

# Five Colleges, Incorporated

## New Employee Handbook

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***Employee Handbook***  
**Five Colleges, Incorporated**

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***Employee Handbook***  
**Five Colleges, Incorporated**

**INTRODUCTION**

**Welcome**

Welcome to Five Colleges, Incorporated (FCI). FCI values the energy and enthusiasm, the expertise and professionalism, and the unique background and perspective of every employee.

For more than 50 years, the consortium has been bringing together people from across the five campuses to solve common problems and imagine new possibilities. We hope you will fully participate in and contribute to this work, which incorporates our ongoing efforts to build and sustain an inclusive and supportive work environment. Encouraging collaboration is at the core of everything we do, and we want to do all we can to nurture it in our workplace. Feel free to talk at any time with your supervisor, the Business Office, or the Executive Director about questions, concerns, or suggestions for improvement. You may also talk with our consultants, the people at the Smith College Human Resources office (413-585-2270).

**FCI History and Programming**

FCI was founded in 1965 with the goal of advancing the educational missions of its five associated institutions (Amherst, Hampshire, Mount Holyoke, and Smith Colleges and the University of Massachusetts Amherst) by helping them do together what they could not do alone.

Over the years, the campuses have strengthened their associations to extend to a wide array of activities in academics, student life, and administrative areas — all undertaken for the benefit of the five campuses, their 2,200 faculty members and 39,000 students, and the surrounding communities. Although the focus of consortial energies will continue to adapt to the needs of the institutions, among current arrangements are an integrated library system with shared resources, dozens of shared faculty and administrative appointments, a longstanding policy of open cross registration that enables students from one campus to take courses at any of the others, two academic departments, two academic majors, more than 16 certificate programs (similar to academic minors), a language center that provides instruction in some 40 less commonly taught languages, faculty seminars and speaker series, annual arts events and colloquia featuring student work, a bus system that links the campuses, and a 53-mile fiber-optic network. In addition to these programs and many others that serve the campuses, the consortium provides outreach to local communities through various means, many of which center on education.

Five Colleges is recognized as one of the premier higher education consortia in the United States and it serves as a model for others worldwide. The campuses' proximity to one another, their individual excellence, and their commitment to undergraduate liberal arts education have contributed to this reputation. The consortium's success depends even more on a commitment to the values of collaboration. We strive to put our commitment into action in the work we do with the campuses and in the programs we manage on their behalf. We recognize that it is also critical to how we interact with one another.

### **Purpose of This Handbook and the Nature of Employment**

The *Employee Handbook* seeks to explain FCI general employment and compensation policies, leave provisions, and benefit programs for regular staff employees. Although it in no way represents an employment contract, the *Employee Handbook* is intended to and does serve as a way to communicate guidelines, rules, and expectations.

Employment with FCI is on an at-will basis and can be terminated, at any time, at the option of either the employee or FCI. FCI reserves the right to amend, eliminate, and modify the policies described here from time to time.

All new employees should read the *Employee Handbook* upon their hire and refer to it when there are questions about employment, benefits and any other policy matters. Supervisors, the Business Office, and the Executive Director are available to answer questions regarding policies and applications and their interpretations.

Because of to the needs of FCI's business and the rapid change of government regulations, FCI reserves the right to modify, change, remove, replace, or implement benefits, policies, or procedures at any time with or without prior notice. We will make every attempt to keep you advised and updated about any changes that affect you. No individual supervisor or manager of FCI has the authority to informally alter these provisions. Any variations from the provisions contained in this handbook shall be made only with the approval of the Executive Director.

### **Assistance with Policies and Procedures**

Throughout the Handbook are references for assistance with FCI's policies and procedures, such as outside vendors, offices, and agencies. For general help, employees may consult with the following people.

- Anyone in the Business Office to provide forms and policy/procedure clarifications
- The Treasurer for private and specialized matters
- The people at Smith College Human Resources (413-585-2260) for additional support or if the employee experiences difficulty in communicating with FCI's leadership

# Chapter 1

## DIVERSITY and INCLUSION

### **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, color, age, sex, sexual orientation, gender, gender identity, gender expression, genetic information, religion, national origin, ancestry, disability, veteran status, 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 or the Business Office.*

### **Harassment, Discrimination, and Bullying**

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 to by Human Resources or by a supervisor.*

### **Conduct Prohibited Under This Policy**

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

#### *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, 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.

#### *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
- That is severe or pervasive
- Against a member of one of the groups listed under *Discrimination* (see above)
- That unreasonably interferes with an employee's ability to carry out the 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.*

In deciding whether conduct is offensive, we look not at what the complainant believes but rather at what a reasonable person in the position of the complainant would believe considering all the circumstances.

### ***Intent***

What if the accused harasser didn't mean to hurt anyone? How important is 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.*

The following examples of harassment, one verbal and the other by action, 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 groups listed under *Discrimination* (above).

**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.

### ***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.

### ***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 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. A nonemployee bystander could be a contractor or a visitor to the workplace: basically anyone who is not employed by FCI. Harassment of a nonemployee is prohibited and should be reported to the Treasurer or the Executive Director.

### *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 other verbal or physical conduct of a sexual nature . . . when . . . submission to or rejection of such conduct is used as the basis for employment decisions . . . or such conduct has the purpose or effect of . . . creating an intimidating, hostile, or offensive working environment.”

There are two types of sexual harassment.

1. *Quid pro quo* is a Latin term meaning “this for that” and it 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, e-mail, 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.

### *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.

### *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 Treasurer, as outlined under *Complaint Procedure* (below). 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.

3. 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.

### *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.

### *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.

### *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 to Treasurer, Five Colleges, Incorporated, 97 Spring Street, Amherst, MA 01002, or call (413) 542-4004. Smith College's Office of Human Resources is another avenue to pursue for an employee complaint; call (413) 585-2270.

### *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.

### *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 that can occur when an employee files 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.

#### *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 the Massachusetts counterpart, whose addresses are set forth below. These agencies will prepare and investigate complaints of sexual harassment and may take appropriate action.

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

The Massachusetts Commission against Discrimination (MCAD)  
 424 Dwight Street, Rm. 220  
 Springfield, MA 01103  
 (413) 739-2145

*or*

MCAD  
 One Ashburton Place, Rm. 601

Boston, MA 02108  
(617) 727-3990

### **Americans with Disabilities (ADA) Statement and Requesting 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 Business Office 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 who may need an accommodation should contact the Business Office for assistance with the procedure. As part of the accommodation-request process, an individual will be asked to fill out the [Voluntary Request for Reasonable Accommodations](#) form, which may be found under "Forms" on the FCI website. 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. Contact the Business Office with any questions or a request for accommodation. A supervisor who becomes aware of an employee's potential need for accommodation should contact the Business Office for advice on how to proceed.



## Chapter 2

# EMPLOYMENT

### Employee Categories

There are five categories of employment at FCI, and they determine which benefits are available to the employees within them.

1. *Regular full time*

An employee who is regularly scheduled to work 30 or more hours per week for at least 10 months of the year.

2. *Regular part time*

An employee who is regularly scheduled to work at least 20 but fewer than 30 hours per week for at least 10 months of the year and is eligible for benefits on a prorated basis.

3. *Part time (not regular)*

An employee who regularly works fewer than 20 hours per week and/or works fewer than 10 months per year and is eligible for some limited benefits, such as Sick Leave.

4. *Temporary*

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

5. *Student*

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

This handbook also uses the terms “exempt employee” and “non-exempt employee.” These designations relate primarily to an employee’s ability to earn overtime pay.

**Exempt employees.** These employees hold positions that fall within certain exempt categories defined by the Fair Labor Standards Act (FLSA), are paid on a salaried basis, and are not eligible for overtime pay.

**Non-exempt employees.** These employees hold positions that do not fall into the FLSA's exempt categories, are paid on an hourly basis, and are eligible for overtime pay.

### **Working Hours**

FCI has a five (5) day, 35-hour, Monday through Friday work week, normally with business hours of 8:30 a.m.–4:30 p.m. 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. See [Flexible Work Arrangements](#).

Employees or supervisors may propose a change in work hours; this requires approval from the supervisor (for an employee) or the Executive Director (for a supervisor).

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

### **Outside Employment**

FCI recognizes that employees may want to earn additional income outside of FCI. Individuals who would like to hold another job, outside FCI, may do so as long as there is no conflict of interest or appearance of conflict of interest, meaning in part that their other position's duties, responsibilities, and work schedule are not in conflict with those for FCI. If there is any possibility of a conflict of interest, employees should immediately discuss the outside job with their supervisor and the Treasurer, who may refer those with a questionable conflict to the Executive Director. The Executive Director will determine whether a conflict exists.

Employees with a second job must ensure that it does not interfere with their FCI scheduled hours or their work performance.

FCI employees may not use FCI facilities, staff, equipment, or other resources to perform work for another employer. For additional information, see [Conflict of Interest](#).

### **Employment of Relatives and Personal Relationships**

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, and staffing level. For more information, see [Conflict of Interest](#).

FCI prohibits romantic or sexual relationships between a supervisor and a direct report (an employee who reports directly or indirectly to that supervisor); 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 enters into a consensual relationship that is romantic or sexual in nature with a direct report, both employees must notify the Treasurer or the Executive Director, and appropriate action will be taken. This requirement does not apply when an employee does not supervise or otherwise manage responsibilities over the other. However, such employees will be expected to act in a professional and appropriate manner at the workplace.

Once FCI knows about a relationship, one employee may be reassigned, and if reassignment is not possible or the employee does not agree to be reassigned, one or both employees may be released from FCI employment.

### **Orientation Period for New Employees**

Upon hire, an employee will receive a letter outlining the terms of employment, the title of the position, the starting date, the pay rate, benefits eligibility, the name of the supervisor, and a job description.

All new employees have an orientation period when they are hired. For non-exempt employees, that period is generally three (3) months, and for an exempt employee, generally six (6) months. During this time, a supervisor will work with the person hired to learn the duties of the position, make introductions to coworkers and other FCI employees, and provide other information and tools to help the employee succeed.

At the end of the orientation period, all new employees will receive a performance evaluation from their supervisor, who recommends or does not recommend continued employment. The Executive Director then makes the decision about continued employment. At all times, employees who are within the orientation period remain [employees at will](#).

During the first three (3) months of employment, an employee may not take vacation or sick time but will receive paid holidays, floating holidays, and personal days, and will also be eligible for workers' compensation and health insurance. For details about benefits and time off, see the Benefits sections, [chapter 6](#) and [chapter 7](#).

## **Performance Evaluations**

Performance evaluations are designed to connect individual jobs to the Five College mission, to encourage the flow of communication between supervisors and employees, to improve job understanding, to promote effective job performance, and to facilitate employee development.

Employees are evaluated at the end of their orientation period and thereafter annually in the spring by their supervisor, who uses the FCI evaluation form. The evaluation is reviewed individually with the employee and then placed in the employee's personnel file. Should an employee care to comment on any part of the performance evaluation, that person may write a statement, which will also go into the personnel file.

Supervisors should complete and discuss performance evaluations individually with each of their employees and submit signed copies to the Treasurer by the end of April.

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.

Performance-evaluation conversations should be a continuing process throughout the year. A formal written and conversational review must be conducted at least once every calendar year.

Performance evaluations are not subject to the appeal process

## **Performance Issues**

Sometimes an employee performs below expectations: that is, the individual does not meet the requirements of the position as defined in the job description and by the supervisor. When this is the case, the supervisor will work closely with Smith College's Human Resources throughout the following process.

- 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.
- The supervisor may develop an informally discussed or formally written performance-improvement plan that describes the steps necessary to improve performance to expected levels, determines a time period with benchmarks by which significant and sustained improvement will be reached, and outlines possible consequences if improvement is not achieved.
- During the performance-improvement time period, the supervisor will provide the necessary coaching, training, and feedback to assist the employee in achieving performance improvement.

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

## **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, and (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.

With that flexibility in mind, FCI reminds you that this handbook (and specifically this 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 Conduct and Performance set forth below contains 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.

## **Employee Standards of Conduct**

The work rules and standards of conduct are important, and FCI takes them seriously. All employees are urged to become familiar with these rules and standards. In addition, employees are expected to follow the rules and standards faithfully in doing their own job and while conducting FCI business.

The following list is not meant to enumerate all the forms of behavior that are 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
- Working “off the clock” — that is, time without pay — (non-exempt employees) or requiring a colleague to work “off the clock”
- Reporting to work under the influence of alcohol or an illegal drug
- Possession, manufacture, distribution, sale, transfer, dispensation, or use of 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
- 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
- Excessive use of FCI equipment for purposes other than business
- Falsification of company records (e.g., time records)
- Violation of FCI policies

*These rules apply to all interactions with fellow employees and anyone else associated with the workplace.*

### **Separation of Employment: Voluntary Termination**

A voluntary employment termination occurs when the FCI employee is initiating 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

Non-exempt employees who plan to leave FCI are encouraged to give at least two (2) weeks’ notice; exempt staff, four (4) weeks’ notice, as practicable. Those resigning or

retiring should submit a letter of resignation to the Executive Director and contact the Business Office to discuss benefit changes upon separation.

### *Exit Interview*

FCI encourages departing employees to schedule a confidential exit interview in the one to two weeks before or after termination. To make arrangements, call Smith College Human Resources, (413) 585-2270.

### **Separation of Employment: Involuntary Termination (Dismissal)**

An involuntary employment termination occurs when FCI has initiated the separation. It may be the result of a person'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 institutional needs.

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 an investigation by providing information that may help FCI make an appropriate determination.

### **Complaint and Appeal Process**

*Note:* This process is for concerns other than those related to harassment, whether it be sexual harassment, discrimination, or bullying. To learn about the appeal process for those issues, see [Diversity and Inclusion](#).

An employee experiencing a problem may find it helpful to discuss it first with the supervisor or the Treasurer, with someone at Smith College Human Resources, or at the [Employee Assistance Program](#) 24-hour telephone.

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 fully and fairly.

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.* The determination as to whether a particular matter is subject to this procedure will be made by the Executive Director.

All FCI employees are expected to cooperate honestly and fully in any appeal process.

In general, these are the steps that comprise the complaint and appeal process will be followed. They 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 the individual's supervisor quickly, before initiating a formal appeal procedure, so that an attempt to resolve the problem through discussion with the supervisor is made.
2. If this informal exchange does not resolve the matter and the employee would like to pursue the complaint or appeal further, the individual must submit a written complaint or appeal to that supervisor, who will respond within five (5) working days.
3. If the response is unsatisfactory to the employee, the individual may notify the Executive Director within seven (7) working days of receiving the supervisor's response.
4. The Executive Director will make a written or oral decision, at the Executive Director's sole discretion, upon notification of the appeal statement within seven (7) working days. The Executive Director's decision will be final and binding.

*Note:* If the complaint or appeal relates directly to actions of the Executive Director, the employee may send a written complaint or appeal to the Treasurer, who will review the complaint for presentation to the Board of Directors. If, upon review, the Treasurer decides not to present it to the Board of Directors, the employee may send it directly to the President of the Board of Directors.

Throughout the appeal process, the Treasurer 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.

### **Termination of Benefits upon Separation from FCI**

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



## Chapter 3

### WORKPLACE EXPECTATIONS

#### **Promoting Professionalism and Performance**

There are many expectations for employees while they are working at FCI beyond those discussed in the *Diversity* and other sections of this handbook. These expectations exist to support a positive work environment and promote a high level of professionalism; these enable all FCI employees to meet the needs and expectations of those with whom we work and serve.

Whenever a question arises about a policy or its interpretation, please consult a supervisor, and, if necessary for clarification, the Business Office or the Executive Director.

#### **Work–Life Balance Statement**

FCI strives to provide a work environment and benefits that assist each employee to achieve a successful balance between professional responsibilities and personal life. Work–life balance is one of the foundations from which FCI policies, procedures, and benefits evolve to offer options and resources so that employees can fulfill commitments at work and at home.

Support for a work–life balance is reflected in a number of policies. For example, we try to provide a flexible schedule when needed (see [Flexible Work Arrangements](#)); a wide range of leave options (see [chapter 6](#)); opportunities for advancement (see [Professional Development](#)); and help in dealing with circumstances related to life stages (see the [Employee Assistance Program](#)). Although FCI's size may limit the extent to which it can offer this work–life support, an employee who needs considerations in this area should discuss the situation with a supervisor or the Business Office.

#### **Attendance and Punctuality**

Employees are expected to report to work on time, ready to assume responsibilities at the beginning of their scheduled hours. For break and lunch/meal information, see [Lunch and Break Periods](#).

For anticipated absences, such as a scheduled doctor's appointment, employees are expected to let their supervisor know with as much notice as possible. For an unanticipated absence, such as illness, they must notify their supervisor by 8:30 a.m. of each day they will not be in attendance.

If employees are uncertain of their call-in responsibilities, they should check with their supervisor.

Absences must be reported daily, unless the employee has reported a hospitalization, if a leave of absence has been approved, or if the absence has otherwise been approved by the supervisor. Unreported and/or repeated unauthorized absences may be considered job abandonment and/or could lead to disciplinary action, up to and including termination. For more information about reporting sick time, see [Sick Leave](#).

### **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 we may interact
- To promote a positive environment and limit distractions caused by inappropriate clothing

### **Animals in the Workplace**

Pets are not allowed in FCI buildings. The only animals that may enter an FCI building, absent further approval by the Executive Director, are trained service animals.

### **Ethical Conduct**

FCI expects all employees to maintain a high level of ethical conduct. What follows constitutes what we mean by *ethical conduct*.

- 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 the values of many others addressed in this handbook — see, for example, [Harassment, Discrimination, and Bullying](#); the protection of FCI [IT-Resources](#) ; and [Conflict of Interest](#).

Any employee who learns of any action that is in violation of this policy or any other FCI policy, law, rule, or regulation has an ethical obligation to report it to the Executive Director or the Treasurer. *FCI prohibits any act of intimidation or retaliation toward any employee who submits a good-faith report of unethical conduct.*

### **Conflict of Interest**

FCI directors and officers along with agents of FCI must sign the more detailed Conflict of Interest Statement annually. The following policy regarding conflict of interest pertains to all other employees. Its purpose is to avoid any disparity between the interests of FCI and the personal interest of its employees.

A conflict of interest exists when there is a clash between a person's private interests and the individual's duties or actions as an FCI employee. It exists or has the potential to 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
- Has a compensation arrangement with a firm or an individual within a firm with which FCI has a transaction or arrangement. *Note:* Compensation discussed in this policy may not be received either directly or indirectly or through a substantial gift or favor.

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-related decision from which they may benefit financially, they should remove themselves from the situation and disclose the nature of the conflict to their supervisor. 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 the [Employment of Relatives Policy](#).

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. Questions or reports about a potential conflict of interest should be brought to the Executive Director, who will make a determination of whether one exists.

## **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. For those, see [Complaint 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, time sheets, 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

### *Reporting Procedure*

Allegations of embezzlement or action contrary to law should be reported to the Treasurer. If the report directly concerns the 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.

### *Investigation and Resolution*

The 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.

### *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 Treasurer.

### *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.

### *Sanctions for a False Report*

A report made under this policy may have considerable impact on the personal and on the professional life of the individual charged, both during the investigation and long term. An employee who intentionally misuses the 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 personnel 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.

### **Workplace Safety**

FCI is committed to providing a healthy, drug-free, and safe environment for all employees.

### ***Drug-free and Substance-free Workplace***

#### *Health Effects and Resources for Help*

Employees who need help with substance-abuse problems and coworkers or family members of substance abusers are encouraged to use the services provided by our Employee Assistance Program (EAP) or health plan. For contact information for these providers, visit the [EAP](#) resource on the FCI website. Additional support is available through local 12-step programs such as Alcoholics Anonymous and Narcotics Anonymous. *Employee contacts with these providers and organizations will not be disclosed to FCI.*

### *Policy*

The provisions of the Drug Free Schools and Communities Act Amendment of 1989 require FCI, as a recipient of federal grants, to adopt and implement programs to prevent the use, possession, or distribution of illicit drugs and unlawful use of alcohol by employees and students.

Upon employment, each FCI employee signs a Notice of FCI's Drug-Free Workplace policy. Employees will also receive an annual communication that reiterates the provisions of the act and reviews FCI policies regarding maintenance of a drug-free workplace. For the complete policy, including sanctions, see "[Drug-Free Workplace Act](#)" on the FCI website.

FCI takes seriously all violations of this policy. If it is determined that a violation of the policy has occurred, appropriate disciplinary action will be taken, either a warning, probation, suspension, termination of employment, or referral to a government authority for prosecution. FCI may require satisfactory completion of an appropriate drug- or alcohol-abuse assistance or rehabilitation program before reinstatement or continued employment.

### *Smoke-free Workplace*

In accordance with state and local laws and policies, smoking is not permitted in the Five College offices and buildings, around flammable liquids and gases, or in other areas with the designation NO SMOKING for reasons of fire prevention, health, and safety.

Smoking is permitted outside buildings at a distance of more than 25 feet or as required by the campus workplace.

Employees interested in smoking-cessation classes or clinics may obtain information from their health plan or the [EAP](#).

### **Accidents, Injuries, and 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.

### *Eligibility*

Coverage is automatic upon employment for all FCI employees. Workers' Compensation Insurance is paid entirely by FCI.

### *Reporting an Accident*

If an employee is injured at work or while performing a job-related function required by FCI, the individual must report the accident within 24 hours to the supervisor, who will

receive assistance from the Business Office in completing a *First Report of Job-related Accident* form.

FCI must report all 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.

#### *Reimbursement for Medical Treatment*

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

If a job-related accident requires treatment, FCI will send the employee to an occupational health specialist. If the employee subsequently chooses to be seen by another physician, that physician must be advised that the visit and any treatment are work related. The physician is required to fill out workers'-compensation forms in order to receive payment for services.

If an employee receives medical treatment for a work-related injury at a hospital, doctor's office, or health center, the employee should do all of the following.

- Inform the provider of services that the injury is work related and request that all bills for services be forwarded to the address provided by the Workers' Compensation insurance company
- Submit receipts for prescription medications and other medical equipment to the same insurance-company address
- Provide the Business Office with claim information
- Report all time related to the injury or its treatment on the time sheet

Charges or bills 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](#).

#### **Safety Resources**

In the event of serious injury or medical emergency at an FCI office, notify a supervisor and call the Amherst College or other consortium associated campus-police emergency number. Someone there will contact the appropriate emergency services. Campus police are trained to handle most emergencies that could occur during the day and will provide necessary transportation to a medical facility. They are also equipped to render emergency first aid.

All FCI employees should learn the location of the fire alarms and the fire extinguisher equipment in their work area, and supervisors should discuss the emergency-evacuation procedures for the Five Colleges offices.

All FCI employees working on-site at another campus should know the emergency and general phone numbers of the campus police on their assigned site and keep that information handy for an emergency situation. In addition, they should become familiar with fire-alarm, fire-extinguisher, and emergency-evacuation procedures for their building.

If an employee suspects that an unwelcome visitor is in or around the FCI offices, the individual is responsible for quickly reporting this information to a supervisor and the Treasurer.

### **Documents, Files, and Records**

The Business Office and other offices within FCI and its associated institutions hold a variety of records. It is important to implement and respect the safeguards in place for all of them.

#### *Personnel File*

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

- Employment application documents
- Letters of reference
- Correspondence or agreements regarding the terms of employment
- Performance evaluations
- Rate of pay and any other compensation information
- Copies of all correspondence and other records relating to an employee's qualification for hire, promotion, resignation, and disciplinary action or dismissal

Employees who make a written request to the Treasurer will be entitled to review their personnel file within five (5) business days of the request. This review will generally take place during regular business hours. As requested, an employee may receive a copy of all or part of the personnel file.

### **Safeguarding Personal Information, the Family Educational Rights and Privacy Act (FERPA), and the Health Insurance Portability and Accountability Act (HIPAA)**

*Personal information* (PI) is defined by Massachusetts General Law 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

FCI requires that all employees protect the various forms of confidential information they may encounter or use in their work, such as:

- Personal information (PI)
- Health information covered under HIPAA
- Student records covered under FERPA

Employees handling such information are required to be fully knowledgeable about the specific requirements for maintaining the files as confidential and should consult with their supervisor or the Business Office to obtain the details about HIPAA and FERPA requirements.

To safeguard PI and other confidential data, here are some general rules.

- Never download or store PI or confidential data on a mobile device, such as a notebook computer, smart phone, external hard drive, USB thumb driver, or a CD
- Paper records containing PI or other confidential information must be kept in locked files
- Electronic records containing PI or other confidential information must be stored on a secure server and when stored on authorized desktop computers must be password-protected
- When it is necessary to take records containing PI or other confidential data outside of FCI offices, an employee must safeguard the information and never leave records unattended
- When there is a legitimate need to provide records containing PI or other confidential information to a third party, *before releasing the records* the employee must ensure that electronic records are password-protected and encrypted and that paper records are marked CONFIDENTIAL and sealed properly or secured in another safe way.

#### *Records Retention*

Employees are expected to follow FCI's record-retention guidelines and timetables as outlined on the FCI website; see the [Record Retention and Document Destruction Policy](#).

The Business Office and all employees are expected to cull their files annually, at the end of the fiscal year, in compliance with record-retention requirements. This applies to both paper and electronic files. The Business Office distributes the records-retention information annually. Questions from an employee are welcome at any time; please bring them to the Treasurer for answers.

## **Intellectual Property**

FCI and its associated institutions derive both tangible and intangible benefits from the intellectual and creative activity of the consortium's faculty, employees, and students as well as those of the Five College–associated institutions, who inevitably will create what is called *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 those governing 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.

### *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, Five College Associates, and volunteers, under the supervision of or with the permission of an FCI employee.

### *Ownership of Intellectual Property*

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

**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. For our purposes, the phrase “tangible media” is defined as books, periodicals, manuscripts, films, tapes, disks, and other “hard” creations.

**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 -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 Five College 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.

**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.

### *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.

### **Political Activities**

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 IT-Resources or other resources for solicitation and political activities, among them the following.

- Employees may not use their FCI positions or FCI facilities, letterhead, communications media (such as campus or electronic mail), or other resources for purposes of political or other solicitation, lobbying, or canvassing.
- 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.

### *Lobbying*

*Direct lobbying* is direct communication about specific legislation with legislators and member government employees. In pursuit of its mission, from time to time FCI may conduct a limited amount of lobbying at the discretion of the FCI Board of Directors and/or the Executive Director.

### ***What Is Not Lobbying?***

- 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

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.

### **Solicitation, Gifts, and Gratuities**

*Solicitation* may be defined as (1) a communication made by an employee to another employee or group of employees that encourages, advocates, demands, or requests contributions of money, time, effort, or personal involvement, or membership in any charitable or other fund, political or other organization, or activity; or (2) 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, letterhead, communications media (such as campus and electronic mail), or other resource 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 nonworking hours, and no one should pressure a coworker for a donation.

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 \$25, 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 Treasurer before accepting any present or a gratuity.

FCI annually participates in the United Way campaign, and at that time provides an opportunity for employees to give to charities of their choice.

## **Media Relations**

Information about FCI for the media is the responsibility of the Communications Director or the Executive Director. *They are the only spokespersons* for FCI. As a result, no other employee may 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 person to the Communications Director and then notify the Communications Director of the request.

## Chapter 4

### IIINFORMATION TECHNOLOGY POLICIES for IT-RESOURCES

#### Definitions of IT-Resources and IT Help Desk

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 remain available for FCI's many endeavors. For our purposes, we define *FCI IT-Resources* as the following; other meanings may apply as well.

- 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

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

FCI's IT Department offers a Help Desk for regular tech support and problem solving. To ask a question or for assistance, simply send an e-mail to IT Help Desk [fci-ithelp-l@listserv.amherst.edu](mailto:fci-ithelp-l@listserv.amherst.edu)

#### Acceptable Uses of IT-Resources

Although FCI employees may have different purposes for using and accessing IT-Resources, all have a responsibility to utilize them appropriately, to preserve information, and to protect the resources from unauthorized access or use.

IT-Resources should be used in a manner that:

- Encourages collaboration and productivity, demonstrates respect and inclusiveness among all with whom an employee communicates and collaborates, and 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. For more information, see [Policy Prohibiting Harassment, Discrimination, and Bullying](#). Fraudulent and obscene messages are also prohibited.

Use of IT-Resources must comply with:

- All FCI and Amherst College Electronic Resources policies
- All applicable laws and regulations
- All relevant FCI licenses and other contractual commitments

FCI electronic-communication services are provided through Amherst College. As a result, at a minimum all uses of FCI's electronic resources and communications by FCI employees, groups, and committees must comply with the [Amherst College Electronic Resources Acceptable Use Policy](#). Upon hire, employees should review this policy on the Amherst College website and refer to it as needed.

FCI employees working at one of the Five College–associated institutions should review and follow that campus's Acceptable Use Policy in addition to the provisions in the FCI policy.

IT-Resources may not be used, committed, or made available without prior authorization from the Treasurer or the Executive Director for the following.

- Any ongoing business or other commercial activity not administered by FCI
- The benefit of individuals or organizations other than FCI
- Political or lobbying activities (see also [Political Activities](#) and [Solicitation, Gifts, and Gratuities](#) .

*Note:* This policy applies to all employees who access or use FCI IT-Resources.

FCI employees may have access to third-party IT-Resources through their affiliation with associated Five College institutions or with any other contracting FCI party. Use of these resources by FCI employees is governed by this policy and any applicable policy or restriction of the third-party provider.

#### *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.

#### *Electronic Communication (e-mail)*

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

#### *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 IT Director 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 desktop, laptop, or handheld 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 computer unattended
- Take all appropriate precautions when accessing confidential or restricted FCI data to protect that information from any unauthorized disclosure
- Comply with requests from FCI or Amherst College IT employees to cease use of IT-Resources that compromise IT-Resources or Amherst College IT
- Cooperate with FCI and Amherst College employees during investigations of improper IT-Resources use
- Report to the IT Director 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.

### *Expectation of Privacy*

FCI does not routinely monitor a current user's e-mail, 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 e-mail and electronic documents.

### **IT-Resources Acquisition and Disposal**

When an employee has to purchase or delete any software, applications, supplies, or other IT-Resources purchased, installed, or approved by FCI, the individual should contact the [IT Help](#) Desk for advice and approval before taking any action.

### *Software Downloads*

To prevent computer viruses and other malware from being transmitted through or corrupting IT-Resources, *all* software downloads from the Internet must be preapproved by FCI's Director of IT or the [IT Help](#) Desk.

### *E-Record Retention*

For the timetable regarding deletion of electronic data (documents and e-mail) files, see [Records Retention](#).

### **Electronic Communication Outside of Regular Work Time**

For more policy information regarding working outside of regularly scheduled hours, such as receiving and responding to voicemail and e-mail, see [Compensation](#).

**Social Media**

Social media can be an effective tool for collaboration and exchange of knowledge. All employees must ensure that their use of social media during the workday enhances productivity and contributes to FCI goals. More than incidental personal use is prohibited during work hours.

## Chapter 5

### COMPENSATION

#### Payment for Hours Worked and Overtime Pay

Non-exempt employees (for definitions of *exempt* and *non-exempt*, see [Employee Categories](#)), as outlined in the federal Fair Labor Standards Act (FLSA), must be paid for all hours worked. Time and a half is the rate for hours worked in excess of 40 in one (1) work week.

- With supervisor's pre-approval, an employee may occasionally work fewer than 35 hours/week and more than 35 hours/week, as long the total does not exceed 70 hours *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, not exceeding what would be the employee's two-week regularly scheduled hours' total.

*The bullets below refer to overtime hours worked beyond an employee's regular two-week schedule (described above) or beyond the total annual hours that are specified in job descriptions for some part-time employees.*

- Unless overtime is pre-approved by a supervisor and the Executive Director, non-exempt employees may not work hours beyond the normal paid work week, except during a rare emergency situation.
- If a non-exempt employee does such work without pre-approval, the employee will be paid for that time. Supervisors who are aware of a non-exempt employee working in excess of 40 hours must ensure that such employee is paid for all time worked.
- Putting in unapproved hours beyond the scheduled work week may, however, be considered a performance issue.

Non-exempt employees may not accumulate "comp" time (unpaid time worked in one week that is taken off as paid time in a future week). Supervisors should not permit this practice.

The work hours of a non-exempt employee may vary by design in particular positions according to workload and with the approval of the employee's supervisor, as long as the number of hours worked does not exceed 40 (unless specifically approved by the Executive Director) *and* the employee's hours do not exceed the approved number for the semester or fiscal year as called for in the individual's job description.

Exempt employees are paid every two (2) weeks on a salaried basis. They will not earn or be paid for overtime.

### **Time Reporting and Pay Periods**

The FCI workweek is Saturday to Friday. All employees are paid bi-weekly on the Wednesday of the week following the Friday close of the two- (2) week pay cycle.

All employees must complete their time sheets and submit them to their supervisors for approval on the Friday close of the pay cycle, or earlier if so instructed. For specific payroll-deadline dates and other important payroll information, see under [“FCI Staff Information: Payroll”](#) at the FCI website. Supervisors shall review, approve, and sign time sheets by the approval deadline of 10 a.m. on the Monday following the Friday close of the pay period.

Non-exempt employees must be paid for trainings and meetings, including training or meeting time outside of regular work hours.

Those on grant funding must complete a “time and efforting” time sheet. For the form, see the FCI website, under [“Timesheet Grant Funded \(non-exempt\)”](#) and [Timesheet Grant Funded \(exempt\).”](#)

If an employee discovers a possible payroll error, the individual should report it to the Business Office as soon as possible so that it can be explained or corrected.

### **Lunch and Breaks**

Full-time non-exempt employees receive an unpaid lunch break of one (1) hour, usually between noon and 1 p.m. Lunch breaks for certain positions may have to be scheduled specifically to provide continuous coverage or to meet particular operational needs as directed by a supervisor. Lunch hours must be taken daily, and they cannot be taken at the beginning or end of the workday.

*State law requires that all employees, including part-time employees, take at least a 30-minute break before having worked six (6) hours. This requirement is fulfilled by an hour lunchtime or, for part-time employees if they prefer, a 30-minute lunchtime.*

For reasons of work–life balance and productivity, FCI supports an employee’s taking a real break at lunchtime.

During the meal period, employees are not required to, and non-exempt employees should not, respond to work-related calls, e-mails, or text messages. Non-exempt 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 midafternoon break when convenient for operations and to ensure adequate coverage of phones and similar “coverage” duties. A break cannot be taken at the beginning or end of the workday and cannot be used to extend a meal period. Breaks cannot be accumulated for future use.

Those who are free to move about, obtain refreshments, or attend to other comfort needs do not have a specifically scheduled break.

### **Lactation Breaks**

FCI and any associated institution at which an individual works provide a private space free from intrusion where an employee can express milk for her nursing child, for up to one year after the child’s birth. Reasonable break time will be provided as frequently as needed by the nursing mother and this time will be compensated. Lactation breaks are not considered Family and Medical Leave time and will not be counted against this or any other leave. Employees based at the Five College Center should consult with the Treasurer to access the private space. Employees based at an associated institution should consult the Human Resources office on that campus to make arrangements for lactation breaks.

### **Flexible Work Arrangements**

FCI understands that from time to time an employee needs work-schedule flexibility to attend to important personal or family needs. A flexible work schedule — that is, when the start and the end of the day are altered for a specific period of time — may be possible for both non-exempt and exempt employees, depending on responsibilities and current work assignments, if such flexibility can also meet FCI’s operational needs. Employees who need a short-term schedule change should talk to their supervisor, who will consult the Executive Director for review and approval in writing.

#### *Working at Home*

A non-exempt employee generally may not take work home or work at home, either during paid time off or outside of regular work hours. For the rare occasion when that seems necessary, the employee’s supervisor’s preapproval — in writing or via e-mail — is required.

Exempt employees may sometimes choose to or need to take work home to meet the responsibilities of their positions.

Exempt employees may apply in advance to their supervisor and the Executive Director to receive approval to work up to one (1) full day per month at home. Employees approved to work at home remain responsible for responding to important FCI communications throughout the workday.

## **Work Communication (including Electronic Communication) Outside of Regular Work Time**

Responsibilities and requirements for working during unscheduled hours differ for exempt and non-exempt employees.

### *Exempt Employees Working Outside of Regularly Scheduled Work Time*

Exempt employees have more latitude to stay in communication.

Internal and external e-mail and other communication play a significant role in the work FCI exempt employees do. Exempt employees may want to access e-mail or other IT-Resources outside of regular work time in order to stay current with FCI needs. The general expectation, however, is that employees receiving e-mail or voice mail during off hours wait to reply or take other requested communication action until the next business day, except in an urgent situation or as they judge necessary.

At times an employee may feel pressure to check and respond to voice mail and e-mail during nonwork hours. To reduce any employee concern, supervisors are encouraged to — as much as is practicable — send voice- and e-mail messages during regular work hours and to limit those requiring a response during unscheduled work hours.

If an employee sends an e-mail during nonwork hours that requests a response before the next business day, the suggested protocol is to write on the subject line HIGH PRIORITY! (that is, in capital letters and with an exclamation point) or to write URGENT or PLEASE RESPOND in the subject heading.

### *Non-exempt Employees Working Outside of Regularly Scheduled Hours*

There are limitations on work communication outside of regularly scheduled hours for non-exempt employees because of wage and hour laws. For non-exempt employees, all work time is “on the clock” and must be paid. For this reason, non-exempt employees should not work outside of regularly scheduled hours unless directed to do so by their supervisor or when there are exceptional, unavoidable circumstances. Although a non-exempt employee may find it tempting to check e-mail and voice mail before or after work hours, this should not happen beyond a *de minimis* (trifling) check when a rare, pressing matter is pending. In such a situation, non-exempt employees will be paid for any time worked.

### *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 leave should put an “away message” on voice mail and e-mail and indicate an alternate FCI employee contact.

## **Employee Travel and Reimbursement**

FCI reimburses employees for local business transportation (not for commuting mileage) at the IRS rate. If the trip coincides with getting to work or leaving work for the day, the employee should deduct commuting miles from the work trip. When pre-approved by both the supervisor and the Executive Director, FCI reimburses employees for business travel beyond the Five College area, such as mileage or ground transportation, air or rail travel, meals, lodging, and event registration. Travel approval will be determined by several factors, among them the budget and professional-development needs. For details about travel reimbursement and forms, you will find them at the Business Office and under "[Employee Reimbursement Form for Mileage and Expense](#)" on the FCI website.

Employees generally make their own travel arrangements in consultation with their supervisors and/or the Business Office.

### *Non-exempt Overnight Travel*

A non-exempt employee and the individual's supervisor should consult with the Business Office for clarification about reporting travel time when planning for an overnight trip for FCI business. Such travel is governed by specific time-reporting FLSA guidelines, outlined below.

- Travel time outside of regularly scheduled hours — even outside of the regular work week — 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).
- Time spent driving a vehicle, regardless of whether it takes place during or beyond regularly scheduled time, constitutes hours worked.
- Reporting of hours is based on the FCI (home) time zone (that is, Eastern Time).



## Chapter 6

### BENEFITS: TIME OFF and LEAVE PLANS

*Note:* Some sections of this Benefits chapter refer to or apply to domestic partners and dependents. For definitions, see [Domestic Partners and Dependents](#).

#### **Vacation**

FCI recognizes that vacations are an essential component of good work–life balance. To encourage each employee to take accrued time off, vacation will accumulate to a maximum of 25 days, after which an individual will not earn more vacation time until after a portion of the 25 days has been taken.

Every employee begins earning vacation time on the first day of employment and may begin using accumulated vacation time three (3) months after starting work. Regular full-time employees earn 20 vacation days a year (pro-rated if employee’s schedule is less than a normal week 52 weeks/year). Regular part-time employees earn prorated vacation days. Vacation time accrues per pay period, and may not be taken before it is accumulated.

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

Normally, all vacation schedules must be approved three (3) weeks in advance by the employee’s immediate supervisor. It is expected that, with the exception of those working in the Business Office, employees will take major portions of vacation time during the summer months.

A holiday that occurs during an employee’s vacation will be charged as a holiday — that is, it will not be counted as vacation pay. Illness while on vacation is not deductible as Sick Leave unless proof of illness is provided by a physician.

Accrued unused vacation time will be paid to an employee upon leaving FCI employment.

#### **Holidays**

At a minimum, FCI, observes the following holidays.

- New Year’s Day
- Martin Luther King Jr. Day

- Memorial Day
- Independence Day (July 4th)
- Labor Day
- Thanksgiving (from noon Wednesday through that Friday)
- Christmas Day

Additional paid holidays are determined by FCI each year and may include one or more floating holidays (pro-rated if employee's schedule is less than a normal week 52 weeks/year).

Floating holidays should be scheduled individually by the employee and the individual's supervisor.

Part-time, student, and temporary employees are eligible to be paid only for those holidays that fall on days they are regularly scheduled to work.

### **Sick Leave**

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. For definitions, see [Domestic Partners and Dependents](#). Note that there is *an annual limit of 40 hours or seven (7) days of Sick Leave for the uses below to be applied to those who are not the employee*. Sick Leave may be used for 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 also [Domestic Violence Leave](#)).

### *Eligibility and Availability*

Eligible employees earn paid Sick Leave according to this schedule.

- 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.
- Paid Sick Leave is provided to protect the employee 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.

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

### Sick Leave Accrual Schedule

<b>If You Are . . .</b>	<b>. . . You Accrue</b>
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	<i>You do not receive sick-leave benefits.</i>

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 to a covered disability. For additional information, see [Parental Leave](#) (additional payment available), [Family Medical Leave \(FML\)](#), and [Requesting Accommodations](#).

#### *Notification*

An employee should notify the employee’s 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 (a cold, e.g.), 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.

#### *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

#### *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 following three forms.

- [Employee Application for Medical Leave](#)
- [Medical Leave Physician's Statement](#)
- [Physician's Approval to Return to Work](#)

The employee should promptly complete the *Employee Application for Medical Leave* form and submit it to the Treasurer *and* give the *Attending Physician's Statement* to the employee's or family member's physician with the request that the completed form be returned to the Treasurer within ten (10) days.

In most cases, the *Medical Leave Physician's Statement* 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 Treasurer 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 application 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.

#### *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 Treasurer. 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 or will have defined any temporary limitations or requests for accommodations.

#### *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. Following are some examples of retaliation.

- 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.*

#### *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.

### *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. For more information, visit the FCI website under [Five Colleges Group Monthly Disability Plan](#).

### *Concurrent Leaves*

If Sick Leave is also covered by FCI's [Family and Medical Leave](#) or other leave-of-absence policies, sick-leave time will run concurrently with such leave. Employees are required to use accrued sick-leave time for absences under these other leaves if these absences would otherwise be unpaid, except in the case of [Parental Leave](#), weeks seven (7) and eight (8).

### **Personal Leave**

Each year, full-time employees may take three (3) days of absence with pay for personal reasons. This benefit is pro-rated for regular part-time employees. Personal days are awarded annually on July 1 and pro-rated for those who begin employment on another date. Personal leave may be taken on short notice or as part of a planned absence. Personal leave does not accrue from year to year.

### **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.

### **Jury Duty**

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

### *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.

If an employee is called for jury duty and will miss work, the individual should notify the 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/one-trial system, jurors are often dismissed early in the day. If an employee is required to attend court for less than a full day, the individual is expected to return to work to complete the remainder of the day's regular schedule.

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.

#### *Effect of Jury Duty on Other Paid Time and Benefits*

While serving on jury duty, 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 individual — with supervisor approval — may take an alternative day off with pay within 30 days of the holiday or reschedule the vacation time.

#### *Situations Not Covered by This 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.

### **Voting**

Despite these necessary restrictions, 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.

### **Weather-related and Emergency Closings**

In the event of inclement weather or another emergency condition, the Executive Director will make the decision no later than 7:30 a.m. whether to close the Five College Center. *A closings will always occur if at least three (3) associated institutions are closed.* Five Colleges and the Five College Library Annex may close independently if conditions warrant. Similar procedures will be followed for delayed openings and for early closings.

The Executive Director and the Treasurer will initiate the Emergency Phone Tree until every FCI Center employee, including scheduled interns and work-study students, has received a call. Five College employees who work on other campuses will receive notification by e-mail.

The Communications Director will post the closing on Five Colleges' outgoing telephone message and website. The Treasurer will contact selected local media to announce the closing.

Every associated institution bases its decision to close on information received from its facilities personnel regarding road and parking conditions. If a campus is closed, FCI employees on that campus will not be expected to work and will be paid for a workday, as applicable. *Note:* Five College Library Repository Collection employees will follow UMass closings.

Full-time exempt employees will be paid for the day. Other employees will be paid only for scheduled work hours on a day FCI or the associated campus is closed. Those already on vacation, sick, or other leave are not eligible for weather-related or emergency pay.

On occasion, weather conditions may cause employees to be concerned about safety in traveling to or from work. In cases in which the Five Colleges Center, the Five College Library Annex, or a campus is operating normally, employees can use their own reasonable judgment in consultation with their supervisor to determine whether to arrive late, leave work early, or not come in for the day. Work hours missed should be recorded as vacation, personal, or floating-holiday time as available.

### **Parental Leave**

Once an FCI employee has completed the 90-day initial orientation period, the individual is eligible for Parental Leave.

#### *Eligibility*

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, or placement for adoption of a child or for placement by court order. To support FCI families, 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.

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, this time until the delivery date will be requested as and charged to available vacation or personal 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. At the point of delivery, adoption, or placement, the eight (8) weeks of Parental Leave, as described above, begin.

#### *Notice Requirement*

An employee should follow these three steps.

1. Notify the supervisor of the expected birth, adoption, or placement date *at least* four (4) months in advance
2. Notify the supervisor two (2) weeks in advance of the planned last day of work if the employee plans to stop working before the birth or placement
3. Indicate at least two (2) weeks prior to stopping work the intended return-to-work date

#### *Additional Leave*

Parental Leave will run concurrently with [Family and Medical Leave \(FML\)](#) for the same covered absence. If eligible for FML beyond Parental Leave, the employee must use any accrued vacation, personal, or floating-holiday time to continue paid leave. If there is no paid time available, the employee will continue on an unpaid Family and Medical Leave.

#### **Disability Related to Pregnancy or Childbirth**

If a pregnant employee becomes medically disabled as a result of her pregnancy or childbirth and has a medical need to take a leave of absence for the duration of her disability, she must provide FCI with a physician's note stating that she is disabled from the pregnancy or childbirth. During this leave of absence, she will retain the right to be reinstated to her 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 \(ADA\) Statement and Requesting Accommodations](#).

## **Family and Medical Leave (FML)**

FCI is committed to supporting employees and their families. As part of this support, FCI chooses to offer continuous and intermittent sick-leave benefits that closely align with the federal Family and Medical Leave Act provisions, even though, because of its small number of employees, FCI is not legally mandated to do so.

In order to qualify for Family and Medical Leave, the employee must have worked at FCI beginning at least 52 weeks prior to the leave and must have worked at least 1,250 hours within that 12-month period.

An employee may take up to 12 weeks of FML during any 12-month period. FCI will measure the period as a rolling 12-month period measured back from the first leave day used under this policy.

*FML is unpaid leave.* Please direct FML policy–interpretation questions to the Business Manager.

### *Reasons for Leave*

In order to qualify for FML under this policy, the employee must be taking the leave for one of the following reasons.

- The birth of a child and to care for that child (must be taken within 12 months after the birth of the child)
- The placement in the home of a child for adoption or foster care and to care for the newly placed child (must be taken within 12 months after the placement of the child)
- The care of a spouse, domestic partner for whom the Business Office is in receipt of an affidavit; child, legal ward, or parent with a serious health condition
- The employee's own serious health condition (described below).

### *Substitution of Paid and Unpaid Time Off*

If an employee takes FML, the individual must apply all available paid time off to the FML until it is depleted; the remainder of the 12 weeks will then be taken as unpaid leave. The substitution of paid time for unpaid FML does not extend the length of the leave.

Available paid and unpaid time off will be substituted for and run concurrently with the employee's unpaid FML time from the following.

- Sick Leave
- Paid Parental Leave
- Vacation
- Other paid leave

- Long-term Disability Leave
- Workers' Compensation Leave
- Short-term Absence Without Leave
- Leave Without Pay

### *Two FCI Employees Sharing FML*

If an eligible employee and the individual's spouse or declared Domestic Partner both work for FCI and both would like to take leave for the birth of a child or the placement in their home of a child for adoption or foster care, the two may share a total of 12 weeks of FML. However, if both are employed by FCI, each is entitled to 12 weeks if the leave is for the individual's own serious health condition or because of the serious health condition of another covered person.

### *Intermittent Leave or a Reduced Work Schedule*

For the birth, adoption, or foster care of a child, FML must be taken over 12 consecutive weeks and must be taken within one (1) year of the birth or placement of the child.

However, if the employee is taking leave for the employee's own serious health condition or because of the serious health condition of another covered individual, the employee may take FML in 12 consecutive weeks, intermittently (for example, over a short series of days periodically during the year, when needed), or as applied to reduce the daily or weekly work schedule for a period of time if such reduction is deemed medically necessary by a physician.

The employee and FCI must mutually agree to an intermittent leave or a reduced-hour schedule. FCI will engage with the employee in an interactive process in good faith. For information about the procedure, see [Americans with Disabilities \(ADA\) Statement and Requesting Accommodations](#).

### *Reporting While on Leave*

If the leave is for the employee's own serious health condition or because of the serious health condition of another covered individual, the employee must periodically contact the Business Office regarding the expected return-to-work date. In addition, if there is a change in the FML schedule, the employee must give notice within two (2) business days if feasible or as soon after that as is practicable.

### *Special Note for Leaves Relating to Pregnancy*

For details, please see [Parental Leave](#).

### *Serious Health Condition*

An employee may take FML because of a serious health condition. A *serious health condition* is defined as a condition that requires inpatient care at a hospital, hospice, or

residential medical-care facility or one that requires continuing care by a licensed healthcare provider.

This policy covers illnesses of a serious and long-term nature that would result in recurring or lengthy absences. Generally, a chronic or long-term health issue that if left untreated would result in a period of incapacity of more than three (3) days is considered a serious health condition. Employees with questions about what illnesses are covered under this FML policy or under the FCI sick-leave policy are encouraged to consult the Business Office. FCI may require a doctor's certification for a serious health condition. The certification process is outlined below.

If an employee takes paid Sick Leave for a condition that progresses into a serious health condition and then requests unpaid FML, FCI will designate all or some portion of the Sick Leave already taken as Family Medical Leave to the extent that the earlier paid leave meets the necessary qualifications.

#### *Medical Certification of a Serious Health Condition*

FCI will ask for medical certification of the condition when an employee requests FML for the individual's own or a family member's serious health condition. An employee must complete and return the [Employee Application for Medical Leave](#) form and the [Medical Leave Physician Statement](#) within 15 days of the request or provide a reasonable explanation for the delay. FCI may also require recertification during any approved FML. Failure to provide certification within 15 days, except under exceptional circumstances, may result in a denial of continuation of Family Medical Leave.

Certification of a serious health condition on the [Medical Leave Physician Statement](#) calls for the following information.

- The diagnosis
- The date when the condition began
- Its expected duration
- A brief statement of treatment

For medical leave for the employee's own medical condition, the certification must also contain a statement that the employee is unable to perform work of any kind or is unable to perform the essential functions of the individual's job. For a seriously ill family member or another covered individual, the certification must include a statement that the patient requires assistance and that the employee's presence would be beneficial or desirable.

For any employee who requests an intermittent FML or a reduced work schedule, the [Medical Leave Physician Statement](#) must also include a statement of medical necessity for taking intermittent leave or working a reduced schedule.

FCI reserves the right to request a second medical opinion if anything is unclear or in

doubt. FCI will pay for the second opinion by a physician of its selection.

#### *Procedures for Requesting Leave*

An employee who needs time off for medical reasons must submit to the Treasurer the official [Employee Application for Medical Leave](#) prior to the leave, except under unforeseeable circumstances.

When planning to take FML, the employee must, to the extent reasonably possible, give FCI at least 30 days' notice of the need for the leave. If it is not possible to give 30 days' notice, the employee must give as much notice as is practicable, certainly within two (2) business days after learning of the need for leave, except under extraordinary circumstances. If undergoing planned medical treatment, the employee is required to make reasonable efforts to schedule the treatment to minimize disruptions to the operation of FCI. Failure to provide 30 days' notice for foreseeable leave with no reasonable excuse for the delay may lead to leave approval being delayed until at least 30 days after the date FCI received the notice.

#### *Return to Work and Interactive Process*

At the end of FML, the employee will be returned to the former position or one with similar pay and status unless it is not practicable to do so. FCI cannot guarantee reinstatement to the former position. If leave is due to the employee's own serious health condition, in order to return to work (whether full time or part time) the employee must provide the Business Office with a completed [Physician's Approval to Return to Work](#) form. An employee will not be permitted to resume work until this form is submitted to and reviewed by FCI.

FCI will treat all FML and other medically related leave requests for the employee's own illness as a possible *Americans with Disabilities Act (ADA)* request for accommodation. When the employee's leave is ending, FCI will in good faith participate in an interactive process and discussion with the employee to determine whether the individual can return to work and, if so, with what reasonable accommodations provided such accommodations do not pose an undue hardship to FCI.

If the employee is permanently or indefinitely not able to return to work and no reasonable accommodation can be determined or provided, the employee will in most cases be terminated. The employee may be eligible for rehire once cleared to return to work.

#### *Effect of FML on Paid Time and Benefits*

For the hours that an employee is on unpaid FML, the individual continues to earn personal time but does not accrue Sick Leave or vacation and is not entitled to holiday pay, bereavement leave, or jury-duty leave. If on intermittent FML, the employee will continue to accrue these benefits for the hours worked. Upon return to a regular work

schedule, the employee's accruals for vacation and Sick Leave will resume at the rates in effect at the time the FML began.

While on FML, employees may continue membership in the FCI health plan and FCI will continue its contribution during the FML period. If an employee is paid during FML, FCI will deduct, as was done prior to such FML, any applicable portion of the health-plan premium as a regular payroll deduction. Employees not on payroll must make arrangements through the Business Office to continue paying their portion of the health-care premium and will need to pay that premium on a monthly basis until they return to work. An employee's health-care coverage may cease if the premium payment is more than 30 days late. If an employee elects not to return to work for reasons other than a continued serious health condition, the individual will be asked to reimburse FCI for the portion of the health-care premiums that FCI, as the employer, contributed during the unpaid FML.

The employee may also retain membership in FCI life and long-term disability insurance plans during any FML. FCI will continue its contributions to these plans during the FML period at the same level and under the same conditions as if the employee had continued to work.

Retirement contributions are not made during unpaid FML; tuition and some other benefits are normally not available either.

### **Workers' Compensation Leave**

All on-the-job injuries must be reported to the Business Manager 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.

#### *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 [Employee Application for Medical Leave](#) and the physician who prescribes medical leave is required to complete a [Medical Leave Physician Statement](#).

### *Reimbursement for Lost Wages*

If an on-the-job injury results in time off from work, the employee may qualify for workers'-compensation payments to compensate for lost wages. If the claim is approved, payments from the insurance company equal approximately 60 percent of the employee's average weekly earnings (plus allowances for dependents) up to a maximum benefit stipulated by law, which is subject to change. *These weekly 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.

### *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.

### *Reporting during Workers' Compensation Leave and Duty Modification*

If absent on an approved Workers' Compensation Leave, the employee should contact the supervisor or the Business Office 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 individual returns to work and any subsequent absences due to the work-related injury or illness must be reported to the Business Office so that benefits can be coordinated and state-mandated records accurately maintained.

### *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

#### *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.

#### *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.*

#### *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 the employee would like to participate. If the LTD application is approved, the employee will be granted an 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 \(ADA\) Statement and Requesting Accommodations](#).

### **Domestic Violence Leave**

An FCI employee upon hire is entitled to Domestic Violence Leave if the individual 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. The 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

In this regard, *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. In that case, the employee should notify the Treasurer within three (3) work days that the time taken was due to domestic violence or sexual abuse. Notice can be provided by the employee, a family member, or a professional — for example, a social worker, a healthcare worker, shelter worker, a counselor, or a member of the 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, the employee must submit to the Treasurer supporting documentation within 30 days of the last day of such absence. [The Statement in Support of Need for Domestic Violence Leave](#) form on the FCI website is available on the FCI website. All eligibility-related documentation provided to the Treasurer will be returned or destroyed once FCI has determined whether the employee is eligible 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 law does not apply to an employee who is the perpetrator of the abusive behavior against a family member.*

### **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 should apply to the Executive Director.

### **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.

#### **Active Duty**

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.

#### *Active-duty Leave Notification and Return to Work*

An employee with advance notice of orders to report to active duty is required to inform both the supervisor and the Business Office as soon as possible, provide the active-duty orders, and work with the supervisor and the Business Office to prepare for the individual's departure.

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

Upon completion of active duty, the employee must contact both the supervisor and the Business Office to arrange a return-to-work date. For details, see *Return from Active and Reserve Military Leave* below.

### *Effect on Pay and Benefits*

After receiving active-duty notice, an employee must work with the Business Office to make arrangements for using available time off for some paid leave time and to discuss changes to health-plan coverage and any options available.

Should the 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. Benefit accrual will continue as long as the employee uses available paid time off.

All benefits, such as the accrual of personal, vacation, and sick time, along with contributions to the retirement plan, will be suspended during the unpaid portion of Military Leave but will resume when the employee returns to work at FCI.

Health insurance benefits will automatically continue for those on active duty for up to 31 days. For active-duty leave beyond 31 days, an individual may continue to participate in FCI's health plans by paying the required employee contribution, especially to continue coverage for family members. FCI encourages employees on active duty beyond 31 days to investigate military health plans, as one may provide coverage for some injuries or illnesses that result from military service but may not be covered by the FCI plan.

### **Reserve Military Leave**

If an employee is a member of the National Guard or of a military reserve unit, the individual will be granted unpaid time off for periods of required reserve training.

### *Reserve Military Leave Notification*

As with active duty, an employee who has received orders for military reserve training is required to inform both the supervisor and the Business Office as soon as possible, provide the orders, and work with the supervisor and the Business Office to prepare for the individual's departure. If an employee reports to reserve leave without notice, the individual or a designee is required to contact FCI as soon as possible.

### *Effect on Pay and Benefits during Reserve Military Leave*

Should the 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. Benefit accrual will continue as long as the individual 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 the unpaid portion of military leave but will resume when the employee returns to work at FCI.

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

Health insurance will continue for those on reserve military service for up to 31 days. 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 individual will be responsible for the employee's share of the cost. Retirement contributions are not made during unpaid time off for military reserve training.

Should reserve training exceed 31 days, please see the options for continuing health insurance as outlined in the *Active Duty Effect on Pay and Benefits* section, above. [link]

#### *Return from Active and Reserve Military Leave*

Upon completion of active duty or reserve military leave, the employee must contact both the supervisor and Business Office to arrange a return-to-work date. Normally, the employee taking fewer than 31 days of service is expected to return to work on the first workday after release from duty. The employee returning after 31 days and up to 180 days must return within 14 days. If service exceeds 180 days, the employee must return within 90 days after service completion.

### **Domestic Partners and Dependents**

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

#### *Domestic Partner*

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

- 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 apply for Domestic Partner benefits, an employee should complete a [\*Domestic Partner Affidavit\*](#) form to file with the Business Office and check with the Business Office

if there are questions about the specific benefits for which a domestic partner may be qualified. FCI may also request confirming documentation of an employee's domestic-partner status in accordance with the factors noted above.

Unless the domestic partner is a tax-qualified dependent (see the *Dependent* section, below), 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.

#### *Dependent*

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.

## Chapter 7

### **BENEFITS: HEALTH and WELLNESS; FINANCIAL, and EDUCATIONAL**

#### **Overview**

*Note:* As budget and other factors allow, all regular full-time and regular part-time employees are eligible for a wide array of benefits related to health and wellness, as well those of a financial nature and regarding education. *Some of these benefits are paid for by FCI and some are partially or fully paid for by employees.* Employees receive communications during each annual Open Enrollment Period summarizing benefits, noting any changes to plans, and imparting other significant information.

*These benefits may change from time to time, at FCI's discretion.*

When a question arises about any of these benefits, an employee should feel free to check with the Business Office or review the documents on the FCI website under "[For Five College Staff](#)." For detailed or complex questions, an employee may be referred to specific benefit vendors.

#### **Health and Wellness**

##### **Health Insurance**

Each year, with the assistance of a benefits broker, FCI carefully reviews available plans and selects a health-insurance package that is best suited to FCI employee needs *and* balances costs with the best available services, coverage, and provider network.

- Regular full-time and regular part-time employees are eligible for employer-paid contributions to the FCI health plan.
- FCI contributes a fixed dollar amount toward an employee's health-insurance premium and that amount varies annually according to plan designs available and that year's budget. FCI premium payments are pro-rated for regular part-time employees.
- Employee contributions are deducted from payroll.

Plan details, current rates, enrollment forms, Summary Plan Descriptions (SPDs), and other documents and forms are available in the Business Office and are also located under "[For Five College Staff](#)" on the FCI website.

## **Flexible-spending Account (FSA)**

An FSA enables employees to use pre-tax dollars through payroll deduction to pay for eligible expenses in two categories: Health and Dependent Care. All employees regardless of status (but excluding student workers) are eligible to participate in one or both of these categories. A third-party vendor administers the FSA plan. The FSA Summary Plan Description (SPD) is located under "[For Five College Staff](#)" on the FCI website.

### *Health FSA*

Employee contributions to the Health FSA can help pay for various health-related expenses for medical, dental, and vision care. The FSA vendor mails enrolled employees a Visa debit card loaded with the FSA amount for the year, providing an easy-to-use payment method. Employees may also apply, online, by mail, or by fax, to be reimbursed for eligible out-of-pocket expenses.

### *Dependent Care FSA*

The Dependent Care FSA helps pay for dependent (child- and elder day care). Details are available upon hire and during Open Enrollment.

For both FSA plans, in order to be eligible, expenses must be incurred during the coverage period. Every year the IRS sets a maximum dollar limit employees can elect for an FSA. Once the choice is made and the calendar year begins, employees cannot make any changes, except if they experience certain changes in family status. Any 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 leaving FCI.

## **Health Reimbursement Account (HRA)**

FCI's health insurance plans have a copay for *Hospital Inpatient and Outpatient Day Surgery* (per occurrence). To assist FCI employees and their eligible family members with the expense of this copay, FCI provides, at its discretion, an HRA plan to help cover it.

An HRA plan is similar to the Flexible Spending Account (FSA). However, whereas the HRA uses employer-funded dollars to reimburse the individual for part of the copay, the FSA uses employee-funded dollars. Employees may also apply available FSA funds toward any balance due on these Hospital Inpatient and Outpatient Day Surgery copays.

HRA details for the current year, such as how to be reimbursed and [HRA plan documents](#), can be found on the FCI website, in the [Open Enrollment memo](#), and from the Business Office.

## **Dental Insurance**

All regular full-time and regular part-time employees are eligible for the optional FCI dental plan. FCI contributes a portion of the dental-insurance premium. This portion varies annually according to plan designs available and that year's budget. Employee contributions are deducted from payroll.

Plan details, current rates, and enrollment forms are available in the Business Office and under "[For Five College Staff](#)" on the FCI website.

## **Group Life and Accidental Death & Dismemberment (AD&D) Insurance**

FCI provides all regular full-time and regular part-time employees with Life and AD&D coverage. The plan is fully paid by FCI and provides a life benefit equal to an employee's annual salary up to a maximum limit. Employees may elect optional life insurance for themselves, a spouse or domestic partner, and dependents. For details, contact the Business Office; they are also found under "[For Five College Staff](#)" on the FCI website.

## **Long-term Disability (LTD) Insurance**

For all regular full-time and regular part-time employees, FCI provides LTD insurance. Employees automatically receive coverage under an employer-paid plan and may elect and pay for supplemental LTD coverage. The "[Five Colleges Group Monthly Disability Plan](#)" and [Summary Plan Description \(SPD\)](#) , both located under "For Five College Staff" on the [FCI website](#) , provide coverage details. Employees with additional questions should contact the Business Office or the vendor whose contact information is available on the FCI website. They are encouraged to discuss coverage options with their own financial advisors.

## **Employee-assistance Program (EAP)**

The EAP provides confidential services and abundant resources to meet FCI employee needs in four areas:

1. Emotional well-being
2. Family and caregiving
3. Daily living
4. Health and wellness

EAP services are confidential, available 24/7, and can be accessed through a toll-free number or by visiting the [EAP website](#). All employees and members of their household may use EAP services.

Details about the services and resources and information about [how to contact and log into the EAP](#) are located under "For Five College Staff" at the FCI website. Employees with questions about EAP services may contact the EAP directly or the Business Office.



## Financial Benefits

### Retirement Plan

FCI offers regular full-time and regular part-time employees a 403(b) plan to encourage saving for retirement. Upon hire employees are automatically enrolled. They may decline in writing and enroll at a future time.

- FCI supports this goal by doubling employee contributions up to 5 percent of the individual's biweekly pay (that is, with up to a 10 percent FCI match).
- Employees may contribute beyond 5 percent of their pay but will not receive the FCI match on the additional contribution.
- Employees are eligible for the match after one (1) year of employment. That waiting period is waived upon hire for employees who provide documentation of an active 403(b) account.
- Regular full-time and regular part-time employees designate their contribution amounts which are deducted from bi-weekly payroll.

FCI investment options are administered by TIAA and monitored by a certified advisor and the FCI Employee 403(b) Fiduciary Committee. (You are welcome to contact the Treasurer if you would like to participate on this committee.) Employees have opportunities to consult with a TIAA advisor at FCI or at TIAA offices and to use the online and telephone resources for investment information and guidance.

Plan details are available in the [Summary Plan Description \(SPD\)](#) , located under "For Five College Staff" on the [FCI website](#) . More information is also available in the Business Office.

### Credit Union

FCI employees are eligible to join the [UMass Five College Federal Credit Union](#). "UMass Five" offers an array of financial and banking services. For details and forms, please contact the Credit Union directly.

### Transportation Subsidy

FCI offers for eligible employees a transportation subsidy toward commuting costs. To be eligible, an individual must fulfill all of the following requirements.

- Be a regular full-time or regular part-time employee
- Live *at least* 15 miles from the FCI office at 97 Spring Street, Amherst
- Have a pay rate less than \$40,000 annually.

Application forms are available in the Business Office.

Participating employees receive \$50 each pay period except when out on leave (paid or unpaid). The subsidy continues when an employee is on vacation. *This amount is taxable.* The subsidy may be used in any way, and no receipts are required.

### **Educational Benefits**

FCI encourages all employees to grow during their FCI employment. Educational benefits are available in three formats: professional development, tuition waivers, and tuition assistance for an employee's dependent children and spouse or domestic partner.

#### **Professional Development**

Among learning opportunities are participation in the following.

- In-service training
- Special events and conferences
- Training programs
- Academic courses
- Workshops

Participation in such activities may be approved contingent on certain factors, such as the availability of funds and employee work schedules. An employee should first discuss professional-development opportunities with the supervisor, who will seek approval and funding.

The institutions within the consortium often welcome FCI employees at no charge to their campus-based professional-development training sessions. After receiving supervisor approval, an employee should contact the particular college's Human Resources office to request permission to participate.

#### **University of Massachusetts Amherst (UMA) Tuition Waiver**

Tuition waivers (for free tuition at UMA) are available to help employees further their education. To be eligible, an individual must be a regular full-time or regular part-time employee and have completed at least six (6) months of employment at FCI.

An interested employee who has identified a course in which to enroll at UMA should contact the Business Office for the necessary forms, which require supervisor, Treasurer, and Executive Director approval prior to enrollment. In general, UMA does not waive tuition for continuing-education, graduate, professional, or summer classes.

Employees may be paid for the time released from work for classes that are job-related or required for a degree. They must do homework assignments and fulfill other course-related requirements on their own time.

### **Tuition Assistance for Employees, Spouses, Domestic Partners, and Dependent Children**

FCI will grant financial assistance toward the cost of undergraduate tuition for regular full-time and regular part-time employees. Those eligible must have been employed for one (1) year to qualify.

Tuition Assistance is available for the employee, spouse or domestic partner, and dependent children (“participants”).

Each eligible regular full-time employee may utilize \$900 per semester and regular part-time employees may utilize \$450 or the cost of tuition, whichever is lower. The grant is limited to the cost of tuition and tuition-type mandatory fees and will not cover other costs, such as room and board, books, and fees for health insurance, student activities, and computing.

The participant must be enrolled as an undergraduate in an accredited four-year college or university or an accredited two-year college.

#### *Policy Limits*

This policy will cover a total of two (2) participants per employee and a maximum of eight (8) semesters per participant. This is an overall maximum total of 16 semesters during the eligible individual’s FCI lifetime employment. Please address questions about limitations to the Business Office.

A dependent child must be a qualified dependent of the eligible employee as defined by the Internal Revenue Service. Before an employee may apply for this benefit for a domestic partner, a [Domestic Partner Affidavit](#) must be on file.