
***FACULTY - STUDENT ASSOCIATION
OF
BROOME COMMUNITY COLLEGE, INC.
EMPLOYEE HANDBOOK***



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Employee Handbook***

February 2025

FACULTY-STUDENT ASSOCIATION

OF BROOME COMMUNITY COLLEGE, INC.

EMPLOYEE HANDBOOK

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NOTICE

The material in this handbook should be considered as general guidelines regarding some of the **Faculty-Student Association of Broome Community College, Inc.** (hereafter referred to as **F-SA**) policies, procedures and benefits. They are not intended to be a contract with the employee.

In many cases, the **F-SA** policies are set forth in plan documents, insurance contracts and other legal documents. In those cases, the actual terms of those documents supersede any summary provided in this material and are controlling.

Every effort will be made to keep the information up to date, however, the **F-SA** reserves the right to modify, change or terminate policies and benefits at any time, without notice and without a written revision of the material in this handbook.

100 INTRODUCTION

101 *Welcome Message*

An interesting and challenging experience awaits you as an employee of **The Faculty-Student Association of Broome Community College, Inc.**, hereinafter known as **F-SA**. To answer some of the questions you may have concerning our organization, its background, policies and procedures we have written this Handbook. Please read it thoroughly and retain it for future reference.

F-SA is an organization that recognizes our employees are valuable and deserve much of the credit for our success. As such we work very hard at providing our employees with a pleasant, satisfying and close-knit work environment. Since we are a small organization, the individual employee is extremely important to us. Our mission is to be service-driven and to strive for excellence at all times.

Our past and present success is based on the daily efforts of our hard-working, loyal employees. Whether you have been part of the **F-SA** organization for many years or are a new employee, it is important that you share our sense of pride in what we do and our commitment to provide the highest level of service to our customers.

Welcome to **F-SA**! We wish you the best of luck and success in your position and hope your employment relationship with our organization will be a rewarding experience.

102 *History*

On December 26, 1950, the **F-SA** received its Certificate of Incorporation as a Not-for-Profit Educational and Benevolent Membership Corporation under the provisions of Membership Corporation Law.

At that time, the College had been in existence for only three years and was known as the State University Institute of Applied Arts and Sciences at Binghamton. Classes were conducted in the Armory on Water Street.

What actually prompted the formation of the **F-SA** was the need for a book and supply store. When the College first opened, Fowler's Department Store, which was only one block away from the Armory, agreed to order and sell the required textbooks and supplies for the College. After losing money in the arrangement, Fowler's withdrew their services.

The founding College President, Cecil C. Tyrrell, and the College Controller mortgaged their homes to secure the capital to start the **F-SA** Bookstore.

Over the years, the name of the corporation has been revised to correspond with the name changes of the College. The present name was adopted in June of 1971.

The **F-SA** operates under the provisions of a formal agreement with the Trustees of Broome Community College. The authority to enter into such an agreement is granted to the Trustees by Sec. 306 (7) of the Education Law. The contract recognizes the corporate existence of the **F-SA** and enumerates the Articles of Agreement regarding operations on campus. It was signed and became effective on January 27, 1975.

Over the years, the **F-SA** has kept pace with the growth of the College. In April of 1978, the Association employed a Vice-President for Student and Economic Development to serve as the administrator in charge of daily **F-SA** operations. In 2012, the F-SA contracted with Follett Higher Education to provide a campus Bookstore, also in 2013 the F-SA contracted with American Dining Services for student and college dining and vending services. In the fall of 2014, The BCC Housing Development Corporation (BCCHDC) opened the Student Village, a suite style apartments for students on campus. The **F-SA** has contracted with the BCCHDC to provide accounting and budget management services for housing. The **F-SA** is also the employer of record for all housing employees.

The **F-SA** is a member of the National Association of College Auxiliary Services, Association of College Administration Professionals and the Broome Chamber.

103 F-SA Mission

Broome Community College is a public, comprehensive, community college supervised by the State University of New York, sponsored by the County of Broome, and governed by a Board of Trustees. The **Faculty-Student Association (F-SA)** is a financially self-supporting corporation designed to provide a variety of auxiliary services and financial assistance for the benefit of the College community. The goal of the **F-SA** is to provide the very best auxiliary services and comprehensive financial support possible.

104 The Purpose of This Handbook

The purpose of this Handbook is to communicate the policies and practices of **F-SA**. It is extremely important that our employees understand the policies that relate to employee benefits, employment classification, rules, regulations and procedures, pay policies and personnel practices. Do not hesitate to contact your supervisor with questions.

Unless otherwise stated, this handbook supersedes any handbooks and/or policy memos previously issued by **F-SA**. It is the responsibility of each employee to read, understand and comply with all provisions of this handbook and to retain it for future reference.

200 EMPLOYMENT MATTERS

201 *Employment At Will*

F-SA follows the practice of "employment-at-will." This handbook does not create a contract, implied or expressed, with **F-SA** employees, nor is this handbook a warranty of benefits. Also, an Employee's status as an at-will employee does not change after completion of an orientation period or conferral upon the employee of regular status. Employment may be terminated by an employee or by the organization at any time with or without notice.

202 *Changes or Modifications*

F-SA reserves the right to interpret, revise, change, modify or rescind any section or portion of this Handbook without notice.

The employee benefits, personnel policies, procedures and rules of this manual will remain in effect unless you are notified that changes are necessary.

Any questions about any topic covered in this book should be submitted to your Director. Exceptions to these policies may be made from time-to-time by **F-SA** due to business necessity.

203 *Employee Selection*

F-SA recruits and selects our employees through newspaper advertising, resumes, personal interviews and careful reference checking. In addition, some positions may require a medical exam, criminal background check and post-offer drug screen prior to starting work. We interview many candidates prior to selecting those who demonstrate the ability, experience, skills and cooperative spirit that we seek in our employees. Based on a total assessment, we choose those applicants with the highest qualifications.

204 *Personnel Administration*

All new employees are required to complete any forms requested by **F-SA**. These forms are kept as a part of your personnel record and may be reviewed by making a request to your Director.

The forms for personnel records include but are not limited to: the Employment Application, all Federal and State withholding tax forms, Immigration Form I-9, a medical insurance form indicating enrollment or declination of health insurance

coverage, the Employee Information Form, information concerning previous Workers' Compensation claims and any other necessary authorizations.

Employees must inform **F-SA** within five business days of any criminal convictions as a condition of employment. **F-SA** reserves the right to terminate employees for job related convictions. **F-SA** does not discriminate against individuals with convictions unless they are job related.

205 *Change in Status*

Employees are responsible for keeping the information in their personnel record up to date. Change of name, address, telephone number, personal status, number and age of dependents, beneficiary designations and individuals to notify in case of emergency are very important for insurance and tax purposes and must be reported immediately. Please notify your Director when changes occur in any of these or other matters. It is also important for you to keep us up-to-date if you have completed academic or professional courses.

F-SA will not be responsible for any errors that may occur from failure to update this information.

206 *Separation From Employment*

Employees who voluntarily resign are asked to give two weeks notice. This assists the organization in finding a suitable replacement for you and maintaining a high level of quality and customer service. Employees who leave will be given an opportunity for an exit interview with their Director, at their request. Upon separation, employees must return all **F-SA** property including this handbook.

Any employee who is terminated (excludes layoffs) or quits without giving proper notice or fails to serve the notice period is not eligible for accrued vacation pay or holiday pay. Personal and sick time is not paid out at separation.

Final paychecks are issued on the next scheduled pay day.

207 *Equal Employment Opportunity*

We are an Equal Opportunity Employer. We do not discriminate on the basis of race, religion, color, sex, age, national origin, marital status, sexual orientation, transgender status, conviction record, disability, genetic predisposition or carrier status, or any other legally protected class or status. In addition, **F-SA** does not discriminate in employment of employees who are actual or perceived victims of domestic violence or stalking.

This policy applies to all terms and conditions of employment including, but not limited to hiring, placement, promotion, termination, layoff, transfer, leave of absence, compensation and training.

Discrimination based on any of the above groups is strictly prohibited. Any employee who engages in such conduct is subject to appropriate disciplinary action up to and including immediate termination.

We encourage you to bring any perceived violation of this policy to our attention immediately. We recommend you report the conduct to the Vice-President, who will respond to your concern quickly and as discreetly as possible.

208 *Reasonable Accommodation*

The organization is committed to complying with the American's with Disabilities Act (ADA), the New York Human Right's Law (NYHRL) and all applicable laws providing for non-discrimination in employment against qualified individuals with disabilities. The organization will work with employees who have disabilities to develop reasonable accommodations that allow an individual the opportunity to perform the essential functions of his or her job in a safe and efficient manner.

Employees are encouraged to inform management of any physical or mental disability and to suggest appropriate methods of reasonable accommodation. The failure to volunteer this information will not subject an employee to any adverse treatment or penalty.

All information concerning disabilities will be considered confidential and will be released only in accordance with the requirements of the ADA and NYHRL.

209 *Domestic Violence*

New York State has established that victims of domestic violence are now protected by the NYS Human Rights law. The company will not base employment decisions on an applicant's or employee's current or past domestic violence victimization. The company believes that domestic violence is behavior that cannot be tolerated and will provide information and support to employees who are victims of such abuse. Company support may include approved time off and leaves of absences to assist domestic abuse victims.

The following are resources regarding Domestic Violence:

NYS Domestic and Sexual Violence Hotline-24 hours

English 1-800-942-6906
Spanish 1-800-942-6908

New York State Child Abuse Hotline

1-800-342-3720

National Domestic Violence Abuse Hotline

1-800-799-SAFE (7233)
www.thehotline.org

210 Religious Obligations

Religious observance is a matter of personal conscience. Time off for religious observances must be discussed with your immediate supervisor at least one week in advance. Non-exempt employees must take any unused sick/personal and/or vacation time, if available; if not, then non-exempt employees may request unpaid time off. **F-SA** will reasonably accommodate an employee's religious observance or practice unless an undue hardship is placed on **F-SA**.

211 Sexual Harassment (See Addendum in the Back of this Handbook**)**

F-SA is committed to providing a work environment free from discrimination prohibited by law, including sexual harassment. The purpose of this policy is to assure that in the workplace, no employee is subject to sexual harassment. In keeping with this commitment, **F-SA** prohibits sexual harassment, including sexual harassment by a person of the same sex, in all areas of employment, including, by way of example, recruitment, hiring, training, promotion, discipline, separations, benefits, and compensation.

No employee of **F-SA** has the authority to condition any employment term, condition or benefit on the granting of sexual favors or on tolerating unwelcome sexual conduct or on any other conduct prohibited by this policy. All employees are also prohibited by this policy from taking retaliatory action of any kind against an employee because the employee made a good faith complaint about sexual harassment. Any violations of this policy shall be treated as serious misconduct and will result in appropriate disciplinary action, which may include termination of employment.

All employees, whether supervisors or non-supervisors, and non-employees during business contacts with **F-SA** employees or while visiting **F-SA** premises, are expected to comply with this policy.

Definition

This policy prohibits all forms of conduct—such as verbal, physical, or visual conduct—which are unwelcome. The Equal Employment Opportunity Commission (EEOC) issued guidelines defining sexual harassment as including, but not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal, physical, or visual conduct of a sexual nature when either (1) submission to such conduct is made either explicitly or implicitly a term or condition of the individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) 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.

This policy seeks to prevent *unwelcome* sex-based conduct, examples of which are listed below. It is important for employees to avoid conduct on their part which could be construed by others as unwelcome conduct directed at them (e.g., telling jokes of a sexual nature).

Examples of Prohibited Conduct:

- Offering employment benefits, such as favorable assignments, reviews, promotions or the like, in exchange for sexual favors;
- Making or threatening reprisals after a negative response to sexual advances or to other discriminatory conduct;
- Making unwelcome sexual advances, propositions, flirtations or repeated unwelcome requests for or efforts to make social contact;
- Using verbal abuse of a sexual or gender-based or other discriminatory basis, such as using sexually degrading or vulgar words to describe an individual or making derogatory sexual, gender-related comments, slurs, taunts, jokes, language or epithets;
- Inappropriate use of e-mail and displaying or downloading sexually suggestive images from the Internet;
- Asking questions about sexual conduct or sexual orientation or disclosing or spreading rumors about such information concerning yourself or others;

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- Making verbal commentaries about an individual's body, sexual prowess, sexual orientation or sexual deficiencies;
 - Whistling at, touching, pinching, brushing the body, assaulting, impeding or blocking the movements, or coercing sexual acts or engaging in any such physical conduct;
 - Leering or making sexual, derogatory, insulting, obscene or other sex-based comments or gestures;
 - Displaying in the workplace sexually suggestive or gender-based objects, pictures, posters, or cartoons;
 - Sending sexually suggestive or obscene letters, gifts, notes or invitations;
 - Retaliating against an employee for refusing to participate in such behavior or for complaining about such behaviors.

Sexual harassment of an employee will not be tolerated. Violations of this policy will result in disciplinary action, up to and including termination. The reporting employee and any employee participating in any investigation under this policy have **F-SA's** assurance that no retaliation will be taken as a result of a sexual harassment complaint. It is our policy to encourage discussion of the matter to help protect others from being subjected to similar inappropriate behavior.

Complaint Procedure

1. Timely Reporting

An important objective of this policy is to prevent a working environment from developing which, because of such prohibited, conduct unreasonably interferes with an employee's work or is intimidating, hostile or offensive. It is therefore essential and required that employees *immediately report* conduct which is believed to be in violation of this policy. Such timely reporting is necessary so that a complaint can be investigated while information is most available, a problem can be remedied before a harassing situation develops, and the potential for the spread of harmful rumors can be reduced.

2. Complaint Procedure

Any employee who believes that he or she has been subjected to conduct in violation of this policy by an employee, supervisor, agent, business contact or visitor of **F-SA** should report the facts of the incident and the names of the individuals involved to their Director. Or the complaint can be made directly to the Vice-President.

If the employee is comfortable addressing the situation directly, and believes it would be helpful, the employee is encouraged to *immediately* tell the other person when his or her behavior is considered inappropriate and unwelcome and to request that the conduct stop. Persons so told should comply immediately and graciously with such requests.

Supervisors must *immediately* report to the Vice-President conduct that is believed to be in violation of this policy, whether or not the concerned parties are subordinates of the supervisor and whether or not it is reported to the supervisor.

3. Investigation Process

F-SA will investigate every reported incident immediately and will conduct all investigations in a discreet manner. **F-SA** recognizes that every investigation requires a determination based on all the facts in the matter. We also recognize the serious impact a false accusation can have and trust that all employees will continue to act responsibly. The findings will be reported to personnel with authority to take appropriate corrective action. Appropriate disciplinary action will be taken against any person who has violated this policy and other action will be taken as appropriate to remedy problems caused by the misconduct. The outcome of the investigative process will be reported to relevant parties, as is considered to be practical and/or appropriate.

4. Confidentiality

Confidentiality will be maintained to the extent considered by **F-SA** to be practicable and appropriate in order to meet the purposes of investigating, responding to claims, complaints and charges, and achieving the other objectives of this policy.

5. Responsibility

Supervisors are responsible for strict compliance with all aspects of this policy. Therefore, they should review the manner and style in which their department conducts business and interpersonal activity to prevent any conduct that may violate this policy.

212 Fair Treatment Policy

(See Anti-Bullying Policy in the Back of this Handbook**)**

F-SA expects every person in our organization to be treated with fairness, respect and dignity. We will not tolerate harassment or discrimination of any kind in our organization.

If you believe you have encountered any kind of harassment or discrimination from a co-worker, Director, vendor, supplier, customer or visitor, please advise the Vice-President for Student and Economic Development. Reports will be investigated immediately and discreetly.

213 Promotions

Due to the size of our organization, promotional opportunities are limited. Should opportunities arise, **F-SA** has a policy of promoting from within whenever possible.

300 EMPLOYEE CLASSIFICATIONS

301 *Orientation Period*

During the first 90 days of employment all new employees participate in an Orientation Program conducted by their Director (or immediate supervisor) to familiarize the employee with both the organization and with each other.

Information about performance requirements, basic **F-SA** policies, compensation, benefits programs and other necessary information will be discussed. This is the opportunity to learn job duties and demonstrate acceptable performance, attendance and cooperation.

All new employees are reviewed during this time to discuss areas of strength and those needing improvement and are encouraged to ask any questions.

302 *Full-Time Employees*

Full-time hourly employees regularly work **37.5 hours or more per week** and are paid on an hourly basis.

Full-time salaried (exempt) employees are paid on a salaried basis. At any given time, schedule and/or workload may necessitate salaried employees working expanded hours without additional compensation.

All full-time employees are entitled to all benefits upon hire as outlined in this Handbook or supplemental communications.

303 *Part-time Employees*

Part-time employees are those regularly working less than **29.5 hours per week**. Part-time employees are entitled to limited benefits as explained in this Handbook or supplemental communications.

304 *Former Employees/Relatives*

A former employee may seek employment with **F-SA**. Each request will be reviewed by management based upon the circumstances of the past separation and the current needs of the organization. Former employees will be assessed on their competitiveness against other applicants.

If hired, the new employee will again complete an orientation period. Benefits such as vacation time accrual and insurance benefits require completion of a new waiting period. There will be **no** accrual from prior service, except in accordance with government regulations.

Relatives of employees may apply for positions with **F-SA**. Relatives, like other applicants, will be assessed on their knowledge, skills and abilities against the position for which they are applying.

305 *Seasonal Employees/Temporaries*

On occasion, temporary, part-time seasonal employees may be employed during high workload times, for example at the beginning of each semester. In addition, when the business need arises, temporary employees may be hired through an employment agency.

400 WORK DAY

401 *Hours of Operation/Meal Periods/Breaks*

Hours of Operation

Your starting time may vary depending on your position. Please see your Director regarding your work hours.

Meal Periods

Employees working a shift greater than six (6) hours in a given day receive a thirty (30) minute meal break between the hours of 11 a.m. and 2 p.m.

Employees receive, and are required to use, their thirty (30) minute unpaid meal time each day for a break from their daily responsibilities. Meal period should be scheduled with your Director.

If you qualify for a meal break in a given day and continue to work a shift that extends beyond 7:00 p.m., you are to receive an additional twenty (20) minute meal break sometime between the hours of 5 p.m. and 7 p.m.

Breaks

Breaks are intended to provide the employee a change in routine for the purpose of rejuvenation. Breaks are to be scheduled with your Director. Time starts when you leave your station and concludes upon your return.

You may be required to forego routine breaks depending on workload.

Breaks cannot be accumulated or utilized as a means of reducing the length of the work day.

Abuse of breaks is not acceptable and may be cause for disciplinary action up to and including termination.

402 *Overtime*

Depending on our workload, employees may be mandated or required to work overtime as a condition of employment. Overtime is paid to hourly employees at one and one-half times the regular hourly rate for over 40 hours in a week.

The Directors will make every effort to give employees as much notice of necessary overtime as possible. **All overtime must be approved by the Director prior to being worked.** There will be no unauthorized overtime.

Only hours actually worked will be counted for overtime. Any other paid time such as vacation or holiday time will not count toward overtime calculations.

403 *Time Cards/Time Sheets*

In accordance with New York State regulations, all companies are required to record time worked on a daily basis to compute pay and keep a record of attendance. In our organization, all Child Care hourly employees are required to punch in when starting work and punch out when leaving work. Lunch periods must be recorded, along with any time absent during the day. If you leave the building on other than **F-SA** business during the day, including your meal period, you are expected to punch out and punch in on return. Employees are paid from their normal starting time. In some departments, time sheets are used instead of a time clock. Please see your Director if you have any questions regarding the correct way to record time cards and time sheets.

Any errors in time records or failure to punch in or out should be brought to the attention of the Director immediately for his/her initial. You will be paid when punching in early only if you are authorized to do so.

Falsifying or altering a time card or time sheet, failing to punch in or out or punching in or out for another employee is strictly prohibited and can lead to disciplinary action up to and including termination, for both employees.

404 *Training*

To improve our skills or learn about new products, methods or services, employees may be asked to attend scheduled training sessions. Advance notice will be given in most cases. This training may be mandatory and required per the needs of our business.

405 *Emergency Closing*

If inclement weather affects the opening or closing of our campus, you will be notified per the Directors.

406 *Breaks for Nursing Mothers*

F-SA will provide reasonable unpaid break time of no less than 20 minutes to nursing mothers for up to three years following childbirth, in a location other than a bathroom.

407 *Voting Leave*

F-SA must permit an employee who is a registered voter two hours to vote in any election, unless the employee has four (4) consecutive nonworking hours to vote while the polls are open.

408 *Blood Donation Leave*

The **F-SA** will provide leave time to employees for the purpose of donating blood.

409 *Military Spouse Leave*

F-SA will allow individuals married to a member of the armed forces up to 10 days of unpaid leave when their spouse is also on leave during periods of military conflict.

500 ATTENDANCE

Attendance is an essential function of your position. Employees are expected to report to work on time each day to begin work at the assigned time. Each person is very important to the smooth operation of the organization. Absence and tardiness can create a hardship for other employees and our customers.

If you will be late or absent, you must personally notify your Director/Manager one (1) hour prior to scheduled shift so arrangements can be made for someone else to handle your duties.

We ask the employee to call in rather than a spouse, relative, friend or other person, unless there is an emergency or unforeseen circumstance.

Any employee who does not report for work or call in for two consecutive days will be terminated for violation of our attendance policy.

501 Tardiness

Because of the unfair burden and disruption placed on the organization, customers and other employees, tardiness is not acceptable and may be cause for disciplinary action up to and including termination.

502 Absences

Employees are expected to schedule personal appointments either before or after the work day, whenever possible.

Employees must call their Director each day of absence and indicate the reason for absence, unless instructed otherwise. After three (3) days of absence due to sickness, it is required that you bring in a physician's note.

If you know in advance that you will be absent, notify your Director who can approve reasonable absence requests.

Illnesses/Personal Days/Bereavement

Illness

Full-time employees earn the equivalent of one (1) 7.5 hour day per month of service as paid sick time.

Personal Days

Full-time employees receive three (3) personal days (at 7.5 hours each) for use annually. In addition, you can use vacation for personal business or take personal days without pay at the discretion of your Director.

Bereavement

Full-time employees are entitled to three (3) paid bereavement days annually in the event of a death in the employee's or spouse's immediate family. Immediate family is defined as mother, father, spouse, child, brother, sister and grandparents. Bereavement days are also granted in the event of a death of the employee's same-sex committed partner. Same-sex committed partners are defined as those who are financially and emotionally interdependent in a manner commonly presumed of spouses.

Bereavement time beyond three (3) days can be taken as sick, personal, vacation or unpaid time upon approval of the Director.

Military Leave

F-SA complies with all federal regulations relating to military leave. **F-SA** recognizes the importance of the Military Reserve and National Guard, and will permit military leave for active duty. Employees are encouraged to provide **F-SA** with a copy of the notice sent by the military unit. A leave of absence will be approved for military duty subject to the requirements of the Uniformed Services Employment and Re-Employment Act of 1994. Advance notice of the date and location of such service is required and, where possible, a thirty (30) day advance notice is requested. Pursuant to the legal requirements of the law, employees will be re-employed in the position the employee would have had if the employee had not left, provided the employee is qualified to perform the work of the job after honorable separation or discharge from military duty. **F-SA** may require that any employee returning from a leave of greater than thirty (30) days document re-employment eligibility. For more information regarding your rights under the Act, contact the Vice-President for Student and Economic Development.

Exempt employees who are on military leave for periods of less than a workweek, will be paid their regular salary minus any military pay received for those workweeks. Exempt employees will not be paid for any workweek in which no work is performed for **F-SA**. Military leave is without pay for non-exempt employees. Accumulated vacation leave may be used if requested by the employee.

Military Reserve Leave

Members of Military Reserve Units who are required to take two (2) weeks annual military training will be given the necessary time off for such training.

Exempt employees who are on military reserve leave for periods of less than a workweek will be paid their regular salary minus any military pay received for those workweeks. Exempt employees will not be paid for any workweek in which no work is performed for **F-SA**. Military reserve leave is without pay for non-exempt employees. Accumulated vacation leave may be used if requested by the employee.

Jury Duty

Jury Duty leave will be granted to employees who are summoned to serve. Jurors will be expected to give as much notice as possible by providing a copy of the summons to your Director.

Employees excused for the day are encouraged to report back to work. **F-SA** will pay you your normal pay up to five (5) days of jury duty. Time served as a juror beyond five (5) days will not be paid.

Family and Medical Leave

See NYS Paid Family Leave Policy Addendum in the Back of this Handbook

F-SA complies with the provisions of The Family and Medical Leave Act (FMLA), which was effective August 5, 1993. The following is an outline of the basic provisions of the regulation. The granting of any such leave shall be subject to the provisions of the applicable regulation.

Basic Leave Entitlement

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 child birth;
- 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 with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation 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 service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

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.

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.

Definition of a 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 may choose, or employers may require, use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer'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 the 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 also may be required to provide a certification and periodic recertification supporting the need for the leave.

Employer Responsibilities

Covered employers 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.

Unlawful Acts by Employers

FMLA makes it unlawful for any employers to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;

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- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement

An employee may file a complaint with the US Department of Labor or may bring a private lawsuit against an employer.

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

Overview of FMLA:

- (1.) FMLA gives eligible employees of F-SA the right to a maximum twelve (12) weeks (defined by employee's normal workweek) of job protected unpaid leave. The leave is based on a rolling twelve (12) month period measured backward from the first date any FMLA leave is used. Under the rolling twelve (12) month period, each time FMLA leave is taken, the remaining FMLA leave would be the balance of the twelve (12) weeks, which had not been used during the immediately preceding twelve (12) months.
- (2.) Current eligible accrued paid days such as paid vacation, sick days, personal days and other paid days must be used first and are part of the maximum twelve (12) weeks. This does not apply for workers' compensation or qualified disability leaves of absence. The remaining days of a qualified FMLA leave will be unpaid.
- (3.) During the leave period F-SA will continue employee benefits such as health insurance. However, all employee contributions must be paid by the employee on a timely basis in order to maintain the continuous coverage of benefits. Contributions are at the same level as if the employee were working. Coverage will cease if payments are not made within a thirty (30) day grace period of the due date. Persons on FMLA leave are subject to the same changes in health insurance, if any, which are made with respect to active employees.
- (4.) Accrued paid time off such as vacation, personal, and sick days **will not** accumulate while on FMLA. Employees **will not** be paid for company observed holidays while on FMLA.
- (5.) A certification issued by a healthcare provider will be required to support an employee's request for a leave. When required, the employee must provide a copy before the leave begins, or if the leave was unforeseeable, fifteen (15) calendar days from the date the leave was requested. Failure to submit the medical certification form could jeopardize the employee's rights under

the FMLA leave including, but not limited to, such items as insurance coverage and job restoration. This certificate must include:

- a. The date the condition began
- b. Its probable duration
- c. Appropriate medical facts
- d. An assertion that the employee is unable to perform the employee's job function or that the employee is needed to care for a sick family member for a specified period of time.

F-SA reserves the right to request a second opinion by another healthcare provider designated or approved by the employer. The company will pay for the second opinion, which will be rendered by a healthcare provider other than one the company uses on a regular basis. In the event of a conflict between the first and second opinion, F-SA may, again at its own expense, obtain a third opinion from a healthcare provider approved jointly by F-SA and the employee. This third opinion will be final and binding.

General Leaves of Absence

Because we are a small organization, it is difficult to grant extended leaves of absence. An unpaid leave of absence may be granted at **F-SA's** discretion depending on the circumstance of the request and the needs of our business. Employees applying for a leave of absence must make a prior written request stating the reason and the approximate dates of the leave. Typically, unpaid leaves are for up to 12 weeks. Continuation of medical benefits will be handled through COBRA if you fail to return from a leave of absence.

If the leave is granted, **F-SA** will make every effort to return the employee on a leave to a position at the end of their leave. **F-SA** cannot, however, guarantee return to employment or the position or pay held prior to the leave.

Other Absences

All other absences from work are considered unexcused and may result in disciplinary action.

600 COMPENSATION

601 *Pay Period/Cash Advances*

All employees are paid on a bi-weekly basis on Friday for hours worked from Monday through the previous Sunday.

Any discrepancies or questions about your pay should be raised immediately. **F-SA** makes every effort to be accurate and will correct errors as quickly as possible. Authorized check pick-up by other than the employee must be in writing.

602 *Payroll Advances*

Employees may request a payroll advance for vacation pay. The request must be submitted in writing two weeks prior to the day the advance is required.

Under extreme circumstance or an emergency, the organization may make a payroll advance of one week's pay. A payroll advance document must be signed by the employee. You must be employed a minimum of one year to qualify for this program.

603 *Expense Reimbursement*

F-SA will reimburse legitimate business expenses (mileage, meals, lodging) supported by receipts.

When employees incur business expenses with prior management approval, a completed expense voucher with receipts attached must be submitted for reimbursement. The report must have the date, location, purpose of the expense, customer name and the Director's signature.

Expenses incurred for overnight accommodations and related expenses should be kept reasonable. Any personal expenses for entertainment or unapproved expenses will not be covered by **F-SA**.

604 *Payroll Deductions*

In compliance with government regulations, **F-SA** deducts the required portion of each employee's pay for Federal, State and Social Security Tax. Any deductions requested by the employee for medical benefits, direct deposit or deductions in compliance with legal obligations will be noted on the paycheck.

700 EMPLOYEE BENEFITS

F-SA offers our full-time employees a comprehensive package of benefits.

Following is a brief description of the benefits available to eligible employees. All benefits are subject to change and are administered according to the terms and conditions contained in either an insurance company's Master Policy, Summary Plan Description, applicable government regulation or **F-SA** policy.

F-SA reserves the right to change any benefit provided without prior notice.

F-SA tries to provide a benefit package that meets the important needs of our employees.

701 *Medical Benefits*

Current eligibility and any employee premium co-pay requirements are provided to the employee in a separate correspondence.

The specific details of coverage are contained in the insurance carrier's booklets which are provided to each employee. Employees not enrolled must sign a waiver of coverage.

702 *Dental*

Full-time employees enrolled in the medical plan may also qualify for dental, vision and life insurance coverage.

703 *Continuation of Benefits*

The Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) offers Employees and "qualified beneficiaries" the right to continue existing health insurance coverage at group rates under certain qualifying conditions as set forth below. The Health Insurance Portability and Accountability Act (HIPPA) which became effective January 1, 1997, has amended COBRA. Those eligible individuals who elect COBRA are responsible for the entire cost of the insurance premiums. **F-SA** may also add a two percent administrative fee.

704 *403(B) Plan*

F-SA makes available a 403(B) Tax Deferred Plan which allows employees to defer a portion of their annual compensation for retirement. Deductions are invested according to your employer's plan. Employees must review information

describing the plan and a prospectus prior to enrollment. Full-time employees are eligible.

705 Retirement Plan

F-SA has established a retirement plan with TIAA-CREF to assist employees in saving for retirement. TIAA-CREF is a non-profit organization that works with the education and research communities. As a comprehensive retirement system, TIAA-CREF provides you with the opportunity to participate in a broad range of investments.

706 Holidays

All full-time employees are eligible for holiday pay if they worked the scheduled day before and after a holiday, unless their absence was approved by their Director.

The organization observes the following paid holidays:

New Year's Day	Columbus Day
Martin Luther King Day	* Election Day
* Lincoln/Washington Birthday	* Veteran's Day
Memorial Day	* Wednesday Before Thanksgiving
* Juneteenth	Thanksgiving Thursday/Friday
Independence Day	Christmas Day
Labor Day	

* Considered floating holidays.

If a holiday falls on a weekend, the management will determine whether the Friday prior or the Monday following will be observed as the paid holiday. If a holiday occurs during a vacation, an additional day may be taken. In addition, if a holiday occurs on a day during which the **F-SA** is open for business, a paid day off will be granted to the employee.

707 Vacations

F-SA encourages employees to take vacation time for rest and relaxation away from the work environment. **F-SA** attempts to be flexible in accommodating the vacation needs of employees and will review any special requests as they occur. Requests for vacation time require management review and approval and must be submitted in writing at least 10 working days in advance.

Any vacation time earned, but not yet taken, may be paid upon separation from **F-SA**, excluding employees terminated for misconduct or those who resign without giving or completing proper notice.

Hourly Employee Accrual Schedule

For FT F-SA employees working a standard 37.5 hour work week, and who are compensated on an hourly basis, the following accrual schedule applies:

<u>Years of Full-time Continuous Service</u>	<u>Total Annual Accrual in Days</u>	<u>Monthly Accrual in Hours</u>
1 – 5 Years	14	8.75
After 5 Years	18	11.25

PT F-SA employees working less than 37.5 hours per week on a regular basis throughout the year and who are compensated on an hourly basis will be credited with the equivalent of one day per month, regardless of years of service. This amount per day to be calculated from the employees 3 month average hours worked.

CARRYOVER

F-SA employees compensated on an hourly basis may carryover into the next calendar year a maximum of fifteen (15) days of accrued vacation/holiday floating holiday time. This equates to a maximum of 112.5 hours.

On the final day of the calendar year, any accrued vacation/holiday floating holiday time in excess of the defined carryover limits will be **automatically forfeited**.

Under extreme and extenuating circumstances, an employee may request a modification to the defined carryover limits. Such a request must be submitted in writing to the F-SA Executive Director prior to the conclusion of the calendar year. The request will be forwarded to the F-SA Board of Directors for a final determination.

Salaried Employee Accrual Schedule

<u>Total Annual Accrual in Days</u>	<u>Monthly Accrual in Hours</u>
21	13.125

CARRYOVER

Salaried (management) employees may carryover into the next calendar year a maximum of thirty (30) days of accrued vacation/holiday floating holiday time. This equates to a maximum of 225 hours (based on 7.5 hours per day).

On the final day of the calendar year, any accrued vacation/holiday floating holiday time in excess of the defined carryover limits will be **automatically forfeited**.

Under extreme and extenuating circumstances, an employee may request a modification to the defined carryover limits. Such a request must be submitted in writing to the F-SA Executive Director prior to the conclusion of the calendar year. The request will be forwarded to the F-SA Board of Directors for a final determination.

708 *Disability Coverage*

New York State Disability benefits are available as a temporary benefit to an eligible employee who becomes disabled by an OFF-THE-JOB injury or illness.

Eligible employees are determined by the insurance carrier and are covered for the period of disability specified by their physician up to a maximum of 26 weeks, after serving a one-week waiting period. The payment received is 50% of the previous average weekly wage to a specified maximum.

The organization will continue to pay its contribution of the health insurance premium for an employee totally disabled on disability for twelve (12) weeks following the last day work is performed. After the 12 weeks, employees are responsible for paying the full cost of the insurance premiums. COBRA information will be provided.

In addition to New York State disability benefits, all full-time **F-SA** employees are covered by an extended disability policy.

709 *Workers' Compensation*

New York State Workers' Compensation benefits, including payment of medical costs and replacement of lost wages up to the regulated maximum, are provided for eligible employees who are injured ON-THE-JOB.

A written report of the injury must be submitted to your Director within 48 hours of the accident in order to ensure prompt coverage of the claim.

The cost of Workers' Compensation is paid entirely by **F-SA**.

F-SA will continue to pay its contribution of the health insurance premium for an employee totally disabled on Workers' Compensation for twelve (12) weeks following the last day work is performed. After the 12 weeks, employees are responsible for paying the full cost of the insurance premiums. COBRA information will be provided.

710 *Unemployment Insurance*

Unemployment Insurance is available to those who are ruled eligible for benefits by the New York State Department of Labor and have served the appropriate waiting period.

The cost of this coverage is paid entirely by **F-SA**.

711 *Social Security*

Social Security Benefits are available for retirement, survivor's benefits and medical costs under qualifying conditions determined by the Federal agency.

The required deduction for Social Security (FICA) is paid one-half by **F-SA** and one-half by employees.

712 *Educational Reimbursement*

Full-time employees are encouraged to grow professionally and are eligible for reimbursement of job-related educational expenses. The course must be approved by your Director before enrollment and must be useful in your position with **F-SA**. Proof of a passing grade and receipts must be submitted for reimbursement. In no case will an employee be reimbursed prior to successful completion of the course.

800 SAFETY

801 *Safety Procedures*

F-SA believes it is the responsibility of each employee to contribute to the safe operation of our organization.

The safety of our employees, our customers and the general public is an important consideration in the operation of F-SA.

For information on fire escape routes, please see your Director.

All employees must be familiar with the following Accident Plan and safety information:

Accident Plan

In case of an accident, STOP WORK and take the following steps:

1. Provide assistance to the injured person.
2. Eliminate the cause of the accident.
3. Call the Director immediately.
4. Take steps to prevent a second accident.
5. Prepare a written accident report with the full details of the accident and submit it to your Director on the day of the accident.

FAILURE TO FOLLOW SAFETY RULES AND PROCEDURES WILL LEAD TO DISCIPLINARY ACTION, UP TO TERMINATION OF EMPLOYMENT!

We are proud of our safety record. To protect all employees and to safeguard equipment and property, it is our policy that no employee will perform any type of work until he/she fully understands the correct operation and possible hazards involved, safety procedures and the necessity of safety equipment.

Illness or Injury

If you are injured or become ill while at work, report immediately to your Director. Get first aid or medical care without delay. An accident report must be completed, even if the injury appears minor.

When an injury requires medical care or hospitalization, you should be accompanied by another employee who will then contact the Director with details as soon as possible.

General Safety

Create your own "safety awareness": Most accidents are the result of **one** person's carelessness.

Prior to using any equipment, make sure you have read the instructions or have received proper instructions.

Never stand on the top step of ANY ladder.

No alcoholic beverages may be consumed while conducting any F-SA business during any hours, including lunch or break times, or anytime while assigned to drive a F-SA vehicle or personal vehicle during working hours.

Recommendations for safety equipment, practices or procedures should be brought to the attention of your Director, in writing.

You are encouraged to detect hazardous conditions and to report any of these to your Director.

Keep your work place clean: Good housekeeping promotes safe and efficient work. Do not allow trash or scrap to accumulate in your work area.

802 *Material Safety Data Sheets (MSDS)*

Material Safety Data Sheets (MSDS) provide employees with specific information on any chemicals used at the **F-SA**. Employees working with a hazardous chemical may request a copy of the MSDS. Vendors will be contacted if a MSDS has not been provided.

803 *Work Area Maintenance*

F-SA asks for employee cooperation in maintaining all areas of the organization in a neat, clean and safe condition.

You are responsible for keeping your work area clean and cleaning up all equipment that has been used. Please exercise extreme caution with beverages and food around computer terminals, all office equipment and work areas.

804 *Driving on F-SA Business*

It is **F-SA's** policy that all employees driving for business purposes be responsive to the state motor vehicle laws. It is required that any driver must maintain a valid driver's license. If using your personal vehicle you must provide to **F-SA** proof of insurance.

It is your responsibility when driving to notify **F-SA** of any moving violations, license suspensions or revocations. You are responsible for payment of all moving violations when driving for **F-SA**.

Cell phone use is prohibited while driving unless you are hands free. You and all passengers must use a seatbelt and obey all traffic rules. Furthermore, there must be a seat and seatbelt for all passengers.

A copy of your driver's license should be submitted to **F-SA** upon request for a review of your motor vehicle records.

The following is unacceptable and could affect your ability to drive on **F-SA** business:

No DUI or DWI within the past 5 years;

No other serious offenses within the past 3 years including:

- Reckless Driving
- Speed over 15 miles above the posted limit
- Leaving the scene of an accident
- Driving after your license has been suspended or revoked
- Passing a stopped school bus

900 SECURITY

901 *Building Security*

If working during other than normal operational hours, employees must take precautions to secure their safety, prevent theft and reduce accidents. Please secure all offices and do not allow unauthorized persons to enter. When working alone, please notify campus security of your presence on campus and indicate how long you will be working. Employees working overtime are responsible for our offices/areas and must lock all doors upon leaving.

902 *Privacy Notice*

The organization may conduct random, routine or reasonable suspicion searches of its premises for alcohol, drugs, weapons, missing property or for other legitimate business reasons. This includes searching any organization computer, vehicle, building, office, warehouse, parking lot, desk, locker, file cabinet, stairwell, lunch room, closet or other areas which are owned, leased or controlled by the organization.

An employee's vehicle, tool box, bag, backpack, brief case, purse, lunch box or similar item is subject to being searched randomly, routinely, or for reasonable suspicion if brought onto organization premises. At any time an employee may be asked to empty and turn out their pockets.

903 *Visitors*

While in our offices, visitors must be accompanied by an escort. Personal visitors are discouraged.

904 *Personal Belongings*

We discourage you bringing any personal, valuable belongings to work. Our insurance policy does not cover the loss, theft or damage of these items.

F-SA reserves the right to inspect and search employee belongings to ensure safety and to prevent theft.

905 F-SA Property

The purpose of all **F-SA** property is to assist in the smooth operation of our daily responsibilities. All equipment and inventories must be used appropriately, handled carefully and kept in good condition.

Failure to properly use, maintain, care for or report malfunctions of any **F-SA** property may lead to disciplinary action.

Employees are not to remove **F-SA** property outside of their normal job duties unless approved by the Vice-President for Student and Economic Development or Designee.

1000 POLICIES AND PROCEDURES

1001 Philosophy of Working Together

An organization like **F-SA** must be governed by certain rules and regulations. Our goal is to be fair and consistent in our policies and to strive for mutual respect among our employees. We encourage open communication, cooperation and cheerfulness. We expect employees to be part of the solution to our work-related problems, rather than part of the problem. Through teamwork, all employees and the organization can be successful.

1002 Personal Appearance

F-SA takes pride in its facility and services, and each employee's personal appearance and work habits are expected to contribute to this image. Employees are expected to dress in a neat, clean and professional manner.

1003 Misrepresentations

Any type of misrepresentation is considered an extremely serious matter and will result in disciplinary action up to and including termination. Misrepresentation on an Employment Application, related forms or records, any **F-SA** business document, to a customer concerning a piece of property, service, or price, unauthorized or personal use of **F-SA** letterhead or business forms is strictly prohibited.

1004 Removal or Damage of Property

Removing or intentionally damaging **F-SA**, co-worker's or customer's property, funds or belongings is **strictly prohibited**. Employees who remove **F-SA** property must have prior permission from the Vice-President for Student and Economic Development or designee. Any employee who assists in or violates this policy will be prosecuted to the fullest extent of the law.

1005 Voice Mail, Computer Use, Internet and Information Systems Policy

This policy is adopted to protect both **F-SA** and its employees.

1. **F-SA** computers are **F-SA** property, the same as any other tool, machinery and office or other equipment. Unauthorized use or use for other than F-

SA business is considered misconduct, contrary to the principles of good and sensible industrial behavior.

2. Information system communications, both internal and external, are not to be used in a way that may be disruptive, offensive to others, or harmful to morale.
3. Any **F-SA** information system communications such as transmission, downloading, or any use of e-mail, voice mail, or other communication method containing sexually-explicit images, messages or cartoons, ethnic slurs, racial epithets, or anything that may be construed as harassment or offensive to others based on actual or perceived race, national origin, sex, sexual orientation, age, disability, religious or political beliefs, or the like is strictly prohibited.
4. All employees must understand that there is no such thing as privacy or absolute security when it comes to e-mail or other Internet communications. It must be assumed that any information or data entered into these systems are accessible by or may be seen by anyone.
5. No business related records will be entered into and/or stored in a computer which is not owned by **F-SA**.
6. Access to the Internet from within **F-SA** facilities or from **F-SA** owned computer requires specific written approval. This approval will be by computer location and individual employee.
7. Accessing the Internet for personal purposes from **F-SA'** facilities or from an **F-SA** owned computer is strictly prohibited unless approved by the Vice-President for Student and Economic Development.
8. Accessing personal Internet/e-mail accounts using an **F-SA** owned computer is strictly prohibited unless approved by the Vice-President for Student and Economic Development.
9. Access to the Internet from **F-SA** facilities or from a **F-SA** owned computer is strictly limited to those purposes or subjects which have a direct relationship to **F-SA'** business activity. This restriction applies at all times, not just during normal working hours, unless approved by the Vice-President for Student and Economic Development.
10. Employees must use the information systems for **F-SA** business only. E-mail and other communication systems may not be used to solicit others for commercial ventures, religious or political causes, outside organizations, or other potentially offensive matters unrelated to **F-SA** business.

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11. For privacy reasons, employees should not attempt to gain access to another employee's personal file of e-mail or voice mail messages without the latter's express permission. However, **F-SA** reserves the right to enter any files, including computer and personal files, without notification if there is a business need to do so.
 12. The right to access all computer and related files at any time is retained by **F-SA**.
 13. Although **F-SA** systems may be used to transmit confidential information, care must be taken to ensure the addressing is correct and security precautions in place are used correctly. As with any type of confidential and/or sensitive communication, follow-up with the recipient is recommended to ensure proper receipt and understanding.
 14. Violations of this policy will result in disciplinary action ranging from a written reprimand to termination of employment.

Use of **F-SA** Telephones

F-SA telephone facilities are not to be used for personal reasons (incoming and outgoing calls) except in emergencies or as approved by the VP for Student and Economic Development.

Cell Phone Usage

Some employees may be issued a work cell phone to be used for work purposes only. Personal cell phones should have restricted use during work hours with preferred usage during meal and break periods. If the supervisor feels an employee is not following instructions during business hours or the cell phone is affecting work production, the supervisor may address this with the employee and request further restrictions of the cell phone. This is left to the discretion of the supervisor.

1006 Electronic Communications

This sets forth **F-SA** policies with regard to access to, review, or disclosure of electronic mail ("e-mail") messages sent or received by **F-SA** employees with the use of the firm's e-mail system. It also sets forth policies on the proper use of the e-mail system.

These policies do not constitute a contract. **F-SA** reserves the right to change them at any time.

Use for Business Purposes/F-SA Access, Review, Deletion, and Disclosure

The e-mail system is provided to employees at **F-SA's** expense to assist them in carrying out **F-SA** business. The e-mail system permits employees to communicate with each other internally and with selected outside individuals and companies with whom **F-SA** does business and that **F-SA**, in its sole discretion, decides should be connected to the system.

The e-mail system is to be used for *business related* purposes only to transmit business information. **F-SA** treats all messages sent, received or stored in the e-mail system as business messages.

F-SA has the capability to access, review, copy and delete any messages sent, received or stored on the e-mail system. **F-SA** reserves the right to access, review, copy or delete all such messages for any purpose and to disclose them to any party (inside or outside **F-SA**) it deems appropriate.

Should employees make incidental use of the e-mail system to transmit personal messages, such messages will be treated no differently from other messages, i.e., **F-SA** reserves the right to access, review, copy, delete or disclose them for any purpose. Accordingly, employees should not use the e-mail system to send, receive or store any messages that they wish to keep private. Users should treat the e-mail system like a shared file system – with the expectation that messages sent, received or stored in the system (including individual hard disks) will be available for review by any authorized representative of **F-SA** for any purpose.

Confidential Information

Essentially, e-mail messages should be treated in the same way as confidential printed materials. The following are examples of circumstances where confidentiality standards may be violated:

- You leave the e-mail program running on your screen, or leave an e-mail message on your screen. In either case, this allows others to view your e-mail should they sit at your computer.
- A confidential message is printed on a printer in your office or perhaps on a shared printer. Anyone with access to that printer can view this document.
- An e-mail message is inadvertently sent to someone who was not intended to receive it. Caution should be exercised on any confidential message before it is sent.

Caution should be used when using the Internet. The Internet is a nice, inexpensive way to send business communications that aren't a security risk or time sensitive. Do not rely on the Internet for critical communications due to the possibility of compromise.

Users must exercise a greater degree of caution in transmitting confidential information on the e-mail system than they take with other means of communicating information, (e.g., written memoranda, letters or phone calls) because of the reduced human effort required to redistribute such information. Confidential information should never be transmitted or forwarded to outside individuals or companies not expressly authorized to receive that information and should even be sent or forwarded to other users inside **F-SA** who do not need to know the information. Always use care in addressing e-mail messages to make sure that messages are not inadvertently sent to outsiders or the wrong person inside **F-SA**. In particular, exercise care when using distribution lists to make sure that all addressees are appropriate recipients of the information. Lists are not always kept current and individuals using lists should take measures to ensure that the lists are current. Refrain from routinely forwarding messages containing confidential information to multiple parties unless there is clear business need to do so. Be aware that if you respond to an attachment your message may be forwarded to the wrong person.

E-Mail Security

The security on our e-mail system is as good as password security can be. If your network and e-mail passwords are easy to discover, then your e-mail can easily be accessed by anyone with that intention. It is strongly advised that you not use your first or last name, **F-SA** name or other such passwords. It is also advisable to change your password periodically.

Broadcast Messages

To prevent the e-mail system from overloading, choose your recipients carefully. Not all messages need to be sent throughout the entire organization. As an example, announcements regarding new hires should be transmitted only to individuals who will deal directly with a particular new employee. You may then use the electronic bulletin board to transmit new personnel announcements for anyone else to pick up if interested.

Viewing and Protecting E-Mails

In order to further guard against dissemination of confidential information, users should not access their e-mail messages for the first time in the presence of others. E-mail windows should not be left open on the screen when the computer is unattended. E-mail passwords (as well as other computer passwords) should be routinely changed every three to four weeks.

Copyrighted Information

Use of the e-mail system to copy and/or transmit any documents, software, or other information protected by the copyright laws is prohibited unless **F-SA** has written authorization.

Other Prohibited Uses

Use of the e-mail system to engage in any communications that are in violation of **F-SA** policies, including but not limited to transmission of defamatory, obscene, offensive or harassing messages, or messages that disclose personal information about other individuals without authorization, is prohibited.

Storing and Deleting E-Mail Messages

F-SA strongly discourages the storage of large numbers of e-mail messages for a number of reasons. First, because e-mail messages frequently contain confidential information, it is desirable to limit the number, distribution and availability of such messages to protect **F-SA** information. Second, retention of messages fills up large amounts of storage space on the network server and personal hard disks, and can slow down the performance of both network and individual personal computers. Finally, in the event that **F-SA** needs to search the network server, backup tapes, or individual hard disks for genuinely important documents, the fewer documents it has to search through, the more economical the search will be.

Accordingly, employees are to promptly delete any e-mail messages they send or receive that no longer require action or are not necessary to an ongoing project.

F-SA policies regarding equal employment opportunity and sexual harassment apply with equal force to e-mail communications. Messages containing discriminatory language or remarks that may constitute sexual harassment are strictly prohibited.

- E-mail should not be used for matters of record. Hard copy should be used instead.
- Do not use e-mail to communicate any confidential information, e.g. salary information, medical information, disciplinary information, libelous or offensive comments, jokes, etc.

Unsolicited Attachments to E-Mail Messages

Do not open unsolicited attachments to e-mail messages since they are sometimes used to transmit virus packages that can infect not only the receiving computer, but all computers connected in **F-SA's** intranet.

E-Mail Etiquette

Please bear in mind that your e-mail messages may be read by someone other than the addressee you send them to and may even someday have to be disclosed to outside parties or a court in connection with litigation. Accordingly, please be sure that your messages are courteous, professional, and businesslike.

1007 *Personal Use of Organization Supplies/Equipment*

Employees are not permitted personal use of any **F-SA** equipment, supplies, postage, office supplies or other items used in our operation without permission from the VP for Student and Economic Development or designee.

Any violation of this policy will result in loss of all privileges and can result in disciplinary action.

1008 *Gifts/Premiums*

Accepting personal gifts from customers or suppliers is inappropriate. We must make every effort not to compromise our business objectives or negotiations. However, items provided by suppliers to the **F-SA** as premiums will be utilized within the organization, used as promotional giveaways to our customers, or returned. If you have any questions as to the propriety of accepting a gift, contact your Director.

1009 *Unauthorized Work*

Employees working at **F-SA** are expected to only perform work for the organization during the work day.

Any employee who performs unauthorized work, claims that **F-SA** work has been done when such is not the case or performs any act of fraud or deceit will be subject to disciplinary action, including possible termination of employment.

1010 Smoking Policy

SUNY Broome is a smoke-free campus. Violation of this policy could lead to disciplinary action up to and including termination.

1011 Confidentiality

F-SA is involved with many different customers with unique confidential information and needs. It is important that all information is treated with discretion and confidentiality.

As an employee of **F-SA** you may not discuss, photocopy, duplicate or reveal confidential information in any form to anyone outside the organization. Information obtained as a result of your employment with **F-SA** and contact with our customers can only be used in the course of your employment with us. This information is considered proprietary. Any unauthorized use, collection, copying, removal or transfer in any manner of this information not in the best interest of **F-SA** may be grounds for immediate termination and/or other legal action.

This policy applies to internal documents and records as well as any information concerning customers, other employees, vendors or suppliers.

1012 Competition

Employees may not engage in any activity which is in direct competition with **F-SA** or interferes with your normal duties. Approval must be received from the Vice-President for any outside employment to avoid a possible conflict. Performing work without receiving approval may lead to disciplinary action.

1013 Parking

Employee staff parking is available and assigned by the College. Each employee is required to have a valid parking permit.

F-SA is not responsible for any accidents or damage to personal vehicles while parked on campus; however, accidents that do occur should be reported to your Director.

1014 Financial Procedures

All employees who handle cash, checks or financial payments must follow all established financial procedures as explained by the Manager for Operations and

Finance. Company credit cards may be issued to employees. These are for business purposes only. All receipts are to be turned in to the F-SA administrative office to verify all purchases.

Failure to follow any financial procedure may lead to disciplinary action, up to and including immediate termination.

1015 Disciplinary Action

If the need arises to correct a situation in which an employee has violated **F-SA** procedures, regulations or policy, depending on circumstances, oral warnings, written warnings, suspension without pay or termination of employment may be appropriate. **Employees, as a condition of employment, are required to acknowledge in writing any written warnings.**

In addition to the policies, procedures, rules and regulations in this Handbook, the following, not meant to be all inclusive, are job related actions that may result in disciplinary action:

- Taking excessive breaks, absenteeism and tardiness;
- Failure to follow call-in procedure when absent or tardy;
- Negligent or careless performance of duties;
- Refusal to perform assigned tasks, misrepresentations, or any act of insubordination;
- Fighting, sleeping, gambling or horseplay;
- Possession of weapons on campus;
- Any act of theft, dishonesty or deception;
- Use of threatening or abusive language or harassment or intimidation of other employees, customers or general public.

This description of disciplinary action is intended to be a general guide to discipline and is not intended to confer any rights upon you or impose any obligations on **F-SA**. Moreover, disciplinary actions need not be progressive as some misconduct may be so severe as to result in immediate termination of employment.

1016 Employee Concerns

Our employees are a key element in the success of **F-SA**. Employees should attempt to resolve any difficulties with a co-worker at that level. If the situation is not resolved, it should then be discussed with your Director. Furthermore, employees who have a question, believe that they have been treated unfairly, or need assistance should contact their Director.

1017 Waste Prevention

All employees can make the organization more profitable by conserving resources. Employees are asked to cooperate in all campus recycling efforts.

1018 No Solicitation/No Distribution Policy

Non-employees of **F-SA** are PROHIBITED from engaging in solicitation for any cause or the distribution of literature of any kind on **F-SA** premises.

Off-duty employees shall not engage in distribution of literature or solicitation in the interior of the **F-SA** premises or other working area and shall not have access to or remain in working areas for purposes of solicitation or distribution of literature of any kind prior to or after their scheduled hours of work.

Employees shall not engage in distribution of literature of any kind on **F-SA** premises in working areas during working time.

Employees shall not engage in solicitation for any cause on **F-SA** premises during working time.

Working time does not include break periods, meal times, and other times during the workday when employees are properly not engaged in performing their work tasks.

These rules apply to all forms of solicitation and distribution and are established to protect the privacy of our employees and productivity of our operation. Any questions concerning these rules should be referred to the Vice-President for Student and Economic Development.

Violations of these rules will subject non-employees to arrest and employees to disciplinary action up to and including termination.

1019 *Violence in the Workplace*

F-SA has zero tolerance for violence in the workplace and is committed to providing a safe and secure environment for all employees. This policy outlines the preventative measures we are taking to achieve this objective. Employees are welcome to offer their suggestions as well, and we encourage your participation.

At **F-SA**, there are two categories of behavior that we will not tolerate:

- **Verbal conduct** – language ranging from offensive to threatening comments made by a supervisor to an employee or employee to supervisor, one co-employee to another, or by a customer to an employee or employee to customer.
- **Physical conduct** – unwelcome physical conduct, consisting of threatening physical gestures, actual hitting of an employee or throwing of objects.

Prohibited verbal or physical conduct must be reported to your Director immediately, and will result in an immediate investigation. All complaints will be taken seriously. If you are unable to discuss this with your Director, you should immediately contact the Vice-President for Student and Economic Development.

With respect to Violence in the Workplace, **F-SA** will implement other strategies as well:

Employment – **F-SA** will make every effort to screen potential hires. This screening process will include thorough: Employment Interviews, Employment Verifications, Reference Checking, Drug Screens and Criminal Background Checks.

Management Action – Management is committed to investigating all employee complaints, and will take action to correct any problems that are identified. This action will include employee counseling, discipline and other appropriate measures such as employee education and training.

Communication – **F-SA** will make every effort to communicate and disseminate this program through various methods. These methods may include handbook policies, postings, department meetings, employee training and communication sessions.

Please contact your Director if you have any questions or concerns.

1020 *Social Media/Social Networking*

Social Media - For the purpose of this employee handbook, social media are defined as any type of Internet-based media created through social interaction in which individuals primarily produce the content. Examples include, but are not limited to, the following:

- personal and corporate blogs
- online profiles and personal web pages
- YouTube
- social networking web sites (e.g., Twitter, Facebook, LinkedIn)
- wikis

F-SA's confidentiality, anti-harassment, and sexual harassment policies apply to the use of social media and must be adhered to at all times. Any violations of these policies may result in disciplinary action, up to and including termination.

[Only authorized employees are allowed to develop, post to, or maintain a corporate blog or use social networking sites to conduct **F-SA** business.]

F-SA respects the right of employees to use social media for personal use during their nonworking time.

If an employee indicates on any social media that he or she is an **F-SA** employee, it must clearly state that the views expressed are solely the personal views of the employee and are not representing **F-SA**.

1100 SUBSTANCE USE (Drugs and Alcohol)

Employees should be aware that use of illegal drugs or alcohol in the work place is very dangerous. It is estimated that substance abusers are three times as likely to be involved in on-the-job accidents and absences. Use of these endangers fellow workers and public safety.

1101 *Workplace Substance Use*

Reporting to work under the influence of intoxicants, or use or possession of alcohol or illegal drugs at work is **strictly prohibited**. Any employee who possesses, uses or sells illegal drugs, or who is found to have illegal drugs and/or alcohol present in their system when reporting to work, at work or during working hours, will be subject to disciplinary action up to and including termination.

Employees are required to notify their Director of any prescription drugs they are taking which could, in any way, affect work performance or driving ability.

Employees must report any problems, their own or those they encounter from others that are a result of alcohol or illegal drugs to their Director immediately. In addition to post offer drug testing, the organization also has a reasonable suspicion drug and alcohol testing program. This policy is explained below.

Post-offer (pre-employment) Drug Testing

All **F-SA** applicants who have received a conditional offer of employment must produce a negative drug screen prior to starting work.

Reasonable Suspicion Testing

F-SA policy requires employees to be tested for illegal drug and alcohol use when their conduct gives **F-SA** reasonable suspicion to believe they are under the influence of drugs and/or alcohol. The employee's behavior must be observed by at least one (1) designated supervisor trained in the detection of probable drug and/or alcohol use. Whether reasonable suspicion testing is conducted for alcohol or drugs, such testing must be based on observations concerning the employee's appearance, behavior, speech or body odor.

Reasonable suspicion alcohol testing is authorized only if the required observations are made just before, during or immediately after performing job duties. The mere possession of alcohol does not constitute a need for reasonable suspicion alcohol testing. Employees must also inform their supervisors if they have consumed alcohol four (4) hours prior to the starting of their shift.

Reasonable suspicion alcohol testing should be conducted no more than two (2) hours after the reasonable suspicion determination has been made, and in any event, within eight (8) hours. If the testing is not performed within this two (2) hour period, a report must be prepared indicating the reason for not promptly administering same. If the test is not administered within eight (8) hours, F-SA must cease attempts to administer the test and prepare another report indicating the reason for not administering the test.

With regard to reasonable suspicion drug testing, such testing is authorized at any time the covered employee is on duty; however, the required report is made within twenty-four (24) hours of the observation. Drug reasonable suspicion testing must be performed within thirty-two (32) hours of the supervisor's observation. If the testing is not performed within the thirty-two (32) hour time period, a report must be prepared indicating the reason for not promptly administering the test.

Supervisors should contact the Vice-President for Student and Economic Development for guidance in the event they identify an employee who they have reason to believe is impaired.

The cost of reasonable suspicion tests will be paid by the employer.

Drugs Tested - The presence of the following five drugs are the only drugs currently tested for pursuant to FHWA regulations: marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP). NOTE: For purposes of this policy, the terms "drug" or "drugs" refer to non-prescribed, illegal controlled substances.

Alcohol Prohibitions

Employees are prohibited from the following activities:

1. Using alcohol while performing job related duties;
2. Reporting for duty, or remaining on duty, to perform job related duties while having an alcohol concentration of 0.02 or greater;
3. Being on duty while the employee possesses alcohol unless the alcohol is manifested or transported as part of a shipment. This includes the possession of medicines containing alcohol, (prescription or over-the-counter) unless the packaging seal is unbroken. Using alcohol while performing job related duties;
4. Using alcohol within four (4) hours preceding the performance of job related duties;
5. Refusing to submit to an alcohol test required by reasonable suspicion;

Illegal Drug Prohibitions

Employees are prohibited from the following activities:

1. Reporting for duty, or remaining on duty, requiring the performance of job related duties when a employee uses any illegal drug, except, when the use is pursuant to the instructions of a physician who has advised the employee that the substance does not adversely affect the employee's ability to safely perform job related duties;
2. Reporting for duty, remaining on duty, or performing job-related duties if the employee tests positive for illegal drugs.
3. Refusing to submit to an illegal drug test required by reasonable suspicion.

Consequences

The consequences for engaging in prohibited conduct are outlined and summarized below:

1. Removal from job related duties - The employee will not perform, or be permitted to perform for the employer, their daily duties if testing positive for illegal drugs or alcohol.
2. Suspension and Termination - The employer has no tolerance for the use of drugs or alcohol in the workplace. A positive drug or alcohol test will result in immediate suspension. A second positive drug or alcohol test will result in immediate termination.
3. Referral, Evaluation and Treatment - Any employee who has engaged in prohibited conduct with respect to drugs or alcohol will:
 - (a) be advised by the employer of the resources available to the employee in evaluating and resolving problems associated with the misuse of alcohol and drugs, including the names, addresses and telephone numbers of substance abuse professionals and counseling and treatment programs;
 - (b) be evaluated by a substance abuse professional who shall determine what assistance, if any, the employee needs in resolving problems associated with drug alcohol misuse;
 - (c) undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02 if the conduct involved alcohol or a negative drug test. In addition, each employee identified as needing assistance in resolving problems associated with alcohol or drug misuse:

-
- i. will be evaluated by a substance abuse professional to determine that the employee has properly followed any rehabilitation program prescribed under paragraph (b) of this section; and
 - ii. will be subject to unannounced follow-up alcohol tests administered by the employer following the employee's return to duty. The number and frequency of such follow-up testing may consist of at least six (6) tests in the first twelve (12) months following the employee's return to duty. The employer may direct the employee to undergo return-to-duty and follow-up testing for alcohol or drugs, if the substance abuse professional determines that the return-to-duty and follow-up testing for alcohol or drugs is necessary for that particular employee. Follow-up testing shall not exceed sixty (60) months from the date of the employee's return to duty. The substance abuse professional determines that such testing is no longer necessary.
- (d) evaluations and rehabilitation may be provided by any substance abuse professional not affiliated with the employer.
- (e) the employer will ensure that a substance abuse professional who determines that an employee requires assistance in resolving problems with drug or alcohol misuse does not refer the employee to the substance abuse professional's private practice or to a person or organization from which the substance abuse professional receives remuneration or in which the substance abuse professional has a financial interest. This paragraph does not prohibit a substance abuse professional from referring an employee for assistance provided through:
- i. an employer;
 - ii. the employer or a person under contract to provide treatment for alcohol problems on behalf of the employer; or
 - iii. the sole source of therapeutically appropriate treatment under the employee's health insurance program;

Test Results and Disciplinary Action

Covered employees who have been found to have violated the prohibited conduct under F-SA will be subject to the disciplinary action outlined below.

1. First Positive Drug or Alcohol Test Result

No employee will be allowed to work for **F-SA** if he/she tests positive for drugs or alcohol. A positive alcohol test result is one in which the breath alcohol

concentration is greater than or equal to 0.02. Employees testing “positive” will be deemed "medically unqualified" to perform work of any kind for **F-SA**. Employees receiving a first positive alcohol test (.04 or greater) result will be placed on a minimum seven (7) day unpaid suspension. An alcohol concentration of .02 to < .04 will require an immediate 24 hour suspension and employee counseling. The suspension will be without pay. **F-SA** will continue the employee’s health insurance during any period of unpaid suspension.

F-SA requires that employees who test positive for drugs and/or alcohol and who return to work afterward must continue in an aftercare program recommended by the Substance Abuse Professional (SAP) and will be subject to follow-up testing for up to five (5) years following their return to work.

2. Second Positive Drug or Alcohol Test Result

Any employee who receives a second positive drug test, or a positive breath alcohol concentration test (greater than or equal to .04), will be terminated from employment with **F-SA**. An alcohol concentration of .02 to < .04 will lead to disciplinary action, up to and including termination.

3. Refusal to be Submit to Alcohol or Drugs Test

No employee can refuse to submit to a reasonable suspicion alcohol or drug test, or a follow-up alcohol or drug test. A refusal to submit to such testing means that an employee:

- a. fails to provide adequate breath for alcohol testing, without a valid medical explanation, after he or she has received notice of the requirement for breath testing;
- b. fails to provide an adequate urine sample for drug testing, without a genuine inability to provide a specimen (as determined by a medical evaluation), after he or she has received notice of the requirement for urine testing; or
- c. engages in conduct that clearly obstructs the testing process.

F-SA will not permit an employee who refuses to submit to such tests to perform, or continue to perform, job duties for **F-SA**.

Any employee who refuses to take any required drug or alcohol screening test will be terminated from employment with F-SA.

Return-to-Duty and Follow-up Tests

Before returning to duty after positive test results, each employee must undergo a negative drug test, or alcohol test with a result of less than 0.02 breath alcohol concentration. In addition, each employee identified as needing assistance may:

- a. Be evaluated again by a Substance Abuse Professional (SAP) to determine whether the employee has successfully complied with any rehabilitation program prescribed following the initial evaluation; and
- b. May be subject to a minimum of six (6) unannounced, follow-up tests over the following twelve (12) months.

The cost of all return-to-duty and follow-up tests will be paid by the employer.

Diluted Specimens

F-SA reserves the right to retest applicants or employees who have produced diluted urine specimens related to drug testing.

Medical Review Officer (MRO)

F-SA designates United Health Services as the collection site who will provide a licensed physician who possesses adequate knowledge of substance abuse and alcohol disorders to be our MRO.

The MRO's function is to review, interpret and report the positive and negative test results of employee applicants and employees. The MRO will report results to the appropriate management official designated by **F-SA** who can recommend or take administrative action on positive test results.

As a general rule, the MRO will report only whether a particular test result was positive or negative. Management is not privy to additional information regarding test results, except as otherwise permitted by the regulations. The MRO is also prohibited from communicating further information unless the employee signs a release allowing the MRO to disclose such information.

If a split specimen was taken for a drug test, the employee, upon notification of a positive result, can request a re-test. The cost of this re-test is the responsibility of the employee.

Employment Non-Discrimination Policy

F-SA will not discriminate against employees because of past drug or alcohol abuse, as long as the employee demonstrates he/she has received appropriate treatment and tests negative for drug use. It is the current use of alcohol and drugs that we will not tolerate in our work force.

1200 COMMUNICATION PROCEDURES

1201 *Your Director/Manager*

The best source of information about job duties and **F-SA** procedures is your Director. Employees who have a question or need assistance should discuss these concerns with your Director/Manager.

1202 *Memos/Bulletin Board/Computer Mail*

A bulletin board is located in each department/area to communicate information to employees. Please check the bulletin board frequently to keep informed on changes in **F-SA** matters and other items of interest. Nothing can be posted without prior approval of the management.

Periodically, memos are distributed to communicate general information or a change in **F-SA** policy or procedure. If you have not received a memo distributed to other employees, please contact your Director.

1203 *Adverse Correspondence*

Any memos, letters, telegrams, legal notices, summons or other forms of business communication of a negative nature addressed to any employee of **F-SA** are to be immediately given to the VP-SED.

Employees receiving complaints of unfair treatment, customer dissatisfaction, expressions of distress, and all legal documents, are to notify your Director/Manager immediately.

1204 *Suggestions*

Giving and receiving feedback is encouraged in order to promote a positive, productive and cooperative atmosphere. Employees should notify their Director of any suggestions which may be valuable to our productivity and our success. All suggestions will be carefully reviewed and implemented if possible.

1205 *Public Relations*

The courteous, professional treatment of the public by **all** employees helps to build a loyal base of customers for our services.

Courtesy to our customers is the least costly of all the services we perform, yet the most rewarding. Whether in person or on the phone, YOU represent **F-SA** to our internal and external customers, the campus community, the public and community at large. We ask that all employees make every effort to represent **F-SA** in the most polite and professional manner.

1300 CONCLUSION

In general, we have mentioned benefits, procedures and responsibilities. We have saved the most important for last because it is the very reason we have a job -- the people we serve.

F-SA exists because each year a great many people invest their money, time and faith in all of us. We must always remember that the person we all work for is The Customer.

The customer is never an interruption to our business; the customer IS our business!

Thank you for taking the time to review this Handbook. If you have any questions, suggestions or concerns, please contact your Director/Manager.

1400 APPENDICES - FACTS ABOUT F-SA

1401 *Forward*

Since 1950, the Faculty-Student Association has been providing a variety of auxiliary services for the benefit of the College community.

The SUNY Broome Bookstore, BC Center, dining hall, beverage and snack vending, and accounting support are some examples of the diverse services provided by the **F-SA**.

1402 *What is the F-SA?*

The Faculty-Student Association or **F-SA** as it is more commonly known, is the corporation which provides auxiliary services and support to benefit the SUNY Broome campus community.

The purposes of the **F-SA** are set forth in the Bylaws of the corporation:

Section 2 Purposes

'The purposes of the Association shall be to promote and cultivate educational and social relations and relationships incidental thereto among the students and faculty of BCC, hereafter called the College, the sponsor of the College being the County of Broome, New York, and the supervision of the College being the State University of New York and by the Board of Trustees of the College. The Association shall also assist the students and the faculty of the College in their educational pursuits, in their studies, in their employment and in their living, social and extra-curricular activities. The Association shall be a not-for-profit corporation organized under the Laws of the State of New York and any income derived from any of its activities in pursuance of its purposes shall not inure to any person, either a member or a non-member of the Association.'

The **F-SA** attempts to accomplish its objectives by providing both financial and support services to the College community.

1403 Governance and Structure

Governance Source Documents

Agreement

The **F-SA** operates under the provision of a formal agreement with the Trustees of Broome Community College.

Guidelines for Operation

Attached to the agreement, as an appendix, are Guidelines for Operation. These are compatible with State-approved Guidelines for Auxiliary Service Corporations and enumerate both restricted and approved activities and practices.

Bylaws

A set of Bylaws governs the internal affairs of the Association.

Board of Directors

The property, affairs, business and concerns of the Faculty-Student Association are vested in the Board of Directors.

Officers

The following officers are elected by the Board of Directors:

President	Treasurer
Vice-President	Secretary

The duties and responsibilities of these offices are defined in the Association Bylaws.

1404 Services Provided by the F-SA

The **F-SA** provides a variety of services for the benefit of the College community.

SUNY Broome Bookstore

The primary objective of the Bookstore is to provide the students of SUNY Broome with their required textbooks and supplies.

Students may purchase their required books which are offered both new and used titles, as well as some rentals. Also available are course required and general classroom supplies, imprinted gift items, sportswear, snacks and beverages.

Dining Services/Snack and Beverage

The **F-SA** contracts with a vendor to provide dining, product and equipment service on campus.

Copier Service

The **F-SA** operates the coin-operated photo copiers located throughout the campus.

Child Care Service

The B.C. Center offers child care primarily for SUNY Broome students. The Center offers a warm, secure and friendly environment that treats each child as an individual. The daily activities offered include art, music, story time, games, cooking, large and small motor activities and outdoor play.

Residential Life

- Employer of Record
- Accounting

Accounting Services

The **F-SA** Accounting Office provides the following support:

- Travel Advances
- Payroll Processing
- General Administration
- Account Maintenance and Reporting for the Activity Fee Budget and all Agency Accounts
- Support for Residential Life

1405 Revenue

The Faculty-Student Association is a financially self-supporting corporation. The goal of the **F-SA** is to provide the very best auxiliary services and comprehensive financial support possible.

Revenues are derived from a variety of sources including:

- B.C. Center
- Bookstore
- Copier Service
- Dining Services/Snack and Beverage Vending
- Accounting Service Fees

1406 Financial Support and Assistance

After all operating expenses have been paid, the "profits" realized from **F-SA** operations are allocated to fund the College Enhancement Budget.

1407 Audit

Under terms of the agreement with the Trustees, the **F-SA** financial accounts must be audited annually by a Certified Public Accountant.

A financial report is prepared and distributed to the Board of Directors.

As part of the review, the Association's system of internal controls is evaluated. Observations of possible control weaknesses are considered by the **F-SA** management as constructive aids, and they are taken seriously.

**FACULTY - STUDENT ASSOCIATION
OF
BROOME COMMUNITY COLLEGE, INC.**

EMPLOYEE HANDBOOK

1408 ADDENDUMS

ADDENDUM: ANTI-BULLYING POLICY

The F-SA Anti-Bullying Policy is intended to provide a respectful environment for the SUNY Broome Community. Bullying is defined as targeted and/or repeated incidents or a pattern of behaviors that are intended to intimidate, offend, degrade or humiliate a particular person or group of people. Bullying may be a single, severe incident or occur through repeated instances. This includes the health-harming mistreatment of one or more persons (the targets) by one or more perpetrators.

It is abusive treatment that includes intimidating actions or words, work interference, verbal abuse, social bullying, physical bullying, cyber bullying and educational interference. Examples of bullying include, but are not limited, to the following:

- Threatening, humiliating, inflammatory, slanderous, or intimidating actions or words;
- Work interference/sabotage/favoritism – which prevents work from getting done and/or negatively impacts a single/group of employees;
- Verbal abuse;
- Social bullying such as hurting one's reputation or deliberately isolating and/or demeaning someone;
- Physical bullying;
- Cyber bullying: posting or sharing private or potentially embarrassing personal information about the bullied with third parties, sending harmful, false, or mean content to the bullied or posting and/or sending malicious/inflammatory/false content about an individual or group;
- Educational interference which is intentional and repeated actions or words that interfere with or negatively impact the ability of a student or group of students to meet the student learning outcomes of a course or program; or intentional and repeated failure to maintain a safe learning environment that respects all others who use the office/classroom.

Bullying examples are not: a one-time disagreement or incident, unintentional social mistakes, expressing differences of opinion, offering constructive feedback or actions taken by management such as performance counseling, reassigning work or disciplinary action.

The College's Anti-Bullying Policy can provide further clarification with respect to this policy. This policy applies to all employees and supervisors. F-SA employees/supervisors found in violation of this policy will be disciplined, up to and including, termination.

Violations of this policy should be immediately reported to your direct supervisor, the Assistant Controller or the Executive Director.

ADDENDUM: Sexual Harassment Policy

**Sexual Harassment Policy for
Faculty-Student Association of
Broome Community College, Inc.**
(Provided by the State of New York)



**Combating
Sexual Harassment**

Introduction

F-SA is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of **F-SA's** commitment to a discrimination-free work environment. Sexual harassment is against the law¹ and all employees have a legal right to a workplace free from sexual harassment and employees are urged to report sexual harassment by filing a complaint internally with **F-SA**. Employees can also file a complaint with a government agency or in court under federal, state or local antidiscrimination laws.

Policy:

1. **F-SA's** policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with **F-SA**. In the remainder of this document, the term "employees" refers to this collective group.
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 (e.g., counseling, suspension, termination).
3. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. **F-SA** will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of **F-SA** who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. All employees, paid or unpaid interns, or non-employees² working in the workplace who believe they have been subject to such retaliation should inform a corporate officer, supervisor, manager, or human resources representative. All employees, paid or unpaid interns or non-employees who believe they have been a target of such retaliation may also seek relief in other available forums, as explained below in the section on Legal Protections.

¹ While this policy specifically addresses sexual harassment, harassment because of and discrimination against persons of all protected classes is prohibited. In New York State, such classes include age, race, creed, color, national origin, sexual orientation, military status, sex, disability, marital status, domestic violence victim status, gender identity and criminal history.

² 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.

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4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject **F-SA** to liability for harm to targets 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 allow such behavior to continue, will be penalized for such misconduct.
 5. **F-SA** will conduct a prompt and thorough investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. **F-SA** will keep the investigation confidential to the extent possible. 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. **F-SA** will provide all employees 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 or become aware of, to a corporate office, senior manager or human resources representative.
 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 provided to all employees and should be posted prominently in all work locations to the extent practicable (for example, in a main office, not an offsite work location) 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, self-identified or perceived sex, gender expression, 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 reporting 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

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- 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 includes, but is not limited to, 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 report 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 acts of a sexual nature, such as:
 - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's 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 target'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 or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.

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- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
 - 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 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. Harassers 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, on personal devices or during non-work hours.

Retaliation

Unlawful retaliation can be any action that could discourage 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 (e.g., threats of physical violence outside of work hours).

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:

- made a complaint of sexual harassment, either internally or with any 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;
- reported that another employee has been sexually harassed; or
- encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

Reporting Sexual Harassment

Preventing sexual harassment is everyone’s responsibility. **F-SA** cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a corporate officer, supervisor, manager or human resources representative. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a corporate officer, supervisor, manager or human resources representative.

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 target 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 corporate officer or human resources representative.

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 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, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded due process, as outlined below, 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. **F-SA** will not tolerate retaliation against employees who file complaints, support another's complaint or participate in an investigation regarding a violation of this policy.

While the process may vary from case to case, investigations should be done in accordance with the following steps:

- Upon receipt of complaint, a corporate officer or human resources representative will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. If complaint is verbal, encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, prepare a Complaint Form based on the verbal reporting.
- If documents, emails or phone records are relevant to the investigation, take steps to obtain and preserve them.
- Request and review all relevant documents, including all electronic communications.

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- 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 basis for the decision and final resolution of the complaint, together with any corrective action(s).
 - Keep the written documentation and associated documents in a secure and confidential location.
 - Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
 - Inform the individual who reported of the right to file a complaint or charge externally as outlined in the next section.

Legal Protections and External Remedies

Sexual harassment is not only prohibited by **F-SA** but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at **F-SA**, employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

In addition to those outlined below, employees in certain industries may have additional legal protections.

State Human Rights Law (HRL)

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all 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 violation of the Human Rights Law may be filed either with the Division of Human Rights (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 sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to **F-SA** does not extend your time to file with DHR or in court. The one year or three years is counted from 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 sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment 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 of 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. You may call (718) 741-8400 or visit: www.dhr.ny.gov.

Contact DHR at (888) 392-3644 or visit 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.

Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 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. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a “Charge of Discrimination.” The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov or via email at 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.

Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10th Floor, New York, New York; call 311 or (212) 306-7450; or visit www.nyc.gov/html/cchr/html/home/home.shtml.

Contact the Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

Complaint Form for Reporting Sexual Harassment



Combating Sexual Harassment

Faculty-Student Association of Broome Community College, Inc.

New York State Labor Law requires all employers to adopt a sexual harassment prevention policy that includes a complaint form to report alleged incidents of sexual harassment.

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to a Corporate Officer, Supervisor, Manager or Human Resources representative. You will not be retaliated against for filing a complaint.

If you are more comfortable reporting verbally or in another manner, your employer should complete this form, provide you with a copy and follow its sexual harassment prevention policy by investigating the claims as outlined at the end of this form.

For additional resources, visit: ny.gov/programs/combating-sexual-harassment-workplace

COMPLAINANT INFORMATION

Name: _____

Work Address: _____

Work Phone: _____

Job Title: _____ Email: _____

Select Preferred Communication Method: ☐ Email ☐ Phone ☐ In person

SUPERVISORY INFORMATION

Immediate Supervisor's Name: _____

Title: _____

Work Phone: _____ Work Address: _____

COMPLAINT INFORMATION

1. Your complaint of Sexual Harassment is made about:

Name: _____ Title: _____

Work Address: _____ Work Phone: _____

Relationship to you: ☐ Supervisor ☐ Subordinate ☐ Co-Worker ☐ Other

2. Please describe what happened and how it is affecting you and your work. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

3. Date(s) sexual harassment occurred: _____

Is the sexual harassment continuing? ☐ Yes ☐ No

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

The last question is optional, but may help the investigation.

5. Have you previously complained or provided information (verbal or written) about related incidents? If yes, when and to whom did you complain or provide information?

If you have retained legal counsel and would like us to work with them, please provide their contact information.

Signature: _____ Date: _____

Instructions for Employers

If you receive a complaint about alleged sexual harassment, follow your sexual harassment prevention policy.

An investigation involves:

- Speaking with the employee
- Speaking with the alleged harasser
- Interviewing witnesses
- Collecting and reviewing any related documents

While the process may vary from case to case, all allegations should be investigated promptly and resolved as quickly as possible. The investigation should be kept confidential to the extent possible.

Document the findings of the investigation and basis for your decision 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.

ADDENDUM: NYS Paid Family Leave Policy

Effective January 1, 2018, the Faculty-Student Association of Broome Community College, Inc. (F-SA) will provide paid leave (up to a certain percentage of your weekly wages) to eligible employees pursuant to New York's Paid Family Leave Benefits Law.

Eligibility

To be eligible, employees must: (i) 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 (ii) regularly work less than 20 hours per week and be employed for at least 175 days preceding the first full day leave is taken.

The decision for approved paid family leave is determined by the company's disability insurance carrier, not the employer.

Permissible Purposes for Leave

Eligible employees will be entitled to paid time away from work (i) to care for a family member with a serious health condition, (ii) to bond with a child after birth or placement for adoption or foster care within the first 12 months after the birth or placement, or (iii) because of any qualifying exigency arising from the fact that an employee's spouse, domestic partner, child or parent is on active duty (or has been notified of an impending call or order to active duty) in the armed forces of the United States.

Notice of Need for Paid Family Leave

An employee must provide at least 30 days advance notice before leave is to begin if the qualifying reason for leave is foreseeable. When not foreseeable, the employee must provide notice as soon as practicable under the facts and circumstances and within the time prescribed by our usual and customary notice requirements. Failure to provide timely notice may result in leave being delayed or denied.

Certification

Eligible employees who wish to take paid leave must comply with applicable certification requirements and may be required to provide additional documentation (such as copies of military orders), as permitted by law.

Use of Other Leave and Interplay

To the extent permitted by law, employees may elect to charge all or part of their paid family leave time to unused vacation days and receive full pay. In such case, the F-SA will seek reimbursement from the carrier out of any family leave benefits due prior to the carrier's payment of such family leave benefit to you.

[Paid family leave will run concurrently with leave taken pursuant to the Family and Medical Leave Act (with the exception of leave taken due to the employee's own health condition).]

Job and Benefits Protection

Leave taken under this policy is job protected. Thus, the F-SA must generally restore an employee who returns from leave to the same or a comparable position. While on leave, employees will continue to receive existing health insurance coverage, provided that they continue to pay their share of health insurance premiums. You may lose coverage retroactively to the date an unpaid premium was due (upon proper notice from our carrier) if you fail to pay your portion of the premium in a timely fashion.

Limitations and Rules Related to Use of Paid Family Leave

Paid family leave may only be taken in full day increments, unless otherwise provided by law. Disability leave and paid family leave may not be used at the same time. You will not be entitled to paid family leave if your family leave combined with disability benefits previously received exceeds 26 weeks during the same 52 consecutive calendar weeks.

Please be advised that if you are out on paid family leave, and the leave is subsequently denied by the insurance carrier, you will be required to use your paid time off benefits for the time you were off work.

Funding of Paid Family Leave Benefits

In accordance with state law, paid leave benefits are funded through payroll deductions at a prescribed amount from each eligible employee. Employees who are ineligible for paid family leave will be given the option of filing a waiver of benefits, exempting them from payroll deductions, as permitted by law.

Please see the Assistant Controller if you have any questions about this benefit or how to apply.

ADDENDUM: NEW YORK STATE PAID SICK LEAVE POLICY (NYSPSL)

For employees who work for the **Faculty-Student Association of Broome Community College (F-SA)** in the state of New York, the F-SA Sick Time policy provides regular, full-time, part-time, temporary and intermittent employees with paid leave that meets the requirements of the New York State Paid Sick Leave ("NYSPSL") law.

Full-time, part time, temporary and intermittent employees who work in New York shall accrue up to 40 hours of paid sick leave in each calendar year at a rate of 1 hour per every 30 hours worked, to be used for any of the qualifying reasons set forth below. Full-time, part time, temporary and intermittent employees will be entitled to carry over up to 40 hours of unused sick and safe leave for immediate use in the following calendar year, however, employees will not be permitted to use more than 40 hours total of paid sick and safe leave in a given calendar year. New employees will begin accruing sick and safe leave at the commencement of employment, and may start using accrued sick and safe leave immediately.

NYSPSL Qualifying Reasons for Leave

New York employees will be allowed to use all, or any portion, of their sick and safe time:

- (1) for the employee's mental or physical illness, injury or health condition, regardless of whether such illness, injury or health condition has been diagnosed or requires medical care at the time that the employee requests leave;
- (2) for the employee's diagnosis, care or treatment of a mental or physical illness, injury or health condition, or need for medical diagnosis, preventative care, or elective surgery, including organ donations;
- (3) to care for the employee's family member because of the family member's mental or physical illness, injury or health condition, regardless of whether such illness, injury or health condition has been diagnosed or requires medical care at the time that the employee requests leave;
- (4) to care for the employee's family member because of the family member's diagnosis, care or treatment of a mental or physical illness, injury or health condition, or need for medical diagnosis, preventive care or elective surgery, including organ donations;
- (5) when a public official orders the closure of the workplace or an employee's child's school or child care provider due to a public health emergency; and/or
- (6) for covered purposes where the employee or the employee's covered family member is a victim of domestic violence, sexual offenses, stalking or human trafficking ("safe time").

For purposes of this policy, family members include an employee's:

- Child (adopted, biological, or foster child, a legal ward, or a child of an employee standing in the place of a parent)
- Spouse or domestic partner and parent or child of an employee's spouse or domestic partner
- Parent (biological, foster, step or adoptive parent, or legal guardian of an employee, or a person who stood in place of a parent when the employee was a minor child)
- Sibling
- Grandchild or grandparent

Reasons for safe time may include: (1) to obtain services from a domestic violence shelter, rape crisis center, or other shelter or services program; (2) to participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee's family members from future harm; (3) to meet with an attorney or other social service provider to obtain information and advice on, and prepare for or participate in any criminal or civil proceeding, including but not limited to, matters related to a family offense matter, sexual offense, stalking, human trafficking, custody, visitation, matrimonial issues, orders of protection, immigration, housing, and/or discrimination in employment, housing or consumer credit; (4) to file a complaint or domestic incident report with law enforcement or meet with a district attorney's office; (5) to enroll a child in a new school; or (6) to take other actions necessary to maintain, improve, or restore the physical, psychological, or economic health or safety of the employee or the employee's family member or to protect those who associate or work with the employee.

Use of NYSPSL

Sick leave and safe time under this policy must be used in minimum daily increments of no less than four (4) hours. Employees must report the intended use of leave under this policy to their supervisor with at least seven days' advance notice if the need to use sick or safe time is foreseeable, or as soon as practicable if the need is unforeseeable.

To the extent permitted by law, the F-SA may require employees to provide medical documentation or, for safe time, other reasonable documentation, of the need for leave when an employee's absence exceeds three (3) consecutive work days. For purposes of safe time, reasonable documentation may include a written note from a victim services organization, attorney, member of a clergy, or medical provider, a police or court record, or a notarized letter from the employee documenting the need for such leave. Such documentation must be provided no later than seven (7) days after the employee returns from taking sick or safe leave.

Medical documentation need not include a diagnosis or specific details about the medical condition for which sick leave is being taken. Further, the F-SA will not require employees or a health care or service provider to disclose personal health information or the details of the matter for which an employee requests safe time under this policy. However, should the F-SA obtain personal health information about an employee or an employee's family member or the details of the matter for which an employee requests safe time solely because of the NYSPSL, the F-SA shall keep such information about an employee or an employee's family member confidential unless the employee consents to disclosure in writing or disclosure is required by law.

The F-SA may further require employees to certify that they have used sick and safe leave for covered purposes under this policy. Fraudulent use of sick and safe leave or failure to provide requested documentation may be the basis for disciplinary action, up to and including termination.

Paid sick days and safe time under the NYSPSL are meant to provide income protection in the case of illness or injury. Unused paid sick/safe days will not be paid out to employees who separate from the F-SA under any circumstances, including upon termination.

Employees are protected from retaliatory action for exercising or attempting to exercise their rights under this policy. Furthermore, if an employee gives notice of resignation or retirement, NYSPSL can be used during the notice period.

ADDENDUM: New York Employers Required to Provide Notice of Electronic Monitoring

Effective May 7, 2022, New York employers are required to provide notice to employees for certain types of electronic monitoring. The law provides that employers “shall advise” relevant employees that:

“...any and all telephone conversations or transmissions, electronic mail or transmissions, or internet access or usage by an employee by any electronic device or system, including but not limited to the use of a computer, telephone, wire, radio or electromagnetic, photoelectronic or photo-optical systems may be subject to monitoring at any and all times and by any lawful means”.

ADDENDUM to the F-SA Employee Handbook: Attendance Policies

500 ATTENDANCE

Attendance is an essential function of your position. Employees are expected to report to work on time each day to begin work at the assigned time. Each person is very important to the smooth operation of the organization. Absence and tardiness can create a hardship for other employees and our customers.

If you will be late or absent, you must personally notify your Director/Manager at least one (1) hour prior to scheduled shift so arrangements can be made for someone else to handle your duties.

We ask the employee to call in rather than a spouse, relative, friend or other person, unless there is an emergency or unforeseen circumstance.

Frequent call-ins, absences, and/or tardiness that are inconsistent with **F-SA** policies may result in disciplinary action, up to and including termination.

Any employee who does not report for work or call-in for two (2) consecutive days will be terminated for violation of **F-SA** attendance policies.

501 Tardiness

Because of the unfair burden and disruption placed on the organization, customers and other employees, tardiness is not acceptable and may be cause for disciplinary action, up to and including termination.

502 Absences

Employees are expected to schedule personal appointments either before or after the work day, whenever possible.

Employees must call their Director/Manager each day of absence and indicate the reason for absence, unless instructed otherwise or otherwise required by law.

If you know in advance that you will be absent, notify your Director/Manager who can approve reasonable absence requests.

This addendum supersedes the previous policies as printed within the text of the F-SA Employee Handbook.

FACULTY-STUDENT ASSOCIATION

OF BROOME COMMUNITY COLLEGE, INC.

EMPLOYEE HANDBOOK ACKNOWLEDGMENT

I hereby acknowledge that I have received a copy of the **F-SA** handbook outlining the benefits, policies, and procedures of the Company. I further acknowledge that I have read the contents of the handbook and will contact my supervisor if I have any questions.

I understand that **F-SA** reserves the right to interpret, change, modify, or rescind any portion of this handbook with or without notice.

I understand that the employee benefits, personnel policies, and rules in this handbook will remain in effect until changes become necessary.

Employment at **F-SA** is "employment-at-will." Accordingly, this handbook is not intended to be a contract of employment, a warranty of benefits, or a limitation on **F-SA's** ability to terminate employees.

I agree to abide by the policies and procedures in the **F-SA** employee handbook.

EMPLOYEE NAME (PLEASE PRINT)

EMPLOYEE SIGNATURE

DATE OF SIGNATURE

SIGNATURE OF MANAGER

DATE OF SIGNATURE