

**CLARK  
UNIVERSITY**



**CHALLENGE CONVENTION.  
CHANGE OUR WORLD.**

## **Employee Handbook**

### **Employment Policies and Benefit Guidelines**

**Updated October 2022**

*It is the policy of Clark University that each individual, regardless of race, sex, color, sexual orientation, religion, national origin, age as defined by law, or veteran or disability status, shall have equal opportunity in education, employment, or services of Clark University. Clark welcomes diversity and strongly encourages applicants from all underrepresented groups.*

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# INTRODUCTION

This manual for administrators and non-physical plant staff\* is designed to help you become familiar with the policies, practices and benefits at Clark University. It does not apply to faculty members or to student employees.

The content of this publication is presented for informational purposes only and does not alter your status as an at-will employee. In accordance with Massachusetts law, your employment at Clark is “at will” in nature. This means that you or the University may terminate your employment at any time for any reason. **This is not a contract.** Although the University endorses the policies and procedures contained in this manual, the University reserves the right to modify or revoke the policies and procedures at any time, with or without notice. The University may apply, withdraw or modify the policies of this manual at any time, or when circumstances warrant individual consideration.

Clark University values its employees. Your efforts are very important to the University and you play an important role in maintaining Clark's reputation as an outstanding educational institution. The successes and failures of this institution are shared by each of us. As administrators and staff of Clark University, we are committed to using our intellect, imagination, and spirit to fulfill the University's mission. The University community requires each administrator and staff member to bring core values to their work—these values are described in the Compact on the following page. As employees of Clark University, we are expected to embrace these values as we carry out our work with compassion and dedication.

If you have any questions or concerns regarding the work you are assigned, we encourage you to discuss these with your supervisor, department head, or a member of the Office of Human Resources. Any questions regarding the contents of this manual should be directed to a member of the Office of Human Resources ext. 7294.

Whether you are a new or continuing member of the Clark community we hope your association with us will be an enriching experience, and that you will find Clark a welcoming and rewarding place as we work together to serve and improve our campus and community.

Office of Human Resources

*\*Physical Plant Staff should refer to a separate manual specific to physical plant staff.*

# Clark University Administrative and Staff Compact

As Clark University administrators and staff, we seek to reaffirm the values that guide our work and our daily interactions with other members of this learning community: faculty and students. We face the next century with the conviction that together we are continually building a learning community that is inviting for all and in which we can all take justifiable pride.

We write this compact at a time when the idea of community in contemporary society is more myth than reality. While we are saddened by this fact, we are not discouraged. We find inspiration in Clark University's mission statement: "To teach students to be imaginative and contributing citizens of the world." Because we are serious about this mission, we must, as members of a smaller community, encourage the imagination and recognize the contributions of each person who chooses to work, study, or teach at Clark University.

When we recognize each other's contributions to this learning community, we appreciate the extraordinary interdependence of our work. If the University is to continue to flourish, the interactions between student and teacher, support staff and department head, and administrator and faculty member must be well tended. When we acknowledge our interdependence, we face a simple truth: The successes and the failures of this institution are shared by each of us. As administrators and staff of Clark University, we commit to using our intellect, imagination, and spirit to fulfill the University's mission.

Administrators and staff at Clark take pride in the support we provide faculty and students in their roles as scholars, teachers, and learners. The complexity of the work we support requires that each member of the University be a social architect, shaping the norms and values that created an open and caring community.

As we create an enviable University community, we believe Clark's historical and cultural integrity should influence our choices, decisions, and policies. The University we seek to create is full of comfortable spaces for learning and scholarship, where the numerous doors and windows have unused locks. We want to build a University where striving for the norm is held suspect, and traditional boundaries can be crossed while fresh ideas are welcomed from every quarter of our community.

As administrators and staff, we want this University to be applauded because it is a unique community, where common goals are clear, our interdependence is well recognized, and our successes and failures as a learning community are owned by all who choose to work, study, or teach here.

The University community we have described requires each administrator and staff member to bring certain core values to their work. In dedication to the University's teaching and research mission, each of us strives to demonstrate these values:

- **Integrity:** an uncompromising approach to applying the highest ethical standards to our interactions with faculty, students, the public, and one another;
- **Respect:** regard for each member of the University community, and his/her contribution to the well-being of the institution;
- **Professionalism:** a caring, competent, and knowledgeable voice in each interaction with faculty, students, the public, and one another;
- **Cooperation:** forthright and open working relationships and communication among members of the University community;
- **Efficiency:** effective, responsible, and creative use of limited resources;
- **Commitment:** a tradition of "volunteering self" in the University, the higher education community, and in the greater Worcester community;
- **Growth:** recognition that staff development and self-improvement are essential to a vital organization and to effective individual performance;
- **Enthusiasm:** appreciation for the long-term success of the University and an inclination to celebrate its on-going accomplishments.

As administrators and staff members, we embrace these values as we carry out our work with good humor and compassion.

October 1, 1992

# HISTORY OF CLARK UNIVERSITY

*Clark University is a teaching and research institution founded in 1887. Clark is the oldest graduate institution in New England and the second oldest in the nation.*

*Clark's first president was G. Stanley Hall, founder of the American Psychological Association, who earned the first Ph.D. in psychology in this country at Harvard. Clark has played a prominent role in the development of psychology as a distinguished discipline in the United States. Clark was the location for Sigmund Freud's famous "Clark Lectures" in 1909, introducing psychoanalysis to this country.*

*Clark also has played an important role in the development of geography as a discipline. Clark has granted more Ph.D.s in this environmentally related area than any other school in the nation. The George Perkins Marsh Institute was the first research center created to study the human dimensions of global environmental change.*

*Researchers who have held Clark appointments include A. A. Michelson, the first U.S. Nobel Prize winner in the sciences; and Robert Goddard, the father of the space age and the inventor of rocket technology. Other researchers at Clark, for instance, measured the wind-chill factor, defined chemical double bonding, developed research leading to the birth control pill, and made the first breakthrough in understanding how brain tissue regenerates itself.*

*You may find it interesting to take a cyber tour at <http://www.clarku.edu/aboutclark/timeline/> which is a historical timeline tour by each decade at Clark.*

*Clark University is accredited by the New England Association of Schools and Colleges, Inc. through the Commission on Institutions of Higher Education.*

# **SECTION I**

## **EMPLOYMENT POLICIES**

## **Employment at Clark**

The nature of your position's responsibilities may change during the course of your employment at Clark. Flexibility is important in order to be responsive to changes within the University, the external work environment, and economic conditions. In addition to changes within individual positions, department and functions may also change. We encourage staff members to discuss with their supervisors their suggestions on how to effectively and efficiently provide the best possible service to our various constituents.

## **Immigration Reform and Control Act of 1986**

Employment at Clark is contingent upon proof of identity and authorization to legally work at Clark University. You are required by law to comply by presenting documents and completing a form I-9. Information is available in the Office of Human Resources.

## **Employment at Will**

In accordance with Massachusetts law, your employment at Clark is "at will" in nature. This means that you or the University may terminate your employment at any time for any reason.

## **Drug-Free Workplace Policy**

In accordance with the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act of 1986, Clark University prohibits the unlawful manufacture, dispensing, distribution, possession, use, or sale of illicit drugs and alcohol in the workplace. As a condition of employment, each employee must abide by this policy. Violation of this policy may result in a variety of sanctions up to and including discharge from the University. The University provides a drug and alcohol counseling and rehabilitation program through its Employee Assistance Program (e4health 800-828-6025). This program is available to all employees and their families. If an employee is convicted of any illicit drug or alcohol related crime which took place at Clark University or as any part of Clark's activities, he/she must report this conviction to the Office of Human Resources within five (5) days following conviction.

## **Whistleblower Policy Relative to Financial Assets**

### **Summary of Policy**

This policy governs the reporting and investigation of allegations of suspected illegal or improper activities concerning the financial assets of the University, and the protection of whistleblowers from retaliation. It describes the procedures for investigating known or suspected illegal or improper activities and addressing complaints of retaliation for raising such issues.

### **Policy**

Clark University has a responsibility for the stewardship of University resources and the private support that enables it to achieve its mission. The University's internal controls and

operating procedures are intended to detect and to prevent illegal or improper activities relative to its financial assets. However, intentional and unintentional violations of laws, regulations, policies and procedures may occur and may constitute illegal or improper activities. The University has a responsibility to investigate and report to appropriate parties allegations of suspected illegal or improper activities, and to protect those employees who, in good faith, report these activities to the appropriate authority.

A Clark employee may not: (1) retaliate against an employee who has made a protected disclosure or who has refused to obey an illegal or improper order, nor (2) directly or indirectly use or attempt to use the official authority or influence of his or her position for the purpose of interfering with the right of an employee to make a protected disclosure to the University. It is the intention of the University to take whatever action may be needed to prevent and correct activities that violate this policy.

## **Procedure**

### **A. Filing a Report of Suspected Illegal or Improper Activities Relative to Financial Assets**

1. Any person may report allegations of suspected illegal or improper activities. Knowledge or suspicion of illegal or improper activities may originate from academic personnel, staff or administrators carrying out their assigned duties, internal or external auditors, law enforcement, regulatory agencies, and customers, vendors, students or other third parties.
2. Allegations of suspected illegal or improper activities should be made in writing so as to assure a clear understanding of the issues raised. Such reports should be factual and contain as much specific information as possible.
3. Normally, a report by a Clark employee of allegations of a possible illegal or improper activity should be made to the reporting employee's immediate supervisor or other appropriate administrator or supervisor within the department. However, when the whistleblower believes there is a potential conflict of interest, such reports may be made to another University official who has responsibility over the department in question or the authority to review the alleged illegal or improper activity on behalf of the University. Should the alleged illegal or improper activities involve the President, Executive Vice President, or another Vice President, such reports may be made to the Chair of the Audit Committee of the Board of Trustees (c/o Trustee Office, Clark University).
4. When a person reports allegations of suspected illegal or improper activities to an appropriate authority, the report is known as a *protected disclosure*. University employees and applicants for employment who make a protected disclosure are protected from retaliation.
5. The Audit Committee may enlist outside legal, accounting or other advisors, as appropriate, to conduct any investigation of complaints regarding financial statement disclosures, disclosure concerns or violations, accounting, internal accounting controls, auditing matters or violations of the University's policies.



## B. Protection from Retaliation

Any employee who believes he or she has been subjected to or affected by a retaliatory conduct for (1) reporting suspected illegal or improper activity, or (2) for refusing to engage in activity that would result in a violation of law, should report such conduct to the appropriate supervisory personnel (if such supervisory personnel is not the source of or otherwise involved in the retaliatory conduct). Any supervisory employee who receives such a report, or who otherwise is aware of retaliatory conduct, is required to advise the Director for the Office of Human Resources of any such report or knowledge of retaliatory conduct. If the employee believes that reporting such conduct to the appropriate supervisor is for any reason inappropriate, unacceptable or will be ineffectual, or if the report to the supervisor has been made and the retaliatory conduct has not ended, the employee should report the incident directly to an Executive Vice President, the President, or the Chair of the Audit Committee of the Board of Trustees.

The University will use its best efforts to protect whistleblowers against any form of retaliation. It cannot guarantee confidentiality, however, and there is no such thing as “unofficial” or “off the record” reporting. The University will keep the whistleblower’s identity confidential, unless (1) the person agrees to be identified; (2) identification is necessary to allow the University or law enforcement officials to investigate or respond effectively to the report; (3) identification is required by law; or (4) the person accused of illegal or improper activities is entitled to the information as a matter of legal right in disciplinary proceedings.

C. Any reports or other correspondence should be sent to the intended person noted in the appropriate section, at Clark University, 950 Main Street, Worcester, MA 01610.

## **Employment Status/Pay Schedule**

**Regular Full-time:** If the position you hold is expected to continue from year to year and is approved for a minimum work schedule of 35 hours per week, for at least 9 months per fiscal year, you are considered a full-time employee and are eligible for benefits. This does not include temporary positions, which are generally less than a year in duration.

**Regular Part-time:** If your position is approved for less than a 35 hours per week schedule, you are considered a part-time employee. Most part-time employees with an appointment of at least one-year are eligible for vacation, sick and holiday benefits based on the number of hours authorized for the position and the number of hours regularly worked. This does not include temporary appointments. Regular part-time employees may be eligible to participate in the University’s Retirement Plan if your authorized work schedule is a minimum of 1,000 hours per year, on a regular basis.

**Temporary:** If the position you are hired to fill is expected to terminate within a year, you are a temporary employee and are not eligible for any benefits. If as a temporary, you apply and are hired for a regular position, you will be eligible for benefits at the time you become a regular employee.

**Non-exempt positions (hourly pay rate):** Employees in non-exempt positions generally occupy office support, para-professional, physical plant, police, and technical positions. The term "non-exempt" is used to describe employees who are not exempt from the Federal Fair Labor Standards

Act, which states that these employees must be compensated at the rate of time and one-half for hours worked over 40 per week.

**Exempt (salaried positions):** Employees are generally considered “exempt” when they occupy administrative, managerial, and professional positions. Administrative employees are "exempt" from the provisions of the Fair Labor Standards Act (FLSA), and are not eligible for overtime pay. For a position to qualify as exempt, the FLSA regulations state that the employee’s primary duties must include “the exercise of discretion and independent judgment with respect to matters of significance.” The FLSA further describes these traits as “having authority to waive or deviate from established policies and procedures without prior approval”; and the term “matters of significance” refers to the level of importance or consequences of the work performed.

The Office of Human Resources will assess whether a position qualifies as exempt or non-exempt under the Fair Labor Standard Act provisions, and will assign a classification and grade level to each position.

### **Introductory Evaluation Period**

An initial six-month evaluation period provides for job adjustment and an opportunity for your supervisor to determine whether or not you are meeting job expectations. This evaluation period may be extended if your supervisor and the Director for the Office of Human Resources feel more time is needed to evaluate your performance. You will be asked to complete a self-assessment, and your supervisor will be asked to provide you and the Office of Human Resources with a written evaluation of your performance at the conclusion of this six-month period. However, if you or your supervisor has concerns regarding performance issues prior to this six-month period, we urge you to address them immediately. Introductory Evaluations generally apply both to new employees and to transfer and/or promotions.

### **Hours of Work**

**Non-exempt positions:** Full-time staff generally works 35 hours per week, Monday through Friday (either 8:30am - 4:30pm or 9:00am - 5:00pm depending on the University's needs). A few departmental staff have been approved to regularly work a 37.5 hour work week in which case you are expected to work either 8:30am – 5pm; or 9am – 5:30pm depending on your department’s needs. Your hours worked, as well as starting/ending time may vary. The workday will include one hour (unpaid) for lunch.

Hourly paid staff are required to complete the standardized bi-weekly time report via the Web Time Entry (WTE) process, reflecting all hours worked, rounded to the nearest quarter hours even if it is more or less than their regularly scheduled hours, as well as any paid time off.

Electronic time sheets should be approved by your supervisor at the end of the work week, and received by the Payroll Office no later than 12 noon on the following Monday.

**Exempt positions:** Full-time administrators generally work at least 40 hours/week, and are expected to work the number of hours necessary to complete their duties and responsibilities as determined by the needs of the department and the University. A monthly Administrative Leave Report is utilized to maintain records of time not worked (sick, vacation, etc.). Administrators are expected to obtain their supervisor's signature and return these reports to the Human Resources Office at the end of each month. During their first year of hire, administrators on appointments of less than 12 months must work their complete period of appointment during the first fiscal year before being eligible for time off. (For example, if hired on July 1st on an 11-month appointment,

an employee would not be eligible to take time off until he/she completed 11 months of work— i.e., June 1st of the following year.)

### **ID Card “One-Card”**

A University “One-Card” is issued to all regular employees and will be required to access facilities such as the Athletic Center, Library, etc. You are required to surrender the ID Card to the Office of Human Resources upon your termination of employment.

### **Overtime Pay**

Non-exempt positions: Payment of time and one-half will apply after you have worked more than forty (40) hours in a week. Holidays and vacation time will be considered time worked when computing eligibility for overtime.

Prior approval by your supervisor and the Director for the Office of Human Resources must be given for any hours regularly worked in excess of your authorized normal workweek, which is generally 35 hours/week. If you regularly work in excess of your authorized work week without prior permission, you will be subject to discipline, up to and including dismissal.

It is a Federal law that you must be paid for all hours worked during a given pay period. You may not accumulate time worked (unpaid) and set it aside for future use. The University does not allow “comp time”.

On occasion a non-exempt employee may be asked to do a special short-term project which is clearly outside of his/her regular position duties and regular work schedule. It is imperative (due to the Fair Labor Standards Act) that the Director for the Office of Human Resources approve these assignments, and rate of pay, *in advance*. Special Extra Compensation request forms are available in the Office of Human Resources and on the HR website.

### **Payday**

As a condition of employment, all faculty, staff and students are required to use Direct Deposit to receive your pay. You will be paid bi-weekly, generally on Fridays. If a University holiday falls on a Friday, you will be paid the preceding day. No pay stubs are issued. You will be able to view/print your pay stub online.

### **Attendance**

Punctuality and regular attendance are important for the proper operation of each department in the University. If you are unable to come to work or if you are going to be late, please notify your supervisor as soon as possible. You must give the reason for your lost time and the anticipated duration of your absence. If you are unable to reach your supervisor, contacting the Office of Human Resources will fulfill the obligation to report. Unreported absences are considered lost time without pay.

If you are absent for two consecutive work days without notification, you are subject to separation from employment without notice or benefits.

In order to fulfill your job responsibilities, you must be “in attendance.” Although you may have valid reasons for your absences, the University may end your employment if you are unable to meet the requirements of your position due to multiple absences.

## **Equal Employment Opportunity**

Clark University reaffirms its commitment to employ a diverse faculty and staff and to a policy of affirmative action directed at increasing the presence of minority group members in the belief that a diverse Clark community is essential to our educational goals.

It is the policy of Clark University that each qualified individual, regardless of race, color, sex, sexual orientation, religion, national origin, age as defined by law, or veteran or disability status, shall have equal opportunity in the education, employment or services of Clark University. The University encourages minorities, women, veterans, disabled persons and persons over age 40 to apply.

This policy applies to the entire Clark community and is designed to comply with both the spirit and letter of governing state and federal laws. It is expected that faculty, staff, students and others who act on behalf of Clark University will effectuate this policy.

## **Standards of Conduct**

All Clark employees are expected to conduct themselves as professionals and to accept responsibility for the appropriateness of their own conduct, and to exhibit a high degree of personal and professional integrity at all times.

The University expects all employees to adhere to the following general principles:

- Observe the highest standards of professionalism at all times.
- Perform responsibilities in a manner consistent with our values.
- Comply with all laws applicable to the University.
- Treat others, including students, vendors, faculty and other staff, with dignity and respect.

It is impossible to list all forms of conduct that might be considered unacceptable. Certain behaviors, such as threats of violence, unauthorized possession of weapons, theft or misuse of University funds or property, insubordination, falsification of records, and violation of alcohol and drug policy are clearly unacceptable at any time. Other forms of conduct (such as failure to cooperate with other employees, harassing or intimidating others, rudeness) while often more subtle, are equally unacceptable.

Conduct deemed inappropriate or unacceptable by the University will lead to disciplinary action, up to and including termination of employment. Employee problems or concerns regarding the University's standards of conduct, its policy, or their application can be addressed following the grievance procedures as outlined in this handbook.

## **Smoking Policy**

**Clark University is a smoke-free workplace.**

Effective June 1, 1992, Clark University became a smoke-free workplace. No smoking of any type is permitted inside any campus building—including offices and residence halls. Smoking outdoors is permitted only if done at least 20 feet from an entrance, exit or window/vent. Smokers are asked to use proper receptacles in disposing of their smoking materials and not to litter campus grounds.

## **Discrimination and Harassment Prevention Policy**

It is the policy of Clark University that all our employees should be able to enjoy a work environment free of discrimination, harassment or violence, and shall have equal opportunity in the education, employment, and services of the University.

This policy refers to, but is not limited to, harassment and/or discrimination in the following areas: (1) age, (2) race, (3) color, (4) national origin, (5) religion, (6) sex, (7) sexual orientation, (8) marital status, (9) disability, and (10) veteran status. Harassment can include display or circulation of written materials or pictures degrading to either gender or to racial, ethnic, or religious groups; and verbal abuse or insults directed at or made in the presence of members of a racial, ethnic, or minority group.

Harassment may also include behavior, which is personally offensive, impairs morale, and interferes with the work effectiveness of employees. Any harassment, discrimination or acts of violence directed at an employee by other employees will not be permitted, and shall be grounds for disciplinary action.

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, sexual assault, and other offensive verbal or physical conduct that is sexual in nature. Sexual harassment undermines the employment relationship by creating an intimidating, hostile or offensive work environment and will not be tolerated. Individuals who believe they have been subjected to discriminatory practices or harassment should make it clear to the offender that such behavior is offensive to them and should immediately bring the matter to the attention of the appropriate manager and/or the Director for the Office of Human Resources. All allegations of illegal harassment or discrimination will be investigated. It is unlawful to retaliate against the person who has reported harassing incidents, or who has cooperated in such investigations. It is important for employees who feel that they have been harassed or discriminated against to report incidents to the Director for the Office of Human Resources.

Anyone found to have engaged in illegal harassment discrimination will be subject to discipline, up to and including discharge. The University's Policy on Harassment and Discrimination Prevention, as well as Procedures for filing complaints may be obtained from the Office of Human Resources or on the HR website. [www.clarku.edu/hr](http://www.clarku.edu/hr)

In fulfilling their obligation to maintain a positive and productive work environment, all managers and supervisors are expected to immediately halt any harassment or discrimination of which they become aware by emphasizing the University Policy and, when necessary, by more direct disciplinary action.

## **Grievance Procedures**

The University recognizes that you may, on occasion, experience a job-related problem with an employment condition or University policy.

You are encouraged to try to solve problems, via informal discussion, at the supervisory level. Most problems can be worked out at this level by just getting them "out in the open." If your supervisor or department head cannot resolve the problem—or if it is a problem you cannot discuss with your supervisor, you may elect to consult with the Director, or Assistant Director for the Office of Human Resources.

If discussion at this level proves unproductive, the Director may refer you to speak with the Executive Vice President (employees working in non-academic departments), or the Provost (employees working in academic departments).

You are encouraged to adhere to these guidelines so that a prompt satisfactory solution can be reached.

If you wish to file a formal complaint, it should be done in writing to the Office of Human Resources, and should identify the specific violation of University policy and/or state or Federal law. The University has specific procedures developed for investigating allegations of violations against its Harassment and Discrimination Prevention policy, which can be obtained on the Office of Human Resources website, or in the Office of Human Resources.

### **Performance Review**

The University provides department supervisors with a structure for conducting formal, written performance evaluations annually, although on-going verbal and/or written assessment of staff performances should be an on-going process throughout the year. The evaluation process is used to clarify in what areas you have been most successful and in what areas you may need to make improvements. This will assist the University in overall human resources planning, and to help document the basis on which personnel decisions are made. This annual report becomes part of your personnel file. More information is on page 34.

The University is interested in your ambitions, development, ideas of improvements, and your feedback. We encourage you to communicate openly during this review process, and to make constructive use of the Self-Assessment Form provided for this purpose.

### **Promotion/Transfer**

It is University policy and an integral part of the Affirmative Action Program to promote from within whenever possible.

If you believe you are capable of performing higher levels of work and assuming greater responsibility, you are encouraged to apply for positions of greater challenge. It is also helpful to make an appointment with the Director for the Office of Human Resources to make him/her aware of your career goals. The following factors are among those considered for a promotion:

- Your ability to accept increased, more complex levels of responsibility
- Your job knowledge, training and experience
- Demonstrated initiative and efficiency
- Previous performance evaluations
- Attendance
- Length of service
- Your overall fit with the needs of the job and the University

Generally, a request for a promotion or transfer will not be considered until you have completed at least one year in your present position. The promotion or transfer of an employee to another department will be effected at a time mutually agreeable to both departments and the Office of Human Resources. A minimum two-week notice is generally expected, but this will be determined based on the University's needs and priorities. The new department is responsible for any vacation time, sick time, etc. you have earned, but not used.

Job opportunities will be posted within the Clark community, on our web site, [www.clarku.edu/hr](http://www.clarku.edu/hr). The job listing will include a notation if an internal candidate is knowingly being considered for the position prior to the posting.

### **Nepotism**

Individuals will not normally be employed by the University or transferred to a department where they will be subject to close supervision by another employee with whom they have a close personal relationship, or by a member of their family or household. Employees are expected to inform the Director for the Office of Human Resources of these relationships.

All cases involving the potential hiring or transfer of partners or relatives must be reviewed and approved by the Director for the Office of Human Resources.

### **Conflict of Interest**

Clark University attempts to conduct its affairs with high standards of integrity and expects its employees to do the same in the conduct of their employment. Employees are expected to avoid situations that might permit private interests to influence job performance. If a conflict of interest may arguably exist, it is expected that the concerned employee will discuss the nature of the conflict with his/her supervisor, and the appropriate Vice President/Provost.

Examples of situations where a conflict of interest might occasionally arise include (but are not limited to):

- When an employee accepts employment or special assignments in addition to their regular employment at Clark;
- When an employee's financial interests may be advanced (including pay, benefits or otherwise) by department or University actions;
- When an employee becomes personally involved with someone within the University community over whom he/she has power of authority, such as a supervisor romantically involved with a subordinate.

### **Consenting Relationships**

Consensual romantic and sexual relationships between staff and students or between supervisors and staff members are strongly discouraged, and cause special concerns with respect to the existence or appearance of exploitation, abuse of position, or favoritism. All employees should understand that there are substantial risks in even an apparently consenting relationship where a power/authority difference exists. These relationships can and often do lead to charges of sexual harassment, or violation of our nepotism policy. Administrators and supervisors, who by virtue of their level of responsibility and authority, shall bear a special burden of accountability. The University reserves the right to make employment changes if romantic relationships develop between employees and/or students.

### **Visitors to Campus, including animals**

Because of the potential disruption of visitors (both children and adults) who do not have University related business, we request that employees do not have extended visits with their children, family members or other acquaintances while on the job. In addition, for health and safety reasons, animals cannot be accommodated on campus, with the exception for service

animals in the case of a disability. Employees requiring the use of service animals should register them with the Office of Human Resources.

### **Solicitation**

Solicitation and/or distribution of materials regarding non-University sponsored programs or activities is prohibited if the solicitation results in disruption of, or interference with, the University's educational or administrative activities. Employees may not use their positions, or the University's facilities, letterhead, campus mail, e-mail, or other resources for political or other purposes that are not a part of the University's programs or functions.

### **Use of University's Long Distance Telephone Resources:**

Employees are permitted to occasionally use their office telephones for personal long distance calls provided these calls do not interfere with the employee's duties at the University. Employees are expected to reimburse their department budgets each month for personal long distance phone usage.

### **Jury Duty Leave**

Clark University will pay your regular wages for the first three (3) days of jury duty. For service required beyond three (3) days, the University will pay the difference between your jury duty pay and regular earnings. A voucher from the state, showing date and time served, must be submitted.

If jury duty does not occupy the entire workday, you are expected to report to work.

### **Court Service** (Not Jury Duty)

If you are summoned to court to testify, stand trial, serve as a witness, etc., the University will not pay you unless you have been requested to do so by the University. Lost time may be charged to personal or vacation time, if available, and as much advance notice as possible must be given to your supervisor.

### **Dress Code**

Although the University does not have a University-wide dress code, your department may establish a dress code appropriate to your work environment. Your supervisor will let you know the guidelines for proper dress in your department or office, but in all circumstances employees are expected to dress professionally to reflect a positive and professional image of the University.

### **Inclement Weather**

If weather conditions are poor and the University is open (regular business operations), you are expected to work.

However, if you are concerned for your safe travel to work, arrive late, or feel the need to leave work early, you may make use of your earned personal or vacation time only for this purpose. You must notify your supervisor as soon as possible, or if he/she is unavailable, you may call the Office of Human Resources x7294.



Clark University rarely closes due to the large number of residents on campus and their need for services. However, during severe weather conditions, local radio stations such as WTAG, WSRS and others will broadcast closing announcements, as well as the Clark University website.

### **Safety in the workplace**

Your safety and health is of utmost concern to the University, and you can help. We believe that injuries can be prevented if everyone accepts his/her safety responsibility. The responsibility for preventing accidents is a shared responsibility between the University and the employee.

Report immediately to your supervisor, the Office of Human Resources, Physical Plant, etc., of any hazardous conditions, unsafe practices, or improperly functioning equipment. The Office of Human Resources, your supervisor, Physical Plant, the Safety Committee, University police, and any other appropriate departments will work together to correct a problem or take action to prevent accidents.

### **Worker's Compensation**

All employees of Clark University are covered by the Worker's Compensation Insurance Law which provides for partial income replacement and the payment of medical expenses incurred due to injury or illness in the workplace. It is essential that you (or your supervisor) report to the Office of Human Resources any injury or illness, no matter how minor. Failure to promptly report an injury on the work so may result in a denial or delay in your Worker's Compensation benefits. If appropriate, seek medical attention immediately. The University has an established relationship with the Occupational Health Department at the Reliant Medical Group (formerly Fallon Clinic) in Auburn. No appointment is necessary. If your injury is severe, call either our campus police at x7575, or 911 and go to the nearest hospital.

The Office of Human Resources will request that you complete an Injury Report and will report your accident to the insurance company and the Department of Industrial Accidents.

Wages for lost time are paid by either the University or the Worker's Compensation Insurance Company depending on extent of your injury and the duration of your time out of work. Whenever feasible, modified duty will be provided. The University pays your wages during the first five (5) days of absence due to a reported on-the-job injury if you are unable to work. This is called "pay without prejudice," and does not assume that your claim has been approved. If the Worker's Compensation Insurance Company subsequently denies your claim, these five (5) days will be charged against your unused sick leave or vacation time. The Worker's Compensation rate is approximately 60% of your gross pay, and is not subject to withholding taxes.

If your injury prevents you from returning to work after 21 days of absence, the Worker's Compensation Insurance Company will retroactively pay you for those first five days of your injury; and the University will reinstate your charged sick time. You are expected to reimburse the University when this payment is made, and you should contact the Office of Human Resources so that the necessary adjustments may be made.

In the event your injury results in an extended absence from work, your benefits will continue (with the University contributing) for six (6) months from the date of your injury. When your benefits cease, you are given the opportunity to continue your health and dental insurance under COBRAs.

## **Data Security and Privacy Issues and Policies**

Please report all changes in name, address, telephone or marital status to the Office of Human Resources as soon as possible. In addition, you should periodically review those persons you have listed as contacts in case of an emergency; and persons you have designated as beneficiaries to your life and/or retirement policies, and report any changes to the Office of Human Resources immediately.

The University is sensitive to the personal data that it maintains in its personnel files and databases. We will not disclose personal information, except by written request or signed permission of the employee, or unless there is a legitimate business "need-to-know" such as in the life insurance policies; or if compelled by law.

Every effort is made to limit the access to private information to those employees on campus with a legitimate "need-to-know." Staff who have approved access to the administrative information databases understand that they are restricted in using the information obtained only in the conduct of their official duties. The inappropriate use of privileges to access and/or use administrative data may result in disciplinary action up to, and including, dismissal from the University.

The University's official personnel files for all employees are retained in the Office of Human Resources. You have the right to review the materials contained in your personnel file during regular business hours, upon a written request, at least 3 business days in advance, to the Office of Human Resources.

All Clark faculty, staff, student employees and consultants are expected to comply with state and federal regulations as well as University and departmental policies that govern access to, and use of, this information (visit [http://www.clarku.edu/offices/its/policies/data\\_security\\_all.cfm](http://www.clarku.edu/offices/its/policies/data_security_all.cfm) ) It is every user's responsibility to understand and comply with these regulations.

## **SECTION II**

## **BENEFITS**

## **Eligibility for Benefits**

The benefits outlined in this section apply to regular full-time employees only, unless indicated otherwise. Regular full time is defined as a position that has been approved for at least 35 hours/week, and is expected to last at least one year.

## **Health Insurance**

The University currently offers employees a choice of health care plans. Coverage is effective on the first of the month following your date of hire, or on the actual date of hire if that date is the first of the month. Changes of health-care providers are restricted to an annual open-enrollment date. Health care premiums are deducted from your pay on a pre-tax basis. Please contact the Office of Human Resources for a list of current health care plans and costs.

## **COBRA (Health Insurance Continuation)**

The Consolidated Omnibus Reconciliation Act was signed into law on April 7, 1986. COBRA contains provisions, which require the University to offer health insurance coverage to employees leaving the group. The University must also provide former employees, spouses and dependents the option of remaining in the group health plan for a limited time.

Also under COBRA, age limits have been removed so that any worker or spouse age 65 or older must be included in the University's group health plan unless he/she has specifically elected Medicare as primary coverage.

Eligibility for continued coverage is triggered by any of the following:

- Termination of employment
- Reduction of employee hours
- Death of employee
- Divorce or legal separation
- Dependent child ineligible due to age or loss of full-time student status

The length of continued coverage (18 or 36 months) is determined by the qualifying event.

## **Dental Insurance**

The University offers employees the option of joining a voluntary, non-contributory dental plan. Coverage is effective on the first of the month following your date of hire, or on the actual date of hire if that date is the first of the month. You assume the full cost of this plan. Premiums are deducted from your pay on a pre-tax basis. The monthly rates are available in the Office of Human Resources.

Brochures and plan details are available in the Office of Human Resources.

## **Tuition Program**

The Tuition Forms can be found on the Human Resources Forms & Documents website at: <http://www.clarku.edu/offices/hr/documentsandforms.cfm> under the section titled Tuition Forms.

**1. Full-time employees hired prior to June 1, 1996:**

Employee benefit:

Tuition waived each semester for two Summer and Evening Division undergraduate courses\*, or two GSOM graduate courses, or one School of Professional Studies graduate course.

Family benefit:

- Either a child or spouse may enroll in two Summer and Evening Division undergraduate\*, or one School of Professional Studies graduate course per semester with a \$500 tuition waiver per course, balance to be paid by employee or family member; or one semester long GSOM graduate course with a \$1,000 tuition waiver per course, balance to be paid by employee or family member. [Note: 7-week module courses in GSOM are eligible for \$500 tuition waiver]
- After three years of full-time employment, dependent children of the employee may attend Summer and Evening Division undergraduate programs (no age limit); or, if under the age of 24, may attend the Day College undergraduate programs (pending acceptance through the admissions process). Tuition will be waived for up to 36 courses, or the completion of a bachelor's degree, whichever comes first.

\* School of Professional Studies non-credit workshops, Saturday seminars and special programs when approved will count toward one undergraduate course.

- After five years of full-time employment, dependent children under the age of 24 are eligible for an off-campus tuition benefit for undergraduate degree programs at another accredited institution of higher education. The benefit is available for up to a maximum of four years or the completion of a bachelor's degree, whichever comes first. The amount of the benefit per family is 60% of the tuition at the other institution, not to exceed 60% of Clark's current tuition and less any scholarships. The effective tuition is defined as the actual tuition less any scholarship assistance calculated to be for tuition. This calculation is defined as:

$$\frac{\text{Tuition}}{\text{Tuition+Room+Board}} \times \$ \text{ amount of scholarship} = \text{scholarship assistance calculated for tuition}$$

You must submit each semester a special Off-Campus Tuition form (available in the Office of Human Resources) along with a detailed copy of the other institution's total invoice for that semester. This invoice must include a specific charge for tuition, room and board, and any scholarship funds awarded.

Please note: this benefit is defined as a "family" benefit, and if both spouses are employed full time at Clark University, they may not both request this benefit for the same child and receive "double" benefits. The benefit will be limited as defined above (60% of the other institution's tuition, up to 60% of Clark's tuition).

\* School of Professional Studies non-credit workshops, Saturday seminars and special programs when approved will count toward one undergraduate course

## 2. Full-time employees hired on or after June 1, 1996:

### Employee Benefit:

Eligible the semester following date of hire, tuition is waived each semester for two Summer and Evening Division undergraduate courses\*; or two GSOM graduate courses; or one School of Professional Studies graduate course.

### Family Benefits:

- a) After one year of full-time employment, either a child or spouse may enroll in two Summer and Evening Division undergraduate courses\*, or one School of Professional Studies graduate course per semester with a \$500 tuition waiver per course, balance to be paid by employee or family member; or one semester long GSOM graduate course with a \$1,000 tuition waiver per course, balance to be paid by employee or family member. [Note: 7-week module courses in GSOM are eligible for a \$500 tuition waiver.]
- b) After three years of full-time employment, dependent children of the employee may attend Summer and Evening Division undergraduate programs (no age limit); or if under the age of 25, may attend the Day College undergraduate programs (pending acceptance through the admissions process). Tuition will be waived for up to 36 courses, or the completion of a bachelor's degree, whichever comes first.

\*School of Professional Studies non-credit workshops, Saturday seminars and special programs when approved will count toward 1 undergraduate course.

## Tuition Exchange Scholarship Opportunity:

Clark University is a member of the Tuition Exchange (TE) Program, which provides the opportunity for dependent children of eligible Clark faculty and staff to receive undergraduate scholarships at other participating TE member institutions. A list of 600+ colleges and universities that participate in the TE program can be viewed at [www.tuitionexchange.org](http://www.tuitionexchange.org)

The TE program is a scholarship opportunity and not a fringe benefit provided by Clark University. Only full time faculty and staff who have completed five (5) years of full time employment at Clark are eligible to apply on behalf of their dependent children. ***Application for the TE program does not guarantee acceptance at a TE member institution, nor does it insure a TE scholarship.*** It is highly likely that not all of the eligible faculty and staff who seek a TE scholarship will be certified by Clark. This is because TE is a reciprocal program, and we are required to balance the number of individuals we send out on the exchange (exports) by an equal number of admits (imports) over the most current five-year period.

Clark will use a seniority lottery system based on your years of service at Clark and your eligibility for Clark's off-campus tuition benefits. Faculty and staff with 5-9 years of service will receive one chance in the lottery; those with 10+ years of service will receive two chances unless that faculty or staff member is also eligible for the University's Off Campus Tuition benefit, in which case they will only receive one chance.

Due to the TE application process as well as the timing of admissions decisions, TE scholarships applications are due in the Office of Human Resources no later than October 31 each year for the following academic year. The Application Form can be found on the Human Resources Forms & Documents website at: <http://www.clarku.edu/offices/hr/documentsandforms.cfm> under the section titled Tuition Forms.

## **Vacation**

If you are a full or part-time employee with an appointment of at least one-year, you are eligible to earn vacation time based on your standard weekly scheduled hours. The most common standard weekly scheduled hours are 35, 37.5, and 40.

Vacation balances are accrued on a monthly basis and are updated after the first pay cycle of each month. Salaried employees vacation balances are reflected as **days** and hourly employees vacation balances are reflected as **hours**.

- Employees with 12-month appointments earn 20 days per fiscal year up to a maximum of 160 hours.
- Employees with 11-month appointments earn 18 days per fiscal year up to a maximum of 144 hours.
- Employees with 10-month appointments earn 16.5 days per fiscal year up to a maximum of 132 hours.
- Employees with 9-month appointments earn 15 days per fiscal year up to a maximum of 120 hours.
- **Part-time employees** accrue vacation time based on their part-time schedule. For example, if you work 12-months per year, and your regular work week is 5 days/20 hours per week (4 hours per day), your yearly earned vacation hours will be 80 hours (or, 20 4-hour days).

Clark's fiscal year begins on June 1<sup>st</sup>. As of July 1<sup>st</sup> each year, you may only have the maximum annual number of days allowed (20 days for 12-month positions; 18 days for 11-month positions, etc.) carried forward. Any additional days will be forfeited.

Employees on a 9, 10 or 11-month appointments must use their vacation time during their regular appointment period and cannot extend their appointment periods and receive vacation pay during any period of time not regularly worked.

**Disclaimer:** Vacation accruals for hourly employees with less than 12-month appointments, whose pays are not distributed over 26 bi-weekly pay periods, accrue their time monthly as follows:

- Employees with 11-month appointments earn 1.64 days per fiscal year up to a maximum of 144 hours.
- Employees with 10-month appointments earn 1.65 days per fiscal year up to a maximum of 132 hours.
- Employees with 9-month appointments earn 1.67 days per fiscal year up to a maximum of 120 hours.

Your supervisor must approve all vacation time off requests.

Employees paid on grants must use their vacation time during the effective dates of the grant.

## **Holidays**

If you are a regular full or part-time employee, with an appointment of at least one-year, you are eligible for 10 paid holidays a year.

1. New Year's Day
2. Martin Luther King Jr. Birthday
3. Memorial Day
4. Independence Day
5. Labor Day
6. Thanksgiving Day
7. The Day after Thanksgiving
8. Christmas
9. One Floating Holiday\*
10. Two days near Christmas and New Year's Day (to be specified each year by the University)

\* You may take the floating holiday after completion of three months employment. The floating holiday may be taken any time during the fiscal year, with supervisor's approval. The floating holiday may not be carried forward to next fiscal year; if not taken it will be forfeited. You will not be paid for unused floating holidays.

A non-exempt employee required to work on a University paid holiday, will be paid time and one-half, or given compensatory time off. This is *in addition to* receiving holiday pay at straight time.

A non-exempt employee required to work on a University paid holiday, will be paid time and one-half, or given compensatory time off. This is *in addition to* receiving holiday pay at straight time.

Formula for calculating holiday pay for part-time staff:

$$\frac{\text{Number of Hours Worked per Week}}{5} = \text{Hours Holiday Pay}$$

You may not exceed the number of hours authorized to work in a given week. For example, if you worked 20 hours a week, four days a week:

$$\frac{20}{5} = 4 \text{ Hours Holiday Pay}$$

You may only work 16 hours that week—for a total of 20 paid hours.

In the event that there is a two-day holiday, you would be paid 8 hours holiday pay and could only work 12 hours that week for a total of 20 paid hours. For persons on less than 12-months appointments, you will not be paid for holidays, which fall during months you would not regularly work.

## **Religious Holidays**

If you request time off to celebrate other religious holidays, you may utilize your floating holiday, personal time off, vacation time, or unpaid time off.

## **Sick Time**



Sick leave may not be used to supplement vacations or holidays. Misuse of sick leave is considered fiscal misconduct and is a violation of University sick leave policy. Sick leave is to be used by an employee only in case of absence due to illness, medical appointments or disability of you or family members. You are expected to schedule appointments for times that are least disruptive to your office. If you need to be absent for more than 5 consecutive work days, please notify the Office of Human Resources (ext. 7294) so that you can be informed for your FMLA (Family Medical Leave) options.

Full and part-time employees may accumulate sick leave at the rate of one day per calendar month (based on hours worked per day), to a maximum of 65 days. The first day is earned after working one full calendar month.

Your supervisor or the Director for the Office of Human Resources may request a statement from your physician and/or authorization for us to communicate with your physician if you miss work due to sickness.

Upon approval of your department head and the Director for the Office of Human Resources, you may utilize up to 10 earned sick days per fiscal year for the care of a sick immediate family member—provided you are the primary caregiver for that person and no alternative care provider arrangements are feasible. The use of sick leave for this purpose will be counted toward the 12 weeks of Family Medical Leave you are allowed within a 12-month period. Please see FMLA below for more detailed information.

### **Sick Leave Donation Policy**

This policy is intended to be sensitive to the fact that employees may have extended conditions or re-occurring serious illnesses that may leave them without adequate sick leave. Employees may be allowed to donate a portion of their sick time to a fellow worker using the following guidelines:

- The recipient of donated sick leave may receive a maximum total of 20 days per fiscal year from fellow employees, and must meet the following eligibility requirements:
  - The recipient must:
    - a) have worked a minimum of one year at Clark University;
    - b) have used up all of his/her own available earned sick leave;
    - c) have an extended illness or condition, which requires an absence of more than five workdays.
- The donor of sick leave may donate a maximum of five days per individual recipient, per year, providing that the donor has a minimum of 20 days of earned sick leave remaining for his/her own use after the donation to the fellow employee(s).
- All requests for sick leave donations must be sent in writing to the Director for the Office of Human Resources for approval.

### **Personal Time**

You may use two sick leave days per fiscal year for personal business that cannot be conducted during non-working hours or for observance of religious holidays. This time should be indicated on your time reports as "personal" and not sick leave. Prior approval must be granted by your supervisor. The University may require that you provide satisfactory information concerning your use of personal days.

**Bereavement** (Funeral Leave)

You will be granted up to three days with regular pay in the event of the death in your (or your spouse) immediate family. Immediate family shall include spouse, father, mother, brother, sister, child, grandparent or grandchild.

**Leave of Absence**

If you have been employed at the University for at least one year, you may apply for a leave of absence without pay. This is done through the Office of Human Resources. Personal leaves of absence require the approval of your department head as well as the Director for the Office of Human Resources. You are requested to give at least three weeks notice to your supervisor and the Office of Human Resources of your anticipated date of departure and intention to return.

<u>Type of Leave</u>	<u>Duration</u>	<u>Comments</u>
Military	17 Days	Military Reserve Unit time off granted to fulfill military training requirements
Personal	Up to 8 weeks	Eligible after completion of one year employment
Medical	Up to 12 weeks	See the FMLA below

If you are approved for any unpaid leave of absence, all benefits generally cease. If you wish, you may continue some specific benefits, but you will be responsible for the entire cost.

Sick leave and vacation leave do not accrue while you are on an unpaid leave. You will not be eligible to receive holiday pay (if applicable) during the leave.

Every attempt will be made to reinstate you to the same or similar position upon your return.

Failure to return to work at the end of the leave of absence (without an approved extension) shall be considered a resignation.

**Family Medical Leave Act (FMLA)**

In accordance with the Federal Family and Medical Leave Act (FMLA) of 1993 (revised January, 2009), Clark University has established a policy to allow employees to take a period of leave (generally not to exceed 12 weeks) for the care of their own serious health condition or that of specific family members as defined under FMLA. Employees are eligible if they have worked at Clark University for at least one year, and/or a minimum of 1,250 hours during the previous 12-month period. The University requires that the employee use any earned sick or personal leave, as indicated allowable below [see sections a) through d)], before taking leave as unpaid. The employee may elect to use earned vacation time if they wish to do so.

Requests for Family Medical Leave must be in writing by completing a Request for Leave Form, and submitted to the Office of Human Resources as soon as feasible. Employees are asked to provide a minimum of 30 days advance notice when the leave is "foreseeable" such as a pregnancy, planned surgery, etc. You may be required to submit a medical certification of either your own or family member's illness. You may also be required to present a fitness-

for-duty certificate before we restore you to employment if you took leave for your own serious health condition.

FMLA leave may be granted for the following reasons:

1. For incapacity due to pregnancy, prenatal medical care or child birth;
2. To care for the employee's child after birth, or placement for adoption or foster care
3. To care for the employee's spouse, child or parent who has a serious health condition
4. For a serious health condition that makes the employee unable to perform his/her job
5. Military family leave entitlements (see details below)

For purposes of this policy, a serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Please refer to the U.S. Department of Labor, Wage & Hour Division Publication 1420 (revised January 2009) for more details on employee rights and responsibilities under this law. This notice is posted at the Office of Human Resources.

FMLA leaves may be approved for a maximum of 12 weeks in a 12-month period (see exception for military service members below). For purposes of this policy, a "rolling" 12-month period will be used, measured backwards from the date an employee uses any family care leave. Spouses who are both employed by the University are allowed *a combined* total of 12 weeks of family care leave within a 12-month period for the care of a newborn or adopted child. If leave is requested due to the illness of a child, a spouse, or a parent, then each spouse will be allowed 12 weeks of leave.

a) Employee or Family member illnesses:

For the care of a sick family member, employees may utilize up to 10 days of paid sick time; the remainder of the 12 weeks leave would be unpaid. For the employee's own illness, he/she would be required to utilize all earned sick time available before going on a unpaid leave.

b) Pregnancy or Parental Leave, including adoption:

Employees on pregnancy or parental leave are entitled to up to 12 weeks of leave. Employees may use up to 8 weeks of available sick time, and utilize paid vacation leave during the last 4 weeks. However, employees recovering from birth may utilize sick time during the last 4 weeks of leave if advised by a physician to remain out of work; and a physician's statement is presented to the Office of Human Resources. During any portion of the leave that is unpaid, employees will be responsible for the cost of their benefits. FMLA leave will run concurrently with leave taken pursuant to the Massachusetts Maternity Leave Act.

c) Military Family Exigency:

Eligible employees with a spouse, son, daughter or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation are eligible for 12 weeks of leave. Employees may use up to 8 weeks of earned sick time during this 12 week period, as well as any earned vacation time, or take leave without pay. During any portion of the leave that is unpaid, employees will be responsible for the cost of their benefits. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, etc.

e) Military Service Member Illness or Injury:

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. Employees may use up to 8 weeks of earned sick time, and 4 weeks of vacation time during the first 12 weeks of this leave; the remainder of the leave is unpaid. During any portion of the leave that is unpaid, employees will be responsible for the cost of their benefits. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who had a serious injury or illness incurred in the line of duty while on active duty that may render the service member medically unfit to perform his/her duties for which the service member is undergoing medical treatment, recuperative, or therapy; or is in outpatient status, or is on the military's temporary disability retired list.

Since FMLA requires the continuation of your current health/dental benefits during leave, you need to continue paying your normal premium contribution to avoid a lapse in coverage. If you are not receiving a salary via earned sick or vacation leave, your payments are due at the same time they normally would be made by payroll deduction. If your payment is more than 30 days late, your group health insurance may be cancelled, provided you receive 15 days written notice that coverage will lapse. If you decide not return to work at the end of your 12-week leave, you will be required to reimburse the University for its share of group health insurance premiums during the leave.

Employees, who are on leave without pay for longer than one pay period (two weeks), will be responsible for payment to the University for their continued life, health and disability insurance; and may receive a prorated amount of normally earned vacation and sick time.

At least one week prior to their date of return, employees are expected to notify their supervisor and the Office of Human Resources. It is expected that the employee will provide the Office of Human Resources with a medical "return-to-work" release on/before the date of their return. At the completion of the approved FMLA leave period, an employee will be reinstated to his/her former position or a position of equivalent classification and pay within the University. If the position has been eliminated (due to a reduction in the work force or other operational change, under circumstances applying equally to other similar positions in the department), efforts will be made to find other suitable employment at the University

It is not permissible to be gainfully employed elsewhere while out on FMLA leave. Any employee doing so will be considered to have voluntarily quit without notice and to not be in good standing at the time of leave.

Questions relating to the provisions and eligibility requirements for family care leave should be directed to the Assistant Director for the Office of Human Resources.

### **Reasonable Accommodations**

Besides FMLA, Clark also gives consideration to, and where feasible, provides reasonable accommodations for an employee with a disabling condition to perform their essential job duties. Employees can request a reasonable accommodation during the application or offer processes, or at any point during the employment relationship.

Under the Americans with Disabilities Act (ADA), **disability** is broadly defined as a physical or mental impairment that substantially limits one or more major life activities. Major life activities are understood as functions that are important to daily life. While there is no exhaustive list, some examples include eating, breathing, and working.

A **reasonable accommodation** in an employment setting is “any change in the work environment or in the way things are customarily done that enables an individual with a disability to enjoy equal employment opportunities.” Each job has different requirements and essential functions. When a reasonable accommodations request is made, it is important to understand the core job duties and to assess whether a requested or considered accommodation will interfere with the employee's ability to perform those duties.

If an employee cannot perform the essential/core functions of their job, with or without reasonable accommodations, Clark is not obliged to keep them in that role. Clark is also not obligated to make a reasonable accommodation that will create an undue burden or hardship on Clark. **Undue hardship** is defined as:

- a. An accommodation that would be significantly difficult or expensive for the employer to provide,
- b. An accommodation that would result in waiving essential job duties, or
- c. An accommodation that would fundamentally alter the nature or operations of the department or business.

Therefore, it is important for everyone to have a clear understanding of exactly what the essential functions of the job are and that any reasonable accommodations are narrowly tailored for the allowance of the employee to perform those essential functions. What follows is an outline of the interactive reasonable accommodation process:

The interactive reasonable accommodation process typically involves:

- a. A request from the applicant/employee to their supervisor or human resources.
- b. Human resources, in consultation with the employee's leadership, evaluates the request and may suggest or discuss various possible options with the applicant/employee.
- c. Medical documentation may be necessary. This evidence may come from the employee's medical provider and/or through an independent medical evaluation commissioned by Clark.
- d. A decision is made, which could be:
  - i. The reasonable accommodation is granted as requested.
  - ii. A reasonable accommodation is granted with different specifics from what was requested.

- iii. The reasonable accommodation is denied.

Whether or not any given request will be considered reasonable and can ultimately be accommodated is going to depend on the particulars of the situation.

### **Flexible Spending Accounts (FSA)**

The University provides at no cost to you the opportunity for you to set aside a portion of your salary on a pre-tax basis to be used to pay for qualified health care and/or dependent care expenses. A debit card with the annual amount you elect will be provided. You may currently set aside \$100 to \$5000 for each of the health and/or dependent care accounts thus lowering your taxable income. These limits may change based on changes in IRS regulations. See the Office of Human Resources for a complete plan description and enrollment forms. New employees have until the first of the month following their date of hire to elect this benefit or may wait until the annual open enrollment period.

### **Retirement Plans (TIAA or FIDELITY) 403(b) Defined Contribution Plan**

If you are a regular continuing University employee, you may be eligible to participate in either of the University's Retirement Plans, TIAA (Teachers' Insurance and Annuity Association) or Fidelity retirement plan. This is a voluntary, tax-deferred retirement plan. You are eligible to participate if your position is approved for 1,000 or more hours/year and you actually work at least 1,000 hours/year. You may join the first of any month and must contribute 5% of your salary. There is normally a 2-year wait before you are eligible to receive the University's 10% contribution; however, if you have previously worked in a regular position [not as a student, or research assistant, or temporary workers] at another higher education institution, the time you worked at this predecessor employee may be counted toward Clark's 2-year wait.

Documentation on the dates of employment from the previous employee may be required. After two years of continuous service (at least 1,000 hours per year exclusive of overtime, the University will contribute 10% of your base salary, provided you contribute a minimum of 5% of your base salary.

If you wish to contribute more than 5% of your salary, you may enroll in Clark's Supplemental Tax Deferred Retirement Plan (SRA), to which the University does not contribute. Detailed information is available in the Office of Human Resources.

### **Life Insurance**

You are eligible for life insurance on the first of the month following your date of employment.

The value of the life insurance is two times your annual base salary, rounded to the next \$1,000.00, if not already a multiple thereof. The University assumes the entire cost of this benefit.

If you continue to work full-time at age 70, the life insurance coverage is reduced by 65% and at age 75 it is reduced to 50% (i.e. one times your annual base salary). Upon termination, you are given the opportunity to convert to a non-group plan.

The Federal tax laws mandate that any employer-paid premiums on life insurance valued in excess of \$50,000 be treated as a form of compensation and are subject to both Federal and

Social Security taxes. The amount of taxable income assessed to a person depends on both your age and your tax bracket, and is usually an insignificant amount. This "extra income" is reported on your W-2 form at the end of the year. If your life insurance coverage exceeds \$50,000 and you wish to limit your life insurance coverage to prevent any additional taxable income, please put your request in writing to the Office of Human Resources.

### **Social Security (FICA)**

The earnings of full and part-time employees are subject to Social Security taxes. Your Social Security contributions are matched by the University and are deposited with the Social Security Administration for your retirement benefits. The amount of salary that is subject to FICA taxes is determined each year by the government.

### **Long-Term Disability**

You are eligible for disability insurance coverage on the first of the month following your date of hire. The University assumes the entire cost of this benefit. This benefit provides 60% income replacement of your base salary, and requires total disability for 180 days before coverage begins.

Upon submission of Disability Forms (available in the Office of Human Resources), and a physician's statement certifying your long-term disability, you may receive your regular wages by using your earned sick and vacation time during the first three months of your disability (or longer—until both your sick and vacation time is used up).

If you do not have sufficient sick and/or vacation time, from the first day of the fourth month following your date of full disability, to the first day of the seventh month, the University may provide a benefit of 60% of your bi-weekly salary. To be eligible for these payments, you must have submitted in a timely fashion all necessary disability forms and statements requested to support your disability claim, and the insurance carrier must not have denied your claim.

The long-term disability benefit provided by the insurer, begins on the first of the seventh month (if claim is approved), and provides 60% of your monthly salary to a limit of \$10,000 per month, less any amount from Social Security or other compensation.

It is your responsibility to apply for Social Security disability as soon as possible. This is a prerequisite for determining eligibility for disability benefits.

The University will continue contributions to benefits up to the first day of the seventh month. At this time, if you have been determined disabled (for Social Security purposes), you may continue your health insurance via COBRA, and the University will continue its regular contributions to your health plan. This COBRA continuation period is for a maximum of twenty-nine (29) months and you are responsible for payment of your monthly contribution toward health insurance.

If an employee is has been, or is expected to be out of work for at least 6 months, and /or has been approved for long term disability; the University will consider his/her employment to have ended unless it is determined that the employee will be able to return to work within a reasonable time period.

### **Employee Assistance Program**

Clark University is committed to promoting and retaining a capable and healthy work force. The Clark University Employee Assistance Program was created to provide Clark employees and their families with an opportunity to identify potential problems and prevent them from becoming major obstacles in their work and personal lives.

The program also helps employees and their families resolve personal problems that may already be affecting their performance both on and off the job.

The EAP enables Clark employees and their families to obtain at no cost to the employee, confidential assessment and referral services for problems such as alcoholism, drug abuse, legal and financial difficulties, family/marital problems, emotional stress and any other job-related or personal problems.

Clark University has contracted with e4health to provide these services. Consultation/assessment is at no cost to you or your family members. Call e4health directly at 1-800-828-6025.

For additional information or literature, contact the Office of Human Resources or visit the e4health website at [www.HelloE4.com](http://www.HelloE4.com), Company User Name = Clark University, Password = guest.

Confidentiality is a critical important feature of the Clark University Employee Assistance Program. An employee is assured that no one at the work place will be informed of the phone call, visit, or any follow-up service of e4health unless you consent in writing to do so.

### **Travel Insurance**

Employees traveling on University business may be covered by an accident/life insurance policy up to \$300,000. Policy details are available in the Business Manager's Office.

### **Employee Recognition**

The University offers various programs of recognition, enrichment, and reward for employees. These currently include the annual *Employee Recognition Reception* for employees with ten or more years of service to the University. In addition, most employees will be allowed paid release time to attend on campus self-improvement and enrichment programs; and training programs focusing on health, family issues and skills and professional development.

Please contact the Office of Human Resources if you have some suggestions for future training programs, which you believe, would benefit our staff and the University.



## **SECTION III**

**SALARY ADMINISTRATION**

**POSITION CLASSIFICATION**

**PERFORMANCE REVIEW  
PROCEDURES**

## **Salary Administration** (General Overview)

The Board of Trustees has ultimate authority for establishing the compensation policies of the University and for approving major decisions such as budget for salaries, wages and benefits.

Should the Board of Trustees approve a salary increase pool, our recent practice has been to have salary increases effective June 1<sup>st</sup> (or later depending on your annual appointment renewal date). Salary changes are determined by the senior administration and the Board of Trustees when developing the annual budget. Continuing employees hired prior to March 1st are generally eligible for a salary increase pending a satisfactory or better performance evaluation.

## **Position Description and Classification**

The Director for the Office of Human Resources has the immediate responsibility for evaluating positions and assigning classification levels. The Director for the Office of Human Resources and the appropriate supervisor review new or vacant position descriptions and make revisions as appropriate.

The position description is an important reference document in the classification plan at Clark. It contains guidelines setting forth the duties and responsibilities of your job and provides the basis for the proper classification of your position. Duties and responsibilities will and do change depending on the needs of the department and University. You may be expected to perform tasks or assume duties not currently listed in your position description.

The position description questionnaire:

- Provides a descriptive statement of your current essential duties.
- Indicates the level of responsibility for carrying out your duties and the education and experience needed.
- Describes the nature of the supervision given and received, and the type and level of decision-making.
- Provides a measure of the magnitude of impact on the operation of the University.

Clark currently uses a “factor” system to determine the placement of positions within the classification system. A numeric “grade level” is assigned to positions based on the following factors:

- 1) Knowledge—(years of experience required and/or level of formal education needed to perform job).
- 2) Supervision—number of employees supervised and level of supervision provided and received.
- 3) Complexity of job duties and level of independence.
- 4) Impact of position responsibilities and decision-making authority both internally and externally, to the University.
- 5) Interpersonal communications—type and volume of interactions, such as: provides information, persuades and negotiates, sets policy, etc.

Requests for possible upgrading of position levels should be submitted by the department head to the Director for the Office of Human Resources during the spring review period (prior to June salary determination), along with the revised job description. When positions are approved for an upgrade, a salary increase of generally 3-5% may be awarded to the incumbent, depending on the University's financial situation, market comparisons, and internal equity.

### **Performance Reviews**

Although review of performance is an on-going event, the University annually distributes to department heads formal Performance Evaluation Report forms as a vehicle to conduct an annual written review. This review will become part of your personnel file, and must be at the satisfactory or higher level for you to be eligible for a salary increase.

In addition to the Performance Evaluation Report, a Self-Assessment Form is distributed to the employees prior to the evaluation. The University requires staff members to provide supervisors with a written narrative of how you have served the department and the University during the review period. Several questions are provided on this form as a guideline in providing feedback to your department head and will become part of your personnel file. Copies of Performance Evaluation materials are available in the Office of Human Resources.

## **SECTION IV**

# **TERMINATION OF EMPLOYMENT**

## **Resignation**

Advance notice of at least 2 weeks for employees in non-exempt positions; and 4 weeks for employees in exempt positions is requested. Resignation letters should include your reason for leaving, as well as your last work date and must be submitted in writing to your supervisor with a copy sent to the Director for the Office of Human Resources as soon as possible.

The Office of Human Resources will arrange for an exit interview, at which time disposition of benefits will be discussed. You must return University property (ID, keys, equipment, etc.) to your supervisor or the Office of Human Resources prior to leaving campus. The University may withhold the amount of outstanding obligations of the employee from his/her paycheck when appropriate.

## **Discharge**

Your employment at Clark University is "at will" and may be terminated, without reason or notice, at any time.

If employment is terminated for cause (poor performance, absenteeism, dishonesty, insubordination, job abandonment, etc.), you are subject to immediate discharge without notice or payment beyond last day worked. Cause may include, but is not limited to:

- Unsatisfactory job performance
- Failure to comply with the University's rules and regulations
- Misconduct (whenever an employee's conduct is such as to discredit the University or in any way jeopardize its position in the community, termination of employment may result)
- See pages 12 and 13 for "standards of conduct"

## **Reduction in Work Force**

From time to time, a reduction in the work force may be necessary. The reductions can result from a change in the nature of University programs and activities, or from budgetary restrictions or from expiration of a grant or contract.

In cases of reduction of the work force, an employee may be offered a vacant position of similar responsibility provided that, in the judgment of the Director for the Office of Human Resources, the employee has the ability to perform the work on the basis of qualifications and previous performance evaluations.

If the University recalls an employee who has been terminated due to reorganization or reduction in work force within one year from the date of termination, that employee's seniority—in terms of eligibility for benefits—will be reinstated to the level it was at the date of termination.

## **Retirement**

Clark University complies with state and federal laws, which prohibit discrimination on the basis of age. Massachusetts law eliminated the mandatory retirement age for most employees. An employee may retire voluntarily at any time.

If you plan to retire, please notify your supervisor and the Director for the Office of Human Resources as soon as possible, preferably 5-6 months prior to the date of retirement. The Office of Human Resources provides pre-retirement information and guidance. You are encouraged to

request information and literature regarding the University's retirement plan, Social Security, medical insurance and other benefits effective during retirement.

### **Exit Interview**

When your employment with Clark University ends, you will be asked to talk to a representative of the Office of Human Resources. The purpose of this "exit interview" is to discuss your benefit status, arrangement for any earned vacation payout, and to discuss any concerns you may have upon leaving the University.

### **Benefits Upon Termination**

#### **a. Vacation Time**

Upon separation from employment, employees will be compensated for vacation time earned under the University's vacation time accrual policy. Employees who have earned vacation time and choose to leave the university, or whose employment has been terminated, are entitled to a payout of any earned and unused vacation time. Vacation time may not be used to extend the date of your resignation; your date of resignation is your last day worked. Vacation payouts will be processed in the pay period following your last regular pay.

#### **b. Health and Dental Insurance**

You will be given the opportunity to continue health and dental insurance with the Clark University group (COBRA Health Insurance Act of 1986), if you are currently enrolled at the time of termination. You will be responsible for the entire monthly premium plus a 2% administrative cost.

#### **COBRA** (Health Insurance Continuation)

The Consolidated Omnibus Reconciliation Act was signed into law on April 7, 1986. COBRA contains provisions, which require the University to offer health insurance coverage to employees leaving the group. The University must provide former employees, spouses and dependents the option of remaining in the group health plan.

Eligibility for continued coverage is triggered by several qualifying events, including termination of employment. Upon termination of employment the employee is given the opportunity to continue on the University's group plan for up to 18 months. The employee or beneficiary must assume the entire cost, which will be 102% of the total premium.

#### **c. Life, Disability and Travel Insurance**

Coverage under the University's life, disability and travel insurance will cease upon termination. You will be given the opportunity to convert life insurance to a non-group direct pay plan.

#### **d. Sick/Personal and Floating Holidays Time**

You will not receive pay for unused sick days, personal time or floating holidays.

#### **e. TIAA/Fidelity Retirement Plans**

Your options may vary, depending on length of time in the retirement plan.

#### **f. Tuition Benefit**

If you terminate employment and you and/or a family member are enrolled either at Clark or another school (off campus tuition remission for dependent children), tuition will be payable, pro-rated for the remainder of the semester, and will generally be deducted from your last paycheck to the greatest extent possible.

**g. University Loans or Computer Purchases**

If you have entered into an agreement with the University for repayment of a loan or purchase of a computer, all balances are due upon date of resignation, and will be deducted from your final paycheck, unless other arrangements are approved in advance.

**h. University Property**

All University property—keys, lap tops, credit cards, I.D., etc. must be turned in to your department head or the Office of Human Resources prior to receiving your final paycheck.

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