



**MERRIMACK COLLEGE**

# **Employee Handbook**

**Effective January 1, 2019**

**(Updated March 4, 2020)**

**For all employees**

**Table of Contents**  
Click header to go directly to section

Section 1 – Introduction.....	1
1.1 - President’s Welcome .....	1
1.2 - Who is Covered by the Employee Handbook.....	1
1.3 - Merrimack College Mission Statement .....	1
1.4 - Commitment to Diversity .....	2
1.5 - Philosophical Statement on Service Orientation .....	2
1.6 - Employment is “At Will” .....	3
1.7 - The Employee Handbook is Not a Contract.....	3
1.8 - Purpose of the Merrimack College Employee Handbook .....	4
1.9 - How to Utilize Human Resources .....	4
Section 2 – Your Workplace, Employment Policies, and Guidelines.....	6
2.1 - Non-Discrimination/Sexual Harassment Policy .....	6
2.1.1 - Introduction .....	6
2.1.2 – Accountability.....	7
2.1.3 - Sexual Misconduct Proceedings (Students).....	7
2.1.4 - Sexual Misconduct Proceedings (Employees).....	8
2.1.5 - How to File an Internal Complaint .....	8
2.1.6 – Response to Complaint .....	9
2.1.7 - Disciplinary Action.....	9
2.1.8 - State and Federal Remedies.....	9
2.2 - Immigration and Authorization to Work .....	9
2.3 - Equal Employment Opportunity Notice .....	10
2.4 - Americans with Disabilities Act Policy.....	11
2.5 - Conflict of Interest Policy.....	11
2.6 - Employment of Relatives/Intimate Relationships .....	11
2.7 - Whistleblower Policy .....	12

2.8 - Media Contacts .....	13
2.9 - Solicitations, Distributions and Posting of Materials .....	13
2.10 - FERPA.....	14
2.11 - Information Technology Policy Statement.....	15
2.11.1 – Merrimack College Security Program .....	15
2.11.2 - Written Information Security Program (WISP).....	15
2.12 - Copyright.....	16
2.13 - Electronic Communications and Social Media.....	17
Section 3 – Employment Status and Classifications.....	19
3.1 - Merrimack College Worker Categories and Definitions .....	19
3.2 - Fair Labor Standards Act (FLSA) Employment Classifications .....	20
3.2.1 - Exempt (Salaried) Employees .....	20
3.2.2 - Non-Exempt (Hourly) Employees.....	21
3.3 - Merrimack College Employment Status and Classifications .....	21
3.4 Merrimack College Employment Classification Matrix .....	22
Section 4 – About Your Employment.....	22
4.1 - Overtime .....	22
4.2 - Meal and Rest Break Policy .....	23
4.3 - Background Checking .....	23
4.4 - Problem Resolution Process .....	25
4.5 - Corrective Action .....	26
4.6 - Separating from the College.....	29
4.6.1 - Voluntary Resignation.....	29
4.6.2 - Involuntary Separation.....	30
4.6.3 - Retirement .....	30
4.7 - Job Abandonment.....	30
4.8 - Return of Property .....	30
4.9 - Reduction in Force.....	30
4.10 - Verification of Employment and References.....	31

4.11 - Re-Employment.....	31
4.12 - Personnel Records .....	31
4.13 - Chaperoning Student Travel Experiences.....	32
4.14 - Pets on Campus .....	33
Section 5 – Expectations of Employment .....	33
5.1 - Scheduled Hours.....	33
5.2 – Essential Personnel .....	33
5.3 - Inclement Weather.....	34
5.4 - College Expectations Regarding Attendance .....	35
5.5 - Excused Absences .....	36
5.6 - Unexcused Absences .....	36
5.7 - Professional Dress Guidelines .....	37
5.8 - Supervisory Responsibilities .....	37
5.9 - Employee Responsibilities and Code of Conduct.....	38
5.10 - Employment Outside of Merrimack College.....	39
5.11 - Medical Examinations .....	39
Section 6 – Job Postings .....	40
6.1 - Internal Applicants .....	40
6.2 - All Applicants – Job Offers .....	40
Section 7 – Payroll, Positions and Compensation.....	41
7.1 - Pay Periods .....	41
7.2 - Direct Deposit/Going Paperless.....	41
7.3 - Temporary Work Assignment Out of Title .....	41
7.4 - Position Descriptions and Job Evaluations.....	41
7.5 - Length of Service.....	43
7.6 – Compensation for Damages or Property Not Returned .....	43
Section 8 – Time Away and Leaves.....	43
8.1 - Time Away .....	43
8.1.1 - Merrimack Sick Time Benefit Accrual.....	44

8.1.2 – Massachusetts Earned Sick Time Policy Accrual.....	44
8.1.3 - Use of Sick Time .....	44
8.1.4 - Absence Notification Procedures.....	45
8.1.5 - Documentation of Use of Sick Time .....	46
8.1.6 - Interaction with Other Types of Leave.....	46
8.1.7 - Personal Days .....	46
8.1.8 - Vacation.....	47
8.2 - Leaves of Absence.....	48
8.2.1 - General Provisions.....	48
8.2.2 - Required Notice and Returning from Leave.....	49
8.2.3 - Inability to Return from Leave .....	49
8.2.4 - Provisions Applicable to All Employees for Unpaid Leave.....	49
8.2.5 - Employee Benefit Participation and Accrual During a Leave.....	50
8.2.6 - Reinstatement and/or Job Restoration Following a Leave .....	50
8.2.7 - Leave Extensions.....	50
8.2.8 - Short-Term Disability for Staff and Administrative Employees .....	50
8.2.9 - Long-Term Disability .....	51
8.2.10 - Family Medical Leave Act (FMLA).....	51
8.2.11 – Massachusetts Parental Leave Act (MPLA) .....	51
8.2.12 - Merrimack College Parental Leave Policy .....	52
8.2.13 – Merrimack College Family Leave Policy .....	52
8.2.14 – Health Benefits Protection .....	52
8.2.15 - FMLA or MPLA Restoration of Position.....	53
8.2.16 - Service Member Family and Medical Leave.....	53
8.2.17 - Small Necessities Leave .....	54
8.2.18 - Leave for Exposure to Communicable Diseases .....	55
8.2.19 - Domestic Violence Leave.....	58
8.2.20 - Administrative Leave.....	59
8.2.21 - Bereavement Leave .....	59

8.2.22 - Military Leave .....	60
8.2.23 - Court Leave .....	60
8.2.24 - Voting Leave .....	61
Section 9 – Workplace Safety.....	61
9.1 - General Safety .....	61
9.2 - Lockout/Tagout .....	61
9.3 - Drug and Alcohol Policy .....	62
9.4 - Fire Arms and Weapons Policy .....	63
9.5 - Policy Against Workplace Violence.....	63
9.6 - Workers’ Compensation .....	64
9.7 - Blood Borne Pathogens .....	65
APPENDIX – Merrimack College Benefits Book.....	65

### ***1.1 - President's Welcome***

Merrimack College's unprecedented upward trajectory has been driven by the hard work and dedication of every member of our community. Our Agenda for Distinction created the framework on which to build this success. Among other principles, the Agenda calls on us to "support and value our staff." Merrimack has made significant investments in employee compensation and benefits, and always evaluates the best way to attract, maintain, support and value all who work here and who have made our successes possible.

This Employee Handbook not only explains the benefits of becoming part of our Merrimack community but also lays out the responsibilities and expectations that come with employment at the college. I hope you will find it of assistance as you work every day to make our students and our institution successful.

Thank you,



Christopher E. Hopey, Ph.D.  
President

### ***1.2 - Who is Covered by the Employee Handbook***

This policy handbook covers administrative (exempt or salaried) and staff (non-exempt or hourly) employees as well as faculty. Where policy statements differ between full-time and part-time administrative staff, and faculty, they will be specifically identified. Where Faculty Handbook policies supersede policies in this handbook, it will be specifically noted.

### ***1.3 - Merrimack College Mission Statement***

Our mission is to enlighten minds, engage hearts, and empower lives. Inspired by the Catholic faith and the Augustinian tradition of seeking truth through inquiry and dialogue, our vision is to:

- Prepare students to adapt creatively to tomorrow's realities through excellence in the liberal arts, sciences, and the professions;
- Build a community of scholars welcoming and respecting a diversity of backgrounds, experiences, beliefs, and perspectives;
- Cultivate the intellectual, moral, spiritual, physical, and personal awareness needed to make wise choices for life, career, and service;
- Encourage and support scholarly work that contributes to the wisdom on which society bases its decisions; and
- Engage other educational institutions, industry, and agencies of social change in collaborative

efforts fostering a just, peaceful, and sustainable world.

#### ***1.4 - Commitment to Diversity***

As a Catholic college, Merrimack celebrates cultural pluralism in the church and in the world; as an Augustinian community committed to justice and peace, we affirm and accept all that is enriching and inspiring in the great variety and diversity of human culture, language and religion.

The commitment of Merrimack College to honor and advance diversity embodies a vigilant, constructive and creative pledge to ensure that all racial, ethnic, faith, cultural and social groups dedicated to discourse and mutual respect are full partners in our common educational quest. The unique experiences and particular perspectives of such partners in the search for knowledge and wisdom contribute to a rich interdisciplinary and multicultural curriculum.

Our focus on diversity is guided by the following principles:

- Knowledge is best sought and acquired through experiences of cooperative, respectful and lively exchange among many cultures and social groups;
- Any one intellectual tradition, cultural heritage, social group or philosophical stance can be enriched by creative engagement with other perspectives; and
- As an educational community committed to dynamic, active teaching and learning, our curricular and co-curricular structures and programs must ensure that diverse voices are heard and oppressed groups empowered as partners in our common journey through knowledge to wisdom.

Efforts to achieve greater diversity at Merrimack College include an institutional commitment involving:

- A college-wide conversation to advance our understanding of the various meanings and roles of multiculturalism;
- An invitation to departments, divisions and other college constituencies to examine how their programs contribute to diversity at the college;
- A program to recruit students, faculty, administrators and staff in ways that encourage and advance diversity;
- Programs of professional and student development that advance our awareness and enrich our understanding of diversity; and
- Community events that highlight and celebrate cultural diversity and intercultural cooperation.
- Advocacy of diversity as an educational priority in the current college conversation on pedagogy.

#### ***1.5 - Philosophical Statement on Service Orientation***

We could not offer the best education and experiential learning environment if not for each and every one of our employees. The success of Merrimack College depends on our ability to work collaboratively as we provide the finest learning and living experience for our students. Students, colleagues, and visitors are treated courteously and with the utmost respect at all times. Students' and colleagues' questions and concerns are addressed promptly and professionally.



## ***1.6 - Employment is “At Will”***

This Employee Handbook does not confer any contractual right, either expressed or implied, to remain in the college’s employ. Nor does it guarantee any fixed terms and conditions of employment. At Merrimack, your employment (with the exception of persons with employment contracts) is at will. This means that you are free to end your employment with the college at any time and for any reason, and the college retains the same rights. In addition, Merrimack College may alter an employee’s position, duties, title or compensation at any time, with or without notice and with or without cause with the exception of tenured faculty and other persons with employment contracts. The President of Merrimack College is the only person who may make an exception to at-will employment, and the exception must be in writing and signed by an authorized representative of the college. Certain policies apply to employees who are represented at the college by labor unions. In the event of a discrepancy between the handbook as it applies to these employees and the applicable labor agreement, the latter shall govern. In this case, those employees represented by labor unions should refer to their collective bargaining agreement for further information.

Questions about this should be addressed to individual supervisors or the Office of Human Resources.

## ***1.7 - The Employee Handbook is Not a Contract***

While this Handbook is not a contract, it is intended to apply to all employees of Merrimack College, including faculty members. Of course, many aspects of the employment relationship between faculty members and the college are addressed in the Merrimack College Faculty Handbook. In most respects, the Employee Handbook and the Faculty Handbook cover different subjects. In those areas addressed by both this Employee Handbook and the Faculty Handbook, such as types of appointments and restrictions on terminations of employment, the Faculty Handbook will apply to faculty members and the Employee Handbook will not. This handbook is also not meant to be a comprehensive description of all employee policies and procedures, but a summary of employment related policies. Further description can be found in various college policies and procedures. It is not intended to be all-inclusive.

Business conditions, the changing needs of our community, and employment law obligations may require Merrimack College to make changes to these policies, procedures and benefits at any time, with or without notice. Merrimack College reserves the right in its sole discretion to modify, add, or withdraw any employment policy, procedure or practice at any time, with or without notice, subject to applicable federal, state, or local law. While the college will endeavor to consult with and inform the community in advance about policy changes, circumstances may require change without notice. This handbook is intended to provide information that is important to all employees while supporting the decision-making ability of those with whom Merrimack College has entrusted management responsibility.

Some of the subjects described here are covered in detail in official policy documents. Employees should refer to the policy documents for specific information. Please note that the terms of the written insurance and benefits policies supersede any information in the Employee Handbook. Any questions concerning eligibility for a particular benefit, policy or practice should be referred to the Office of Human Resources.

Merrimack College firmly believes in the policies, procedures and benefits outlined in the following guidelines. It is Merrimack College's intention to communicate with employees in an honest, direct manner.

None of the statements contained in the handbook are to be interpreted as a guarantee or contract of employment.

### ***1.8 - Purpose of the Merrimack College Employee Handbook***

The purpose of the Merrimack College Employee Handbook is to welcome and orient all new employees, to guide current employees, and to capture important guidelines, policies and benefits in one place for easy access for planning and to answer your questions. All employees are advised at the time of hire as to their employment status and should seek advice from their supervisor or the Office of Human Resources regarding policies and benefits appropriate to their employment status. Nothing in this handbook alters that employment status or creates any binding contract between the employee and Merrimack College.

Each employee plays a significant role in the realization of Merrimack College's strategic plan, the "Agenda for Distinction." The effectiveness of the college as a whole depends upon the cooperative and dedicated efforts of our employees working as a community. Members of the college community should become informed about the institution and be an active member of all the college has to offer.

Our Augustinian legacy has helped distinguish Merrimack as a Catholic college of the liberal arts and the professions. The dedication of the Augustinian founders to academic excellence and their commitment to fostering a true community of learners has guided the college throughout its over seven decades. That legacy continues to inspire Merrimack today. Free, passionate and critical inquiry among a community of friends remains the Augustinian heart of Merrimack. Students are challenged to search for truth, to balance contemplation and activity, to consider service to society and Church, and to grow through knowledge to wisdom.

All members of the Merrimack community — full-time and part-time faculty, full-time and part-time staff, and students — share in this distinctive legacy. We work together to advance the educational mission of the college, and to ensure the values that shape our community. This handbook supports the college's mission and heritage by providing clear guidelines and policies that embed Augustinian values in the day-to-day business management and personnel decisions.

This handbook supersedes all prior handbooks, handbooks, policies and procedures and verbal policies issued by the college. Please also note that this handbook is NOT meant to capture all of Merrimack College's policies and procedures, but is meant to provide a guide to employees as to those policies and procedures.

### ***1.9 - How to Utilize Human Resources***

The Office of Human Resources, in alignment with our Augustinian values, strives to work

collaboratively with leadership to attract, retain and engage a high performing workforce. Through meaningful programs and operational excellence, we support and empower employees to excel in their roles, and achieve the mission and vision of the agenda for distinction.

Human Resources provides consultative services to the college in the areas of benefits, leave management, compensation, staffing and recruiting, corrective action and performance management, data requests, immigration, policy and procedures guidance, staff development, onboarding, worker's compensation and many other services.

We employ specialists to work with you in the areas of benefits, staffing and recruiting, immigration and data. We also employ HR Business Partners who are available to employees and managers when there are other needs and requests that are not specific to benefits and staffing. Please contact the main HR number to be connected to your appropriate resource.

Please see the below chart for specific roles in the Office of Human Resources:

<b>Office of Human Resources</b> Location: 1st Floor of Austin Hall - Office 10 978-837-5157 (Ext. 5157) Humanresources@merrimack.edu Hours: Monday - Friday, 8:30AM - 4:30PM					
For all Human Resources support, please contact the Office of Human Resources by calling our main Human Resources Service Center at x5157 or email HumanResources@Merrimack.edu. A knowledgeable member of the team is available to assist you with your question or direct you to the appropriate team member.					
Categories	Sub Categories	Name	Email	Ext.	Austin Hall Office #
Human Resources Service Center	General HR Inquiries, New Hire Paperwork, Employee Action Forms, Unemployment, Data Entry, "Who to go to for"	Michelle Zizzo	<a href="mailto:Zizzom@merrimack.edu">Zizzom@merrimack.edu</a>	5157	10
Compensation/HRIS/Reporting	Salary planning, HR System support & configuration, Reporting & Analytics, Performance Management, HR Operations & Process, Job Evaluation, Position Control, Job descriptions, Unemployment, Immigration, Policy Guidance	Rebecca Chimwanda	<a href="mailto:Chimwandar@merrimack.edu">Chimwandar@merrimack.edu</a>	5069	11
Benefits	Open Enrollment, Medical, Dental, 403B, FSA, Tuition Assistance, Disability, Leave of Absence, Employee Assistance Program	Patricia Sonia	<a href="mailto:Soniap@merrimack.edu">Soniap@merrimack.edu</a>	5472	13
Recruiting	Hiring Consultation, Sourcing, Posting requisitions, Interview support, Temporary Hiring	Laura Higgins	<a href="mailto:Higginsl@merrimack.edu">Higginsl@merrimack.edu</a>	5194	9
<b>VP, Human Resources: Nancy Murphy, murphyna@merrimack.edu, 978-837-5231, Ext 5231, Office 113</b>					

## ***2.1 - Non-Discrimination/Sexual Harassment Policy***

### **2.1.1 - Introduction**

It is the goal of Merrimack College to promote a workplace that is free of discriminatory harassment of any type, including sexual harassment. Discriminatory harassment consists of unwelcome conduct, whether verbal or physical, that is based on a characteristic protected by law. Harassment occurring in the workplace or in other employment settings is unlawful and will not be tolerated by Merrimack College. Any retaliation against an individual who has complained about harassment or retaliation against individuals for cooperating with an investigation of a harassment complaint is similarly unlawful and will not be tolerated. This policy outlines the process and procedures for handling inappropriate conduct and/or complaints of harassment.

Because Merrimack College takes allegations of harassment seriously, we will respond promptly to complaints of harassment. When it is determined that inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such disciplinary action as necessary, up to and including termination of employment, and regardless of employment status or title.

Please note that while this policy outlines our goal of promoting a workplace that is free of harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct, which we deem unacceptable, regardless of whether that conduct satisfies the definition of harassment.

Under these definitions, direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment constitutes sexual harassment.

The definition of sexual harassment is broad. In addition to the above examples, other unwelcome sexually oriented conduct, whether intended or not, that has the effect of creating a work environment that is hostile, offensive, intimidating and/or humiliating to either male or female workers may also constitute sexual harassment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct, which, if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances – whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life, comment on an individual's body, comment about an individual's sexual activity, deficiencies or prowess;
- Displaying sexually suggestive objects, pictures, or cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;

- Inquiries into one's sexual experiences;
- Discussion of one's sexual activities;
- An employment decision (including promotion, demotion, compensation, scheduling) made by a supervisor based on the employee's submission to or rejection of sexual conduct; or an academic decision by a faculty member based on a student's submission to or rejection of sexual conduct;
- A discretionary decision of a student in a position of power (resident advisor, elected official) based on sex or submission to a sexual act;
- Submission to sexual conduct as an implicit or explicit condition of employment or academic status;
- Conduct that denigrates or shows hostility or aversion to a person because of his/her gender and creates an intimidating, hostile or offensive environment; and/or
- Any other sexual conduct that unreasonably interferes with another person's work or academic performance or creates an intimidating, hostile or offensive environment or adversely affects another person's employment or educational opportunities.

All employees should take special note that, as stated above, retaliation against an individual who has complained about sexual harassment, and retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is unlawful and will not be tolerated.

### 2.1.2 – Accountability

Merrimack College strives to create a culture grounded in mutual trust and respect. Sexual harassment and harassment based upon any protected characteristic (race, gender, gender identity, veteran status, etc.) are unlawful and will not be tolerated by the college. Any retaliation against an individual who has complained about harassment or retaliation against individuals for cooperating in an investigation of a harassment complaint is similarly unlawful and will not be tolerated. ***This policy applies to every member of the Merrimack College community, including faculty, staff, administrators, students, student employees, contractors, vendors, visitors, guests and other third parties.*** Any individual who violates this policy will be disciplined up to and including dismissal or removal from the college.

Merrimack has an obligation to address incidents of sexual harassment that it knows or should know about, even when a complaint or report is not filed, and to respond to all complaints, reports and other incidents of sexual harassment it knows or should know about.

Merrimack follows through on its commitment to non-discrimination, in part, through the implementation of its [Sexual Misconduct, Relationship/Dating Violence and Stalking Policy](#) that defines prohibited conduct and the process by which the college will address such conduct in different circumstances.

### 2.1.3 - Sexual Misconduct Proceedings (Students)

Allegations of sexual misconduct, dating violence and/or stalking involving students are addressed within the Merrimack College student conduct system. Due to the sensitivity of these types of allegations, there are unique procedures that are used to facilitate the process. Violations will be jointly investigated by the Director of Community Standards, or his/her designee, and the Merrimack College Police Department, and they will be coordinated by the Title IX Coordinator, or his/her designee. Upon the completion of the

investigation, the Director of Community Standards, or his/her designee, and/or Merrimack College Police Department may summarize their findings and recommendations for resolution and maintain detailed records of each informal and formal complaint, including individuals involved, investigative steps taken, documentation received, individuals interviewed, decisions reached and reason(s) for decision(s) reached. The investigators will present their findings and recommendations to the parties involved for their review. The parties involved will then have an opportunity to review the investigators' findings in an administrative conference. The parties have the opportunity to agree to the recommendations of the investigators. If the parties do not agree with the recommendations of the investigators, the findings will be forwarded to a panel of the Student Conduct Board for an administrative hearing. Hearing boards convened to discuss allegations of sexual misconduct will adhere to the guidelines found in [the Student Handbook](#).

Merrimack College also provides [resources to its community](#) as part of the college's ongoing efforts to ensure an environment free of discrimination on the basis of sex.

### 2.1.4 - Sexual Misconduct Proceedings (Employees)

Upon receiving a complaint, under the coordination of the college's Title IX Coordinator, an investigation will be promptly conducted by the director of human resources or other administrator or external delegate of the college. If it is determined that sexual harassment or other misconduct has occurred, Merrimack College will take immediate and appropriate corrective action including, but not limited to, disciplinary action against the offender ranging from a warning to termination. The director of human resources shall ensure that any action determined is carried out.

All members of the Merrimack College community should be aware of and familiar with the College's [Sexual Misconduct, Relationship/Dating Violence and Stalking Policy](#) as it applies to students.

### 2.1.5 - How to File an Internal Complaint

Any member of the college community, whether an employee, faculty, staff, contractor, administrator or student, who feels subjected to discrimination or harassment should immediately report it in writing, by telephone, in person, or by other means of communication to any supervisory employee at the director level or to any official of the college with whom they feel comfortable. You may also direct any complaints **involving Merrimack College employees** to the director of human resources.

**For complaints involving students**, you may direct your concerns to the following individuals:

How to File an Internal Complaint				
Name	Title/Department	Email	Phone Number	Building & Room Number
Caitlyn Bosworth	Director of Compliance & Title IX Coordinator	bosworthc@merrimack.edu	978-837-5426	President's Office, Room 134
Allison Gill	VP of Student Affairs, Dean of Students Campus Life	gilla@merrimack.edu	978-837-5175	Sakowich Campus Center, Room 325

**If you have any additional questions regarding this process, please contact the Dean of Students Office at 978-837-5175 for further assistance.**

### **2.1.6 – Response to Complaint**

If a complaint is received, the college will assess to determine next steps and whether the allegation is a potential violation of college policy. The college will use best efforts to address employee concerns in such a way as to maintain privacy to the extent practicable under the circumstances. If an investigation is necessary, it may include interviews with the person filing the complaint, witnesses, and the person alleged to have committed harassment. When we have completed our investigation, we will, to the extent appropriate, inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

### **2.1.7 - Disciplinary Action**

If it is determined that inappropriate conduct has occurred, we will act promptly to eliminate the conduct and will take such action as is appropriate under the circumstances. Such action may range from counseling to disciplinary action, up to and including termination of employment; or, in the case of a student, expulsion.

### **2.1.8 - State and Federal Remedies**

In addition to our complaint process, if you believe you have been subjected to discriminatory harassment of any type, including sexual harassment, you may file a formal complaint with one or both of the government agencies listed below.

Using our complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies requires that claims be filed within 300 days from the date of the alleged incident.

#### The United States Equal Employment Opportunity Commission (“EEOC”)

12 New Sudbury Street, Room 475, Boston, MA 02203, (617) 565-3200

#### The Massachusetts Commission Against Discrimination (“MCAD”)

- Boston Office: One Ashburton Place, Suite 601, Boston, MA 02108, (617) 994-6000;
- Springfield Office: 436 Dwight Street, Rm. 220, Springfield, MA 01103, (413) 739-2145;
- Worcester Office: Worcester City Hall, 438 Main Street, Rm. 320, Worcester, MA 01608, (508) 453-9630; or
- New Bedford Office: 128 Union Street, Suite 206, New Bedford, MA 02740, (774) 510-5801.

### ***2.2 - Immigration and Authorization to Work***

Merrimack College does not discriminate against any individual authorized to work in the United States

because of that individual's national origin or citizenship status. In compliance with the Immigration Reform and Control Act, each new employee, under penalty of perjury, must complete and sign the Employee Eligibility Verification Form I-9 and provide original documentation establishing their identity and legal right to work in the United States. Employment cannot commence until the Form I-9 is completed. Anyone who has a change in immigration status must also notify the Office of Human Resources immediately.

It is the policy of Merrimack College to employ only individuals who are legally eligible to work in the United States. All new Merrimack College employees are required to fill out and sign an employment eligibility verification form (I-9) no later than the completion of the employee's first day of employment. The employee must also furnish the employer with proof of identity and eligibility to work in the U.S. within three business days of the first day of employment.

In the case where an employee does not have an original document, the employee may present a document receipt, provided that the employee must provide the actual document within ninety (90) days or up to a year, depending on the document.

If the employee is unable to present the appropriate documents within three business days of the date of hire, the employee is not able to work.

Any change to your legal right to work in the United States, such as immigration status, must be reported immediately.

### ***2.3 - Equal Employment Opportunity Notice***

Merrimack College is firmly committed to the principle and practice of Equal Employment Opportunity in its community. Every employee and student is entitled to work and/or study in an environment free of discrimination, where employment and study is based upon personal capabilities and qualifications. The college prohibits discrimination of any kind. Discrimination constitutes a serious infraction of college policy, as well as a violation of state and federal law. Any member of the Merrimack College community who discriminates against, excludes, degrades, or otherwise devalues another on the basis of race, color, national origin, religion, ancestry, sex, age, mental or physical disability, alienage or citizenship status, marital status, creed, genetic predisposition or carrier status, sexual orientation, gender, gender identity (or gender expression), or any other lawfully protected characteristic will be disciplined accordingly, up to and including dismissal.

It is the policy of Merrimack College to administer all decisions without regard to race, color, national origin, ancestry, religion, sex, age, mental or physical disability, alienage or citizenship status, marital status, creed, genetic predisposition or carrier status, sexual orientation, gender, gender identity (or gender expression), or any other lawfully protected category.

The Office of Human Resources has overall responsibility for this policy and maintains reporting and monitoring procedures involving employees of the college.

For students, the Office of the Dean of Students has responsibility and maintains reporting and monitoring procedures. Any questions or concerns should be referred to those offices.



## ***2.4 - Americans with Disabilities Act Policy***

Merrimack College will not discriminate against qualified individuals with a disability in any phase of the employment relationship, including application for employment, hiring, promotions and/or advancement opportunities, termination, compensation, training and any other terms, conditions or privileges of employment, pursuant to the Americans with Disabilities Act, as amended, as well as section 503 of the Rehabilitation Act of 1973.

The Americans with Disabilities Act also recognizes that an employee may be subject to legal protection under the law if the employee is associated with someone who is disabled. While the employee is not eligible for any reasonable accommodation under the law, the employee will not be treated differently than any other employee regarding time off or any other college benefit.

Merrimack College affirms its commitment to provide, whenever appropriate, reasonable accommodations to support individuals with disabilities in all employment activities. Employees with a disability who believe they need a reasonable accommodation to perform the essential functions of the job should contact the Office of Human Resources for guidance.

## ***2.5 - Conflict of Interest Policy***

It is the policy of Merrimack College that all of its employees will refrain directly or indirectly from incurring obligations or accepting gifts or favors of monetary value, or engaging in private business or professional activities where there is an actual or potential conflict of interest, or where there would appear to be such a conflict between the individual's private interests and the interests of the college. (Employees may accept nominal gifts, i.e. something valued at \$100 or less.)

Employees are not to accept gifts or other favors from persons or organizations with which the college does business unless they are of nominal value and do not affect in any way the relationship between the college and the third party.

Staff and Administrative employees who believe that they may have any potential conflict of interest should contact the Office of Human Resources.

More details can be found at Merrimack College's Conflict of Interest Policy.

Faculty members are required to complete a disclosure of outside activities form on an annual basis. Those faculty members engaged in research are required to comply with the "[Financial Conflict of Interest Policy](#)" as managed by the Director of Sponsored Programs. For more information on this policy, please refer to the Office of Sponsored Programs.

## ***2.6 - Employment of Relatives/Intimate Relationships***

Merrimack College is committed to hiring diverse, qualified candidates and to providing opportunity for transfer and advancement for employees in good standing. It is the policy of the college to ensure that the work environment is free from familial, personal, intimate, romantic dating or other similar relationships.

The college does not allow an individual to be hired or transferred into a position where a relative or member of the same household could exercise responsibility for decisions that directly affect the employee's initial appointment, promotion, reappointment, rate of pay, leave of absence or other actions related to that individual's status. This also covers any work relationship in which one employee supervises or manages, directly or indirectly, another employee and/or makes decisions concerning other employee's terms, conditions, or privileges of employment who is a relative, or involved in an intimate, romantic dating or other similar relationship. The college believes that such relationships have a potential for adversely affecting employee morale, productivity and the operation of our mission because of real or perceived favoritism, bias or unfair treatment.

If at any time a relationship develops, it is the employee's responsibility to seek advice from his or her supervisor, or other member of the administration (such as the Office of Human Resources) to determine whether the relationship violates this policy. The supervisor is also responsible to take whatever steps are necessary to eliminate this potentially compromising situation, including voluntary transfer or resignation by either party or other action sufficient to eliminate the condition or dispel any perception of favored treatment.

If there is an approved relationship, both employees will be required to sign a Disclosure and Agreement which states both employees cannot initiate or participate (directly or indirectly) in decisions and/or processes that provide (or have the appearance of providing) a direct benefit (e.g., hiring, promotion, salary, merit increases, work assignments, performance appraisals, etc.) to the other. Both employees will be required to promptly and properly disclose any conflict of interest to the Office of Human Resources pursuant to college policy. The employee's failure to work with the college to resolve the situation may be deemed insubordination and may result in disciplinary action, up to and including termination. A refusal to accept a transfer to a reasonable alternative position, if available, may be deemed a voluntary resignation.

## **2.7 - Whistleblower Policy**

Merrimack College's whistleblower policy defines a whistleblower as:

*“an employee of Merrimack College who reports an activity that s/he considers to be illegal or dishonest to one or more of the parties specified in this policy. The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures; appropriate management officials are charged with these responsibilities. Examples of illegal or dishonest activities are: violations of federal, state or local laws; billing for services not performed or for goods not delivered; and other fraudulent financial reporting.”*

If an employee has knowledge of or a concern of illegal or dishonest fraudulent activity, the employee is to contact his/her immediate supervisor or the Office of Human Resources. In addition, the administration has contracted an independent third party, Lighthouse Services Inc., to provide a confidential whistleblower hotline. Reports can be communicated in the following ways:

**Through the Toll Free Hotline: 800-250-3731**

**E-mail: [reports@lighthouse-services.com](mailto:reports@lighthouse-services.com)**

**Fax alternative for written documents: 215-689-3885**

**Web: lighthouse-services.com (click on Report Incident link). Username: MACKFRAUD and Password: WARRIORS**

In the implementation of this policy, every effort will be made to protect the complainant's identity. Please note that the information provided by you may be the basis of an internal and/or external investigation into the issue you are reporting and your anonymity will be protected to the extent possible. However, your identity may become known during the course of the investigation.

This policy allows employees to remain anonymous at their option. Concerns expressed anonymously will be investigated, but consideration will be given to:

- The seriousness of the issue raised;
- The credibility of the concern; and
- The likelihood of confirming the allegation from attributable sources.

Allegations found to be either malicious and/or baseless may result in disciplinary action.

The Merrimack College Board of Trustees and senior management are committed to providing a safe, ethical work environment. This measure will be taken very seriously. Employees with any questions regarding this policy should contact the Director of Human Resources.

## ***2.8 - Media Contacts***

Employees should not speak to the media on Merrimack College's behalf without contacting the Senior Counselor of Communications & Spokesperson, Jim Chiavelli, at 978-837-5509. The Communications Office is located in Austin Hall, Room 317. All media inquiries should be directed to that department.

## ***2.9 - Solicitations, Distributions and Posting of Materials***

Merrimack College prohibits the solicitation, distribution and posting of materials on or at college property by any employee or non-employee, except as may be permitted by this policy. The sole exceptions to this policy are charitable and community activities supported by the college and college-sponsored programs related to the college.

Provisions:

- Non-employees may not solicit employees or distribute literature of any kind on college premises at any time;
- Employees may only admit non-employees to work areas with management approval or as part of a college-sponsored program. These visits should not disrupt workflow. An employee must accompany the non-employee at all times;
- Employees may not solicit other employees during work times, except in connection with a college-approved or sponsored event;
- Employees may not distribute literature of any kind during work times or in any work area at any time, except in connection with a college-sponsored event or NLRB protected literature;
- The posting of materials or electronic announcements are permitted with approval from the administration or the Office of Student Affairs for a specific period of time.

Please contact the Communications Office or the Office of Student Affairs for more information; and

- Those who request approval are required to remove material following the time period for posting.

## **2.10 - FERPA**

The Family Educational Rights and Privacy Act (“FERPA”) affords students certain rights with respect to their education records.

These rights include:

- The right to inspect and review the student’s education records within 45 days of the day the college receives a request for access. Students should submit to the registrar a written request that identifies the record(s) they wish to inspect. The registrar will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the registrar, the student will be advised of the correct official to whom the request should be addressed.
- The right to request the amendment of the student’s education records that the student believes is inaccurate or misleading. Students may ask the college to amend a record that they believe is inaccurate or misleading. They should write the college official responsible for the record, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. If the college decides not to amend the record as requested by the student, the college will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.
- The right to consent to disclosures of personally identifiable information contained in the student’s education records, except to the extent that FERPA authorizes disclosure without consent. One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is defined as a person employed by the college in an administrative, supervisory, academic or support staff position (including law enforcement unit and health staff); a person or company with whom the college has contracted (such as an attorney, auditor or collection agent); a person serving on the Board of Trustees; or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.
- The right to file a complaint with the U.S. Department of Education concerning alleged failures by the college to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, S.W.  
Washington, DC 20202-4605

In general, the college will not release information from students' records to agencies outside the college without the prior written consent or request of the student. However, the college may release the following directory information, without the prior consent of the student:

- Name, address, telephone number, email address, film, video, and electronic images;
- Date and place of birth;
- Major field of study;
- Dates of attendance, and degrees and awards received;
- Participation in officially recognized activities and sports, weight and height of members of athletic teams; and
- The most recent previous educational agency or institution attended by the students, and other similar information.

Those students who do not desire the release of directory information should notify the Registrar in writing. This request will be honored until otherwise notified.

### ***2.11 - Information Technology Policy Statement***

Merrimack College information technology resources are provided to enable faculty, staff and students to advance the mission of the college in their academic and administrative activities in an Augustinian, values-sensitive environment. Information technology resources are to be accessed and utilized in an ethical manner that does not compromise the integrity of the system. All users of Merrimack information technology are to adhere to high moral, legal and professional standards, and to act in the best interests of Merrimack College.

In addition, all users of Merrimack information technology resources are responsible for protecting the proprietary rights of the college and maintaining the accuracy, integrity and confidentiality of the information to which they have access. Resources are not to be abused or employed in such a way as to interfere with, or cause harm or damage to, another person or institution within or outside the Merrimack College community.

While the college encourages the exploration of educational and scholarly interests through the use of its information technology resources, respect for the rights and privacy of others must be observed. Merrimack College community members and their guests may not access the files or communications of others without authorization. Those who are authorized to access confidential files must respect the privacy rights of others and use data only for legitimate academic or administrative purposes.

#### **2.11.1 – Merrimack College Security Program**

Information Technology (IT) Services manages the policies and procedures related to information security. Please refer to the [Information Technology Services](#) website for a detailed description of each policy.

#### **2.11.2 - Written Information Security Program (WISP)**

The WISP documents a summary of the IT policies and the measures Merrimack College takes to protect

the security, confidentiality, integrity, and availability of the personal information and other sensitive information it collects, creates, uses and maintains. It contains a signature page at the end for all employees to sign for validation that they have received and have been informed of the IT policies.

## ***2.12 - Copyright***

Copyright is defined as the exclusive right (subject to certain limitations) of an author to reproduce and create derivative works from, distribute, perform, display, sell, lend or rent original works of authorship that are fixed in a tangible medium which are not in the Public Domain and thus, protected under United States Copyright Law Title 17 of the U.S. Code, including literary, musical and dramatic works as well as computer software teaching materials, multimedia works, proposals and research reports, books, articles, study guides, syllabi, workbooks, manuals, bibliographies, instructional packages, tests, video or audio records, films, slides, transparencies, charts, graphic materials, photographic or similar visual materials, film strips, multi-media materials, three dimensional materials, exhibits, software, and databases.

It is illegal to violate any of the rights provided by the law to the owner of a copyright. The college respects the ownership of intellectual material governed by copyright laws. All members of Merrimack College's community are to comply with the copyright laws and the provisions of the licensing agreements that apply to software, printed and electronic materials, graphics, photographs, multimedia, and all other information technology resources licensed and/or purchased by the college or accessible over network resources provided by the college. Individual author, publisher, patent holder and manufacturer agreements are to be reviewed for specific stipulations.

Further, posting of copyrighted material(s) without prior permission of the copyright holder is prohibited on all Merrimack College Web pages. Unless otherwise indicated, content on all Merrimack College Web pages ([merrimack.edu](http://merrimack.edu)) is the intellectual property of Merrimack College and/or the copyright holder and are protected under U.S.

Copyright Act 17 U.S.C. 101-810.

### Seeking Copyright Permission:

If you seek to use copyrighted material that goes beyond fair use as defined by The Copyright Act of 1976, you must obtain written permission from the copyright owner to copy the work.

The fastest way of requesting permission is to do a search on the Copyright Clearance Center's web site: <http://www.copyright.com/>. If the title is listed, you can select the appropriate permission option based on how the material will be used. If the title is not listed on the Copyright Clearance Center site, send an email to the publisher. If sending a letter by regular mail, enclose a self-addressed, stamped envelope and include lines at the bottom of the letter for the copyright owner to date, sign, and grant/deny permission. You should also mail two copies of the letter so that the copyright owner can keep one and return a signed copy to you in the self-addressed, stamped envelope. When seeking copyright permission include the following details in your request: title, author, edition, date, material to be duplicated, number of copies, distribution, purpose, and type of reprint.

It is important to maintain permanent records of permissions sought, denied, or granted. You should keep permission letters forever to defend against claims of infringement.

For more information and samples of permission letters, see the [U.S. Copyright Office](#).

For any questions regarding copyright, please contact the Office of the General Counsel.

### ***2.13 - Electronic Communications and Social Media***

The following electronic communications and social media guidelines were originally developed by Stanford University and have been edited and revised for the Merrimack College community. We thank our colleagues at Stanford University for sharing them with us and giving us permission to adopt and modify them for Merrimack.

These guidelines are designed to help Merrimack employees in making appropriate decisions when managing and/or developing social media initiatives on behalf of the college. Additionally, the guidelines are intended to advise Merrimack employees who indicate an institutional affiliation on their personal social media profiles on how to balance their affiliation with personal conversation.

#### Guidelines for all types of engagement on social media on behalf of Merrimack:

These guidelines apply to all types of use of social media on behalf of Merrimack, including departmental and individual professional use:

- Adhere to Merrimack College's Employee Responsibilities and Code of Conduct, Written Information Security Program (WISP) and Privacy Policies as incorporated in this Employee Handbook;
- Do not use Merrimack's identity, such as name, color, and emblems, except as permitted otherwise within this Employee Handbook;
- Do not create or develop social media accounts, profiles or initiatives bearing Merrimack College's name (without that of a school, unit, department or the like) without prior approval from the Office of Communications. Social media accounts, profiles and initiatives attributed to particular schools and/or departments should be approved by the Office of Communications;
- Do not engage in activities on social networks that raise actual or perceived conflicts of interest between your college obligations and your outside financial, business, consulting or other interests. Additional guidance is available in the Conflict of Interest policy outlined herein;
- Maintain the confidentiality of proprietary or protected information. Do not disclose, post or share proprietary Merrimack College information, data, or communications. This includes, but is not limited to, intellectual property, operating plans, vendor communications, financial data, internal presentations and correspondence. If you are unsure whether information is confidential or not, please contact Merrimack's Office of Communications or the Office of the General Counsel;
- Do not use or disclose personally identifiable information (PII) as outlined in Merrimack's Privacy Policy. Examples of such information include, but are not limited to, protected health information (PHI), student records, donor information, employee information, home addresses and social security numbers. Please see Merrimack's Privacy Policies included in this Employee Handbook for further details;
- Be respectful of intellectual property rights and laws. Whether you are engaging professionally on behalf of Merrimack or personally, it is critical that you observe all relevant copyright, trademark and

intellectual property laws. This can be particularly challenging given the operational characteristics of social networking services. In some cases, assets (for example, photographs or video) posted to a social networking service become the property of the service operator. If you are unfamiliar with these laws, Merrimack's Office of the General Counsel should be consulted;

- Express political opinions and engage in political activities only in your individual capacity and avoid the appearance that you are speaking or acting for the college in political matters. Merrimack College is a non-profit tax exempt institution that is prohibited from certain political activities;
- Use good judgment. Your actions and statements have the ability not only to affect yourself, but also others at Merrimack and the college as a whole. Please bear in mind that posts on social media may be replicated quickly, be taken out of context, and will remain public for an indeterminate amount of time;
- Minimize security risks to social media accounts and profiles that have the ability to affect Merrimack's reputation. Social networking services and accounts—and particularly those with a Merrimack affiliation—are an attractive target. A compromised account can adversely affect Merrimack's reputation. To minimize risks to Merrimack-branded social accounts and profiles, you should: (1) use strong passwords that are not easy to guess, ideally in concert with a password manager; (2) activate multi-factor authentication for all accounts where it is available; (3) register accounts using only merrimack.edu email addresses; and (4) regularly monitor social media accounts—especially when they are not used frequently. Finally, you should also maintain a plan for recovering social media accounts in the event they are compromised. If you suspect your official account has been compromised, please notify the Office of Communications; and
- Do not maintain dormant social media accounts bearing the Merrimack name. If you have created a social media account that bears the college name or marks, but that account is not used in regular and direct support of your objectives, you should take steps to have the account removed from the relevant social network.

#### Guidelines for departmental use of social media on behalf of Merrimack:

All guidelines included above, plus:

- Remember that you are representing Merrimack. All of your posts, comments and actions on social networks have the ability to affect the reputation of the college as well as other individuals affiliated with Merrimack;
- Be thoughtful and discerning when engaging on social networking services. Write for your audiences, but know your posts can reach anyone and may be misinterpreted or may show up outside of their original context. Messages should be tailored for each channel; not all messages belong on all channels;
- Staff your effort appropriately. While student interns can be tremendous collaborators on social media initiatives, they should not be the “owners” of official Merrimack-branded social media accounts or profiles. Such profiles should be owned and maintained by staff and/or faculty as appropriate; and
- Moderate comments judiciously. Comments are an important part of social networking services. Do not delete comments simply because you disagree with the commenter's point of view or because the commenter has reacted negatively. On the other hand, you should monitor social accounts or profiles for which you are responsible and delete comments that expose the private data of others, contain commercial solicitations, are factually erroneous/libelous, are off-topic, are threatening or abusive, or



are obscene. If you encounter threatening comments on a post, please contact the Office of Communications or the Department of Public Safety.

### Guidelines for an individual employee’s personal use of social media:

The guidelines for personal use of social media are not intended to and do not limit your right to engage in protected concerted activities related to terms and conditions of employment.

Even when you are personally engaging on social media, a Merrimack affiliation on your profile has the ability to affect the college as a whole. If you identify your affiliation with Merrimack in your profile or comments, other users will naturally associate you with the college. You should always think before you post, be civil to others and their opinions and not post personal information about others unless you have their permission. Your behavior should be consistent with the WISP, Copyright, and Privacy policies of the college. In addition, you should include, where possible, a statement on your profile that indicates your views do not constitute official statements on behalf of Merrimack. Finally, except as permitted by law, no employee is permitted to use Merrimack’s marks or emblem without prior approval from Merrimack’s Chief of Staff.

## Section 3 – Employment Status and Classifications

### ***3.1 - Merrimack College Worker Categories and Definitions***

The following standardized terms and definitions will be interpreted as indicated:

*Employees:* All persons who receive wages or salaries through Merrimack College’s payroll.

*Regular full-time employees:* Employees who work the normal workweek (at least 35 hours/week) and whose employment is not limited to a specific period of time or purpose. All regular full-time employees are eligible for all employment benefits provided by Merrimack College to its employees in general.

***Note:***

- Full-time exempt employees are expected to work a minimum of 40 hours per week
- Full-time nonexempt employees work 35-40 hours per week, determined by the needs of the department.

*Regular part-time employees:* Employees who work less than or equal to 34 hours and whose employment is not limited to a specific period of time or purpose. Regular part-time employees are eligible for limited employment benefits, as specified by the benefits eligibility chart.

*Temporary full-time employees:* Employees whose service is intended to be of limited duration but who work at least 35 hours per week, but for a limited period. This definition includes employees paid on the Merrimack College payroll and excludes individuals supplied under contract by an outside agency. They are not eligible for other benefits, and their term of employment must not exceed 5 months or 1000 hours. This also applies to direct agency hires and independent contractors.

*Temporary part-time employees:* Employees whose service is intended to be of limited duration and who work less than or equal to 34 hours per week. They are not eligible for other benefits, and their term of employment must not exceed 5 months or 1000 hours. This also applies to direct agency hires and independent contractors.

*Probationary employee:* The first ninety (90) days of employment will be an introductory period for new employees not including employees with employment agreements or faculty; except that this probationary period applies to all new employees and current employees promoted into new positions. Please refer to the specific eligibility requirements for each benefit. An employee in an introductory period will be referred to as a “probationary employee”. This period is a trial period to allow the college and the employee to determine if the employee’s performance successfully met the expectations of the role and if the employee’s continued employment is warranted. The supervisor is encouraged to meet with the employee during this period to establish performance goals and expectations for the upcoming performance evaluation period and to subsequently review the employee’s performance. The employee will have to be approved by the supervisor or manager to close the introductory period. By completing the introductory period, an employee is not guaranteed continued employment for any term, as employment remains “at-will.” Please contact the Office of Human Resources for any questions related to introductory period review and approval for non-probationary employment.

*Unpaid interns:* Individuals who contribute work hours to Merrimack College in exchange for academic credit, learning opportunities and experience. Such individuals are not eligible for any compensation or employment benefits. Unpaid interns are not “employees” under this definition. Example: ASPIRE program.

*Volunteers:* Individuals who volunteer their service to Merrimack College. Such individuals are not eligible for any compensation or employment benefits. Volunteers are not “employees” under this definition. Managers should contact the Office of Human Resources before assigning volunteers. Volunteers are subject to background checks and should be on-boarded through a Volunteer form, located on the Office of Human Resources MyMack page.

### ***3.2 - Fair Labor Standards Act (FLSA) Employment Classifications***

The Fair Labor Standards Act (FLSA) is a federal law that sets minimum wage, overtime, and minimum wage requirements for employers and employees. The FLSA created two (2) classifications of employees for minimum wage and overtime purposes – exempt and non-exempt employees.

#### **3.2.1 - Exempt (Salaried) Employees**

Exempt employees are legally exempt from the minimum wage and overtime provisions of the Fair Labor Standards Act. Categories of exempt employees at Merrimack College include the following:

*Administrative Employees:* The exempt/administrative employees classification includes those employees primarily responsible for managing the academic, financial, and business affairs of the college and for providing professional, technical, and administrative services to faculty, staff, and students. Full-time and part-time coaches are generally considered to be exempt/administrative employees.

*Faculty:* Full-time and part-time Faculty are exempt from the minimum wage and overtime provisions of the Fair Labor Standards Act under the “teacher exemption”. Please reference page 52, section 5.4 “Academic Ranks and Titles” of the Faculty Handbook.

### **3.2.2 - Non-Exempt (Hourly) Employees**

Non-exempt employees are those who are covered by the provisions of the Fair Labor Standards Act for minimum wage and payment of overtime for hours worked beyond forty (40) hours per week. Categories of non-exempt employees at Merrimack College include the following:

*Staff Employees:* The staff members in this classification provide maintenance, security, and other support services, clerical, technical, or administrative support services to Faculty and/or Administrators in academic and administrative offices.

### **3.3 - Merrimack College Employment Status and Classifications**

This handbook covers administrative (exempt or salaried) and staff (non-exempt or hourly) employees as well as faculty. Where policy statements differ between administrative, staff, and faculty, they will be specifically identified. Where Faculty Handbook policies supersede policies in this handbook, it will be specifically noted. Administrative employees are salaried employees who generally are employed on a fiscal year or academic year basis. Full-time administrators are expected to work a minimum of 40 hours per week. Part-time administrators are expected to work a minimum of 20 hours per week. Staff employees are paid an hourly rate. Administrative and staff employees, and faculty positions are classified for benefits as follows:

*Class A* - Full-time – an Administrator or Staff employee scheduled for a minimum of 35 hours a week for the fiscal or academic year.

*Class AA* - Full-time – a Faculty member who is contracted as a tenured, tenure track, non-tenure track limited term or non-tenure track open-ended term faculty member. Full-time faculty contracts are based on an academic year.

*Class B* - Part-time - an administrative or staff employee scheduled for a minimum of 20 and a maximum of 34 hours a week during the fiscal year.

*Class C* - Part-time - an administrative or staff employee scheduled for a minimum of 20 and a maximum of 34 hours a week during the academic year.

*Class D* - Part-time – a staff employee scheduled for less than 20 hours per week, either on a fiscal or academic year.

*Class E* – Temporary, full- or part-time - an employee filling in on a short-term basis not to exceed 5 months as the need arises.

*Class F* – Temporary, Part-time – an adjunct faculty member is a part-time instructional staff member hired on a course basis. This appointment is for a limited term and carries with it no eligibility for tenure considerations and no promise this appointment will be renewed.

### 3.4 Merrimack College Employment Classification Matrix



#### UNDERSTANDING YOUR EMPLOYMENT CLASSIFICATION

IF YOU ARE...			THEN YOU ARE...							
CLASSIFICATION	SCHEDULED WEEKLY HOURS	EMPLOYMENT YEAR TYPE	BENEFIT CLASS	WORKER CATEGORY	PROBATION PERIOD	EMPLOYMENT TYPE	CONTRACT OR ASSIGNMENT LENGTH	FLSA CLASSIFICATION	PAY PERIOD	SALARY SCHEDULE
Administrator	40 or more	Fiscal Year (FY)	A	Regular - Fulltime	90 days*	At will	12 months	Exempt	Semi-monthly	Paid over 12 months
		Academic Year (AY)		Regular - Fulltime	90 days*	At will	8 or 10 months	Exempt	Semi-monthly	Paid over 10 months
Staff	35 or more	Fiscal Year (FY)		Regular - Fulltime	90 days	At will	12 months	Non-exempt	Bi-weekly	Paid over 12 months
		Academic Year (AY)		Regular - Fulltime	90 days	At will	8 or 10 months	Non-exempt	Bi-weekly	Paid over 10 months
Faculty - NTT limited term, NTT open ended term, tenure track or tenured	N/A	Academic Year (AY)	AA	Regular - Fulltime	See Faculty Handbook	Contract	10 months	Exempt	Semi-monthly	NTT limited term paid over 10 months NTT open ended/tenured/Tenure Track paid over 12 months
Administrator	20, 24, 30, or 32	Fiscal Year (FY)	B	Regular - Part time	90 days*	At will	12 months	Exempt	Semi-monthly	Paid over 12 months
		Academic Year (AY)	C	Regular - Part time	90 days*	At will	8 or 10 months	Exempt	Semi-monthly	Paid over 8 or 10 months
Staff	20, 24, 30, or 32	Fiscal Year (FY)	B	Regular - Part time	90 days	At will	12 months	Non-exempt	Bi-weekly	Paid over 12 months
		Academic Year (AY)	C	Regular - Part time	90 days	At will	8 or 10 months	Non-exempt	Bi-weekly	Paid over 8 or 10 months
	Less than 20	Fiscal Year (FY) or Academic Year (AY)	D	Regular - Part time, Seasonal or On Call	90 days	At will	8, 10 or 12 months	Non-exempt	Bi-weekly	Paid according to AY or FY
Temporary Staff & Admin	Academic year: <20 hours per week Summer jobs: <20 hours	Fiscal Year (FY) or Academic Year (AY)	E	Fulltime, Part time, Seasonal or On Call	90 days	At will	Not to exceed 5 months, may be renewed.	Non-exempt & exempt	Bi-weekly or semi-monthly	Paid through Payroll according to AY or FY
Adjunct Faculty - not classified as term, non-tenure track, tenure track or tenure	N/A	N/A	F	Temporary Part time	Not Applicable	Contract	See Adjunct Hours Guide HR MyMack page	Exempt	Monthly	Paid over duration of contract

\* Incumbents in Exempt positions may require an additional 90 day probation period extension.

The Employment Classification Grid is located on the [Office of Human Resources MyMack](#) page under Quick Links. (Must be logged into MyMack via your default browser for active link)

## Section 4 – About Your Employment

### 4.1 - Overtime

In order to meet work demands, Merrimack College may schedule necessary overtime to meet the requirements of college business. If it is necessary to schedule overtime for non-exempt employees, the supervisor must include the justification for the overtime with the overtime hours. The college will try to give reasonable notice whenever possible.

Employees may work overtime only with the approval of the department supervisor/manager. Failure to obtain management approval prior to working overtime will be considered a performance issue.

Overtime is computed on a seven day, forty (40) hour work week, which runs Saturday through Friday. The regular hourly rate is paid for all hours worked up to forty (40) hours in any given workweek. The time and one-half rate will be paid for time worked in excess of forty (40) hours in any given week. Non-exempt or hourly employees will be paid overtime at the rate of 1.5 times their current rate of pay for any hours worked in excess of forty (40) hours per week.

Overtime must be actual hours worked in excess of forty (40) hours. Sick time, personal days and vacation are NOT calculated into hours worked for computing overtime. Any recognized holiday, jury duty, bereavement, unplanned college closure for which the employee receives pay for not working and is scheduled to work, WILL be counted as a day worked for computing weekly overtime. If a non-exempt employee is called back to work outside his/her scheduled hours, necessitating an additional trip to and from work outside the normal workday, the non-exempt employee will be paid a minimum of three (3) hours for any service rendered of less than three (3) hours on-the-job time. Overtime will be paid if such recall hours qualify under the overtime pay provisions. Compensatory time is not a legal substitute for overtime pay and is prohibited. In order to qualify for overtime pay, employees must work in excess of forty (40) hours during the week.

The Merrimack College Police Department is governed by The Commission on Accreditation for Law Enforcement Agencies accreditation standards, which include minimum mandatory staffing for that accreditation. Due to this standard required in the interest of the community's safety, Merrimack College Police Department employees are exempt from the restriction on the use of vacation and personal days for the purposes of calculating overtime.

Facilities employees should refer to their collective bargaining agreement in respect to overtime.

#### ***4.2 - Meal and Rest Break Policy***

It is the policy of Merrimack to provide a rest break(s) and a meal break(s) to allow full time and part time non-exempt employees to refresh themselves while maintaining department productivity. Merrimack College offers employees working six (6) hours or more during the day a thirty (30) minute unpaid meal break. Merrimack College offers employees working eight (8) hours a day one 15-minute paid break in addition to the meal break.

The department supervisor, based on business conditions and scheduling needs, determines the schedule for all meal and rest breaks to ensure full-time operation of the department. Part-time office staff may arrange for an unpaid one hour or one-half hour lunch period depending upon the needs of the department provided however, that an unpaid break is scheduled for every consecutive six hours of work. Employees are expected to return to work immediately at the conclusion of the scheduled break time. Any breaks in excess of those outlined above are not allowed. It is college practice that breaks are not used at the beginning or end of a shift to reduce the workday.

If a manager deems appropriate, an employee may waive his or her meal break for an extended period of time. The employee must complete a "Meal Break Waiver Form" from Payroll.

Facilities employees should refer to their collective bargaining agreement in respect to Meal and Rest Break Policy.

#### ***4.3 - Background Checking***

Background checks including social security, CORI, SORI and degree conferral will be completed for regular full time, part time, seasonal, on call and volunteer (Staff, Administrative, Faculty, Temporary) new hires. Depending on the role and responsibility, additional background checks may be required. See the table below for the complete listing of background checks conducted. Applicants who have received an offer are required to complete a Notification and Authorization for Background Check form in compliance with the Fair Credit Reporting Act (FCRA), which promotes the accuracy, fairness, and privacy of information in the files of consumer reporting agencies.

Background Check Type	Social Security	Criminal Court Records <b>CORI</b>	Sex Offender <b>SORI</b>	Degree/Credential Conferral	Motor Vehicle	Credit	Medical and psychological exam
All New Hires	yes	yes	yes	yes	no	no	no
<b>In addition to the background checks above, certain new hires require additional checks.</b>							
Finance division					no	yes	no
Employees living on campus					no	no	no
Police Services*					yes	yes	yes
Facilities/Athletics required to drive College vehicle					yes	no	no
Volunteers (including Augustinians)					no	no	no

Background check definitions:

- **Social Security** validates the applicant's social security number, date of birth and former addresses.
- **CORI** is the Criminal Offender Record Information check
- **SORI** is the Sex Offender Record Information check
- **Degree Conferral** confirms the applicant’s claimed educational institution, including the years attended and the degree/diploma received.
- **Motor Vehicle** provides a report on an individual’s driving history in the state requested. This search will be run when driving is an essential requirement of the position.
- **Credit History** confirms candidate’s credit history. This search will be run for positions that involve management of funds and/or handling of cash.

A background check must clear before the employee begins employment at Merrimack. If the background check is returned with no negative information, the Office of Human Resources will notify the hiring manager to proceed with the hire. However, if the background check does reveal negative information, the applicant will receive a copy of the background check report and a summary of his/her rights. The hiring manager will be notified that the background check requires further review. Human Resources will review the negative background data in consultation with General Counsel. Human Resources will review the final background data with the hiring manager and the divisional vice president, if appropriate, so that a sound hiring decision can be made. All persons with access to background report content are required to treat the information confidentially.

This policy is implemented in compliance with all applicable federal and Massachusetts statutory requirements including notice, opportunity to contest information, and confidential maintenance of

records.

Facilities employees should refer to their collective bargaining agreement in respect to background checking.

#### ***4.4 - Problem Resolution Process***

The college is committed to maintaining harmonious working relationships among all employees. However, it recognizes that employees may experience problems or have concerns related to their employment at Merrimack College. The purpose of the Problem Resolution Process is to provide a means to seek assistance to problems or concerns that do not involve discrimination or sexual harassment (including Title IX) without fear of repercussions. This is not an exclusive option and an employee is free to bring any concerns or complaints to his or her supervisor or the Office of Human Resources at any time. For complaints of sexual harassment or discrimination, please refer to the college's specific policies on these topics.

Most work-related problems can be resolved informally if the employee has a frank and open discussion with the individual involved. Informal discussions often result in solutions to employment problems more easily and quickly than do formal procedures.

Individuals who are faced with a problem that cannot be addressed directly with the person(s) involved are encouraged to follow the Resolution Process as set forth:

- The employee is encouraged to have a frank, open discussion with his/her supervisor, or supervisor's supervisor if the problem involves the employee's direct supervisor;
- If this conversation does not resolve the concern, the employee should share his/her concern with his/her supervisor's supervisor;
- If a discussion with the supervisor's supervisor does not result in resolution, the Office of Human Resources is available to assist both employees and supervisors in reaching a solution;
- If an employee is not able to satisfactorily resolve a dispute through this informal process, the employee may request a formal review by submitting a written request to the director of human resources. The employee must describe the nature of the problem, the details of the events related to the problem and the remedy requested. The director of human resources is responsible for investigating all the facts, for giving fair consideration to all facts and for providing the employee with a written response within ten working days of the receipt of the formal written request for review;
- If not satisfied with the response received from the director of human resources, the employee may, within 10 working days of the response file a written request for review by the executive vice president of the college. The executive vice president may request additional information or may question parties involved in or witness to the problem. He/she will provide the employee with a written decision within 15 working days following receipt of the complaint, unless there are extenuating circumstances. The decision of the executive vice president is final; and
- Individuals should also be mindful that the Sexual Harassment and Whistleblower policies provide resolution processes separate from this policy.

The college reserves the right to NOT follow this procedure in its sole discretion and this process should not be considered as a performance improvement plan or corrective action plan.

Faculty members should reference the Faculty Handbook for details regarding the faculty problem resolution process.

#### ***4.5 - Corrective Action***

All employees (administrative, staff, and faculty) are expected to meet Merrimack College's employee responsibilities as listed above and their job expectations. Work performance encompasses many factors, including attendance, punctuality, personal conduct, job proficiency and general compliance with policies and procedures. If an employee does not meet these standards, the college may invoke corrective action up to and including termination from employment. Supervisors should make an appointment with the Office of Human Resources to discuss and address all employee problems or concerns. Note that faculty members are considered supervisors if they are serving in a role as a chairperson, program director, dean, etc. and/or are signing-off on an employee's timesheet.

The intent of corrective action is to promote employee job success by identifying unacceptable performance and to provide the employee with a reasonable time within which to improve performance. Whenever productivity, quality, efficiency, or behavior is below an acceptable level, corrective action may be imposed, in the sole discretion of the college.

**IMPORTANT NOTE:** Nothing in this process provides any contractual rights regarding employee discipline or counseling, nor should anything in this process be read or construed as modifying or altering the employment at-will relationship between Merrimack College and its at-will employees (those who do not have a contract of employment or tenured faculty status).

Employee performance concerns that require corrective action generally can be classified as either behavior or performance problems:

- Behavior problems include misconduct, negligence, insubordination, unsatisfactory attendance and other issues related to an employee's general conduct and behavior; and
- Performance concerns are considered an employee's substandard productivity, or other issues related to the employee failing to meet performance standards in his or her job due to a knowledge, skill or talent deficiency.

When the employee's behavior and/or performance does not meet the minimum expectations, formal corrective action should be taken. Merrimack College does NOT have a progressive discipline policy. A supervisor may consider, but is not required to use some or all of the following corrective actions. The determination regarding corrective action should be decided by consultation with the Office of Human Resources.

**PLEASE NOTE:** Behavior that is illegal is not subject to this process, and such behavior may be reported to law enforcement. In addition, theft, substance abuse, intoxication, fighting and other acts of violence at work are also NOT subject to this process and may be grounds for immediate termination. Merrimack College reserves the right to combine or skip steps, as well as NOT to follow the steps of this



process, in its sole discretion. The following is means as a guide only, and it is subject to the sole discretion of the college.

### Coaching and counseling – up to 30 days

- This corrective action is for behavior and/or performance concerns and can be communicated orally. Coaching and counseling is recommended to correct minor problems or to advise an employee of behavior or performance adjustments that are necessary;
- A supervisor may discuss the problem with the employee privately and explain the standards to be met. Addressing the concern could include providing additional training, regular and frequent one-on-one feedback or other similar activities; and
- Coaching and counseling should be confirmed in a follow-up letter or email to the employee, outlining the supervisor’s behavioral or performance expectations and summarizing the meeting.

Continued unsatisfactory behavior or performance should be addressed with more formal corrective action through a warning or a Performance Improvement Plan.

### Verbal warning

- This corrective action is for behavior problems and non-compliance with policies. It provides a warning to clarify expectations of standards to be met, development of an action plan for improvement; provide some coaching, and advising of consequences if the problem is not corrected;
- When appropriate, the supervisor provides the employee with a written communication summarizing the critical points of the discussion;
- If the employee does not respond to the verbal warning as stated in the summary document, or if future behavior returns to an unacceptable standard, a written warning or other correction may be considered; and
- The expectations around an employee's behavior do not have an end date after a verbal warning has been given. Compliance with policy and college standards are expected to be met on an ongoing basis.

### Performance Improvement Plan (PIP)

- This corrective action is only for performance problems and should be utilized when an employee’s work performance as it relates to his or her role or work responsibilities, falls below acceptable standards as determined by the supervisor. A PIP is communicated in a written document that should include the following information:
- A clear statement describing the employee’s performance deficiency, being careful to cite specific data/examples, and dates where possible;
- A restatement of the expectations/requirements of the position;
- A list of several tasks, activities and deliverables that must occur within a set time period (typically up to 60 days);
- Supervisor and employee will meet weekly to formally review the employee’s progress toward the plan and determine whether expectations have been met. Meeting summary should be

- confirmed in a follow up letter or email to the employee;
- The consequences to the employee if the expectations outlined in the plan are not met; and
- A statement that the employee signs acknowledging that he or she has read and understands the contents of the document.

When the employee successfully meets the expectations of the PIP, the employee will receive written notice of having met the expectations of the PIP.

### Written warning

- This corrective action addresses more serious and persistent behavior problems and non-compliance with policy. Written warning should be presented when an employee has unsatisfactory behavior and has failed to comply with the policies, procedures or guidelines of the college; and
- This action consists of a discussion accompanied by a letter or memo inclusive of the following information:
  - A clear statement describing the employee's unsatisfactory behavior, being careful to cite specific data/examples and dates where possible;
  - The consequences to the employee if the behavior continues. Instances of future unsatisfactory behavior will result in further corrective action up to and including termination; and
  - A statement that the employee signs acknowledging that he/she has read and understands the contents of the document.

### Summary of PIP's and written warnings

If the employee's behavior and/or performance remain unacceptable beyond the timeline listed in the document (PIP, verbal warning, or written warning), the employee could be dismissed without the benefit of another period of corrective action. All dismissal decisions **MUST** be made in collaboration with the Office of Human Resources and the Office of the General Counsel. The expectations around behavior standards and satisfactory performance are to be met on an ongoing basis.

The supervisor will send completed, executed copies of written verbal warnings, written warnings, and PIP documents to the Office of Human Resources to be stored permanently in the employee's personnel file. An employee may add a written statement to his/her file disputing any item. Employees in corrective action cannot transfer or apply for other internal job postings. Employees who have had corrective action within 6 months are not eligible for internal job postings at the college.

### *Administrative leave*

- An employee may be placed on an administrative leave, with or without notice, to permit the college to review or investigate actions, including dishonesty, theft or misappropriation of college funds or property, violence on the job, gross safety negligence or acts endangering others, insubordination, or any other conduct that warrants removing the employee from the worksite; and/or
- This corrective action requires the employee to take time off from work, with or without pay at the

discretion of the college. Use of available vacation, personal, or sick time off balance may be required.

- For additional information, please refer to Section 8.2.20, “Administrative Leave”.

#### *Involuntary Separation for Administrative & Staff employees*

- Termination of employment with or without notice; and/or
- Immediate discharge without use of corrective actions outlined above may be warranted depending upon the offenses involved, including but not limited to willful misconduct or violations of college policy. It is within the sole discretion of the Merrimack College to determine an involuntary termination.
- **Reference Faculty Handbook (Section 8.16) for details regarding resignation, retirement and termination.**

In determining which type of corrective action is appropriate, the seriousness of the infraction (i.e. unacceptable behavior, attendance related issues, or misconduct); past performance records and the circumstances surrounding the matter will be taken into consideration. Since corrective action is intended to be action-oriented, corrective action of coaching and counseling, verbal warnings, written warnings, PIPs or administrative leave will usually include scheduled review dates to monitor the employee’s progress toward an acceptable standard.

Corrective action does not preclude the college from terminating an at-will employee at any time, without any previous corrective action, if circumstances warrant. The decision to use or not to use any one of the corrective actions is solely within the discretion of the college. Nothing in this policy is intended to modify the at-will nature of employment, which means that the college may terminate the employment relationship at any time with or without corrective action or notice.

**Note: Corrective action is not always a continuous process and can be imposed at any time. Supervisors in collaboration with the Office of Human Resources may use one or more corrective actions at their discretion.**

Supervisors are responsible for recognizing that the timely application of any form of corrective action is necessary to prevent larger problems. Therefore, supervisors should involve the employee and the Office of Human Resources in a timely manner when utilizing corrective action.

Facilities employees should refer to their collective bargaining agreement with respect to Corrective Action.

### ***4.6 - Separating from the College***

#### **4.6.1 - Voluntary Resignation**

If it becomes necessary to resign, employees are asked to provide notification in writing to their supervisor and the Office of Human Resources. The college appreciates advance notification of resignation according to guidelines below:

- Exempt (Administrative): thirty (30) days
- Non-Exempt (Staff): two (2) weeks

Employees are expected to be actively working on their last day of employment, unless requested not to do so by the college. Employment cannot be extended by using vacation or other paid time off. Personal days may not be taken after notice of resignation is given. The college reserves the right to adjust an employee's last day of employment to a sooner date to accommodate business needs.

#### **4.6.2 - Involuntary Separation**

All employees (except tenured faculty and those with employment contracts) are considered "at-will" and serve at the pleasure of the college, and consequently may be discharged at any time regardless of circumstances. Any employee discharged for cause may not be eligible for COBRA benefits coverage.

Faculty should reference the Faculty Handbook for details regarding involuntary separation.

#### **4.6.3 - Retirement**

Employees who wish to retire are required to provide notification in writing to their supervisor and the Office of Human Resources at least one (1) month before the planned retirement date. Definition of a retiree is an employee who is age fifty-five (55) or older and who has completed at least ten (10) years of continuous service in good standing with the college as a full-time faculty member, full-time/part-time administrative or staff employee, or coach. This definition is not a mandated retirement age.

#### **4.7 - Job Abandonment**

Administrative and staff employees who fail to report to work or contact their supervisor for three (3) consecutive workdays shall be considered to have abandoned the job without notice, effective at the end of their normal shift on the third day. The supervisor shall notify the Office of Human Resources at the expiration of the third workday and initiate the paperwork to terminate the employee. Employees who are separated due to job abandonment are eligible for rehire in the sole discretion of the director of human resources.

#### **4.8 - Return of Property**

Employees leaving the college for any reason must return all college-owned property, unless agreed to otherwise in writing by a representative of the college authorized to do so. It is the supervisor's responsibility to ensure that all college property is returned prior to the employee's last day, including keys, ID badge, laptop, cell phone, etc.

#### **4.9 - Reduction in Force**

Merrimack College highly values the contribution of its employees and attempts to provide continuous, regular employment. However, in the event it becomes necessary for the college to reduce its work force

due to economic conditions, programmatic considerations, outsourcing, or other circumstances, Merrimack College may have to lay off employees. In keeping with the college's policy as an equal employment opportunity employer, race, color, national origin, religion, sex, age, disability, alienage or citizenship status, marital status, creed, genetic predisposition or carrier status, sexual orientation, gender identity (or gender expression) or any other lawfully protected characteristic are never to be considered in identifying an employee for reduction or elimination of work.

In the event that Merrimack College determines to lay off any employee or a number of employees, Merrimack College retains full discretion to select which employee(s) will be laid off. This policy in no way restricts Merrimack's policy of employment "at-will". Merrimack College reserves the right to terminate the at-will employment relationship at any time, for any reason or for no reason, with notice or without notice.

Facilities employees should refer to their collective bargaining agreement with respect to reduction in force.

#### ***4.10 - Verification of Employment and References***

All requests for employment and salary verification should be referred directly to the Office of Payroll Services. Requests for personal and payroll information are considered confidential. Generally, without specific written authorization and release from an employee or former employee, no information can be provided. Without written consent, the Office of Payroll Services will confirm job status, dates of employment, and job title.

Requests for phone or written references should be directed to the Office of Human Resources. Employees and supervisors are not to respond to requests for employment verification or references.

#### ***4.11 - Re-Employment***

Merrimack College's re-employment policy recognizes the value of prior Merrimack College training and experience. Regular and temporary full and part-time employees who have separated from Merrimack College and whose employment was in good standing are eligible for re-employment. Individuals seeking re-employment must make application for announced position openings through the Office of Human Resources and be selected as the most qualified candidate from a pool of qualified applicants. The continuous date of service for benefits for returning employees will be the date of re-employment. Hiring managers must contact the Office of Human Resources to confirm former employees are eligible for re-hire.

#### ***4.12 - Personnel Records***

Maintaining up to date employee data is very important. To report a change in status such as marriage, address, phone number, emergency contacts, number of dependents, divorce, separation, births and deaths, employees can contact the Office of Human Resources directly. Alternatively, employees can also update contact information and emergency contact information directly in ADP via employee self-service. For more information, visit the Office of Human Resources MyMack page. These changes could

affect your tax withholding and/or insurance coverage eligibility. It is essential we have your current address and phone number to ensure appropriate business, benefit and tax information reaches you in a timely manner.

Please report immediately any change to your legal right to work in the United States, such as immigration status.

Merrimack College maintains confidential employee personnel records. Access to these records is limited to the employee, as well as administrators and the Office of Human Resources on a need-to-know only basis.

In any calendar year, employees may review their personnel records twice within five days of a written request. All such requests should be addressed to the Office of Human Resources. A designated employee will accompany you as you review your file. Employees may also have copies of documents in their personnel file within five days of a written request.

The college will inform you within ten days if any information is placed in your personnel file (1) regarding disciplinary action taken against you or (2) that has been used or may be used, to negatively affect your qualification for employment, promotion, transfer, or additional compensation. Upon such notification, you may review your personnel file within five days of a written request; this review will not count toward the two annually permitted reviews discussed above. An employee may add a written statement to his/her file disputing an item.

#### ***4.13 - Chaperoning Student Travel Experiences***

Chaperoning student travel (i.e.: short term courses and programs through the [Office of Global Education](#)) is paid time to be used for authorized, college-sponsored events that are outside the scope of the employee's primary job responsibilities. The approvals of requests are at the discretion of an employee's supervisor and his/her divisional vice president. Requests must be submitted sufficiently in advance to allow proper planning and minimal disruption to the business.

Eligible full-time (35 hours or more) faculty, administration and staff may apply to chaperone student travel experiences. Employees who are part-time, on-call and temporary employees are generally not eligible to participate as a chaperone. Part-time employees scheduled 20-34 hours per week may be approved by exception only with approval of the employee's divisional vice president.

Non-exempt employees who agree to advise a student travel experience should report hours worked on the program. This includes hours of service and reflection time with students. Generally, travel and meal times are not reported as hours worked. However, if the employee is working during travel or mealtime, these hours are to be reported as hours worked on the employee's time sheet. Sleep should not be reported for hours worked.

Employees who agree to advise a student travel experience will receive paid time for the entire duration of the program and will not have to use their own vacation time. Time is not extended for institutional closings.

#### ***4.14 - Pets on Campus***

In efforts to maintain a working environment with minimal distraction and reduce the potential of health risk and facility damage, pets (excluding service animals) may not be brought into the workplace. Pet owners who choose to walk their pets on campus are responsible for cleaning up after their pets.

## **Section 5 – Expectations of Employment**

### ***5.1 - Scheduled Hours***

All office personnel are expected to work their required hours between the hours of 8:00 a.m. and 5:30 p.m., Monday through Friday with either a one-hour lunch break, a 30 minute lunch break after 6 hours of working or when the department supervisor has arranged a different schedule to accommodate the needs of the department.

Rest periods will be with pay and will not exceed fifteen minutes for each four hours of work. The rest period is a recess; it is not to be used to extend the starting time or advance the departure time of a work session. Check with your supervisor to determine when rest periods or coffee breaks are permitted in your department.

Full-time administrators and staff are expected to work a minimum of 40 hours per week. Part-time administrators and staff are expected to work a minimum of 20 hours per week. If there are extenuating circumstances, please contact the Office of Human Resources.

At a minimum, the core business hours of the college are 8:30 a.m. to 4:30 p.m., Monday through Friday. All offices should be staffed during the core business hours.

### ***5.2 – Essential Personnel***

Essential Personnel are generally defined as the faculty and administrative/staff employees who are required to report to their designated work location, to ensure the operation of essential functions or departments during an emergency or when the college has suspended operations. In most cases, Essential Personnel are expected to be on-site. There are some individuals who may be required to perform essential services remotely, those individuals will be identified and notified in advance by their supervisors.

Senior Management in each department and school should determine which functions are essential, and how to staff those functions during an emergency or suspension of normal operations. Once the essential staffing plan for a department is determined, the senior manager in the department is responsible for communicating the information to all personnel in the respective department.

The following is a list of identified functional areas that are considered essential. Please note that this list

is not intended to be all-inclusive. Additionally, on a case-by-case basis, staff members may be designated as essential by management based on the nature of the emergency and/or the availability of other personnel. If you have any question whether your position is deemed essential, contact your supervisor.

Functional areas that are considered essential are:

- Campus Police Department
- Communications Office
- Executive Leadership Group (ELG)
- Facilities
- Hamel Health
- Human Resources
- Information Technology Services
- McQuade Library
- Payroll Services
- President's Office
- Procurement & Risk Management (emergency purchasing and processing)
- Provost's Office
- Residence Life Office
- Student Affairs
- Sodexo Dining

Essential hourly (non-exempt) personnel who are required to report and work when the college is closed are entitled to another day off with pay. The day must be scheduled and taken within the fiscal year that it is earned. Closure of the college does not displace previously approved vacation or personal days, on the premise that an employee who is on vacation or taking a personal day is unavailable for work.

### ***5.3 - Inclement Weather***

In cases of severe weather, it will be the decision of college administration to close the college or delay its opening, or to excuse when late arrivals, early departures, and absences are due to severe travel-related conditions.

In cases of severe weather, employees should check the following media outlets for office closings:

- RAVE Alert;
- Weather Emergency Hotline at (978) 837-5700;
- WBZ 1030 AM and WRKO 680 AM Radio;
- CBS-TV 4, WCVB TV 5, WHDH TV 7, and CW56; and/or
- A notice will also be posted at [www.merrimack.edu](http://www.merrimack.edu).



You are expected to check the college web site/radio/television stations listed above to determine whether the college is open or closed for the day. If no information is available on the radio or television, you are expected to make a determined effort to report to work. Those who do not report to work will not be paid, unless the employee uses available vacation or personal time.

If severe weather conditions or other emergencies warrant, an early closing decision will be made. Supervisors in each department will be notified of this decision and will, in turn, communicate the decision to employees.

Any non-essential employee who is absent from work or who leaves work early due to weather conditions other than when the college is officially closed, must account for the absence as a vacation day or personal day. If an employee is absent from work and the college has an early closing, the employee's full day will be charged to vacation or personal leave, on the premise that an employee who is on vacation or taking a personal day is unavailable for work.

#### ***5.4 - College Expectations Regarding Attendance***

Regular attendance and punctuality are key elements of satisfactory job performance. By being late or by not reporting for work, you place an additional burden on your co-workers and on the complex task of running a business.

If you must be late or miss the entire day, you must personally notify your supervisor as early as possible, and at least one-hour prior to your normal start time so he or she can arrange for appropriate coverage. In the event of an unforeseen emergency that prevents you from notifying your manager prior to the start of your shift, you must notify your manager as soon as reasonably possible.

Absences that exceed three consecutive days on which the employee was scheduled to work should be reported to both the Manager and the Office of Human Resources. Employees must submit documentation within 7 days after the taking of earned sick time for which such documentation is required, unless, for good cause shown, an employee requires more time to provide such documentation. Managers should send all written documentation signed by health care provider indicating the need for the earned sick time taken to the Office of Human Resources for retention. Those absent for a short period (1 week or less) may call their supervisor daily, dependent upon what has been agreed to. Those absent for a prolonged period (generally more than 1 week) may call in weekly to update their supervisor and the Office of Human Resources. Absences of a medical nature may qualify under Disability, the Family and Medical Leave Act and other leaves. Managers must contact the Office of Human Resources if an employee is out with an absence of more than 3 calendar days.

See the Benefits Summary Plan Description, for details regarding Disability.

An absence of three or more days on which the employee was scheduled to work without appropriate notification will be considered an abandonment of one's employment and will result in the voluntary resignation of your position.

### ***5.5 - Excused Absences***

Excused absences are defined as scheduled absences, those that are covered by paid time off benefits and those absences that qualify under the Family and Medical Leave Act of 1993. Excused absences are not counted as occurrences for purposes of corrective action.

Excused absences include:

- Vacation & Personal Days;
- Holidays;
- Jury Duty;
- Bereavement Leave;
- Job-related injuries (verified worker's compensation claims);
- Leaves requested and approved under FMLA (Family Medical Leave Act), SNLA (Small Necessities Leave Act), or Merrimack College Parental Leave Policy;
- Massachusetts "Use of Earned Sick Time" Law; Earned Sick Time: Time off from work accrued by an employee during hours worked and provided by the college to allow an employee to:
  1. Care for the employee's child, spouse, parent or parent of a spouse, who is suffering from a physical or mental illness, injury, or medical condition that requires home care, professional medical diagnosis or care, or preventative medical care;
  2. Care for the employees own physical or mental illness, injury, or medical condition that requires home care, professional medical diagnosis or care, or preventative medical care
  3. Attend a routine medical appointment for the employee's child (a biological, adopted, or foster child, a step child, a legal ward, or a child for whom an employee has assumed responsibilities of parenthood), spouse, parent or parent of spouse;
  4. Address the psychological, physical or legal effects of domestic violence;
  5. Travel to and from an appointment, a pharmacy, or other location related to the purpose for which the time was taken.
- Other approved time off for personal business, such as a court-ordered appearance if subpoenaed as a witness; and
- Other situations as approved by management may be considered excused absences.

### ***5.6 - Unexcused Absences***

Unexcused absences are defined as unscheduled or irregular/excessive absences except those that fall under "Excused Absences". This policy applies to all employees, including those in their probationary period.

Excessive unexcused absences or tardiness that is not covered by an approved leave will result in disciplinary action, up to and including termination. Supervisors and managers who have concerns about the rate of an employee's absenteeism should contact the Office of Human Resources.

Exceptions to this policy may be made in cases of extenuating circumstances as determined by the college.

### ***5.7 - Professional Dress Guidelines***

Dress depends to an extent on the type of work performed. Since most college employees come into contact with the public at some time during their workday, a professional appearance should be the priority and the expectation; including neatness, cleanliness, and discretion. Employees should dress for business or business casual.

Apparel that is generally not acceptable for employees includes inappropriately low cut, short, or revealing or tight, off the shoulder, shorts (unless specific work-related responsibility would suggest shorts are appropriate and previously authorized by manager), strapless, midriff bearing, torn or unkempt, t-shirts, and baseball hats.

Some departments (Facilities Department and Police Department) have an expectation of a uniform, and this is appropriate attire for these departments.

As always, if you are meeting with someone from outside the college, or another individual or group, there is an expectation of business/business casual dress, even on a Friday. Those individuals violating this policy may be asked to return home to change.

If you have any questions or concerns, please review the matter with your supervisor or Office of Human Resources.

### ***5.8 - Supervisory Responsibilities***

In order for Merrimack College to operate effectively, it is essential that supervisors carry out their delegated responsibilities in accordance with the college's goals and objectives. Almost any action taken concerning an employee begins with the recommendation of the supervisor. See the Faculty Handbook regarding supervisory responsibilities of the department chairperson.

The responsibilities listed here, including the general expectations of all employees as listed above, cover the essential part of a supervisor's duties, but are not intended to be a complete list:

- Complying with the policies and practices of Merrimack College and ensuring that those who work in the department or area comply as well;
- Assigning and reviewing work; ensuring the proper completion of day-to-day work in his or her area of responsibility;
- Ensuring appropriate training and employee orientation to the department and work area;
- Providing employees with the appropriate tools and resources to perform the work;
- Actively promoting equal opportunity and diversity;
- Promoting safe work practices and conditions;
- Establishing standards and expectations for work performance and meeting with employees to discuss and clearly communicate expectations;
- Advising, counseling, and if required engage in problem resolution and corrective action with employees regarding their performance;

- Recommending or selecting applicants or employees to fill vacant positions;
- Serving as the primary resources for employees, as well as assisting with their work-related problems, whenever appropriate;
- Encouraging employees to serve on college committees and attend college meetings;
- The appropriate dean, vice president and/or supervisor along with the Office of Human Resources has the overall responsibility for the employment and orientation of new employees; and
- Manage the 90 day probationary period for all (non faculty) new hires. Meet with employees during this period to review the employee's performance and to establish performance goals and expectations for the upcoming academic/fiscal year.

### ***5.9 - Employee Responsibilities and Code of Conduct***

Merrimack College seeks to attract and retain exceptionally capable and motivated individuals who recognize the need to meet certain basic responsibilities. Merrimack College expects business-like, professional conduct from our employees. In general, this means that we expect employees to maintain the following non-exhaustive examples of appropriate conduct:

- Learn and comply with the policies and procedures of Merrimack College.
- Employees will act with integrity (e.g., employees will not falsify records, including time worked, or misrepresent reasons for absence, tardiness or eligibility for benefits).
- Respect the confidentiality of sensitive information (either related to the college, its employees or students) revealed to the employee in the course and scope of their job. Such information should not be repeated, discussed, or removed from the work area except for legitimate work reasons.
- Employees will conduct themselves in a manner consistent with the rules of society and good, courteous business practices.
- Respect the rights of others and cooperate with reasonable requests from co-workers.
- Develop and maintain job-related competence, including knowledge of and adherence to relevant industry and professional standards.
- Be knowledgeable of standards and expectations for performance.
- Be prepared to discuss performance during the Performance Review discussion.
- Ask for, listen to, and act on performance feedback.
- Attend department meetings, staff meetings, and training programs and apply new information learned.
- Serve on college committees and attend college meetings with supervisory approval.
- Maintain and protect Merrimack property. Do not take any Merrimack property for personal use, or for any use unrelated to your work at Merrimack. Any unauthorized possession or removal of property belonging to Merrimack, fellow employees, or other persons with whom Merrimack has business relations is forbidden. Do not damage or destroy the property belonging to others, including Merrimack, employees, or other persons with whom Merrimack has business relations.
- Be at work when scheduled to be working (to attend work regularly, arrive on time and remain until the end of the workday) and to work when supposed to be working (for example, keeping personal phone calls to a minimum and attending to personal matters during non-work hours).
- Focus their complete attention and efforts to work matters during work hours, and work efficiently during that time by performing each task quickly, safely, and well, and to acceptable standards of work quality and quantity.
- Work in safe conditions using safe practices and in compliance with and support of all safety and

housekeeping rules.

- Employees will not engage in any forms of gambling on college premises.
- Employees will not possess or use weapons (except Merrimack College police officers) or explosives on college premises.
- Employees will not engage in any workplace violence, threats of violence, fighting, horseplay, or malicious pranks.
- Employees will not use or abuse or be under the influence of illegal drugs.
- Employees will not abuse prescription drugs or alcohol.

An employee who commits an act that is contrary to the rules of conduct or which violates a published policy or rule of Merrimack College may face discipline up to and including discharge. The basic purpose of discipline is to provide correction so that the employee can improve his or her conduct or performance, unless the college believes that, under the circumstances, the employment relationship should not be continued.

Depending upon the circumstances involved, discipline issued may be a verbal warning, written warning, and suspension with or without pay or discharge. Discipline is subject to the sole discretion of the college. In some circumstances, discharge may be the first step in discipline.

#### ***5.10 - Employment Outside of Merrimack College***

The college recognizes the right of employees to engage in employment opportunities outside the college. However, outside employment must not conflict with your duties, responsibilities, and regular work schedule at the college. In situations where your outside activities may create serious and justified criticism of the college or where the college's reputation is jeopardized, you will be discouraged from continuing such activities. You may use accrued vacation and holidays for outside employment if the time off is approved and does not interfere with the normal operations of the department. You may not use college facilities, staff, or other resources in performing work for another employer. Outside employment must comply with the college-wide Conflict of Interest Policy.

Faculty should refer to the Faculty Handbook for information regarding outside employment and conflict of commitment.

#### ***5.11 - Medical Examinations***

The college reserves the right to require a medical examination of any applicant or current employee either as a condition of initial employment, or for continued employment at the college where certain physical requirements are an essential function of the particular position. As a condition of employment, applicants for positions in the Facilities Department, Police Department, and Post Office positions (among other positions) must pass a pre-employment physical examination. Examinations are scheduled by the department and will be given without cost to the individual after an initial offer of employment is extended. The offer of employment is contingent upon passing the examination.

### ***6.1 - Internal Applicants***

Employees are encouraged to apply for Merrimack job postings as a way to advance their knowledge, skill set and career. All active employees, including part-time and temporary, who have at least 12 months of continuous service in their current position may apply for job postings.

Internal applicants will be subject to the same scrutiny as external applicants regarding qualifications. An applicant's current supervisor should be contacted to verify performance, skills and attendance, and the individual's personnel file should also be reviewed by the hiring manager. Staffing limitations or other circumstances that might affect a prospective transfer may also be discussed. Employees who have a written warning on file within 6 months of application or are presently subject to corrective action are not eligible for posted positions.

Once an employee has applied for a position at Merrimack, the hiring manager should fully consider their qualifications before reviewing applicants external to the college. Employees who are contacted for an in-person interview will need to notify their current supervisor that they are proceeding in the interview process. This will allow the supervisor some advance notice of the possibility that they will have a vacancy. Should the employee be offered the position, the hiring manager should reach out to the employee's current manager to negotiate the start date. The start date should not exceed 30 days from offer acceptance.

### ***6.2 - All Applicants – Job Offers***

The president of the college is the only one authorized by the Board of Trustees to extend an offer of employment. The president has delegated this responsibility to the Director of Human Resources for administrative and staff positions. Hiring managers should complete a "Request to Offer" form for external candidates; internal candidates require the Employee Action form only, found on the Office of Human Resources MyMack page. Once all signatures have been obtained for approval, Human Resources will notify the hiring manager to proceed with the verbal offer or they can request the Office of Human Resources make the offer. ***Hiring managers are not authorized to make verbal offers without approval from the Office of Human Resources.***

Faculty positions require an approved "Request to Offer" form before a verbal offer can be extended. The form can be found on the Office of Human Resources MyMack page. Once the Office of Human Resources receives the approved form, the dean will be notified to proceed with the verbal offer.

For all positions, once the candidate accepts the verbal offer, the Office of Human Resources must be notified to draft the offer letter. Offer letters will be electronically mailed to candidates upon receipt of the approved "Request to Offer" form. See the Office of Human Resources MyMack page for more information.

## Section 7 – Payroll, Positions and Compensation

### ***7.1 - Pay Periods***

Administrative employees will be paid on the 15th and the last day of each month. If either falls on a Saturday or Sunday, the pay date will be the Friday before.

Administrative employees are required to complete a Monthly Absence Report (MAR) recording any sick, vacation and personal leave taken. The MAR must be approved by the employee's supervisor and submitted to the Payroll Office by the fifth day of the following month. Administrators cannot approve their own MAR. Reminders will be sent to administrators whose MAR is not received on time.

All hourly employees (staff) are paid on a biweekly basis every other Friday.

Staff employees must submit biweekly timesheets to the Payroll Office by the end of the day on the last day of the pay period.

### ***7.2 - Direct Deposit/Going Paperless***

All employees are mandated to have their paycheck directly deposited in a bank or other financial institution. All employees are encouraged to go paperless and instructions can be found on the MyMack Payroll Services tab and Work Force Now (WFN) and can be accessed through <https://workforcenow.adp.com>. In addition, you can also access earnings statements, annual statements, make address changes as well as changes to your direct deposit, and view information about benefits.

New hires who receive live checks must pick up their checks in the Payroll Services Office during normal business hours. You must present a valid ID when picking up a check.

### ***7.3 - Temporary Work Assignment Out of Title***

Employees may be assigned by the administration to perform work duties not within their job description on a temporary, interim or acting basis. Whenever an employee is assigned in writing to a higher rated position for at least thirty (30) consecutive days, the employee may be eligible to additional compensation. The amount of the compensation will be determined by Human Resources and the Administration. An employee who is temporarily assigned to a lower rated position shall be compensated at his or her regular rate of pay.

### ***7.4 - Position Descriptions and Job Evaluations***

All positions must be fully and accurately described in the job description so that a comprehensive evaluation of the position can be conducted. The job description does not limit the responsibilities of the position to only those that are listed, but is meant to capture the major areas of responsibility.

*New Positions* - Job descriptions will be developed/modified in collaboration with the Office of Human

Resources and the Office of the General Counsel. The process for creating a new position is as follows:

- The supervisor will complete a Position Description in consultation with the department head and Human Resources as appropriate;
- Human Resources will assign a salary grade to the position based upon position content;
- Human Resources will perform an FLSA classification for the position and will confirm the classification with the hiring manager to determine if a position is either exempt or non-exempt;
- Human Resources will then obtain market pricing based on the final Position Description;
- Human Resources shall consult with the Office of the General Counsel prior to implementation of the Position Description; and
- Final electronic copies of the Position Description will be maintained by Human Resources.

*Evaluating Existing Positions* - A position evaluation is appropriate:

- When additional duties would have a meaningful impact to the accomplishment of college or department goals; and/or
- When there is a major change to the responsibilities of or skills required for a position.

Note that a position evaluation is **not** appropriate:

- When there is no need for additional duties to be performed;
- As a way of recognizing superior performance; and/or
- When the only change to the job is that the volume of work has increased, but there is no substantial change to the major responsibilities or to the skills required.

*Requests for Upgrades/Promotions* - A supervisor or manager must consult with their divisional vice president before advancing an upgrade or promotion and before discussing an upgrade or promotion with an employee. An upgrade or promotion should be a result of change in a college need. Requests for upgrades/promotions will be considered only when there has been a significant change in responsibilities.

- The supervisor reviews and revises the Position Description as necessary;
- Appropriate changes are made in consultation with the department head and VP and submitted to the Office of Human Resources for review;
- The Office of Human Resources will consult with the Office of the General Counsel on all revised Position Descriptions;
- If a Position Description has been revised, the Office of Human Resources will review the revisions with the supervisor or department head as appropriate;
- The Position Description will be reviewed with available market data and employee's salary may be adjusted, if appropriate; and/or
- The review may include some or all of the following: conversations with the supervisor and/department head, comparisons to like positions within the department and/or college, as well as systematic comparison with like positions in the local and regional labor markets.
- The new position will be subject to a ninety (90) day probationary period.

Supervisors will retain a copy of the final job description and an electronic copy will be maintained in the Office of Human Resources.



## 7.5 - Length of Service

Length of service is defined as the length of time you have been continuously employed with Merrimack College (this does not include time spent as an employee of an employment agency or as an independent contractor). It will be based on your most recent date of hire however, for purposes of benefits; we will follow the ERISA regulations for breaks in service.

## 7.6 – Compensation for Damages or Property Not Returned

Merrimack may seek amounts to compensate for various items such as damaged property and Merrimack property not returned to Merrimack after cessation of employment or upon request.

# Section 8 – Time Away and Leaves

## 8.1 - Time Away

The Benefits Eligibility grid listed below outlines the amount of time off received based on worker category and hours worked. The Benefits Eligibility Matrix can also be located in the [Benefits](#) section the Office of Human Resources MyMack page. (Must be logged into MyMack via your default browser for active link)

CLASSIFICATION		EMPLOYEE STATUS	VACATION	SICK DAYS	PERSONAL	HOLIDAYS	HEALTH INSURANCE	DENTAL INSURANCE	EMPLOYEE ASSISTANCE PROGRAM	LEGAL INSURANCE	LIFE INSURANCE	LONG TERM / SHORT TERM DISABILITY	TUITION ASSISTANCE	RETIREMENT WITH COLLEGE MATCH	SUPPLEMENTAL RETIREMENT ANNUITY
Full Time 35+ Hours Per Week	ADMIN	Administrator (FY) - Class A 40 hours per week	20 Days/Year	12 Days/Year	3 Days/Year	17 days	Date of Hire	Date of Hire	Date of Hire	Date of Hire	Date of Hire	Date of Hire / 6 months from date of hire	90 days from Date of Hire	After 2 Years of Employment - Based on scheduled hours of 1000+/Yr	From date of hire
		Administrator (AY) - Class A 40 hours per week	16.7 Days/Year	10 Days/Year	1 Day/Year	**17 days Prorated	Date of Hire	Date of Hire	Date of Hire	Date of Hire	Date of Hire	Date of Hire / 6 months from date of hire	90 days from Date of Hire	After 2 Years of Employment - Based on scheduled hours of 1000+/Yr	From date of hire
	STAFF	Staff (FY) - Class A 35+ hours per week	0-5 Years - 12 days 5-10 Years - 16 days 10 years + 20 Days	12 Days/Year	3 Days/Year	17 days	Date of Hire	Date of Hire	Date of Hire	Date of Hire	Date of Hire	Date of Hire / 6 months from date of hire	90 days from Date of Hire	After 2 Years of Employment - Based on scheduled hours of 1000+/Yr	From date of hire
		Staff (AY) - Class A 35+ hours per week	Prorated	Prorated	1 Day/Year	**17 days Prorated	Date of Hire	Date of Hire	Date of Hire	Date of Hire	Date of Hire	Date of Hire / 6 months from date of hire	90 days from Date of Hire	After 2 Years of Employment - Based on scheduled hours of 1000+/Yr	From date of hire
FACULTY	Faculty (AY) - Class AA	Not Applicable	Not Applicable	Not Applicable	**	Date of Hire	Date of Hire	Date of Hire	Date of Hire	Date of Hire	Date of Hire / 6 months from date of hire	90 days from Date of Hire	After 2 Years of Employment - Based on scheduled hours of 1000+/Yr	From date of hire	
Part Time < 34 Hours	ADMIN	Administrator (FY) - Class B 20 - 34 hours per week	Prorated	Prorated	3 Days/Year	17 days Prorated	≥ 30 hours per week	Not Eligible	Not Eligible	Not Eligible	Not Eligible	Not eligible / 6 months from date of hire	90 days from Date of Hire	After 2 Years of Employment - Based on scheduled hours of 1000+/Yr	From date of hire
		Administrator (AY) - Class C 20 - 34 hours per week	None	Prorated	1 Day/Year	**17 days Prorated	≥ 30 hours per week	Not Eligible	Not Eligible	Not Eligible	Not Eligible	Not eligible / 6 months from date of hire	90 days from Date of Hire	After 2 Years of Employment - Based on scheduled hours of 1000+/Yr	From date of hire
	STAFF	Staff (FY) - Class B 20 - 34 hours per week	Prorated	Prorated	3 Days/Year	17 days Prorated	≥ 30 hours per week	Not Eligible	Not Eligible	Not Eligible	Not Eligible	Not eligible / 6 months from date of hire	90 days from Date of Hire	After 2 Years of Employment - Based on scheduled hours of 1000+/Yr	From date of hire
		Staff (AY) - Class C 20 - 34 hours per week	None	Prorated	***1 Day/Year	**17 days Prorated	≥ 30 hours per week	Not Eligible	Not Eligible	Not Eligible	Not Eligible	Not eligible / 6 months from date of hire	90 days from Date of Hire	After 2 Years of Employment - Based on scheduled hours of 1000+/Yr	From date of hire
		Staff (FY or AY) - Class D less than 20 hours per week	Not Eligible	1 hour of sick time for every 30 hours worked	Not Eligible	Not Eligible	Not Eligible	Not Eligible	Not Eligible	Not Eligible	Not Eligible	Not Eligible	Not Eligible	After 2 Years of Employment - Based on scheduled hours of 1000+/Yr	≥ 1000+/Yr
TEMPORARY	PT or FT Class E Employee	Not Eligible	1 hour of sick time for every 30 hours worked	Not Eligible	Not Eligible	≥ 30 hours per week	Not Eligible	Not Eligible	Not Eligible	Not Eligible	Not Eligible	Not Eligible	After 2 Years of Employment - Based on scheduled hours of 1000+/Yr	≥ 1000+/Yr	
	PT Adjunct Class F Employee	Not Applicable	1 hour of sick time for every 30 hours worked	Not Applicable	**	≥ 30 hours per week	Not Eligible	Not Eligible	Not Eligible	Not Eligible	Not Eligible	Not Eligible	After 2 Years of Employment - Based on scheduled hours of 1000+/Yr	≥ 1000+/Yr	

\* Merrimack College grants additional time off for Christmas break and Fridays off in the summer. This additional time off will follow the same holiday pay practices for each employee class. Employees are eligible for the Christmas break pay if they are in a paid status on the day before and the day after the Christmas break period. Continuance of these days is based on business conditions and Presidential approval.  
 \*\* Employees are only paid for holidays when they are regularly scheduled to work.  
 \*\*\* One (1) personal day is equal to the longest scheduled work day based on current schedule.

8.1.1 - Merrimack Sick Time Benefit Accrual

Administrative and staff employees in class A, B, and C whose primary place of employment is in Massachusetts shall be eligible to accrue and use Merrimack sick time. Upon employment, employees who work a minimum of forty (40) hours per week for twelve (12) months are eligible to accrue twelve (12) sick days per year. Administrative and Staff who work between 20-34 hours will receive a prorated amount of sick time. Administrative and staff employees can accumulate up to 90 days of sick time.

Administrative employees accrue one sick day per month and staff employees accrue sick hours based on the number of hours you work. For accrual purposes, exempt employees will be assumed to work 40 hours per week, unless they are normally scheduled to work fewer than 40 hours, in which case earned sick time accrues based on their regular schedule.

<i>Staff Sick Accrual</i>		
Hours per Week	Hours Accrued per Pay Period	Yearly
40	3.7	12.0
37.5	3.46	11.2
35	3.24	10.5
32	2.96	9.6
30	2.78	9.0
25	2.31	7.5
24	2.22	7.2
20	1.85	6.0
<i>Administrative Sick Accrual</i>		
40 hrs./Fiscal Year	1 day per month	12
40 hrs./Academic Year	1 day per month	10

This policy is not applicable to Faculty.

8.1.2 – Massachusetts Earned Sick Time Policy Accrual

Employees not eligible for the college sick time benefit (i.e. temporary employees) are eligible for Massachusetts Earned Sick Time. Under this policy, employees accrue earned sick time on all hours worked at a rate of one hour earned sick time for every thirty (30) hours worked, including overtime hours, up to a cap of forty (40) hours per benefit year. The college follows all guidelines and procedures in accordance with the law.

8.1.3 - Use of Sick Time

Employees receiving either the Merrimack Sick Time Benefit or the Massachusetts Earned Sick time may use up to their annual accrual amount of accrued sick time per benefit year. Sick time is provided to allow employees to:

- 1) care for the employee's own physical or mental illness, injury, or other medical condition that requires home, preventative or professional care;
- 2) care for a child, parent, spouse, or parent of a spouse who is suffering from a physical or mental illness, injury, or other medical condition that requires home, preventative or professional care;
- 3) attend routine medical and dental appointments for themselves or for their child, parent, spouse, or parent of a spouse;
- 4) address the psychological, physical, or legal effects of domestic violence; or
- 5) travel to and from an appointment, a pharmacy, or other location related to the purpose for which the time was taken.

Use of sick time for other purposes is not allowed and may result in an employee being disciplined. Employees may not use sick time if the employee is not scheduled to be at work during the period of use. An employee may not accept a specific shift assignment with the intention of calling out sick for all or part of that shift. Earned sick time may be used for full or partial day absences. For non-exempt employees who are eligible for the college sick time benefit, sick time can be taken in 15 minute increments. For employees eligible for Massachusetts Earned Sick Time, the smallest amount of sick time that an employee can take is one hour. For uses beyond one hour, employees can use sick time in 15-minute increments.

Sick time cannot be used as an excuse to be late for work without an authorized purpose. If an employee's absence from work requires the college to call in a replacement worker to cover the absent employee's job functions, the college may require the absent employee to use an equal number of hours of sick time as were worked by the replacement. If the employee lacks sufficient accrued sick time to cover all such time worked by the replacement, the employer will provide sufficient job-protected unpaid leave to make up the difference in that shift. In certain circumstances, the employee and supervisor may mutually agree that an employee will work and be paid for an equivalent number of additional hours or shifts during the same or the next pay period as the hours or shifts taken as sick time. In those cases, the employee will not be required to use accrued sick time, and the college will not pay for the time that the employee was absent.

Sick days are not paid out at termination of employment, nor do sick days carry over from year to year.

This policy is not applicable to faculty.

#### 8.1.4 - Absence Notification Procedures

If an employee needs to be absent, to be late or to leave work early (for purposes that are permissible under either the Merrimack Sick Time or the Massachusetts Earned Sick Time law), the employee must give advance notice to his or her supervisor, except in an emergency. Notice should be provided through a notification system established by the college in a manner that the employee customarily uses to communicate with the employer for absences or requesting leave. If the absence is foreseeable (for example, if the employee will be absent to attend a previously scheduled appointment), the employee must provide up to seven days' advance notice, unless the employee learns of the need to use earned sick time within a shorter period of time. If the absence is not foreseeable, the employee must provide notice

to his or her supervisor at least one (1) hour before the start of the employee's shift. If one (1) hours' notice is not reasonable due to an accident or sudden illness, notice must be provided as soon as practicable. If an employee is going to be absent on multiple days, the employee or the employee's surrogate (e.g., spouse, adult family member or other responsible party) must provide notice of the expected duration of the leave or, if unknown, provide notice of continuing absence on a daily basis, unless the circumstances make such notice unreasonable.

#### 8.1.5 - Documentation of Use of Sick Time

For purposes that are permissible under either the Merrimack Sick Time or the Massachusetts Earned Sick Time law, the college does not require a doctor's note or other documentation except in limited circumstances, such as when an employee misses more than three (3) consecutive workdays. The college will never require information about the nature of the illness or the details of the domestic violence. However, the college may require documentation evidencing that you or a member of your family is a victim of domestic violence and that you are not the perpetrator of the abusive behavior.

The college will generally require an employee to submit a doctor's note or a form stating that they are using or have used sick time for a covered purpose to support the use of sick time if the absence:

- 1) exceeds 24 consecutively scheduled work hours or three consecutive days on which the employee is scheduled to work;
- 2) occurs within two weeks prior to an employee's final scheduled day of work (except in the case of temporary employees); or
- 3) occurs after four unforeseeable and undocumented absences within a three-month period. Required documentation must be submitted to the manager within seven days of the absence. The manager will then forward all documentation to the Office of Human Resources. Additional time will be allowed for good cause shown. If an employee fails to timely comply with the sick time law's documentation requirements, the college may recoup the sick time paid from future wages, and the employee is subject to discipline.

#### 8.1.6 - Interaction with Other Types of Leave

If any time off covered under this policy is also covered under the college's FMLA, Parental Leave, Domestic Violence Leave, Small Necessities Leave Act, sick time or other non-FMLA leave of absence policies including any local, state, and federal leave of absence policies, shall run concurrently with such leave. Employees may choose, and the college may require employees, to use earned sick time to receive pay for absences under other leave policies if those absences would otherwise be unpaid.

#### 8.1.7 - Personal Days

Administrative and staff employees in Class A, B and C earn personal days. Upon employment, exempt and non-exempt employees who work a minimum of twenty (20) hours per week during the fiscal year are issued three personal days. Employees who work a minimum of twenty (20) hours per week during the academic year are issued one personal day. Personal days are prorated for all part-time employees. The personal day is equal to the longest scheduled work day based on the employee's current schedule.

Personal days are intended for activities that cannot be scheduled outside regular work hours. Personal days do not carry over from year to year. Employees are re-issued personal days each year on the anniversary date of their hire. Personal days, not inclusive of any local, state or federal leave benefit, may not be taken after notice of resignation of employment is given. Personal days are not paid out at termination of employment.

This policy is not applicable to Faculty.

#### 8.1.8 - Vacation

Administrative and staff employees in Class A and B earn vacation hours. Hours are prorated for Class A and B employees who work between 20 – 39 hours per week. Merrimack encourages the use of planned vacation time throughout the year. Employees must give advance notice and receive approval of planned vacation by his or her supervisor. Notice should be provided through a notification system established by the supervisor.

##### Administrative

All 12-month full-time administrative employees shall be credited with vacation at the rate of one and two-thirds days per full calendar month of service (20 days per year). All 10-month full-time administrative employees shall be credited with vacation at the rate of one and two-thirds days per full calendar month of service (16.7 days per year).

Employees may accrue vacation to a maximum of the number of hours that they would earn over a one (1) year period of employment at their current rate of accrual.

Upon separation from the institution, employees will be paid for unused accrued time but will not be paid for more vacation time than can be earned under this policy in a year; however, accrued sick time would be forfeited. Administrative employees who return to the faculty will have their unused, accrued vacation hours applied to a future sabbatical.

##### Staff

All class A and B staff employees earn vacation credits based upon date of hire. Vacation accrual begins with the first full pay period of employment. Vacation hours accrue according to the following:

1. Any Class A or B employee who has completed less than five full years of service shall accrue vacation hours per pay period according to *Table 1* below.
2. Any Class A or B employee who has completed five full years of service shall accrue vacation hours according to *Table 2* below. The increased accrual hours will begin the pay period, which includes the date of hire.
3. Any Class A or B employee who has completed 10 or more full years of service shall accrue vacation hours per pay period according to *Table 3* below. The increased accrual hours will begin

the pay period, which includes the date of hire.

### Staff Vacation Accrual Rates

Table 1			Table 2			Table 3		
Years Service	Hours per Week	Hours Accrued per Pay Period	Years Service	Hours per Week	Hours Accrued per Pay Period	Years Service	Hours per Week	Hours Accrued per Pay Period
0 – 5	40	3.7	5 - 10	40	4.92	10+ Yrs.	40	6.15
	35	3.24		35	4.31		35	5.38
	32	2.96		32	3.92		32	4.92
	30	2.78		30	3.69		30	4.62
	25	2.31		25	3.08		25	3.84
	24	2.22		24	2.95		24	3.69
	20	1.85		20	2.46		20	3.08

Class A and B Staff employees may accrue vacation to a maximum of the number of hours that they would earn over a one (1) year period of employment at their current rate of accrual.

Upon separation from the institution, employees will be paid for unused accrued time but will not be paid for more vacation time than can be earned under this policy in a year.

Vacation shall be taken in accordance with the schedule that shall be established by the appropriate supervisor subject to approval of the appropriate dean or vice president. It is expected that vacation will be taken at such times during the year as best serves the needs of the college. Individual departments and offices may deem certain days as unavailable for vacation to be scheduled or approved for that time period. Employees are encouraged to plan, take their vacation time over the year, and not wait until the end of the fiscal year to use their accrued time.

If a recognized holiday is observed during the employee's vacation, such time will not be charged against accrued vacation time. No allowance will be made for sickness or other incapacity occurring during a vacation.

All vacation used must be reported to the Payroll Office with supervisor's approval so that an accurate record can be maintained of accruals.

This policy is not applicable to faculty.

#### 8.2 - Leaves of Absence

##### 8.2.1 - General Provisions

It is the policy of Merrimack College to grant leaves of absence for medical and personal reasons, as well as to meet the college's legal obligations for providing protected leave for military service and under the

Massachusetts Parental Leave Act. Separate policies contain specific college provisions and requirements for each particular type of leave.

#### 8.2.2 - Required Notice and Returning from Leave

Employees will be considered for a leave according to the provisions of the specific leave policy. Whenever possible, requests should be made at least 30 days prior to a leave so the organization can arrange for the necessary approval and prepare for the absence. Requests for leaves should be submitted to the department manager. In cases of emergency, the college should be notified as soon as possible. Notice should come from the employee or, if the employee is incapacitated, from a representative of the employee.

If an employee is not returning to work after a leave, the date that the employee gives notice to Merrimack College will be the date of termination, unless on an approved disability leave.

#### 8.2.3 - Inability to Return from Leave

A staff/administrative employee who has exhausted 120 calendar days of short-term disability leave and is unable to return to work may, based upon eligibility, continue to be paid 60% of salary through long-term disability insurance. The total length of a long-term disability claim is dependent upon meeting the definition of a disability and other plan provisions as outlined in the plan documents.

At the end of 120 days of short-term leave, an employee who is unable to return to work and perform the essential functions of his/her position will be separated from employment with Merrimack College. The individual will be eligible for continued health and dental insurance under the provisions of COBRA. If in the future, the separated employee is able to return to work, he/she is welcomed to apply for any open positions if he/she is in good standing with the college and for those positions in which s/he is qualified.

Faculty who are unable to return from short-term disability should refer to the Faculty Handbook for details regarding Termination Because of Physical or Mental Disability.

#### 8.2.4 - Provisions Applicable to All Employees for Unpaid Leave

During the period of unpaid leave, no sick days or vacation time is earned. This leave will not affect the employee's rights to use vacation time, or receive bonuses, advancement, or other benefits for which he/she was eligible at the date of his/her departure.

Employees eligible for FMLA must use all accrued paid time off on leave. Employees eligible for MPLA may use unused sick time (as may qualify) or vacation time during all or part of the leave and may do so provided the entire period of leave, including paid and unpaid time, does not exceed eight weeks.

Employees are expected to notify the Office of Human Resources at least two weeks before returning to work from the above leaves.

### 8.2.5 - Employee Benefit Participation and Accrual During a Leave

Generally, an employee's benefits will continue during leaves of absence as long as the benefit contract allows continuation and provided the employee continues to pay his or her portion of applicable premiums. In cases of extended leaves of absence, it will be necessary to determine continuation through a review of contractual and legal obligations as well as the overall circumstances surrounding the employee and the leave.

### 8.2.6 - Reinstatement and/or Job Restoration Following a Leave

Generally, it is the intent of Merrimack College to reinstate an employee to his or her position following an approved leave of absence. However, there may be situations where this is not possible due to the length of an absence, business demands, etc. Therefore, except where mandated by law, we cannot guarantee that an employee's position will remain open during an extended leave of absence. The department manager, the Office of Human Resources and the Office of the General Counsel will make these decisions on a case-by-case basis.

### 8.2.7 - Leave Extensions

Requests for an extension of a leave of absence should be made by contacting the department manager and the Office of Human Resources.

### 8.2.8 - Short-Term Disability for Staff and Administrative Employees

Short-term disability claims may be filed after ninety (90) days of service. Employees who are scheduled to work twenty (20) hours per week or more are eligible for paid time off due to the employee's own disability if the claim is approved. It is the college's intention that employees remain in a fully paid status for as long as possible during the period of disability by drawing down their accrued earned time to include sick, personal, and vacation.

Short term disability pay begins after an employee meets the following criteria:

- Has been absent for a minimum of five (5) consecutive business days due to illness or injury;
- Provides the Office of Human Resources with proper medical documentation indicating length of time employee will be absent from work due to illness or injury; and
- Exhausts sick time accumulation, which allows the employee to receive 100% of pay.

Short-term disability pays 60% of your regular wages for a maximum of 120 calendar days.

The 120 calendar days begin the first day you are absent from work due to an illness or injury. Short-term disability payments will cease when employee is no longer disabled, eligible for long-term disability or does not provide updated medical documentation. Please contact the Office of Human Resources when you are aware of a pending need or have been absent for more than five consecutive (5) days due to illness, injury or surgery. Parental claims may be discussed with the Office of Human Resources three months prior to the due date. Please review specifics with the Office of Human Resources.



Neither sick nor vacation days accrue during the period an employee is collecting short-term disability. Short-term disability leave is concurrent with Family Medical Leave.

Full-time faculty should refer to the Faculty Handbook regarding Sick Leave (Short Term Disability).

### 8.2.9 - Long-Term Disability

Employees who are scheduled to work thirty-five (35) hours or more per week and full-time faculty are eligible for enrollment in Long-term disability coverage. Long-term disability coverage provides individuals with income continuation in the event they become disabled. If the claim is approved, the coverage amount paid is 60% of salary and begins following the elimination period (i.e., following the end of short term disability). Please contact the Office of Human Resources for additional information.

### 8.2.10 - Family Medical Leave Act (FMLA)

The [Family and Medical Leave Act \(FMLA\)](#) provides certain employees with up to 12 weeks of unpaid, job-protected leave per year. It also requires that their group health benefits be maintained during the leave.

FMLA is designed to help employees balance their work and family responsibilities by allowing them to take reasonable unpaid leave for certain family and medical reasons. It also seeks to accommodate the legitimate interests of employers and promote equal employment opportunity for men and women.

FMLA applies to all public agencies, all public and private elementary and secondary schools, and companies with 50 or more employees. These employers must provide an eligible employee with up to 12 weeks of unpaid leave each year for any of the following reasons:

- For the birth and care of the newborn child of an employee;
- For placement with the employee of a child for adoption or foster care;
- To care for an immediate family member (spouse, child, or parent) with a serious health condition;
- or
- To take medical leave when the employee is unable to work because of a serious health condition.

Employees are eligible for leave if they have worked for their employer at least 12 months, at least 1,250 hours over the past 12 months, and work at a location where the company employs 50 or more employees within 75 miles. Whether an employee has worked the minimum 1,250 hours of service is determined according to FLSA principles for determining compensable hours or work.

Time taken off work due to pregnancy complications is counted toward the 12 weeks of family and medical leave.

A final rule effective on January 16, 2009, updated the FMLA regulations to implement new military family leave entitlements enacted under the National Defense Authorization Act for FY 2008.

### 8.2.11 – Massachusetts Parental Leave Act (MPLA)

Regardless of whether an employee is eligible for FMLA leave, full-time faculty and staff may be eligible for leave under the Massachusetts Parental Leave Act (MPLA). Under this leave policy, Merrimack College allows both female and male employees up to eight weeks of unpaid leave for the purpose of childbirth or adoption of a child less than 18 years of age (or under 23 if the child is disabled). In order to qualify for this leave, the following conditions must be met:

- The employee must have successfully completed three months of full-time employment; and
- The employee must provide two weeks written notice of the anticipated date of departure and state in writing the intention to return to his/her position; the employee must also state the anticipated date of return to work.

Part-time employees scheduled to work 20-hours or less per week and temporary employees are not eligible.

#### 8.2.12 - Merrimack College Parental Leave Policy

Pursuant to M.G.L. Ch. 149, Sec. 105D, Merrimack College has adopted the following policy for parental leave.

Merrimack College offers its full-time employees a paid leave option for the birth or adoption (or foster placement) of a child. Merrimack offers its fulltime employees twelve (12) weeks of leave at full base salary.

For the complete Parental Leave policy, go to the [Human Resources MyMack](#) page under Policies & Procedures.

#### 8.2.13 – Merrimack College Family Leave Policy

Merrimack College offers its full-time employees a paid leave option to care for a seriously-ill member of the employee’s immediate family or to address an employee’s own serious illness. Merrimack offers its full-time employees eight (8) weeks of leave at full base salary.

For the complete Family Leave policy, go to the [Human Resources MyMack](#) page under Policies & Procedures.

#### 8.2.14 – Health Benefits Protection

During FMLA or MPLA leave, Merrimack College will maintain the employee’s health and dental coverage under the “group health plan” on the same terms as if the employee had continued to work and will make arrangements for payment of employee portion of benefits. Employees who intend to take an unpaid parental leave of absence and return to work should make an appointment with the Office of Human Resources to discuss the continuation of health insurance, group life insurance, etc.

Employee’s Responsibility: The employee is responsible for the following:

- Provide the Office of Human Resources with thirty (30) days advance notice of leave, if possible, and if not possible, the employee must provide notice as soon as practical and should comply with the normal call-in procedures;
- Provide medical documentation that supports the request for FMLA;
- An employee who is taking FMLA leave because of the employee's own serious health condition or the serious health condition of a family member must use all paid vacation or sick leave (if employee's illness) prior to being eligible for unpaid leave. Sick leave runs concurrently with FMLA leave if the reason for the FMLA leave is covered by the established sick leave policy;
- Contact the Office of Human Resources (approximately) two weeks prior to returning to work to discuss the documentation necessary to certify the employee is fit to return to work as verified by a certified statement from a doctor in the case of the employee's own serious health condition; and
- Contact the Office of Human Resources if out ninety (90) days and return to work is not known in order to discuss and complete the application process for Long Term Disability Insurance.

#### 8.2.15 - FMLA or MPLA Restoration of Position

Upon return from leave, the employee will be restored to his/her original or an equivalent position with equivalent pay, benefits, and other terms. The use of FMLA/MPLA will not result in the loss of any employment benefits that accrued prior to the start of the employee's leave. Benefits resume as of the date of the employee's return to full-time work.

#### 8.2.16 - Service Member Family and Medical Leave

The federal Family and Medical Leave Act (FMLA) entitles eligible employees to take leave in certain situations related to a family member's service in the Armed Forces or National Guard and Reserves ("Service member FMLA"). This policy supplements our FMLA policy and provides general notice of employee rights to such leave. Except as mentioned below, an employee's rights and obligations under Service member FMLA Leave is governed by our existing FMLA policy.

##### Leave Entitlement

Eligible employees may take leave for one or more of the following reasons:

- A qualifying exigency arising out of a family member's covered active duty or call to covered active duty in the Armed Forces or National Guard and Reserves in support of a contingency operation or when that family member is deployed to a foreign country. Qualifying exigencies include such things as short-notice deployment, military events and related activities, childcare and school activities, financial and legal arrangements, counseling, rest and recuperation, post-deployment events and additional activities;
- To care for a family member who has incurred an injury or illness in the line of duty while on covered active duty in the Armed Forces or National Guard and Reserves, provided that such injury or illness renders the family member medically unfit to perform duties of the member's office, grade, rank or rating. This includes injuries or illnesses that existed before the beginning of the member's active duty and were aggravated by service in the line of duty on active duty in the Armed Forces. This also includes veterans who are undergoing treatment for a serious illness or injury incurred in the line of

active duty and who were members of the Armed Forces, including the National Guard and Reserves, within the five years preceding the treatment. For purposes of the FMLA, the term spouse shall mean a husband or wife as recognized under federal law meaning that a legally recognized relationship with a heterosexual and same sex spouses shall entitle an otherwise eligible employee to any and all rights under this law; and/or

- To care for a military member's parent who is incapable of self-care when the care is necessitated by the member's covered active duty. Such care may include arranging for alternative care, providing care on an immediate need basis, admitting or transferring the parent to a care facility, or attending meetings with staff at a care facility.

### Eligibility

Eligible employees with a spouse, son, daughter, or parent on covered active duty or call to covered active duty status may use their leave entitlement to address certain qualifying exigencies.

Eligible employees whose spouse, son, daughter or next of kin is a covered service member may use their leave entitlement to care for that service member.

### Duration of Service member FMLA

When leave is due to a qualifying contingency, an eligible employee may take up to 12 workweeks of leave during any 12-month period.

When leave is due to rest and recuperation qualifying contingency, an eligible employee may take up to 15 calendar days during any 12-month period.

When leave is to care for an injured or ill service member, an eligible employee may take up to 26 workweeks of leave during a single 12-month period to care for the service member. Leave to care for an injured or ill service member, when combined with other FMLA-qualifying leave, may not exceed 26 weeks in a single 12-month period.

Service Member FMLA runs concurrently with other leave entitlements provided under federal, state and local law.

### 8.2.17 - Small Necessities Leave

An employee who has worked for Merrimack College for a minimum of one year may take a total of 24 hours unpaid leave each year to (1) participate in school or day-care activities that are directly related to the educational advancement of his or her child, (2) accompany his or her child to routine medical or dental appointments or (3) accompany an elderly relative to routine medical or dental appointments or other appointments for the elder's care.

The 24-hour leave may be taken intermittently or on a reduced leave schedule. If an employee wishing to take small necessities, leave is entitled under college policy to take paid leave all available paid leave must be taken and exhausted before unpaid small necessities leave may be used.

If the necessity for the leave is foreseeable, an employee is required to provide at least seven days' notice

before the date the leave is to begin. If the necessity for the leave is not foreseeable, then the employee must provide such notice as is practicable.

Upon request by Merrimack College, an employee must provide written “certification” from an appropriate person or entity certifying the basis for the requested small necessities leave.

### Eligibility

Employees who have been employed by Merrimack for at least 12 months and at least 1,250 hours during the preceding 12-month period may take an unpaid leave of absence of up to 24 hours per 12-month period, which is a rolling period measured backward from the date an employee last used any leave under this Policy. Small necessities leave may be taken intermittently or on a reduced leave schedule, in increments of at least one hour. If an employee has unused, accrued vacation or sick days (“paid leave”), Merrimack will provide such paid leave to run concurrently with, not in addition to, the small necessities leave.

### Reasons for Leave

Eligible employees may be granted small necessities leave for any of the following reasons:

- To participate in school activities directly related to the educational advancement of the employee’s child, such as parent-teacher conferences or interviewing for a new school;
- To accompany the employee’s child to routine medical or dental appointments, such as check-ups or vaccinations; and/or
- To accompany an elderly relative of the employee to routine medical or dental appointments or appointments for other professional services related to the elder’s care, such as interviewing at nursing or group homes.

The “employee’s child” must be either: (a) 18 years old or younger, or (b) over 18 but incapable of self-care due to mental or physical disability.

The “school” may be public or private, a Head Start program, or a licensed children’s day care facility.

The “elderly relative” must be at least 60 years old.

## 8.2.18 - Leave for Exposure to Communicable Diseases

### Purpose

The purpose of this policy is to protect employees and others from exposure to communicable diseases by requiring employees exposed to a communicable disease to take administrative leave from positions that require contact with other individuals.

### Conditions for Leave

The conditions under which administrative leave may be taken are:

- Public health officials quarantine an employee, or
- Public health officials and Merrimack College management concur that the employee should be excluded from work.

### Leave

If either of the above conditions occurs, the employee may be advised not to report to work for a specified period of time. In these cases, Merrimack College may (1) require the employee to perform services by telecommuting or (2) require the employee to take paid administrative leave until the specified period of time ends, or until the employee becomes ill with the communicable disease, whichever comes first.

If the employee becomes ill and the illness is determined to be work-related, the college's Workers' Compensation Policy may apply.

If the employee becomes ill as a result of off-the-job exposure, the college's Sick Leave, Short-Term Disability and/or Family and Medical Leave policies may apply.

### Procedure

It is the employee's responsibility to provide the employer with a written confirmation from a Public Health official of any quarantine period.

Where there has been no specific quarantine, an employee who is diagnosed as having an infectious disease that may, according to the Centers for Disease Control (CDC) recommendations, be transmitted in the workplace, should inform his or her supervisor of such after diagnosis. The employee should also provide a written statement from his or her physician documenting his or her ability or inability to perform assigned duties without transmitting that disease.

When Merrimack College has a reasonable cause to believe that an employee is either (1) unable to perform his or her duties or (2) poses a significant risk of substantial harm to him or herself or others because of an infectious disease, Merrimack College may request a medical examination to inform decisions regarding the employee's status.

Management will consult with and/or notify public health officials where appropriate in order to determine the correct course of action.

### Return-to-Work Procedures

Merrimack College will require certification from a medical provider that it is safe for an employee to return to work after (1) being diagnosed with a communicable disease, (2) returning from an area where there has been an outbreak of a communicable disease, or (3) being quarantined in association with such an illness. Certification of being cleared to return to work should be returned to the Office of Human Resources.

## Reporting Responsibility

Anyone who discovers evidence of a communicable disease that could seriously endanger the health of others in the workplace should report such findings to management. Management will then notify the local health department.

Note: The most recent list of reportable diseases compiled by the State Health Commission is found in the Administrative Code 10A NCAC 41A.101. This list is constantly updated as new diseases emerge.

## Travel

Based on CDC recommendations, Merrimack College may require employees who travel to and from countries with active communicable disease outbreaks to report all such travel to the Administration and to undergo testing and screenings considered medically appropriate prior to returning to work. College business travel may be suspended.

If an employee travels on personal business to a region requiring quarantine upon return, Merrimack College may request that the employee use accrued paid time off or unpaid administrative leave for the duration of the recommended quarantine period. Where practicable, the supervisor, the Office of Human Resources and the employee may arrange for a remote work assignment for some or all of the quarantine period.

## Refusal to Work/Concern for Personal Safety

Should an employee(s) express a reasonable concern over personal safety and health because a person has, or has been exposed to, an infectious disease in the workplace, management generally will contact the public health officials in the Health Department for specific information and recommended precautions.

An employee who refuses to work because of his or her belief that such work puts him or her at risk of exposure to infectious disease, when reasonable risk cannot be demonstrated, may be advised that such action constitutes an unwarranted fear and may be instructed to proceed with his or her job responsibilities. In such cases, Merrimack College may direct the employee to knowledgeable professionals who can discuss etiology, transmission, and the employee's concerns.

Refusal to work with a person with an infectious disease is not a valid excuse for not completing work responsibilities if/when no reasonable risk of disease transmission can be demonstrated. If an employee fails to execute his or her normally assigned duties following an order to do so, Merrimack College may proceed with appropriate disciplinary action.

## Confidentiality

Merrimack College recognizes the importance of protecting, to the greatest extent possible, the

confidentiality and privacy interests of all employees suspected of having or who have a communicable illness. Accordingly, such information should be handled with the same degree of care and sensitivity as is accorded to other types of highly confidential medical information and, if applicable, in compliance with HIPAA. Merrimack College will disclose sensitive medical information of employees no further than is necessary to ensure the health and safety of our staff, and in a manner consistent with applicable law.

### 8.2.19 - Domestic Violence Leave

As a result of the passage of c. 260 of 2014, "An Act Relative To Domestic Violence" Merrimack College has adopted the following policy.

The purpose of this policy is to explain to all employees their rights and responsibilities under the law as well as to present Merrimack College procedures and guidelines for responding to any employee disclosure of information about domestic violence or abuse against an employee or an employee's family member.

This policy allows for 15 days of job-protected leave during a 12-month period. This leave is in addition to all other forms of leave available to employees. The leave must be directly related to the abusive behavior such as medical attention, counseling, victim services or legal assistance; secure housing; to obtain a protective order from a court; to appear in court or before a grand jury; to meet with a district attorney or other law enforcement official; or to attend child custody proceedings or address other issues directly related to the abusive behavior against the employee or family member of the employee.

This policy is applicable to full-time, part-time, seasonal and temporary employees. Any employee requesting leave under this domestic violence leave policy may do so without having to use earned vacation, sick or personal time. Leave will be paid as a domestic leave policy benefit.

An employee is responsible to provide appropriate advanced notice of the leave under this policy except in the case of imminent danger. In the case of imminent danger, the employee, a family member or a third party must notify the employer (employee's direct supervisor or HR) within 3 working days from the first date of the absence indicating that leave taken has been taken as a result of a domestic violence event.

Merrimack College reserves the right to request documentation related to a requested domestic violence leave under this policy. Employees have up to 30 days to provide adequate documentation of the absence. Adequate documentation includes:

- A protective order;
- A document on letterhead of the court, provider or public agency;
- A police report or other official police document;
- Documentation that the perpetrator has:
  - Admitted to sufficient facts to support a finding of guilt of abusive behavior; or
  - Been convicted of, or adjudicated a juvenile delinquent by reason of any offense constituting abusive behavior and is related to the abusive behavior that necessitated the leave;
- Medical documentation of treatment as a result of the abusive behavior;



- An affidavit, signed under the penalties of perjury, provided by a professional third party who has assisted the employee or the employee's family member; or
- An affidavit, signed under the penalties of perjury, from the employee attesting that the employee or family member is a victim of abusive behavior.

Documentation will be retained by the College only for as long as required for the employer to make a determination as to whether the employee is eligible for leave pursuant to this section.

All information that is not a public record related to the employee's leave will be kept confidential by the employer except as requested by the employee, required by law, or necessary to protect the safety of the employee or others employed at the workplace.

Merrimack College will not coerce, interfere with, restrain or deny the exercise of, or any attempt to exercise, any rights provided in this policy or make leave contingent upon whether or not the victim maintains contact with the alleged abuser.

Merrimack College will not discharge or discriminate against an employee for exercising an employee's rights pursuant to this policy. The taking of leave shall not result in the loss of any employment benefit accrued prior to the date on which the leave taken pursuant to this policy commenced.

Upon the employee's return from an approved leave under this policy, he/she will be entitled to restoration to their original job or to an equivalent position.

#### 8.2.20 - Administrative Leave

An employee may be placed on an administrative leave (a temporary leave from a job assignment pending the outcome of an investigation), with or without notice, and notwithstanding pay, to permit the college to review or investigate actions, including dishonesty, theft or misappropriation of college funds or property, violence on the job, gross safety negligence or acts endangering others, insubordination, or any other conduct that warrants removing the employee from the worksite. The leave will be confirmed in writing, stating the reason and the expected duration of the leave. Upon conclusion of the investigation, the employee will be informed in writing of the actual dates and pay status of the leave.

The Office of Human Resources and/or the General Counsel may place an employee on administrative leave without prior notice for periods not to exceed 15 calendar days to review or investigate actions in breach of the above-stated guidelines.

There will be a prompt and thorough investigation of the allegations or charges. Upon conclusion of the investigation, the Office of Human Resources/General Counsel will determine if the period of the investigatory leave is to be converted to a suspension without pay or dismissal. The department head in collaboration with the Office of Human Resources will inform the employee in writing of the decision.

#### 8.2.21 - Bereavement Leave

Employees may be allowed up to five (5) days leave of absence with pay in the event of a death of the

employee's immediate family member. Immediate family is defined as spouse, domestic partner, children, stepchildren, children-in-law, parents, grandparents, grandchildren, brothers, sisters, in-laws, parents and siblings of spouse. Bereavement leave may be granted for other relatives or close friends upon request, for the amount of time needed, to attend services not to exceed one (1) day.

All employees except class D and E are eligible for this benefit.

#### 8.2.22 - Military Leave

An employee who is a member of the United States Army, Navy, Air Force, Marines, Coast Guard, National Guard, Reserves or Public Health Service will be granted an unpaid leave of absence for military service, training or related obligations in accordance with applicable law. Employees on military leave may substitute accrued paid leave time for unpaid leave. At the conclusion of the leave, upon the satisfaction of certain conditions, an employee generally has a right to return to the same position he or she held prior to the leave or to a position with like seniority, status and pay that the employee is qualified to perform.

Employees who are required to serve a period of time in a reserve component of the U.S. Armed Forces are allowed an unpaid leave of absence. All employees, regardless of length of service are entitled to reserve duty leave. There will be no loss of seniority-based benefits during military leave.

Continuation of coverage under the college's health care plan during military leave depends on the length of the leave. For leaves of absence less than 31 days in duration, the college will continue to pay its share of the health care premium contribution, and the employee will be responsible for his or her own share. For leaves of absence greater than 31 days, a covered employee may elect to continue health plan coverage at his or her own expense for a period of up to 18 months.

An employee requesting military leave must complete a written leave request as soon as the need for leave becomes known. A copy of the orders to report for military service must accompany the written leave request.

#### 8.2.23 - Court Leave

In the event an employee is summons to jury duty, all employees of Merrimack College, including regular faculty, exempt and non-exempt staff, as well as part-time and temporary employees shall be paid regular wages by Merrimack College as long as the employee is scheduled to work for those hours requested for juror service.

Notice of service call shall be filed in the Office of Human Resources upon receipt of summons. The college will pay the difference between the normal earnings and the earnings the employee receives from the court. If the court payment is greater than the employee's normal rate of compensation, the employee is entitled to retain those earnings. The employee will be required to produce a certificate of service indicating the number of days of service and the rate of compensation.

Expenses reimbursed by the court for travel, meals, room hire, etc., shall be retained by the employee and

shall not be considered part of the jury fees.

Employees who are summoned to appear as witnesses in a trial shall be granted court leave subject to conditions stated above.

#### 8.2.24 - Voting Leave

Merrimack College encourages employees to fulfill their civic responsibilities by participating in elections. Generally, employees are able to find time to vote either before or after their regular work schedule. If you are unable to vote in an election during your non-working hours, you should request unpaid time off to vote at least two working days prior to the Election Day. This unpaid leave may be taken for up to two hours. Advance notice is required so that the necessary time off can be scheduled accordingly to provide the least disruption to the college's operations.

## Section 9 – Workplace Safety

### ***9.1 - General Safety***

Merrimack College strives to provide a safe, secure place in which to learn and work. To prevent accidents, employees should be alert to the surroundings, and make safety consciousness a priority.

Individuals are encouraged to report security problems or potential sources of security problems (such as malfunctioning lights, windows or door locks) to the Police Department and Office of Facilities.

Please log in to the college's electronic maintenance request system on the Merrimack College website to submit a maintenance request.

### ***9.2 - Lockout/Tagout***

Merrimack College is committed to maintaining a lockout/tagout program for the protection of its employees. This program covers servicing and maintaining machines and equipment where unexpected starting or unexpected release of stored energy could cause injury to employees.

Anyone who operates equipment is to be protected by personal protective gear and by safety guards on the equipment itself. However, once the equipment is shut down for maintenance or repair, the protection of safety guards is usually removed. Therefore, the only way to ensure that employees can protect themselves from unexpected operation of a piece of equipment is to lock it out or tag it out.

The Safety Lockout/Tagout Policy provides clear direction to employees on prescribed procedures for using safety tagout devices. Merrimack College will communicate and train employees in compliance with appropriate OSHA standards. Employees who do not follow proper procedures will be subject to discipline.

### ***9.3 - Drug and Alcohol Policy***

The abuse of controlled substances (drugs) and/or alcohol can constitute a real threat to those who abuse these substances, to those who work with such individuals, and to the organizations for whom they work.

It is Merrimack College's policy to maintain a workplace that is free from the effects of illegal drugs and the misuse of alcohol, and prescription medication.

Employees who possess, sell, transfer or offer to buy or sell illegal drugs or controlled substances during working or non-working hours will be subject to disciplinary action, up to and including termination of employment.

Under no circumstances is an employee of Merrimack College to report to work or operate a college-owned vehicle under the influence of alcohol or controlled substances. When there is reasonable suspicion that an employee has violated this policy, Merrimack College administration reserves the right to require drug and/or alcohol testing.

In the event an employee appears to be unfit for work, the supervisor will attempt to verify his or her observation(s) with another manager; however, a supervisor may remove an employee from the workplace if health, safety or similar considerations warrant such action.

The use of marijuana for limited medical and recreational purposes (medical marijuana) is permitted in Massachusetts. However, marijuana remains a controlled substance (and therefore illegal) under federal law. Any employee with a medical marijuana card must inform his/her supervisor or manager immediately. Please note that despite Massachusetts's law, Merrimack is subject to federal law that prohibits possession of marijuana on campus.

Notwithstanding the employee's possession of a medical marijuana authorization card, the employee will still be responsible to adhere to the college's prohibition of working in a diminished capacity and/or under the influence of alcohol or drugs and will be subject to any and all college policies including performance, appearance, personal conduct, attendance, safety and any other criteria established throughout this Handbook. Any employee found to test positive as a result of a drug and/or alcohol test will be subject to discipline up to and including termination.

Where there is a reasonable belief that a violation of this policy has occurred, the college reserves the right to conduct searches of desks, lockers and other employee areas. Failure or refusal to permit a requested search may result in disciplinary action, up to and including termination of employment. Law enforcement officials may be notified when appropriate.

Any person who violates the Drug and Alcohol Policy will be subject to disciplinary action, up to and including termination of employment.

Any person convicted for the use, possession, or sale of illegal drugs on or off Merrimack College premises may be subject to discipline up to and including discharge. Each employee is required to notify the college within five days (5) of any conviction for violation of any federal or state criminal drug law

occurring in the workplace.

Any person who violates any criminal laws in connection with the distribution or use of illegal drugs shall be subject to discipline or other action by Merrimack College.

See also the [Drug Free Schools and Community Act](#).

The college stands willing to assist in the resolution of problems associated with the use of drugs and alcohol and encourages employees to seek medical help by contacting their private physician or the Employee Assistance Program (EAP).

#### ***9.4 - Fire Arms and Weapons Policy***

The possession, transfer, use and/or distribution of firearms, ammunition, explosives, or other weapons is prohibited on Merrimack College property including but not limited to buildings, parking lots, college-sponsored events and personal or college-owned vehicles. Possession of weapons, explosives or firearms is prohibited at all times while conducting college business (except in the case of the Merrimack College Police Department officers, and other lawfully permitted Andover Police Department officers and North Andover Police Department officers). This includes those individuals who are licensed to own or carry weapons by their respective states.

This policy includes any device that can expel a projectile and/or other dangerous weapons including knives explosives, bows and arrows, swords, or other items, which, in their intended use, are capable of inflicting serious injury.

Should you have any questions relating to this policy, please contact the Office of Human Resources or the Merrimack College Police Department.

#### ***9.5 - Policy Against Workplace Violence***

Merrimack has a policy of zero tolerance for violence. If an employee engages in any violence in the workplace, or threatens violence in the workplace, his/her employment may be terminated immediately for cause. No talk of violence or joking about violence will be tolerated. "Violence" includes physically harming another, shoving, pushing, harassing, intimidating, coercing, brandishing weapons, and threatening or talking of engaging in those activities. It is the intent of this policy to ensure that everyone associated with the operations of the college, including employees and students, never feels threatened by any employee's actions or conduct.

It is everyone's business to prevent violence in the workplace. Employees can help by reporting what you see in the workplace that could indicate that a coworker is in trouble. Employees are in a better position than management to know what is happening with those employees with whom they work.

Employees are encouraged to report any incident that may involve a violation of any of the college's

policies that are designed to provide a comfortable workplace environment. Concerns may be presented to supervisors. All good faith reports will be investigated and information will be kept as private as possible.

The Office of Human Resources, in conjunction with the Merrimack College Police Department, is responsible for investigation and enforcement of this policy

### ***9.6 - Workers' Compensation***

All injuries that occur on the job must be reported to your supervisor at once, regardless of the nature or severity of the injury. In case of serious injury, you will be transported for emergency medical care.

State workers' compensation laws address injuries at work.

Merrimack College is required by law to maintain accurate and complete records concerning work-related injuries and illnesses, and the complete cooperation of each employee is expected. Therefore, it is necessary that all work-related injuries be reported immediately.

Workers' Compensation constitutes a system of monetary payments, medical care, and rehabilitation for wage earners who have sustained injuries arising out of and in the course of their employment, and for dependents of an employee in case of death resulting from such injuries. All injuries or illnesses that arise out of and in the course of employment must be reported as soon as possible to an immediate supervisor who will take the necessary steps to ensure that appropriate medical attention is provided. Failure to follow the following procedure may result in the appropriate workers' compensation report not being filed in accordance with the law, which may consequently jeopardize the employee's rights to benefits in connection with the injury or illness.

Questions regarding workers' compensation should be directed to the Office of Human Resources.

Safe working conditions are of primary importance to everyone at Merrimack College. Employees should report any unsafe conditions observed to department supervisors.

If an Employee is injured at work, the following procedures **MUST** be followed:

1. Employees must report all injuries and work related illnesses, regardless of severity, to their supervisor and complete an "Employee Incident Report". This form will be provided to them by the Office of Human Resources, Police Department or their supervisor. Within 24 hours the employee should complete section II (Employee's Statement), sign and date section II and III, and return the form to the Office of Human Resources located in Austin Hall, Room #10.
2. The employee or their supervisor notifies the Police Department at ext. 5555.
3. The Police Department will provide first aid and/or arrange transport to the appropriate medical facility, dependent on the severity of the injury.
4. Employee's supervisor should complete the "Supervisor's Investigative Report" and send to the Office of Human Resources located in Austin Hall, Room #10 within 24 hours.

Anyone needing medical attention for a work-related injury or illness should be seen at:

<p>AFC Urgent Care 129 Turnpike Street North Andover, MA (978)470-0800</p> <p>Hours: Mon – Fri: 8am – 8pm Sat &amp; Sun: 8am – 5pm</p>	<p>Pentucket Medical Express Care Hospital 360 Merrimack Street Lawrence, MA 01843 (978) 557-8880</p> <p>Hours: Mon – Fri: 7:30 am – 7:00 pm Sat: 8:30am – 4:30pm Sun: 8:30am – 2:30pm Holidays*: 8:30am – 3:30pm *Closed Christmas and Thanksgiving</p>	<p>Lawrence General Hospital Emergency Room One General Street Lawrence, MA 01843 (978) 683-4000</p> <p>Hours: Open 24 hours</p>
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When a student who is employed by the college is injured on campus, their injury may be assessed at Hamel Health Center. However, the same reporting procedures as indicated above should be followed. An Employee Incident Report should be prepared ONLY if the student sustains an injury while in the performance of duty.

All of the workers’ compensation forms are available on the Office of Human Resources MyMack page. They are also available on the ADP Employee Self Service site under the resources tab.

If a visitor to the college is injured, contact the Police Department immediately to report the accident.

**9.7 - Blood Borne Pathogens**

Merrimack College believes that, as part of providing and maintaining a safe place of employment, it is necessary to communicate and train employees who may be exposed to blood or bodily fluids and/or who may have the possibility of contracting blood borne diseases.

Therefore, each employee needs to know about the established first-aid procedure and the prescribed process for properly disposing of contaminated waste. Special first aid and biohazard cleanup kits are provided to protect employees when giving first aid and in cleaning up blood or bodily fluid spills.

Be sure you understand our first aid and blood borne disease policy and procedure. Ask your supervisor to explain our blood borne disease control policy and procedure to you if you have questions.

Refer to the [Benefits](#) section of the Office of Human Resources MyMack page for an updated version of the Merrimack College Benefits Book. *(Must be logged into MyMack via your default browser for active link)*

Topics included in the Merrimack College Benefits Book are:

- Holidays
- College-Wide Break Shutdown
- Vacation
- Affordable Care Act
- Eligibility for Benefits
- Medical Insurance
- Dental Insurance
- Flexible Spending Accounts
- Employee Assistance Program
- Group Term Life Insurance
- COBRA
- Short Term Disability Insurance
- Long Term Disability Insurance
- Retirement Plans
- TIAA-CREF Retirement Plan
- Defined Contribution
- Supplemental Retirement Plan
- Educational Benefits
- Tuition Remission
- Tuition Reimbursement
- Tuition Exchange
- Professional Development