



# ▶ Bargaining-Unit Employee Handbook FY2019

Auxiliary Services Corporation of SUNY Cortland ▶



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# Auxiliary Services Corporation of SUNY Cortland

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Auxiliary Services Corporation at SUNY Cortland, founded in 1952, and was formerly known as the Faculty Student Association. The general purposes of this Corporation are educational within the meaning of Section 501(c)(3) of the Internal Revenue Code. Those educational purposes are to establish, operate, manage, promote, and cultivate educational activities and relationships relating to and among students, faculty, and the administration of SUNY Cortland and to aid them in the furtherance of their education and studies, work, living and co-curricular goals of the College. This Corporation is a not-for-profit corporation and any net income of any of its operations in pursuance of the purposes indicated above promotes the educational purposes of the Corporation or the College.

The chief executive officer of ASC is the Executive Director, who is responsible for the day-to-day operations of the Corporation. The Executive Director reports to the Board of Directors for guiding principles for the direction of ASC. The Board of Directors consists of three SUNY Cortland students, three faculty, and three members of the College administration.

The Auxiliary Services Corporation's Annual Meeting is held each September.

ASC currently operates many dining facilities and the College Store. ASC employs 175 regular employees and 450 student employees during the academic year.

Auxiliary Services Corporation has three core values: providing excellent services, exceptional value, and value our employees as our greatest resource.



## Employment-At-Will and Management's Rights

The contents of this Handbook do NOT constitute terms of a contract of employment and cannot be construed as a guarantee of continued employment with ASC. Employment with Auxiliary Services Corporation is on an at-will basis unless subject to the collective bargaining agreement with CSEA Local 631. This means that the employment relationship may be terminated at any time by either ASC or the employee for any reason not expressly prohibited by law. To the contrary, any oral or written statement by anyone (except those in writing and signed by the Executive Director and the ASC Board of Directors) is invalid and should not be relied upon by any future or existing employee.

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ASC Management and the Board of Directors may use any or none of the specified procedures for termination.

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ASC Management and the Board of Directors have the responsibility for making all employment decisions and the administration of all areas of ASC business, including but not limited to assignment and distribution of work, services provided by ASC, and the establishment of all policies and procedures. ASC Management and Board of Directors may decide to change any provision of this Employee Handbook and/or any benefits outlined within at any time without prior notice. This Handbook supersedes any and all previous handbooks and written or unwritten policies. Changes to this Handbook can only be changed in writing by the Executive Director and/or Board of Directors.

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This Handbook is not all encompassing and is only a set of guidelines. Each situation will be handled considering all the facts in each case.

Approved by the Board April 23, 1999

## ASC Mission Statement

Auxiliary Services Corporation is a customer-focused organization whose purpose is to serve the needs and enhance the mission of SUNY Cortland. Our goal is to provide outstanding service and value to our campus community through our dining operations, the College Store and other important services that we offer. We are sincere in this pursuit and have the integrity, compassion, and vision to make our goal a reality.

### Vision Statement

#### OUR COMMUNITY

We are an integral part of the campus community. We are governed by an active Board of Directors representing students, faculty, staff, and alumni.

#### OUR EMPLOYEES

Our employees are the single most important reason for our success. We value their contributions and commitment to enriching the experiences of our students and the support they provide for our faculty and staff. We are committed to providing opportunities for the personal and professional development of our workforce.

#### OUR COMMITMENT TO TEAMWORK AND INNOVATION

We build diverse teams where creativity and innovation flourish.

#### OUR DEDICATION TO QUALITY

We work diligently to make every interaction with our customers a positive experience. We continuously monitor our performance and improve our work processes in our quest to achieve excellence.

#### OUR PRODUCTS AND SERVICES

We strive to provide products and services that exceed the expectations of our customers. Freshness, quality, variety, and value are hallmarks of our dining program. Our College Store offers a diverse product line to meet all course needs and to enhance the quality of residential life for our students. We further seek to meet the needs of our customers through a variety of essential campus services.

#### OUR COMMITMENT TO FISCAL AND ENVIRONMENTAL RESPONSIBILITY

As a not-for-profit, we are stewards of the funds entrusted to us. We employ best practices in our business operations in order to offer competitive pricing and maximize our ability to provide financial support to the campus community. We treat our natural resources and the environment responsibly and employ sustainable practices in our operations.

## Employment Categories and Status

**Full-time Employee** is defined in the contract with CSEA

**Part-time Employee** is defined in the contract with CSEA

**Fiscal Year Employee** is scheduled to work at least 44 weeks per year.

**Academic Year Employee** is scheduled to work at least 28 weeks but less than 44 weeks per year.

**Regular Employee** is defined as an employee in a position with scheduled hours excluding temporary, casual, and student employees.

**Casual and Temporary Employees** are defined in the contract with CSEA

**Student Employee** is defined in the contract with CSEA.

Any student employee who is regularly scheduled for 30 or more hours per week, and who has worked beyond the timeframe set in the definition of a temporary employee, will be considered a member of the CSEA Local 631 bargaining unit.

Any employee who meets the definition of a student above and who are regularly scheduled for less than 30 hours will not be a member of the CSEA Local 631 bargaining unit.

A student employee can also be an intern that is not compensated for their time, but rather receives an educational benefit similar to what they would receive in the classroom.

**Former Employee** is defined as any employee who has resigned or has been terminated from his or her employment at the Auxiliary Services Corporation.

**Key Employee** is defined by the Family Medical Leave Act as the highest paid 10 percent of all the employees.

**Retired employee** is defined as any employee

- whose employment ended due to a permanent layoff or notice of retirement/resignation from Auxiliary Services Corporation, and
- who has a cumulative total of 80 or more years of combined full-time service plus age at the time employment ends, or
- who was employed continuously since 6/30/92 and has reached the age of 55 years old and has 15 or more years of full-time service, or
- who is considered permanently disabled and unable to perform any work by the United States Social Security Administration as of not more than 30 days after his or her last paycheck.

**Exempt Employee** is defined by the Fair Labor Standards Act as any employee who the employer is not required to pay overtime.

**Non-exempt Employee** is defined by the Fair Labor Standards Act as any employee the employer is required to pay overtime.

**Probationary Employee** is defined in the contract with CSEA.

**Classified Employee** is any employee who is not salaried management staff.

**Bargaining-Unit Employee** is any employee covered by a Collective Bargaining Agreement with CSEA Local 631.

*Approved by the Board May 2015*

## Professional and Ethical Work Performance

### ETHICAL BEHAVIOR

ASC employees must adhere to the highest standards of ethical behavior including practicing honesty and integrity in fulfilling their responsibilities and comply with all applicable laws and regulations. Employees owe a duty of loyalty to ASC while employed.

Generally-accepted professional standards for each individual profession such as generally accepted accounting standards or accepted proper nutritional information must be adhered to.

It is the responsibility of all employees to report ethics violations or suspected violations.

### WHISTLEBLOWER

ASC has been granted stewardship of tremendous resources. Protecting those resources is an ethical responsibility. ASC resources include, but not limited to the following, whether owned by ASC or under the management control:

- Cash and other assets, tangible or intangible, real or personal property;
- Receivables and other rights or claims against third parties;
- Intellectual property rights;
- Facilities and the rights to use SUNY Cortland facilities
- Personal-identifying information such as social security numbers, financial account information, school ID numbers, driver's license numbers, medical information or educational records.

ASC has developed and implemented internal controls and procedures that are intended to detect and prevent or deter improper activities. There may be both intentional and unintentional violations of laws, regulations, policies, and procedures. This policy governs reporting and investigations of allegations of suspected improper conduct. ASC encourages employees to use the guidance in this policy to report all allegations of suspected improper conduct about a matter that is related to ASC's business and does not relate to private acts of an individual not connected to the business of ASC.

A Whistle Blower's Protected Disclosure is any report, communication or other disclosure that may show evidence of improper conduct, if made in good faith for correcting the conduct or while participating in an investigation of improper conduct.

Improper Conduct is any action or activity by an employee that conducted in the performance of the employee's official duties or with the appearance or representation that it is undertaken in the performance of official duties, whether or not the action or activity is within the scope of his or her employment, and that:

- (1) is in violation of any federal or state law or regulation, including, but not limited to, corruption, malfeasance, bribery, theft, fraudulent claims, fraud, or conversion;
- (2) misuse or misappropriation of ASC property or willful omission to perform a duty or intentional violation of an ASC policy, procedure, rule or regulation that could result in significant harm to ASC, employees, or its customers;
- (3) involves gross misconduct, incompetence or inefficiency or creates for ASC potential exposure to liability and financial irregularities;

- (4) Suggests strongly that the action or activity is the result of a criminal act;
- (5) is a significant threat to the health or safety of members of the campus community;
- (6) is an unauthorized invasion, alteration or manipulation of records and computer files;
- (7) is in pursuit of a benefit or advantage in violation of the ASC Conflict of Interest Policy;
- (8) interference with an ASC investigation conducted in accordance with this policy, including the withholding, destruction or tampering with evidence or any effort to influence, coerce, intimidate or retaliate against Whistleblowers or witnesses; or
- (9) is determined by the Executive Director or Board of Directors to be significantly detrimental to the best interests of ASC or SUNY Cortland.

Reports of suspected Improper Conduct should be made in writing or via email to assure a clear understanding of the issues raised. Reports should focus on facts, and avoid speculations and drawing conclusions. Including as much specific information as possible will help with the evaluation of the nature, extent, and urgency of the improper conduct;

The report of suspected improper conduct must be reported as soon as possible and no later than one (1) year after the event(s) of the allegation.

Reports of suspected Improper Conducts should be made to the employee's immediate supervisor or manager within the department. However, if an employee believes there is a potential conflict of interest or does not feel comfortable reporting suspected Improper Conduct to one of these individuals or is not satisfied with the response they receive, the employee should report the suspected Improper Conduct to the Assistant Executive Director or Executive Director.

Whistleblowers frequently make their reports in confidence. To the extent possible within the limitations of law and policy and the need to conduct an investigation, confidentiality will be maintained. Whistleblowers should be cautioned that their identity may become known for reasons beyond the control of the investigators or ASC management. Whistleblowers should be prepared to be interviewed by the investigator. If there is a self-disclosure, ASC is no longer obligated to maintain confidentiality.

Reports will be reviewed, investigated, documented within 30 business days. Any action to address any improper conduct will be done in a timely manner.

Any employee who in good faith reports any suspected improper conduct will not suffer intimidation, harassment, discrimination, or other retaliation or adverse employment consequence.

### **CONFLICT OF INTEREST**

All employees of ASC must refrain from any activity or have a financial interest that is inconsistent with ASC's best interest such as exploiting one's position for personal gain or compete with the ASC's services.

Key Employees must abide by the Conflict of Interest Policy in the ASC Bylaws for Officers, Directors and Key Employees. The Bylaws identifies a Key Employee as a person in a position to exercise substantial influence over the affairs of the Corporation, as referenced in the excess benefit transaction provision of the Internal Revenue Code and related regulations.

The IRS Code references examples of such employees as the following:

- Chief Executive Officer
  - Chief Financial Officer
  - Founder of the organization
  - Employee has or shares authority to control or determine a substantial portion of the organization's capital expenditures, operating budget, or compensation for employees
- Employee manages a discrete segment or activity of the organization that represents a substantial portion of the activities, assets, income, or expenses of the organization, as compared to the organization as a whole.

Any violations of the following professional and ethical policies will result in discipline up to and including termination of employment. This list is not all-encompassing. Business and technology changes may result in additional professional standards that must be followed.

### **Solicitation**

Solicitation of customers for private employee enterprises during work hours is not allowed.

Solicitation of other employees may take place during the personal time of both employees such as after work hours or break time. These meetings should take place in break areas, locker rooms, or at an off-site location.

Solicitation includes advertising, ordering, delivery, or collecting payment for goods or services.

### **Competing**

No ASC employee may work for another employer or set up a business in direct competition with ASC.

### **Moonlighting**

ASC does not prohibit employees from working at any other employment, not in direct competition with the various enterprises managed by ASC. ASC management does expect that all employees consider his or her employment with ASC as their primary employment. Moonlighting is not an acceptable excuse for allowing work performance with ASC to suffer. (i.e. excessive absenteeism)

### **Accepting Gifts**

Business gifts are often a way of saying thank you for loyalty and business. However, gifts from vendors could also be used by employees to personally profit, while continuing a business relationship that is not in the best interests of ASC. Any gift, incentives, premiums, rebates, or rewards tendered or offered with a value over \$10 dollars should be reported to the Executive Director. Cash gifts of any value are never acceptable.

### **Use of ASC Property and Theft**

ASC property may be used for personal use when an employee has an Equipment Use Form signed by an ASC Manager. The property must be returned in the same condition it was in when it left the ASC site.

Removal of ASC property without permission is theft. ASC property includes money, office supplies, food, paper supplies, equipment, and retail inventory. Food theft includes taking food that is intended for waste or that has already been disposed of.

Participating in or assisting in theft will result in disciplinary action up to and including termination. Assisting in theft includes allowing individuals to take food or retail inventory without paying for it, leaving item purposely unsecured, providing access, keys, lock codes or any other opportunities to steal from ASC. Not reporting a known theft by others will also be considered assisting or aiding in the theft.

Employees must report lost or stolen ASC keys, SUNY Cortland keys, and or proximity access cards to the Human Resources Office immediately.

Employees are encouraged not to bring valuable items to work. ASC is not responsible for the security of these items. Any theft by employees of other employees' personal property will result in disciplinary procedures up to and including termination of employment.

Willful or careless actions that result in the destruction of ASC property will not be tolerated. All property must be treated with care and respect. Employees that are issued ASC or SUNY Cortland keys must take extreme care to ensure that those keys are not lost, stolen, or misplaced. When lending keys for business reasons, a key lending form must be signed. Keys must be returned to the ASC Administrative Office when changing positions or separation from employment.

Any ASC equipment including, but not limited to, keys, uniform, ASC cell phones, PDAs, or computers, must be returned upon request or separation from employment.

No ASC vehicles may be used for personal use during business hours or after hours without the written permission of the Executive Director or his or her designee.

Vehicle Administrators are administratively responsible for the overall condition of their fleet vehicles. Vehicle Administrators must periodically inspect and investigate accidents and damage to the vehicles under their responsibility. Failure to complete the inspection will result in discipline up to and including termination.

Only drivers appearing on the approved driver list may drive any ASC fleet vehicle. A driver of ASC fleet vehicles must report all damage to the Vehicle Administrator immediately. Failure report damage will result in discipline up to and including termination.

Any driver involved in an accident with damage to another vehicle, property, or person must contact the local law enforcement agency, Vehicle Administrator, and not leave the scene. This includes:

ASC fleet vehicles \_OR\_

Personal vehicle, while performing ASC duties

Refer to the Telecommunications Policy regarding the use of personal electronics while driving.

### **Failure to participate in any company investigation**

In the course of conducting business, ASC may need to conduct a variety of internal control investigations. Investigations may be conducted into violations of the Employee Handbook, safety issues or accidents, customers' complaints, grievances, or other business related issues. All employees are expected to cooperate fully with any business investigation conducted by management or the Board of Directors. All information provided must be fully disclosing and truthful. Failure to cooperate fully or to represent facts accurately and fully will result in disciplinary action up to and including termination.

### **Misrepresentation or falsifying documentation**

Any willful misrepresentation of any facts to ASC is not acceptable. Facts include hours worked, reasons for leave time, accidents, employment applications, accounting for money or products, and any other work-related facts.



### **Work hours and unauthorized work**

All employees are provided with a schedule by their supervisor. They are required to report to work on time for their scheduled work hours and clock out at the scheduled time.

If an employee is unable to perform work duties due to illness or an excusable absence as listed in the Leave Time Policy, the employee must call in as described in the CSEA Contract.

Failure to call in or report to work will be considered abandonment of your position and result in termination.

Employees should not be working outside their scheduled hours without prior approval by a supervisor.

Employees must be paid for all the work they perform on behalf of ASC. Hourly employees must be on the clock when performing work. Volunteers must be under a management-approved internship or volunteer program. The appropriate agreement letters and insurance documentation must be on file in the Human Resources Office. Employees of ASC may not be volunteers.

### **Weapons**

No firearms or weapons, or dangerous devices of any kind are allowed anywhere on the SUNY Cortland Campus, including ASC work sites and parking lots.

### **Safety**

All ASC positions have safety procedures to ensure the health and safety of customers and employees. Employees must obey all safety procedures at all times. Employees must report any impairments or medication that may prevent the employee from working safely. Any accidents by customers or employees must be reported as soon as possible to a supervisor and the Human Resources Office. Employees must report any medical treatments or time away from work due to workplace injuries to the Human Resources Office.

### **Professional Communication**

All people wish to be treated with courtesy and respect. Customers, the general public, and employees want to conduct their business without fear or harm.

This often means ASC employees must think before they speak to determine if a comment, joke, email, note, picture, gesture or other communications will cause others distress. Disagreements will occur in any course of business. The purpose of all communication should be to communicate in a manner that educates the other party and seeks common ground. It should promote cooperation and sharing of ideas.

Professional communication is honest.

Professional communication includes a supervisor's instruction or direction including counseling of poor performance or inappropriate behavior.

Unprofessional communication includes the following but is not limited to:

- profanity including words and phrases used to describe bodily functions that can be offensive to genders
- profanity including sacred religious words and phrases that can be offensive to those of religious faith
- threatening or implied a threat of harm; intended to alarm
- criminal in nature

- contributes to a hostile work environment or discrimination against employees or customers
- leads to employee morale issues such as uncivil, contemptuous, injurious, and vicious
- leads to disrupting the workplace discipline and order
- is bullying in nature; the purpose of which is to cause distress, isolation and undermines job performance and well being
- has a detrimental effect on ASC business such as rudeness or offensive language in the hearing of customers, vendors, or visitors or disparaging remarks about services, products or pricing.
- claims false authorship such as forging signatures, emailing under another name, or misrepresenting their identity
- violates Confidential Information or the Non-Harassment Non-Discrimination sections of this handbook.

ASC takes thoughtful care of its brand image and communication with customers, the public, and its employees. Communication that represents personal views should clearly state that they do not represent those of Auxiliary Services Corporation of SUNY Cortland.

### **ASC Mission and Interest**

Conduct that is detrimental to the ASC's mission or interest in serving the SUNY Cortland Campus will not be tolerated. Reckless driving at any time by an ASC driver will be considered conduct detrimental to the ASC mission of providing a safe work environment. An employee who fails to abide by the Campus rules and authority will be considered conduct detrimental to the ASC mission and interest. Adulteration of food will be considered conduct detrimental to the ASC mission and interest. This list is not all-encompassing and is not intended to interfere with any rights under the National Labor Relations Act.

### **Smoking**

As of January 1, 2013, tobacco may not be used on SUNY Cortland or ASC property nor in any ASC vehicles.

### **Visitors/Children/Pets**

Visitors at an employee's worksite are limited to public areas only. Visitors must not interfere with the employee performing their duties. Due to safety hazards and Health Department Regulations visitors and off-duty ASC employees should not be in any food preparation or serving areas. ASC may ask visitors not to return if they are disruptive to the employee's performance of duties.

Children are allowed at the worksite only when it has been approved by the supervisor or manager on duty.

No pets are allowed at any ASC worksite.

### **Insubordination**

Insubordination is not complying with any reasonable request by a supervisor or manager of ASC. After completing the request, if the employee still is in disagreement he/she may follow the grievance procedures outlined in this Employee Handbook.

### **Alcohol and Illegal Drugs**

Employees must not present themselves for work while impaired or appear impaired by alcohol. Use of alcohol during working hours is prohibited. An exception will be made for approved, business-related social functions

where moderate alcohol consumption will be acceptable as long as the professional conduct is maintained. Possession of open, personal alcohol at an ASC work site is prohibited. Furnishing alcohol to persons under the age of 21 that is a member of the SUNY Cortland community or on the SUNY Cortland campus is prohibited

Employees must not present themselves for work while impaired by controlled substances that have not been medically prescribed for that employee. Use of controlled substances not medically prescribed for that employee, while at work, is prohibited. Possession or manufacture of controlled substances, not medically prescribed for that employee, or illegal drug paraphernalia on the SUNY Cortland campus is prohibited. Sale or distribution of controlled substances or illegal drug paraphernalia is prohibited to a member of the SUNY Cortland community or on the SUNY Cortland campus.

### **Criminal Convictions**

An employee must report any criminal convictions to the Human Resources Office within 5 days of the convictions. ASC drivers who lose the legal right to drive must report that to the Human Resources Office within 5 days of the conviction. ASC is committed to providing a safe work environment for employees and customers and not to discriminate against those employees with criminal convictions that do not pose a risk. ASC possesses an NYS liquor license which does not allow the employment of individuals with certain convictions without relief according to New York State ABC Law Sec. 102 Subdivision 2.

### **Private Spaces**

ASC employees are not allowed to enter a campus residence hall or student's room during working hours, except with permission from the Executive Director or his or her designee. During occupancy, the occupant must be present and grant permission for an ASC employee to enter. After working hours, ASC employees may only enter a dorm or dorm room when expressly invited by the occupants. A dorm room will include sleeping quarters for guests of any facilities of the Center for Environmental and Outdoor Education.

ASC employees may not enter the bedroom or any private bathroom or bathroom stall where a child under the age of 18 is present at any time.

### **Excessive Displays of Affection**

Employees should not engage in excessive displays of affection with coworkers or members of the public in any ASC workplace.

### **Appropriate Interaction with Minor Children**

Employees may interact with minor children attending public events held on campus property, sports camps or camps held at the Center for Environmental and Outdoor Education. Employees must take all reasonable measures to prevent physical and sexual abuse of a child, including immediately removing a child from potential physical abuse, sexual abuse or prohibited conduct as defined by the SUNY Cortland Child Protection Policy.

Employees must report immediately any suspected physical abuse or sexual abuse of a child to the campus University Police Department, and provide to the campus University Police Department a written report of suspected physical or sexual abuse of a child. A child is defined as someone under the age of 17 years old.

Employees are prohibited from the following conduct with any minor child they come in contact with during the course of their employment:

1. Be alone with a child, unless they are a relative or guardian of the child. In no event should an employee, who is not a relative or guardian of a child, be alone with the child in a restroom, locker room, shower, sleeping area or vehicle.

2. Engage in physical abuse or sexual abuse of a child which includes:

- Punching, beating, shaking, throwing, kicking, biting and burning
- Directing a child, outside the norm of the supervised activity, to perform physical activity which is intended to cause physical injury
- Encouraging or promoting a sexual performance by a child.
- Sexual offenses (Pursuant to the NYS Penal Law Articles 130, 263, and Sections 260.10 and 260.25) including :
  - o sexual misconduct, rape, criminal sex acts, forcible touching, persistent sexual abuse, sexual abuse, aggravated sexual abuse, the course of sexual conduct against a child, facilitating a sex offense with a controlled substance, sexually motivated felony, predatory sexual assault against a child, and sexual performance by a child.
  - o endangering the welfare of a child and unlawfully dealing with a child in the first degree
  - o sexual performance by a child, which results in touching of the sexual or other intimate parts of a child for the purpose of sexual gratification of the child and/or adult, including touching by the child and/or adult with or without clothing, and all acts as defined by New York State Penal Law Articles 130, 263 and Section 260.10.

4. Enable, facilitate or fail to address a child's use of alcohol or illegal/non-prescribed drugs.

5. Contact a child through electronic media, including social media, for the purpose of engaging in any prohibited conduct, including sexual conduct.

6. Offer or make a gift to a child for the purpose of engaging in any prohibited conduct, including sexual conduct.

Failure to abide by any portion of the Professional and Ethical Work Performance policy will result in discipline up to an including termination.

*Approved by the Board May 2016*

## **Telecommunications Technology and Equipment Policy**

Auxiliary Services Corporation provides employees with modern equipment and telecommunication technology to perform their duties. The technologies and equipment covered under this policy are not limited to telephones, e-mail, voicemail, computers, printers, photocopiers, fax machines, personal digital assistants, cell phones, digital cameras, television cable, social media, and internet access.

Any violations of this or SUNY Cortland's policy will result in discipline, which may include counseling or discharge and may constitute a criminal offense.

Any employee of Auxiliary Services Corporation who has knowledge of a violation of this policy should report it to his or her supervisor.

Nothing in this policy is intended to interfere with rights under the National Labor Relations Act.

### **Legal and Respectful Use**

Auxiliary Services Corporation prohibits the use of any technology or equipment to commit a crime including, but not limited to, entering restricted computers or computer files, theft of services, spreading a computer virus, destroying unauthorized computer files, slanderous or libelous speech, threats, harassment, wiretapping, computer trespass, identity masquerade, child pornography, and stalking.

Users will not violate legal protection provided by copyrights, trademarks, terms of use, and licenses.

Using any technology or equipment that violates the Professional and Ethical Work Performance policy, Confidential Information or Non-Harassment or Non-Discrimination Policy is prohibited.

### **SUNY Cortland Technology**

Auxiliary Services Corporation has granted e-mail addresses and/or internet access to employees that are provided by SUNY Cortland. SUNY Cortland's policies for the access and utilization of Campus Computing facilities apply at all times regardless of access location. Any ASC employee who uses the SUNY Cortland network is a guest and represents the College by the way they conduct their network activities.

### **Ownership**

Any employee who has been issued portable or home-use technology equipment must return all equipment to ASC at the end of employment. Only the Executive Director, in writing, may authorize personal ownership of ASC purchased technology. No equipment may be removed from the work site unless an Equipment Borrowing Form is completed. The exceptions are on-call cell phones and laptops issued to a single individual.

### **Use of Technology at Work**

ASC employees may only use the technology equipment, files, logs, or software they have been given permission to use. Unauthorized use, sharing of passwords, or disguised use will result in discipline. All employees must follow the password security rules set forth by the information technology staff. If an employee is in doubt about whether he or she has permission to use particular equipment or technology, the employee should ask his or her supervisor.

There is no expectation of privacy for any communication or file created, sent, stored, copied, or received with ASC equipment. Files or communications are not the private property of the employee. Passwords are issued to avoid unauthorized use and do not create an expectation of privacy. Telephone calls will be monitored in accordance with state and federal law. The deletion or termination of any communication or computer file does not give any assurances that the contents cannot be retrieved.

All technologies and equipment are for business purposes only, with the exception of the use of the telephone, email, and internet access for limited personal use only. Personal use should be limited in frequency and duration, so as not to interfere with assigned duties. All attempts should be made to make personal phone calls from private cell phones during break periods. Business technologies and equipment may not be used under any circumstances for personal profit or political activities.

Fee-based technology such as personal toll calls, computer programs, software, games, video, music, ringtones, text messages must be charged to personal accounts.

The Auxiliary Services Corporation's System Network Manager or designee must approve all software installations or downloads of business equipment.

### Personal Technology in the Workplace

Cell phones, beepers, cameras, google glasses and personal technology devices may not be used, carried, or stored in any customer service areas, except by managers, supervisors, and catering department personnel for business use only. Personal technology devices should be used on breaks in non-work areas or in non-customer areas for limited frequency and duration so as not to interfere with assigned duties. Cell phones and text messaging may not be used for business reasons while driving in a private or ASC vehicle. Hands-free devices may be used while driving.

Taking pictures and recording of video or audio while on SUNY Cortland Property, or at an ASC-sponsored event held off campus, is NOT allowed in the following instances:

<b>Taking Pictures</b>	<b>Audio Video Recording</b>
For the purposes of harassment, stalking, voyeurism, defamation or threatening	For the purposes of harassment, stalking, defamation, voyeurism or threatening
Invades privacy such as in a bathroom, locker room, bedroom or place for changing clothing	Invades privacy such as in a locker room, bathroom, bedroom or place for changing clothing
Publishing someone's likeness without consent	Publishing someone's likeness without consent
Taken for a purpose other than related to employment with ASC	Audio recording without the knowledge of one person in every conversation; or if more than two people are present every exchange must have one party who is aware of the recording
For a criminal act	For a criminal act
For personal profit	For personal profit
Of customers utilizing ASC services	Of customers utilizing ASC services

	Taken for a purpose other than related to employment with ASC
Any location you have been given special authorization to enter such as private catering events or entering a Residence Hall	Any location you have been given special authorization to enter such as private catering events or entering a Residence Hall

### Use of Technology Outside of Work

All employees should use care when using social media, such as Twitter, Facebook, Yik Yak, Instagram, What's App, blogs, websites, chat rooms, and Facebook that identify in words, status, or pictures that depict they are employees of Auxiliary Services Corporation of SUNY Cortland. This statement must accompany comments or images: "These comments and pictures are my personal comments and are not those of Auxiliary Services Corporation of SUNY Cortland". Even with this disclaimer, use of personal technology outside of work including text or images must abide by the legal and respectful use portion of this policy, all other ASC policies, including the Confidential Information Policy and Non-discrimination Non-Harassment Policy.

Use of any form of the ASC name or its logos may not be used on picket signs, leaflets, and other protest material.

If you are endorsing an ASC product or service online you must disclose in the endorsement that you are employed by Auxiliary Services Corporation of SUNY Cortland.

### Ownership of electronic content

ASC retains the ownership of any media content created by ASC employees for ASC use. This includes, but is not limited to, websites, social media accounts, pictures, graphics, copy, databases, and programming. Only electronic content covered by a written agreement signed by the Executive Director may transfer ownership.

*Approved by the Board May 2016*

## Non-Discrimination and Non-Harassment Policy

As human beings, we have similar, basic needs, and yet, have different experiences and filters with which we view those around us. Auxiliary Services Corporation expects all employees to conduct themselves in a way that recognizes all human beings want to be regarded as valued.

Treatment of customers or employees that do not show value for them would include lack of professional communication, bullying, creating a hostile environment, or even violence.

Auxiliary Services Corporation will not discriminate in its services or employment practices based on race, gender, and gender expression, religion, national origin, age, sexual orientation, disability, marital status, color, creed, military status, genetic predisposition or carrier, veteran, or victim of domestic violence status.

According to this policy, Auxiliary Services Corporation expects that all employees will act in a respectful manner toward all co-workers and members of the campus community. ASC prohibits acts of discrimination, harassment, by employees based on the following:

Race	Gender and gender expression	Marital status
Religion or Creed	National origin	Veteran or Military status
Age	Sexual orientation	
Disability	Genetic predisposition or carrier status	
Color	Family Parental or Caregiver Status	

Victim of domestic violence status.

ASC also prohibits discrimination or harassment of employees by contractors, vendors, and customers.

All complaints or information about suspected harassment, discrimination or disrespectful behavior will be investigated, whether that information was reported in verbal or written form, even without a formal complaint. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this complaint form.

Behaviors that constitute harassment or disrespect include:

- 1) Verbal Harassment - epithets, derogatory comments or jokes, and slurs.
- 2) Physical Harassment - assault, impeding or blocking voluntary movement, gestures, touching, or any physical interference with normal work.
- 3) Visual Harassment - derogatory posters, letters, poems, graffiti, cartoons, drawings, or computer displays.
- 4) Exclusion- socially or physically excluding or disregarding a person in work-related activities

Discriminatory actions would include:

- 1) Not providing ASC services to a particular person or group because of race, gender and gender expression, religion, national origin, age, sexual orientation, disability, marital status, color, creed, military status, genetic predisposition or carrier, veteran, or victim of domestic violence status, Family Parental or



Caregiver Status.

- 2) Not hiring, promoting, giving work assignments, or providing employment benefits to a particular person or group because of race, gender and gender expression, religion, national origin, age, sexual orientation, disability, marital status, color, creed, military status, genetic predisposition or carrier, veteran's status, or victim of domestic violence status, Family Parental or Caregiver Status .

### **Harassment and Discrimination Complaint Procedure**

1. Anyone who has been discriminated against or harassed is encouraged to:

- \* Use the form for submission of a written complaint attached to this Policy
- Follow the grievance procedure, or
- Notify the Assistant Executive or Executive Director

2. Whoever is notified at ASC (Supervisor, Manager, Human Resource Manager, Executive Director or the Board) will investigate the complaint. Auxiliary Services Corporation will maintain the confidentiality of the complaint to the maximum extent possible. However, the College Liaison to Auxiliary Services Corporation will be notified if the matter involves a member of the Campus Community excluding non-student ASC employees.

3. If the investigation reveals harassment or discrimination, disciplinary action or dismissal will be taken against the offending party to remedy the situation.

4. Auxiliary Services Corporation expressly prohibits any form of retaliatory action against anyone filing a complaint under this policy or anyone assisting in the complaint investigation. Retaliation would include discipline, discharge, change in duties, or any examples listed under harassment. Anyone who believes they have been retaliated against should follow the steps listed in #1 under the Complaint Procedure and management will follow the steps outlined in #2, #3, and #5. If an investigation reveals retaliation, then disciplinary action or dismissal will be taken against the offending party to remedy the situation.

5. If after an investigation of the complaint, it is revealed that the complaint was falsified, disciplinary action or dismissal will be taken against that individual.

Any discipline resulting from any investigation may be appealed by following the grievance procedure in the ASC/CSEA Contract.

*Approved by the Board May 2016*

## Sexual Harassment

Auxiliary Services Corporation is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. Auxiliary Services Corporation has a zero-tolerance policy for any form of sexual harassment, and all employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of Auxiliary Services Corporation commitment to a discrimination-free work environment. Sexual harassment is against the law. All employees have a legal right to a workplace free from sexual harassment, and employees can enforce this right by filing a complaint internally with ASC management, or with a government agency or in court under federal, state or local anti-discrimination laws.

Adoption of this policy does not constitute a conclusive defense to charges of unlawful sexual harassment. Each claim of sexual harassment will be determined in accordance with existing legal standards, with due consideration of the particular facts and circumstances of the claim, including but not limited to the existence of an effective anti-harassment policy and procedure.

1. ASC's policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business with ASC.
2. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action, up to and including termination.
3. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse employment action including being discharged, disciplined, discriminated against, or otherwise subject to adverse employment action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. ASC has a zero-tolerance policy for such retaliation against anyone who, in good faith complains or provides information about suspected sexual harassment.

Any employee of ASC who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. Any employee, paid or unpaid intern, or non-employee\* working in the workplace who believes they have been subject to such retaliation should inform a supervisor, manager, or the Assistant Executive Director or Executive Director. Any employee, paid or unpaid intern or non-employee who believes they have been a victim of such retaliation may also seek compensation in other available forums, as explained below in the section on Legal Protections.

\* A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Protected non-employees include persons commonly referred to as independent contractors, "gig" workers and temporary workers. Also included are persons providing equipment repair, cleaning services or any other services provided pursuant to a contract with the employer.

4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and subjects ASC to liability for harm to victims of sexual harassment. **Harassers may also be individually subject to liability.**

Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who knowingly allow such behavior to continue, will be penalized for such misconduct.

5. ASC will conduct a prompt, thorough and confidential investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.

6. All employees are encouraged to report any harassment or behaviors that violate this policy. ASC will provide all employees with a complaint form for employees to report harassment and file complaints.

7. Managers and supervisors are required to report any complaint that they receive or any harassment that they observe to the Assistant Executive Director or the Executive Director.

8. This policy applies to all employees, paid or unpaid interns, and non-employees\* and all must follow and uphold this policy. This policy must be posted prominently in all work locations and be provided to employees upon hiring.

#### **What Is “Sexual Harassment”?**

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, gender identity and the status of being transgender. Sexual harassment includes unwelcome conduct which is either of a sexual nature or which is directed at an individual because of that individual’s sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive work environment, even if the complaining individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual’s employment.

A sexually harassing hostile work environment consists of words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual’s sex.

Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient’s job performance.

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

Any employee who feels harassed should complain so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

### **Examples of sexual harassment**

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical assaults of a sexual nature, such as:
  - Touching, pinching, patting, grabbing, brushing against another employee's body or poking another employees' body;
  - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
  - Requests for sexual favors accompanied by implied or overt threats concerning the victim's job performance evaluation, a promotion or other job benefits or detriments;
  - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
  - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions were taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
  - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
  - Sabotaging an individual's work;
  - Bullying, yelling, name-calling.

### **Who can be a target of sexual harassment?**

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. A perpetrator of sexual harassment can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

### Where can sexual harassment occur?

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer-sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises or not during work hours.

### What is “Retaliation”?

Unlawful retaliation can be any action that would keep a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation.

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in “protected activity.” Protected activity occurs when a person has:

- filed a complaint of sexual harassment, either internally or with an anti-discrimination agency;
- testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
  - opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- complained that another employee has been sexually harassed; or
- encouraged a fellow employee to report harassment.

### Reporting Sexual Harassment

**Preventing sexual harassment is everyone’s responsibility.**

ASC cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern or non-employee who have been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, manager, Assistant Executive Director or Executive Director. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager or, Assistant Executive Director or Executive Director.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this complaint form. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee’s behalf.

Employees, paid or unpaid interns or non-employees who believe they have been a victim of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

### Supervisory Responsibilities

All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, **are required** to report such suspected sexual harassment to Assistant Executive Director or Executive Director.

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

Supervisors and managers will also be subject to discipline for engaging in any retaliation.

### **Complaint And Investigation Of Sexual Harassment**

All complaints or information about suspected sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough and should be completed within 30 days. The investigation will be confidential to the extent possible. All persons involved, including complainants, witnesses, and alleged perpetrators will be accorded due process to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. Employees who participate in any investigation will not be retaliated against.

Investigations will be done in accordance with the following steps:

- Upon receipt of the complaint, the Assistant Executive Director or designee, will conduct an immediate review of the allegations, and take any interim actions, as appropriate. If the complaint is oral, encourage the individual to complete the “Complaint Form” in writing. If he or she refuses, prepare a Complaint Form based on the oral reporting.
- If documents, emails or phone records are relevant to the allegations, take steps to obtain and preserve them.
- Request and review all relevant documents, including all electronic communications.
- Interview all parties involved, including any relevant witnesses;
- Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
  - A list of all documents reviewed, along with a detailed summary of relevant documents;
  - A list of names of those interviewed, along with a detailed summary of their statements;
  - A timeline of events;
  - A summary of prior relevant incidents reported or unreported; and
  - The final resolution of the complaint, together with any corrective actions action(s).
- Keep the written documentation and associated documents in the employer’s records.

- Promptly notify the individual who complained and the individual(s) who responded to the final determination and implement any corrective actions identified in the written document.
- Inform the individual who complained of their right to file a complaint or charge externally as outlined below.

### Legal Protections And External Remedies

Sexual harassment is not only prohibited by ASC but is also prohibited by state, federal, and, where applicable, local law. Aside from the internal process at ASC, employees may also choose to pursue legal remedies with the following governmental entities **at any time**.

New York State Division of Human Rights (DHR) -The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns, and non-employees regardless of immigration status. A complaint alleging a violation of the Human Rights Law may be filed either with DHR or in New York State Supreme Court. Complaints with DHR may be filed any time within **one year** of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, within **three years** of the alleged discrimination. An individual may not file with DHR if they have already filed an HRL complaint in state court. Complaining internally to ASC Management does not extend your time to file with DHR or in court. The one year or three years is counted from the date of the most recent incident of harassment. You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR. DHR will investigate your complaint and determine whether there is probable cause to believe that discrimination has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If discrimination is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying monetary damages, attorney's fees, and civil fines. DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458, (718) 741-8400, [www.dhr.ny.gov](http://www.dhr.ny.gov) Contact DHR at (888) 392-3644 or visit [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint) for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

The United States Equal Employment Opportunity Commission (EEOC) -The EEOC enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified at 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court. The EEOC does not hold hearings or award relief but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. If an employee believes that he/she has been discriminated against at work, he/she can file a "Charge of Discrimination." The EEOC has a district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (1-800-669-6820 (TTY)), visit their website at

www.eeoc.gov or via email at [info@eeoc.gov](mailto:info@eeoc.gov) If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

**Contact the Local or University Police**

If the harassment involves physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department or University Police at 607-753-2111.



## Complaint Form for reporting Harassment, Discrimination or Disrespect

Auxiliary Services Corporation of SUNY Cortland

New York State Labor Law requires all employers to adopt a harassment prevention policy that includes a complaint form for employees to report alleged incidents of harassment. If you believe that you have been subjected to disrespect, discrimination or harassment, you are encouraged to complete this form and submit it to the Assistant Executive Director or Executive Director in Winchell Hall or email: ASC .staff@cortland.edu. Once you submit this form, ASC must follow its Non-harassment Non Discrimination prevention policy and investigate any claims. If you are more comfortable reporting verbally or in another manner, ASC is still required to follow its prevention policy by investigating the claims as outlined at the end of this form. For additional resources, visit: [ny.gov/combating-sexual-harassment](http://ny.gov/combating-sexual-harassment)

### COMPLAINANT INFORMATION

Name:

Home Address:

Work Address:

Home Phone:

Work Phone:

Job Title:

Email:

Select Preferred Communication Method:

Immediate Supervisor's Name:

Title:

Work Phone:

Work Address:

### COMPLAINT INFORMATION

Your complaint of discrimination, disrespect, harassment is made against:

Name:

Title:

Work Address:

Work Phone

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

Please describe the conduct or incident(s) that is the basis of this complaint and your reasons for concluding that the conduct is discrimination, disrespect, harassment. Please use additional sheets of paper if necessary and attach any relevant documents or evidence:

Date(s) disrespect, discrimination or harassment occurred:

Is the disrespect, discrimination or harassment continuing? \_\_\_ Yes \_\_\_ No

Please list the name and contact information of any witnesses or individuals that may have information related to your complaint:

The following questions are optional but may help facilitate the investigation.

Have you previously complained or provided information (verbal or written) about the disrespect, discrimination or harassment at ASC? If yes, when and to whom did you complain or provide information?

Have you filed a claim regarding this complaint with a federal, state or local government agency? \_\_\_Yes \_\_\_ No

Have you instituted a legal suit or court action regarding this complaint? \_\_\_Yes \_\_\_No

Have you hired an attorney with respect to this complaint? \_\_\_Yes \_\_\_No

I request that ASC investigate this complaint in a timely and confidential manner as outlined below, and advise me of the results of the investigation.

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

#### ASC's Responsibility

If we receive a complaint about alleged discrimination, disrespect or harassment, we must follow our prevention policy by investigating the allegations through actions such as: • Speaking with the employee • Speaking with the alleged harasser • Interviewing witnesses • Collecting and reviewing any related documents. We should create a written document of the findings of the investigation, along with any corrective actions taken and notify the employee and the individual(s) against whom the complaint was made. This may be done via email.

*Employees that file complaints with their employer might have the ability to get help or file claims with other entities including federal, state or local government agencies or in certain courts. Adoption of this form does not constitute a conclusive defense to charges of unlawful discrimination or harassment. Each claim of sexual harassment will be determined in accordance with existing legal standards, with due consideration of the particular facts and circumstances of the claim, including but not limited to the existence of an effective anti-harassment policy and procedure.*

## **Religious and Disability Accommodation Policy**

Auxiliary Services Corporation is committed to assuring equal employment opportunity for all employees.

A reasonable accommodation for a qualified person with a disability or religious belief will enable that employee to perform the essential functions of the position for which he or she is applying or is currently employed.

The policy applies to all employment practices and actions. It includes, but is not limited to the following: recruitment, the job application process, hiring, training, job duties, disciplinary actions, rates of pay or other compensation, advancement, transfer, and reassignment, and promotions.

### **Accommodation Process**

An employee that has a need for an accommodation should express that need preferably in writing to their manager or Human Resources Office. It should include the details of why the accommodation is needed, how the accommodation will allow the employee to perform the essential functions of the job, the specific details of the requested accommodation and any alternatives, and the expected duration of the accommodation. The employee should provide additional documentation to assist in evaluating the request. The employee should participate in a dialogue with the Human Resource Office to address the issue of a reasonable accommodation.

### **Confidentiality**

ASC will protect and maintain the privacy and confidentiality of medical information or religious beliefs or practices provided by, or on behalf of, employees and applicants. All medical information will be maintained in a secure location separate from personnel files. The only exception is that supervisors and managers may be informed about accommodations.

### **Accommodation Supporting Documentation**

As part of any request for a reasonable accommodation, ASC may request documentation from a medical provider, spiritual leader, or scholar. ASC may require a medical examination to identify the individual's functional limitations to support the request.

The following factors will be included in the review requests for accommodation:

- \* Nature of the accommodation requested
- \* Duration of the request
- \* Alternative accommodations
- \* Financial impact
- \* Impact on the operation of the department or unit
- \* Availability of other qualified employees to perform the duties
- \* Ability of the individual to perform essential functions of the position with the accommodation
- \* Other related factors

*Approved by the Board May 2010*

## Workplace Violence

Workplace violence is defined in multiple ways; ultimately, it is the physical assault or aggressive behavior where employees may be subjected to harm. In any work-related employment, there are many factors that can be categorized as workplace violence. Such acts are defined by the Department of Labor as any:

- Attempt to threaten, whether verbal or physical, to inflict injury
- Any intentional display of force, giving an employee a reason of fear
- Intentional or wrongful physical contact with a person without their consent and entails injury
- Stalking an employee with the interest in causing fear of physical emotional harm to a person, if the stalking has arisen from employment

### Policy

Auxiliary Services (ASC) at SUNY Cortland is a corporation on the Cortland campus. ASC is a corporation that is committed to the safety and security of our employees. Keeping an environment that is respected and safe starts with management but is carried out by our employees. ASC has a Zero Tolerance Standard with the respect to acts of workplace violence. Acts that are workplace violence will result in disciplinary action and investigation; these acts can range from threats, violence, or aggressive behavior and will be responded too in a prompt manner by management.

Employees found responsible for such actions that are defined as workplace violence will be subject to consequences that could ultimately be subject to termination.

Such things that could be considered workplace violence can range from anything. Most common are:

1. Use or display of force to cause harm like physical attacks and unwanted contact such as
  - grabbing, shoving, pushing, slapping, hitting, punching, fighting, or throwing objects
2. Threats that are directly or indirectly cause harm whether it be physical, emotional, or mental
  - Threatening phone calls, email, or text messages
  - Stalking
  - Oral or written words
  - Gestures or symbols

Aggressive behavior includes acts in anger or frustration includes shouting, throwing, slamming, punching, or pushing items.

Reporting instances of workplace violence are essential to helping ASC make the environment that our employees are safe and comfortable to be in. Every incident that is investigated and reported is all confidential. Any break of this confidentiality will be subjected to consequences.

### Risks

Employees that work for ASC are at risk of workplace violence. This is because we are a corporation that deals with many aspects that can be subjected to workplace violence. Risks, to can be defined, but not limited to:

- Contact with public
- Handling/ exchanging money for goods and services
- Working late nights or early mornings
- Poorly lit areas

- Working in a location with uncontrolled public access to the workplace

It is therefore important that our employees are properly trained and safe throughout their employment for ASC and on the SUNY Cortland campus. Risk as such can put employees in harm and as a result, it is important to know how to prevent such occurrences.

### Responsibilities

ASC is responsible for providing the tools that are needed to prevent and understand what to do in a situation that is considered workplace violence. Responsibilities, therefore, are broken down into two different responsibilities: the employer and the employee.

As employers, ASC is responsible to provide our employee's training and safety to workplace violence. Many of our safety measures shall be such items as:

- Securing the workplace with such things as surveillance cameras, alarms, and identification access to certain areas
- Provide the most effective administration controls that are necessary for every worker.
- Look over and evaluate if all areas are safe, like routes that employees use that are in the dark or far away from a central location.
- In the instance where an employee handles and carries money, provide drop safes or an area where money can be secure. During a change in shifting, keep minimal money in registers
- Highly encourage the buddy system when working late nights or going outside into dimly lit areas, or places that have felt unsafe
- Develop a workplace prevention program that designates employees responsibilities and practices that should be followed encase of emergencies where workplace violence occurs
- Run period risk evaluations and implement change
- Keep personal information, whether it be schedules or identification, private
- Ask for identification of unknown strangers who come into the workplace

Employees are also responsible for understanding and noticing the signs of workplace violence. Such things that are learned by employees cannot guarantee that there might not be any workplace violence but can help lower the risk of great harm.

- Training should be provided to all employees where it is learned how to recognize and know the risks of assault, violence, and know how to control such situations.
- Alert supervisors if there are *any* concerns about safety or security. Report them immediately, don't wait if it can be prevented
- Carry minimal money and proper identification when working
- If an employee has been threatened with violence by a person in a domestic situation or by another non-campus individual who may follow him or her to the work site, the employee should report the incident to his or her supervisor and UPD.

## Reporting

Employees and supervisors are responsible for reporting instances where they believe workplace violence is occurring. Reporting should be done if there is an implied or implicit thought that workplace violence is occurring. Depending on the situation, reporting can be directly done, or an employee must let their supervisor know. Employees can report anonymously; supervisors also will be able to file reports of such content.

Many instances, employees do not report workplace violence. This is generally because there is a lack of training, lack of procedures, fear of retaliation, and reactions from their supervisors when reporting. Confidentiality is to be followed when filing a report. Any break in confidentiality that happens when filing a report can result in immediate consequences. Reporting's will be investigated and looked at heavily by our Human Resources and our Directors. All reports are taken in a serious matter.

**If there is an act of workplace violence that is happening at the moment, University Police should be called immediately.**

### **Confidential Information**

Many state and federal laws govern securing and releasing information to appropriate individuals. This information is important to protect identity, financial security, personal security, and medical information.

Other information is protected to allow business to be conducted without unfair competition or to allow brainstorming among management personnel before final determinations have been made and released to employees and the public.

Any employee who has access or inadvertently accesses confidential information must not reveal that information. Employees must not bypass confidential information controls such as passwords or locks on cabinets or doors. ASC will comply with court orders, subpoenas, and law enforcement requests for information.

### **Consumer information**

Employees will ensure that any Personal Consumer Information or Employee Information such as social security numbers, campus ID numbers, birth date, credit card numbers, bank account information, drivers' license numbers or other identifying information will be properly secured and effectively destroyed. Electronic data should be routinely deleted and stored according to generally accepted e-commerce methods or regulations. Paper documents must be kept secured with a lock or destroyed by shredding, burning, or pulverizing. Any breaches of security measures will be reported to the proper authorities and consumers.

### **Personnel File**

Upon five (5) business days' notice, an employee will be allowed to examine his/her personnel file and to review its contents in the ASC Human Resources Office, except letters of reference and any other information obtained from previous employers, co-workers, or other acquaintances. No material may be removed from the file or taken from the office. At the discretion of the Human Resources Manager, some items may be copied and a copying fee may be charged.

If upon reviewing his or her personnel file an employee wishes to respond to any statement or information contained in that file, the employee may submit a response which will be placed and maintained in his/her personnel file.

Employees that violate any part of the Confidential Information Policy will be subject to discipline up to and including termination.

**Confidential information** includes recipes; pricing, security and internal control processes and policies; attorney-client privilege information; management notes from internal investigations; management decisions not approved for release to employees or public.

Proprietary information provided by vendors such as recipes, software, memos, prices or other information shall not be released except as specified by the contract.

**Financial Information** includes income statements, annual financial statement, organization's purchases, financial details of agreements with vendors and vendor status.

**Employee Information** may be shared to comply with legal authority or with the employee's expressed permission. Employee information includes the following: address, phone numbers, banking or financial information, military, age, family and marital relationships, religion, race, national origin, a victim of domestic violence status, gender identity, social security number, debit account numbers or other identifying numbers, or beneficiary.

Employee's presence or absence at work should only be shared with other employees and their representatives to protect employee's vacant homes and personal safety from domestic violence situations.

**Customer Information** includes: address, phone numbers, banking or financial information, purchases including patterns or preferences, accident or illnesses related to ASC property, goods or services, military, age, family and marital relationships, medical & genetic information, religion, race, national origin, victim of domestic violence status, gender identity, purchasing patterns, social security, debit account numbers or other identifying numbers.

**Medical Information** includes: diagnosis, symptoms, medical reason for time away from work, special needs purchases or use of services, workplace accommodations due to a disability, genetic information, disability, pregnancy, hospitalization, medical provider's name, appointment status with medical provider and victim of domestic violence

**Terms and conditions of employment** include: wages, benefits, task assignments, treatment of employees by management and employee safety

**Employment References** includes: ASC position on eligibility for rehire, view of an employee's work performance, employer's disciplinary action, and employee's criminal or violent activity related to employment that is under investigation

Information	Who is sharing	Sharing with whom	Acceptable or
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			<b>unacceptable</b>
Confidential Information Employee Information Customer Information Medical Information	ASC Management/ Human Resources	ASC Management/Campus Officers with a business need to know	Acceptable
Financial Information	Executive-team	Public or employees	Acceptable
Financial Information	ASC employee	Public or employees with no need to know	Unacceptable
Confidential Information Employee Information Customer Information Medical Information	ASC employee/ management	ASC employees or public	Unacceptable
Customer Information Confidential Information	ASC employee	ASC employee/Campus Officers with a business need to know	Acceptable
Terms and Conditions of employment	ASC employees/ management	ASC employees or the public	Acceptable
Employee References	ASC employees	ASC employees/public	Acceptable, but does not represent the employer
Employee References	Management	ASC employees with no need to know/public	Unacceptable
Employee References	Human Resources	Management with business need to know/Public with the need to know	Acceptable

### **HEALTH INSURANCE PORTABILITY PRIVACY ACT**

The Human Resources Manager will be the designated Privacy Officer for all employer-sponsored health insurance plan information that contains protected health information as defined under the Health Insurance Protection and Portability Act (HIPPA). The Privacy Officer will be responsible for ensuring the use and disclosure of protected health information is in accordance with HIPPA regulations. Any disclosures of protected health information will be to trained personnel or business associates as stipulated by the written agreement.

### **FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT**

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level.

The Controller or Executive Director may approve certain exceptions to the release of Customer Information as allowed by the Family Education Rights and Privacy Act (FERPA) of 1974.

*Approved by the Board May 2015*

## Selection Process for Vacant Positions

### Financial Review

All vacant positions must be reviewed by the appropriate ASC Executive Team member to assess present and future divisional and unit staffing needs, required skills, schedules, and duties of replacement personnel. This would include reviewing and updating the current job description. Any additional funding for salaries or wages, not included in the current labor budget must be approved by the Executive Director before a search process begins.

### Posting of Positions

Position vacancies will be displayed throughout the organization for current employees to express their interest in a transfer or a promotional opportunity. Any non-bargaining unit position that becomes vacant within 45 days from the original date of the posting will not be re-posted, but the remaining qualified employees who previously applied will be reconsidered. Non-bargaining unit positions may not be posted under the following circumstances: Internal transfers to another position within the same or similar title; temporary positions created for a specific period of time; reassignment of an employee due to a reorganization of a department or function; to correct an unsuccessful placement; to make a reasonable accommodation as required by Federal or State law.

### Internal Candidates

Internal bargaining unit candidates applying for bargaining unit vacancies will be handled according to the ASC/CSEA contract. For non-bargaining unit positions, preference will be given to an internal applicant versus an equally-qualified external candidate, or a more senior internal applicant versus an equally-qualified, less senior internal applicant. An internal candidate's qualifications will be evaluated according to the criteria listed under Selections in this policy. Internal non-bargaining unit employees who are on a disciplinary probation will not be considered for any open positions. For internal bargaining unit and non-bargaining unit positions, preference will be given to employees who have completed 4 months of continuous service in their present position and/or have completed their trial period.

### Equal Opportunity Employment

ASC does not discriminate on the basis of race, gender, religion, national origin, age, sexual orientation, disability, marital status, color, creed, military status, genetic predisposition or carrier status, veteran status, or victim of domestic violence status in employment or service.

All vacancies within ASC will be filled with a desire to pro-actively recruit into the application pool members of under-represented groups. This will include strategically placed media advertisements, mailings, and attendance at job fairs.

Positions will be filled according to the Employment of Relatives policy.

### Selection

All bargaining unit vacancies will be filled by the unit manager or designee trained by the Human Resources Office in legal interviewing practices.

All posted management vacancies will be filled in accordance with the following procedure. A search committee will be formed to conduct the process of screening and interviewing applicants and recommending two or more candidates to the appropriate ASC Executive Team member. Each committee will review applicants based on the following:

\* Demonstrated ability

- \* Relevant knowledge, experience, and education
- \* Documented work performance
- \* Compliance with health and safety standards
- \* Professional and industry-specific testing results

The composition of the search committee will be based upon the following membership guidelines.

**Executive Director** (per Bylaws, minimum of 6 members)

- 4 Executive Officers of the Board (Pres., Vice Pres., Secretary, Treasurer)
- 1 elected representative from Non-Bargaining Unit Employees
- 1 elected representative from CSEA
- 1 additional member may be appointed by the President of the Board

**Director of Dining Services** (6/7 members)

- 2 members from E-Team (appointed by Executive Director)
- 2 managers from Dining Services (appointed by Executive Director)
- 1 Board member (appointed by President of Board)
- 1 representative from CSEA selected by CSEA
- 1 additional member may be appointed from the corporate membership by the President of the Board

**Director of College Stores** (6/7 members)

- 2 members from E-Team (appointed by Executive Director)
- 2 managers, supervisors, or asst. director(s) from College Stores (appointed by Executive Director)
- 1 Board member (appointed by President of Board)
- 1 representative from CSEA selected by CSEA
- 1 additional member may be appointed from the corporate membership by the President of the Board

**Asst. Director of College Stores** (6/7 members)

- Director of College Stores or designee
- 1 member from E-Team (appointed by Executive Director)
- 1 manager or supervisor from College Stores (appointed by Director of College Stores)
- 1 representative from CSEA selected by CSEA
- 1 member from the campus at large (e.g., academic computing)
- 1 member of the corporate membership appointed by the President of the Board
- 1 additional member may be appointed by the Director of College Stores

**Controller** (6/7 members)

- Director of Dining Services or designee
- Director of College Stores or designee
- 1 additional member from E-Team (appointed by Executive Director)
- VP of Finance & Management or designee
- Accounting Supervisor or another member of the accounting & finance staff (appointed by the Executive Director)
- 1 representative from CSEA selected by CSEA
- 1 additional member may be appointed from the corporate membership by the President of the Board

**Human Resources Manager** (7 members)

Director of Dining Services or designee  
Director of College Stores or designee  
2 managers, supervisors, or asst. director(s) from operating divisions appointed by the Executive Director  
1 Board member (appointed by President of Board)  
1 representative from CSEA selected by CSEA  
1 member of the Personnel Committee (appointed by President of Board)

**Executive Administrative Assistant** (5/6 members)

Executive Director or designee  
Director of Dining Services or designee  
Director of College Stores or designee  
2 managers, supervisors, or asst. director(s) from operating divisions appointed by the Executive Director  
1 additional member may be appointed by the Executive Director

**Maintenance Manager** (4/5 members)

2 managers or supervisors appointed by Director of Dining Services  
1 manager, supervisor, or asst. director appointed by Director of College Stores  
1 member of E-Team appointed by Executive Director  
1 additional member may be appointed by the Executive Director

**Book Department Manager** (4/5 members)

Director of College Stores or designee  
1 manager, supervisor, or asst. director of College Stores  
2 members from the campus at large representing 2 academic departments appointed by the Director of College Stores  
1 additional member may be appointed by the Director of College Stores

**Dining Manager or comparable** (3/4 members)

Minimum of 3 managers or supervisors  
1 additional member may be appointed by the Director of Dining Services

**Asst. Dining Manager or comparable** (2/3 members)

Minimum of 2 managers or supervisors  
1 additional member may be appointed by the Director of Dining Services

Exceptions to this procedure or the membership guidelines must be approved by the President of the Board.

All management vacancies will be advertised on a minimum of a statewide level. Assistant management positions may be advertised on a regional level, and supervisory positions may be advertised on a local level. Applications will be logged into the Human Resources Office.

### **Reviewing Applicant Pool**

All applicants in the available pool for regular full or part-time positions must be reviewed if the position is not filled by a transferring internal candidate. The interviewer must attach, to the application or to the website version of the application, all notes regarding their review of each application or candidate. All applicant information will be kept confidential and shared only with those with a need to know.

Proper due diligence will be followed when checking references for any candidate for possible employment. All attempts to contact references should be documented and attached to the candidate's application.

All applications and any interviewing notes must be returned to the Human Resources Office after the selection of an applicant.

### **Offers of Employment**

Offers of employment should be made in writing, if possible, and should be reviewed by the Human Resources Office before being sent to the candidate. No management personnel may make an offer of employment for any position or salary except those approved through the current labor budget or the Executive Director.

*Approved by the Board May 2010*

## End of Employment

Managers and Executive team members should provide a signed minimum 30-day notice and all other ASC employees should provide a signed minimum two-week notice that he or she will be leaving employment due to resignation or retirement. Failure to provide such a notice will result in a forfeit of any accrued vacation, EPTO, or holiday pay eligible for payout. (see leave policy for more information about accrued time payouts)

No EPTO will be paid out during any time between the two-week notice of retirement or resignation and the last day of employment.

Health, Dental, and Vision insurance coverage will be continued until the end of the month in which the termination of employment falls.

All ASC property including keys, ID cards, uniforms, and any other property must be returned at the time the employee collects his or her final paycheck.

*Approved by the Board July 2008*

## Compensation Procedures

### Wages

Auxiliary Services Corporation monitors the local employment market to ensure a competitive compensation and benefits package is provided to our employees for the skills and services they perform. Re-evaluating of the minimum and maximum wage levels for all positions will be an ongoing process.

Compensation will be based on responsibilities, job requirements, experience, and education.

Any employee that is demoted or transfers to a position with a lower maximum wage rate will receive the maximum wage rate in the lower classification.

Base wage rate does not include shift differential or any premium paid for out of title pay, lead supervisor pay, or temporary assignment pay.

### Shift Differential for Hourly Employees

Any non-exempt employee working a shift that begins prior to 5 am will receive a shift differential for hours worked until 7 am. Any non-exempt employee working an hour from 9 pm to 5 am will have a premium added to those hours. The premium will be added only to hours worked and not to benefit time off, jury duty, or bereavement time.

### Overtime for Hourly Employees

Any hours worked over 40 hours in a week or over 10 hours in a day will be paid at 1.5 times the regular hourly wage rate for non-exempt employees. Benefit time, jury duty and bereavement time will not be used to reach the 40-hour threshold or the 10.5 hours in a day threshold. All overtime work must be approved by a supervisor in advance. Regular hourly wage rate includes shift differential or any premium paid for out of title pay, lead supervisor pay, or temporary assignment pay.

### Business Expenses

Based on job responsibilities, some business expenses are reimbursed as taxable wages. This will include electronic devices such as cell phones, beepers, or other devices. Rates are periodically reviewed.

### Exempt from Overtime

The Fair Labor Standards Act (FLSA) is a federal law, which requires that most employees in the U.S. be paid, at least the federal minimum wages for all hours worked and overtime pay at one and one-half times the regular rate of pay for all hours worked over 40 hours in a workweek. However, section 13(a)(1) of the FLSA provides an exemption from both minimum wage and overtime pay for employees employed as a bona fide executive, administrative, professional, outside sales employees and certain computer employees.

To qualify for the exemption, employees generally must be paid no less than \$455 per week on a salary basis. Being paid on a “salary basis” means an employee regularly receives a predetermine amount of compensation each pay period on a weekly or less frequent basis. The predetermined amount cannot be reduced because of variation in the quality or quantity of the employee’s work. Subject to exceptions listed below, an exempt employee must receive the full salary for any workweek in which the employee



performed any work regardless of the number of days or hours worked. Exempt employees do not need to be paid for any workweek in which they perform no work. If the employer makes deductions from an employee's predetermined salary, i.e. because of the operating requirements of the business, that employee is not paid on a salary basis. If the employee is ready, willing and able to work, and performs any work in the workweek, deductions may not be made for time when work is not available.

Circumstances in which the employer may make a deduction from exempt pay:

- absent from work for one or more full days for personal reasons other than sickness or disability
- to offset jury or witness fees or military pay
- disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions
- initial or terminal weeks of employment
- disciplinary penalties made in good faith for infraction of a safety rule of major significance
- for the time taken under the Family Medical Leave Act

It is prohibited that any managers make any improper deductions from the salaries of exempt employees. If an employee believes that an improper deduction has been made to his or her salary, he or she should immediately report this information to the Human Resources Manager or the Executive Director. All reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, the salaried employee will be promptly reimbursed for any improper deduction made.

### **Call-in pay for Hourly Employees**

Call-in pay is defined in the ASC/CSEA Contract.

### **Deductions for Overpayments**

ASC is limited to collect overpayments from the prior 8 weeks, but the repayments may be spread out up to a maximum of six years. A collection less than or equal to the employee's next net paycheck will be made from the next paycheck. Collections greater than the next paycheck will be made at 12.5% of the future gross paychecks without causing the paycheck to dip below minimum wage for the hours worked. Employees will be notified of the amount to be collected from each check, the total collection and date(s) of the collections. The employee may contest the collection by the deadline:

2 days from receipt of employer notification for one-time next pay collections

1 week for a series of collections

The contest must be in writing and sent to the ASC Payroll Office. The staff from the Payroll office will reply within 1 week to the address on file and offer to meet with the employee within 1 week from the reply. The employer will issue a final determination within 1 week of the meeting to the address on file and will not make any collections until 3 weeks after the final determination.

### **Payroll Process**

Auxiliary Services Corporation pay periods are from Monday through the second Sunday. Paydays are every other Thursday. Paychecks are available in each department or dining unit on Thursday morning. If any department or unit is not open, paychecks may be retrieved from the Auxiliary Services Corporation Payroll Office. If an employee would like someone else to pick up his or her paycheck, the employee

must inform his or her supervisor or the Payroll Office who will be picking up the check. The person picking up the paycheck should be prepared to show a picture ID.

All employees should verify that the information on their paycheck is correct including addresses, deductions, tax withholdings, and hours paid. All paperwork for payroll processing must be in the payroll office by noon on Friday prior to payday. Paperwork includes time sheets, tax withholding forms, direct deposit forms, and time off slips. Hourly employees are provided a time card to swipe through a time clock in their work area. Employees must swipe in immediately prior to and after reporting to their workstation. If an employee forgets to swipe in or out, they should inform his or her supervisor. If an employee swipes in too early or swipes out too late, that action will be considered falsifying a time record and will result in disciplinary action up to and including termination. If an employee swipes a card belonging to someone else, both the owner of the card and the person committing the act will be considered falsifying a time record and will result in disciplinary action up to and including termination for both employees. Hourly employees may only perform work duties while their work time is recorded by a time clock or a manager on a timesheet.

A special payroll in May, prior to summer shutdown, will be issued to pay out any remaining vacation or holiday time due to academic year employees.

### **Direct Deposit**

Employees may have their paycheck deposited electronically in any bank that accepts electronic deposits. Funds are deposited each payday into the bank account. The funds are available each payday for withdrawal or other processing, except where noted on the payroll schedule due to banking holidays. A form must be on file with the payroll office to initiate direct deposit.

### **Payroll Deductions**

Deductions will be made from employee's paychecks for items that benefit the employee such as medical insurance, life insurance, pension, flexible spending accounts. Any court-ordered garnishees will be made according to New York State and Federal law. At the discretion of management, additional deductions may be approved.

### **Gratuities or Tips**

ASC employees are not permitted to accept gratuities. ASC employees are paid a market wage, which is higher than the industry-standard tip wage. Employees should share with customers, "It is our pleasure to serve you, and we don't accept tips."

*Approved by the Board July 2008*

## Leave Time

### Emergency Paid Time Off (EPTO)

Emergency Paid Time Off (EPTO) is provided to full and part-time fiscal and academic year employees only. EPTO is to cover absences from scheduled work time for employees and their immediate family's illnesses, medical appointments, and the employee's emergencies. Other uses such as extending a vacation or recreational uses are prohibited. A maximum of forty (40) hours of accumulated emergency paid time off per fiscal year may be used for absence from work necessitated by a personal emergency or illness of the employee's immediate family.

#### EPTO- Immediate Family

Immediate family includes the employee's parent, children, spouse or domestic partner and all corresponding in-laws, foster relatives, step-relatives and another person (s) who are members of the employee's household. ASC may request written documentation from the employee to verify the residency of other household members.

#### EPTO- Medical Documentation

Any use of more than three consecutive days will require medical documentation stating that the employee was unable to work. This documentation must be provided within 15 days of the initial absence. Fitness for duty documentation completed by a physician may be required before an employee is allowed to return to work.

#### EPTO and layoffs

EPTO may not be used during a layoff. No leaves for a personal emergency will be granted during recalls from a layoff between semesters.

#### EPTO-Personal Emergency

Employees must give twenty-four hour's notice of the need for EPTO in the case of a personal emergency or as much time as is practicable. EPTO for personal emergencies will be granted on a first come first serve basis. In instances when a number of requests are submitted, the supervisor or manager will determine the number of requests to be approved. No instances for personal emergencies will be granted for longer than two consecutive days.

#### EPTO-Accrual Plans

EPTO accrual will be 20% of the employee's regular-scheduled, weekly hours as designated at the beginning of each semester for every month that the employee works 60 hours or more. The maximum accrued EPTO is 1040 hours.

#### Non-Exempt Employees

Full-time non-exempt employees will accumulate an accrual based on their weekly scheduled hours per month.

#### Exempt Employees

Full-time exempt employees will accumulate an accrual based on their weekly scheduled hours per pay period.

### Timing of Accruals

EPTO accrues with the first month of employment. All employees must complete their probationary period prior to the use of any EPTO. Employees will receive an accrual in the calendar months when they work 60 hours or more including paid vacation days and holidays. Vacation leave days or accrued holiday leave used during a scheduled shutdown will not count toward hours worked.

### End of Employment

Employees who leave employment on good terms (see End of Employment Policy) or are permanently laid off and have a cumulative total of 70 or more years of combined full-time service plus age at the time employment ends are eligible for payment of 50% of accrued PTO (Current base wage multiplied by the EPTO hours multiplied by .5). Employees will receive a pension benefit paid on this lump sum payout.

### Death of an Employee

If an employee dies while actively employed or on a temporary layoff, payment of 100% of accumulated PTO will be paid to the designated beneficiary at the employee's regular base wage.

No EPTO will be paid out for any day that a request for vacation has been denied.

### Vacation Time

Vacation is provided to full-time employees only. Vacation requests require a supervisor's approval and should be made at least one month in advance. Requests will be considered by supervisors based on operating needs. Request for Time Off forms is available in the Payroll Office. The first three weeks after the last day of final exams in the Spring and Fall semesters is the designated ASC's vacation period, unless the employee has another period approved by management.

Full-time, non-exempt employees will receive an accrual in the months that they work 60 hours or more including holiday leave and vacation days. Vacation days or accrued holidays will not count toward days worked.

#### Non-exempt, full-time employee vacation accrual schedule

Length of Service	Vacation Accrual
1 year	10% of scheduled weekly hours per month
2 years	15% of scheduled weekly hours per month
3-4 years	20% of scheduled weekly hours per month
5-9 years	25% of scheduled weekly hours per month
10 years and over	30% of scheduled weekly hours per month

The maximum amount of vacation time that an employee can accrue is 225 hours.

### Non-exempt Employees

Non-exempt academic year employees will be paid for all accrued vacation time in a designated payroll in May.

### **Exempt Employees**

All exempt full-time employees will accrue vacation time at 15% of their scheduled weekly hours per pay period.

### **Fiscal-Year Employees**

All fiscal-year employees must complete their probationary period before they can use vacation time.

### **Academic-Year Employees**

All academic year employees must complete their probationary period before they can use vacation time.

No one may use more vacation time than earned, except for special hardship situations that will be evaluated on a case-by-case basis by the Auxiliary Services Corporation Executive Director or designee.

All employees may use any accrued vacation time during designated layoff periods. If the employee has insufficient vacation time, or they choose not to use their vacation time accruals, their wages will not be continued, but they will then be eligible to apply for Unemployment Insurance Benefits.

If an employee dies while actively employed or on a temporary layoff, payment of 100% of accumulated vacation time will be paid at the employee's regular wage to the designated beneficiary.

When an employee leaves employment on good terms (see End of Employment Policy) due to a permanent layoff, retirement, or resignation, the employee will be paid for accumulated vacation time at regular base wage rate.

### **Holidays**

ASC observes the following holidays:

New Years Day	Labor Day
Martin Luther King Jr. Day	Columbus Day
Lincoln's Birthday	Election Day
Washington's Birthday	Veteran's Day
Memorial Day	Thanksgiving Day
Independence Day	Christmas Day

### **Academic-Year Employees**

Full-time and part-time academic year employees are eligible for paid holidays as of the first day of employment.

### **Fiscal-Year Employees**

Full-time and part-time fiscal year employees are eligible for paid holidays as of the first day of employment.

All employees, who accrue holiday time, may use any accrued holiday time during designated layoff periods. If the employee has insufficient holiday time, or they choose not to use their holiday time accruals, their wages will not be continued, but they will then be eligible to apply for Unemployment Insurance Benefits.

The rate for holiday pay will be 20% of the scheduled weekly hours.

Employees must be scheduled for work during the workweek (Monday through Sunday) to be eligible for holiday pay. An employee on a leave of absence will not be paid for any holidays. Employees who are on scheduled vacation during a holiday should note the holiday on the time off the sheet. Students, temporary/casual employees, or those on a layoff are not eligible for holiday pay. Any employee who is eligible for Christmas Day will receive New Year's Day and any employee eligible for New Year's Day will receive Christmas Day.

All employees may accumulate holiday time up to the maximum of 96 hours, except non-exempt academic-year employees, who choose to accrue holiday time, will be paid out in a special payroll in May.

### **Change in status that affects the accrued time**

Accrued time is a vacation, holiday and EPTO time. Any category of service that is contiguous to part-time or full-time service will be counted towards any waiting period for use of accrued time. Contiguous service means wages paid in each week from the time of the eligibility change retroactively. For example, an employee is considered a temporary employee for 8 weeks, and has received wages in each of the 8 weeks, and changes to a full-time employee. The employee will have satisfied 8 weeks of their waiting period before they may use their accruals. The waiting period is the probationary period for Bargaining-Unit employees and the trial period for Non-Bargaining Unit employees. Employees will only earn accrued time from the date they are an eligible full-time or part-time employee and not for contiguous service.

Length of service will be counted from any service not broken by resignation or termination. For example, if an employee is a part-time employee for four years, with layoff periods in which no wages were paid, when the employee changes to the full-time status they will begin receiving at a rate equal to an employee with a length of service of four years.

### **Family Medical Leave Act**

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

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

### **Military Family Leave Entitlements**

Eligible employees whose spouse, son, daughter or parent is on covered active duty or called to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is:

- (1) 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 otherwise on the temporary disability retired list, for a serious injury or illness; or
- (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA to leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

\*For purposes of FMLA Military Family leave, a serious injury or illness is one that was incurred in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces that may render the servicemember medically unfit to perform the duties of his or her office, grade, rank, or rating.

### **Unlawful Acts by Employers**

FMLA makes it unlawful for any employer to:

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

### **Benefits and Protections**

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms. Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave. Employees in employer-provided housing, as a required condition of employment, must vacate that housing during any type of leave of absence.

### **Eligibility Requirements**

Employees are eligible if they have worked for a covered employer for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles. Key employees are considered eligible for Family Medical Leaves of Absence.

### **Definition of Serious Health Condition**

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

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

### **Use of Leave**

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

### **Substitution of Paid Leave for Unpaid Leave**

Employees are required to use accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the ASC's normal paid leave policies.

### **Employee Responsibilities**

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees must provide medical documentation to support a serious or chronic medical condition within 15 days of the employer's request. The counting of any leave time toward 12 weeks of leave will begin on the first missed workday once proof of that leave is provided to meet the FMLA serious or chronic medical condition definition.

If intermittent leave is requested, the employee may temporarily be transferred to an alternate position.

If both the father and mother work for Auxiliary Services Corporation, they would be entitled to a combined total of 12 weeks per year for the birth or placement of a child.

The employee's share of the medical insurance premiums are due to every payday. Failure to pay insurance for two consecutive paydays will result in the loss of insurance coverage retroactive to the last payment.

The employee must complete a Leave Request Form, which can be obtained from the Auxiliary Services Corporation Human Resources Office.



Fitness for duty documentation may be required before an employee is allowed to return to work.

Failure by an employee to return to work after release by a health professional will result in termination of employment.

The employee is required to notify Auxiliary Services Corporation of any change in the serious or chronic medical condition of the party that necessitated the leave.

No employee may perform work for another employer while on an FMLA or personal medical leave.

### **Employer Responsibilities**

ASC must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee. The employer must pay for any second and third medical opinions for serious or chronic medical conditions and allow the employee to participate in any bidding process for vacant positions.

### **Personal Medical Leave of Absence other than FMLA**

An employee may request a leave of absence for a personal serious medical condition after exhausting his or her 12 weeks of FMLA leave or if he or she is not qualified for an FMLA leave for a personal illness due to a lack of one year of service or the number of required hours. An employee must be absent from work for more than 3, with a serious medical condition, consecutive days to qualify for a personal medical leave. Personal medical reasons will include any work-related illness or injury. Employees must use any accrued benefit leave time. Medical documentation will be required to prove that the employee is unable to return to work. Leaves will be granted for up to six calendar months including any full months of summer shutdown for the position that the employee held. This time may not be used intermittently as indicated under the Family Medical Leave Act. Auxiliary Services Corporation will restore the employee to a position within the same defined categories as held prior to the leave e.g. a full-time academic year non-exempt regular employee. The employee will return to the former base wage or salary. The employee, however, will not be guaranteed return to the same position, schedule, or department. Any employee on a Personal Medical Leave of Absence other than FMLA may not participate in the bidding process for vacant positions. Available benefits while on a leave of absence have been explained in other parts of this document.

Fitness for duty documentation may be required before an employee can return to work. Failure to return to work after release by a health professional will result in termination.

An employee must return to employment and qualify for another FMLA leave before he or she would be eligible for another six-month personal medical leave.

If an employee's absence extends beyond six months of personal medical leave including FMLA Leave, his or her employment will be terminated. Any remaining benefit time will be paid out to the employee according to the listed policies. Auxiliary Services Corporation contributions for life insurance coverage will be terminated. Medical insurance will continue under or convert to COBRA coverage.

### **NYS Paid Family Leave**

New York's Paid Family Leave (PFL) program provides job-protected leave and wage replacement to eligible employees when qualifying conditions require a leave of absence.

#### **Eligibility**

To be eligible, employees must: regularly work 20 or more hours per week and be employed for at least 26 consecutive workweeks preceding the first full day family leave is taken; or regularly work less than 20 hours per week and be employed for at least 175 days preceding the first full day family leave is taken, but not days prior to 1/1/2018.

PFL is granted to eligible employees who request time off for the following qualifying events:

to participate in providing care, including physical or psychological care, for an employee's spouse, child, parent, grandchild, grandparent, or domestic partner with a serious health condition;

to bond with a new child during the first 12 months after the child's birth, adoption or foster care placement with the employee, the employee's spouse, or the employee's domestic partner; or

due to a qualifying exigency for the employee's spouse, domestic partner, child, or parent who is on active military duty or has been notified of an impending call to active duty.

#### **Leave and Benefits**

PFL benefits increase in four phases, according to the following schedule:

Date	Maximum Weeks of Leave	Maximum Pay Recovered*
January 1, 2018	8	50%
January 1, 2019	10	55%
January 1, 2020	10	60%
January 1, 2021	12	67%

\*The percent of the employee's average weekly wage or the percent of the state average weekly wage, whichever is less. The pay percentage outlined in future years is subject to change and/or freeze.

Employees who take PFL in weekly increments are eligible for the maximum number of weeks of leave, as indicated in the above chart, using a 52-week rolling look-back period.

Employees who take PFL in daily increments (intermittent leave) are eligible for paid leave based on the average number of days worked per week during a base period. PFL taken for less than full days is not eligible for reimbursement.

A 30-day notice to human resources or department manager, or as soon as is practicable, is required for any PFL.

Employees that use Family Illness/Personal Emergency EPTO, Holiday or Vacation time while on a leave, will have any reimbursement to ASC return to divided by their base hourly wage and up to 40 hours will be returned to Family Illness/Personal Emergency EPTO and the remainder to Vacation.

### **Intermittent Use**

Eligible employees may take leave under the PFL on an intermittent basis, in full-day increments. Employees may take partial-day leave under PFL but it is not eligible for reimbursement.

When an employee takes intermittent PFL, the employee must provide a 30-day notice to human resources or as soon as is practicable before each day of intermittent leave.

An employee's use of intermittent FMLA leave on a partial-day basis may, under certain circumstances, reduce an employee's PFL benefit amount. Specifically, each time an employee takes partial-day intermittent FMLA leaves during a 12-month period that add up to the number of hours in an employee's usual workday, the company will deduct one day of PFL benefits from the employee's annual PFL benefit allotment.

### **Family Members as Employees**

When two qualifying family members request to take PFL for the same seriously ill person, only one family member may take PFL on any day. Multiple family members may have intermittent leave cases at the same time, but only one may take the leave and qualify for Paid Family Leave benefits. If the family members cannot agree on who should receive the benefit, ASC will determine that the first employee with a completed Health Care Provider PFL form will receive the benefit until they have exhausted all benefit. The second and subsequent family members with completed Health Care Provider PFL forms will receive benefits in the order in which they were received.

### **Procedure**

In the case of a foreseeable leave, a covered employee must provide human resources with advance notice 30 days before the date on which the leave would begin. If the employee is unable to provide 30 days' notice, he or she must provide notice as soon as it is practicable under the circumstances. Usually, this means giving notice the same day the employee receives notice or the next business day. If an employee does not give human resources timely notice, the employee's PFL leave may be delayed or denied.

In giving notice, an employee must provide sufficient information for whom they will be caring for to determine if the leave qualifies for PFL and the anticipated timing and duration of the leave.

Employees must complete and submit a Request for Paid Family Leave Form (PFL-1) with supporting documentation to the Human Resources Office and the insurance carrier. The Form can be obtained from Human Resources.

ASC will require Medical Certification for the leave time to be granted.

### **Continued Benefits**

Employees are entitled to continue group health benefits under the same terms and conditions as if they were on the job during PFL. Employees are required to pay their portion of the premium each payday. Coverage will cease if an employee's premium payment is more than 30 days late.

An employee's use of PFL leave will not result in the loss of any employment benefits that accrued prior to the start of an employee's PFL leave (unless such accrued benefits, such as paid time off, were used during PFL leave). The employee, however, will not accrue any additional benefits during any period of PFL leave.

### **Other Leave Types**

Employees may choose to use applicable vacation, holiday or EPTO to receive full salary.

If an employee takes PFL to leave for an event that also qualifies as leave under the FMLA, the employee's PFL leaves will run concurrently with available FMLA leave. Employees cannot use PFL and short-term disability benefits at the same time but can use them consecutively, up to a maximum of 26 weeks of disability and PFL benefits combined in a rolling 52-week period.

### **Cost**

The cost of state-mandated PFL benefits will be paid for by the employee and is deducted from the employee's paycheck on an after-tax basis. The deduction amount is set annually by the Department of Financial Services.

### **Waiver**

Employees who do not expect to become eligible for PFL benefits, because they fall into one of the following categories, have the option of filing a waiver for PFL benefits:

The employee's regular employment schedule is 20 hours or more per week, however, the employee will not work for 26 consecutive weeks; or

The employee's regular employment schedule is less than 20 hours per week and the employee will not work 175 days in a 52-consecutive-week period.

Employees who are eligible to waive PFL benefits and wish to do so must complete and submit a waiver form to Human Resources. Employees who submit a waiver form will not make any contributions for PFL benefits and will not be eligible to receive PFL benefits. If the schedule of an employee who has waived PFL benefits changes such that it is anticipated that the employee will become eligible to receive PFL benefits, or they reach the threshold to become eligible, the waiver will be revoked and the employee must start making contributions on a going forward basis and must pay retroactive contributions to the employee's date of hire up.

### **Additional Information**

The policies and guidelines stated in this policy shall be subject to such other terms and conditions as are provided in the Family and Medical Leave Act of 1993, the New York State Paid Family Leave Benefits Law, their respective implementing regulations, and any other applicable federal, state, and local leave laws, and the applicable PFL insurance certificate.

ASC will not restrain, interfere with, or deny the exercise of any employee rights provided under the PFL. ASC will not discriminate against any employee who exercises any rights under PFL or makes a complaint related to PFL.

### **Unpaid Leave of Absence**

An employee may request of the Executive Director a leave without pay for periods ranging from thirty days up to six months. The Executive Director's decision is final and is not subject to the grievance procedure. The following conditions must be met for the Executive Director to consider any request for a leave of absence:

1. A written request specifying the date and the reason for the requested leave must be submitted to the Executive Director for his/her review at least ten (10) business days prior to the commencement of the leave.
2. Unpaid leaves shall not be used for FMLA, vacation, recreational purposes, or to pursue any other employment, including self-employment. An employee that provides a false reason for the need for a leave will be subject to discipline up to and including termination of employment.
3. The employee will not be eligible to apply for such a leave until he/she has completed three (3) years of service. In the event that an unpaid leave is approved, the employee will not be eligible to receive another unpaid leave of absence under this policy until he/she has completed three (3) years of service after returning to work from an approved leave.
4. ASC will not contribute to health, dental, vision or life insurance benefits during any leaves of absences. No paid time off shall accrue during any leaves of absences.
5. ASC will restore the employee to a position within the same defined categories as held prior to the leave e.g. a full-time academic year non-exempt regular employee. The employee will return to the former base wage or salary. The employee, however, will not be guaranteed return to the same position, schedule, or department.

### **Jury Duty**

Jury duty leave will be granted to full and part-time regular employees who are summoned to serve. Employees should notify the supervisor immediately and provide a copy of the summons. Employees who are released from jury duty must call their supervisors for instructions concerning returning to work. No employee will be required to put in more than 10 hours of combined jury duty and scheduled work to be eligible to receive payment for their regularly scheduled hours. Jury duty will be paid at a regular base wage or salary. Documentation from the Commissioner of Jurors as to the number of hours served each day must be turned into the supervisor. Jury duty hours will not be used to meet the overtime threshold.

### **Military Leave**

Auxiliary Services Corporation recognizes the need for Military Reserve and National Guard and observes the following policies:

\*Employees are permitted military leave for training. One-month advance notice of the dates and location is preferred. This notice should be in writing from the military unit.

\*Military leave will not affect requests for regular time off for paid vacation.

\*Military leave is without pay.

### **Blood Donation Leave**

Each calendar year an employee, who works 20 hours or more per week, may have one, unpaid, leave of absence of up to three hours to donate blood at any site they may choose. The employee must give reasonable notice and sufficient time for the employer to fill the employee's position, which may not be more than 10 days. The employee must show proof of their donation activity.

### **Leave time for Nursing Mothers to express Breast Milk**

Nursing mothers will be provided reasonable, unpaid, leave time to express breast milk. Paid break or mealtime may be substituted. ASC will make reasonable efforts to provide a room or other private location. The employee must give advanced notice, preferably prior to returning to work.

### **LEAVE TIME FOR EMERGENCY RESPONDERS**

Emergency responders, including volunteer firefighters and volunteer ambulance workers, will be granted a leave of absence when the Governor has declared a state of emergency. This is to provide protection to those volunteer responders who are called upon to assist in emergencies throughout the state.

The employee must provide the ASC Human Resources Office with written documentation from the head of the volunteer fire department or volunteer ambulance service detailing the employee's status as a volunteer firefighter or ambulance worker. This must be provided prior to the emergency.

At the time of the emergency, the employee's volunteer duties must be related to the declared emergency. The employee must follow call-in procedures during the time they will be absent. If they will be absent for multiple days a specific return date must be given or the employee must call in every day. A notarized statement from the head of the volunteer department certifying the period of time during which the employee responded to the emergency will be required. The leave time is unpaid, excused leave. The employee may use two consecutive, personal emergency EPTO days, all vacation or holiday time accrued.

### **Bereavement**

Bereavement leave is permitted in the case of a death in the immediate family of the employee. Immediate family includes a current spouse, parent, child, brother, sister, grandparent, grandchild, father, mother, current mother-in-law, current father-in-law, stepparent, stepchild, or anyone living in the employee's household. The bereavement period will be the ten days immediately following the death. The employee will be paid for up to 4 days of scheduled work missed during that time. The amount paid will be the employee's regular base wage or salary multiplied by normally scheduled hours. Additional unpaid leave may be requested for exceptional circumstances. Unpaid bereavement leave for other than immediate family will be at the discretion of management.

### **Inclement Weather Policy**

The customers on campus still require ASC's services even in inclement weather. Therefore, employees should make every attempt to report to work. Any employee that ASC requests to stay overnight, due to inclement weather, will receive payment for all hours worked and six hours of vacation time to be used at any time. If an employee is unable to get to work due to inclement weather, natural disasters, or road closings he or she may use EPTO Personal Emergency subject to management approval based on business needs.

### **Unforeseen Disruption of Service**

The customers on campus require ASC services even in unforeseen situations such as, but not limited to, power outages, bomb threats, water outages, chemical spills, and terrorist threats, or actions, incidents of criminal behavior, malfunctioning equipment, fires, or floods. It is difficult to prepare for all unforeseen disruption of services, but ASC will use the following as possible guidelines for providing work to employees.

ASC Dining Services and ASC Administrative Services (Office) are considered essential services. The services must remain open, even when the rest of the Campus is closed for any type of unforeseen circumstance. The College Store and all other employees may be considered essential at certain times of the year.

If employees cannot perform their duties in their usual worksite, they may be reassigned to alternative locations to perform duties that are within their skills and abilities. Employees who report to work will be provided with a minimum of four (4) hours of work or pay. Employees may also be given the option of not reporting to work, and using their accrued vacation time or taking an unpaid leave if they are not required to perform their regular duties or other necessary duties.

Employees should check with an ASC manager or ASC supervisor as to the necessity of reporting to work if there is an announcement of a disruption of service, campus closing, or any other reports regarding the campus or ASC Services.

### **Attendance Policy**

Any incident of unpaid absence, except for medically documented Family Medical Leaves or leave approved in advance without pay, will be considered unauthorized absence subject to disciplinary action. Management may approve certain incidents of unpaid time off based on business necessity and these incidents will not be subject to disciplinary action.

Employees must be present and ready to perform their duties according to the schedule given by their manager or supervisor. Absenteeism and tardiness issues that interfere with job performance will be subject to discipline.

*Approve by the Board May 2015*

## **Breaks during the work day**

### **Meal break**

All employees who work a shift of six hours or longer must take an unpaid meal break of thirty minutes. If an employee begins work prior to 11 am and works until 7 pm or later, he or she will be given another unpaid meal break of at least twenty minutes between 5 pm and 7 pm.

Employees working 10 hours or more will receive a second unpaid meal break.

Employees must clock out to go on their meal break and clock back in when they return to their work duties.

### **Other breaks**

See CSEA Contract for additional information about breaks.

All breaks, other than meal breaks, are paid breaks and employees should not clock out.

*Approved by the Board February 28, 2005*



## **Employment of Relatives Policy**

Employment of Relatives can be disruptive to the required relationships at work. Employees should report any changes to a family status that are affected by this policy to their supervisor or manager.

### **Relatives in non-supervisory positions**

Relatives working in the same department should be avoided whenever possible. If relatives, due to contractual bidding, become coworkers in the same unit, they must behave in a professional manner. Family relationships should not interfere with the performance of duties or the supervision of either party. For example, parents do not assign duties or direct children and spouses do not speak for each other.

If a relative is employed in the same unit, every effort will be made to transfer one of the employees to another assignment. If neither employee volunteers for transfer, the Executive Director may arrange an involuntary transfer. The decision as to whom to transfer will be based on the principles in the Non-Discrimination Non-Harassment Policy (see this Handbook), the Executive Director's assessment of organizational hardship and disruption of operations, and the availability of openings and of replacement candidates.

### **Relatives in supervisory positions**

Relatives of the Executive Director, Assistant Executive Director, Controller, Director of Dining Services, Director of the College Store, or the Director of Facilities, Equipment, and Planning will not be hired for employment with ASC under any circumstances.

Relatives directly or indirectly supervising a family member should be avoided. If a relative with a supervisory responsibility is employed, every effort will be made to transfer one of the employees to another assignment. If neither employee volunteers for transfer, the Executive Director may arrange an involuntary transfer. The decision as to whom to transfer will be based on the principles in the Non-Discrimination Non-Harassment Policy (see this Handbook), the Executive Director's assessment of organizational hardship and disruption of operations, and the availability of openings and of replacement candidates.

In exceptional circumstances, where relatives are employed in a line of supervision, supervisory decisions such as compensation, promotions, evaluations, scheduling, work assignments, and discipline will be audited and documented by the Executive Director or designee of the Executive Director.

If a supervisory employee (supervisor, manager, or director) marries, dates, or establishes a spousal-type relationship with another ASC employee they should report that to their manager. This is to ensure that each party may be made aware that if the consensual relationship changes, and is no longer welcomed, reporting avenues are available to prevent sexual harassment.

### **Definitions of Relatives in Employment**

Relative means a spouse, child, sibling, parent, grandparent, grandchild, aunt, uncle, niece, nephew, first cousin, corresponding in-laws, and step-relatives, including those from spousal-type relationships.

*Approved by the Board May 2012*

## Insurance

### Medical Insurances

The following is a summary and does not replace the Health and Welfare Benefit Plan Document. In any case of inconsistency or ambiguity between this summary and the Plan Document, the terms of the Health and Welfare Benefit Plan Document will govern.

Employee Status/Category	Provided	Period of coverage	Percent of employer contribution
Full time hired	Yes	Thirty (30) days of employment and then to the first of the month	87.5% of the premium for an individual policy; 75% of the premium for a single-plus-one or family policy.
Retired	Yes	After written notice of retirement and proper payments	For-any qualified retiree hired before January 1, 2005, a reimbursement will be contributed towards an ASC retiree insurance policy, Medicare part B and any other medical insurance.
Former (except for employees terminated for gross misconduct)	Yes	After the return of COBRA notice and proper payment (see COBRA).	0% of the cost is the employer's responsibility. The employee must pay 100 % of the premium plus administration costs.
Former – called to active military duty	Yes	N/A	According to legal requirements
Part time	No	N/A	N/A
Student	No	N/A	N/A

Temporary/Casual	No	N/A	N/A
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### **Pre-tax Premiums Option**

Any health, dental or vision premiums deducted from an employee’s paycheck may be done as a pre-tax option as allowed by the IRS. Each employee must authorize this option. When employees choose this option they may not change their insurance election midyear without an IRS defined life change.

### **Insurance Company Procedures**

Enrollment in any insurance plan requires completion of enrollment forms, proof of dependent relationships, and authorization for payroll deductions. The open enrollment period is currently September 1. Changes to an employee’s coverage between open enrollment periods may be made if the change is consistent with a life change as indicated in the Health and Welfare Plan Document. Employees may not enroll in duplicate insurance coverage through multiple ASC medical insurance providers.

### **Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA)**

Federal and State laws require that ASC offer continuation of medical insurance benefits to any employee, retiree, and/or dependents that lose coverage for any reason other than the elimination of medical benefits for all employees or termination of employment because of gross misconduct. Please contact the Human Resources Office within 30 days of any change in marital status or a child who is no longer a dependent (due to age or student status) that may affect your medical insurance coverage.

### **Change in status that affects waiting period**

ASC employees must meet a 30-day waiting period before insurance benefits will begin as of the first of the next month. Any category of service that is contiguous to full-time service will be counted towards any waiting period. Contiguous service means wages paid in each week from the time of the full-time eligibility retroactively. For example, an employee is considered a temporary employee for 8 weeks, and has received wages in each of the 8 weeks, and changes to a full-time employee. The employee will have satisfied 8 weeks of their waiting period for insurance benefits.

### **Medical Insurance Status Changes**

If an employee, retiree, or dependent changes from a qualified status (medical insurance provided) to an unqualified status (medical insurance not provided) he or she will be offered continuation of insurance under the COBRA laws. Status changes include but are not limited to:

- From Full time to part-time or temporary status
- Dependent who does not meet the insurance company’s qualifications, i.e. age limit or educational requirements
- Death of the employee/retiree - dependent’s status changes to the unqualified status
- The divorce of employee/retiree - dependent’s status changes to unqualified
- Leave of absence other than those that qualify under the Family Medical Leave Act
- A retiree who was considered permanently disabled and is no longer considered permanently disabled - the retiree/dependent’s status changes to unqualified

### **If an employee or dependent returns to a qualified status, the following will apply:**

- If a part-time employee returns to full-time status - he or she will return to the employer's former contribution rate
- If a former or temporary employee returns to full-time employment - he or she will return at a new employee's rate of employer contribution
- If a dependent returns to school and meets the insurance company's qualifications - he or she will return as a qualified dependent
- If a permanently disabled retiree who was considered able to work by the Social Security Administration (and does not return to work with ASC) returns to disabled status, he or she will not be eligible for reinstatement to a qualified status

### **Time away from work and insurance deductions**

- Employees on an FMLA leave must pay their share of the insurance costs, which are due every two weeks on each payday. Failure to pay will result in the loss of insurance with an employer contribution.
- Employees absent from work due to a workers' compensation accident will be responsible for their insurance contributions. The employee's share of the insurance costs is due every two weeks on each payday. Failure to pay will result in the loss of insurance with an employer contribution.
- Except for a leave of absences for FMLA or worker's compensation leave, employees will be required to pay that month's employer contribution to medical insurances if they work less than 30 hours per week in four consecutive workweeks and do not use benefit time to cover the absences. Layoff weeks are not counted as workweeks and do not interrupt consecutive work weeks. They will be eligible for COBRA. If the leave disqualifies employees from employer's contribution for the month preceding a shutdown, they will not be eligible for employer's contribution during a shutdown or until they work more than 30 hours in a week.

### **Variable-Hour, Seasonal or Part-time Employee**

An employee that, at the time of hire, is not expected to work on average 30 hours or more a week will be considered a variable-hour employee.

#### **New Hire Measurement Period**

The measurement period to determine the average number of hours worked (including paid vacation, paid EPTO, paid FMLA, USERRA or paid jury duty leave) will be measured from the date of hire forward for 12 months. Only weeks during the academic year will be counted in the average.

#### **New Hire Administrative Period**

The new hire administrative period will be from the end of the new hire measurement period plus thirty days and then to the first of the month. This is the period that the employee and employer must complete the paperwork to enroll a variable-hour employee who has worked an average of 30 hours or more per week in the measurement period.

#### **New Hire Stability Period**

The new hire stability period will be 12 months from the end of the New Hire Administrative Period or until the beginning of the Ongoing Administrative Period. This is the period of time that the variable-hour employee will have health insurance coverage, if they have worked an average of 30 hours or more, or they will not have coverage if they worked an average or less than 30 hours. The employee must remain employed to receive an employer contribution to health insurance coverage.

### **Ongoing Measurement Period**

The measurement period for employees who are past their New Hire Measurement Period will be for 12 months backward from August 1<sup>st</sup> of every year. Only weeks during the academic year will be counted in the average.

### **Ongoing Administrative Period**

The administrative period will be the 30 days from August 1 to August 30 of every year. This is the period that the employee and employer must complete the paperwork to enroll a variable-hour employee who has worked an average of 30 hours or more per week in the measurement period.

### **Ongoing Stability Period**

The stability period will be for 12 months from September 1 of every year. This is period of time that the variable-hour employee will have health insurance coverage, if they have worked an average of 30 hours or more, or they will not have coverage if they worked an average or less than 30 hours. The employee must remain employed to receive an employer contribution to health insurance coverage.

### ***Special Rule for change in status that results in fewer hours of work***

If an employee has a change in employment status that expects to reduce the employee's hours worked to below 130 per month, a special rule will apply. In the fourth month, after the change in employment status, ASC will transition, only that employee, to a monthly look-back period. ASC will continue to use this method until the end of the ongoing measurement period for all other employees.

### **Rehired Employees**

A rehired employee will be treated as a new employee if the separated period of time was

- greater than the period of previous employment ( must be at least 4 weeks)
- OR is 26 weeks or greater.

### **No discrimination based on Health Care Coverage or penalty status**

Employees are protected from retaliation by employers with respect to various activities they might undertake in connection with their rights and benefits under the Affordable Care Act (ACA).

Basic Protections include protection from retaliation in the following circumstances:

-the employee is receiving a premium tax credit or cost-sharing reduction in connection with the purchase of insurance coverage through a state or federal health insurance marketplace, thereby triggering an excise tax penalty for the employer.

- the employee is providing or preparing to provide, information to their employer, the Federal government or the attorney general of any State relating to any violation of, or act or omission the employee reasonably believes to be a violation of, the ACA.

- the employee is testifying in a procedure concerning any such violation or assisting or preparing to assist in any such procedure.

- the employee is objecting to or refusing to participate in any activity or policy, practice or assigned task that the employee reasonably believes to be in violation of the ACA.

## Life Insurance

Employee Status	Life Insurance Provided	Period of Coverage	Percent of Employer Contribution
Full time	Yes	Thirty (30) days of employment and then to the first of the month	100%
Part time	No	N/A	N/A
Personal Leave of other than FMLA	No	N/A	N/A
Retired	No	N/A	N/A
Student	No	N/A	N/A
Temporary	No	N/A	N/A
Former	No	N/A	N/A

### Group Life Insurance

Enrollment in the plan requires completion of enrollment forms. The policy is based on the employee's annual base wages as of July 1 of each year.

### Life Insurance Continuation

Employees who leave employment with ASC may continue the life insurance coverage at rates determined by the insurance carrier.

### Life Insurance Status Change

If an employee changes from a qualified status (life insurance provided) to an unqualified status, (life insurance not provided), the employee can continue life insurance with the insurance carrier. If a current employee returns to qualified status, he or she will return to Auxiliary Services Corporation's contribution rate.

Approved by the Board May 2016

## **Pension Benefit**

Auxiliary Services Corporation offers to all employees that meet the eligibility requirements participation in the ASC Pension Plan. This is a summary and does not replace the Pension Plan Document. In the case of, any inconsistency or ambiguity between this summary and the Pension Plan Document, the terms of the Pension Plan Document will govern.

Eligibility Requirements for an employer contribution are:

1. One year of service with at least 1,000 hours in a 12-month period starting with the date of employment. This service must be without a break in service.
2. An employee attains the age of 21.

### **Pension Plan Contributions**

Employee contributions after 1/1/2008 will be deducted from salary payments on a pre-tax basis. Employee contributions prior to 1/1/2008 were deducted after-tax.

Refer to the ASC/CSEA contract and the Summary Pension Plan Document for details regarding the Employer's contributions.

*Approved by the Board May 2011*

## **Workplace Accidents and Illnesses**

ASC of SUNY Cortland is committed to the safety of employees, customers, and visitors that use our products and services. ASC employees are committed to acting safely by following safety procedures, using all safety equipment, and reporting unsafe conditions to management immediately.

Any employee who sustains a work-related injury or illness should inform their supervisor or the Human Resources Office immediately. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately.

Immediate reporting will protect anyone else from also experiencing an injury or illness.

Employees have the right to make a report of an accident or illness free from retaliation.

The supervisor should immediately complete online notification to the Human Resources Office who handles proper notification to the insurer or government agencies.

The supervisor or Human Resources Office will assist the employee to arrange for appropriate medical treatment.

Neither the employer, nor the insurance carrier, will be liable for the payment of workers' compensation benefits for injuries that occur during an employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored by the employer.

### **RETURN-TO-WORK PROGRAM**

ASC supports bringing injured employees back to work, as soon as they are medically able. This will include positions within the organization compatible with any physical restrictions they may have. Refer to the Religious and Disability Accommodation Policy.

### **ZERO TOLERANCE FOR FRAUD**

Workers' compensation fraud is a punishable crime. ASC and our insurer have a "zero tolerance" policy for fraud. If you think you see fraud happening, tell a supervisor or the Human Resources Office immediately, or call our insurer, PMA, at (888-476-2669). Your tip will be investigated and kept strictly confidential.

Approved by the Board May 2017



## Miscellaneous Benefits

### Flexible Spending Accounts and Premium Pre-Tax Plan

Auxiliary Services Corporation offers employees the opportunity to set aside pre-tax payroll dollars to be used for daycare and medical expenses not paid for by insurance. The tax saving for employees includes state taxes, federal taxes, Social Security tax, and Medicare tax. Full-time employees that have completed their waiting period may choose to participate at the beginning of every plan year. The plan year is September 1st - August 31<sup>st</sup>. Changes may be made to an employee's flexible spending account election only if the employee experiences a family life change as defined by the IRS.

Any premiums for an Auxiliary Services Corporation sponsored health, dental, or vision plan may be paid on a pre-tax basis. Contributions to a Health Savings Account for qualified employees may be made on a pre-tax basis.

### Employee Assistance Program

Auxiliary Services Corporation and SUNY Cortland offer an Employee Assistance Program that offers referrals to a variety of human service agencies. This program can assist with alcohol and substance abuse problems, financial counseling, emotional and mental health issues, grief counseling, domestic violence, and stress. This program is free and confidential. Additional information is available on the ASC website for employees.

### Employee Discounts and Credit

The College Store offers ASC employees a 20% discount on all non-textbook items excluding electronics, recorded music, and sale items.

ASC employees are eligible for a Privilege Account, which allows employees to purchase items from ASC dining units at a discounted price. This is a debit account and may be opened with a \$25 minimum deposit. ASC employees may use this card to pay for a guest's meal. The employee must be present for the card to be honored. Any abuse of this policy may result in discipline or the loss of this privilege.

No personal employee credit accounts will be allowed at any ASC point of service.

*Approved by the Board May 2011*

## Personal Appearance and Dress Code

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ASC employees must have an appearance that gives customers the confidence they are conducting business with professionals.

### Sanitation Issues

All employees must maintain a high degree of personal cleanliness and are to follow good hygienic practices. Employees should avoid offending personal odors including excessive use of cologne, perfumes, and smoke. Anyone handling food should frequently wash his or her hands. All hair, beards, and mustaches must be neatly trimmed and clean.

Any employee with a communicable disease that is airborne, foodborne, or transmitted through food-contact surfaces must report the condition to his or her supervisor (e.g. pink eye, TB, Hepatitis A, or chicken pox). The employee's medical professional must release them to perform their duties and be in contact with customers and coworker. The employee should cover all boils, open sores, and cuts while at work.

When handling food or dealing with customers, employees should avoid smoking, chewing gum, or tobacco.

Employees handling food should not wear jewelry (including dangling earrings) that may contaminate food or that violate the NYS Food Sanitation Code by harboring bacteria. While handling food, cover all rings with a glove. All fingernails must be no longer than the tip of the employee's finger. Gloves must cover any nail polish at all times, even when not required by sanitation code.

All dining services employees or food handlers must, at all time, wear a hair restraint - either an ASC issued hair restraint, hat, hair net and/or beard guard. Long hair needs to be restrained in a hair net or tucked up under the hat.

### General Appearance Issues

The annually issued ASC tee shirt may be worn during the year it was issued. All other ASC tee shirts will be considered retired at the end of the school year. Blue jeans are permitted on special management designated days only and only with the current ASC shirt or sweatshirt.

Employees wearing provocative or inappropriate clothing will be sent home to change their attire and will be subject to discipline.

Picture ID badges or other approved name tags must be worn by all employees on the upper torso on the outermost garment and must not be disfigured or covered up.

Non-food service workers must wear shoes safe for the duties they are performing. No flip-flop style footwear will be allowed at any time. Safety shoes are issued to all dining services, janitorial, and maintenance workers. Safety shoes must be worn at all times. Janitorial staff must wear the appropriate chemical resistance shoes when required. Shoes worn by food service workers must be closed at the toe and heel (e.g. no sandals or clogs). The shoes should provide protection from water, grease, and chemical spills (e.g. no lightweight canvas - preferably leather or synthetic materials).

### **Uniformed Employees (Janitorial, Maintenance, and Dining)**

Employees should keep all uniforms clean, pressed, and not altered. Bring to the attention of a manager any uniforms showing wear. All employees must wear the uniforms and personal protective equipment issued to them including safety shoes, shirts, ASC-issued hair restraints, and beard guards. Employees must wear khaki or black pants, but blue jeans are only allowed on management-designated days. Pants must cover the knee. Wind pants, sweatpants, and athletic pants are not allowed. Employees may wear red or white long sleeve shirts under the ASC uniform shirt. Only an ASC sweatshirt may be worn over the uniform shirts, except for employees working outside. Personal garments must be clean and free from excessive wear, holes, tears, stains and loose enough to pull away from the skin for safety reasons.

Catering employees may only wear black pants, with all black appropriate footwear. A Catering uniform shirt appropriate for the style of the event will be provided on the day of the event and returned at the end of the shift.

No slogan buttons, pins, patches, or other insignia are allowed on uniform garments or personal garments worn by uniform employees. Union Stewards may wear the insignia to identify that he or she is a union steward.

Managers will identify appropriate attire until uniforms can be provided. Return all uniforms that were provided by ASC when employment ends.

### **Non-uniformed employees (Management, Clerical, and College Store)**

All employees must wear the personal protective equipment issued to them including safety shoes, shirts, ASC-issued hair restraints, and beard guards. Employees, who have not issued a uniform, must present themselves wearing appropriate attire for a professional business setting. Clothing that works well for the beach, yard work, dance clubs, exercise sessions, and sports contests are not appropriate for a professional appearance at work. Clothing that reveals too much cleavage, back, chest, feet, stomach, or underwear is not appropriate for a place of business. Garments must be clean and free from excessive wear, holes, tears, stains and loose enough to pull away from the skin for safety reasons.

Union Stewards may wear the insignia to identify that he or she is a union steward. Clothing, buttons, pins, patches, or insignia with political or social messages, alcohol or tobacco advertising, profanity, inadequately clad people, or other inappropriate or unprofessional graphics is not appropriate for a professional appearance at work. Apparel with the ASC and SUNY Cortland logo is appropriate.

Pants must cover the knee. Wind pants, sweatpants, and athletic pants are not allowed. Blue jeans are not allowed except on management-designated days and must be paired with any current ASC shirt or sweatshirt.

Dresses, skirts, split skirts, and other garments that allow legs to show require nylons or stockings to be worn unless they cover the knee. Skirts and split skirts should not be shorter than five inches above the knees.

If you experience uncertainty about acceptable business-casual attire for work, please ask your supervisor or the Human Resources Office.

*Approved by the Board May 2015*

## Employee Meal Procedures

All food purchased under this policy must be consumed in the dining unit during the meal period or break and may be removed only at the discretion of the Dining Manager. Any unapproved removal of food or sharing food with others will be considered theft.

Any meal/break purchases or beverages at no charge may not be used for purchase promotions such as drink punch cards.

Foodservice employees while on duty may consume drip coffee, tea, fountain beverages, and fountain or tap water, from the employee's work unit, in accordance with NYS Food Sanitation code. These beverages are to keep employees hydrated while working in hot locations. Beverages consumed with a meal or break must be purchased with a meal plan. The beverage must not be in the view or consumed in view of customers. A beverage should be kept away from areas where it could contaminate items served to the public, paper products, and equipment.

Food may not be consumed in any food preparation or adjoining areas because of food sanitation concerns.

No outside food or beverage items may be brought into or stored in food preparation areas or adjoining areas except as designated by the unit manager.

Food (including specialty and gourmet items) must not be stored, saved, produced, or set aside for employee meals and not made available for customers.

Certain food items or dining services may be excluded from employee meals at the discretion of the Dining Manager. The following items or services are excluded from employee meals, but may be purchased with a Privileges account or a student meal plan:

1. Selected pre-packaged items: branded cookies, granola bars, fruit bars, power bars, non-bulk cereal, Nutrigrain bars, candy, gum, and peanuts\*
2. Bottled beverages (except at the Commissary and certain catering events when no other beverages are available)\*\*
3. Bookstore food items
4. Sushi and related items
5. Special Meals priced \$10.75 or more
6. The Dining Manager may limit the amount of food an employee can select for a meal.

\*Items packaged by ASC, with an ASC label, and chips may be purchased with the employee meal plan.

\*\*Cortland Water and Byrne Milk may be purchased with the employee meal plan

The maximum amount of food an employee may select for a meal will not exceed \$10.75 in total value. The maximum amount of food an employee may select for a break will not exceed \$3.75 in total value. No employees may break in Residential Dining: except Neubig employees may break in Neubig and Bistro/Fuel employees may take a break in Bistro. Employees must follow the proper procedure for tracking employee meals as outlined by the Dining Manager.

Public use equipment not in Allergy Awareness Areas may be used by employees and the public to heat toast their personal food. Food should be covered in microwaves and only be heated not cooked i.e. raw chicken would be unacceptable. No outside food may be consumed, present or stored in any coolers or freezers or food preparation areas. The employee must keep all outside food in their lockers or backpacks.

Food at closing or the end of a meal should be disposed of according to the policy set by the Director of Dining Services.

- \* Food may not be taken to feed animals
- \* Food may not be given to employees to take home
- \* Food may not be eaten by employees prior to leaving
- \* Food and waste may be disposed of through composting and recycling programs that are outlined in writing by the Director of Dining Services

*Approved by the Board May 2015*

## Educational Reimbursement Policy

All Auxiliary Services Corporation employees are encouraged to enhance their job skills. An annual corporate-wide budget will be determined for each level of B, C, and D and the reimbursements below will be available on a first-come, first-serve basis. Any employee who was denied reimbursement, due to budget constraints in one year, will be given first preference the following year.

All training, seminars, and college tuition will be paid or reimbursed according to the chart below:

Level	Type of Training	Status Eligibility	Compensable Time	Reimbursement /Payment	Limits
A	Seminar/Training-required (IRS Sect 132)	All Full-time and Part-Time employees	Yes	100% payment	No limit
B	Seminar/ Training –voluntary (IRS Sect 127)	All Full-time employees with one year of full-time status	No	100% Reimbursement	\$1,000 per year
C	College Credit Course – Undergraduate	All Full-time employees with one year of full-time status	No	100% Reimbursement	\$1,500 per year
D	College Credit - Graduate	All Full-time employees with one year of full-time status	No	100% Reimbursement	\$3,000 per year

## Education Reimbursement Approval Process

Employees must submit and receive approval on a Training and Tuition Form prior to the seminar or register for the course to receive reimbursement.

The Executive Director or Assistant Executive Director will determine if seminar/training is required or voluntary according to the guidelines set forth by the IRS under Section 132 Working Condition Fringe.

All training or coursework must be related to the job the employee is currently performing, or reasonably may perform for ASC in the future, as determined by the Executive Director or Assistant Executive Director.

## Pursuing a Degree

If the employee is pursuing a degree that meets the above job-relatedness, and a matriculation agreement is provided, ASC will reimburse individual courses that have limited job-relatedness.

An employee may submit for reimbursement up to the annual limit in subsequent years in order to receive full reimbursement for matriculated coursework to complete a degree. An example would be an employee pursuing an AA degree in Hospitality Management. The tuition each of the 4 semesters is \$1,800. ASC will reimburse \$1,500 for 4 years and \$1,200 in the fifth year.

## Education Reimbursement Employees Responsibility

Documentation of a grade of C or better, or pass in a pass/fail course, must be provided before reimbursement will be made.

The employee must submit to Human Resources for reimbursement each semester with the proper documentation. Subsequent reimbursement for matriculated coursework to complete a degree must be requested each year.

Books and non-tuition fees are the responsibility of the employee.

The employee must be a full-time employee on the date of the reimbursement payment, regardless of prior approval.

Tuition or the cost of a voluntary seminar may be a taxable benefit to the employee.

*Approved by the Board May 2011*



absence .....	14, 39, 42, 43, 45, 46, 47, 49, 54	insurance 14, 34, 37, 45, 46, 52, 53, 54, 56, 57, 59
<b>Academic Year Employee</b> .....	8	Insurance.....
Accepting gifts.....	12	41, 42, 52, 53, 56, 57
Accommodation .....	25	jeans .....
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<b>Casual</b> .....	8, 53	13
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Disability .....	25	9
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<b>Fiscal Year Employee</b> .....	8	8
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<b>Full-time Employee</b> .....	8	Pension .....
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Gratuities .....	38	60
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Inclement Weather.....	48	16
Insubordination.....	17	pictures.....
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		power outages.....
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		<b>Probationary Employee</b> .....
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