending, disciplining, or otherwise discriminating against an employee for exercising their rights under the PFML. However, FCI reserves its right to take disciplinary action, up to and including termination, with respect to employees who have been determined to have received benefits based on a false statement.

6.7.14. Information

Any questions concerning benefit eligibility or determinations on this benefit should be directed to the [*Department of Family and Medical Leave*](#).

6.8. Disability Related to Pregnancy or Childbirth

If a pregnant employee becomes medically disabled as a result of pregnancy or childbirth and has a medical need to take a leave of absence for the duration of the disability, the employee must provide FCI with a physician's note stating that the employee is disabled from the pregnancy or childbirth. During this leave of absence, the employee will retain the right to be reinstated to their position, rate of pay, and insurance benefits for a period of up to six (6) months. For information about the interactive process as part of and at the end of a leave, see [*Americans with Disabilities Act \(ADA\) and Accommodations*](#).

6.9. Bereavement Leave

In the case of a death in the immediate family, an employee may take a leave of absence with pay for up to three (3) working days when the deceased is a parent,

spouse or domestic partner, child, sibling, grandchild, grandparent, or parent-in-law. When a death covered by the provisions above takes place during an employee's scheduled vacation, the individual may take bereavement leave and reschedule vacation time.

6.10. Jury Duty

FCI recognizes the civic responsibility of employees to serve on a jury.

6.10.1. General Procedures

If called for jury duty, an employee is eligible for jury duty pay. In accordance with current Massachusetts law, FCI pays for the first three (3) days any employee serves on a jury. As an additional benefit for regular full-time and regular part-time employees, FCI pays every work day of jury duty. When FCI pays the regular salary while the employee is serving on jury duty, the individual must endorse over to FCI any checks received from the court that are related to jury duty. The employee is entitled to keep any mileage and parking reimbursement payments.

Employees whose jury duty service will cause them to miss work are expected to notify their supervisor and the Business Office and provide a copy of the selection notice as soon as possible. If serving on a jury would be a significant inconvenience to FCI operations, the Business Office will assist the employee in requesting a postponement.

Under the One Day or One Trial system, jurors are often dismissed early in the day. An employee required to attend court for less than a full day is expected to return to work to complete the remainder of their regular workday.

Upon completion of jury service, the employee should submit to the Business Office the court-issued statement verifying the dates and times of the individual's appearance or service and the amount of any jury duty pay received.

6.10.2. Effect of Jury Duty on Other Paid Time and Benefits

While serving on a jury, employees continue to earn vacation, sick, and personal time at their normal rate. Benefits remain in effect.

If an employee is required to perform jury duty during an FCI holiday or an already-scheduled vacation, the employee—with supervisor approval—may take an alternative day off with pay within 30 days of the holiday or reschedule the vacation time.

6.10.3. Situations Not Covered by Jury Duty Policy

If an employee becomes involved in a legal matter as a result of the performance of the individual's duties at FCI and must appear in court or attend related proceedings, the individual is considered to be on FCI business. If the employee is required to appear in court as a plaintiff, defendant, or witness in any action unrelated to FCI business, the individual is expected to use personal time or vacation time, if available, or to request unpaid personal leave.

6.11. Voting

Every eligible employee is urged to participate as a private individual in local and national political processes, such as campaigns, activities, and especially voting, as these are important components of a democracy. If time off for voting is needed, FCI will make reasonable efforts to provide it.

6.12. Weather-Related and Emergency Closings

Inclement weather closures may be a full-day closure, early departure, or late start.

FCI will close for inclement weather if at least three (3) member institutions announce closures. FCI may also close independently if conditions warrant.

Closures are announced as early in the morning as possible, generally no later than 7:30 a.m. Employees should expect to be contacted by text message or phone call, and/or notified by FCI email.

FCI closures apply to all FCI employees regardless of their primary work location. FCI closures also apply to FCI employees who are normally scheduled to work from home during an announced closure. Benefited employees will be paid for the time they are normally scheduled to work during the closure.

If an individual campus is closed when FCI remains open, any FCI employee normally scheduled to work on that campus on that day will not be expected to report to work and will be paid during the closure, as applicable.

When FCI and/or the member campuses are operating normally, employees are encouraged to use their own judgment to assess the weather and road conditions and determine whether to alter their schedule for the day. Any missed work hours should be requested as paid time off.

6.13. Workers' Compensation Leave

All on-the-job injuries must be reported to the Director of Operations as soon as possible and in all cases within 24 hours.

If a work-related injury prevents an employee from fulfilling the responsibilities of the job, the individual may be eligible for Workers' Compensation Leave, and workers' compensation insurance will provide partial income replacement and payments for medical care.

6.13.1. Application Procedures

The Business Office is responsible for the filing and processing of workers' compensation claims and for monitoring Workers' Compensation Leaves.

The employee must complete the [Request for Medical Leave](#) and the physician who prescribes medical leave is required to complete a [Physician's Statement Related to Medical Leave](#).

6.13.2. Reimbursement for Lost Wages

Employees with a work-related injury that results in time off work may qualify for workers' compensation benefits to compensate for lost wages. If the claim is approved, the payments from the insurance company are set by law at approximately 60 percent of an employee's average weekly earnings (plus allowances for dependents) up to a maximum benefit stipulated by law, which is subject to change. These weekly disability payments are nontaxable.

FCI will advance the employee's regular salary for the first week of approved workers' compensation. If the employee ultimately receives workers' compensation for lost wages that includes the first week, then the employee must repay FCI the amount of net pay FCI advanced or FCI will recoup that amount by way of payroll deductions.

6.13.3. Supplemental Payments

Upon the request of regular full-time and regular part-time employees, for the first three (3) months of approved Workers' Compensation Leave, FCI will pay any differential required to continue 80 percent of regular salary or wages. This differential will be funded from the employee's accrued and available sick time.

When available sick time runs out, the employee will continue to receive workers' compensation payments from the insurance company for the duration of any approved absence for a work-related injury or for as long as provided by law.

6.13.4. Reporting during Leave and Duty Modification

If absent on an approved Workers' Compensation Leave, the employee should contact the supervisor and the Director of Operations at least once a week to report on the estimated or actual return-to-work date, unless another schedule is agreed upon in writing or unless the employee's leave period is known to be longer than one (1) month, in which case monthly updates should be provided by the employee.

When possible, FCI will temporarily modify the duties of a position to enable the employee to return to work during a lengthy recovery period.

The date the employee returns to work and any subsequent absences due to the work-related injury or illness must be reported to the Director of Operations and Business Office so that benefits can be coordinated and state-mandated records accurately maintained.

6.13.5. Eligibility for Paid Time Off and Benefits

Paid time off may be available during a Workers' Compensation Leave. If that is the case, the employee will:

- continue to accrue personal time, vacation and sick leave during the first 12 weeks
- not be eligible for paid holidays, paid bereavement leave, jury duty leave, or any other paid leave

6.13.6. Contributions to the Retirement Plan

For eligible employees, FCI will pay retirement contributions on any FCI wages paid during the Workers' Compensation Leave. Retirement contributions are not made on workers' compensation payments.

6.13.7. Health, Life, and Long-Term Disability (LTD) Insurance Plans

During a leave under workers' compensation, FCI's group health, FSA, HRA, Emeriti, life, and LTD insurance plans continue for up to six (6) months from the beginning of the leave. Life and LTD insurance will continue at the salary level in effect at the time the Workers' Compensation Leave began. The employee is subject to the specific terms of each insurance contract.

While on Workers' Compensation Leave, the employee may continue membership in the FCI health and dental care plans. FCI will continue its contribution during the leave period. If the employee is paid during leave, FCI will deduct, as was done prior

to the leave, any applicable portion of the plan premiums as a regular payroll deduction. An individual not on payroll must make arrangements through the Business Office to continue paying the employee portion of the premiums and will need to pay that premium on a monthly basis until returning to work. The employee's health and dental care coverage may cease if the premium payment is more than 30 days late.

Normally, an individual continues to receive employee benefits for up to six (6) months.

6.13.8. What Happens after Six Months?

When an employee's Workers' Compensation Leave is nearing completion (approaching six [6] months), FCI will in good faith engage in an interactive process and discussion to determine whether the employee can return to work with reasonable accommodations or after some additional unpaid leave.

If not able to return to work after six (6) months of Workers' Compensation Leave, the employee is expected to apply for [*long-term disability \(LTD\) insurance*](#) coverage and will be assisted in the application by the Business Office alone or with any outside advisor selected by the employee. If the LTD application is approved, the employee will be granted LTD leave, during which some benefits may continue under the terms of the LTD plan.

If an employee does not qualify for LTD leave or the application for LTD leave is denied, the employee's situation will be reviewed and FCI will again in good faith engage with the employee in an interactive process to determine whether the individual can be granted additional unpaid leave. For information about this interactive process, see [*Americans with Disabilities Act \(ADA\) and Accommodations*](#).

6.14. Domestic Violence Leave

Upon hire, FCI employees are entitled to Domestic Violence Leave if the employee or a qualified family member has been the victim of domestic violence or sexual abuse. This leave is meant to be used to address issues directly related to the abusive behavior, such as seeking medical attention, counseling, or victim services. Domestic Violence Leave may also be taken to obtain legal assistance, to attend or appear in court proceedings, or to meet with a district attorney or law enforcement personnel.

An employee may take up to 15 days off in a rolling 12-month period if either the employee or a family member is one or both of the following.

1. the victim of abusive behavior such as domestic violence, stalking, sexual assault, or kidnapping
2. seeking medical attention, counseling, legal and/or other victim services directly related to the abusive behavior against the employee or a family member

For the purposes of this policy, family member is defined as any of the following:

- legally married spouse or declared domestic partner
- people in a substantive dating or engagement relationship who live together
- people who have a child in common regardless of whether they have ever married or lived together
- a parent, stepparent, child, stepchild, sibling, grandparent, or grandchild
- people in a guardianship relationship

Employees are expected to apply paid sick, vacation, or personal time for this leave, if available. If no paid time is available, the employee may take the time as unpaid.

The employee is required to provide reasonable notice before taking the time whenever possible and as soon as possible for an unforeseeable event. However, if there is a threat of imminent danger to the employee or a covered family member, notice is not required.

Affected employees should notify the Director of Operations within three (3) work days of any time taken due to domestic violence or sexual abuse. Notice can be provided by the employee, a family member, or a professional (such as a social worker, healthcare worker, shelter worker, counselor, or clergy member) who is assisting the employee or family member with addressing the effect of the abusive behavior.

For an absence due to domestic violence or another reason covered by the law, affected employees are expected to submit to the Director of Operations the [*Statement in Support of Need for Domestic Violence Leave*](#) and any other supporting documentation within 30 days of the last day of such absence. All submitted eligibility-related documentation will be returned to the employee or destroyed once FCI has determined the employee's eligibility for leave under this policy.

FCI will ensure that information related to an employee's leave under this policy is kept confidential, except to the extent that disclosure is required or permitted by law or necessary to protect the safety of the employee, other FCI employees, or visitors.

The time off available under this policy does not apply to an employee who is the perpetrator of abusive behavior against a family member.

6.15. Unpaid Personal Leave

Leaves of absence without pay for personal or medical reasons not outlined elsewhere in this handbook may be granted on a very limited basis if FCI operational needs allow. Employees seeking unpaid leave should submit a written request to the Executive Director.

6.16. Military Leave: Active and Reserve Duty

FCI grants unpaid Military Leave when an employee is called for active duty or for reserve duty in accordance with applicable federal and state laws.

6.16.1. Active Duty Military Leave

Employees called to active duty will be granted unpaid Military Leave for up to five (5) years for that purpose. This leave protects an employee's seniority and right to return to the same position or a comparable one.

6.16.2. Reserve Military Leave

Employees who are members of the National Guard or of a military reserve unit will be granted unpaid Military Leave periods of required reserve training.

6.16.3. Notification

An employee who has received advance notice of orders to report to active duty or to reserve training is required to inform both their supervisor and the Director of Operations as soon as possible, provide documentation of the orders, and work with the supervisor, Director of Operations, and Business Office to prepare for the leave.

If an employee reports to active duty or reserve training without notice, the employee or a designee is required to contact FCI as soon as possible.

6.16.4. Return to Work

Upon completion of Military Leave, the employee must contact both the supervisor and the Director of Operations to arrange a return-to-work date.

Normally, an employee taking fewer than 31 days of service is expected to return to work on the first workday after release from duty. An employee returning after 31 days and up to 180 days of military service must return to work within 14 days. If military service exceeds 180 days, the employee must return within 90 days after service completion.

6.16.5. Effect on Pay and Benefits for Active Duty Military Leave

Employees taking Military Leave are advised to consult the Business Office to determine changes to insurance coverage during their leave.

During Military Leave, benefit accrual will continue as long as the employee uses available paid time off. All seniority rights and benefits, such as the accrual of personal, vacation, and sick time, along with contributions to the retirement plan, will be suspended during any unpaid portion of Military Leave, but will resume when the employee returns to work at FCI.

Should Military Leave begin midweek, the rest of that work week will be paid, after which the leave will be unpaid. However, an employee may use available paid time off for all or part of the leave.

If an FCI holiday to which an employee is entitled falls on a day granted as Military Leave for reserve training, the employee may arrange with the supervisor to take another mutually convenient day off with pay within 30 days of the holiday.

For employees on Military Leave, health insurance benefits will continue for up to 31 days.

For active duty Military Leave that extends beyond 31 days, the employee may continue to participate in FCI's health plans by paying the required employee contribution. However, FCI encourages employees taking active duty Military Leave to investigate any available military health plans for which they may be eligible.

An employee may continue to participate in FCI's benefit plans during Reserve Military Leave. FCI will continue its premium contributions toward health, dental, life, and long-term disability insurance; the employee will be responsible for the employee's share of the cost. Retirement contributions are not made during unpaid time off for military reserve training.

7. Benefits

7.1. Domestic Partners and Dependents

FCI extends some benefits to an employee's domestic partner and dependents, relationships that are defined in this section.

7.1.1. Domestic Partners

FCI defines a same-sex and opposite-sex domestic partner relationship as one in which the employee and domestic partner meet all of the following conditions:

- jointly responsible for each other's common welfare
- sharing financial obligations
- sharing a primary residence
- unmarried
- at least 18 years of age
- mentally competent to consent to a contract
- not related by blood to a degree of closeness which would prohibit marriage in the Commonwealth of Massachusetts
- in a relationship that has been in existence for at least 12 months prior to the effective date of the benefit

To qualify for domestic partner benefits, an employee should complete a [*Domestic Partner Affidavit*](#). FCI may request additional documentation to confirm an employee's domestic partner status in accordance with the factors noted above. Questions about the specific benefits for which a domestic partner may qualify, should be directed to the Business Office.

Unless the domestic partner is a tax-qualified dependent (see [*Dependents*](#)), FCI's contribution to the cost of providing benefits to the domestic partner will be taxable income to the employee.

If the domestic partnership ends, the domestic partner and any of the domestic partner's children who have been eligible for benefits from one of FCI's employee benefit plans will no longer be eligible. Within 30 days after the termination of the domestic partnership, the employee is responsible for notifying the FCI Business Office of this change. At that time, the employee will have the opportunity to change coverage levels.

7.1.2. Dependents

The definition of a dependent is determined by the IRS in "[Publication 17](#)." Dependents may be qualifying children and other qualifying relatives (e.g., a disabled parent living with the employee). Dependent children may be covered on the employee's health insurance plan until the last day of the month in which the dependent turns 26 years old.

7.2. Benefit Plan Documentation

Summary Plan Descriptions govern the benefits policies and should be considered the official sources for plan details, eligibility requirements, and enrollment information. As changes are made in existing benefit plans or as new plans are established, Summary Plan Descriptions will be posted on the FCI website and be available in the Business Office.

7.3. Health Insurance

FCI provides a health insurance benefit to eligible employees.

7.3.1. Eligibility

Regular full-time and regular part-time employees are eligible to enroll in FCI's available health plans. Coverage is effective as of the first day of hire.

FCI offers health benefits at four tiers:

1. individual employee
2. employee plus spouse/domestic partner
3. employee plus dependent child(ren)
4. family, which includes two adults (spouses or domestic partners) and dependent child(ren)

7.3.2. Enrollment

Employees are eligible to enroll on their date of hire and for the next 30 days, during the annual open enrollment period, or when a qualifying event occurs (such as the birth or adoption of a child).

7.3.3. Costs

FCI and the employee share the cost of the employee's health insurance premium. FCI contributes the majority of the premium cost; that amount varies annually according to available plan designs and that year's budget.

FCI's contributions toward premium payments are prorated for regular part-time employees.

Employee contributions are deducted from payroll.

7.3.4. Termination of benefit

Health insurance coverage terminates on the last day of the month in which the employee separates from FCI.

7.3.5. Continuation of benefit

In instances where health coverage would otherwise end (such as termination of employment, divorce or legal separation, or loss of dependent student status), FCI offers employees and their families the opportunity to temporarily extend health coverage at group rates with the employee paying the full premium, as required under COBRA (Consolidated Omnibus Budget Reconciliation Act of 1986).

The employee or family member must inform the Business Office of a divorce, legal separation, or loss of child's dependent status within 60 days of the qualifying event to ensure continuation of coverage. Upon notification to the Business Office or when other qualifying circumstances become known, FCI will provide notification of COBRA Continuation Rights and Responsibilities.

7.3.6. Plan Information and Questions

Plan details and enrollment information are available on the [FCI website](#) or from the Business Office.

7.4. Dental Insurance

FCI provides a dental insurance benefit to eligible employees. Coverage is effective as of the first day of hire.

7.4.1. Eligibility

Regular full-time and regular part-time employees are eligible to enroll in FCI's available health plans.

FCI offers dental benefits at two tiers:

1. individual employee.
2. family, which includes up to two adults (spouses or domestic partners)

7.4.2. Enrollment

Employees are eligible to enroll on their date of hire and for the next 30 days, during the annual open enrollment period, or when a qualifying event occurs (such as the birth or adoption of a child).

7.4.3. Costs

FCI and the employee share the cost of the employee's dental insurance premium. FCI contributes the majority of the premium cost; that amount varies annually according to available plan designs and that year's budget.

FCI's contributions toward premium payments are prorated for regular part-time employees.

Employee contributions are deducted from payroll.

7.4.4. Termination of benefit

Dental insurance coverage terminates on the last day of the month in which the employee separates from FCI.

7.4.5. Continuation of benefit

In instances where dental coverage would otherwise end (such as termination of employment, divorce or legal separation, or loss of dependent student status), FCI offers employees and their families the opportunity to temporarily extend health coverage at group rates with the employee paying the full premium, as required under COBRA (Consolidated Omnibus Budget Reconciliation Act of 1986).

The employee or family member must inform the Business Office of a divorce, legal separation, or loss of child's dependent status within 30 days of the qualifying event to ensure continuation of coverage. Upon notification to the Business Office or when other qualifying circumstances become known, FCI will provide notification of COBRA Continuation Rights and Responsibilities.

7.4.6. Plan Information and Questions

Plan details and enrollment information are available on the [FCI website](#) or from the Business Office.

7.5. Flexible Spending Account (FSA)

FCI provides employees the opportunity to apply their pre-tax dollars to cover eligible health care or dependent care expenses. For both of these Flexible Spending

Account (FSA) categories, in order to be eligible, expenses must be incurred during the coverage period.

7.5.1. Health FSA

Employee contributions to the Health FSA can help pay for various qualified medical expenses for medical, dental, and vision care, such as co-pays, deductibles, eyeglasses, sunscreen, and pain relievers.

7.5.2. Dependent Care FSA

The Dependent Care FSA helps pay for dependent care, such as childcare or elder day care.

7.5.3. Eligibility

All employees, regardless of status (excluding student workers), are eligible to participate in a Health Care and/or Dependent Care Flexible Spending Account.

7.5.4. Enrollment

Employees are eligible to enroll on their date of hire and for the next 30 days, during the annual open enrollment period, or when a qualifying event occurs (such as the birth or adoption of a child).

7.5.5. Costs

Flexible Spending Accounts are funded entirely by the employee, through payroll deduction. Every year the IRS sets a maximum dollar limit that employees can elect to contribute to an FSA. Once the employee sets the amount they elect to be deducted for the year and the calendar year begins, no changes can be made unless the employee experiences a qualifying event.

FSA funds not used by the employee are forfeited and may not be cashed out or carried over to a subsequent year or be used by the employee after separating from FCI.

7.5.6. Termination of benefit

The FSA benefit terminates when the employee separates from FCI. Funds not used by the date of separation are forfeited.

7.5.7. Continuation of benefit

In instances where health coverage would otherwise end (such as termination of employment, divorce or legal separation, or loss of dependent student status), FCI offers employees and their families the opportunity to temporarily extend health

coverage at group rates with the employee paying the full premium, as required under COBRA (Consolidated Omnibus Budget Reconciliation Act of 1986).

The employee or family member must inform the Business Office of a divorce, legal separation, or loss of child's dependent status within 60 days of the qualifying event to ensure continuation of coverage. Upon notification to the Business Office or when other qualifying circumstances become known, FCI will provide notification of COBRA Continuation Rights and Responsibilities.

7.5.8. Plan Information and Questions

Plan details and enrollment information are available on the [FCI website](#) or from the Business Office.

7.6. Health Reimbursement Account (HRA)

FCI's health insurance plans have a deductible. To assist employees and their eligible family members cover the first half of these deductible costs, FCI offers a Health Reimbursement Account (HRA).

Health plans include a medical and prescription out-of-pocket maximum. These maximums include all deductible dollars and copay dollars, including those paid by employees/dependents and by FCI's HRA.

7.6.1. Eligibility

Employees who participate in any of FCI's health plans are eligible for the HRA benefit.

7.6.2. Enrollment

Enrollment in this benefit is not required. To be reimbursed, employees must submit a claim form.

7.6.3. Costs

The HRA can cover the first 50% of deductible costs for those with individual plans or the first 50% of deductible costs for those with two-party and family plans. For example, an employee enrolled in an FCI health plan that has a \$2,000 deductible may request reimbursement for up to \$1,000 of eligible deductible expenses.

7.6.4. Termination of benefit

The HRA benefit terminates when the employee separates from FCI.

7.6.5. Plan Information and Questions

Claim forms and details about the current year's HRA, as well as information about how the HRA and Health Care FSA work together, is available on the [FCI website](#) or from the Business Office.

7.7. Life and Accidental Death & Dismemberment (AD&D) Insurance

FCI provides Term Life and Accidental Death & Dismemberment (AD&D) insurance coverage.

7.7.1. Eligibility

Regular full-time and regular part-time employees are eligible for basic term life and AD&D insurance provided at FCI's cost.

Regular full-time and regular part-time employees may qualify to increase the amount of their own term life insurance and to add insurance for their spouse/domestic partner and/or dependent child(ren) at the employee's cost.

7.7.2. Enrollment

Employees are eligible to enroll on their date of hire and have up to 30 days after hire to add optional coverage; otherwise enrollment and changes can be made during the annual open enrollment period, or when a qualifying event occurs (such as marriage, divorce, or the birth or adoption of a child).

7.7.3. Costs

FCI covers the full cost of the premiums for eligible employees' basic term life and AD&D insurance.

The employee is responsible for the cost of the premiums for any optional additional levels of insurance. Employee contributions are deducted from payroll.

7.7.4. Termination of benefit

Life and AD&D insurance coverage ends on the employee's date of separation from FCI.

7.7.5. Continuation of benefit

After separation from FCI, the employee may be eligible to apply to continue all or part of the coverage.

7.7.6. Plan Information and Questions

Plan details and enrollment information are available on the [FCI website](#) or from the Business Office.

7.8. Long-Term Disability (LTD) Insurance

FCI provides Long-Term Disability (LTD) insurance coverage.

7.8.1. Eligibility

Regular full-time and regular part-time employees are eligible for core LTD insurance provided at FCI's cost.

Regular full-time and regular part-time employees may elect a higher level of coverage at the employee's cost.

7.8.2. Enrollment

Employees are eligible to enroll on their date of hire and have up to 30 days after hire to add optional coverage; otherwise enrollment and changes can be made during the annual open enrollment period, or when a qualifying event occurs (such as marriage, divorce, or the birth or adoption of a child).

Employees are expected to enroll within 30 days of hire. Employees may change their election during the annual open enrollment period, or when a family status change occurs (such as marriage, divorce, or the birth or adoption of a child).

7.8.3. Costs

FCI covers the full cost of the premiums for eligible employees' core LTD insurance.

The employee is responsible for the cost of the premiums for "buy-up" LTD coverage. Employee contributions are deducted from payroll.

7.8.4. Termination of benefit

Long-term disability coverage ends on the employee's date of separation from FCI.

7.8.5. Continuation of benefit

After separation from FCI, the employee may be eligible to apply to continue all or part of the coverage.

7.8.6. Plan Information and Questions

Plan details and enrollment information are available on the [FCI website](#) or from the Business Office.

7.9. Employee Assistance Program (EAP)

FCI makes one or more Employee Assistance Programs (EAPs) available to employees and their family members 24 hours per day, 365 days per year. EAPs offer free professional, confidential services such as mental health support, substance use resources, legal consultation, life coaching, and referrals on legal issues and other matters. Services may also include consultations with lawyers and financial guidance. These services can be accessed online, by phone, or arranged in person.

7.9.1. Eligibility

FCI employees in all categories are encouraged and eligible to use any available EAPs.

7.9.2. Enrollment

No pre-enrollment is required to access EAPs.

Accessing the online resources may require a password or access code provided to FCI employees. The EAPs do not report individual employees' use of resources.

7.9.3. Costs

FCI covers the full cost of the EAPs.

7.9.4. Termination of benefit

Access to the EAPs ends on the employee's date of separation from FCI.

7.9.5. Continuation of benefit

The employee may not continue to access EAP resources after their employment ends.

7.9.6. Plan Information and Questions

Information about FCI's Employee Assistance Programs and the required password/access code are available on the [FCI website](#) or from the Business Office.

7.10. Retirement Plan

To encourage saving for retirement, FCI offers regular full-time and regular part-time employees a 403(b) plan and supports this goal by matching employees' contributions (up to a 10 percent FCI match).

FCI investment options are administered by TIAA and monitored by a certified advisor and the FCI Employee 403(b) Fiduciary Committee.

7.10.1. Eligibility

Regular full-time and regular part-time employees are eligible to participate in FCI's retirement plan.

Employees who have attained at least 21 years of age, completed at least one (1) year of employment, and been credited with at least 1,000 hours of service are eligible for the FCI match. That waiting period is waived upon hire for employees who provide documentation of an active 403(b) account.

7.10.2. Enrollment

Upon hire, eligible employees are automatically enrolled. Employees, however, may decline in writing and may enroll at a future time.

7.10.3. Costs

Eligible employees who contribute up to 5 percent of their biweekly pay will have that amount matched 2:1 by a contribution from FCI (up to a maximum FCI match of 10 percent). Employees may contribute more than 5 percent of their pay but will not receive the FCI match on the additional contribution.

Employee contributions are deducted from payroll.

7.10.4. Termination of benefit

Upon the employee's separation from FCI, the FCI matching contribution will end. FCI contribution will also cease during any period when the employee is on unpaid leave.

7.10.5. Continuation of benefit

There is no vesting period for FCI's 403(b) accounts. Upon separation from FCI, employees holding a retirement account retain access to all contributed funds.

7.10.6. Plan Information and Questions

Plan details and enrollment information are available on the [FCI website](#) or from the Business Office.

7.11. Credit Union

FCI employees and their family members are eligible to join the [UMassFive College Federal Credit Union](#). UMassFive offers an array of financial and banking services, as well as workshops and other educational resources.

To join UMassFive or access its resources, visit the [UMassFive](#) website or one of its branches.

7.12. Educational Benefits

FCI encourages all employees to learn and grow during their FCI employment. The educational benefits available to FCI employees include:

- [*professional development*](#)
- [*tuition waivers*](#)
- [*tuition assistance*](#)

7.13. Professional Development

A range of learning opportunities may be available for employees, such as:

- in-service training
- special events and conferences
- training programs
- academic courses
- workshops

An employee seeking to participate in professional development should discuss the opportunity with their supervisor, who will seek approval and funding. Participation in such activities may be approved contingent on certain factors, such as employee work schedules, the relationship to job duties, and availability of funds.

FCI's member institutions often welcome FCI employees to participate at no charge in their campus-based professional development opportunities. After receiving supervisor approval, an employee should contact the particular college's Office of Human Resources to request permission to participate.

7.14. Tuition Waivers

University of Massachusetts Amherst tuition waivers are available to help FCI employees further their education. In general, this tuition waiver permits FCI employees to enroll in regular undergraduate University courses tuition-free but does not permit tuition-free enrollment in continuing education, graduate, professional, or summer classes.

Regular full-time or regular part-time employees who have completed at least six (6) months of employment at FCI may be eligible for this benefit. The spouse/domestic partner and dependents of employees are not eligible for this benefit.

An employee seeking to enroll in a University course should discuss the opportunity with their supervisor. Enrollment requires prior approval from the supervisor, Director of Operations, and Executive Director. Employees may be paid for the time released from work for classes that are job-related or required for a degree. Homework assignments and fulfillment of other course-related requirements are expected to be completed on the employee's own time.

The appropriate forms may be obtained from the Business Office and must be completed accurately and within appropriate timeframes. FCI is not responsible for missed deadlines or inaccuracies on the form.

7.15. Tuition Assistance

FCI provides financial assistance toward the cost of undergraduate tuition at an accredited four-year college or university, an accredited two-year college, or program of training at an accredited institution that prepares students for gainful employment in a recognized occupation (i.e., vocational technical school, culinary school, etc.). Tuition assistance (also called "grant-in-aid") is available for use by regular full-time and regular part-time employees, their spouse/domestic partner, and dependent children. Regular full-time or regular part-time employees who have completed at least three (3) months of employment at FCI may be eligible for this benefit.

Eligible employees may be granted up to \$2,000 per semester (prorated to \$1,000 for regular part-time employees) or the cost of tuition, whichever is lower. The grant is limited to the cost of tuition and tuition-type mandatory fees. Room and board, books, and fees for health insurance and student activities are not covered by this grant.

7.15.1. Policy Limits

Grants under this policy are made for a maximum of eight academic semesters, or the equivalent, and are limited to two (2) participants per employee. This is an overall maximum total of 16 semesters during an eligible FCI employee's lifetime employment.

Employees should take note that a dependent child must be the employee's qualified dependent as defined by the Internal Revenue Service.

8. Policy Appendix

Conflict of Interest Policy

The purpose of this policy is to avoid conflicts between the interests of FCI and the personal interests of FCI employees.

FCI board members and officers, along with agents of FCI, must sign the more detailed Conflict of Interest Statement annually. The policy outlined here pertains to all other FCI employees.

A conflict of interest is present when there is incompatibility between an employee's personal or private interests and their duties or actions as an employee of FCI. A conflict may exist when an FCI employee:

- stands to profit through ownership of or investment in a business seeking to do business with FCI
- gives confidential or proprietary information to a firm in which the employee has a financial or personal interest that is seeking to do business with FCI
- receives or has an arrangement to receive compensation (including through a substantial gift or favor), either directly or indirectly, with a firm or an individual within a firm with which FCI has a transaction or arrangement.

Individuals are prohibited from using their FCI employment to gain favorable or preferential access to vendors, investment advisors, or other organizations and firms for their own benefit. If employees are in a position to influence an FCI decision from which they may benefit financially, they should remove themselves from the situation and disclose the nature of the conflict to their supervisor. Employees are also prohibited from using personal relationships or positions to exert inappropriate influence over decisions that may benefit FCI. FCI employees may not participate in the hiring, supervision, promotion, or evaluation of family members or other people with whom they have a personal or legal obligation. See [*Personal Relationships and Employment of Relatives*](#).

Not every financial interest an employee has will be a conflict of interest. For example, if an employee banks at the same bank as FCI uses, that does not constitute a conflict of interest.

Not every conflict of interest can be avoided, and not every potential conflict will require recusal, but all conflicts (actual and potential) should be reported. The Executive Director is responsible for determining next steps, which may include accepting the disclosure as sufficient, developing a conflict management plan, eliminating the conflict, or exercising other appropriate mitigation steps. Violations of the policy are subject to disciplinary action as outlined elsewhere in this handbook. Questions or reports related to conflicts of interest should be directed to the Executive Director.

Whistleblower Policy

The policy applies only to the report of improper business conduct. Other policies within this handbook apply to employment grievances and general complaints. See [*Complaint and Appeal Process*](#).

FCI is committed to high standards of ethical, moral, and legal business conduct and to maintaining a workplace in which employees are free to raise good-faith concerns regarding FCI's business practices. This policy provides a mechanism for employees to report suspected fraud and reassurance that they will be protected from reprisals or victimization for whistleblowing.

Fraud generally involves a willful or deliberate act with the intention of obtaining an unauthorized benefit, such as money or property, by deception or other unethical means. Among fraudulent acts under this policy are:

- embezzlement, theft, or other financial irregularities
- forgery or alteration of documents (checks, timesheets, contractor agreements, purchase orders, other financial papers, electronic files)
- improprieties in the handling or reporting of money or financial transactions
- improprieties in the management or assignment of contracts
- theft or misappropriation of funds, securities, supplies, inventory, or any other asset (such as furniture, fixtures, or equipment)
- authorizing or receiving payment for goods not received or services not performed
- authorizing or receiving payments for hours not worked
- receiving of tangible personal benefit from a third party as a direct consequence of performance of duties as an FCI employee

8.1.1. Reporting Procedure

Allegations of embezzlement or action contrary to law should be reported to the Director of Business Services/Treasurer. If the report directly concerns the Director of Business Services/Treasurer, the incident should be reported to the Executive Director instead. If the incident involves the Executive Director, it should be reported to the President of the [*FCI Board of Directors*](#).

8.1.2. Investigation and Resolution

The Director of Business Services/Treasurer or other responsible person receiving the report will document the allegation and arrange assistance to investigate the facts.

That person is also responsible for documenting the investigation and the rationale for the resolution. The results of this investigation will be reported to the Executive Director, and, if evidence supports the allegation, to the chair of the Audit Committee of the FCI Board of Directors. Either the Executive Director or a designee of the Board of Directors will oversee the resolution and any further action.

8.1.3. Safeguards against Retaliation

FCI expressly prohibits any form of retaliation, such as harassment, intimidation, or adverse employment actions, against any employee who in good faith reports concerns under this policy. An employee who engages in retaliation against someone who has reported a violation will be subject to discipline, including the possibility of termination of employment. Employees who believe they have been retaliated against after making a good faith report under this policy should report the alleged retaliation to the Director of Operations.

8.1.4. Confidentiality

Reports of suspected violations of law or policy and reports of retaliation will be investigated promptly and in a manner intended to protect confidentiality, consistent with a full and fair procedure and compliance with the law. An employee who submits a report should be aware that public testimony may be needed to prove the case against the suspected individual. If employees self-disclose their identity directly or indirectly through their actions outside of the official investigation, FCI is not obligated to maintain confidentiality.

8.1.5. Sanctions for a False Report

A report made under this policy may have considerable impact on the personal and professional life of the implicated individual(s), both during the investigation and for a long time thereafter. An employee who intentionally misuses this [*Whistleblower Policy*](#) in bad faith is subject to discipline, including the possibility of termination. Intentional misuse comprises, for example, frivolous claims; attempts to pursue a personal dispute by making an allegation of wrongdoing; lack of good faith in invoking the policy; and any known false, malicious, or misleading statements made at any time under the procedures of the policy.

Harassment, Discrimination, and Bullying Policy

FCI strives to create and maintain a work environment in which people are treated with dignity and respect, characterized by the absence of intimidation, oppression, and exploitation. The accomplishment of this goal is essential to FCI's mission.

Through the education of employees on issues of harassment, discrimination, and bullying and the enforcement of this policy, FCI's goal is to prevent, address, and discipline behavior that violates this policy.

All employees, regardless of position, are covered by, and are expected to comply with, this policy and to take appropriate measures to ensure that prohibited conduct does not occur. Appropriate disciplinary action will be taken against any employee who exhibits harassing behavior, such as sexual harassment, discrimination or harassment based on any protected class, or bullying, in violation of this policy. Based on the seriousness of the offense, disciplinary action will be taken, up to and including termination of employment.

All employees are required to attend anti-discrimination, anti-harassment, anti-bullying, bystander, and other related training when directed.

FCI, in compliance with all applicable federal, state, and local anti-discrimination and harassment laws and regulations, enforces this policy in accordance with the following definitions and guidelines.

8.1.6. Discrimination

FCI does not discriminate on the basis of race, color, age, sex, sexual orientation, gender, gender identity, gender expression, genetic information, religion, national origin, ancestry, disability, veteran status, pregnancy, or any other category protected by federal, state, local or municipal law.

It is a violation of FCI's policy to discriminate on any of these bases in the provision of employment opportunities, benefits, or privileges; to create discriminatory work conditions; or to use discriminatory evaluative standards in employment.

Discrimination of this kind may also be strictly prohibited by a variety of federal, state, and local laws, such as the [*Massachusetts Fair Employment Practices Act*](#), [*Title VII of the Civil Rights Act 1964*](#), the [*Age Discrimination in Employment Act of 1975*](#), and the [*Americans with Disabilities Act of 1990*](#). This policy is intended to comply with the prohibitions as outlined in these and other evolving anti-discrimination laws.

8.1.7. Harassment

Harassment is commonly understood as behavior of any kind that disturbs or upsets others and reasonably interferes with one's ability to perform one's job. Harassment can demean employees, create a negative work environment, and disrupt productivity. Harassment breaks down a sense of community and common mission.

Hostile workplace harassment is conduct that:

- is unwelcome
- is severe or pervasive
- targets a member of one of the groups listed under [Discrimination](#)
- unreasonably interferes with an employee's ability to carry out their job responsibilities by creating an intimidating, hostile, humiliating, or offensive work environment based on the employee's protected class status

Harassment is also a type of discrimination and is prohibited by law.

Determining if conduct is offensive requires considering not what the complainant believes but rather what a reasonable person in the position of the complainant would believe considering all the circumstances.

8.1.8. Intent

When it comes to harassment, the law looks at the effect the conduct would have on a reasonable person. A "reasonable person" is generally considered by law to be one who, either as an observer or as a victim, would deem the behavior as creating a hostile environment.

For purposes of this policy, harassment is any verbal or physical conduct designed to threaten, intimidate, or coerce an employee, coworker, or any person working for or on behalf of FCI.

Harassment may occur even when the accused harasser did not intend to cause harm.

The following examples of harassment are meant as guidelines and are not exclusive when determining whether there has been a violation of this policy.

- verbal: comments—such as epithets, slurs, and negative stereotyping—that are offensive or unwelcome regarding a person in one of the protected groups listed under [Discrimination](#)

- by action: distribution, display, or discussion of any written or graphic material that ridicules, denigrates, insults, belittles, or shows hostility, aversion, or disrespect toward an individual or group listed above

8.1.9. Off Premises

Harassment does not have to take place in the actual workplace or even during work hours to exist. It can occur at work-sponsored events away from the office, during, for example, off-site events, business trips, and retreats.

8.1.10. Bystanders and Nonemployees

Other groups are protected from harassment in the workplace. Bystanders, whether employees or nonemployees, who are not involved in an offensive conversation are covered by harassment laws. Thus, an employee or nonemployee bystander (such as a contractor or a visitor to the workplace) could be the victim of protected class-based harassment if the individual overhears or observes offensive conduct, even if it is not directed at the bystander. Harassment of a nonemployee is prohibited and should be reported to the Director of Operations or the Executive Director.

8.1.11. Sexual Harassment

Sexual harassment is a form of unlawful employment discrimination under Title VII of the Civil Rights Act of 1964 and Massachusetts law and is prohibited. According to the Equal Employment Opportunity Commission (EEOC), sexual harassment is defined as:

Unwelcome sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

- A. submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions

or

- B. such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment

There are two types of sexual harassment.

1. *Quid pro quo* (“this for that”) is commonly used when a person has to provide something to receive something from someone else. It occurs when submission to harassment is the basis for employment decisions: that is, when an employee must provide sexual favors to receive a job benefit or to avoid punishment. Therefore, only someone in a supervisory capacity or otherwise having the authority to grant such a benefit can engage in *quid pro quo* harassment.
2. Hostile work environment sexual harassment occurs when provocations bring about an offensive and unpleasant working environment. A hostile work environment can be created by anyone, whether it be a supervisor, another employee, or a customer.

Sexual harassment comes in many forms. The following examples of sexual harassment are not exclusive when determining whether there has been a violation of this policy.

Verbal sexual harassment. Innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks and threats; requests for any type of sexual favor (such as repeated, unwelcome requests for a date), and verbal abuse, or “kidding,” that is sexual in nature and unwelcome.

Nonverbal sexual harassment. The distribution, display, or discussion of any written or graphic materials, such as calendars, posters, and cartoons, that are sexually suggestive or show hostility toward an individual or group because of sex; suggestive or insulting sounds; leering or staring; whistling; obscene gestures; creating or disseminating content in letters and notes, facsimiles, email, photos, text messages, tweets, social media and other Internet postings, and any other form of communication that is sexual in nature and offensive.

Physical sexual harassment. Unwelcome, unwanted physical contact, such as touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, and forced sexual intercourse or assault.

8.1.12. Bullying

FCI defines bullying as repeated inappropriate behavior, either direct or indirect, whether verbal, physical, or otherwise, conducted by one or more people against another or others, at the place of work or in the course of employment. Such

behavior violates FCI's requirement that all employees be treated with dignity and respect. FCI will not in any instance tolerate bullying.

Bullying may be intentional or unintentional. However, when an allegation of bullying is made and investigated, the intention of the alleged bully is irrelevant and does not excuse the behavior or its impact.

The following are four examples of types of bullying.

1. **Verbal.** Slandering, ridiculing, or maligning an employee or an employee's family; persistent name calling; remarks that are hurtful, insulting, abusive, offensive, or humiliating; using an employee as the butt of jokes.
2. **Physical.** Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault, damage to an employee's work area or property.
3. **By gesture.** Nonverbal threatening gestures.
4. **Exclusion.** Socially or physically excluding or disregarding an employee in work-related activities.

8.1.13. How to Respond to Harassment or Bullying

1. Ask a harasser to stop. There are many ways to tell a person that certain actions are not acceptable, whether you are the person being harassed (the first two examples) or a bystander (the second two examples).
 - a. "I'm really not comfortable with you touching my arms and hugging me. I need my personal space and I want you to stop doing that."
 - b. "Maybe you don't find that nickname demeaning, but I'd appreciate it if you didn't use it."
 - c. "I know you two like to laugh, but I don't find your jokes funny and I don't want to hear them."
 - d. "I don't think your conversations are appropriate for the workplace. Could you take them somewhere else?"
2. Report discrimination, harassment, or bullying to the Director of Operations, as outlined under *Complaint and Appeal Process*. Although it is often better to tell the offending person to stop, it is not essential to do so before making a complaint. Bringing a complaint internally gives FCI the opportunity to investigate the issue and resolve the problem. One thing to keep in mind, however, is that once FCI receives a report of an incident of harassment, it cannot necessarily keep the complaint confidential. FCI is legally obligated to look into it, and although FCI will keep the allegations confidential to the greatest extent possible, we cannot promise complete confidentiality.

Those involved in a potential complaint may seek confidential advice and support. The [Employee Assistance Program \(EAP\)](#) provides confidential counseling services to FCI employees and their household members. Individuals who would like to discuss an incident confidentially or to seek information and advice of a personal nature are encouraged to contact the [EAP](#). *Note:* FCI is not informed of an employee's contact or interaction with the EAP.

8.1.14. Internal Procedures

Any employee who experiences or witnesses any form of discrimination, harassment, or bullying should report it. Any supervisor who witnesses any such incident or receives a report must report the incident as soon as possible, within the same business day if possible.

8.1.15. Privacy and Confidentiality

Although FCI is legally obligated to look into an incident of harassment and cannot keep the complaint confidential, FCI is discreet and can ensure that information about the issue will be disseminated only on a need-to-know basis. Employees involved in an investigation will be requested to keep information they have regarding the incident as private as possible.

8.1.16. Complaint Procedure

FCI will treat with concern and respect any person who brings forward a complaint. It will also handle the complaint swiftly and confidentially to the extent possible in light of the need to investigate and take appropriate corrective action. Because of the difficult and disruptive nature of harassment complaints, it is expected that any complaint filed will be made in good faith and with a reasonable basis in fact. Filing a groundless or malicious complaint is an abuse of this policy and will generally be dealt with as a disciplinary matter.

In the context of this policy, complainant is defined as anyone who feels subjected to harassment, sexual harassment, discrimination, or bullying. Respondent is defined as the individual against whom a complaint is made.

Filing a complaint may be accomplished in writing or orally. An employee may file a complaint and deliver it to or mail it in an envelope marked CONFIDENTIAL to: Director of Operations, Five Colleges, Incorporated, 97 Spring Street, Amherst, MA 01002, or call (413) 542-4012. Smith College's Office of Human Resources is another avenue to pursue for an employee complaint; call (413) 585-2270.

8.1.17. Investigation

All complaints will be investigated in a fair and expeditious manner. The procedure calls for a private interview with the complainant; the respondent and witnesses to the alleged offense may also be interviewed, and relevant documents may be requested and reviewed. When the investigation is completed, the complainant will be informed of the result.

If the investigation reveals that behavior prohibited by this policy did occur, FCI will act promptly to address, remedy, or eliminate the offending conduct, and when it is appropriate, FCI may also impose disciplinary action(s), such as requiring mandatory counseling, an informal or formal reprimand, written sanctions, up to or including termination of employment.

If it is determined that harassment, discrimination, or bullying in violation of this policy has occurred, the Executive Director will decide on the appropriate disciplinary action. The determination will depend on all of the following factors.

- the nature of the conduct
- the severity, frequency, and pervasiveness of the conduct
- prior complaints made against the respondent
- the quality of the evidence (e.g., firsthand knowledge, credible corroboration)

If the investigation is inconclusive or if it is determined that there has been no violation of policy but that potentially problematic conduct may have occurred, the Executive Director may recommend preventive action or take other such steps that are designed to ensure that the conduct in question does not occur in the future.

The Executive Director will report FCI's decision to the complainant, the respondent, and the appropriate supervisors. If disciplinary action is to be taken, the respondent will be informed of the nature of the discipline and how it will be enforced. The complainant will be informed of the appropriate steps that will be taken in light of the results of the investigation; however, information about any discipline imposed on the respondent will not be disseminated, to the extent that such information is confidential personnel information.

8.1.18. Retaliation

Retaliation is any action that could deter a reasonable person from making a harassment complaint—or from supporting a coworker who has made a complaint. An employee who brings a complaint or acts in support of someone else, such as

being a witness, is protected from retaliation. Anyone bringing a complaint is protected from retaliation as long as that individual believes harassment is occurring and is acting in good faith. Even if an investigation finds that no unlawful harassment occurred, the complainant is still protected from retaliation.

The following are examples of unlawful retaliation directed at an employee who has filed a harassment complaint.

- demotion
- limiting opportunity for promotion
- less-favorable work assignment
- cut in pay
- limiting future salary increases
- significant change in behavior, such as ostracizing, isolating, or ignoring the complainant
- any other materially adverse employment action against the complainant

Retaliation or attempted retaliation in response to a lodged complaint or to someone who has invoked the complaint process is a violation of this policy. No hardship, loss, benefit, or penalty may be imposed on an employee in response to any of the following:

- filing or responding to a good-faith complaint of discrimination, harassment, or bullying
- participating in or appearing as a witness in the investigation of a complaint
- serving as an investigator of a complaint

Any employee who is found to have violated this aspect of the policy will be subject to disciplinary action, up to and including possible termination of employment.

8.1.19. External Procedures

Nothing in this policy may prevent the complainant or the respondent from pursuing formal legal remedies or resolution through local, state, or federal agencies or the courts. In addition to the above, employees who believe that they have been subjected to sexual harassment may file a formal complaint with the United States Equal Employment Opportunity Commission and/or the Massachusetts Commission Against Discrimination. These agencies will prepare and investigate complaints of sexual harassment and may take appropriate action.

United States Equal Employment Opportunity Commission (EEOC)
John F. Kennedy Building
745 Government Center
Boston, MA 02203
(800) 669-4000

Massachusetts Commission Against Discrimination (MCAD)
Springfield Office
436 Dwight Street, Rm. 220
Springfield, MA 01103
(413) 739-2145

or

Massachusetts Commission Against Discrimination (MCAD)
Boston Headquarters
1 Ashburton Place, Suite 601
Boston, MA 02108
(617) 994-6000

FCI Minor Safety Policy

In its role, Five Colleges, Incorporated (FCI) facilitates the administration of a wide array of academic and administrative programs for the benefit of faculty, students, and staff at its Member institutions, as well as promoting a thriving intellectual and cultural local community. FCI may provide funding, staffing, or other forms of support to aid the Member campuses in implementing such programs. FCI itself does not host any programming involving Minors independently of the Member campuses.

Like its Member campuses, FCI is committed to ensuring that programs are appropriately managed and occur in environments that are safe and secure, including for Minor persons under 18 years of age. FCI has zero tolerance for the mistreatment or abuse of Minors in its Programs, and in Programs that FCI supports.

FCI has developed a minor safety policy to promote the safety of Minors engaged with FCI and its Member campuses. Under this policy, FCI requires programs that receive FCI funding or other material support to declare and register any Program that falls within a host campus' own minor safety policy. FCI will not host any activity, event, workshop, or other interaction that requires registration and that cannot be registered with a Member campus.