

**SUNY College at Old Westbury**  
**Policies and Procedures Manual**  
**Office of Human Resources**  
**July 2000**

**INTRODUCTION**

This has been prepared to acquaint you with the College Policies and Procedures concerning your benefits and responsibilities as an employee at Old Westbury. Additional information is available in the Policies of the Board of Trustees and for covered positions, in the applicable collective bargaining agreement. This pamphlet is not a contract and is subject to change.

Should you have any concerns or require additional information, please contact the Office of Human Resources at (516) 876-3179.

**TIME AND ATTENDANCE RULES:**

All employees are expected to report for work every scheduled work day, on time and remain at work through the end of the scheduled work day.

Prior supervisory approval is required for all absences, partial or full, except in emergencies. This applies to vacation, compensatory time, personal days, doctor's appointments and other absences. Approved time off requests are to be attached to time sheets.

The work day for CSEA Administrative employees is 7.5 hours, CSEA Operational, PEF and University Police is 8 hours all exclusive of meal periods. UUP employees, faculty and professionals are required to fulfill a professional obligation. For professional employees, this would usually be the hours their office is open to serve clients or to perform work consistent with the nature of their occupation such as evening or weekend student recruitment or other College events. The core hours of the College are 8:30 A.M. to 5:00 P.M.

All employees must submit a monthly report of their latenesses, early departures and absences to the Office of Human Resources certified by their supervisor and coded to reflect leave deductions as appropriate.

**PROCEDURES FOR REQUESTING/USING SICK LEAVE:**

Sick leave should be used as conservatively as possible to insure that it is available should you become seriously ill and to insure maximum accruals which enhance pensions and/or reduce insurance premiums upon retirement.

Accrued sick leave is available for personal illness or visits with doctors, dentists or other health practitioners and on a

limited basis for death or serious medical conditions in the immediate family.

Except where it is not practically possible, advance notice to supervisors is required for all sick leave use. Failure to provide notice will result in loss of pay.

Absences of more than four days require a doctor's note setting forth the diagnosis, prognosis, date(s) of treatment and return to work date. Employees with poor attendance records may be required to provide a doctor's note for every absence.

Employees who anticipate extended illnesses should consult with the Office of Human Resources to insure continuing pay and benefits.

Extended sick leave may be available after the exhaustion of all other accruals.

The College has the right to direct an employee to be examined, at the expense of the College, by a physician selected by the State. An exam may be required to determine whether the employee is too ill to work, and/or well enough to return to work and that a return to work will not jeopardize the health of other employees. An employee's unexcused failure to report for such an examination may lead to disciplinary action.

## **EMPLOYEE ORGANIZATION LEAVE:**

Employee Organization Leave (EOL) is release time without charge to an employee's accumulated leave credits, which is granted to designated representatives or officers of the Union for the purpose of conducting Union business. The intent of the EOL is to protect employees who are designated as representatives of the Union from loss of earnings or using leave credits for time spent conducting union business during regular scheduled work hours. Employees are not entitled to receive any form of overtime compensation or compensatory time off for time spent conducting Union business outside of the regular scheduled work day. There are two general categories of EOL: (1) EOL which is used to conduct the internal affairs of the Union, and (2) EOL which is used to directly represent employees.

## **COURT APPEARANCE AND JURY DUTY**

To allow employees to perform their civic duties without penalty, an employee may report for jury duty or as a witness in a court or quasi-judicial matter without charge to leave credits, provided the employee is not a party to the action.

A supervisor may request satisfactory proof that the employee's presence is required for such purposes. In addition, the employee must provide a record of jury duty attendance from the Court for each individual day of attendance.

Employees should generally be required to report for duty in their agencies at all times when their attendance for jury purposes is not required. However, employees who have devoted a full day to jury duty or a court appearance and who are scheduled to work a full shift other than the regular day shift may, at the discretion of the appointing authority, be granted leave with pay for the scheduled shift. The supervisor may opt to reschedule the employee to the day shift for the duration of the jury duty or court assignment. The supervisor is required to reschedule shifts, wherever practicable, for employees in the Operational and Administrative Services Units. Jury duty or a court appearance on a regularly scheduled day off is for the employee's own account.

**MATERNITY LEAVE:**

Disabilities arising from pregnancy or childbirth are treated the same as other disabilities in terms of eligibility for or entitlement to sick leave. Generally, the period of such disability is deemed to commence approximately four weeks prior to delivery and to continue for six weeks following delivery. While doctor's certificates may be required for any period of disability, the College will request detailed medical documentation whenever disability is claimed to commence prior to or to extend beyond the period of disability described above.

**CIVIL SERVICE EXAMINATION:**

Upon sufficient advance notice to their supervisors, employees are entitled to receive leave at full pay without charge to leave credits for the purpose of taking a New York State Civil Service Examination, which is scheduled during regular work hours, or to be interviewed for a State position provided the employee did not initiate the interview.

Time off for the purpose of reviewing or appealing examinations must be charged to credits other than sick leave. A supervisor may not deny time off for this purpose where, as a result of the denial, the employee is denied the opportunity to review or appeal an examination which the employee has taken.

**MILITARY DUTY:**

In accordance with Section 242 of the Military Law, employees who are members of the National Guard or a reserve component of the Armed Forces who are called to active reserve duty are entitled to receive up to 30 calendar days or 22 workdays of Military Leave with full pay each year. Employees are required to submit their duty orders to their supervisors in advance. Military Leave with full pay may not be used in less than full day units.

After exhausting the 30 calendar days or 22 workdays of leave with full pay, employees are entitled to leave without pay for this purpose up to a cumulative total of four years for voluntary service. Employees may be allowed use of vacation or personal leave credits during such period of leave subject to the prior approval of the appointing authority. Regular days off and shift assignments are not to be rescheduled to avoid military drills during working hours.

The use of Military Leave with proper orders is mandatory and is not within the discretion of the supervisor.

**TIME OFF TO VOTE:**

Employees who are required to work on Election Day and who do not have sufficient time to vote outside of working hours are entitled to receive up to 2 hours without charge to leave credits to vote. Sufficient time to vote is defined as 4 consecutive hours either between the opening of the polls and the start of the employee's work shift or between the end of

the employee's work shift and the closing of the polls. Such time off should be granted at either the beginning or the end of the workday as designated by the supervisor, unless otherwise mutually agreed to by the supervisor and the employee. If the employee requires time off to vote, the employee is required to notify the supervisor not more than 10, and not less than 2 days prior to Election Day.

### **LEAVE DONATION EXCHANGE PROGRAM:**

This Program allows the voluntary donation of accrued vacation credits among MC, Council 82, NYSCOPBA, UUP, PEF and CSEA represented employees. Under this program, employees of the same State agency or facility are allowed to donate or receive credits where both the proposed donor and recipient are covered by valid leave donation exchange Memoranda of Understanding or applicable Attendance Rules where managerial or confidential employees are concerned.

In order to be eligible to receive donated credits, an employee must be eligible to earn leave accruals, have completed at least one cumulative year of State service, be absent due to a non-occupational personal illness or disability for which medical documentation satisfactory to management is submitted as required, have exhausted all leave credits and is expected to be absent for at least two biweekly payroll periods following exhaustion of leave credits or sick leave at half-pay. Employees must have a minimum of 10 vacation days left after donating time to fellow employees.

### **FAMILY AND MEDICAL LEAVE ACT:**

The Family and Medical Leave Act (FMLA) was signed into law on February 5, 1993. This law provides leave to all State employees who have been employed for at least 12 cumulative months (52 cumulative weeks) and have performed a minimum of 1250 hours of service during the 12 consecutive months immediately preceding the date the leave is requested to begin. This leave is unpaid except where employees exercise their option to substitute use of appropriate leave credits; that is, to use their vacation, personal leave, holiday leave and available sick leave credits. Compensatory overtime cannot be used for FMLA.

Family and Medical leave may be requested under FMLA for the following reasons:

1. The birth, adoption or foster placement of a child.
2. Personal illness resulting from a serious health condition that makes the employee unable to perform the functions of his or her job (this includes serious health conditions that result from an on-the-job injury).
3. To care for an employee's spouse, parent, son or daughter with a serious health condition.

An employee is entitled to a total of 12 weeks of leave in each calendar year for any qualifying circumstance or combination of circumstances. For example, an employee who has used 8 weeks of Family and Medical Leave in a calendar year to care for an ill parent has only 4 weeks of Family and Medical Leave eligibility remaining in that calendar year should that employee require leave for other covered reasons. However, nothing in the FMLA diminishes an employee's eligibility for leave pursuant to the Attendance Rules although, in most cases, the employee will be using Family and Medical Leave and leave pursuant to the Rules concurrently.

Under the FMLA, a husband and wife who are employed by New York State are only entitled to take a combined total of 12 weeks for birth, adoption or foster care placement of a child. If each spouse took 6 weeks of leave following placement of a foster care child, for example, each could later use 6 weeks due to a personal illness or to care for a child or parent with a serious health condition.

The FMLA requires that when the need for leave is foreseeable, for example, in the case of birth, placement for foster care or adoption or planned medical treatment, the employee is to provide 30 calendar days advance notice prior to the commencement of leave. When the need for leave is not foreseeable, for example, in the case of medical emergencies or change in circumstances, the FMLA requires notification to the employer "as soon as practicable," which is defined as within one or two workdays of the employee's knowledge of the need for leave.

### **AMERICANS WITH DISABILITIES ACT:**

The Americans with Disabilities Act (ADA), signed into law on July 26, 1990, is the most comprehensive federal law enacted to address the civil rights of persons with disabilities. Generally, the ADA prohibits employers, organizations and businesses from excluding people from jobs, services, leisure activities and benefits on the basis of disability. Its purpose is to establish access for persons with disabilities into every segment of society.

The Act protects the following:

1. Individuals who have a physical or mental impairment that substantially limits them in one or more of the major life activities (e.g. seeing, hearing, speaking, walking, self-care, learning and working).
2. Anyone having a record of such an impairment (e.g. history of cancer).
3. Individuals regarded as having such an impairment (e.g. disfiguring facial scars), even when none exists.
4. Individuals with AIDS or those who are HIV positive.
5. Individuals who have participated in or have successfully completed rehabilitation for alcoholism or drug addiction. Those who are currently engaged in illegal drug use are not protected.

The State University of New York, College at Old Westbury will provide *reasonable accommodations* at the employee's request. Employees must submit original (*no copies*) medical documentation to the Office of Human Resources.

### **PROCEDURES FOR WORKERS' COMPENSATION:**

An employee who is either injured or has contracted a disease while on the job is responsible for reporting the incident as soon as possible. This report should be made to his/her supervisor and should be reported to the University Police Dept., Academic Village, D-100, by completing Form CS-13, which may be obtained from the University Police Department. The report should be legible and completed in its entirety, providing as much detail as possible.

If an employee, as a result of an incident, is required to visit the hospital Emergency Room for treatment, this does not release him/her from the responsibility of completing the Injury Report Form. A visit to the Emergency Room is not a substitute for this requirement. *It is not the responsibility of the Emergency Room to report the injury to the Office of Human Resources.*

An employee's failure to properly report the injury may jeopardize his/her entitlement to future Workers' Compensation benefits.

An employee who is absent because of a work-related injury/illness must submit medical documentation to the Office of Human Resources on a monthly basis and after each visit to the doctor. CSEA employees are covered under the Mandatory Alternate duty program for 60 calendar days. Employees represented by UUP and MC are required to present physician's statements. ***Absences for doctor appointments and Workers' Compensation hearings must be charged to appropriate accruals.***

Effective November 1, 1998, New York State established a new system for CSEA, PEF, NYSCOPBA and Council 82 employees to report work-related injuries and illnesses.

These employees represented in the above bargaining units must conform to the following procedures when reporting a work related injury/illness;

- Notify their supervisor
- Notify University Police by filing an accident report
- Call ARS toll free number at 1-888-800-0029, a live operator is there 24 hours a day to record all their information regarding the accident
- The employee should record the incident number that is given to them at the time of the call
- The incident number will be used to record the claim and enables the employee to participate in ONECARD Rx, a plan which eliminates out-of-pocket prescription costs attributed to work related incidents.

Employees represented in MC and UUP do not call the 800 number: they just notify their supervisor and file an accident report with University Police.

## **EMPLOYEE BENEFITS UNIT:**

The Employee Benefits Unit is located in the Office of Human Resources, Campus Center, Room I-211 and is open to all employees during the regular workday.

All new employees must make an appointment during the first day of employment to review health and retirement choices. Any changes due to marriage, dependents, divorce or new home location must be reported within a reasonable time to the Health Benefit Officer.

## **TUITION ASSISTANCE/REIMBURSEMENT:**

As a State employee, there are several options available to you for tuition assistance/reimbursement. Following is a brief outline of the programs available:

### SUNY Tuition Assistance - Form B-140W

This assistance is available to *all full-time State and Research Foundation employees* going to a State University of New York (SUNY) school (**not** applicable to community colleges, but applicable under certain conditions to the contract colleges at Cornell). The percentage of the B 140W waiver is determined on the basis of the individual program as well as by the funds available.

### Tuition Reimbursement - Form B-140R

This program reimburses *all full-time SUNY employees only for tuition to other than a State-operated campus*. The full-rate reimbursement limit is \$25/credit hour, which is funded from the department or division of the employee and is at the discretion of the Chief Administrator.

### MC Tuition Reimbursement

This option is available to MC employees. Seventy-five (75%) percent reimbursement for up to four (4) job or career-related courses is possible with a maximum of \$750 per fiscal year. Employees must have completed 6 months of continuous State service immediately prior to commencing course work, be working half-time or more, and have maintained their MC status at course completion. The employee must satisfactorily complete the course at least with a grade of C for all academic course work. If the only option is Pass/Fail, a grade of Pass will be accepted.

### CSEA Tuition Reimbursement and Leap Program

This option is available to CSEA member employees only. Employees must have been employed for 6 months prior to commencing course work and must hold a position in one of the two bargaining units at the time of course completion. *Part-time employees will have their reimbursement prorated*. Courses must be deemed career-related.

### PS&T Tuition Reimbursement

This option is available to all PS&T (PEF) employees who have completed 6 months of continuous State service immediately prior to commencing course work and are in the PS&T negotiating unit at course completion. Courses must be deemed career-related. Reimbursement will be at 50% to a maximum of \$600 per fiscal year. *Employees working less than half-time will have their reimbursement prorated*.

### Council 82/NYSCOPBA Tuition Reimbursement

This option is available to Council 82/NYSCOPBA *full-time SUNY employees only*. Reimbursement will be at 50% of total cost to a maximum of \$600 per fiscal year. It can be any credit or non-credit course. ***The employee must complete the course; if not, employee must return the funds received from the State.***

## UUP Tuition Waiver

This option is available to UUP members attending schools within the SUNY system. The program utilizes a space available concept. When space is available in a course, employees may enroll for that class on tuition-free basis in accordance with the contractual agreement. Only one course may be waived each semester and special session, for example, summer session.

## **EMPLOYEES ATTENDING COLLEGE CLASSES:**

Employees taking college courses at SUNY Old Westbury or elsewhere must do so on their own time.

Where a conflict occurs between work and class attendance, special arrangements may be requested provided:

- The conflict is inescapable
- The special arrangement is operationally feasible
- Supervisory approval exists

All such arrangements must be approved in advance by the Office of Human Resources.

## **TRAVEL POLICIES AND PROCEDURES:**

All travel, including travel for the Research Foundation, requires the area Vice President's *prior approval* and is subject to the availability of funds.

***All travel*** must be work and/or research related and authorized by the area Vice President prior to confirming accommodations.

### Approval Process

Each employee who expects to engage in business-related travel must process a "Request for Travel Approval" via Electronic Requisition. Thus, the final approval of all departmental travel and the allocation needs for that travel are the responsibility of each area Vice President. Accordingly, the paper "Request for Travel Approval" as an instrument for travel is no longer necessary. (A Vice President may, however, want to continue its use as a local control point for tracking travel).

The "Item Specification" screen has sufficient space to allow for the detailed justification for travel. It is the screen currently in use to encumber travel and other related purchases. As purchase orders are not produced for travel, please remember to indicate "Do not issue PO" on this screen.

All travel vouchers must display the appropriate E-Req number which will be matched to the encumbered E-Req prior to payment. Any vouchers which cannot be matched to an approved E-Req will be returned unpaid to the traveler specifying the reason for non-payment. It will be the responsibility of the traveler to reconcile the travel rejection and return it directly to Accounts Payable for processing payment.

Travel of College Officers and employees on State funds is restricted to that which is an essential and integral part of the employee's regular work assignment and/or is required to avoid impairing the employee's ability to execute his/her assignment or to avoid compromising the State's interests.

All original receipts and signed travel vouchers must be sent to Accounts Payable before reimbursement will be made to the employee.

## **VEHICLE REGISTRATION:**

Any person associated with the College who operates a motor vehicle on College property must register that vehicle. Vehicle registration entitles a person to drive on campus and to park in designated parking lots only. Each vehicle must be registered by the beginning of each academic year. The vehicle may be registered at the Bursar's Office at any time with a paid Bursar's receipt, a valid identification card and a valid car registration. There is a vehicle registration fee of \$10.00 for the first car, and \$5.00 for each additional car. Window stickers are issued when a vehicle is registered and must be removed with change of ownership or termination of association with the College. A vehicle (other than those for which temporary permits have been issued) is considered registered only when the window sticker has been placed on the vehicle as required. A registered vehicle may be parked in assigned parking areas.

## **EMERGENCY CONDITIONS**

The following procedures will apply when emergency conditions (snow, power outages, etc.) require changes in the normal operating mode of the campus.

### **1. General Policy**

Since the Governor is the only State official empowered to close the College, the College will normally continue to operate during emergencies. The President however is authorized to cancel classes in emergencies but if such action is taken, the balance of College activities will remain in operation.

### **2. Employee Responsibilities**

A. The obligation of non-faculty employees to report to work under emergency or adverse conditions is the same as it is at other times. Such employees who feel hazardous conditions or personal circumstances make it inadvisable to report for work may decide to remain at home and charge the time to annual or personal leave. Similarly, employees who have reported for work, but feel conditions make it desirable to leave early may request early departure authorization from their supervisor or department head. If their early departure has been approved, the time may be charged against either annual or personal accruals. No employee will take it upon his or herself to leave work without explicit approval to do so from their

supervisor or department head. Employees who depart without proper approval will be subject to disciplinary action. The Campus may excuse a reasonable amount of tardiness without charge to leave credits when extraordinary circumstances delay the arrival time of a significant number of employees. Faculty members are not required to be on campus when classes are canceled, but they are required to meet all other professional commitments on the Campus.

B. There are, however, rare circumstances when an employee might be *directed* to leave work. At those times employees who have reported for duty and, because of extraordinary circumstances beyond their control, are directed to leave work, will not be required to charge such absences against accruals. Any such release of employees does not create any right to equivalent time off for employees not adversely affected by the extraordinary circumstances. An example of such an extraordinary circumstance might be the loss of heat or electricity in a specific area when the correction of such a condition will not occur within a reasonable time and where an alternative work site is not available. Loss of air conditioning during the summer months is not considered an emergency under these provisions. The official of the College authorized to direct such an absence is the President or, in his absence, the Senior Officer designated by the President.

C. When weather conditions are severe enough to disrupt transportation or endanger the health of employees, the Campus may authorize the early departure of employees affected. However, no one who has been able to get to work should be deprived of an opportunity to work. Further, if it is determined during the course of the day that the Campus cannot operate effectively, no employee should be required to leave at that moment. The employee should be permitted to leave then or any time thereafter. Only the time that they are absent is required to be charged to leave credits.

D. Employees who do get to work cannot be guaranteed work at their normal work places. It may be that the building in which the individual normally works is not open. Provisions will be made for alternate campus work locations and alternate work for those who do get to the Campus, but who cannot go to their regular work places and cannot perform their regular work assignments.

E. When an announcement is made that only essential service employees are required to report to work, those people should make every effort to get to the Campus. These would include power plant, maintenance, security, food service, health service and other employees who are essential to maintaining the College's vital services, e.g., providing food for dormitory residents and cleaning the parking lots and roadways. Those employees who work on these days should, of course, be marked present. All others must charge the time to either personal leave, vacation leave or compensatory time.

### 3. College Procedures for Canceling Classes

A. Responsibility: The Vice President for Administration is the Campus Officer designated by the President to make the necessary recommendations and to coordinate emergency operations. The decision to cancel classes will be made in consultation with the Office of the Vice President for Academic Affairs and other college officers who are present as well as with the Chief of University Police. Considerations will include weather forecasts, road and public transportation conditions in the Long Island and New York City area, campus road and parking lot conditions and the availability of utilities.

B. Notification to Students, Faculty and Staff: Every effort will be made to arrive at a decision at least 3 hours before the morning or evening block of classes. If classes are canceled before the morning session, the cancellation will apply to the entire day. The sources of information include radio, television, the University Police Dept. (516-876-3333), a taped message on the College switchboard (516-876-3000), the Events Hotline (516-876-3030) and departmental calling arrangements.

Arrangements have been made with the following radio/television stations to broadcast College information:

WINS - 1010 AM

WCBS - 880 AM

WOR - 710 AM

WBLI - 106.1 FM

WHLI - 1100 AM, 98.3 FM

WABC - 770 AM

WMJC/WBZO - 103.1 FM, 94.3 FM

NEWS 12 - CHANNEL 12, Cable all news station

Please note that stations will only broadcast a decision to cancel classes. Individuals wishing to confirm class schedules should contact one of the Campus telephone numbers listed above.

C. Procedures: The Vice President for Administration will notify the President, the Chief of University Police, and the Human Resources Director as to any decision and the specific language to be used in responding to inquiries. The Chief of University Police will relay these instructions to the Duty Desk.

The Office of Public Relations will initiate calls to radio/television stations and arrange for an appropriate tape to be installed on the College answering device.

Vice Presidents will initiate a "tree" of phone calls within their areas of responsibility.

D. Snow Removal: Priority will be given to plowing/sanding/salting campus roads and clearing campus parking areas. Inasmuch as student vehicles may have been parked overnight in the Academic Village area, the first lot to be cleared will be the one adjacent to the Campus Center.

### **NON-DISCRIMINATION AND ANTI-HARASSMENT POLICY:**

The College at Old Westbury is committed to an educational and employment environment in which all individuals are treated with respect and dignity. Each individual has the right to work or study in a professional atmosphere that promotes equal treatment and prohibits discriminatory practices, including harassment. Therefore, the College expects that all relationships among persons at the College will be professional and free of bias, prejudice and harassment.

It is the policy of the College to ensure equal treatment without discrimination or harassment on the basis of race, color, national origin, religion, sex, age, disability, citizenship, marital status, sexual orientation or any other characteristic protected by law. The College prohibits and will not tolerate any such discrimination or harassment.

## Definitions of Harassment

- **Sexual harassment** constitutes discrimination and is illegal under federal, state and local laws. For the purposes of this policy, sexual harassment is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic treatment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work or study performance or creating an intimidating, hostile or offensive working or learning environment.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to: unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering, catcalls or touching; insulting or obscene comments or gestures; display or circulation on the campus of sexually suggestive objects or pictures (including through e-mail); and other physical, verbal or visual conduct of a sexual nature.

- **Harassment on the basis of any other protected characteristic** is also strictly prohibited. Under this policy, harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, sex, national origin, age, disability, citizenship, sexual orientation, marital status or any other characteristic protected by law or that of his/her relatives, friends or associates, and that: (1) has the purpose or effect of creating an intimidating, hostile or offensive work or study environment; (2) has the purpose or effect of unreasonably interfering with an individual's work or study performance; or (3) otherwise adversely affects an individual's employment or learning opportunities.

Harassing conduct includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes and display or circulation on the campus of written or graphic material that denigrates or shows hostility or aversion toward an individual or group (including through e-mail).

## Individuals and Conduct Covered

These policies apply to all applicants, employees and students, and prohibit harassment, discrimination and retaliation whether engaged in by fellow employees, supervisors or managers, faculty members or students or by someone not directly connected to the College (e.g., an outside vendor, consultant or customer).

Conduct prohibited by these policies is unacceptable in the workplace/classroom and in any college-related setting outside the workplace/classroom, such as during business (college) trips, business (college) meetings and business (college)-related social events.

## Retaliation is Prohibited

The College prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports. Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be the subject of disciplinary action.

## **COMPLAINT PROCEDURE**

### **Reporting an Incident of Harassment, Discrimination or Retaliation**

The College strongly urges the reporting of all incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. Individuals who believe they have experienced conduct that they believe is contrary to the College's policy or who have concerns about such matters should file their complaints with the College's Affirmative Action Officer, Assistant to the President for Human Resources or the

College President or any member of supervision or faculty member the individual feels comfortable with who is then obligated to report the complaint to the Affirmative Action Officer, Assistant to the President for Human Resources, or the College President. Individuals should not feel obligated to file their complaints with their immediate supervisor -- or a member of supervision -- before bringing the matter to the attention of one of the other of the College's designated representatives above.

Individuals who have experienced conduct they believe is contrary to this policy have a legal obligation to take advantage of this complaint procedure. An individual's failure to fulfill this obligation could affect his or her right to pursue legal action.

Early reporting and intervention have proven to be the most effective methods of resolving actual or perceived incidents of harassment or discrimination. Therefore, while no fixed reporting period has been established, the College strongly urges the prompt reporting of complaints or concerns so that rapid and constructive action can be taken.

The availability of this complaint procedure does not preclude individuals who believe they are being subjected to harassing conduct from promptly advising the offender that his or her behavior is unwelcome and requesting that it be discontinued.

### **The Investigation**

Any reported allegations of harassment, discrimination or retaliation will be investigated promptly. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.

Confidentiality will be maintained throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action.

### **Responsive Action**

Misconduct constituting harassment, discrimination or retaliation will be dealt with appropriately. Responsive action may include, for example, training, referral to counseling and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay or termination, as the College believes

appropriate under the circumstances.

If an individual making a complaint does not agree with its resolution, the individual may appeal to the College's Affirmative Action Grievance Committee or the College President.

Individuals who have questions or concerns about these policies should talk with Ms. Mona Rankin, the College's Affirmative Action Officer or the Assistant to the President for Human Resources.

Finally, these policies should not, and may not, be used as a basis for excluding or separating individuals of a particular gender, or any other protected characteristic, from participating in business, academic or work-related social activities or discussions in order to avoid allegations of harassment. The law and the policies of the College prohibit disparate treatment on the basis of sex or any other protected characteristic, with regard to terms, conditions, privileges and perquisites of employment/ education. The prohibitions against harassment, discrimination and retaliation are intended to complement and further these policies, not to form the basis of an exception to them.

## **CONTACT INFORMATION:**

### Department Telephone # Location

Office of the President (516) 876-3160 Campus Center, Rm. H400

Office of Affirmative Action (516) 876-3135 Campus Center, Rm. H410

Office of Human Resources (516) 876-3179 Campus Center, Rm. I211

Mailing Address: State University of New York College at Old Westbury, P.O. Box 210, Old Westbury, New York 11568.

## **ALCOHOL AND DRUG POLICIES:**

The Alcohol and Drug Policies at SUNY College at Old Westbury are designed to support the College, County, State and Federal laws and to create an educational environment conducive to academic achievement. The use of alcohol and/or illegal drugs will not be tolerated under any circumstances, nor will it be accepted as an excuse for any conduct deemed harmful to one's self or others. In compliance with Article 220.00-220.65, Controlled Substances Appendices of the Federal Law, and in an effort to establish and enforce clear policies that promote an educational environment free from the abuse of alcohol and other drugs, the College at Old Westbury in accordance with the authority vested in it by the Board of Trustees has enacted the following:

### Alcohol Policy

The consumption and/or possession of alcohol is prohibited at the College at Old Westbury for all individuals regardless of

age.

### Procedures/Sanctions for Violation of Policy

Employees found guilty of violating the Campus policy on alcohol will be disciplined under the appropriate policies or collective bargaining agreements in force at the time.

### Drug Policy

Employees at the College at Old Westbury are subject to disciplinary action for the possession, manufacture, use, sale or distribution (by either sale or gift) of any quantity of any prescription drug or controlled substance, except that use of any over-the-counter medication or prescribed use of medication in accordance with instructions of a licensed physician is permitted. Controlled substances include, but are not limited to, marijuana, hashish, cocaine, crack, heroin, amphetamines, barbiturates, hallucinogens and substances typically known as "designer drugs" such as "China white," "Ecstasy" or "Eve." Possession of paraphernalia associated with the use, possession or manufacture of prescription drugs or controlled substances unless for use prescribed by a licensed physician is also prohibited.

### Procedures/Sanctions for Violation of Policy

Employees found in violation of the Campus policy on drugs will be charged under appropriate Federal, State and local laws and will be disciplined under the appropriate policies or collective bargaining agreements in force at the time.

### **SMOKING POLICY:**

*All* buildings on Campus (including dormitories) are smoke free. Anyone wishing to smoke must go outside of the particular building they are in to do so. It is important for all members of the Campus community to recognize that this policy must be supplemented by a sense of cooperation and respect for the rights of others.

Individuals who find themselves smoking in non-smoking areas should extinguish their smoking materials. Initial reminders by coworkers or supervisors should be sufficient to assure positive compliance with these regulations.

Continued violations of the smoking regulations should be reported to the supervisor of the area in which the violation occurred or to the Office of Human Resources.

### **EMPLOYEE ASSISTANCE PROGRAM:**

The Employee Assistance Program (EAP) is a benefit available to all employees and their families of the State University of New York College at Old Westbury. EAP helps employees cope with personal problems which negatively affect their lives and which might intrude upon their jobs. Emotional stress, family disintegration, financial and/or legal difficulties, alcoholism, drug abuse and marital disruption not only impair an employee's personal life, but workplace productivity as well. Such problems can be addressed and treated with appropriate help. EAP is a confidential information, assessment and referral service. It is not a counseling service, nor does it provide treatment. The only exceptions to confidentiality are: (1)

when the information is required by law to be disclosed; (2) where there is a reasonable belief that an employee's conduct places him or her or another person in imminent threat of bodily harm; or (3) when there is reasonable cause to suspect child abuse has been or will be committed. Using the referral services of EAP is not a condition of employment. Depending upon the nature of the problem, employees seeking assistance are referred to a program, service or agency within the community for appropriate counseling or assistance.

Employees also may be approached by their immediate supervisors, whose responsibility includes identifying chronic job performance problems. The supervisor may recommend that the employee contact EAP. This is known as a supervisory referral.

Employees may contact an EAP coordinator at the suggestion of a third party, such as a family member, union representative, friend, coworkers or clergy. It is important to remember that the final decision to contact the Employee Assistance Program lies with the employee. EAP is a voluntary option.

### **DEPENDENT CARE ADVANTAGE ACCOUNT PROGRAM:**

The Dependent Care Advantage (DCAAP) Account Program provides you the opportunity to pay for child care, elder care or disabled dependent expenses on a pre-tax basis. You may set aside up to \$5,000 annually of pre-tax salary to be reimbursed for these costs. These expenses must be incurred to allow you and your spouse, if married, to work. Employees with dependent children under the age of 13, handicapped children of any age, or adult relatives needing care may be interested in participating in this program.

If you enroll in the DCAAP Account, a regular portion of the annual amount will be deducted from each of your biweekly paychecks throughout the year. These deductions are made before Federal, State or Social Security taxes are calculated on your gross pay, thereby reducing your taxes and increasing your spendable income.

New York State has retained the services of Fringe Benefits Management Company to administer its DCAAP. You may submit claims for expenses as they are incurred; you will be reimbursed

for approved, eligible claims as deductions are credited to your account. If you have any questions regarding enrollment in this program, please call the DCAAP Hotline at 1-800-385-7202.

More than 2,700 State employees are currently enrolled in this tax-advantage program. Implemented in January 1991, this Labor/Management initiative demonstrates the exciting potential of labor/management cooperation in recognizing and addressing the realities of the new American family and work place. Funding for the administration of the DCAAP is provided through a cooperative labor/management effort including the Governor's Office of Employee Relations, the Civil Service Employee's Association, Public Employee's Federation, Council 82 AFSCME, NYSCOPBA, United University Professions and District Council 37 AFSCME.

### **EMPLOYMENT ELIGIBILITY VERIFICATION:**

The Immigration and Naturalization Service and the Department of Labor have become more diligent in enforcing current Immigration Law and have begun an auditing process to ensure that the laws are being followed. Any infraction discovered could result in fines to the College and, in some instances, the arrest of the employee.

The current policy regarding employment eligibility verification requires a new employee to come to the Office of Human Resources following receipt of their initial appointment letter. Completion of the Immigration and Naturalization Service Form I-9 to verify employment eligibility is a condition of employment and must be executed *prior* to an employee beginning work at the College. Therefore, effective immediately, all new employees should be instructed to come to the Office of Human Resources prior to their first day of employment at the College.

## **OTHER EMPLOYMENT - ACADEMIC & PROFESSIONAL STAFF**

According to the Memorandum to Presidents No. 86-14, Extra Service Policy for Professional Staff, December 23, 1986:

**"No employee may engage in other employment that interferes with the performance of the employee's professional obligation. No full-time employee of the State University may assume another full-time position of obligation either within or without the University while receiving compensation from the University. Additionally, all extra service activities must conform to the ethical standards mandated by Section 74 of the Public Officers' Law."**

## **CONFLICT OF INTEREST:**

Employees of SUNY Old Westbury are public servants and as such, they must avoid conflict between their personal interests and those of the State as well as the appearance of such conflicts.

## **WORKPLACE VISITOR POLICY:**

The College values family life and has worked to develop employment policies and benefits that are supportive of families. While the College seeks to focus on providing an environment open to work and family issues, it also believes that the workplace should not be used in lieu of a child care provider.

Further, the College believes that it is inappropriate for minor children of employees to be in work areas during work hours for several reasons: the potential liability to the university, risk of harm to the children, and decreased employee productivity due to distractions and disruptions.

It is the policy of the College that minor children of employees not be present at an employees's workplace--for example, office, classroom or shop area--in lieu of other child care arrangements during the employee's work hours.

This policy is not intended, however, to prohibit children from the campus when the purpose of their visit is to attend cultural or sporting events.

The routine or extended presence of friends or adult family members of College employees is also not permitted. This prohibition extends to visits by off-duty employees of the College. These occurrences at the work site create the potential for injury to the visitor and significant liability to the college as well as adversely affects work efficiency of employees. Supervisors are expected to enforce the above policy.