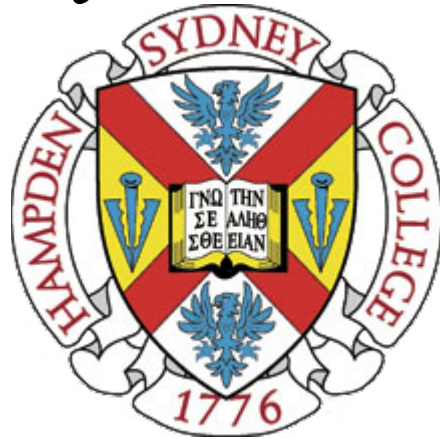


# Hampden-Sydney College

## Employee Handbook



07/01/2023

## ABOUT THIS HANDBOOK/DISCLAIMER

We prepared this handbook to help employees find the answers to many questions that they may have regarding their employment with Hampden-Sydney College. Please take the necessary time to read it. Employees must abide by these policies and procedures. As an employer, the College reserves the right to determine whether and how to apply policies in particular cases. We do not expect this handbook to answer all questions because Supervisors and Department of Human Resources also serve as a major source of information.

Neither this handbook nor any other verbal or written communication by a Supervisor is, nor should be considered as an agreement, contract of employment, express or implied, or a promise of treatment in any particular manner in any given situation, nor does it confer any contractual rights. Hampden-Sydney College adheres to the policy of employment at will, which permits the College or the employee to end the employment relationship at any time, for any reason, with or without cause or notice. Nothing in this Handbook creates, or is intended to create, a promise or representation of continued employment for any staff employee.

**For governing principles of faculty employment, please refer to the [Faculty Handbook](#).**

No College representative other than the President may modify at-will status and/or provide any special arrangement concerning terms or conditions of employment in an individual case or generally and any such modification must be in a signed writing.

Many matters covered by this handbook, such as benefit plan descriptions, are also described in separate College documents. These College documents are always controlling over any statement made in this handbook or by any member of management.

This handbook only states general College guidelines. The College may, at any time, in its sole discretion, modify or vary from anything stated in this handbook, with or without notice, except for the rights of the parties to end employment at will, which may only be modified by an express written agreement signed by the employee and the President and/or Director of Human Resources.

The Employee Handbook outlines various policies, services, facilities, and resources to help employees become familiar with the College community. The Handbook is current as of the publication date. When operational procedures or policies are updated or changed, future editions of the Handbook will include the changes, or updates may be sent out by campus mail or e-mail. The Employee Handbook is not intended to supersede any College policies. If, at any

time, conflicts arise between statements in the Handbook and existing policies, official policy statements will override Handbook statements.

Employees who feel there are discrepancies between the information in this Handbook and the information given to them by their Supervisor should discuss the matter with the Supervisor. Employees who need specific information about human resource policies not covered in this Handbook should talk to their immediate Supervisor, Senior Cabinet Officer, or appropriate staff member in the Department of Human Resources.

This Handbook is communicated electronically via public website access. Revisions to the Handbook will be communicated via College email. New employees will be provided guidance on accessing the Handbook and asked to sign an Acknowledgement Form to acknowledge receipt of this information. This form acknowledges that the employee has read, or will read, the Handbook in its entirety. Questions concerning the contents of the Handbook should be addressed with the Department of Human Resources at any time.

Hard copies of the Employee Handbook are available in the Department of Human Resources Office for individuals without computer access.

This handbook supersedes all prior handbooks.

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"...to form good men and good citizens..."

## Section 1 - Governing Principles of Employment

### 1-1 Introduction

For employees who are commencing employment with Hampden-Sydney College, on behalf of Hampden-Sydney College, let me extend a warm and sincere welcome. For employees who have been with us, thanks for your past and continued service. I extend my best wishes for success and happiness here at Hampden-Sydney College. We understand that it is our employees who provide the services that our students rely upon and who will enable us to create new opportunities in the years to come.

-Sue V. Carter, Director of Human Resources

### **HAMPDEN-SYDNEY COLLEGE**

Hampden-Sydney College is a selective liberal arts institution enrolling approximately 1,000 students. Founded in 1775, the College is one of the oldest institutions of higher learning in the United States and is the oldest of the country's few remaining institutions for men. Our beautiful 1300-acre campus includes hiking/biking trails, a Frisbee golf course and an adventure highropes and zip line course. The campus is less than 7 miles from downtown Farmville, which includes a historic walkable downtown with a local brewery, art and craft galleries, restaurants, and a rails-to-trail state park that extends over 15 miles in each direction from town. Five additional state parks are located within 30 miles and offer camping, fishing, hiking, boating, swimming, and horseback riding. Farmville is also home to Longwood University and the Moton Museum, which is listed on the US Civil Rights Trail. Farmville is located 65 miles west of Richmond, 50 miles east of Lynchburg, and 75 miles south of Charlottesville, providing abundant opportunities for cultural and artistic resources, field trips, and employment opportunities for partners.

### **HAMPDEN-SYDNEY COLLEGE MISSION, PURPOSE, AND CORE VALUES**

Hampden-Sydney's first president, Samuel Stanhope Smith, described the mission of the College as the formation of good men and good citizens in an atmosphere of sound learning. In pursuit of this mission, Hampden-Sydney College strives to instill in its students a commitment to sound scholarship through studies in the natural sciences, the humanities, and the social sciences; to cultivate qualities of character and moral discernment rooted in the Judeo-Christian tradition; to develop clear thinking and expression; to promote an understanding of the world and our place in it; to impart a comprehension of social institutions as a basis for intelligent citizenship and responsible leadership in a democracy; to prepare those with special interests

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and capacities for graduate and professional study; and to equip graduates for a rewarding and productive life.

To fulfill this mission, the college holds high ideals in each of three areas: character, curriculum, and climate. The College expects its students to be gentlemen of good moral character and to be active and informed participants in the life of their communities. Through their work in classes, students realize that learning is fulfilling work, and fulfilling work draws on learning. In their years at the College, students develop ways of learning that will make their lives productive, as they refine their abilities to **read and think critically, analytically, creatively, and independently**; acquire an integrated education in the humanities, social sciences, and natural sciences; and pursue deeper studies in one or more major areas. Overall, the education students gain at Hampden-Sydney and the work they do here help prepare them to be responsible, productive citizens. The intellectual and moral climate at the College supports the development of graduates who are prepared for an active life informed both by theory and by structured, considered experience. *(from strategic plan H-SC 2020)*

## A BRIEF HISTORY

The College was first proposed in 1771 and was formally organized in February 1775, when the Presbytery of Hanover, meeting at Slate Hill Plantation, about two miles from the site of the present campus, accepted the gift of the site for the campus, elected Trustees (most of whom were Episcopalian), and named as Rector (later styled President) the Reverend Samuel Stanhope Smith. The small frame building, known as The Birthplace, in which the Presbytery's meeting was held has since been placed on campus near Atkinson Hall. Mr. Smith, Valedictorian of the Princeton class of 1769, had been actively promoting the idea of establishing a college in the heavily Scotch-Irish area of south-central Virginia since he began his ministry there in 1772. The College's first classes began on November 10, 1775.

The name Hampden-Sydney was chosen to symbolize the devotion of the founders of the College to the principles of representative government and full civil and religious freedom which John Hampden (1594-1643) and Algernon Sydney (1622-1678) had outspokenly supported, and for which they had given their lives, in England's two great constitutional crises of the previous century. Hampden and Sydney were widely invoked as hero-martyrs by American colonial patriots, and their names immediately associated the College with the cause of independence championed by James Madison, Patrick Henry, and other less famous, but equally vigorous, patriots who were among the College's early Board of Trustees. Indeed, the original students eagerly committed themselves to the revolutionary effort, organized a militia company, drilled regularly, and went off to the defenses of Williamsburg and of Petersburg in 1777 and 1778 respectively. Their uniform, consisting of a garnet hunting shirt (a color obtained by dyeing the shirt in pokeberry juice) and gray trousers, gives the College its traditional colors.



"...to form good men and good citizens..."

During the first one hundred years of its history, the College prospered and grew to maturity, gaining the respect of the public and of the educational world. However, religious controversy, the nation's and Virginia's economic troubles, and the Civil War and its aftermath were for the next two generations the testing-fires of Hampden-Sydney as a stronghold of academic quality. Once again, at the outset of the Civil War, the student body organized a company with the President as Captain. These men, officially named the "Hampden-Sydney Boys," saw action in the disaster of Rich Mountain (July 10, 1861), were captured and subsequently paroled by General George B. McClellan on the condition that they returned to their studies.

The twentieth century saw considerable expansion and construction, all as part of the general enhancement of an already distinguished College. The Campus has grown steadily through purchase and gift and is surrounded largely by farms, small residences, and woodland.

For more details on the College's development and some of those who had a part in it, please refer to the Academic Catalog for the current year, or to *On This Hill: A Narrative History of Hampden-Sydney College 1774-1994*, by John Luster Brinkley.

## 1-2 The Organization and Operation of the College

The College was incorporated by the grant of a Charter from the General Assembly of Virginia in June 1783. The Chief Executive officer of the College is the President. All lines of authority and responsibility flow to the President. For internal matters, however, these lines flow to the President through his Senior Cabinet Officers. The President is responsible to the Board of Trustees, of which the President is an ex-officio member. The other 40 members are elected for 4-year terms. The Executive Committee of the Board of Trustees reviews the recommendations of the President and may act on behalf of the full Board of Trustees, which is responsible for the overall policies of the College.

The College has seven administrators who assist the President in managing the College. These officers, known as the Senior Cabinet, are:

- Director of Athletics
- Director of Marketing and Communications
- Dean of Culture and Inclusion
- Dean of the Faculty
- Dean of Students
- Vice President for Business Affairs and Finance
- Vice President for College Advancement
- Vice President for Enrollment

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The line of the organization consists of the President, the Senior Cabinet, and the department Directors and Supervisors. All day-to-day authority rests ultimately with the President, who delegates to the Senior Cabinet. Responsibility for the operation of each department lies with the appropriate member of the Senior Cabinet, who reports directly to the President.

Each member of the Senior Cabinet keeps the President and other members of the Senior Cabinet informed of the plans, activities, and concerns about their area of responsibility. Even though each Senior Cabinet member has direct control over their area of responsibility, the President is consulted before major policy changes are made.

In the absence of, or during the disability of the President, the Dean of the Faculty acts for the President in all routine matters. Administrative staff members report directly to the member of the Senior Cabinet responsible for their area. Faculty members should consult first with the Dean of the Faculty on matters concerning academic and faculty affairs. In general, any problem or matter of concern should be taken up by the administrator responsible for that respective area. For more information, see [Organizational Charts](#) on our website.

The Faculty Handbook defines the areas of faculty responsibility. Normally, a faculty issue or policy matter is studied by a committee of the faculty that reports to the whole faculty for a decision. Except under exceptional circumstances, as outlined by the College bylaws, a faculty decision within the faculty's sphere of responsibility is final.

However, operational details are not the typical responsibility of the faculty. The faculty may appropriately request an explanation or question any decision made by an administrator, but executive authority remains with the President and the Senior Cabinet. While the President, as Chief Executive Officer, has veto power over any official action proposed by the officers or committees of the College, the normal pattern of governance is that of seeking consensus through consultation. If the difference of opinion is particularly severe, the issue may be referred to the Executive Committee of the Board or to the full Board of Trustees. Since the President is directly responsible to the Board of Trustees for the conduct of the College, all official communications of faculty, administrative personnel, or students are to be sent to the Board through the President or with his full knowledge.

The management of Hampden-Sydney College reserves the right to exercise all the customary and ordinary functions of management, including, but not limited to, the right to manage and control the premises and equipment; to select, hire, promote, suspend, dismiss, assign, supervise, and discipline employees; to determine and change work schedules and shifts; to transfer employees within departments or into other departments and other classifications; to determine and change the size, composition, and qualifications of the workforce; to establish, change and abolish policies, practices, procedures, rules, and regulations; to determine and modify job descriptions and job classifications; to determine and change the methods and means

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by which College operations are to be carried out; and to assign duties to employees in accordance with the College's needs and requirements.

### 1-3 Equal Employment Opportunity

While exempted from Subpart C of Title IX of the Higher Education Amendments of 1972, 20 U.S.C. § 1681 et seq. ("Title IX") with respect to its admission and student recruitment activities, Hampden-Sydney College (the "College") is an Equal Opportunity Employer that does not discriminate on the basis of actual or perceived race, color, religious creed, national origin, ancestry, citizenship status, age, sex or gender (including pregnancy, childbirth, and related medical conditions), gender identity or expression (including transgender status), sexual orientation, marital status, military service and veteran status, physical or mental disability, protected medical condition as defined by applicable state or local law (such as cancer), reproductive health decision making, genetic information, or any other characteristic protected by applicable federal, state, or local laws and ordinances. Hampden-Sydney College's management team is dedicated to this policy with respect to talent recruitment, hiring, placement, promotion, transfer, training, compensation, benefits, employee activities, access to facilities and programs, and general treatment during employment.

The College will endeavor to make a reasonable accommodation of an otherwise qualified applicant or employee related to an individual's: physical or mental disability; sincerely held religious beliefs and practices; needs as a victim of domestic violence, sex offenses, or stalking; needs related to pregnancy, childbirth, or related medical conditions; and/or any other reason required by applicable law, unless doing so would impose an undue hardship upon the College's business operations. Any applicant or employee who needs an accommodation to perform the essential functions of the job should contact Director of Human Resources to request such an accommodation. The individual should specify what accommodation is needed to perform the job and submit supporting documentation explaining the basis for the requested accommodation, to the extent permitted and in accordance with applicable law. The College will review and analyze the request, including engaging in an interactive process with the employee or applicant, to identify if such an accommodation can be made. The College will evaluate requested accommodations, and as appropriate identify other possible accommodations, if any. The individual will be notified of the College's decision within a reasonable period. The College treats all medical information submitted as part of the accommodation process in a confidential manner.

Any employees with questions or concerns about equal employment opportunities in the workplace are encouraged to bring these issues to the attention of Director of Human Resources. The College will not allow any form of retaliation against individuals who raise issues of equal employment opportunity. If employees feel they have been subjected to any such retaliation, they should contact Director of Human Resources. To ensure our workplace is free of artificial

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barriers, violation of this policy including any improper retaliatory conduct will lead to discipline, up to and including discharge. All employees must cooperate with all investigations conducted pursuant to this policy.

## Section 2 - Operational Policies

### 2-1 Hiring Practices

The College adheres to hiring procedures to locate the best possible candidates and promote fairness and equity in the creation of, and candidate selection for, new positions and vacancies.

Requests for new positions are to be submitted to the Director of Human Resources. Requests should include justification and a draft job description. New positions (full or part-time) cannot be created without approval from the Hiring Committee, which consists of the President, Dean of the Faculty, and Vice President for Business Affairs and Finance. Part-time positions may not be converted to full-time positions without approval from the Hiring Committee. All permanent positions must have a graded job description prior to the beginning of the hiring process.

Steps to filling a position:

1. When a vacancy occurs, the Supervisor must immediately contact the Director of Human Resources. If applicable, a letter of resignation is required. The Director of Human Resources will seek approval from the Hiring Committee to advertise the position.
2. A review of the position description and job advertisement is required. If changes are made, the job description may be reviewed by a Supervisor and the Director of Human Resources to ensure that the salary grade level is appropriate.
3. The Supervisor and Human Resources staff will work together to create a job advertisement. The final draft must be approved by the Director of Human Resources.
4. All job advertisements will contain either a cut-off date or a statement that the position will be open until filled.
5. Any position that requires a search will be advertised on campus. All internal candidates who meet the minimum requirements for the position are encouraged to apply.
6. The Supervisor and Human Resources staff will work together to determine the best placement of the advertisement externally, if applicable. The Office of Culture and Inclusion team must assess all vacancies before they are advertised, and will, as needed, serve as the Diversity Advocates throughout the search process.
7. Candidates will apply through Paycom. All paper applications received by the Department of Human Resources will be uploaded to Paycom. Supervisors and the search committee, if applicable, will have access to Paycom to review the applications and begin the selection process.
8. Interviews may be conducted by the Supervisor only, by the Supervisor in conjunction with the Director of Human Resources, or by an officially constituted

search committee. Search committees are comprised of faculty and/or staff members that have been recommended by the Supervisor and approved by the appropriate member of the Senior Cabinet. The Director of Human Resources will provide search committees with the tools and resources needed for a successful and fair process.

9. When a hiring decision has been reached, the Supervisor will notify the Director of Human Resources, and a salary with a start date will be established. The Hiring Committee must approve all salary offers prior to the offer being made.
10. Verbal job offers, contingent upon successful background checks, are to be made by the Supervisor or the Director of Human Resources. Once a position is offered and has been accepted, the applicant will be required to sign a Release Authorization for a background investigation.
11. A completed Hampden-Sydney College employment application or resume, and a signed Consent Document must be submitted to the Department of Human Resources.
12. Once a successful background investigation has been completed, a Salary Agreement Letter will be issued by the Vice President for Business Affairs and Finance.
13. The Supervisor is responsible for checking personal references. The Director of Human Resources will provide Supervisors with the tools and resources needed for a successful and fair process.
14. Applicants who were not interviewed will receive regret letters from Human Resources. Supervisors are responsible for notifying interviewed candidates that they were not selected for the position.

The College places no restriction on the employment of individuals from the same family. In order to remove any potential conflict of interest, no Supervisor or Senior Cabinet Officer will have immediate hiring authority or supervisory responsibility for a member of his or her immediate family (spouse, parent, or child). The exception to this policy may be granted because of the promotion of an employee to a supervisory position. This and any other exceptions must be approved in advance by the Director of Human Resources.

## **2-2 Background Screenings**

All offers of employment at Hampden-Sydney College are contingent upon clear and satisfactory results of a thorough background check. Background checks will be conducted on all final candidates and on all employees who are promoted, as deemed necessary, at the sole discretion of the College. Additionally, specific categories of employees will submit to the annual background re-screening. All background checks will be conducted in accordance with applicable laws.

Employees in the following departments and positions will be required to submit to an annual background rescreening: Athletic Coaches, Athletic Trainers, Counselors, Nurses, Chaplain,

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Academic Success staff, and all Admission Deans. The annual background re-screening will have a look-back period of 12 months and will include Criminal History and Offender registry searches.

Employees who are subjected to the background check procedures must complete a background check authorization. Human Resources will order the background check; an email link will be sent to the candidate to complete the background authorization. A paper form is available if needed. An employment screening service will conduct the checks. The Human Resources Director will review all results. Employees who refuse to sign the background check authorization form will not be eligible for employment or continued employment with the College.

Certain felony and misdemeanor convictions may disqualify an individual from employment with Hampden-Sydney College if the College determines that the conviction is job-related and disqualification is consistent with business necessity. The College will conduct an individualized assessment based on the nature of the conviction, the time elapsed since the conviction, requirements of the employment role, and other relevant factors.

Background check information will not be shared except with those employees who have a business need to evaluate the information. Background check information will be maintained in a sealed envelope located in employees' personnel files for a minimum of five years.

## **2-3 Your Employment Records**

The Human Resources staff maintains personnel records for all full-time, part-time, and faculty employees. These records, which include information related to employment, are confidential and are the property of the College. Employees may request a review of their personnel file by contacting the Director of Human Resources.

The employee should keep his or her personnel file up to date by informing Human Resources of any changes. The employee should also inform Human Resources of any specialized training or skills he or she may acquire in the future, as well as any changes to any required visas. Unreported changes of address, marital status, etc. can affect withholding tax and benefit coverage. Further, an "out of date" emergency contact or an inability to reach the employee in a crisis could cause a severe health or safety risk or other significant problem.

Federal law requires that every employee hired by the College after November 6, 1986, complete Section I of the Employment Eligibility Verification Form (commonly called the I-9) on the first day of work and Section 2 within three workdays of the start of work. The I-9 provides proof of eligibility to work in the United States and at Hampden-Sydney College. Acceptable documentation of identity and work eligibility, as described on the back of the I-9

form, must be presented to staff in the Human Resources Office for verification. Completion of the I-9 process within three workdays of the start of work is a condition of employment.

If an employee's status documents expire on a particular date, he or she must come to the Department of Human Resources with appropriate documentation before the expiration date of the documents. Failure to provide the required documentation by the expiration date may lead to suspension and termination of employment. The Human Resources staff can answer questions about the employment eligibility and verification process.

## **2-4 Classifications and Compensation**

The College's classification plan provides a method of assigning a salary grade level determined by the Department of Human Resources review of a position description. Factors considered in assigning a grade level include the complexity of duties, latitude, accuracy, contacts, job conditions, physical application, educational requirements, experience, and supervision of others. The Department of Human Resources is responsible for conducting external salary surveys and internal wage and salary compensation reviews to assure that the salary grades and ranges in use by the College remain competitive internally and externally.

A salary scale has been developed that defines a minimum, midpoint, and maximum salary range for each graded position on campus. Once a position has been assigned a grade level, the Director of Human Resources will determine the salary range using a predetermined scale for salaries. All positions filled at the College will be paid no less than the minimum and will not usually exceed the maximum. Certain positions may exceed the maximum based on market demand.

The salary ranges and corresponding formulas for determining a grade level are maintained in the Department of Human Resources. Employees may obtain information only about their own position and Supervisors may obtain information only about positions within their own department. Salary ranges are not published in advertisements but will be supplied to prospective applicants upon request.

Each position on campus has a title and a description of the duties and responsibilities expected in that position. The job description for new positions is prepared through a combined effort of the Supervisor and the Director of Human Resources. Changes or updates to positions currently held by an employee are prepared by the Supervisor and/or the employee in conjunction with the Director of Human Resources.

The Director of Human Resources assigns position titles in conjunction with the department Supervisor. Titles must follow established College guidelines and may not be changed without the approval of the Director of Human Resources, the immediate Supervisor, and the



appropriate Senior Cabinet Officer. Some title changes may require the approval of the President.

New employees are given a copy of their job description at orientation. Employees may request a copy of their job description at any time from the Department of Human Resources. The job description includes the title, grade level, exempt or non-exempt status, duties expected, along with education and experience required for the position.

The employees of Hampden-Sydney College are categorized for administrative purposes. The following designations are used throughout the policies in this Handbook:

**Non-exempt:** A non-exempt employee's job is covered by the provisions of the FLSA by virtue of their job responsibilities, and they receive overtime pay for hours worked in excess of forty in a given week. The official workweek at the College is defined as beginning at 12:01 a.m. Saturday morning and ending at 12:00 a.m. on the following Friday night.

**Exempt:** An exempt employee is exempt from both the minimum wage and overtime requirements of the FLSA. Exempt employees are those whose primary duties are professional, administrative, executive, or computer-related and are paid on a salaried basis.

**Full-Time:** Full-time office and administrative staff work a minimum of 37.5 hours per week, 1950 hours per year, throughout the fiscal year. Full-time Facilities Management and Campus Security and Police employees work a minimum of 40 hours per week, 2080 hours per year, throughout the fiscal year. Staff employees who work less than 1950 hours but more than 999 hours per year and work on a consistent basis are eligible for the same benefits (some prorated) as full-time employees.

**Part-Time:** Part-time employees work less than 1,000 hours per fiscal year at a regularly scheduled job. Part-time employees are not eligible for any leave programs offered by the College and may not participate in the benefit plans offered by the College, except the College's retirement plan.

**Temporary:** Temporary employees who are hired to cover full-time, twelve-month positions consisting of a minimum of 37.5 hours of work per week are eligible for benefits similar to full-time employees, and their first year of temporary employment will count towards meeting the one-year waiting period required to receive certain benefits. Temporary employees who are hired to fill a position of less than a twelve-month position are eligible for Social Security and Workers' Compensation benefits only.

## 2-5 Safe Harbor Policy for Exempt Employees

It is College policy and practice to accurately compensate employees and to do so in compliance with all applicable state and federal laws. To ensure employees are paid properly and no improper deductions are made, employees must review their pay stubs promptly to identify and report all errors.

If the employee believes a mistake has occurred or if the employee has any questions, the employee should use the reporting procedure outlined below.

Exempt salaried employees receive a salary that is intended to compensate for all hours worked for the College. This salary will be established at the time of hire or when the employee becomes classified as an exempt employee. While it may be subject to review and modification from time to time, such as during salary review times, the salary will be a predetermined amount that will not be subject to deductions for variations in the quantity or quality of the work performed.

Under state law, salary is subject to certain deductions. For example, the employee's salary can be reduced for the following reasons:

- full-day absences for personal reasons;
- full-day absences for sickness or disability, if the available paid sick leave has been exhausted;
- intermittent absences, including partial-day absences, covered by the federal Family and Medical Leave Act, if other available paid leave has been exhausted;
- to offset amounts received as payment for jury and witness fees or military pay;
- during the first or last week of employment in the event the employee works less than a full week; and
- any work week in which the employee performs no work for the College.

Salary also may be reduced for certain types of deductions, such as the employee portion of health, dental, or life insurance premiums; state, federal or local taxes, social security; or, voluntary contributions to a pension plan.

In any workweek in which the employee performed any work, the employee's salary will not be reduced for any of the following reasons:

- partial-day absences for personal reasons, sickness or disability;
- absence on a holiday when the facility is closed or because the facility is otherwise closed on a scheduled workday;
- absences for jury duty, attendance as a witness or military leave in any week in which the employee has performed any work; and

- any other deductions prohibited by state or federal law.

If employees believe they have been subject to any improper deductions, they should immediately report the matter to their supervisor. If the supervisor is unavailable or if employees believe it would be inappropriate to contact that person (or if they have not received a prompt and fully acceptable reply), they should immediately contact Payroll Manager or any other supervisor in the College with whom the employee feels comfortable. If employees are unsure of whom to contact if they have not received a satisfactory response within five (5) business days after reporting the incident, they should immediately contact the Director of Human Resources, 202 Gilkeson PO Box 25 Hampden Sydney VA 23943, 434-223-6220.

Every report will be fully investigated and corrective action will be taken where appropriate, up to and including termination for any employee who violates this policy. In addition, the College will not allow any form of retaliation against individuals who report alleged violations of this policy or who cooperate in the investigation of such reports. Retaliation is unacceptable, and any form of retaliation in violation of this policy will result in disciplinary action, up to and including termination.

## 2-6 Your Paycheck

New employees are provided a salary agreement letter with a salary established in relation to immediate responsibilities, level of job preparedness, and relevant prior work experience. Subsequent increases in pay are based on performance and the availability of funds as directed by the budget process.

If salary adjustments are offered, they will be issued effective July 1 or January 1 of each year. Unless otherwise directed by the President of the College, employees with less than 12 months of full-time service to the College are ineligible for the salary adjustments.

All exempt employees are paid monthly for the current month's work on the 25th of the month, or if the 25th is not a regular workday, on the last regularly scheduled workday before the 25th. Hourly employees are paid bi-weekly on Fridays for the preceding two weeks worked. Check the most recent version of the College's Pay Schedule Calendar on our website.

The College requires the employees to have a direct deposit set up for payroll purposes. Employees will have their paychecks electronically deposited to their checking and/or savings account at the bank of their choice. Employees can input their bank information, as well as view and/or print their detailed pay stubs in the Employee Self-Service Portal in Paycom. No paper checks will be issued for payroll purposes.

Employees are to report paycheck discrepancies to their Supervisor and/or the Payroll Manager for review within ten days of receipt of the paycheck. The pay adjustment needed to correct an error will ordinarily be made on the employee's next regularly scheduled payday.

## 2-7 Salary Advances

The College understands that employees may face situations in which they are unable to wait until the next payroll is processed. Therefore, the Human Resources staff will approve payroll advances in the maximum amount of \$500, to be issued by the Accounts Payable check in the Business Office. The advance will be deducted from the employee's paycheck in increments of \$100 or more, and no additional advances will be issued until the balance is paid in full. Should you have any questions or to take advantage of this benefit, please contact the Payroll Manager.

## 2-8 Working Hours, Schedule, and Rest Breaks

The official workweek for employees of Hampden-Sydney College begins at 12:01 a.m. on Saturday and ends at 12:00 midnight the following Friday. The College offices are open from 8:30 a.m. to 5:00 p.m., Monday through Friday. The Facilities Management hours of operation are 7:00 a.m. to 4:30 p.m., Monday through Friday. These will be normal working hours. However, to enable some departments to function more efficiently, it may become necessary for Supervisors to alter the normal working hours for these departments or for certain positions within the department. The Supervisor is responsible for establishing the arrival and departure times and a meal period within the daily schedule.

Employees of the Facilities Management and Campus Security and Police, with the exception of administrative or office staff, work a minimum of 40 hours per week. All other exempt and non-exempt staff employees work a minimum of 37.5 hours per week.

Non-exempt employees who work three-and-one-half (3-1/2) or more hours per day are authorized and permitted one (1) 10-minute rest break for every four (4) hours or major fraction thereof worked. For purposes of this policy, "major fraction" means any time greater than two (2) hours. For example, if employees work more than six (6) hours, but no more than 10 hours in a workday, they are authorized and permitted to take two (2) 10-minute rest breaks: one (1) during the first half of a shift and a second rest break during the second half of the shift. If employees work more than 10 hours but no more than 14 hours in a day, they are authorized and permitted to take three (3) 10-minute rest breaks, and so on.

Rest breaks should be taken as close to the middle of each work period of four (4) hours or major fraction thereof as is practical. Employees do not need to obtain their supervisor's approval or notify their supervisor when taking a rest break. Employees are encouraged to take their rest breaks; they are not expected to and should not work during their rest breaks. Non-

exempt employees are paid for all rest break periods and do not need to clock out when taking a rest break.

Rest breaks may not be combined with another rest break or with the meal period. In addition, rest breaks may not be taken at the beginning or end of the work day to arrive late or leave early. Each rest break must be a separate break, meeting the requirements described above. If any work is performed during a rest break, or if the rest break is interrupted for any work-related reason, the employee is entitled to another uninterrupted paid rest break.

Hampden-Sydney College also provides cool-down rest and recovery periods as needed to prevent heat illness for employees that perform work outdoors as required under applicable state law.

Employees who work more than five (5) hours in a workday are provided an unpaid, off-duty meal period of at least 30 minutes. Employees are responsible for scheduling their own meal periods, but they should confirm them with their supervisor. Meal periods must begin no later than the end of the fifth hour of work. For example, the employee who begins working at 8:00 a.m. must begin the meal period no later than 12:59 p.m. When scheduling a meal period, employees should try to anticipate workflow and deadlines.

Employees who work more than 10 hours in a day are entitled to a second unpaid, off-duty 30-minute meal period. Employees entitled to a second meal period should schedule their second meal period so it begins no later than before the end of their tenth hour of work, meaning the meal period should begin after working no more than nine (9) hours, 59 minutes.

During meal periods, employees are relieved of all duty and should not work during this time. When taking a meal period, employees should completely stop working for at least 30 minutes. Employees are prohibited from working "off the clock" during their meal period.

Those employees who use a time clock must clock out for their meal periods. These employees are expected to clock back in and promptly return to work at the end of any meal period. Those employees who record their time manually must accurately record their meal periods by recording the beginning and end of each work period. Unless otherwise directed by a supervisor in writing, employees do not need to obtain a supervisor's approval or notify a supervisor when taking a meal period. Employees are to immediately notify Human Resources if they believe that they are prevented by the nature of their work from taking a timely and/or complete meal period. If no more than six (6) hours of work will complete the day's work, employees may voluntarily waive the meal period in writing. Employees should see Human Resources to obtain this waiver form. If the employee works no more than twelve (12) hours, the employee can waive the second meal period, but only if the first meal period was received and not waived in any manner. Any waiver of the second meal period must be in writing and submitted before the

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second meal period. Employees should see Human Resources to obtain this waiver form. Employees who work more than 12 hours may not waive, and should take, their second unpaid, off-duty and uninterrupted 30-minute meal period.

Employees are completely relieved of all work duties and responsibilities during their rest breaks and meal periods. All rest breaks and meal periods must be taken outside the work area, such as in a break room. Employees may leave the premises during rest breaks and meal periods. Employees should not visit or socialize with employees who are working while they are taking a rest break or meal period. Employees, including those in sensitive positions like security or information technology, are not expected to remain “on call” or available to respond to messages, monitor radios, telephones, email, or other devices during meal periods and rest breaks.

Employees are required to immediately notify Human Resources if they believe they are being pressured or coerced by any manager, supervisor or other employee to not take any portion of a provided rest break or meal period.

Employees are expected to give advance notification of absence or late arrival whenever possible. If a situation arises requiring the employee to be absent without prior notification, the immediate Supervisor is to be notified as soon as possible, but no later than 30 minutes after the employee's scheduled starting time. When an employee requests to arrive late, a definite arrival time must be established. If the employee cannot be at work at that time, they should contact the Supervisor again and establish a subsequent arrival time.

Leaving a message on the Supervisor's voice mail or an email message to the Supervisor will be considered an appropriate notification. Failure by an employee to properly notify the Supervisor of absence, tardiness, or persistent failure to meet the work schedule may cause disciplinary action up to and including termination.

## 2-9 Timekeeping Procedures

Non-exempt employees must record their actual time worked for payroll and benefits purposes. Exempt employees must record the time off for payroll and benefits purposes. Altering, falsifying, or tampering with time records is prohibited and subjects the employee to discipline, up to and including discharge.

It is the employee's responsibility to approve time records to certify the accuracy of all time recorded. Any errors in the time record should be reported immediately to a Supervisor, who will attempt to correct legitimate errors.

The College utilizes an online HRIS (Human Resources Information Solutions) called Paycom that records employees' time on and away from the job. From Paycom, employees, Supervisors,

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and Human Resources staff may review and manage time and attendance. All employees are provided training and login information during employee orientation.

Exempt and Non-Exempt employees are expected to submit requests for absences, i.e. vacation and sick leave, in Paycom no later than 48 hours after the conclusion of leave in question, and must verify their time cards regularly. Supervisors must review and approve all absences and time cards regularly for each employee.

## 2-10 Overtime

Like most successful companies, we experience periods of extremely high activity. During these busy periods, additional work is required from all of us. Supervisors are responsible for monitoring business activity and requesting overtime work if necessary. Efforts will be made to provide employees with adequate advance notice in such situations.

The Fair Labor Standards Act (FLSA) defines minimum wage and overtime compensation requirements for employers. It requires that employees (except those considered exempt from the law) be compensated at one and one-half times their regular hourly rate for any hours worked in excess of 40 in a workweek. Employees are to be paid for all hours worked within the pay period in which those hours were worked.

Employees may work overtime only with prior management authorization.

Exempt employees are not entitled to overtime.

Only hours actually worked, in addition to paid holiday hours and emergency mandatory College closings, are considered when counting hours for overtime purposes. Days missed or time away from work for vacation, personal leave, or illness, even if paid, will not be counted as hours worked for the purpose of computing eligibility for overtime pay.

Non-exempt employees who are required to work during holidays and emergency mandatory closings of the College will be compensated at one and one-half times their regular hourly rate for the hours worked, in addition to their regular pay. This will be referred to as "Holiday Pay" or "Closure Pay" and will not be compensated in addition to regular overtime.

## 2-11 Travel Time for Non-Exempt Employees

**Overnight, Out-of-Town Trips:** Non-exempt employees will be compensated for time spent traveling (except for meal periods) during their normal working hours, on days they are scheduled to work, and on unscheduled workdays (such as weekends). Non-exempt employees will also be paid for any time spent performing job duties during otherwise non-compensable travel time. However, such work should be limited absent advance management authorization.

**Out-of-Town Trips for One Day:** Non-exempt employees who travel out of town for a one-day assignment will be paid for all travel time, except for time spent traveling between the employee's home and the local railroad, bus, or plane terminal; and meal periods.

**Local Travel:** Non-exempt employees will be compensated for time spent traveling from one job site to another job site during a workday. The trip home, however, is non-compensable when an employee goes directly home from their final job site unless it is much longer than the employee's regular commute home from the regular worksite. In such a case, the portion of the trip home in excess of the regular commute is compensable.

**Commuting Time:** Under the Portal-to-Portal Act, travel from home to work and from work to home is generally non-compensable. However, if a non-exempt employee regularly reports to a worksite near his/her home, but is required to report to a worksite farther away than the regular worksite, the additional time spent traveling is compensable. If compensable travel time results in more than 40 hours worked by a non-exempt employee, the employee will be compensated at an overtime rate of one and one-half times the regular rate.

To the extent that applicable state law provides greater benefits, state law applies.

## 2-12 Remote Work/Telecommuting

Hampden-Sydney College may allow employees to work remotely if their job duties and work performance are determined to be eligible for remote work. Eligibility will be decided on a case-by-case basis by the employee's Supervisor. Employees also may be required to work remotely during periods of public health emergencies or weather-related closures if government orders and mandates recommend such work.

This policy provides general information regarding remote work/telecommuting. Employees who are approved to work remotely should consult with their Supervisor for specific details of their remote work/telecommuting arrangement, such as expected work hours, equipment provided, and other important information.

Any remote work/telecommuting arrangement may be discontinued by the College at any time and at the discretion of the College. Employees also may discontinue the arrangement but may not be guaranteed office space at the College's location.

Remote employees will work full-time from their remote locations. Scheduled hours of work will be set by the employees' Supervisor. Employees should maintain regular contact with their Supervisors.

Nonexempt employees must accurately record all hours worked pursuant to the College's timekeeping system and take rest and meal breaks as if in the College's workplace and as



required by law. Nonexempt employees may not work beyond scheduled working hours (including working more than 40 hours in a workweek) without prior, written authorization from their Supervisor.

Employees who work remotely will provide, at their own expense, a secure, dedicated work area. Employees are responsible for maintaining the work area in a safe, secure, and nonhazardous condition at all times. Employees will maintain security devices and procedures necessary to prevent use by unauthorized persons, including by preventing the connection of any College-furnished computer system, network, or database to any computer, network, or database other than a computer, network, or database to which connections are provided or authorized by the College.

Employees who work remotely are expected to follow all existing College policies and procedures. The duties, obligations, responsibilities, and conditions of employment with the College remain unchanged. Employees must stay engaged with work throughout the workday and be fully available during normal business hours. If employees do not successfully perform their job duties remotely, this arrangement will be revoked. Employees are expected to follow existing College policies with respect to scheduled and unscheduled time off, including the obligation to speak with their Supervisor before the scheduled start time in the event of an unscheduled absence, tardy, or early departure.

Employees agree to maintain safe conditions in the remote workspace and to practice the same safety habits and rules applied on College premises. If employees incur an injury arising out of the course and scope of the assigned job duties while working in the remote workspace, the workers' compensation provisions in place for the state in which the employees are working will apply. Employees must notify their Supervisor immediately and complete all necessary and/or requested documents regarding the reported injury. The College assumes no responsibility for injuries occurring in the remote workspace outside normal working hours or for injuries that occur as a result of a reasonably recognizable unsafe remote workspace.

Employees agree to use electronic equipment that has been encrypted and meets all of the College's security requirements. If the College provides equipment for home use, employees agree to provide a secure location for College-owned equipment and will not use, or allow others to use, such equipment for purposes other than College business. Employees have no expectation of ownership in such equipment, linkages, property, or other items installed or provided by the College. The College will bear the expense of removal of any such equipment, linkages, and installations provided by the College upon the termination of the remote work/telecommuting arrangement but not the modification of or repairs to the work location. Employees hereby release the College from any damage or liability incurred in the installation or removal of the equipment provided by the College.

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All equipment, records, and materials provided by the College will remain the College's property. Employees agree to return College equipment, records, and materials upon request. All College equipment will be returned by employees for inspection, repair, or replacement as needed or requested or immediately upon termination of the remote work/telecommuting arrangement. All equipment must be returned within five (5) business days of the written notice to the employees.

Upon presentment of receipts and in accordance with the Business Expense Reimbursement policy, the College will reimburse employees for certain preapproved expenses. Regular household utility charges, such as electricity, water, phone, Internet service, auto, homeowners' insurance, etc., are not reimbursable unless state law requires reimbursement.

Employees agree that they are subject to the College's policies prohibiting the nonbusiness use or dissemination of the College's confidential business information. Employees will take all appropriate steps to safeguard the College's confidential business information, including segregating it from personal papers and documents, not allowing nonemployees to access such information, and keeping such information in locked drawers or file cabinets when not in use. Employees will maintain confidential information, including, but not limited to, information regarding the College's products or services, processing, marketing and sales, client lists, client e-mail addresses and mailing addresses, client data, orders, memoranda, notes, records, technical data, sketches, designs, plans, drawings, trade secrets, research and development data, experimental work, proposals, new product and/or service developments, project reports, sources of supply and material, operating and cost data, and corporate financial information.

## 2-13 Emergency Closures

When an emergency or extraordinary circumstances warrant, such as those in case of inclement weather, the College reserves the right to close or delay opening. Decisions to close or delay openings are made by Vice President for Business Affairs and Finance and the Dean of the Faculty, and the notifications are prepared and distributed by the Director of Human Resources. Employees will be notified via the Emergency Notification System.

If the College remains open during inclement weather, it is each employee's decision as to whether they will arrive at work or not. Employees who elect not to report to work must use any accrued paid time off for the missed day.

If the College announces closure or delayed opening on a given day, all full-time employees will receive their regular pay for the time period in question. Non-exempt College employees who are required to work during the closing periods will be compensated at one and one-half times their regular hourly rate for the hours worked, in addition to their regular pay. This will be referred to as "Closure Pay" and will not be compensated in addition to regular overtime.

## 2-14 Performance Reviews

Depending on the employee's position and classification, Hampden-Sydney College endeavors to review performance on annual basis. However, a positive performance evaluation does not guarantee an increase in salary, a promotion, or continued employment. Compensation increases and the terms and conditions of employment, including job assignments, transfers, promotions, and demotions, are determined by and at the discretion of management.

In addition to these formal performance evaluations, the College requires employees and supervisors to discuss job performance and submit comments to employees' personnel files in Paycom, via Performance Discussion Forms, on a monthly basis.

## 2-15 Business Expense Reimbursement

The Hampden-Sydney College's policy is to reimburse faculty and staff for approved travel and transportation expenses incurred during approved related travel. Faculty and staff who request reimbursement for travel and transportation expenses, in conjunction with fulfilling their responsibilities to the College, must submit a complete accounting to the College including itemized receipts for all expenditures. The procedures detailed here are effective for all College travel and related expenses, regardless of the funding source. Reimbursement from a grant or contract may impose additional terms and conditions beyond those stated here.

Allowable expenses include:

- **Transportation.** College travelers are expected to travel by the most direct, economical, and expeditious means of transportation available. Air travel is restricted to coach, tourist, and other economy plans when available. The use of rental cars is limited to situations where commercial transportation facilities or College pool vehicles are either not available or their use is impractical. Mid-sized vehicles should be used as they represent the best combination of safety and economy. If an employee chooses to use a personal vehicle for College business, they will be reimbursed at the current rate per mile, plus bridge, tunnel, highway tolls, and parking fees. (For more information on the use of College pool vehicles or personal vehicles while conducting College business, please review the *Operation of Vehicles* section of this Employee Handbook). Taxis and limousines are allowed between terminals, hotels, and places of business. Shared use of taxis and limousines is encouraged and should be utilized where practicable.
- **Meals and Lodging.** It is the College's policy to reimburse individuals traveling on College business for their actual college-related expenses of meals and lodging, but not personal expenses. The College will reimburse one alcoholic beverage with dinner. Although maximum reimbursement limits for meals and lodging will not

normally be imposed, it is expected that those traveling on College business will use prudence in keeping costs to reasonable levels. If in doubt about what is allowable, the employee should consult their Supervisor.

- **Other.** Other allowable costs include the following, if related to College business: passport and visa costs, telephone tolls or calls (College assigned phone cards should be used for the lowest fees), registration fees, traveler's checks, and reasonable and necessary expenses for laundry during trips exceeding one week.

Non-reimbursable expenses include but are not limited to travel costs of spouses and dependents, personal telephone calls or tolls, personal expenses for entertainment, individually purchased trip life insurance (College provides accidental death and dismemberment insurance for all full-time employees traveling for the College), traffic tickets, motor club memberships, babysitting fees, and valet parking fees.

The Business Office form – *Expense Report* – must be used to document travel expenses incurred by employees traveling on College business. All travel and related expenses must be itemized in the form. Itemized receipts, paid bills, or similar evidence must be attached to the form to support all expenditures for lodging, expenditures for travel (air, rail, bus, automobile rental, etc.), and any other expense of \$20.00 or more. Original documentation must be attached to the *Expense Report*. Photocopies should not be used. It is the responsibility of the Supervisor of the employee's traveling on College business to review the *Expense Report* for funding availability, compliance with College travel policies, the propriety of the travel expenses, and completeness of documentation. A completed *Expense Report* should be submitted to the Business Office, where it will be reviewed for completeness of documentation and accuracy and compliance with this policy before reimbursement is made.

The College provides travel advances where there is a need for cash to be used on a College-related trip. Advances may be in the form of cash received at the cashier's office during normal hours of operation or may be in the form of checks issued to the traveler. Cash advances are limited to \$300 per trip and are dependent on the availability of cash at the time the request is made. Any advance greater than \$300 must be made by a *Miscellaneous Check Request*. All travelers are strongly urged to receive their travel advance in the form of a check. Not only is this a safer method to receive the advance, but it also enables the College to better plan its cash utilization. Advances in the form of a check are made by submitting a *Miscellaneous Check Request* to the Business Office at least ten working days prior to the date the advance is needed. Additional travel advances will not be issued until all previously issued advances have been cleared.

A complete Expense Report detailing the utilization of College funds must be submitted to the Business Office no later than ten working days following the completion of travel. This applies

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whether the traveler is reporting on a utilization of an advance or requesting reimbursement of personal funds utilized.

Any exceptions to this policy must be approved in advance by employee's Supervisor and College Controller. All documentation for exceptions must be submitted with the expense report.

## **2-16 Use of Facilities, Equipment and Property, Including Intellectual Property**

Equipment essential in accomplishing job duties is often expensive and may be difficult to replace. When using College's property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines.

Employees should notify their Supervisor if any equipment, machines, or tools appear to be damaged, defective, or in need of repair. Prompt reporting of loss, damage, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. The Supervisor can answer any questions about an employee's responsibility for maintenance and care of equipment used on the job.

Employees also are prohibited from any unauthorized use of the College's intellectual property.

Improper, careless, negligent, destructive, or unsafe use or operation of equipment can result in discipline, up to and including discharge.

Further, the College is not responsible for any damage to employees' personal belongings, unless the employee's Supervisor provided advance approval for the employee to bring the personal property to work.

## **2-17 Use of Communications and Computer Systems**

Hampden-Sydney College's communication and computer systems, including voicemail, email, and internet, are intended primarily for business purposes. However, limited personal usage is permitted if it does not hinder the performance of job duties or violate any other College policy. Users have no legitimate expectation of privacy in regard to their use of the College's systems.

The College may access the communication within the voicemail and email systems (including previous messages), without notice to users of the system, in the ordinary course of business. Further, the College may review one's Internet usage to ensure that such use of the College property, or communications sent via the Internet using College property, is appropriate. The reasons the College may obtain such access include but are not limited to maintaining the system, preventing or investigating allegations of system abuse or misuse, assuring compliance with software copyright laws, complying with legal and regulatory requests for information, and ensuring that College operations continue appropriately during an employee's absence. The

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College may also store electronic communications for a period of time after the communication is created. From time to time, copies of communications may be deleted.

The College's policies prohibiting harassment and discrimination, in their entirety, apply to the use of the College's communication and computer systems. No one may use any communication or computer system in a manner that may be construed by others as harassing or offensive based on race, national origin, sex (including pregnancy, sexual orientation, and gender identity), age, disability, religious beliefs, or any other characteristic protected by federal, state or local law.

Further, since the College's communication and computer systems are intended for business use, all employees, upon request, must inform IT department of any private access codes or passwords.

Unauthorized duplication of copyrighted computer software violates the law and is strictly prohibited.

No employee may access, or attempt to obtain access to, another employee's computer systems without appropriate authorization.

Violators of this policy may be subject to disciplinary action, up to and including discharge.

## **2-18 Personal and Company-Provided Portable Communication Devices**

College-provided portable communication devices (PCDs), including but not limited to cell phones, laptops, and tablets, should be used primarily for business purposes. Employees have no reasonable expectation of privacy regarding the use of such devices, and all use is subject to monitoring, to the maximum extent permitted by applicable law. This includes, as permitted, the right to monitor personal communications as necessary.

Some employees may be authorized to use their own PCD for business purposes. These employees should work with the IT department to configure their PCD for business use. Communications sent via a personal PCD may also be subject to monitoring if sent through the College's networks and the PCD must be provided for inspection and review upon request.

All conversations, text messages, and emails must be professional. When sending a text message or using a PCD for business purposes, whether it is a College-provided or personal device, employees must comply with applicable College guidelines, including policies on harassment, discrimination, conduct, confidentiality, equipment use, and operation of vehicles. If an employee who uses a personal PCD for business resigns or is discharged, the employee will be required to submit the device to the IT department for resetting on or before his or her

last day of work. At that time, the IT department will reset and remove all information from the device, including but not limited to College information and personal data (such as contacts, emails, and photographs). The IT department will make efforts to provide employees with the personal data in another form (e.g., on a disk) to the extent practicable; however, the employee may lose some or all personal data saved on the device.

Employees may not use their personal PCD for business, unless they agree to submit the device to the IT department on or before their last day of work for resetting and removal of College information. This is the only way currently possible to ensure that all College information is removed from the device at the time of termination. The removal of College information is crucial to ensure compliance with the College's confidentiality and proprietary information policies and objectives.

Please note that whether employees use their personal PCD or a College-issued device, the College's electronic communications policies, including but not limited to, proper use of communications and computer systems, remain in effect.

## 2-19 Operation of Vehicles

All employees authorized to drive College-owned or leased vehicles or personal vehicles when conducting College business must possess a current, valid driver's license and an acceptable driving record. Any change in license status or driving record must be reported to the Department of Human Resources immediately.

An employee must have a valid driver's license in their possession while operating a vehicle off or on College property. It is the responsibility of every employee to drive safely and obey all traffic, vehicle safety, and parking laws or regulations. Drivers must demonstrate safe driving habits at all times.

College-owned or leased vehicles may be used only as authorized by a Supervisor.

Employees who drive on College business must abide by all state or local laws prohibiting or limiting portable communication device (PCD) use, including cell phones or personal digital assistants, while driving. Further, even if use is permitted, employees may choose to refrain from using any PCD while driving. "Use" includes, but is not limited to, talking or listening to another person or sending an electronic or text message via PCD. Regardless of the circumstances, including slow or stopped traffic, if any use is permitted while driving, employees should proceed to a safe location off the road and safely stop the vehicle before placing or accepting a call. If acceptance of a call is absolutely necessary while the employee is driving, and permitted by law, the employee must use a hands-free option and advise the caller that they are unable to speak at that time and will return the call shortly.

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Under no circumstances should employees feel that they need to place themselves at risk to fulfill business needs.

Since this policy does not require any employee to use a PCD while driving, employees who are charged with traffic violations resulting from the use of their PCDs while driving will be solely responsible for all liabilities that result from such actions.

Employees operating their personal vehicle or a borrowed vehicle while traveling on College business have primary insurance coverage under that vehicle's insurance policy. Only when an employee drives a College-owned vehicle or a College-leased vehicle is coverage provided under the College's insurance. College insurance provides coverage for damages to the College's vehicle, a College-leased vehicle, and any other vehicles or property, should the employee be held responsible for such damages. Employees planning to travel for College-related business should consider these insurance provisions.

For **Utility Cart Usage Policy**, see appendices (all employees operating a utility cart owned by the College must review and acknowledge it).

For **Passenger Van Usage Policy**, see appendices (all employees operating a passenger van owned by the College must review and acknowledge it).

## 2-20 Publicity/Statements to the Media

All media inquiries regarding the position of Hampden-Sydney College as to any issue must be referred to the Director of Communications and Marketing. Only the Director of Communications and Marketing is authorized to make or approve public statements on behalf of the College. No employees, unless specifically designated by the Director of Communications and Marketing, are authorized to make those statements on behalf of the College. Any employee wishing to write and/or publish an article, paper, or other publication on behalf of the College must first obtain approval from the Director of Communications and Marketing.

## 2-21 Outside Employment

During the hours of employment at the College, employees may not engage in other employment. If employees work somewhere else in any capacity outside of the normal work schedule, it is necessary that the employee makes every effort to ensure that outside employment does not lead to a conflict of interest, have the potential of discrediting the College, or affect an employee's job performance while working for the College.

Employees who desire to hold a second job should notify their immediate Supervisor of the nature of the job and the required working hours. The Supervisor will review the information



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and, if necessary, discuss it with the appropriate member of the Senior Staff. If the second job is deemed inappropriate or a conflict of interest, the Supervisor will notify the employee in writing, with a copy sent to the Department of Human Resources for inclusion in the employee's personnel file. If an employee has been notified that the second job is unacceptable and continues to hold the job, the employee may be subject to appropriate disciplinary action up to and including dismissal.

## Section 3 - Benefits

### 3-1 Benefits Overview

In addition to good working conditions and competitive pay, it is Hampden-Sydney College's policy to provide a combination of benefits to all eligible employees. In keeping with this goal, each benefit program has been carefully devised. These benefits include time-off benefits, such as vacations, as well as holidays, insurance, and other plan benefits. We are constantly studying and evaluating our benefit programs and policies to better meet present and future requirements. These policies have been developed over the years and continue to be refined to keep up with changing times and needs.

The next few pages contain a brief outline of the benefits programs Hampden-Sydney College provides employees and their families. Of course, the information presented here is intended to serve only as guidelines.

The descriptions of the insurance and other benefit plans highlight certain aspects of the applicable plans for general information only. The details of those plans are spelled out in the official plan documents, which are available for review upon request from the Benefits Manager. Additionally, the provisions of the plans, including eligibility and benefits provisions, are outlined in the summary plan descriptions for the plans (which may be revised from time to time). In the determination of benefits and all other matters under each plan, the terms of the official plan documents shall govern over the language of any descriptions of the plans and this handbook.

Hampden-Sydney College (including the officers and administrators who are responsible for administering the plans) retains full discretionary authority to interpret the terms of the plans, as well as full discretionary authority with regard to administrative matters arising in connection with the plans and all issues concerning benefit terms, eligibility, and entitlement.

While the College intends to maintain these employee benefits, it reserves the absolute right to modify, amend or terminate these benefits at any time and for any reason.

If employees have any questions regarding benefits, they should contact the Benefits Manager.

### 3-2 Insurance Programs

#### MEDICAL INSURANCE

The College provides medical insurance coverage for all full-time employees and their family members who elect to participate. Two offered plans, Plan 4 and Plan 7, are sponsored through Anthem Blue Cross Blue Shield of Virginia. The available monthly premium structures for each

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plan are employee-only, employee and child, employee and children, employee and spouse, and employee and family. Spouses not employed at the College are eligible for coverage if they are unemployed, self-employed, or work for an employer who does not provide affordable health plan coverage.

The rates are subject to change every January 1. Depending on the employee's salary, the employee pays a certain percentage of the premium and the rest is covered by the College. For up-to-date classification of premiums based on salaries, please visit <http://www.hsc.edu/human-resources/benefits-and-open-enrollment>. Premiums are payroll deducted on a before-tax basis and therefore not subject to social security, federal, or state taxes.

If spouses are both employed at the College and have no other dependents, each may carry employee-only coverage. If spouses are both employed at the College and have other dependents on the plan, family coverage must be selected. The premium deducted will be based on the higher salary, regardless of who pays the premium.

Employees may elect to receive services from physicians and facilities of their choice. Employees should choose physicians who participate with Anthem and are willing to accept Anthem's allowable charge. Receiving services from non-participating physicians may result in higher costs for the employee. Deductibles, co-payments, and maximum out-of-pocket expenses are subject to the participation of the physician or facility. For more information on the College's policy, please visit <http://www.hsc.edu/human-resources/benefits> or, for item-specific information, visit Anthem on the web ([www.anthem.com](http://www.anthem.com)).

There is no waiting period for medical insurance enrollment. New employees hired on the first day of a month are eligible to participate as of the first day. New employees hired after the first day of a month are eligible to participate as of the first day of the following month. Employees who do not make an election within 31 days of eligibility may be denied coverage until the next open enrollment period.

Employees can make changes to their plan option due to a qualifying life event.

In the event of employment termination, the employee will be notified of their rights regarding medical insurance continuation and the conversion plan, under the Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA). For more information, visit [www.dol.gov](http://www.dol.gov) and click on the Continuation of Health Coverage (COBRA) link.

## DENTAL INSURANCE

The College provides dental insurance coverage for all full-time employees and their eligible family members. The plan is sponsored by Delta Dental of Virginia. There are two options available.

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Employees may elect to receive services with dentists and facilities of their choice. Employees should choose dentists who participate with Delta and are willing to accept Delta's allowable charge and not bill customers for the remaining balance. Receiving services from non-participating dentists may result in higher costs for the employee. For more information on the College's policy, please visit <http://www.hsc.edu/human-resources/benefits>, or for item-specific information, visit Delta on the web ([www.deltadentalva.com](http://www.deltadentalva.com)).

Enrollment and premium rates follow the same guidelines as medical coverage.

### VISION INSURANCE

Basic vision coverage is included in employees' Anthem health insurance coverage through both plans. The coverage is with Blue View Vision. Note: if a problem is found during a routine exam, the claim may become diagnostic and therefore processed as a medical claim.

Additional vision coverage through UniCore Vision is available at an additional cost to the employee.

### EMPLOYEE ASSISTANCE PROGRAM

The College provides the Employee Assistance Program, which includes counseling services and other wellness resources, to full-time employees. The coverage is provided through Anthem at no cost to the employee and is maintained for the duration of full-time employment.

### GROUP LIFE INSURANCE

The College provides term life insurance coverage for full-time employees totaling two times the employee's annual salary with a maximum benefit of \$200,000. This policy features an Accidental Death and Dismemberment (AD&D) benefit equal to the amount of life insurance coverage with a maximum benefit of \$400,000. Coverage is provided through MetLife at no cost to the employee and is maintained for the duration of full-time employment.

Participation in the plan begins one year after employment with the College. The waiting period is waived for any new employee who can show proof of coverage through the most recent employer (not to exceed three months prior to employment at the College).

This plan provides for waiver of premium payments if the employee becomes disabled, up to age 70. The individual insured may convert the policy within thirty-one days of termination of employment to an individual policy without showing proof of good health.

Life insurance coverage in excess of \$50,000 is considered a taxable benefit for the recipient of the insurance. These taxes are withheld from the employee's paycheck on a biweekly or monthly

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basis. The taxable amount is determined using an IRS formula based on the amount of life insurance coverage and the age of the employee.

### LONG-TERM GROUP DISABILITY INSURANCE

The College's long-term disability policy for full-time employees provides sixty percent (60%) of the employee's monthly wage base to a monthly benefit maximum of \$5,000. This payment may be reduced by income from other sources, such as Social Security (including benefits for dependents) or Workers' Compensation. Coverage is provided through Metlife at no cost to the employee and is maintained for the duration of full-time employment. Disability benefits begin on the first day of the month following six consecutive months of disability.

Participation in the plan begins one year after employment with the College. The waiting period is waived for any new employee who can show proof of coverage through the most recent employer (not to exceed three months prior to employment at the College).

### SUPPLEMENTAL INSURANCE

Employees may choose to purchase additional life insurance, short-term disability insurance, accident, or critical illness policies through MetLife and payroll deduction.

For any questions regarding Insurance Programs, please contact the Benefits Manager.

### **3-3 Retirement Plan**

The College Retirement Plan is a defined contribution plan governed by Sections 403(b) of the Internal Revenue Code. The plan is not mandatory. For eligible employees who elect to participate in the plan and contribute five percent (5%) of their annual base salary, the College contributes nine percent (9%) of the employee's annual base salary. Employees who opt to contribute less than the 5% minimum are not eligible to receive the College contribution. Employees are vested immediately upon enrollment in the program. Contributions are sent to Teachers Insurance Annuity Association (TIAA).

New employees may elect to participate in the program immediately upon hiring. However, the College will not begin its contribution until the end of the first year of employment. Prior service at any non-profit higher education institution immediately preceding employment at the College will count toward satisfying the one-year requirement.

The College offers the Emeriti Program as a means for full-time faculty and staff to set aside savings while they are working that can be used to purchase health insurance and/or pay for healthcare expenses during their retirement years. When an eligible employee reaches the age of 40, the College will begin contributing a fixed dollar amount on a monthly basis to TIAA for

the employee. The employee is NOT required to contribute their own money to the plan to receive the College's contribution. Employees are encouraged to contribute individually. College contributions and earnings are tax-free benefits. Employee contributions are withheld on an after-tax basis.

### 3-4 Educational Benefits

Hampden-Sydney College recognizes the educational and professional development needs of its employees, spouses, and dependent children through numerous programs. To qualify, the employee must have been employed by the College as a full-time employee for at least one full year. The one-year waiting period does not apply to the Literacy Program or Professional Development.

#### **EDUCATIONAL BENEFITS FOR EMPLOYEES**

**Literacy Program:** Hampden-Sydney College employees wishing to improve their skills, obtain a high school diploma, or obtain a GED may attend a Literacy Program. Release time from work to attend sessions is permitted for instructors as well as participants. This program is available to all full-time regular employees upon completion of the 90-day introductory period. For further information concerning available literacy programs, contact the Director of Human Resources.

**Professional Development:** Hampden-Sydney College encourages professional development for all its employees. This development may include off-campus professional development, annual organizational meetings, and on-campus workshops. Expenses for these programs may be covered by employees' departmental budgets. Released time may be granted during working hours for participation in approved professional development programs. Arrangements must be made and approved in advance by the employee's immediate Supervisor.

**On-Campus Tuition Remission Program:** Employees may attend classes at the College during the regular academic year. Such classes taken on campus do not have to be job-related. The College pays the full tuition costs, and participants in the program are allowed to be absent from the job to attend. The following limitations apply:

- The program covers only classes taken for credit
- This benefit does not apply to May Term classes
- Employees are allowed to take no more than one (1) course per semester
- Because of limited classroom space, first priority will be given to full-time College students
- If work-release time is granted, the hours must be made up during the same workweek, or earned leave time must be used

The employees interested in this benefit should obtain a "Request to Attend Classes at Hampden-Sydney College" form from the Human Resources Office. This request must have the approval of the Registrar, the employees' immediate Supervisor, and the appropriate Senior Cabinet Officer prior to submission to the Human Resources Office. The form should be submitted to the Human Resources Office at least ten (10) days prior to the beginning of the semester. The Human Resources Office will forward one copy to the Registrar's Office and will retain one copy in the employee's personnel files, and a copy will be forwarded to the employee.

**Off-Campus Education Program:** Hampden-Sydney College will reimburse an eligible employee up to a maximum of \$4,000 per year for continuing education through an accredited program that either offers needed growth in an area related to an employee's current position that may lead to promotional opportunities or would assist the College in succession planning. This education may include college credit courses, continuing education unit courses, seminars and certification tests that are job-related. An employee must secure a passing grade of "B" or its equivalent or obtain a certification to receive any reimbursement. Expenses must be validated by receipts and a copy of the final grade or certification received. For each year that an employee receives financial assistance under this policy, that employee commits to staying with the College for two years. If this commitment is not kept, the employee will be required to repay the College owed amount.

Full-time, regular employees who have completed 12 months of employment are eligible under this policy. To be eligible, an employee must be in good standing, as evidenced by a score of 3.75 or higher on employee's appropriately completed performance evaluations. Employees with incomplete or inadequately completed performance evaluations or scores lower than 3.75 will not be considered for this benefit.

To receive reimbursement for educational expenses, employees should follow the procedures listed here:

- Prior to enrolling in an educational course, the employee must provide their Supervisor with information about the course they would like to receive reimbursement and discuss the job-relatedness of the continuing education
- A Tuition Reimbursement Request Form should be completed by the employee and approved by the Supervisor and a Senior Staff member
- The Human Resources staff will evaluate the request form, employee's and Supervisor's rationale of job-relatedness, and employee's performance evaluation(s), and will work with the Senior Staff member to determine eligibility
- A copy of the tuition reimbursement request form must be submitted to HR. The employee will maintain the original until they have completed the educational course
- Once the course is successfully completed, the employee should resubmit the original tuition reimbursement request form with the reimbursement section filled out,

- including appropriate signatures, as well as receipts and evidence of a passing grade or certification attached
- The Human Resources department will coordinate the reimbursement with Accounts Payable.

### **EDUCATIONAL BENEFITS FOR SPOUSES**

An employee's spouse may attend classes at the College. If admitted, the spouse will receive tuition remission equal to the amount of tuition not paid by a Virginia Tuition Assistance Grant, for up to eight (8) semesters of full-time study, or an equivalent part-time period. This benefit is not extended to May Term. Failure of the spouse or the College employee to apply for the Virginia Tuition Assistance Grant will result in the employee being required to pay that amount to the College. The spouse may also be eligible for need-based federal or state aid, institutional need-based or merit aid, and/or other off-campus scholarships. However, the combination of this financial aid coupled with tuition remission cannot exceed the Cost of Education. The College pays the full tuition costs of these classes. Because of limited classroom space, first priority will be given to full-time Hampden-Sydney students.

A "Spouse's Request to Attend Classes at Hampden-Sydney College" form may be obtained from the Human Resources Office. This request must have the approval of the Registrar and the Dean of the Faculty. The request form is to be returned to the Human Resources Office at least ten (10) days prior to the beginning of the semester. The Human Resources Office will forward one copy to the Registrar's Office, Financial Aid, and Student Accounts while maintaining one copy in the employee's personnel file.

### **EDUCATIONAL BENEFITS FOR DEPENDENT CHILDREN**

An eligible dependent child is one who is unmarried, primarily dependent on the eligible parent for support as indicated on the eligible parent's income tax form for the previous calendar year, has not reached their 24th birthday, and is a blood relative, legally adopted, or stepchild of the eligible parent. If an employee leaves the employment of the College the same semester after the dependent child has begun classes (on-campus, off-campus, or tuition exchange), the benefits will extend through the end of that semester. Benefits are for up to eight (8) semesters of full-time study, or an equivalent part-time period, total, regardless of what program is used. This benefit is not extended to the May term, summer school, or any other abbreviated term/semester. Educational benefits for dependent children cannot, under any circumstances, be combined.

- **On-Campus Tuition Remission Program\***: Dependent children, regardless of gender, may apply for admission to the College. If admitted, the dependent will receive tuition remission equal to the amount of tuition not paid by a Virginia Tuition



Assistance Grant, for up to eight (8) semesters of full-time study, or an equivalent part-time period. Failure of the student or the College employee to apply for the Virginia Tuition Assistance Grant will result in the employee being required to pay that amount to the College. Families filing the FAFSA may also be eligible for need-based federal or state aid, and/or other off-campus scholarships. However, the combination of this financial aid coupled with tuition remission cannot exceed the Cost of Education. Dependent children attending Hampden-Sydney College under the tuition remission program are allowed to participate in one of the approved study-abroad programs. For new and continuing Tuition Remission applications, an "Educational Benefits Approval" form must be completed each year. The form must contain the employee's signature before it is submitted to the Human Resources Office. The Financial Aid Office will not award the Tuition Remission grant until this form is received with all required signatures. \*Eligible dependents of full-time employees hired prior to January 1, 2019 who commence full-time enrollment in or prior to the 2022/23 academic year are eligible to combine tuition remission with institutional merit scholarship up to direct costs less any awarded state or federal grants.

- **Tuition Exchange Program:** The College is a member of The Tuition Exchange, Inc., a national organization that administers tuition remission scholarships for dependent children of employees of member colleges and universities. Each year a fixed number of students may enroll in undergraduate degree programs at member institutions throughout the country. Employees may obtain information about the current program from the Human Resources Office or the Financial Aid Office. Applications are accepted in the fall of each year for scholarships during the next academic year. This benefit is not extended to summer sessions or any intersessions that are billed separately from the normal semester bills. For new and continuing Tuition Exchange applications, an "Educational Benefits Approval" form must be completed each year. The form must contain the employee's signature before it is submitted to the Human Resources Office. The Financial Aid Office will not approve a Tuition Remission application until this form is received with all signatures.
- **Off-Campus Education Program:** Dependent children are eligible to receive tuition assistance while attending an undergraduate accredited college or university of their choice. The tuition assistance grant is indexed annually at the same percentage rate as the College tuition rate and is the same whether one or both parents are employed by the College. The dependent child is eligible for this tuition grant for up to eight (8) semesters of full-time study, or an equivalent part-time period. This benefit applies only to tuition and laboratory fees and does not include expenses incurred for room and board, travel, books, or other expenses. The maximum tuition benefit in this program is limited to the equivalent of eight (8) semesters per dependent child, does not apply to graduate courses, and is not extended to summer sessions or any intersessions that are billed separately from the normal semester bills. To receive

reimbursement, the employee obtains a "Request for Dependent Tuition Aid Reimbursement" form from the Human Resources Office. The completed form, along with a copy of the bill from the school that reflects the tuition cost, should be directed to the Human Resources Office for approval and reimbursement. Payments are normally disbursed on a per-semester basis. The Human Resources Office should be notified immediately if a dependent child withdraws or is unable to complete the semester for which reimbursement has been received. In this case, the employee is required to refund the full amount of the tuition grant immediately.

### 3-5 Social Security

The Federal Social Security program, also known as the Old Age Survivor Dependent Insurance (OASDI), generally provides five types of benefits: (1) retirement benefits; (2) survivor's benefits; (3) disability benefits; (4) lump-sum payments at death; and (5) Medicare hospital insurance. Eligibility for these benefits and the amount received are contingent upon factors, such as how long the employee has worked, the employee's earnings, and the seriousness of the disability. Employees contribute a percentage of their pay through a payroll deduction to Social Security (6.2%) and Medicare (1.45%). The College contributes an equal amount on behalf of employees. There is an annual cap on the maximum taxable amount of earnings for Social Security. There is no limit to taxable earnings for Medicare.

### 3-6 Unemployment Insurance

Unemployment Insurance is a joint Federal- and State-administered program and provides income to those who become temporarily unemployed through no fault of their own. The College pays the cost of this program for its employees.

### 3-7 Workers' Compensation

The College pays the full cost of Workers' Compensation insurance, which provides all employees with financial protection in the event of an eligible and disabling injury or illness occurring on the job. Program benefits may include medical expenses (hospitalization, physician costs, and prescription drug bills), income protection if unable to work, and survivor's benefits if injury or illness results in death.

Workplace injuries are to be reported to the Supervisor **immediately**, allowing medical attention to be given promptly and ensuring proper documentation for the Workers' Compensation program. **The Supervisor and/or the employee must make a detailed report of a workplace injury to the Human Resources Office within one regular workday of the injury.** All Workers' Compensation claims are subject to evaluation and investigation by the College and its insurance carrier.

Compensation for the first seven calendar days of absence following a Workers' Compensation injury is not covered by workers' compensation benefits. Employees may use personal sick time as available to cover the absence. Worker's Compensation leave will run concurrently with FMLA leave.

### **3-8 Reasonable Accommodations & Interactive Dialogue**

Hampden-Sydney College is committed to complying with applicable federal, state, and local laws governing reasonable accommodations of individuals, including, but not limited to, the Americans with Disabilities Act (ADA). To that end, we will endeavor to make a reasonable accommodation to applicants and employees who have requested an accommodation or for whom Hampden-Sydney College has notice may require such an accommodation, without regard to any protected classifications, related to an individual's:

- Disability, meaning any physical, medical, mental, or psychological impairment, or a history or record of such impairment;
- Sincerely held religious beliefs and practices;
- Needs as a victim of domestic violence, sex offenses, or stalking;
- Needs related to pregnancy, childbirth, or related medical conditions; and/or
- Any other reason required by applicable law, unless the accommodation would impose an undue hardship on the operation of our business.

Any individual who would like to request accommodation based on any of the reasons set forth above should contact the Director of Human Resources. Accommodation requests can be made in writing. If an individual who has requested accommodation has not received an initial response within five (5) business days, the employee should contact the Director of Human Resources.

After receiving a request for accommodation or learning indirectly that the employee may require such accommodation, Hampden-Sydney College will engage in an interactive dialogue with the employee.

Even if employee has not formally requested accommodation, Hampden-Sydney College may initiate an interactive dialogue under certain circumstances, such as when Hampden-Sydney College has knowledge that employee's performance at work has been negatively affected and a reasonable basis to believe that the issue is related to any of the protected classifications set forth above, in compliance with applicable law. In the event Hampden-Sydney College initiates an interactive dialogue with an employee, it should not be construed as Hampden-Sydney College's belief an individual requires accommodation but will serve as an invitation for the employee to share with Hampden-Sydney College any information the employee desires to share or to request an accommodation.

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The interactive dialogue may take place in person, by telephone, or by electronic means. As part of the interactive dialogue, Hampden-Sydney College will communicate openly and in good faith with the employee in a timely manner in order to determine whether and how Hampden-Sydney College may be able to provide reasonable accommodation. To the extent necessary and appropriate based on the request, Hampden-Sydney College will attempt to explore the existence and feasibility of alternative accommodations as well as alternative positions for the employee. Hampden-Sydney College is not required to provide the specific accommodation sought by the employee, provided the alternatives are reasonable and either meet the specific needs of the employee or specifically address the employee's limitations.

As part of the interactive dialogue, Hampden-Sydney College reserves the right to request supporting documentation, to the maximum extent permitted by applicable law.

Hampden-Sydney College will endeavor to keep confidential all communications regarding requests for reasonable accommodation and all circumstances surrounding the employee's underlying reason for needing accommodation.

Hampden-Sydney College will not allow any form of retaliation against employees who have requested accommodation, for whom Hampden-Sydney College has notice may require such accommodation, or who otherwise engage in the interactive dialogue process.

Employees with questions regarding this policy should contact the Director of Human Resources.

### **3-9 Reasonable Accommodations for Persons with Disabilities**

In accordance with the Virginia Human Rights Act (the "Act"), employees have the right to reasonable accommodations for disabilities and to be free from unlawful discriminatory practices based on disability.

Under the Act, the College may not:

- refuse to make reasonable accommodation to the known physical and mental impairments of an otherwise qualified person with a disability, if necessary to assist such person in performing a particular job, unless the College can demonstrate that the accommodation would impose an undue hardship on the College;
- take adverse action against an employee who requests or uses a reasonable accommodation pursuant to this section;
- deny employment or promotion opportunities to an otherwise qualified applicant or employee because the College will be required to make reasonable accommodation for a person with a disability;

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- require an employee to take leave if another reasonable accommodation can be provided to the known limitations related to the disability; or
- fail to engage in a timely, good faith interactive process with an employee who has requested an accommodation pursuant to this section to determine if the requested accommodation is reasonable and, if such accommodation is determined not to be reasonable, discuss alternative accommodations that may be provided.

In determining whether an accommodation would constitute an undue hardship upon the College, the following will be considered:

- hardship on the conduct of the College's business, considering the nature of the College's operation, including composition and structure of the College's workforce;
- size of the facility where employment occurs;
- the nature and cost of the accommodations needed, taking into account alternative sources of funding or technical assistance available by way of the vocational services offered by the state Department for Aging and Rehabilitative Services;
- the possibility that the same accommodations may be used by other prospective employees; and
- safety and health considerations of the person with a disability, other employees and the public.

If employees have any questions about or would like to request a reasonable accommodation pursuant to this policy, they should contact Director of Human Resources.

### **3-10 Reasonable Accommodations for Pregnant Persons**

In compliance with Virginia law, Hampden-Sydney College will provide reasonable accommodation to the known limitations of a person related to pregnancy, childbirth, or related medical conditions, unless the College can demonstrate that the accommodation would impose an undue hardship on the College.

The College will not:

- Take adverse action against individuals who request or use a reasonable accommodation pursuant to this policy, including failure to reinstate any such employee to their previous position or an equivalent position with equivalent pay, seniority, and other benefits when the need for a reasonable accommodation ceases;
- Deny employment or promotion opportunities to an otherwise qualified individual because the College will be required to make reasonable accommodation to the known limitations of such individual related to pregnancy, childbirth, or related medical conditions; or

- Require employees to take leave if another reasonable accommodation can be provided to the known limitations related to the pregnancy, childbirth, or related medical conditions.

The College will endeavor to engage in a timely, good faith interactive process with employees who request an accommodation pursuant to this section to determine if the requested accommodation is reasonable and, if such accommodation is determined not to be reasonable, discuss alternative accommodations that may be provided.

### **Reasonable Accommodations**

Reasonable accommodations may include, but are not limited to:

1. More frequent or longer bathroom breaks;
2. Breaks to express breast milk;
3. Access to a private location other than a bathroom for the expression of breast milk;
4. Acquisition or modification of equipment or access to or modification of employee's seating;
5. A temporary transfer to a less strenuous or hazardous position;
6. Assistance with manual labor;
7. Job restructuring;
8. A modified work schedule;
9. Light duty assignments; and
10. Leave to recover from childbirth.

Any questions about or requests for a reasonable accommodation pursuant to this policy, should be directed to the Director of Human Resources.

### **3-11 Lactation Break Periods**

Hampden-Sydney College supports the legal right and necessity of employees who choose to express milk in the workplace. This policy establishes guidelines for promoting a breastfeeding-friendly work environment and supporting lactating employees for as long as they desire to express breastmilk.

The College will provide a reasonable amount of break time for employees who wish to express breast milk for their infant child each time the employee has a need to express milk, in accordance with applicable local, state, and federal law. If possible, the break time must run concurrently with rest and meal periods already provided. If break time cannot run concurrently with rest and meal periods, it will be unpaid, to the extent permitted by applicable law.

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The College will provide breastfeeding employees with space, in close proximity to their work area, that is shielded from view and free from intrusion from co-workers and the public. The room or location may include the place where the employee normally works if it otherwise meets the requirements of the lactation space. Restrooms are prohibited from being used for lactation purposes.

Employees who need a lactation accommodation should submit a request for possible accommodation via email to the Benefits Manager. Upon receiving an accommodation request, the College will respond to the employee within five (5) business days. The College and the employee shall engage in an interactive process to determine the appropriate accommodations.

The law expressly prohibits discrimination or retaliation against lactating employees for exercising their rights granted by the ordinance. This includes those who request time to express breast milk at work and/or who lodge a complaint related to the right to lactation accommodations.

Employees have the right to file a complaint with a state or federal authority for any violation of the rights underlying this policy.

Please consult Benefits Manager with questions regarding this policy.

## Section 4 - Leave Programs

### 4-1 Paid Holidays

The College observes the following paid holidays:

Martin Luther King Jr. Day

Memorial Day

Independence Day

Labor Day

Thanksgiving Day (Wednesday and Friday included)

Christmas Eve, the work period between Christmas and New Year's Day

To be eligible for a paid holiday, employees must work the regularly scheduled workday immediately preceding and following the holiday unless their immediate Supervisor has approved their absence on either of these days in advance.

Non-exempt employees who are required to work during the holiday periods will be compensated at one and one-half times their regular hourly rate for the hours worked, in addition to their regular pay. This will be referred to as "Holiday Pay" and will not be compensated in addition to regular overtime.

Saturdays and Sundays are not considered part of any holiday schedule.

### 4-2 Paid Vacations

All staff employees must utilize Paycom to record their leave. Leave must be recorded by the employee no later than 48 hours after the conclusion of the said leave, and approved or denied by the Supervisor no later than 5 business days after the request is made.

We know how hard our employees work and recognize the importance of providing time for rest and relaxation. We require employees to get this rest by utilizing vacation leave.

Full-time exempt employees receive the hourly equivalent of 22 working days per fiscal year.

Full-time non-exempt employees receive the hourly equivalent of:



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- From hire date to fifth year anniversary - 1 working day per month, 12 days per year
- From fifth year to tenth year anniversary - 1.25 working days per month, 15 days per year
- From tenth year to fifteenth year anniversary - 1.50 working days per month, 18 days per year
- From fifteenth year forward - 1.75 working days per month, 21 days per year

Converting days to hours can be confusing. For help [visit the conversion table](#).

Exempt and non-exempt employees who are not considered “temporary” and are scheduled to work more than 1,000 hours and less than full-time per fiscal year will receive vacation time on a pro-rata basis. This amount is adjusted based on years of service.

Vacation accrual begins the month the employee begins working, provided the date of employment is the fifteenth (15) of the month or earlier; otherwise, accrual begins the first day of the following month. Vacation amounts are awarded in one lump sum at the beginning of employment or as of July 1 but are earned as of the first day of each month and accrued in a regular fiscal year (July 1 through June 30). Vacation leave may be accumulated to a maximum of 35 days and rolled over from year to year.

Vacations must be scheduled to meet the work requirements of the department. However, every reasonable effort will be made to satisfy the employee's request as to preferred dates. Supervisors are responsible for scheduling vacations to avoid interference with the operation of the department, and so that each employee has an opportunity to take their vacation time. With the Supervisor's permission, employees may advance on vacation time within a fiscal year. Employees are not allowed under any circumstances to borrow vacation time from a future fiscal year.

Employees who leave the employment of the College prior to using their earned vacation time will be paid for any accrued and unused vacation time. Employees who have received an advance on vacation time and who leave the employment of the College must repay the College for advanced vacation days in excess of that earned.

### 4-3 Sick Days

All staff employees must utilize Paycom to record their leave. Leave must be recorded by the employee no later than 48 hours after the conclusion of the said leave and approved or denied by the Supervisor no later than 5 business days after the request is made.

Paid sick leave is provided for absence from work due to an employee's or employee family member's (spouse, parent, child, grandparent, grandchild, sibling, or the spouse of any family

members listed, of either the employee or the employee's spouse) illness and medical or dental treatment, assuming that the employee has accumulated leave to cover the absence.

Full-time faculty are entitled to the continuation of their base salary from the first day of illness or disability for up to six months per fiscal year as a bridge to the College's long-term disability coverage.

Full-time exempt and non-exempt employees are awarded 12 days of sick leave per year. Sick leave may be accumulated to a maximum of 130 days and rolled over year to year as a bridge to the College's long-term disability coverage.

Employees who are not considered "temporary" and are scheduled to work more than 1,000 hours and less than full-time in a fiscal year will receive sick leave on a pro-rated basis.

Converting days to hours can be confusing. For help visit the [conversion table](#).

Sick leave accrual begins the month the individual begins working, provided the date of employment is the 15th of the month or before; otherwise, accrual begins the first day of the following month. Sick leave is awarded on July 1 but earned as of the first day of each month. Employees who have used sick leave in advance of earning it and who leave the employment of the College must repay the College for advanced sick leave in excess of that earned. Employees are not allowed under any circumstances to borrow sick leave time from a future fiscal year. At separation from the College, employees are not paid for accrued sick leave.

The College reserves the right to request a certificate signed by the employee's physician at any time. When an employee returns to work after three days of personal illness, the College may require the employee to provide a doctor's certificate stating that the employee can fully perform normal duties.

Employees who must be absent because of personal sickness or the sickness of a family member must notify their Supervisor as soon as possible before they are scheduled to begin work or within 30 minutes after the workday schedule begins. Leaving a message on the Supervisor's answering machine within the appropriate timeframe will be considered proper notification. Sending a message by another employee will not be considered proper notification. If any employee is absent more than one day, the employee should contact the Supervisor each day to inform the Supervisor of their condition and expected date of return.

If properly reported or called in, the sick leave benefit applies from the first day of the employee's absence. The Human Resources Department has the authority to withhold sick pay from an employee who has misrepresented or falsified a sick leave report.

#### 4-4 Sick Leave Share Program

The College recognizes that employees may have a family medical emergency, resulting in a need for additional time off in excess of their available sick leave. To address this need, all eligible employees will be allowed to donate accrued paid sick leave hours from their unused balance to their co-workers in need of additional paid time off, in accordance with the policy outlined below. This policy is strictly voluntary.

Employees must be employed by the College for a minimum of one year to be eligible to donate and/or receive donated sick leave.

Employees who would like to make a request to receive donated sick/personal time from their co-workers must have a medical emergency. For this purpose, a medical emergency is defined as a medical condition of the employee or an immediate family member that will require the prolonged/extended absence of the employee from duty and will result in a substantial loss of income to the employee due to the exhaustion of all paid leave available. An immediate family member is defined as a spouse, child, or parent.

##### Donation of Sick Time

The donation of sick time is strictly voluntary. A donor may authorize donations by completing a Donor Form and submitting it to Human Resources. Recipient identity will not be disclosed to donating employees.

The donation of sick time is on an hourly basis, without regard to the dollar value of the donated or used leave. The minimum number of sick hours that an eligible employee may donate is 4 hours per calendar year; the maximum is 20 hours or no more than 50 percent of the employee's current balance. Employees cannot borrow against future sick time to donate. Employees who are currently on an approved leave of absence cannot donate sick time.

##### Requesting Donated Sick Time

Employees who would like to request donated sick time are required to complete a Donation of Sick Time Request Form and submit it to Human Resources. Requests for donations of sick time must be approved by Human Resources, the employee's immediate Supervisor, and the employee's Senior Cabinet representative.

If the recipient employee has available sick time in his or her balance, this time will be used prior to any donated sick time. Donated sick time may only be used for time off related to the approved request. Employees who receive donated sick time may receive no more than 100 hours within a rolling 12-month period.

Nothing in this policy will be construed to limit or extend the maximum allowable absence under the Family and Medical Leave Act.

#### **4-5 Bereavement Leave**

All staff employees must utilize Paycom to record their leave. Leave must be recorded by the employee no later than 48 hours after the conclusion of the said leave and approved or denied by the Supervisor no later than 5 business days after the request is made.

We know the death of a family member is a time when employees wish to be with their families. When a death in their immediate family occurs, employees may request bereavement leave to make necessary arrangements, attend the funeral, or handle other affairs immediately associated with the funeral. Employees will be paid for the actual time away from their job, not to exceed 5 (five) paid workdays. If additional time is needed, vacation time (if available) or excused absence without pay may be granted.

For purposes of this policy, immediate family is defined as:

- An employee's spouse,
- The parent, child, grandparent, grandchild, sibling, or the spouses of any family members aforementioned of either the employee or his or her spouse,
- Any other related person living in the employee's household.

When circumstances warrant, bereavement leave may be granted upon the death of a person not included in the immediate family as defined above. Requests for such leave should be directed to the Supervisor who will seek final approval from the Director of Human Resources.

Employees may be granted paid leave to attend the funeral service of a current or former College colleague (including employees of Aramark, Thompson Hospitality Catering, and Meriwether Godsey), or the immediate family member of a colleague as defined above. Such time off will not normally exceed half of a workday for local services or one full workday for out-of-town services. Prior approval from the immediate Supervisor is required and arrangements must be made for office coverage.

#### **4-6 Firefighting, Reserve Peace Officers, and EMS Leave**

All staff employees must utilize Paycom to record their leave. Leave must be recorded by the employee no later than 48 hours after the conclusion of the said leave and approved or denied by the Supervisor no later than 5 business days after the request is made.

Employees who are volunteer firefighters, reserve peace officers, or emergency rescue personnel are permitted unpaid time off, not to exceed 14 days per calendar year, for the purpose

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of engaging in fire, law enforcement, or emergency rescue training. If the employees request time off under the policy, they must notify their direct supervisor immediately after the need for the leave becomes known.

Employees who are members of any local volunteer fire or rescue department will be granted time off with pay to serve in the capacity of firefighters or EMS providers, with the permission of their Supervisor. Employees absent for these reasons must notify their Supervisor of their whereabouts at the earliest possible time and report to work upon completion of their assignment.

#### **4-7 Court Appearance Leave**

Employees may be granted paid leave when summoned by the court to appear as a witness in judicial proceedings.

Employees in court for personal traffic violations, child support/custody hearings, divorce proceedings, or any other actions of their own liability, will not be granted paid leave. Vacation or leave without pay must be used.

#### **4-8 Jury Duty**

All staff employees must utilize Paycom to record their leave. Leave must be recorded by an employee no later than 48 hours after the conclusion of the said leave and approved or denied by the Supervisor no later than 5 business days after the request is made.

The administration realizes that it is the obligation of all U.S. citizens to serve on a jury when summoned to do so. All employees will be allowed time off to perform such civic service as required by law. Employees are expected, however, to provide proper notice of a request to perform jury duty and verification of their service.

Employees also are expected to keep management informed of the expected length of jury duty service and report to work for the major portion of the day if excused by the court. If the required absence presents a serious conflict with management, employees may be asked to try to postpone jury duty.

Employees shall not sustain a loss of their regular compensation or any loss of fringe benefits when called for jury duty. Employees will continue to receive their normal pay. Absence for jury duty must be noted on the timecard. Employees are expected to return to work if they are excused early while on jury duty.

#### 4-9 Voting Leave

In the event employees do not have sufficient time outside of working hours to vote in a statewide election, employees may take off sufficient working time to vote. This time should be taken at the beginning or end of the regular work schedule, whichever allows the most free time for voting and the least time off from work. Employees will be allowed a maximum of two (2) hours of voting leave on Election Day without loss of pay. Where possible, supervisors should be notified of the need for leave at least three (3) working days prior to the Election Day.

#### 4-10 Organ & Bone Marrow Donor Leave

The employee who has been employed for at least 90 days may request a leave of absence for up to five (5) business days in any one-year period to undergo a medical procedure to donate bone marrow. Employees must provide a certification from their physician regarding the purpose and length of each leave requested. The employee must use any accrued vacation time, sick leave or paid time off for this leave, but the use of vacation accrual, sick leave or paid time off does not extend the term of this leave. If accrued vacation, sick leave or paid time off is not available, the time off for such procedure shall be paid, but the paid time off shall not exceed five (5) days. Bone marrow donation leave will not be designated as FMLA leave time. Employees will receive health benefits for the duration of their Bone Marrow Donation Leave and upon returning from such leave will have a right to return to the same or equivalent positions they held before such leave.

Employees who have been employed for at least 90 days may request a paid leave of absence for up to 30 business days in any one-year period to undergo a medical procedure to donate an organ. Employees can request an additional 30 days of unpaid leave in any one-year period for this same purpose. Employees must provide a certification from their physician regarding the purpose and length of each leave requested. The one-year period is measured from the start of the leave.

For an initial request for organ donation leave, the employee must use up to two weeks of accrued vacation, sick leave or paid time off for this leave, but the use of vacation accrual, sick leave or paid time off does not extend the term of the leave. If accrued vacation, sick leave or paid time off is not available, the time off for such procedure shall be paid however the paid time off shall not exceed 30 days. Organ donation leave will not be designated as FMLA leave time. Employees will receive health benefits for the duration of their organ donation leave and upon returning from such leave will have a right to return to the same or equivalent positions they held before such leave. Absences due to organ donation leave do not count as a break in service for the purpose of the employee's right to salary adjustments, sick leave, vacation and paid time off or seniority.

#### 4-11 Leave for Victims of Crime or Abuse

Employees who are victims of a crime or abuse, including domestic violence, sexual assault or stalking, may take unpaid leave for up to 12 weeks for the following reasons:

- to seek medical attention for injuries caused by crime or abuse;
- to obtain services from a domestic violence shelter, program, rape crisis center or victim services organization or agency as a result of the crime or abuse;
- to obtain psychological counseling or mental health services related to an experience of crime or abuse; or
- to participate in safety planning and take other actions to increase safety from future crime or abuse, including temporary or permanent relocation.

Employees are covered as victims and entitled to leave under this policy if they are:

- a victim of stalking, domestic violence or sexual assault;
- a victim of a crime that caused physical injury or that caused mental injury and a threat of physical injury; or
- a person whose immediate family member is deceased as the direct result of a crime.

Hampden-Sydney College may require proof of the employee's participation in these activities. Whenever possible, employees must provide their supervisor reasonable notice before taking any time off under this policy.

Employees may substitute any accrued vacation, sick or other time off for the leave under this policy. Leave under this policy does not extend the time allowable under the "Family and Medical Leave" policy in this handbook.

Employees who have been victims of serious or violent felonies, or felonies relating to theft or embezzlement, may take time off work to attend judicial proceedings related to the crime. Employees also may take time off if an immediate family member has been a victim of such crimes and the employee needs to attend judicial proceedings related to the crime. "Immediate family member" is defined as spouse, registered domestic partner, child, child of registered domestic partner, stepchild, brother, stepbrother, sister, stepsister, mother, stepmother, father or stepfather.

Employees must give their supervisor a copy of the court notice given to the victim of each scheduled proceeding before taking time off, unless advance notice to Hampden-Sydney College of the need for time off is not feasible. When advance notice is not feasible, the employee must provide the College with documentation evidencing the judicial proceeding, within a reasonable time after the absence. The documentation may be from the court or

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government agency setting the hearing, the district attorney or prosecuting attorney's office or the victim/witness office that is advocating on behalf of the victim.

Employees may elect to use accrued paid vacation time, paid sick leave time or other paid time off for the absence. If the employee does not elect to use paid time off, the absence will be unpaid. However, exempt employees will be paid their full salary for any workweek interrupted by the need for time off under this policy.

No employees will be subject to discrimination or retaliation because of their status as a victim of a crime or abuse, including crime or abuse related to domestic violence, sexual assault or stalking. Victims of a crime or abuse, including crime or abuse related to domestic violence, sexual assault or stalking, may request other accommodations in the workplace such as implementation of safety measures.

#### **4-12 School Events Attendance Leave**

Hampden-Sydney College will grant employees who are parents or guardians of school-age children up to four (4) hours of unpaid leave during any 12-month period to participate in activities at their children's school. Forty-eight hours' written advance notice is required. The leave shall occur at a time mutually agreed upon by the employee and the College. The College may require verification of the employee's participation in the school activities. Employees must first use accrued paid time off for this purpose.



## Section 5 - Leaves of Absence

### 5-1 Personal Leave

Personal circumstances may arise requiring an employee to request a personal leave of absence without pay. An unpaid personal leave of absence for up to twelve (12) months may be granted upon the approval of the Supervisor, the Director of Human Resources, and the appropriate Senior Staff member. A personal leave of absence may not serve as a substitute for, or an extension of, any leave that has been taken under the Family & Medical Leave Act policy.

Each request for a personal leave of absence must be in writing and sent to the immediate Supervisor and the Director of Human Resources simultaneously. The Director of Human Resources will arrange the appropriate review with the employee's Supervisor and Senior Staff member. Requests for personal leave will be reviewed on an individual basis, considering the needs of the department, the employee's work record, attendance record, length of service, and the nature of the request.

After reviewing the request, the College will notify the employee of one of the following determinations:

- The leave is approved, and the employee's current position will be guaranteed upon return
- The leave is approved; however, the employee's current position will not be guaranteed upon return, but a position with comparable pay and benefits will be guaranteed
- The leave is denied.

Employees will receive notification of approval or denial from the Director of Human Resources within fifteen (15) days of the request. Employees who feel their leave request has been unjustly denied may request a meeting with the appropriate Senior Staff member and/or the President. The President's decision is final.

Employees must meet with the Director of Human Resources prior to going on leave so that benefits can be explained and records concerning benefits can be properly maintained. The Director of Human Resources will notify the payroll of the terms of the leave. Employees are to report to the Director of Human Resources immediately upon returning to work so that the accrual of benefits can resume.

For a leave of absence exceeding one month, retirement contributions and life and long-term disability insurance will be discontinued at the start of the leave. Vacation and sick leave will

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not be accrued. Health insurance can continue on the same basis as was in effect at the start of the leave, provided the employee elects to pay 100% of the current monthly premium.

All benefits are resumed on the first day of the month following the month when the employee returns to work.

When a request for a personal leave of absence is approved, the employee's record of continuous service is not broken, provided the employee returns to work at the time agreed upon. Failure to return on the day of expiration of the leave will result in the employee's removal from the payroll, and continuous service with the College will be broken.

Under no circumstances will a personal leave of absence be granted beyond one year. An employee will be terminated after being on leave beyond one year.

## **5-2 Family and Medical Leave**

Hampden-Sydney College recognizes that certain major life events may require an employee to be away from work for an extended period, such as becoming a parent, being incapacitated due to or needing continuing treatment for a serious health condition, needing to care for a family member with a serious health condition, or a family member being called upon for or on active duty in the Armed Forces. To balance these needs with the College's need to have employees available to work, the College has established the following Family and Medical Leave Policy in accordance with the Family and Medical Leave Act of 1993 ("FMLA"). Exceptions to this policy will occur if necessary to comply with any applicable state or local laws. This policy is intended to provide a descriptive summary of employees' rights and responsibilities under FMLA and College's Family and Medical Leave Policy. More detailed information about both may be obtained by contacting the Benefits Manager.

### **Employee eligibility**

With the exception of military caregiver leave, an employee eligible for FMLA leave can take up to 12 weeks of unpaid FMLA leave during the 12-month period measured forward from the date of the employee's first FMLA leave usage. For military caregiver leave, an eligible employee can take up to 26 weeks of unpaid FMLA leave during a single 12-month period beginning on the first day the employee takes military caregiver leave.

To be eligible for FMLA leave, an employee must have been employed by the College for at least 12 months and have worked at least 1,250 hours in the 12 months preceding a leave. (When determining whether this eligibility requirement has been met for an employee returning from

military obligations, the employee will be credited with hours of service that would have been performed but for the period of military service.)

### **Circumstances qualifying for leave**

The following circumstances qualify for FMLA leave:

- Parental leave related to the birth or placement of a child for adoption or foster care and to care for the child: eligible employees may take up to 12 weeks of unpaid FMLA leave during the 12-month leave year to bond with and care for their child after the child's birth or placement with the employee for adoption or foster care. This includes adoption or foster care-related activities, such as counseling sessions, court appearances, consultations with lawyers or doctors, and/or related travel. Spouses employed by the College are entitled to a combined total of 12 weeks of family leave for this purpose. The leave(s) must be completed within the first 12 months after the child's birth or placement.
- Leave related to an employee's own serious health condition: an eligible employee may take up to 12 weeks of unpaid FMLA leave during the 12-month leave year in connection with his or her own serious health condition that makes the employee unable to perform the functions of the employee's job.
- Leave related to a family member with a serious health condition: eligible employees may take up to 12 weeks of unpaid FMLA leave during the 12-month leave year to care for a spouse, son, daughter, or parent with a serious health condition. A son or daughter must be under 18 years old, or 18 years of age or older and incapable of self-care because of a mental or physical disability. In-laws are not considered family members in this case. Spouses employed by the College are entitled to a combined total of 12 weeks of family leave to care for a sick parent.
- Military family leave related to qualifying exigencies: eligible employees may take up to 12 weeks of FMLA leave during the 12-month leave year for one or more of the following qualifying exigencies related to a spouse, son, daughter or parent being on active duty or called to active duty status in the National Guard or Reserves in support of a contingency operation:
  - Military events and related activities (including official activities sponsored by the military, a military service organization or the American Red Cross and related to the covered military member's active duty or call to active duty);
  - Child care and school activities including arranging alternative child care, providing child care on an urgent or immediate-need basis, enrolling or transferring a child to a new school or daycare facility, or attending meetings with staff at a school or daycare facility;

- Financial and legal arrangements (including making these arrangements because of a covered military member's absence due to active duty or a call to active duty status);
- Counseling (for benefit of the employee, a covered military member, or a child of a covered military member if counseling is needed as a result of a covered military member's active duty or call to active duty and is provided by someone other than a health care provider);
- Post-deployment activities (including attending arrival ceremonies and reintegration briefings or addressing issues resulting from a covered military member's death during active duty); and
- Any other activities that the College and an employee agree constitute qualifying exigencies:
  - An eligible employee whose spouse, son, daughter or parent is on active duty or called to active duty may take the following amounts of FMLA leave for these qualifying exigencies:
    - Up to seven calendar days prior to the date of a short-term deployment, calculated from the date notified of an impending call or order to active duty in support of a contingency operation; and
    - Up to five days to spend time with a covered military member on each short-term rest and recuperation period during deployment
- Military caregiver leave related to a service member's serious illness or injury: eligible employees may take up to 26 weeks of FMLA leave during a single 12-month period beginning on the first day of leave to care for a current member of the Armed Forces, the National Guard or Reserves or a member on the temporary disability retired list of the Armed Forces, the National Guard or Reserves (a "service member"), who has a serious injury or illness that was incurred in active duty that may render the service member unfit for duty and for which the service member is undergoing medical treatment, recuperation, or therapy; or in outpatient status; or is on the temporary disability retired list. To take this leave, an employee must be the service member's spouse, parent, son, daughter, or next of kin. An employee may not take more than one 26-week period of leave to care for the same service member unless it is for a different serious illness or injury. Military caregiver leave, when combined with other FMLA-qualifying leave, may not exceed 26 weeks in a single 12-month period. Spouses employed by the College are entitled to a combined total of 26 weeks of family leave for this purpose.

\*The covered military member must be a member of the National Guard or Military Reserves or a retired member of the Armed Forces or Reserves. Active members of the Regular Armed Forces are not covered.

"Serious health condition" means any illness, injury, impairment, or physical or mental condition that involves either:

- Any period of incapacity (i.e., inability to work, attend school or perform other regular daily activities) or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical-care facility, and any period of incapacity or subsequent treatment in connection with such inpatient care;
- Continuing treatment by a health care provider that includes any period of incapacity:
  - For more than three consecutive full calendar days and treatment by a health care provider within seven days after the employee first experiences incapacity, and a second visit to the health care provider within the first 30 days after the first day of incapacity (absent extenuating circumstances beyond the employee's control that prevent the follow-up visit from occurring as planned by the health care provider, such as the health care provider's lack of available appointments), or a continuing regimen of treatment under the supervision of the health care provider;
  - Due to pregnancy or prenatal care. A visit to the health care provider is not necessary for each absence;
  - Due to a chronic serious health condition that requires at least two periodic visits a year for treatment by a health care provider, continues over an extended period of time (including recurring episodes of a single underlying condition), and may cause episodic rather than a continuing period of incapacity (such as asthma, diabetes, epilepsy). A visit to a health care provider is not necessary for each absence;
  - Due to a permanent or long-term condition for which treatment may not be effective (e.g., Alzheimer's, a severe stroke, terminal cancer). Only supervision by a health care provider is required, rather than active treatment;
  - Due to any absences to receive multiple treatments for restorative surgery or for a condition that would likely result in a period of incapacity of more than three consecutive full calendar days if not treated (e.g., chemotherapy or radiation treatments for cancer).

### **Reduced-schedule or intermittent leave**

When medically necessary for an employee's own serious health condition or to care for a family member with a serious health condition, or to care for a service member with a serious

illness or injury, an employee may take FMLA leave intermittently or on a reduced schedule basis. The employee must make reasonable efforts to schedule the medically necessary intermittent leave so it does not unduly disrupt the College's operations. An employee is also entitled to take reduced scheduled or intermittent leave for qualifying exigencies when necessary. It may be necessary to transfer an employee to an alternative comparable position to accommodate an intermittent or reduced leave schedule and business needs.

### **Substitution of paid benefits for unpaid FMLA leave**

An employee may elect, or the College may require, the application of appropriate accrued paid time off to some or all of the employee's 12-week FMLA leave allotment, as long as the policy requirements for the paid time off are met. If applicable, an employee may receive Short-Term Disability or workers' compensation benefits during leave. The College and the employee may agree to use paid leave to supplement disability or workers' compensation benefits, if permitted by applicable state laws and plan provisions. The remaining FMLA leave must be taken on an unpaid basis. An employee's total FMLA leave, paid or unpaid, may not exceed 12 weeks (or 26 weeks to care for a service member with a serious illness or injury) in the 12-month period.

For the College staff employees, FMLA leave runs concurrent with accrued vacation and/or accrued sick leave. For the College faculty, FMLA leave runs concurrently with accrued sick leave. The College provides sick leave to faculty members whereby they are entitled to continuation of their base salary from the first day of illness or disability for up to six months per fiscal year.

### **Reinstatement after leave**

Unless an employee is a "key employee," the College will reinstate the employee to the employee's same or equivalent position with equivalent benefits, pay, and other terms and conditions of employment following an FMLA leave, except that the employee will have no greater right to reinstatement or other benefits and conditions of employment than if they had been working continuously.

If, while on FMLA leave, the employee pursues other employment or self-employment not consistent with the stated need for time off, the College will consider the employee to have resigned from employment.

The College will not consider the use of FMLA leave as a negative factor in any employment decision.

### **Notice and certification requirements**

When an employee's need for FMLA leave is foreseeable, the employee must provide the College with 30 days advance written notice of the requested leave. Otherwise, the employee must provide as much notice as they can, generally within one to two business days from when the employee knows that they will need the leave. The notice of leave should be made in writing and state the reason for leave and the amount of time requested. Whenever possible, employees should schedule medical treatment so as not to unduly disrupt the operations of the College.

To obtain FMLA leave, an employee needs to follow these basic steps:

- Inform the employee's Supervisor and the Director of Human Resources of the requested leave;
- Obtain a copy of an FMLA request form and the applicable FMLA certification form from the Department of Human Resources;
- Return the FMLA request form and the FMLA certification form as soon as possible to the Department of Human Resources;
- Continue to communicate with the employee's Supervisor and the Director of Human Resources about the progress of the employee's leave and the employee's return-to-work date, providing additional medical certifications or obtaining additional medical evaluations as necessary to justify the length of absence or as requested by Human Resources.

### **Leave-specific obligations**

Different notice obligations apply for different types of leave requests. Consistent with applicable laws, the College may ask for additional information to support requests for qualifying exigency or military caregiver leave, including confirmation of the family relationship. At a minimum, however, employees should provide the following information when requesting FMLA leave for these purposes:

- To qualify for an FMLA leave related to an employee's own or a family member's serious health condition, an employee must provide a written certification issued by a health care provider that includes the approximate date on which the serious health condition began, the probable duration of the condition, and the appropriate medical facts regarding the condition. For intermittent or reduced schedule leave, the certification must include dates on which the treatment is expected to occur (or at least the frequency of treatments) and the duration of the treatment.
  - If the leave is for the employee to care for a family member, the certification must include a statement that the employee is needed to provide such care and an estimate of the amount of time needed to provide such care

- If the leave is due to the employee's own serious health condition, the certification must include a statement indicating which essential functions of the employee's position he or she is unable to perform, as well as any other work restrictions and their likely duration
- If an employee is requesting leave for a "qualifying exigency" related to the employee's spouse, son, daughter or parent serving on active duty in the armed forces or being notified of an impending call or order to active duty, the employee must support their leave request with a certification showing that the spouse, son, daughter, or parent service member has been called to active duty or has been notified of any impending call or order to active duty.
- If an employee is requested military caregiver leave, the employee must provide certification completed by one of the authorized health care providers identified on the certification form provided by the College (e.g., the Department of Veteran Affairs, Department of Defense, DOD TRICARE, etc.). Consistent with applicable laws, the College may also ask for additional information to support requests for qualifying exigency leave or military caregiver, including confirmation of the family relationship.

### **The College's process for evaluating FMLA requests**

Requests for leave will be reviewed by the Benefits Manager and the Director of Human Resources. Requests will be granted for qualifying reasons and for the period of time which the employee is certified, or for which the employee's spouse, child, or parent requires special care, subject to the rules established by the FMLA or applicable state or local law. Failure to provide adequate certification(s) will result in denial of the requested leave and may result in other employment consequences if the employee's absence is not otherwise authorized. Within five business days of receiving a request for FMLA leave, the Benefits Manager will notify the employee whether he or she is eligible for FMLA leave and whether the requested leave is designated and will be counted as FMLA leave.

The Benefits Manager will advise an employee whenever the certification is found to be incomplete or insufficient and state in writing what information is needed to cure the deficiency. The employee will then have seven calendar days to cure the deficiency (unless impracticable under the circumstances). After the employee has had an opportunity to heal, the College may contact the health care provider for clarification and/or authentication of the certification. Contact with the health care provider requires the employee's written authorization. Under no circumstances will contact be made by the employee's direct Supervisor.



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An employee seeking additional FMLA leave for a previously certified condition must specifically make reference to the need for FMLA leave or the previous condition for which FMLA leave was used.

If an employee submits a certification that is in a language other than English, the employee must provide a written translation at the employee's own expense.

### **Recertification**

The College may require periodic recertification of a serious health condition and periodic reports during the leave regarding an employee's status and intent to return to work. In addition, the College may request that an employee provide annual medical certifications for medical conditions lasting in excess of a leave year. Finally, the College may require an employee to provide certification that the employee is able to return to work at the end of a leave.

### **Second or third medical opinions**

In some cases, the College may require periodic status reports and/or second and third opinions. To facilitate the process for a second or third opinion, an employee must authorize the release of relevant medical information pertaining to the condition for which leave is sought to the second or third opinion health provider, if requested by that provider. If the employee does not comply, the College may deny FMLA leave.

### **Benefits during leave**

During FMLA leave, an employee will continue to receive the same benefits as when they were an active employee. If the leave is running concurrently with paid leave, employee benefit contributions will be deducted from the employee's paycheck just as they are when he or she is working. If the leave is unpaid, the employee will be billed directly for the contribution. If an employee fails to timely (i.e., within 30 days) pay required insurance premiums, the College may elect to pay them for the employee and later recover those amounts from the employee. Additionally, in some cases, the College may recover the entire amount of premiums it paid for health coverage during the leave if the employee fails to return to work. To the extent required by law, all employee benefits will be unconditionally reinstated upon the employee's return to work.

### **Questions and exceptions**

Questions relating to leave entitlements and/or the status of employee benefits or compensation during approved leaves should be directed to the Benefits Manager or the Director of Human Resources. Exceptions to this policy will occur if necessary to comply with applicable laws. All

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exceptions to this policy must be reviewed in advance and approved by the Director of Human Resources.

### 5-3 Military Leave

If employees are called into active military service or enlist in uniformed service, they will be eligible to receive an unpaid military leave of absence. To be eligible for military leave, employees must provide management with advance notice of service obligations, unless they are prevented from providing such notice by military necessity or it is otherwise impossible or unreasonable to provide such notice. Provided the absence does not exceed applicable statutory limitations, employees will retain reemployment rights and accrue seniority and benefits in accordance with applicable federal and state laws. Employees should ask management for further information about eligibility for Military Leave.

An employee entering or returning from active military service is covered by a federal law known as the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA). The Act covers all employees who perform military service on either a voluntary or involuntary basis, including active duty, training for active or inactive duty, or full-time National Guard duty. Time an employee spends away from the job to take an examination to determine fitness for military duty is also covered. USERRA benefits do not extend to individuals whose military service ends under "other than honorable conditions," including a dishonorable discharge or bad conduct discharge. Visit <https://osc.gov/Pages/USERRA-EmployeeRights.aspx> or <https://www.military.com/benefits/military-legal-matters/userra> for more information about Military Duty Leave.

Employees who are members of a military reserve unit and are subject to the annual two-week reserve encampment will be granted the necessary time off. There is no requirement that annual vacation time is used to cover leave for temporary military leave; however, the employee may elect to use earned vacation in this manner. If vacation time is elected, the employee will receive regular pay for the days designated as vacation. Otherwise, the time off will be leave without pay.

## Section 6 - General Standards of Conduct

### 6-1 Punctuality and Attendance

Employees are hired to perform important functions at Hampden-Sydney College. As with any group effort, operating effectively takes cooperation and commitment from everyone. Therefore, attendance and punctuality are very important. Unnecessary absences and lateness are expensive and disruptive, and place an unfair burden on fellow employees and Supervisors. We expect excellent attendance from all employees. Excessive absenteeism or tardiness will result in disciplinary action up to and including discharge.

However, we do recognize there are times when absences and tardiness cannot be avoided. In such cases, employees are expected to notify Supervisors as early as possible, but no later than the start of the workday. Asking another employee, friend or relative to give this notice is improper and constitutes grounds for disciplinary action. Employees should call, stating the nature of the illness and its expected duration, for every day of absenteeism.

Unreported absences of three (3) consecutive workdays will generally be considered a voluntary resignation of employment from the College.

### 6-2 Employee Dress and Personal Appearance

All employees should dress in a manner that is consistent with a professional business environment, or in College-issued uniforms where applicable. The employee's Supervisor or the Director of Human Resources should be consulted if in doubt about what is considered appropriate dress. Individual Supervisors may set a reasonable standard for proper attire based on work-related needs.

### 6-3 Health and Safety

The health and safety of employees and others on College property are of critical concern to Hampden-Sydney College. The College intends to comply with all health and safety laws applicable to our industry. To this end, we must rely upon employees to ensure that work areas are kept safe and free of hazardous conditions. Employees are required to be conscientious about workplace safety, including proper operating methods, and recognize dangerous conditions or hazards. Any unsafe conditions or potential hazards should be reported to the Supervisor immediately, even if the problem appears to be corrected. Any suspicion of a concealed danger present on the College's premises, or in a product, facility, piece of equipment, process, or business practice for which the College is responsible, should be brought to the attention of the Supervisor immediately.

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Periodically, the College may issue rules and guidelines governing workplace safety and health. The College may also issue rules and guidelines regarding the handling and disposal of hazardous substances and waste. All employees should familiarize themselves with these rules and guidelines, as strict compliance will be expected.

Any workplace injury, accident, or illness must be reported to the employee's Supervisor as soon as possible, regardless of the severity of the injury or accident.

#### **6-4 Conflict of Interest and Business Ethics**

It is Hampden-Sydney College's policy that all employees avoid any conflict between their personal interests and those of the College. The purpose of this policy is to ensure that the College's honesty and integrity, and therefore its reputation, are not compromised. The fundamental principle guiding this policy is that no employee should have, or appear to have, personal interests or relationships that actually or potentially conflict with the best interests of the College.

It is not possible to give an exhaustive list of situations that might involve violations of this policy. However, the situations that would constitute a conflict in most cases include but are not limited to:

- Holding an interest in or accepting free or discounted goods from any organization that does, or is seeking to do, business with the College, by any employee who is in a position to directly or indirectly influence either the College's decision to do business or the terms upon which business would be done with such organization;
- Holding any interest in an organization that competes with the College;
- Being employed by (including as a consultant) or serving on the board of any organization which does, or is seeking to do, business with the College or which competes with the College; and/or
- Profiting personally, e.g., through commissions, loans, expense reimbursements, or other payments, from any organization seeking to do business with the College.

A conflict of interest could also exist when a member of an employee's immediate family is involved in situations such as those above.

This policy is not intended to prohibit the acceptance of modest courtesies, openly given and accepted as part of the usual business amenities, such as occasional business-related meals or promotional items of nominal or minor value.

It is the responsibility of the employee to report any actual or potential conflict that may exist between them (and/or their immediate family) and the College.

## 6-5 Use of Social Media

At Hampden-Sydney College, we understand that social media can be a fun and rewarding way to share your life and opinions with family, friends, and co-workers around the world. However, the use of social media also presents certain risks and carries with it certain responsibilities. To assist you in making responsible decisions about your use of social media, we have established this policy for the appropriate use of social media.

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

The same principles found in College's policies apply to your activities online. Ultimately, you are solely responsible for what you post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any conduct that adversely affects your job performance, the performance of fellow employees, or otherwise adversely affects the College's employees, students, contractors, or visitors, or the College's legitimate business interests, may result in appropriate disciplinary action up to and including termination.

Carefully read these policies, as well as this entire Employee Handbook, focusing on policies surrounding harassment, discrimination, and bullying, and ensure your postings are consistent with these rules. Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject you to appropriate disciplinary action up to and including termination.

Always be fair and courteous to fellow employees and our students. Also, keep in mind that you are more likely to resolve work-related complaints by speaking directly with your co-workers than by posting complaints to a social media outlet. Nevertheless, if you decide to post complaints or criticism, avoid using statements, photographs, videos, or audio recordings that reasonably could be viewed as malicious, obscene, and threatening, or intimidating, that disparage the College and its constituents, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion, or any other status protected by law or our policy.

Make sure you are always honest and accurate when posting information or news, and if you make a mistake, correct it quickly. Be open about any previous posts you have altered. Remember that the Internet archives almost everything; therefore, even deleted postings can be

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searched. Never post any information or rumors that you know to be false about the College, its constituents, or competitors.

Maintain the confidentiality of our College's proprietary, as well as any private or confidential information. Express only your personal opinions. Never represent yourself as a spokesperson for the College. If the College is a subject of the content you are creating, be clear and open about the fact that you are an employee and make it clear that your views do not represent those of the College, fellow employees, students, contractors, visitors, or other constituents. If you do publish a blog or post online related to the work you do or subjects associated with the College, make it clear that you are not speaking on behalf of the College. It is best to include a disclaimer, such as "the postings on this site are my own and do not necessarily reflect the views of Hampden-Sydney College."

Refrain from using social media while on work time or on the equipment we provide, unless it is work-related as authorized by your Supervisor. Do not use your work email addresses to register on social networks, blogs, or other online tools utilized for personal use.

Hampden-Sydney College prohibits taking negative action against any employee for reporting a possible deviation from this policy or for cooperating in an investigation. Any employee who retaliates against another employee for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.

If you have questions or need further guidance, please contact the Director of Human Resources.

## **6-6 Drug-Free and Alcohol-Free Workplace**

In accordance with the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act of 1989, the College is committed to maintaining a drug-free workplace and promoting high standards of employee health and safety. College standards of conduct prohibit the illegal manufacture, possession, distribution, or use of alcohol and drugs.

Employees may be dismissed for drug-related offenses, including unauthorized use or possession of alcoholic beverages or illegal or nonprescription controlled substances, or for reporting to or being at work while under their influence. The misuse of prescription drugs by employees during working hours, on College business, or during use of College-owned property is strictly prohibited. Concerns about substance abuse involving an employee may be discussed with the immediate Supervisor, Senior Cabinet Officer, or the Director of Human Resources.

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The Federal law requires that employees notify the Department of Human Resources within five days of a conviction under a criminal drug statute of offenses committed on College property or while on College business. Questions about this issue should be directed to the Director of Human Resources.

Violations of the College substance abuse policy will result in disciplinary action up to and including termination. The College cooperates fully with law enforcement authorities. Violations of the substance abuse policy that are also violations of federal, state, or local law will be referred to the appropriate agency. In such situations, action to address the infraction may proceed concurrently in the College and in the criminal justice system.

The College reserves the right to require an employee to submit to drug testing in special circumstances.

Smoking, including the use of e-cigarettes, is prohibited by the College in all facilities, buildings, and vehicles.

## **6-7 Harassment and Discrimination, Including Sexual Misconduct**

Hampden-Sydney College does not tolerate and prohibits discrimination, harassment, or retaliation of or against job applicants, contractors, interns, volunteers, or employees by another employee, supervisor, vendor, customer, or third party based on actual or perceived race, color, creed, religion, age, sex, or gender (including pregnancy, childbirth, and related medical conditions), sexual orientation, gender identity, or gender expression (including transgender status), national origin, ancestry, marital status, protected medical condition as defined by state law (including cancer or genetic characteristics), physical or mental disability, military and veteran status, reproductive health decision making, genetic information, or any other characteristic protected by applicable federal, state, or local laws and ordinances. The College is committed to a workplace free of discrimination, harassment, and retaliation. Hampden-Sydney College is dedicated to ensuring the fulfillment of this policy as it applies to all terms and conditions of employment, including recruitment, hiring, placement, promotion, transfer, training, compensation, benefits, employee activities, and general treatment during employment.

To ensure this, the College has created and implemented a detailed policy that describes prohibited discrimination and harassment, incorporates protections under all local, state, and federal laws, and establishes procedures for responding to reports of discrimination and harassment. [The Harassment and Discrimination Policy](#), which includes sexual misconduct, is readily available to all students, employees, and other members of the College community. The Policy specifically prohibits retaliation - adverse conduct taken because an individual reported an actual or a perceived violation of this policy, opposed practices prohibited by this policy, or

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participated in the reporting and investigation process described below. "Adverse conduct" includes but is not limited to:

- Shunning and avoiding an individual who reports harassment, discrimination, or retaliation;
- Express or implied threats or intimidation intended to prevent an individual from reporting harassment, discrimination, or retaliation; and
- Denying employment benefits because an applicant or employee reported harassment, discrimination, or retaliation or participated in the reporting and investigation process described below.

The Policy outlines reporting and investigative procedures and is available on hsc.edu website. A hard copy can be obtained from the Department of Human Resources.

All Employees are required to undergo harassment prevention training as required by applicable law.

Questions about this policy should be directed to the Director of Human Resources.

Further, questions about Title IX should be directed to the College's Title IX Coordinator. The College's Title IX Coordinator is Dr. Melissa Wood. Her office is in the Health Center - Joyner House and she can be reached by telephone at 434-223-6061, or by email at [mwoods@hsc.edu](mailto:mwoods@hsc.edu). Questions can also be directed to the U.S. Department of Education's Office for Civil Rights (OCR), <http://www2.ed.gov/about/offices/list/ocr/index.html>. The District of Columbia office for the Office of Civil Rights serves as the regional field office for Virginia. The postal mail address is: U.S. Department of Education, Office of Civil Rights, 400 Maryland Avenue, S.W., Washington, D.C. 20202-1475. Telephone: 202-453-6020. Fax: 202-453-6021.

## 6-8 Consensual Relations

A "Consensual Relationship," as that term is used in this policy, is one in which two members of the Hampden-Sydney College community are engaged by mutual consent in a romantic or sexual relationship. When such a relationship involves people who differ in power within the College community, it is of special concern because of the potential for conflict of interest and/or abuse of power. Decisions that must be made free from bias or favor may come under question when made by a person who may benefit from or be harmed by the decisions. The mere appearance of bias resulting from a consensual relationship may seriously disrupt the academic or work environment. Equally important, such relationships have the potential to undermine our sense of community, mutual trust, and support. Furthermore, even when initially consensual, such relationships can evolve in ways that are unwelcome, disruptive, and even harassing.



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For these reasons, the College has adopted the following policy with respect to consensual relationships and placed all employees on notice that the College views consensual relationships between College community members, especially when a power relationship exists, as unwise and of high risk, particularly when students are involved.

The College prohibits consensual relationships between employees where a reporting relationship exists. The College strongly discourages consensual relationships between employees where there is a difference in power such that it creates an appearance of a conflict of interest and/or impropriety, even if no direct reporting relationship exists. In situations involving such prohibited or discouraged behavior, the College reserves the discretion to determine when a violation exists and to respond as it deems appropriate in its sole discretion, including but not limited to transferring employees, rearranging reporting arrangements, or taking other action, including disciplinary action, to remedy any situation deemed inappropriate.

The College prohibits consensual relationships between an employee and any student enrolled at the College. An employee who engages in a consensual relationship with any student enrolled at the College will be subject to appropriate discipline up to and including termination of employment.

## **6-9 Child Abuse and Neglect Reporting**

All College employees are considered Mandated Reporters of child abuse and neglect. This means that all College employees who in their professional or official capacities have reason to suspect that a child is being abused or neglected, are required to report instances of suspected child abuse and neglect to proper authorities.

A neglected or abused child is any child under 18 years of age whose parent or any person responsible for child's care:

- Causes or threatens to cause a non-accidental physical or mental injury
- Has a child present during the manufacture of a controlled substance or during the unlawful sale of such substance where such activity would constitute a felony violation
- Neglects or refuse to provide adequate food, clothing shelter, emotional nurturing, or health care
- Abandons the child
- Neglects or refuses to provide adequate supervision in relation to child's age and level of development

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- Knowingly leaves a child alone in the same dwelling with a person, not related by blood or marriage, who has been convicted of an offense against a minor for which registration is required as a violent sex offender
- Commits or allows to be committed any illegal sexual acts upon a child, including incest, rape, indecent exposure, prostitution, or allows a child to be used in any sexually explicit recordings.

To satisfy the requirement of mandated reporting, any College employee who has reason to suspect that a minor is being abused or neglected must report the matter immediately, but no later than 24 hours after having reason to suspect a reportable offense of abuse or neglect, to the following:

- Virginia Department of Social Services statewide toll-free child abuse and neglect hotline - 1-800-552-7096
- Hampden-Sydney College Public Safety and Police - 434-223-6300
- Human Resources Director 434-223-6220.

All employees will receive Mandated Reporter training on an annual basis.

## **6-10 Conflict Resolution**

For questions, concerns, or complaints regarding unlawful harassment or discrimination, employees should follow the Complaint Procedure discussed in the Harassment and Discrimination Policy. For all other questions, concerns or complaints, refer to the problem resolution procedure discussed below.

Work-related complaints or problems are of concern to Supervisors, as well as all other levels of management. To provide employees with an effective and acceptable means of bringing problems concerning their work to management's attention, there is an established problem resolution procedure that is to be used by all employees.

Employees are encouraged to discuss problems openly, candidly, and courteously. There will be no recrimination against anyone for presenting a complaint or discussing a problem with a Supervisor. The purpose of the following procedure is to make Hampden-Sydney College a more pleasant and productive place to work.

The following are examples of circumstances that may require resolution through the process described below:

- Application of College's policies, practices, rules, regulations, and procedures believed to be to the detriment of an employee

- Treatment considered unfair by an employee
- Improper or unfair administration of employee benefits or other conditions of employment

It is important to recognize that all employees of the College are expected to utilize the chain of command, unless the specific complaint is about that specific person. Any employee who has a question about interpretation or application of the College policy, or disagrees with a fellow employee or Supervisor, should take the following steps:

**Immediate Supervisor:** If an employee has a complaint to make or feels any action by the College or the Supervisor is unjust, that employee should talk to the Supervisor about it. The Supervisor knows more about the employee's job circumstances than any other member of management and is in the best position to handle complaints or problems properly and expeditiously. Supervisors are to be approached within five (5) consecutive workdays of the employee's awareness of a problem. If the problem or complaint is with the Supervisor, the employee is to omit this step and go directly to the Senior Cabinet Officer.

**Senior Cabinet Officer:** If the employee has not received a satisfactory answer or resolution from the employee's immediate Supervisor, that employee has five (5) working days to refer the problem in writing to the Senior Cabinet Officer or the next higher level in management. If assistance is needed in preparing a written statement, the employee may contact the Director of Human Resources. The Senior Cabinet Officer will then provide the employee with a written answer within five (5) working days of receiving the statement. If the Senior Cabinet Officer is the immediate Supervisor and the issue has not been satisfactorily resolved, the employee should proceed directly to the Vice President for Business Affairs and Finance.

**Vice President for Business Affairs and Finance:** If a satisfactory resolution is not reached in the two previous actions, the employee should then present the written complaint to the Vice President for Business Affairs and Finance. The Vice President for Business Affairs and Finance will attempt to resolve the problem within five (5) working days and notify the employee of the decision. If the problem is not resolved to the employee's satisfaction after notifying the Vice President for Business Affairs and Finance, the employee may proceed to the President of the College.

**President of the College:** If the employee is not satisfied with the resolution provided by the Vice President for Business Affairs and Finance, that employee will have five (5) working days to request an appointment for a personal interview with the President of the College. The President will then discuss the problem with the employee and review all aspects of it thoroughly. The President shall respond within five (5) working days of the personal interview. Because the responsibility for the operation of the College has been delegated by the Trustees

to the President, any decision rendered by the President in the resolution of a complaint is final and binding.

## 6-11 Abusive Conduct

At Hampden-Sydney College all employees have the right to be treated with dignity and respect. Hampden-Sydney College does not tolerate and prohibits abusive conduct in the workplace. These behaviors are unacceptable in the workplace and in any work-related settings such as business trips and College-sponsored social functions.

### Abusive Conduct Defined

Abusive conduct is defined under this policy as acts or omissions that would cause a reasonable person, based on the severity, nature and frequency of the conduct, to believe that the employee was subject to an abusive work environment, which can include but is not limited to:

- repeated verbal abuse in the workplace, including derogatory remarks, insults and epithets;
- verbal, nonverbal or physical conduct of a threatening, abusive, violent, intimidating or humiliating nature in the workplace; or
- the sabotage or undermining of the employee's work performance in the workplace.

Abusive conduct does not include:

- disciplinary procedures in accordance with adopted College policies;
- routine coaching and counseling, including feedback about and correction of work performance;
- reasonable work assignments, including shift, post and overtime assignments;
- individual differences in styles of personal expression;
- passionate, loud expression with no intent to harm others;
- differences of opinion on work-related concerns; and
- the non-abusive exercise of managerial prerogative.

If employees believe someone has violated this policy, they should promptly bring the matter to the immediate attention of the employee's Supervisor. Every supervisor who learns of any employee's concern about conduct in violation of this policy, whether in a formal complaint or informally, or who otherwise is aware of conduct in violation of this policy, must immediately report the issues raised or conduct to Director of Human Resources.

Upon receiving a complaint, the College will promptly conduct an investigation into the facts and circumstances of any claim of a violation of this policy. Employees who file complaints

will not suffer negative consequences for reporting others for inappropriate behavior. To the extent possible, the College will endeavor to keep confidential each party involved in the investigation. However, complete confidentiality may not be possible in all circumstances. Employees are required to cooperate in all investigations conducted pursuant to this policy. The College will take corrective measures against any person who it finds to have engaged in conduct in violation of this policy, if the College determines such measures are necessary. These measures may include, but are not limited to, counseling, suspension or immediate termination.

The College will not tolerate retaliation, including any act of reprisal, interference, restraint, penalty, discrimination, intimidation or harassment against an individual or individuals exercising their rights under this policy.

Employees with questions or concerns regarding this policy should contact the Director of Human Resources.

## 6-12 Workplace Conduct

The College endeavors to maintain a positive work environment. Each employee plays a role in fostering this environment. Accordingly, we all must abide by certain rules of conduct, based on honesty and common sense.

Because everyone may not have the same idea about proper workplace conduct, it is helpful to adopt and enforce rules all can follow. Unacceptable conduct may subject the offender to disciplinary action, up to and including discharge, at the College's sole discretion. The following are examples of some, but not all, conduct that can be considered unacceptable:

- Obtaining employment on the basis of false or misleading information
- Stealing, removing, destroying, or defacing assets or equipment belonging to the College or another employee
- Falsifying one's own, or completing another employee's, time records
- Violation of safety rules, instructions, policies, and processes
- Fighting, threatening or disrupting the work of others or other breaches of Hampden-Sydney College's Workplace Violence Policy
- Failure to follow lawful instructions of a Supervisor
- Failure to perform assigned job duties
- Unsatisfactory job performance
- Gambling on College property
- Wasting work materials
- Performing work of a personal nature during work time
- Any other violation of College policy

Obviously, not every type of misconduct can be listed. Note that all staff employees are employed at-will, and the College reserves the right to impose whatever discipline it chooses, or none at all, in a particular instance. The College will deal with each situation individually, and nothing in this handbook should be construed as a promise of specific treatment in a given situation. The College will endeavor to utilize progressive discipline but reserves the right in its sole discretion to terminate the employee at any time for any reason. The observance of these rules will help to ensure that our workplace remains a safe and desirable place to work.

### 6-13 Workplace Bullying

The purpose of this policy is to communicate to all employees, including Supervisors, that Hampden-Sydney College will not in any instance tolerate bullying behavior. Employees found in violation of this policy will be appropriately disciplined, up to and including termination.

The College defines bullying as repeated inappropriate behavior, either direct or indirect, whether verbal, physical, or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment. Such behavior violates Hampden-Sydney College's Code of Conduct, which clearly states that all employees, students, contractors, and visitors will be treated with dignity and respect.

Bullying may be intentional or unintentional. However, it must be noted that when an allegation of bullying is made, the intention of the alleged bully is irrelevant and will not be given consideration when determining proper sanctions. As in situations of harassment and discrimination, it is the effect of the behavior on the individual that is important. The College considers the following types of behavior as examples of bullying:

- **Verbal bullying.** Slandering, ridiculing, or maligning a person or his or her family; persistent name-calling that is hurtful, insulting, or humiliating; using a person as the subject of jokes; abusive and offensive remarks.
- **Physical bullying.** Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault, damage to a person's work area or property.
- **Gesture bullying.** Nonverbal threatening gestures which objectively convey a threatening message.
- **Exclusion.** Socially or physically excluding or disregarding a person in work-related activities.
- **Other.** In addition, the following examples may constitute or contribute to evidence of bullying in the workplace:
  - Persistent signaling out of one person

- Shouting or raising one's voice at an individual in public or in private
- Using verbal or obscene gestures
- Not allowing the person to speak or express themselves (i.e., ignoring or interrupting)
- Personal insults and use of offensive nicknames
- Public humiliation in any form
- Constant criticism on matters unrelated or minimally related to the person's job performance or description
- Ignoring or interrupting an individual at meetings
- Public reprimands
- Repeatedly accusing someone of errors that cannot be documented
- Deliberately interfering with mail and other communications
- Spreading rumors and gossip regarding individuals
- Encouraging others to disregard a Supervisor's instructions
- Manipulating the ability of someone to do their work (e.g., overloading, underloading, withholding information, assigning meaningless tasks, setting deadlines that cannot be met, giving deliberately ambiguous instructions)
- Inflicting menial tasks, not in keeping with the normal responsibilities of the job
- Taking credit for another person's ideas
- Refusing reasonable requests for leave in the absence of work-related reasons not to grant leave
- Deliberately excluding an individual or isolating them from work-related activities, such as meetings
- Unwanted physical contact, physical abuse, or threats of abuse to an individual or an individual's property (defacing or marking up property).

## 6-14 Workplace Violence

Hampden-Sydney College is strongly committed to providing a safe workplace. The purpose of this policy is to minimize the risk of personal injury to employees and damage to the College and personal property.

We do not expect employees to become experts in psychology or to physically subdue a threatening or violent individual. Indeed, we specifically discourage employees from engaging in any confrontation with a violent or potentially violent individual. However, we do expect and encourage employees to exercise reasonable judgment in identifying potentially dangerous situations.

Experts in the mental health profession state that prior to engaging in acts of violence, troubled individuals often exhibit one or more of the following behaviors or signs: over-resentment, anger, and hostility; extreme agitation; making ominous threats such as bad things will happen to a particular person, or a catastrophic event will occur; sudden and significant decline in work performance; irresponsible, irrational, intimidating, aggressive or otherwise inappropriate behavior; reacting to questions with an antagonistic or overtly negative attitude; discussing weapons and their use, and/or brandishing weapons in the workplace; overreacting or reacting harshly to changes in College policies and procedures; personality conflicts with co-workers; obsession or preoccupation with a co-worker or Supervisor; attempts to sabotage the work or equipment of a co-worker; blaming others for mistakes and circumstances; or demonstrating a propensity to behave and react irrationally.

Threats, threatening language, or any other acts of aggression or violence made toward or by any College employee **WILL NOT BE TOLERATED**. For purposes of this policy, a threat includes any verbal or physical harassment or abuse, any attempt at intimidating or instilling fear in others, menacing gestures, flashing of weapons, stalking, or any other hostile, aggressive, injurious, or destructive action undertaken for the purpose of domination or intimidation. To the extent permitted by law, employees and visitors are prohibited from carrying weapons onto College premises.

All potentially dangerous situations, including threats by co-workers, should be reported immediately to any member of management with whom the employee feels comfortable. Reports of threats may be maintained confidential to the extent that maintaining confidentiality does not impede our ability to investigate and respond to complaints. All threats will be promptly investigated. All employees must cooperate with all investigations. No employee will be subjected to retaliation, intimidation, or disciplinary action as a result of reporting a threat in good faith under this policy.

If the College determines, after an appropriate good faith investigation, that someone has violated this policy, the College will take swift and appropriate corrective action.

If an employee is the recipient of a threat made by an outside party, that employee should follow the steps detailed in this section. It is important for us to be aware of any potential danger in our offices. Indeed, we want to take effective measures to protect everyone from the threat of a violent act by an employee or by anyone else.

## 6-15 Weapons

It is the policy of Hampden-Sydney College to maintain a safe environment for all persons, including students, faculty, staff, and visitors. It is the College's policy to maintain a weapon free environment and prohibit the possession of weapons, regardless of any permit that an



individual (excluding law enforcement officers) may have which would otherwise authorize the individual to carry firearms.

Definition of weapons includes, but is not limited to, handguns, pistols, BB/CO2 guns, compressed air guns or pistols, rifles, muskets, long guns, stun guns, tomahawks or machetes, slingshots, archery equipment, blow guns, switchblade knives, butterfly knives, axes, metal/brass knuckles, fireworks, explosives, chemicals that are explosive (unless under the control of a College academic department), paintball guns, any toy or replica thereof, and any other weapon deemed dangerous and unauthorized. The College retains the final authority to evaluate potential dangers and what constitutes a weapon.

This policy applies to all College faculty, staff, affiliates, contracted service representatives, members of the general public, and all visitors attending events or entering buildings on campus, and to all property owned, leased, operated or controlled by the College. The possession or carrying of any weapon by any person, other than a law enforcement officer, including licensed or unlicensed firearms, is prohibited at any time while on College-owned, leased, operated, or controlled property.

The transportation of firearms in College-owned or leased vehicles is prohibited (excluding law enforcement). This includes but is not limited to travel to and from work, when conducting College business, and at all times in College-owned or leased vehicles.

The College reserves the right to conduct reasonable, unannounced searches of College premises, and personal searches of employees and others while entering, on, or leaving the College premises, including, but not limited to, personal effects, vehicles, lockers, desks, tool boxes, clothing, meal containers, and baggage.

An employee who violates this policy will be subjected to appropriate disciplinary action in accordance with the misconduct policies of the College, up to and including termination of employment. An affiliate who violates this policy will be subject to a revocation of affiliate status. A visitor who violates this policy will be subject to removal from campus and being barred from campus.

College employees may store lawfully possessed firearms in their locked, personal vehicles while parking at work. Firearms must be stored in a securable container (glove box, console, trunk, etc.) and the vehicle must be locked at all times. This policy does not apply to law enforcement officers duly authorized to carry such weapons.

The Department of Public Safety and Police authored this policy; the policy is subject to review and revision by the Department of Public Safety and Police.

## 6-16 If You Must Leave Us

Should an employee decide to leave the College, a written resignation notice must be submitted to the Supervisor with at least two (2) weeks advance notice of departure. Employees in supervisory positions must provide 30 days' notice. All College property, including, but not limited to keys, security cards, parking passes, laptop computers, fax machines, uniforms, etc., must be returned on or before the employee's last work day. Employees also must return all of the College's Confidential Information upon separation. To the extent permitted by law, employees will be required to repay the College, (through payroll deduction, if lawful) for any lost or damaged College property. Any violation of this policy will render the employee ineligible for future employment with the College.

## 6-17 Exit Interviews

Employees who resign or retire are requested to participate in an exit interview with the Director of Human Resources, if possible.

## 6-18 References

Hampden-Sydney College will respond to reference requests through the Department of Human Resources. The College will provide general information concerning the employee such as date of hire, date of discharge, and positions held. Please refer all requests for references to the Department of Human Resources.

**Only the Department of Human Resources may provide references.**

## 6-19 A Few Closing Words

This handbook is intended to give employees a broad summary of things they should know about regarding their employment at Hampden-Sydney College. The information in this handbook is general in nature and, should questions arise, any member of management should be consulted for complete details. While the intent is to continue the policies, rules, and benefits described in this handbook, the College, in its sole discretion, may always amend, add to, delete from or modify the provisions of this handbook and/or change its interpretation of any provision set forth in this handbook. Employees should not hesitate to speak to their Supervisors if they have any questions about the College or its personnel policies and practices.

## Section 7 - Appendices

### 7-1 Utility Cart Usage Policy

The purpose of this policy is to establish guidelines for the safe use of utility carts by Hampden-Sydney College students and employees with limited mobility needs on campus, or while conducting approved College business. This policy sets forth the procedure for obtaining approval to operate the designated cart on College-owned property.

This policy covers all types of utility carts used for transportation of people with limited mobility issues or while conducting approved College business.

Term "Utility Cart" as used herein, shall apply to all unlicensed (unregistered) off-the-road carts operated on the campus, including golf carts.

#### Approval Procedure

1. Students with limited mobility issues must be referred to the Disability Services Coordinator for approval. The Coordinator may consult with the Director of Student Health Center as necessary. The Coordinator will determine the length of time the user will be allowed to use the cart. The student will read and sign the usage policy form that will be kept on file by the Coordinator.
2. Employees with limited mobility issues must be referred to the Director of Human Resources. The Director may request documentation from the employee's health provider verifying the need for cart use. The Director will determine the length of time the user will be allowed to use the cart. The employee will read and sign the usage policy form that will be kept on file in the Human Resources office.
3. Employee Supervisors must approve employees' (including student employees) use of utility carts for approved College business purposes. The employee will read and sign the usage policy form and forward it to the Director of Human Resources.
4. The Department of Public Safety and Police will be notified when permission is granted to a student or employee to utilize a cart.

#### Guidelines for Cart Usage

1. No mini-bikes, motorized cycles, go-carts, ATVs, motorized dirt bikes, hoverboards (self-balancing, electric-wheeled boards), golf carts (unless approved by the Disability Services Coordinator or Director of Human Resources; cart must be battery powered), etc. are allowed to be used or stored on campus or College-owned property.
2. The use of certain medications may restrict or prohibit the approval of the request for permission to operate a utility cart on College-owned property.

3. The procurement of a utility cart for use by students or employees with limited mobility needs will be the responsibility of the approved individual. Hampden-Sydney College will not provide vehicles of this type. All liability concerning the use of these vehicles on College-owned property shall be the responsibility of the operator. The operator or designee will be responsible for insuring the vehicle.
4. Privately owned/leased carts may not be operated on state-maintained roadways at any time. Carts may cross streets only at crosswalks.
5. College-owned/leased utility carts operated by an employee performing job duties may drive on public roadways pursuant to Virginia Code 46.2-916.3, section B-3, which states "As necessary by employees of public or private two-year or four-year institutions of higher education if operating on highways within the property limits of such institutions, provided the golf cart or utility vehicle is being operated on highways with speed limits of 35 miles per hour or less." All college-owned/leased utility carts must have an approved slow-moving vehicle sign attached to the rear of the cart. The use of carts on public roadways is prohibited after dark. Utility carts may be operated after dark on College-owned roads and property with properly working head and tail lights.
6. The consumption of alcohol before or during the operation of utility/golf carts is strictly forbidden. A blood alcohol level of no greater than 0.00 is mandatory for any golf/utility cart operator.
7. Utility carts are to be recharged only at designated recharge areas. The designated recharge receptacle will be marked with a placard reading "Utility Cart Charging Station." Only chargers approved by the cart manufacturer may be used. The use of extension cords from inside buildings to carts is prohibited.
8. The utility cart may not be loaned to other students for personal use. The utility cart may only be operated when the approved person is occupying the vehicle.
9. Utility carts shall not be operated at night without properly working head and tail lights.
10. Any abuse of this policy shall be referred to the Disability Services Coordinator or the Director of Human Resources. The abusive behavior may be referred to the Hampden-Sydney College Department of Public Safety and Police. The police department reserves the right to restrict the use of, or impound utility carts if the cart is used in such a way that the operator's safety or the safety of others is jeopardized. Unauthorized utility carts on College-owned property will be removed.

Public Safety and Police Department carries the primary responsibility for enforcement of this policy.

Acknowledgement:

"...to form good men and good citizens..."

I have read, understand, and will abide by the Hampden-Sydney College Utility Cart Usage Policy as evidenced by my signature below.

Approved Dates: Beginning \_\_\_\_\_ Ending \_\_\_\_\_

User: \_\_\_\_\_

Printed Name Signature Date

Human Resources representative:

\_\_\_\_\_

Printed Name Signature Date

## 7-2 Passenger Van Usage Policy

This policy applies to the College-owned and leased passenger vans used by Hampden-Sydney College employees (faculty and staff) on all College business or College-related activities.

Only College employees (faculty and staff) on the approved driver list maintained by the Human Resources are allowed to drive College-owned or leased vans while conducting College business or related College activities.

The criteria for driver approval include:

- Possession of current valid driver's license
- Completion of van safety training administered by Human Resources
- Completion of the driver van safety acknowledgment form.

Students are not allowed to drive College-owned or leased vans.

Drivers must complete a mandatory passenger van safety program that includes online training covering van characteristics, pre-trip inspection, safety belts, scanning, blind spots, and backing.

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Vans can only be leased from Enterprise Rent-A-Car. A College corporate credit card should be used to lease a vehicle.

The driver should make daily inspections of all vans prior to operation and will include:

- Tire pressure check and adjustment
- Fluid leaks (e.g., gas odor, fluid under vehicle)
- Registration, insurance card, and accident report instructions
- All safety and emergency equipment including wipers, lights, horn, windshield solvent, flashers, mirrors and reflectors, and parking brake.

When operating a van, all drivers are encouraged to take a break every two hours. After driving for four hours, a one-half-hour break is required. The total driving duration must not exceed eight hours on a given day. This does not include break time. In the event that an eight-hour trip is required, following a four-hour or longer work day, then two drivers are required. The College reserves the right to cancel a trip if these rules are not observed.

All van drivers and passengers must wear seat belts while traveling in a van. Drivers must obey all speed limits and traffic laws. No equipment or gear will be placed on the roof of a van. Vans may not be used for towing trailers. No hitchhikers or strangers are allowed on College-owned or leased passenger vans.

No alcoholic beverages or illegal drugs will be allowed in the van. The driver will not drive while under the influence of alcohol or drugs, including prescription drugs that impair the driver's ability to drive. The use of tobacco and vaping products (smoking, snuff, chewing tobacco) is prohibited in the College-owned or leased passenger vans.

Drivers must ensure that all interior lights are turned off and all doors and windows are locked when the van is parked, and the vehicle is shut off during refueling.

Drivers may not use any electronic devices (cell phones, two-way radios, texting devices, etc.) while operating van.

Drivers must be mindful of the weather and avoid driving during severe weather conditions.

Fines resulting from traffic or parking violations will be the responsibility of the driver. The College may revoke van driving privileges if an individual has any traffic violation.

Any driver involved in a motor vehicle accident or any incident resulting in damage to the van must report the damage to the College Controller within 24 hours of the accident or damage.

This policy is subject to review and revision by the Business Office.

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### Passenger Van Usage Acknowledgment Form

I have read, understand, and will abide by the Hampden-Sydney College Passenger Van Usage as evidenced by my signature below.

Approved Dates: Beginning \_\_\_\_\_ Ending \_\_\_\_\_

User: \_\_\_\_\_

Printed Name Signature Date

Human Resources representative:

\_\_\_\_\_

Printed Name Signature Date

## Section 8 - California Addendum

### 8-1 Safe Harbor Policy for Exempt Employees

It is College policy and practice to accurately compensate employees and to do so in compliance with all applicable state and federal laws. To ensure employees are paid properly and no improper deductions are made, employees must review their pay stubs promptly to identify and to report all errors.

If the employee believes a mistake has occurred or if the employee has any questions, the employee should use the reporting procedure outlined below.

Exempt salaried employees receive a salary which is intended to compensate for all hours worked for the College. This salary will be established at the time of hire or when the employee becomes classified as an exempt employee. While it may be subject to review and modification from time-to-time, such as during salary review times, the salary will be a predetermined amount that will not be subject to deductions for variations in the quantity or quality of the work performed.

Under state law, salary is subject to certain deductions. For example, the employee's salary can be reduced for the following reasons:

- full-day absences for personal reasons;
- full-day absences for sickness or disability, if the available paid sick leave has been exhausted;
- intermittent absences, including partial-day absences, covered by the federal Family and Medical Leave Act, if other available paid leave has been exhausted;
- to offset amounts received as payment for jury and witness fees or military pay;
- during the first or last week of employment in the event the employee works less than a full week; and
- any work week in which the employee performs no work for the College.

Salary also may be reduced for certain types of deductions, such as the employee portion of health, dental or life insurance premiums; state, federal or local taxes, social security; or, voluntary contributions to a 401(k) or pension plan.

In any workweek in which the employee performed any work, the employee's salary will not be reduced for any of the following reasons:



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- partial-day absences for personal reasons, sickness or disability;
- absence on a holiday when the facility is closed or because the facility is otherwise closed on a scheduled workday;
- absences for jury duty, attendance as a witness or military leave in any week in which the employee has performed any work; and
- any other deductions prohibited by state or federal law.

If employees believe they have been subject to any improper deductions, they should immediately report the matter to their supervisor. If the supervisor is unavailable or if employees believe it would be inappropriate to contact that person (or if they have not received a prompt and fully acceptable reply), they should immediately contact Payroll Manager or any other supervisor in the College with whom the employee feels comfortable. If employees are unsure of whom to contact if they have not received a satisfactory response within five (5) business days after reporting the incident, they should immediately contact the Director of Human Resources, 202 Gilkeson PO Box 25 Hampden Sydney VA 23943, 434-223-6220.

Every report will be fully investigated and corrective action will be taken where appropriate, up to and including termination for any employee who violates this policy. In addition, the College will not allow any form of retaliation against individuals who report alleged violations of this policy or who cooperate in the investigation of such reports. Retaliation is unacceptable, and any form of retaliation in violation of this policy will result in disciplinary action, up to and including termination.

## **8-2 Statutory Short-Term Disability Benefits**

Hampden-Sydney College also provides statutory short-term disability insurance.

This is solely a monetary benefit and not a leave of absence. Employees who will be out of work must also request a formal leave of absence. See the Leave of Absence sections of this handbook for more information.

## **8-3 Time Off for Military Spouses**

If the employee works, on average, at least 20 hours per week and their spouse is a qualified member of the United States Armed Forces, the National Guard or the Reserves, the employee is eligible to take leave for a period of up to 10 days while their spouse is home during a qualified leave period. When the employee is also eligible for military family member exigency leave, leave under this policy shall also count toward the employee's leave entitlement under

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the Family and Medical Leave Act (FMLA), where the time off meets the definition of FMLA military exigency leave.

### **Required Notice to Employer**

Within two (2) business days of receiving official notice that the employee's spouse will be on leave the employee must provide notice to the College of their intent to take military spouse leave.

### **Required Documentation**

The employee must submit written documentation to the College certifying that during the requested time off, the employee's spouse will be on leave from deployment during a period of military conflict.

### **Leave is Unpaid**

Leave granted under this policy is unpaid. However, employees may substitute the following for any period of unpaid military spouse leave: unused vacation time.

### **Definitions**

For the purposes of this policy, the following definitions apply:

**"Qualified Member"** means any of the following:

- a member of the United States Armed Forces who is deployed during a period of military conflict to an area designated as a combat theater or combat zone by the President of the United States; or
- a member of the National Guard who is deployed during a period of military conflict; or
- a member of the Reserves who is deployed during a period of military conflict.

**"Period of Military Conflict"** means any of the following:

- a period of war declared by the U.S. Congress; or
- a period of deployment for which members of the Reserves are ordered to active duty.

**"Qualified Leave Period"** means the period during which the qualified member is on leave from deployment during a period of military conflict.

## 8-4 Family and Medical Leave

Employees may be entitled to a leave of absence under the Family and Medical Leave Act (FMLA) and/or the California Family Rights Act (CFRA). Additionally, employees who are CFRA-eligible have certain rights to take both a pregnancy disability leave (PDL) and CFRA leave for the birth of a child.

This policy provides employees with information concerning FMLA/CFRA entitlements and obligations they may have during such leaves and also explains differences between FMLA, CFRA, and PDL. Where more than one (1) of the laws applies, leave taken may be counted under more than one law at the same time to the extent permitted by the applicable law(s). For example, where leave for a pregnancy disability is also FMLA-qualifying, the leave will count against both FMLA and PDL entitlements. However, PDL is separate from and does not count against employees' CFRA leave entitlement. (Please consult the Pregnancy Disability Leave policy for more information on PDL.) This policy will be interpreted to comply with the law(s) that apply to a particular leave.

If employees have any questions concerning FMLA/CFRA leave, they should contact Benefits Manager.

### I. Eligibility

The FMLA and CFRA provide eligible employees with a right to leave, health insurance benefits, and, with some limited exceptions, job restoration. To be an "eligible employee," the employee must: 1) have been employed by the College for at least 12 months (which need not be consecutive) and 2) have worked for at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave. All California employees who meet these two (2) criteria are eligible for CFRA leave. California employees also may be eligible to take leave for FMLA reasons if they are eligible for CFRA leave and work at a worksite where 50 or more employees are located within 75 miles.

\*Special hours of service eligibility requirements apply to airline flight crew employees.

### II. Entitlements for FMLA/CFRA Leave

#### A. Basic FMLA/CFRA Leave Entitlement

The FMLA/CFRA provides eligible employees up to 12 workweeks of unpaid leave for certain family and medical reasons during a 12-month period. The 12-month period is determined by a 12-month period measured forward from the start date of the employee's first FMLA leave. In some instances, leave may be counted under the FMLA but not CFRA or CFRA but not the FMLA. Leave may be taken for any one (1), or for a combination, of the following reasons:

1. Disability due to pregnancy, childbirth, or related medical condition (counts only toward FMLA leave and PDL leave entitlements);
2. Bonding and/or caring for a newborn child (counts toward FMLA and CFRA leave entitlements);
3. For placement with the employee of a child for adoption or foster care and to care for the newly placed child (counts toward FMLA and CFRA leave entitlements);
4. To care for the employee's spouse, child, or parent with a **serious health condition** (counts toward FMLA and CFRA leave entitlements);
5. To care for the employee's registered domestic partner, parent-in-law, grandparent, grandchild, sibling, or designated person with a serious health condition (counts towards CFRA entitlements only, except when grandparent, grandchild, or sibling meets FMLA definition of parent or child);
6. For the employee's own **serious health condition** (excluding pregnancy) that makes the employee unable to perform (1) one or more of the essential functions of their job (counts toward FMLA and CFRA leave entitlements); and/or
7. Because of any **qualifying exigency** arising out of the fact that the employee's spouse, registered domestic partner, son, daughter, or parent is a military member on covered active duty status (or has been notified of an impending call or order to covered active duty status) in the Reserve component of the Armed Forces for deployment to a foreign country in support of a contingency operation or Regular Armed Forces for deployment to a foreign country (counts toward FMLA/CFRA leave entitlements, except that leave taken for a registered domestic partner counts towards CFRA leave entitlement only).

Leave to care for child after birth or placement for adoption or foster care must be taken within one (1) year of the child's birth or placement.

Under the **FMLA**, a **serious health condition** is an illness, injury, impairment, or physical or mental condition that involves a period of incapacity or treatment connected with inpatient care (e.g., an overnight stay) in a medical care facility, hospice, or residential health care facility; or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of their job or prevents the qualified family member from participating in school or other daily activities.

Under the **CFRA**, a **serious health condition** is an illness, injury, impairment, or physical or mental condition that involves either inpatient care in a hospital, hospice, or residential health care facility, any subsequent treatment in connection with such inpatient care or any period of

incapacity, or continuing treatment by a health care provider. The CFRA defines "inpatient care" broadly and includes a stay in a hospital, hospice, or residential health care facility, any subsequent treatment in connection with inpatient care, or any period of incapacity. A person will be considered an "inpatient" when they are formally admitted to a health care facility with the expectation that they will remain at least overnight and occupy a bed, even if the person is ultimately discharged or transferred to another facility and does not actually remain overnight. The CFRA defines "incapacity" as the inability to work, attend school, or perform other regular daily activities due to a serious health condition, its treatment or the recovery that it requires.

Under the CFRA, a "designated person" means any individual related by blood or whose relationship with the employee is the equivalent of a family relationship. The designated person may be identified by the employee at the time the employee requests the leave. Hampden-Sydney College may limit an employee to one designated person every 12-month period for family care and medical leave.

Under the FMLA and CFRA, subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three (3) consecutive calendar days combined with at least two (2) visits to a health care provider or one (1) visit and a regimen of continuing treatment or incapacity due to pregnancy (FMLA only) or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, caring for the parents of the military member on covered active duty, and attending post-deployment reintegration briefings.

A leave of absence in connection with a workers' compensation injury/illness or for which the employee receives disability or State of California Paid Family Leave benefits shall run concurrently with FMLA/CFRA leave.

## **B. Additional Military Family Leave Entitlement (FMLA Only)**

In addition to the basic FMLA/CFRA leave entitlement described above, an eligible employee who is the spouse, son, daughter, parent, or next of kin of a **covered servicemember** is entitled to take up to 26 weeks of leave during a 12-month period to care for the servicemember with a serious injury or illness. Leave to care for a servicemember is available during a single 12-month period and, when combined with other FMLA-qualifying leave, may not exceed 26 weeks during the single 12-month period. The single 12-month period begins on the first day an eligible employee takes leave to care for the injured servicemember.

A "**covered servicemember**" is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or

therapy, is otherwise in outpatient status, or is on the temporary retired list for a serious injury or illness. These individuals are referred to in this policy as "current members of the Armed Forces." Covered servicemembers also include a veteran who is discharged or released from military service under conditions other than dishonorable at any time during the five-(5-) year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness. These individuals are referred to in this policy as "covered veterans."

The FMLA definition of a serious illness or injury for current Armed Forces members and covered Veterans are distinct from the definition of "serious health condition" applicable to leave to care for a family member or the employee's own illness or injury.

### **C. Intermittent Leave and Reduced Leave Schedules**

FMLA/CFRA leave usually will be taken for a period of consecutive days, weeks, or months. However, employees also are entitled to take FMLA/CFRA leave intermittently or on a reduced leave schedule when medically necessary due to a serious health condition of the employee or covered family member or the serious injury or illness of a covered servicemember (FMLA only). Intermittent or reduced work schedule leave may be taken for absences where the employee or family member is incapacitated or unable to perform the essential functions of the position because of a chronic serious health condition, even if they do not receive treatment by a health care provider. Intermittent leave can also be taken for any qualifying exigency.

Employees also are eligible for intermittent leave for bonding with a child following birth or placement. Intermittent leave for bonding purposes generally must be taken in two-(2-)week increments, but the College permits two (2) occasions where the leave may be for less than two (2) weeks.

### **D. Health Insurance Benefits Schedules**

During FMLA/CFRA leave, eligible employees are entitled to receive group health plan coverage on the same terms and conditions as if they had continued work.

### **E. No Work While on Leave**

The taking of another job while on FMLA/CFRA leave or any other approved leave of absence is prohibited except as authorized by the College or permitted by applicable law.

### **F. Restoration of Employment and Benefits**

At the end of FMLA/CFRA leave, employees generally have a right to return to the same or equivalent positions they held before the FMLA/CFRA leave. There is an exception for certain

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"key employees" under the FMLA that applies to leave for a seriously ill or injured covered servicemember (the CFRA does not have an exception for "key employees"). The College will provide notice if employees qualify as "key employees" if it intends to deny reinstatement and any applicable rights in such instances.

Use of FMLA/CFRA leave will not result in the loss of any employment benefit that accrued prior to the start of an eligible employee's FMLA/CFRA leave.

## **G. Notice of Eligibility for, and Designation of, FMLA/CFRA Leave**

Employees requesting FMLA/CFRA leave are entitled to receive written notice from the College telling them whether they are eligible for FMLA/CFRA leave and, if not eligible, the reasons why they are not eligible. When eligible for FMLA/CFRA leave, employees are entitled to receive written notice of: 1) their rights and responsibilities in connection with such leave; 2) the College's designation of leave as FMLA/CFRA-qualifying or non-qualifying, if not FMLA/CFRA-qualifying, the reasons why; and 3) the amount of leave, if known, that will be counted against the employee's leave entitlement.

The College will respond to a leave request within five (5) business days. Once given, approval shall be deemed retroactive to the date of the first day of the leave. The College may designate FMLA/CFRA leave retroactively with appropriate notice provided that doing so does not cause harm or injury to employees. In other cases, the College and employees can mutually agree that leave is retroactively designated as FMLA/CFRA leave.

## **H. Employee Obligations for FMLA/CFRA Leaves**

### **a. Provide Notice of the Need for Leave**

Employees who take FMLA/CFRA leave must notify, in a timely manner, the College of their need for FMLA/CFRA leave. The following describes the content and timing of such notices.

#### **i. Content of Notice**

To trigger FMLA/CFRA leave protections, employees must inform Benefits Manager of the need for FMLA/CFRA-qualifying leave and the anticipated timing and duration of the leave, if known. Employees may do this by either requesting FMLA/CFRA leave specifically or explaining the reasons for leave so as to allow the College to determine that the leave is FMLA/CFRA-qualifying. For example, employees might explain that:

1. A medical condition renders them unable to perform the functions of their job;
2. They are pregnant;

3. They or a covered family member have been hospitalized overnight;
4. They or a covered family member are under the continuing care of a health care provider;
5. The leave is due to a qualifying exigency caused by a military member being on covered active duty or called to covered active-duty status; or
6. If the leave is for a family member, that the condition renders the family member unable to perform daily activities or that the family member is a covered servicemember with a serious injury or illness.

Calling in "sick," without providing the reasons for the needed leave, will not be considered sufficient notice for FMLA/CFRA leave under this policy. Employees must respond to the College's lawful questions to determine if absences are potentially FMLA/CFRA-qualifying.

If employees fail to explain the reasons for FMLA/CFRA leave, the leave may be denied. When employees seek leave due to FMLA/CFRA-qualifying reasons for which the College has previously provided FMLA/CFRA-protected leave, they must specifically reference the qualifying reason for the leave or the need for FMLA/CFRA leave.

## **ii. Timing of Notice**

Employees must provide 30 days' advance notice of the need to take FMLA/CFRA leave when the need is foreseeable. When 30 days' notice is not possible, or the approximate timing of the need for leave is not foreseeable, employees must notify the College of the need for leave as soon as practicable under the circumstances. Employees who fail to give 30 days' notice for foreseeable leave without a reasonable excuse for the delay, or otherwise fail to satisfy FMLA/CFRA notice obligations, may have FMLA/CFRA leave delayed or denied.

## **b. Cooperating in the Scheduling of Leave**

When planning medical treatment for themselves or family members or requesting to take leave on an intermittent or reduced schedule work basis, employees must consult with the College and make a reasonable effort to schedule treatment so as not to unduly disrupt College operations. Employees must consult with the College prior to scheduling treatment in order to work out a treatment schedule that best suits the needs of both the College and the employees, subject to the approval of the applicable health care provider. To the extent permitted by applicable law, when employees take intermittent or reduced work schedule leave for foreseeable planned medical treatment for employees or family members, including a period of recovery from a serious health condition or to care for a covered servicemember, the College may temporarily transfer employees to alternative positions with equivalent pay and benefits for which the employees are qualified and which better accommodate recurring periods of leave.



### **c. Submit Initial Medical Certifications Supporting Need for Leave (Unrelated to Requests for Military Family Leave)**

Depending on the nature of FMLA/CFRA leave sought, employees may be required to submit medical certifications supporting their need for FMLA/CFRA-qualifying leave. As described below, there generally are three types of FMLA/CFRA medical certifications: an **initial certification**, a **recertification**, and a **return to work/fitness for duty certification**.

It is the responsibility of employees to provide the College with timely, complete, and sufficient medical certifications. Whenever the College requests employees to provide FMLA/CFRA medical certifications, they must provide the requested certifications within 15 calendar days after the request, unless it is not practicable to do so despite diligent, good faith efforts. The College will inform employees if submitted medical certifications are incomplete or insufficient and provide them at least seven (7) calendar days to address deficiencies. The College will delay or deny FMLA/CFRA leave to employees who fail to address deficiencies or otherwise fail to submit requested medical certifications in a timely manner.

The College (through individuals other than the employee's direct supervisor) may contact the employee's health care provider to authenticate a medical certification.

Whenever the College deems it appropriate to do so, it may waive its right to receive timely, complete, and/or sufficient FMLA/CFRA medical certifications.

#### **i. Initial Medical Certifications**

Employees requesting leave because of their own or a covered family member's serious health condition, or to care for a covered servicemember, must supply medical certification supporting the need for such leave from their health care provider or, if applicable, the health care provider of their covered family or service member. If employees provide at least 30 days' notice of medical leave, they should submit the medical certification before leave begins.

If the College has reason to doubt the validity of an initial medical certification regarding the employee's own serious health condition, it may require the employee to obtain a second opinion at the College's expense. If the opinions of the initial and second health care providers differ, the College may, at its expense, require the employee to obtain a third, final and binding certification from a health care provider designated or approved jointly by the College and the employee. The College will reimburse employees for any reasonable "out of pocket" travel expenses incurred to obtain second or third medical opinions.

#### **ii. Medical Recertifications**

Depending on the circumstances and duration of FMLA/CFRA leave, the College may require employees to provide recertification of medical conditions giving rise to the need for leave. The College will notify employees if recertification is required and will give employees at least 15 calendar days to provide medical recertification. In cases of leave that qualifies under CFRA, recertification will be requested only when the original certification has expired and additional leave is requested.

### **iii. Return-to-Work Release**

Unless notified that providing such certifications is not necessary, employees returning to work from FMLA/CFRA leaves that were taken because of their own serious health conditions must provide the College with a release to return to work from their healthcare provider stating they are able to resume work. Employees taking intermittent leave may be required to provide a return-to-work release for such absences up to once every 30 days if reasonable safety concerns exist regarding their ability to perform their duties. The College may delay and/or deny job restoration until employees provide return-to-work releases.

### **d. Submit Certifications Supporting Need for Military Family Leave**

Upon request, the first time employees seek leave due to qualifying exigencies arising out of the covered active duty or call to covered active duty status of a military member, the College may require them to provide: 1) a copy of the military member's active duty orders or other documentation issued by the military indicating the military member is on covered active duty or call to active duty status and the dates of the military member's covered active duty service and, 2) a certification from the employee setting forth information concerning the nature of the qualifying exigency for which leave is requested. Employees shall provide a copy of new active-duty orders or other documentation issued by the military for leaves arising out of qualifying exigencies arising out of a different covered active duty or call to covered active-duty status of the same or a different military member.

When leave is taken to care for a covered servicemember with a serious injury or illness as allowed by the FMLA only, the College may require employees to obtain certifications completed by an authorized health care provider of the covered servicemember. In addition, and in accordance with the FMLA regulations, the College may request that the certification submitted set forth additional information provided by the employee and/or the covered servicemember confirming entitlement to such leave.

### **e. Reporting Changes to Anticipated Return Date**

If the anticipated return to work date changes and it becomes necessary for the employee to take more or less leave than originally anticipated, the employee must provide the College with reasonable notice (i.e., within two (2) business days) of their changed circumstances and new

return-to-work date. If employees give the College unequivocal notice of their intent not to return to work, they will be considered to have voluntarily resigned and the College's obligation to maintain health benefits (subject to COBRA requirements) and to restore their positions will cease.

#### **f. Substitute Paid Leave for Unpaid FMLA Leave**

Employees are required to substitute accrued paid time while taking an unpaid FMLA/CFRA leave as follows:

- If employees request FMLA/PDL leave because of disability due to pregnancy, childbirth, or related medical conditions (excluding absences for which they are receiving short-term disability benefits), they must first substitute any accrued paid sick leave for unpaid family/medical leave. Employees may make a written request to substitute accrued, unused vacation, or other paid time off benefits for unpaid FMLA/PDL leave once their sick time is exhausted.
- If employees request FMLA/CFRA leave because of their own serious health condition (excluding absences for which they are receiving workers' compensation or short-term disability benefits), they must first substitute any accrued paid vacation, sick, or other paid time off for unpaid family/medical leave.
- If employees request FMLA/CFRA leave to care for a covered family member with a serious health condition (excluding absences for which they are receiving Paid Family Leave benefits), they must first substitute any accrued paid vacation or other paid time off for unpaid family/medical leave. Once vacation or other paid time off is exhausted, upon their request, they can substitute paid sick leave for unpaid FMLA/CFRA leave to care for a covered family member with a serious health condition.
- If employees request FMLA/CFRA leave to bond with a newborn or newly placed child (excluding absences for which they are receiving Paid Family Leave benefits), they must first substitute any accrued paid vacation or other paid time off for unpaid leave.

For purposes of this substitution requirement, leave is not "unpaid" during any time for which the employee is receiving compensation from the State of California under its State Disability Insurance or Paid Family Leave programs or when receiving compensation from worker's compensation. Employees will not be required to use accrued paid leave hours during any time off under this policy for which they are receiving compensation under these programs. However, where applicable and permitted by law, they will be required to use paid leave accruals during any waiting periods applicable to these programs, and upon written request, the College will allow them to use accrued paid time off to supplement any paid workers' compensation, disability, or Paid Family Leave benefits.

The substitution of paid time off for unpaid family/medical leave time does not extend the length of FMLA/CFRA leaves and the paid time off runs concurrently with the FMLA/CFRA entitlement.

### **g. Pay Employee's Share of Health Insurance Premiums**

As noted above, during FMLA/CFRA leave, employees are entitled to continued group health plan coverage under the same conditions as if they had continued to work. If paid leave is substituted for unpaid family/medical leave, the College will deduct employees' shares of the health plan premium as a regular payroll deduction. If FMLA/CFRA leave is unpaid, employees must pay their portion of the premium through a method determined by the College upon leave. The College's obligation to maintain health care coverage ceases if the premium payment is more than 30 days late. If the payment is more than 15 days late, the College will send a letter notifying the employee that coverage will be dropped on a specified date unless the co-payment is received before that date.

If employees do not return to work for at least 30 calendar days after the end of the leave period (unless they cannot return to work because of a serious health condition or other circumstances beyond their control), they will be required to reimburse the College for the cost of the premiums the College paid for maintaining coverage during their unpaid FMLA/CFRA leave.

### **I. Coordination of FMLA Leave with Other Leave Policies**

The FMLA and CFRA do not affect any federal, state, or local law prohibiting discrimination, or supersede any State or local law which provides greater family or medical leave rights. For additional information concerning leave entitlements and obligations that might arise when FMLA/CFRA leave is either not available or exhausted, please consult the College's other leave policies in this Handbook or contact Benefits Manager.

### **QUESTIONS AND/OR COMPLAINTS ABOUT FMLA/CFRA LEAVE**

If employees have questions regarding this policy, they should contact Benefits Manager. The College is committed to complying with the FMLA and CFRA and, whenever necessary, shall interpret and apply this policy in a manner consistent with the FMLA and CFRA.

The FMLA makes it unlawful for employers to: 1) interfere with, restrain, or deny the exercise of any right provided under FMLA; or 2) discharge or discriminate against any person for opposing any practice made unlawful by FMLA or involvement in any proceeding under or relating to FMLA. If employees believe their FMLA rights have been violated, they should contact Benefits Manager immediately. The College will investigate any FMLA complaints and take prompt and appropriate remedial action to address and/or remedy any FMLA violation.

Employees also may file FMLA complaints with the United States Department of Labor or may bring private lawsuits alleging FMLA violations.

## 8-5 Pregnancy Disability Leave

If employees are disabled by pregnancy, childbirth or related medical conditions, they are eligible to take a pregnancy disability leave (PDL). If affected by pregnancy or a related medical condition, employees also are eligible to transfer to a less strenuous or hazardous position or to less strenuous or hazardous duties, if such a transfer is medically advisable and can be reasonably accommodated. Employees disabled by qualifying conditions may also be entitled to other reasonable accommodations where doing so is medically necessary. In addition, if it is medically advisable for employees to take intermittent leave or work a reduced schedule, the College may require them to transfer temporarily to an alternative position with equivalent pay and benefits that can better accommodate recurring periods of leave.

The PDL is for any period(s) of actual disability caused by pregnancy, childbirth or related medical condition up to four (4) months per pregnancy. For purposes of this policy, "four months" means time off for the number of days the employee would normally work within the four (4) calendar months (one-third of a year or 17 1/3 weeks), following the commencement date of taking a pregnancy disability leave. For a full-time employee who works 40 hours per week, "four months" means 693 hours of leave entitlement, based on 40 hours per week times 17 1/3 weeks. Employees working a part-time schedule will have their PDL calculated on a pro-rata basis.

The PDL does not need to be taken in one continuous period of time, but can be taken on an intermittent basis pursuant to the law.

Time off needed for prenatal or postnatal care, severe morning sickness, gestational diabetes, pregnancy-induced hypertension, preeclampsia, doctor-ordered bed rest, postpartum depression, loss or end of pregnancy, and recovery from childbirth or loss or end of pregnancy are all covered by PDL.

To receive reasonable accommodation, obtain a transfer or take a PDL, employees must provide sufficient notice so the College can make appropriate plans. Thirty days' advance notice is required if the need for the reasonable accommodation, transfer or PDL is foreseeable, otherwise as soon as practicable if the need is an emergency or unforeseeable.

Employees are required to obtain a certification from their health care provider of the need for pregnancy disability leave or the medical advisability of an accommodation or for a transfer. The certification is sufficient if it contains: (1) a description of the requested reasonable accommodation or transfer; (2) a statement describing the medical advisability of the reasonable accommodation or transfer because of pregnancy; and (3) the date on which the need for

reasonable accommodation or transfer became or will become medically advisable and the estimated duration of the reasonable accommodation or transfer.

A medical certification indicating disability necessitating a leave is sufficient if it contains: (1) a statement that the employee needs to take pregnancy disability leave because of disability due to pregnancy, childbirth or a related medical condition; (2) the date on which the employee became disabled because of pregnancy; and (3) the estimated duration of the leave.

Upon request, the employee will be provided with a medical certification form that the employee can take to the doctor.

As a condition of returning from pregnancy disability leave or transfer, the College requires the employee to obtain a release from a health care provider stating ability to resume the original job duties with or without reasonable accommodation.

PDL is unpaid. At the employee's option, the employee can use any accrued vacation time or other accrued paid time off as part of the PDL before taking the remainder of leave on an unpaid basis. Hampden-Sydney College requires, however, that the employee use any available sick time during the PDL. The substitution of any paid leave will not extend the duration of the PDL. Employees who participate in the College's group health insurance plan will continue to participate in the plan while on PDL under the same terms and conditions as if they were working. Benefit continuation under PDL is distinct from benefit continuation for employees who also take birth bonding leave under the California Family Rights Act. Employees should make arrangements for payment of their share of the insurance premiums.

Hampden-Sydney College encourages employees to contact the California Employment Development Department regarding eligibility for state disability insurance for the unpaid portion of the leave.

If employees do not return to work on the originally scheduled return date, nor request in advance an extension of the agreed upon leave with appropriate medical documentation, they may be deemed to have voluntarily terminated their employment with the College. Failure to notify the College of their ability to return to work when it occurs or continued absence from work because the leave must extend beyond the maximum time allowed, may be deemed a voluntary termination of employment with the College, unless employees are entitled to Family and Medical Leave or entitled to further leave pursuant to applicable law.

Upon return from a covered PDL, the employee, in most instances, will be reinstated to the same position.

Taking a PDL may affect some benefits and the employee's seniority date. The employee may request more information regarding eligibility for PDL and the impact of the leave on seniority and benefits.

Any request for leave after the disability has ended will be treated as a request for family care leave under the California Family Rights Act (CFRA) and the federal Family and Medical Leave Act (FMLA), if the employee is eligible for that type of leave. PDL runs concurrently with FMLA (but not CFRA). Employees should refer to the FMLA policy. Employees who are not eligible for leave under the CFRA or FMLA will have a request for additional leave treated as a request for disability accommodation.

### 8-6 Paid Family Leave Benefits

Hampden-Sydney College Employees based in California may be eligible to receive benefits through the California Paid Family Leave (PFL) program, which is administered by the Employment Development Department (EDD), when they take leave to:

- care for a child, spouse, parent, grandparent, grandchild, sibling, parent-in-law or registered domestic partner, with a serious health condition;
- bond with a minor child within the first year of the child's birth or placement in connection with foster care or adoption; or
- participate in a qualifying exigency related to the covered active duty or call to covered active duty of the employee's spouse, domestic partner, child or parent in the Armed Forces of the United States.

These benefits are financed solely through employee contributions to the PFL program. That program is solely responsible for determining if the employee is eligible for such benefits.

If employees need to take time off work for any of the reasons set forth above, they must advise Hampden-Sydney College, and they will be given information about the EDD's PFL program and how to apply for benefits. Employees also may contact their local EDD Office for further information. Employees should maintain regular contact with the College during the time off work so the College may monitor the employee's return-to-work status. In addition, the employee should contact the College when ready to return to work so the College may determine what positions, if any, are open.

When the employee applies for PFL benefits, the Human Resources Department will determine if the employee has any accrued but unused vacation and personal days available. If the employee has accrued but unused time available, then the employee will be required to use up to two (2) weeks of such time before becoming eligible for PFL benefits.

"...to form good men and good citizens..."

Employees taking time off work for any of the reasons set forth above are not guaranteed job reinstatement unless they qualify for such reinstatement under federal or state family and medical leave laws.

Any time off for Paid Family Leave purposes will run concurrently with other leaves of absence, such as Family and Medical Leave, if applicable.



## General Handbook Acknowledgment

This Employee handbook is an important document intended to help our employees become acquainted with Hampden-Sydney College. This document is intended to provide guidelines and general descriptions only; it is not the final word in all cases. Individual circumstances may call for individual attention.

Because the College's operations may change, the contents of this handbook may be changed at any time, with or without notice, in an individual case or generally, at the sole discretion of management.

Please read the following statements and sign below to indicate your receipt and acknowledgment of this Employee handbook.

**I have received and read a copy of Hampden-Sydney College's Employee handbook. I understand that the policies, rules and benefits described in it are subject to change at the sole discretion of the College at any time.**

**I further understand that my employment is terminable at will, either by myself or the College, with or without cause or notice, regardless of the length of my employment or the granting of benefits of any kind.**

**I understand that no representative of Hampden-Sydney College other than the President may alter "at will" status and any such modification must be in a signed writing.**

**I understand that my signature below indicates that I have read and understand the above statements and that I have received a copy of the College's Employee handbook.**

Employee's Printed Name: \_\_\_\_\_

Employee's Signature: \_\_\_\_\_

Position: \_\_\_\_\_

Date: \_\_\_\_\_

The signed original copy of this acknowledgment should be given to Human Resources - it will be filed in the employee's personnel file.