



MERCY COLLEGE

# Employee Handbook

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## **SECTION I: WELCOME TO MERCY COLLEGE**

Welcome to Mercy College. We are delighted that you have chosen to join our institution and hope that you will enjoy a long and successful career with us. As you become familiar with our culture and mission, we hope you will take advantage of opportunities to enhance your career and further the mission of the College.

### **Mercy College's Mission**

Mercy College is committed to providing motivated students the opportunity to transform their lives through higher education by offering liberal arts and professional programs in personalized and high-quality learning environments, thus preparing students to embark on rewarding careers, to continue learning throughout their lives and to act ethically and responsibly in a changing world.

With your active involvement, creativity and support, Mercy College will continue to achieve its goal, which is primarily focused on the success of its students. We sincerely hope that you will take pride in being an important part of the Mercy College mission.

Please take time to review the policies contained in this Handbook, and to review and sign the acknowledgement form at the end. If you have questions, feel free to ask your supervisor or to contact the Office of Human Resources at [HR@mercy.edu](mailto:HR@mercy.edu).

### **Employees Covered Under a Collective Bargaining Agreement**

The employment terms set out in this Handbook work in conjunction with, and do not replace, amend, or supplement any terms or conditions of employment stated in the collective bargaining agreements that the United Auto Workers (“UAW”) for technical, clerical and professional staff, and the Service Employees International United (“SEIU”) for adjunct faculty have with Mercy. Employees should consult the terms of their collective bargaining agreement. Wherever employment terms in this policy differ from the terms expressed in the applicable collective bargaining agreement with Mercy, employees should refer to the specific terms of the collective bargaining agreement, which will control.

## **SECTION II: ACCOMMODATIONS, EQUAL OPPORTUNITY AND NON-DISCRIMINATION AND SEXUAL MISCONDUCT**

### **Commitment to Equity, Diversity, & Inclusion**

Mercy College is committed to creating and maintaining a workplace in which all employees have an opportunity to participate and contribute to the College's success and are valued for their skills, experience, and unique perspectives. This commitment is embodied in Mercy College policy and the way we interact with members of the College and local communities.

### **Policy on Equal Opportunity and Non-Discrimination**

Mercy College is committed to fostering a diverse community of outstanding faculty, staff, and students, as well as ensuring equal opportunity in employment and equal opportunity in education including educational programs and activities, without regard to an individual's race, color, creed, national origin, ethnicity, ancestry, religion, age, sex, sexual orientation, gender, gender identity or expression, transgender status, marital status, familial status, partnership status, disability (including HIV/AIDS), genetic information, predisposing genetic characteristics, alienage, citizenship, arrest and conviction records, military or veteran status, salary history, credit history, caregiver status, pregnancy or lactation status, sex and reproductive decisions, status as a victim of domestic violence/stalking/sex offenses/sex abuse, unemployment status, or any other legally prohibited basis in accordance with federal, state, county and city laws.

Mercy College does not discriminate on the basis of any of the protected characteristics referenced above in its programs and activities or in its treatment, admission or access to its programs or activities. Therefore, discrimination or harassment of College employees, students, applicants for employment or admission, and non-employees (defined explicitly to include *only* contractors, subcontractors, vendors, consultants, or other persons providing services pursuant to a contract in the workplace or who is an employee of such a contractor, subcontractor, vendor, consultant, or other person providing services pursuant to a contract with the College) is strictly prohibited by the College.

Retaliation for reporting or opposing discrimination or harassment, cooperating with an investigation of a discrimination or harassment complaint, or requesting an accommodation, is strictly prohibited by the College.

The College is committed to addressing prohibited discrimination, harassment and retaliation complaints promptly, consistently and fairly to the extent possible. See the full Policy on Equal Opportunity and Non-Discrimination for further details regarding the process for filing complaints, which can be completed online, and procedures for handling investigations, disciplinary action, and appeals where applicable.

## **Reasonable Accommodations for Employees**

Mercy College is committed to providing reasonable accommodations to allow qualified individuals the opportunity to participate in employment at the College. Requests for accommodation require a formal process with the request being made to, and considered by the Office of Human Resources, with the opportunity for an appeal, as provided for in the College procedures. The procedures apply to reasonable accommodations in connection with:

- a disability or serious injury,
- pregnancy, childbirth, or a medical condition related to pregnancy or childbirth, including breastfeeding, and
- religious practices.

Mercy will thoroughly review all requests on a case-by-case basis in accordance with applicable federal, state, and local laws. Requests for sick time related to medical issues shall be requested pursuant to the College's Paid Time Off and Leave of Absence Policy, Family Medical Leave Act (FMLA) and the New York State Paid Family Leave Law (NYS PFL). Accommodations relating to COVID-19 fall under this Policy to the extent the accommodation request falls under one of the categories listed above.

Mercy prohibits retaliation against individuals for requesting reasonable accommodations, appealing decisions concerning such requests, or for making or participating in claims of discrimination.

All requests for accommodations and all supporting documentation, including but not limited to medical information, are considered confidential and will be shared with College officials only on a need-to-know basis. Such documentation will only be used to evaluate the requested accommodation and will be kept in a separate file in the Office for Human Resources or the Office of the Equity Compliance Specialist, depending on which office is evaluating the accommodation request.

Employees who may require a reasonable accommodation should contact the Office of Human Resources. See the full Policy and Procedures for Implementing Reasonable Accommodations for Employees.

## **Service Animals for People with Disabilities**

Mercy College is committed to making reasonable modifications in policies, practices, and procedures to permit the use of service animals by persons with disabilities. Service animals play an important role in ensuring the independence of people with disabilities, and it is therefore our policy to welcome to the College any animal that is trained to assist a person with a disability. See the full Policy Regarding Service Animals for People with Disabilities.

## **Nursing Parent Room Policy**

In recognition of the importance and benefits of breastfeeding, and in compliance with state and federal law, Mercy College supports the rights of nursing parents at school and in the workplace. Mercy College is dedicated to making its best effort to accommodate requests from nursing parents for break time and a private space to express breast milk on campus.

Under the Patient Protection and Affordable Care Act, as well as New York State Labor Law, Mercy College is required to provide certain protections and benefits to employees who are nursing parents, which include providing employees reasonable break time to express milk for up to three years after they give birth. An employee may do this by utilizing paid break or meal periods, or taking unpaid break periods, with the option of making up the time by extending the workday. Mercy College must also provide an employee, upon request, a room or other location, in reasonable proximity to the work area, where the employee can express milk in privacy. The room cannot be a bathroom and must be private and have a door that locks, shades for any windows, and a table, chair, and electric outlet.

In addition, Mercy College is also required under Title IX of the Education Amendments of 1972 to accommodate parenting students in all aspects of their educational experience. As such, the College shall provide a room to nursing students in the same fashion as employees.

See the full Nursing Parent Room Policy.

## **Sexual Misconduct Policies and Procedures**

Every member of the Mercy College community, including students and employees, deserves the opportunity to live, learn and work free from sexual harassment and sexual violence.

Accordingly, Mercy is committed to:

- Defining conduct that constitutes prohibited sexual harassment and sexual violence under the relevant laws and regulations, including federal Title IX, New York State Education Law Article 129B, and New York State Human Rights Law
- Providing clear guidelines for students and employees on how to report incidents of sexual harassment and sexual violence and a commitment that a complainants' privacy will be maintained to the greatest extent possible;
- Promptly and accurately responding to and investigating allegations of sexual harassment and sexual violence under a predictable, fair grievance process that provides due process protections to alleged victims and alleged perpetrators of sexual harassment and sexual violence, and effectively implementing remedies for victims;

- Referring incidents to law enforcement and for disciplinary action when appropriate, and acting to investigate and address any allegations of retaliation;
- Providing ongoing assistance and supportive measures to students and employees who are involved in complaints of sexual harassment and sexual violence, including both complainants and respondents, such as providing information regarding where and how to obtain supportive services both on and off-campus, as well as their rights under federal law, state law and Mercy policy, including filing a complaint with the College as well as with external agencies;
- Providing awareness and prevention information on sexual harassment and sexual violence, and widely disseminating this policy, as well as the Mercy College Student Bill of Rights, disseminating information on resources available both on campus and locally, and implementing training and educational programs on sexual harassment and sexual violence to all College constituencies; and
- Gathering and analyzing information and data that will be reviewed in order to improve safety, reporting, responsiveness and the resolution of incidents at Mercy College.

Rights afforded and responses by the College will vary depending on whether the complainant is a student or employee, and whether conduct falls under the federal Title IX law and regulations and if not, or under other federal, state laws and local laws relating to sexual harassment and sexual violence, including but not limited to: Title VII of the Civil Rights Act, Article 129A and 129B of the New York State Education Law, or the New York State, New York City and Westchester County Human Rights Laws. The College will make every effort to make clear the policies as it pertains to each area, but in the event of confusion, please contact Mercy's Title IX Coordinator for clarification.

The full *Policy on Sexual Misconduct*, including definitions of what constitutes prohibited sexual harassment and sexual violence, rights of the parties involved, reporting procedures, investigations, and the College's obligations, can be found here.

### **Policy Barring Salary History Inquiry.**

In accordance with New York City and New York State laws, the College or any of its employees, managers, supervisors, officers or trustees, as well as any agent of the College are prohibited from engaging in a number of actions relating to hiring employees, including but not limited to relying on the wage or salary history of an applicant in determining whether to offer employment to that individual (including for current Mercy employees applying for another position internally); relying on the wage or salary history of an applicant in determining the wages or salary for that individual (except for current Mercy employees applying for another position internally); requesting or requiring, either orally or in writing, the wage or salary history from an applicant or

current employee as a condition of being interviewed or considered for an offer of employment, or as a condition of employment or promotion, unless the information is required pursuant to federal, state, or local law; seeking, requesting, or requiring the wage or salary history of an applicant or current employee either orally or in writing, refusing to interview, hire, promote, otherwise employ, or otherwise retaliating against an applicant or current employee; or conducting a search of publicly available records or reports for the purpose of obtaining an applicant's salary history.

These laws were enacted to prevent wage discrimination against women and minorities by prohibiting employers from asking about wage and salary histories. By taking salary history information out of the job interview and application process, salary negotiations can be focused on an individual's qualifications and the requirements for the job. Failure to comply with the applicable laws could subject Mercy College (the "College") to compensatory and punitive damages, reasonable attorneys' fees, costs, injunctive relief, and a civil penalty.

See the full Policy and Procedures Relating to the New York City and New York State Laws Barring Inquiries into the Wage and Salary Histories of Applicants and Current Employees.

### **Mandated Employee Trainings**

The College mandates annual training by all employees for anti-harassment and cyber-security policies and procedures, as required by law. The College reserves the right to modify and add trainings as may be required or necessary for the safety of the College community. The College also offers extensive professional development and trainings for all employees throughout the year.

## **SECTION III: EMPLOYMENT RELATIONSHIP**

### **Introductory Period**

Staff bargaining unit employees are subject to a 90-day introductory period. See UAW CBA for more information.

### **Background Checks**

Mercy College is committed to providing a safe and secure environment for our community, including students, employees and visitors, as well as safeguarding the assets and resources of the College. In support of this effort, any applicant for a position at Mercy, who receives a conditional offer of employment, will undergo a background check. Rehires with a break in service of more than six consecutive months, will also be required to undergo a background check.

A background check will consist of a criminal record search (including the 50-state sex offender registry), education, and employment verifications. Some applicants will also be required to undergo drug testing, motor vehicle, fingerprinting, or an unscored credit check depending on the nature of the position. Applicants for such positions will be notified of this requirement when an offer of employment is made. The background check will be completed and the selected finalist must be cleared by the Office of Human Resource before commencing employment at the College. Applicants are not permitted to begin working until the background check clearance is issued, unless an exception is approved in advance by the Director of Human Resources or designee.

Any information that is falsely reported or omitted by an applicant or an employee, may be cause for withdrawal of an offer of employment, promotion or transfer and/or constitute cause for termination of employment and disqualification of future hire.

Employees covered by this policy are required to report to Human Resources any criminal convictions that take place during the course of their employment, excluding infractions punishable only by a fine. Failure to promptly report such convictions may lead to disciplinary action up to and including termination of employment.

Current employees whose position changes as a result of a transfer, promotion, or reclassification may be required to undergo a background check, including if one was not conducted when initially hired or if a new background check is needed because of the nature of the position.

See the full *Policy on Background Checks*

### **Employment at Will**

Employment at Mercy College is on an at-will basis unless otherwise stated in a written individual employment agreement or appointment letter with the College. At-will means that either the employee or the College may terminate the employment relationship at any time, for any reason, with or without notice.

Nothing in this employee handbook is intended to or creates an employment agreement, express or implied. Nothing contained in this, or any other document provided to the employee is intended to be, nor should it be, construed as a contract that employment or any benefit will be continued for any period of time.

Any salary figures provided to an employee in annual or monthly terms are stated for the sake of convenience or to facilitate comparisons and are not intended and do not create an employment contract for any specific period of time.

Nothing in this statement is intended to interfere with, restrain, or prevent concerted activity as protected by the National Labor Relations Act. Such activity includes employee communications regarding wages, hours, or other terms or conditions of employment. Mercy College employees have the right to engage in or refrain from such activities.

## **Employment Authorization**

Mercy College requires that all employees be legally authorized to work in the United States and abides by all laws that prohibit the employment of undocumented foreign nationals. Any person employed by the College must complete the federal Employment Eligibility Verification Form (I-9) within three days of hire and will be entered into the federal E-Verify system.

## **Employment Classification**

In order to determine eligibility for benefits and overtime status and to ensure compliance with federal and state laws and regulations, Mercy College classifies its employees as shown below. Mercy College may review or change employee classifications at any time.

- **Exempt.** Exempt employees are paid on a salaried basis and are not eligible to receive overtime pay.
- **Nonexempt.** Nonexempt employees are paid on an hourly basis and are eligible to receive overtime pay for overtime hours worked.
- **Regular, Full-Time.** Employees who are not in a temporary status and typically works a minimum of thirty-five (35) hours weekly and maintain continuous employment status. Generally, these employees are eligible for the full-time benefits package and are subject to the terms, conditions, and limitations of each benefits program.

- **Regular, Part-Time.** Employees who are not in a temporary status and who are regularly scheduled to work fewer than 30 hours weekly, but at least seventeen (17) hours weekly, and who maintain continuous employment status. Part-time employees are eligible for some of the benefits offered by the College and are subject to the terms, conditions, and limitations of each benefits program.
- **Temporary, Full-Time.** Employees who are hired as interim replacements to temporarily supplement the workforce or to assist in the completion of a specific project and who are temporarily scheduled to work the College's full-time schedule for a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment classification.
- **Temporary, Part-Time.** Employees who are hired as interim replacements to temporarily supplement the workforce or to assist in the completion of a specific project and who are temporarily scheduled to work fewer than thirty (30) hours weekly for a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment classification.

## **Employment Verifications**

Prospective employers, financial institutions and residential property managers routinely contact employers, including Mercy College, for information on a former or current employee's work history and salary. All employment verification requests should be directed to *QuickConfirm* at support@quickconfirm.com. If employee's have any questions about this process, they should consult with HR at HR@mercy.edu.

## **Time Records**

All exempt and nonexempt employees are required to complete an accurate time sheet showing all time actually worked. These records are required by governmental regulations and are used to calculate regular and overtime pay.

## **Work Week and Hours of Work**

The standard workweek is from Sunday 12:00 am until Saturday 11:59 pm with two days off. Office hours are 9:00 am to 5:00 pm. Individual work schedules may vary depending on the needs of each department.

## **Overtime**

When required due to the needs of the College, you may be asked to work overtime. Overtime is actual hours worked in excess of forty (40) hours in a workweek. Hours worked between thirty-five (35) to forty (40) are paid at the straight hourly rate. Nonexempt employees will be paid time and one half their regular rate of pay for all hours actually worked in a workweek beyond forty

(40) hours. Paid leave, such as holiday, PTO, bereavement time, and jury duty does not apply toward work time. All overtime work must be approved in advance by a supervisor or manager.

## **Meal and Rest Breaks**

New York State Labor Law entitles employees to a noon-hour break (i.e., between 11 am and 2 pm) at least thirty (30) minutes after six (6) hours of work. It is the policy of Mercy College to provide most employees with a one-hour unpaid meal period for each 8-hour workday. Meal periods are unpaid time and as such, employees must be completely relieved of duty for the purpose of eating lunch. You and your supervisor must arrange these times to ensure adequate coverage throughout the day. Under the FLSA regulations, if the employee is engaged in any kind of work activity during the meal observance period, it is considered “time worked” and the employee must be paid for it. Employees may not forego the meal period in order to shorten the workday.

## **Paychecks**

Mercy College’s pay period for all employees is semi-monthly on the 15<sup>th</sup> and the last day of the month. If pay day falls on a weekend or federal holiday, employees will receive their paycheck on the preceding workday. If direct deposit is selected, paychecks are directly deposited into your checking and/or savings accounts. Otherwise, paychecks will be sent to the mailing address on file.

## **Payroll Error Corrections, Deductions from Pay and Safe Harbor**

It is the employee’s responsibility to review their pay stub each payday for accuracy. If discrepancies are found, the employee must contact the Payroll Department immediately. The Payroll Department corrects paycheck errors in one of two ways, payroll adjustment or manual check.

Overpayments made to a current employee will be taken from the employee’s wages on the following paycheck unless the employee makes other arrangements to reimburse the College. The Payroll Department will coordinate the collection efforts with the employee. See the full Policy on Recouping Overpayment of Salary.

In the case of underpayments to employees, a payroll adjustment will be made the following pay period(s) (retroactive pay will be added to the regular paycheck). Both types of error correction methods ensure that the employee’s wages are accurate for W2 purposes.

**Permitted deductions.** The Fair Labor Standards Act limits the types of deductions that may be made from the pay of an exempt employee. Deductions that are permitted include:

- Deductions that are required by law, e.g., income taxes;

- Deductions for employee benefits when authorized by the employee;
- Absence from work due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for salary lost due to illness;
- Garnishment of wages;
- Unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions.

**Improper deductions.** If an employee classified as exempt believes that an improper deduction has been taken from his or her pay, the employee should immediately report the deduction to the Office of Human Resources. The report will be promptly investigated and if it is found that an improper deduction has been made, the College will reimburse the employee for the improper deduction.

### **Employees Working Out-of-State**

Due to the complexity and cost of complying with each set of state- or country-specific laws such as worker's compensation, unemployment, paid sick leaves and unique tax requirements, an employee working from a work site outside of New York State for their own convenience is not permitted, except in limited circumstances with the prior written approval of the Director of Human Resources or the Provost. Accordingly, departments that wish to hire or reassign an employee to work or telecommute from outside New York State or in another country must seek and obtain prior written approval before the employee commences work for Mercy.

### **Job Performance and Performance Reviews for Staff**

Communication between employees and supervisors or managers is very important. Discussions regarding job performance are ongoing and often informal. Staff employees should initiate conversations with their supervisors if they feel additional ongoing feedback is needed.

In addition, Mercy conducts performance reviews annually. These reviews are intended to inform employees of strengths and areas for improvement. They may also be utilized by the College to determine an employee's potential promotion and/or transfer. Reviews also provide an opportunity for employees to raise job concerns or interests with their applicable supervisor or manager.

Core faculty should refer to the Faculty Handbook and adjunct faculty should refer to the SEIU CBA.

### **Personnel File Access**

Employee files are maintained by the Office of Human Resources and are considered confidential. Managers and supervisors may only have access to personnel file information on a need-to-know basis. Personnel file access by current employees and former employees upon request will generally be permitted within three (3) days of the request. Personnel files are to be reviewed in the Office of Human Resources. Employee files may not be taken outside the HR office. Representatives of government or law enforcement agencies, in the course of their duties, may be allowed access to file information.

Faculty should see the Faculty Handbook regarding their personnel file, and union employees should refer to the applicable collective bargaining agreement.

## **Separation from Employment**

In all cases of voluntary resignation (one initiated by the employee), employees are asked to provide a written notice to their supervisors at least ten (10) working days in advance of the last day of work.

In most cases, the Office of Human Resources will send out an offboarding packet which includes an exit questionnaire, benefits information, information on how to return College property, and information on final pay. If applicable, information regarding benefits continuation through the Consolidated Omnibus Budget Reconciliation Act (COBRA) will be sent to the employee's home address.

Should it become necessary because of business conditions to reduce the number of employees or work hours, this will be done at the discretion of the College.

In circumstances where an employee is terminated, the employee is not eligible to receive any paid time off and is not eligible for COBRA.

## **Rehires to Mercy College**

Rehire occurs when an individual who has separated from the College applies and is selected for the same or a different position. The individual must have been an employee in good standing at the time of separation, must meet the requirements of the position for which they are applying, and must participate in the normal employment process in order to be considered for vacancies at the College. Employees who are rehired may be eligible for the crediting of prior College service.

College service is the length of time that an individual has been continuously employed by the College on a full-time or part-time basis, including authorized leaves of absence. However, when a former employee is rehired or recalled crediting of prior service may occur.

If an individual separates from the College after at least one year of service, and is rehired within six (6) months, there will be no break in continuous service and no loss in fringe benefits.

If an individual separates from the College after at least one year of service, and is rehired within 7 to 12 months, after having been employed by the College for at least one year, and works at least one year after the date of rehire, service dates will be bridged, and there will be no break in continuous service

An individual rehired after 12 months of separation will be treated as a newly hired employee. However, after the fifth year of re-employment, the previous service will be added to current continuous service for determination of future benefits.

For purposes of determining years of service, 2 years of part-time service is the equivalent of 1 year of full-time service. Excluded from this calculation is an employee's eligibility to join certain benefit plans. Different rules may apply, according to an employee's date of hire.

## **SECTION IV: MERCY COLLEGE CODE OF ETHICAL CONDUCT, AND RELATED POLICIES**

### **Introduction**

In furtherance of maintaining and promoting Mercy College's mission of providing motivated students the opportunity to transform their lives through education, this Code of Ethical Conduct sets forth the general principles to which we subscribe and to which we expect every member of the College community--including but not limited to, faculty, staff, officers, trustees, volunteers, visitors, contractors and vendors--to adhere. These principles have been derived from federal, state, and local laws and regulations, College policies and procedures, contractual and grant obligations, and generally accepted principles of ethical conduct.

### **Adherence to the Highest Ethical Standards and Compliance with the Law**

Every member of the College community shall, at all times, conduct their activities in accordance with the highest professional and community ethical standards. Every member of the College community is expected to become familiar with those laws, regulations, and College policies which are applicable to their position and duties, and to comply with both their letter and spirit. The College will implement programs to further community members' awareness and to monitor and promote compliance. All questions and concerns about the legality or propriety of any action or failure to take action by or on behalf of the College should be referred to either the member's supervisor or to the Office of General Counsel.

### **Compliance with all Contractual and Grant Terms and Conditions**

Every member of the College community is expected to maintain access to and to comply strictly with the terms and conditions of each College contract and grant on which they are working. All questions or concerns about whether a particular term or condition violates the law or whether the grantor or contractor has breached its obligations to the College should be referred promptly to the Office of General Counsel.

### **Support of the College's Goals and Avoidance of Conflicts of Interest**

Every member of the College Community is expected to faithfully carry out their professional duties in furtherance of the College's mission. Every member has a duty to avoid conflicts between their personal interests and official responsibilities and to comply with College policies for reporting and reviewing actual and potential conflicts of interest and conflicts of commitment. Additionally, a member of the College community may not utilize their position with the College for their personal benefit. Members are also expected to consider and avoid, not only an actual conflict but also, the appearance of a conflict of interest, including but not limited to the acceptance of gifts. See the College's *Conflict of Interest and Gifts Policy*, and the Faculty Handbook Sections 4.24 and 4.25.

### **Maintenance of the Highest Standards of Academic Integrity**

Every member of the College involved in teaching and research activities is expected to conform to the highest standards of honesty and integrity. Activities such as plagiarism, misrepresentation, and falsification of credentials or falsification of data are expressly prohibited. All research at the College must be conducted in strict conformity with the applicable College policies, procedures, and approvals and the requirements of all governmental and private research sponsors.

### **Respect for the Rights and Dignity of Others**

Mercy College is committed to a policy of equal treatment, opportunity, and respect in its relations with its faculty, administrators, staff, students, and others who come into contact with the College. Every member of the University is prohibited from discriminating on the basis of race, color, religion, sexual orientation, gender and/or gender identity or expression, marital or parental status, national origin, citizenship status, veteran or military status, age, disability, and any other legally protected status; physically assaulting, emotionally abusing, or harassing anyone; and depriving anyone of rights in their physical or intellectual property, under College policy, or under federal, state, and local laws.

### **Maintenance and Preservation of Accurate Records**

Members of the College community are expected to create and maintain records and documentation which fully conform to all applicable laws and professional, and ethical standards. Every member of the College who is involved, directly or indirectly, in the preparation or submission of a bill to any governmental or private payor is expected to use his or her best efforts to ensure the bill addresses only those services rendered and products delivered and in the correct amount, supported by appropriate documentation.

### **Conducting Business Practices with Honesty and Integrity**

Every member of the College community is expected to conduct all business with students, vendors, and the academic community with honesty and integrity. This duty includes, but is not limited to: adherence to federal and state anti-fraud and referral prohibitions in dealing with vendors and referral sources and protecting and preserving College property and assets--including proprietary intellectual property, buildings, equipment, books, supplies, and funds.

### **Concern for Health and Safety and Respecting the Environment**

Every member of the College community is expected, in the performance of their duties, to comply with all laws and regulations which govern occupational health and safety and to make every reasonable effort to ensure that students, faculty, employees, vendors, contractors, and visitors are protected from undue health risks and unsafe conditions.

Every member of the College community is expected, in the course of their activities, to comply with all applicable environmental laws and regulations; to ensure that the College has obtained all necessary licenses, permits, and approvals; and to employ the proper procedures and controls in the storage, handling and disposition of hazardous materials.

### **Reporting Suspected Violation of this Code, and Enforcement**

This Code of Conduct has been created and exists for the benefit of the entire College community. It exists in addition to and is not intended to limit the specific policies, procedures, and rules enacted by the College.

Each member of the College is expected to uphold the standards set forth in this Code of Ethical Conduct, and to report suspected violations of this Code or any other apparent irregularity to either their supervisor or manager, Human Resources, Internal Audit, or the Office of General Counsel. They may also contact the College's **Whistleblower Hotline at 1-888-656-3729**. If a member prefers, they may make the report anonymously <https://www.mercy.edu/whistleblower-form> or by the Whistleblower Hotline. The College will, if requested, make every reasonable effort to keep confidential the identity of anyone reporting a suspected violation, to the extent permitted by law,

and except if doing so would effectively prevent the College from conducting a full and fair investigation of the allegations.

This Code of Ethical Conduct will be enforced. Reports of suspected violations will be investigated by authorized College personnel. Officers, managers, and supervisors have a special duty to adhere to the principles of this Code, to encourage their subordinates to do so, and to recognize and report suspected violations. Each member of the College community is expected to cooperate fully with any investigation undertaken. If it is determined that a violation has occurred, the College reserves the right to take corrective and disciplinary action against any person who was involved in the violation or who allowed it to occur or persist due to a failure to exercise reasonable diligence. Additionally, the College may make an appropriate disclosure to governmental agencies (including law enforcement authorities). Disciplinary actions will be determined on a case-by-case basis and in accordance with the applicable disciplinary codes.

### **Promise of No Retaliation**

The College promises that there will be no adverse action, retribution, or other reprisal for the good faith reporting of a suspected violation of this Code, even if the allegations ultimately prove to be without merit. The College will, however, pursue disciplinary action against any member who is shown to have knowingly filed a false report with the intention to injure another.

### **Administration of This Code of Ethical Conduct**

The College reserves the right, at any time, and without notice, to amend this Code of Ethical Conduct in its sole, good faith, discretion. This Code does not create a contract. The Office of the General Counsel is responsible for the administration of this Code. If you have any questions regarding this Code or if you have questions about conflicts of interest that are not addressed in this Code, please contact the Office of the General Counsel.

### **Employees Covered Under a Collective Bargaining Agreement**

The terms set out in this Code of Ethical Conduct work in conjunction with, and do not replace, amend, or supplement any terms or conditions of employment stated in any collective bargaining agreement that the UAW and SEIU have with Mercy College. Employees should consult the terms of their collective bargaining agreement. Wherever employment terms in this Code differ from the terms expressed in the applicable collective bargaining agreement with the College, employees should refer to the specific terms of the collective bargaining agreement, which will control.

### **Conflicts of Interest and Gifts Policy**

Mercy College strives to maintain the highest standards of ethical conduct in all its dealings with

individuals within and outside of the Mercy College community, including with its vendors, potential vendors, and business partners. See the full Employee Conflicts of Interest and Gifts Policy, which is a guide for employees to ensure that they are acting in an appropriate manner when representing the College in all aspects of College business.

This policy applies to all Mercy College employees except members of the College Leadership Team and others that are subject to the *Conflicts of Interest Policy for Trustees, Officers, and Senior Management*. Core faculty are also subject to the *Policy on Academic Conflict of Interest and Conflict of Commitment* in the *Faculty Handbook*.

## **Confidential Information Policy**

Employees of Mercy College may have access to confidential, proprietary, or personal information (“Confidential Information”) regarding faculty, staff, students, parents, alumni, administrators, board members, vendors, consultants, contractors, subcontractors, donors, minor children, and anyone enrolled in a Mercy College program or utilizing Mercy College facilities. Confidential Information may be in any form, including but not limited to, verbal, email, text, telephone, on paper, contained in software, visible on-screen displays, in computer readable form, or otherwise. Confidential Information includes, but is not necessarily limited to: (i) personal information relating to Mercy students or prospective students, including names and addresses, personal and family financial information, grades, medical/health, enrollment status, and course information; (ii) financial and business information, such as information with respect to Mercy’s budgets, financial statements, enrollment projections, endowment, alumni information, donor information, including names and addresses, and leads and referrals to prospective donors; and (iii) personnel information regarding Mercy College employees, such as the identity and Social Security number of Mercy employees, financial and background information, employee salaries, bonuses, benefits, skills, qualifications, and abilities.

All Confidential Information is the property of Mercy College and employees may not in any way access, use, remove, disclose, disseminate, copy, release, sell, loan, alter or destroy any Confidential Information except as authorized within the scope of the employee’s job duties for Mercy. All Mercy College employees must comply with applicable local, state, and federal laws, as well as Mercy policies.

Mercy College is obligated to maintain the safety and security of its Confidential Information. In connection with an employee’s job duties, it is expected that they will regularly access Confidential Information. In accordance with this Policy, Mercy College employees are obligated to take appropriate measures to safeguard the confidentiality of any hard copy or electronic materials that contain Confidential Information. Please see Mercy’s full Confidential Information Policy and Agreement for Mercy College Employees [regarding the measures to be taken to appropriately safeguard Mercy’s Confidential Information](#) .

Mercy College employees must agree to and acknowledge the above policy. Failure to comply with the Confidential Information Policy may result in the termination of employment with Mercy and/or civil or criminal legal penalties.

## **Confidential Information and Non-Solicitation Agreement for Senior Management and Other Designated Employees**

In consideration of employment with Mercy College, all senior managers and other designated employees are required to sign the *Confidential Information and Non-Solicitation Agreement for Senior Management and Other Designated Employees*, found here.

## **Acceptable Use of College Computer and Network Resources**

Mercy College's computer and network resources are an important component to further the College's educational purposes and college business in support of Mercy's mission, which seeks to transform students' lives through higher education. Users of these resources have a responsibility to follow the guidelines set forth in this document, as well as all other related policies and procedures, not to abuse the privileges granted to them, and to respect the rights of others. Mercy's technology infrastructure exists to support the College and administrative activities needed to fulfill the College's mission. Access to these resources is a privilege that should be exercised responsibly, ethically, and lawfully. The purpose of this Acceptable Use Policy is to clearly establish each member of the College's role in protecting its information assets and communicate minimum expectations for meeting these requirements. Fulfilling these objectives will enable Mercy to implement a comprehensive system-wide Information Security Program. See the full Policy on Acceptable Use of College Computer and Network Resources.

## **Policy on Access to Student Records Under the Family Educational Rights and Privacy Act (FERPA)**

The Family Educational Rights and Privacy Act of 1974 ("FERPA" or the "Act") affords eligible students certain rights with respect to their education records. An eligible student under FERPA is a student who is 18 years of age or older or who attends a postsecondary institution at any age. Persons who unsuccessfully applied for admission to the College or who are offered admission but never attended the College are not covered by the Act.

Under FERPA, written consent must be obtained from a student before the College discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent as set forth in section III of the Policy. Please see Mercy's full FERPA Policy.

## **Privacy Policy**

Mercy College respects your privacy and is committed to protecting it through our compliance with this Policy. See the full Privacy Policy. This Policy describes the types of information we may collect from you or that you may provide when you visit the website mercy.edu (our “Website”) and our practices for collecting, using, maintaining, protecting, and disclosing that information.

## **Nepotism Policy**

Mercy College recognizes that family members of current employees may seek employment at Mercy. To promote a productive environment, free from conflicts of interest as well as favoritism and unfair advantage, whether perceived or real, Mercy has adopted the rules and guidelines related to hiring family members and working relationships of family members at Mercy. This policy applies to all Mercy employees, regardless of rank or title. See the full *Nepotism Policy*.

## **Whistleblower Policy**

Mercy College is committed to conducting its affairs in accordance with all federal, state, and local laws and regulations and to ensuring that its internal policies are followed. The College expects all College community members to report conduct or suspected conduct that they, in good faith or reasonably believe, whether pursuant to the process provided in this Policy, or otherwise in a manner which is protected under Section 740 of the New York Labor Law, may violate the law or College policy (“whistleblowers”) so that the College may investigate and take appropriate action. Suspected violations can be reported confidentially via the College’s hotline at 1-888-OK-MERCY (1-888-656-3729) or online via the Whistleblower Report Form. The College will ensure that whistleblowers are protected from retaliation for making such reports. This Policy should not be used for routine personnel or managerial disputes. Persons with knowledge of conduct or conditions that pose an imminent threat to the health or safety of any member of the Mercy College community, or the public should immediately call 911 or Campus Public Safety at x 9999. See the full Whistleblower Policy.

## **Code of Conduct Relating to Student Loan Programs**

Student loan programs are essential to the fulfillment of Mercy College’s educational mission. It is vitally important for the College and each person who works for the College to maintain the highest ethical and professional standards in connection with every aspect of these programs. This Code of Conduct sets forth specific rules relating to the College’s participation in various student loan programs. It applies to all officers, trustees, employees and agents of the College. This Code of Conduct supplements any other Code of Conduct or rule which applies to College officers, trustees, employees and agents. If there is any difference between this Code of Conduct and any other Code or rule promulgated by the College, then the provision that is more restrictive is the

one that governs. This Code of Conduct has been promulgated pursuant to an Agreement on Code of Conduct between the College and the Office of the Attorney General of the State of New York. Any violation of this Code of Conduct may cause the College to violate its Agreement with the Office of the Attorney General, which in turn may result in severe consequences for the College. Any violation of the letter or spirit of this Code of Conduct will subject the person to disciplinary consequences up to and including termination. See full Code of Conduct Relating to Student Loan Programs.

### **Code of Conduct Regarding Minors**

Mercy College is committed to protecting the safety and well-being of minors who participate in programs and activities held at or sponsored by the College, including but not limited to camps and academic programs. All community members are responsible for complying with the Code of Conduct Regarding Minors, including reporting immediately to the New York State Maltreatment Hotline at 1-800-342-3720 if they have reasonable cause to suspect abuse or maltreatment of individuals under the age of 18. If anyone other than New York State mandated reporters has reasonable cause to believe that a minor is being or has been abused or maltreated on campus, they should notify either the Title IX Coordinator or the Office of Campus Safety. If any community member witnesses child abuse while it is happening, she/he shall immediately call 911. See the full *Code of Conduct Regarding Minors*.

### **Non-Retaliation Under Laws**

Mercy College is not permitted to engage in retaliation or threaten retaliation against an employee for exercising or attempting to exercise any right, or for filing a complaint or participating in an investigation, regarding their rights under any of the laws contained in these Policies.

## **SECTION V: WORKPLACE HEALTH AND SAFETY**

### **Abusive Conduct**

Abusive conduct means malicious conduct of an employer or employee in the workplace that a reasonable person would find hostile, offensive, and unrelated to an employer's legitimate business interests. Abusive conduct may include repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, and epithets, verbal, or physical conduct that a reasonable person would find threatening, intimidating or humiliating, or the gratuitous sabotage or undermining of a person's work performance. A single act will generally not constitute abusive conduct, unless especially severe and egregious.

The College considers abusive conduct in the workplace unacceptable and will not tolerate it under any circumstances. Employees should report any abusive conduct to a supervisor or manager with whom employees are comfortable speaking. Supervisors and managers are to assume the

responsibility to ensure employees are not subjected to abusive conduct. All complaints will be treated seriously and investigated promptly. During the investigation process, the College will attempt to maintain confidentiality to the fullest extent possible.

## **Campus Violence Policy**

Mercy College is committed to providing a safe and secure environment for all community members, including faculty, staff, students, vendors, and visitors. The College will not tolerate any act of violence or behavior that is perceived to be violent or threatening from any member of the College community. This Policy is created to prevent, reduce, and manage violence on all Mercy College campuses to ensure a safe environment for community members to live, learn and work.

Campus violence is defined as any behavior that is violent, threatens violence, bullies, harasses or intimidates others, interferes with an individual's legal rights of movement or expression, or disrupts the workplace, the academic environment, or the College's ability to provide a safe community environment. Examples of campus violence include, but are not limited to:

- Disruptive behavior intended to disturb, interfere with or prevent normal work or educational activities (such as yelling, using profanity, verbally abusing others, or waving arms and fists);
- Physical attacks, such as stabbing, slapping, punching, hitting, pushing, shoving, inappropriate touching, or throwing objects;
- Intimidation or threats, which are intentional acts that cause a person to fear that they are in danger of injury or other harm;
- Bullying, which is aggressive language or actions with the intent of humiliating, intimidating, or demeaning another individual;
- Stalking, which is harassment by electronic, physical, verbal or written communication, or physically in a manner that is likely to cause reasonable fear of material harm to the physical health, safety or property of a person. Stalking is also prohibited under the *College's Policy on Sexual Misconduct*. Any other act involving harassment or violence of a sexual nature is covered under the *Policy on Sexual Misconduct*;
- Use of any weapon or instrument in a threatening manner; and
- Possession of the following weapons: firearm, electronic dart gun, electronic stun gun, gravity knife, switchblade knife, pilum ballistic knife, metal knuckle knife, cane sword, billy club, blackjack, bludgeon, plastic knuckles, metal knuckles, chukka stick, sandbag, sand club, wrist-brace type slingshot or slungshot, or "Kung Fu star". In certain circumstances, an exception can be made to the possession of a firearm for a carrier who possesses a permit and with valid reason shown, if there is advanced written approval by the Vice President for Operations and Facilities.

See the full Policy on Campus Violence, as well as the College's Campus Safety webpage for more

details regarding the College's Campus Safety Measures.

## **Drug and Alcohol-Free Workplace**

Mercy College is committed to providing a safe, healthy, and productive educational and work environment for its students and employees. In furtherance of this goal and in keeping with the requirements of the Drug-Free Schools and Communities Act and the Drug-Free Workplace Act, all students and employees are required to abide by the Mercy College Drug and Alcohol Policy. Individuals who violate this policy are subject to disciplinary sanctions including suspension and expulsion for students, and discharge for employees. Recognizing that drug and alcohol abuse are serious health concerns, this policy includes support resources for students and employees. Please see Mercy's full Policy on Drugs and Alcohol.

## **Health and Safety on Campus**

Mercy College will make every attempt to be open for business. It has plans in place that comply with all major health and safety legal and compliance requirements. In situations in which some employees are concerned about their safety, management may advise supervisors to notify their departments that the office is not officially closed, but anyone may choose to leave the office if they feel uncomfortable. *See* Section VII below regarding leave time for Emergency Closures regarding potential implications on pay for early departures.

In the event of a threat to campus safety or situations arise that require time-sensitive distribution of information, we will post the relevant information on Einstein's text and voice-messaging emergency alert system. To receive these alerts, you must register in advance through the Security Office. To find out the status of campus operations in the event of natural and civil emergencies, please refer to Einstein's website. You can also call the Einstein Hotline (718) 430-2400, for updates and other emergency information.

If anyone has concerns regarding their health and safety on campus can contact the Office of Facilities, Office of Campus Safety or Office Human Resources.

## **Smoke-Free Workplace**

Smoking is not allowed in College buildings or work areas at any time. "Smoking" includes the use of any tobacco products, electronic smoking devices, and e-cigarettes containing nicotine cartridges. Smoking is only permitted during break times in designated outdoor areas, 25 feet from any building or air ducts. Employees using these areas are expected to dispose of any smoking debris safely and properly.

## **SECTION VI: WORKPLACE GUIDELINES**

## **Attendance Policy**

All employees are expected to arrive on time, ready to work, every day they are scheduled to work. Employees who are unable to report to work due to illness or injury or other covered purpose must notify their supervisor before the scheduled start of the workday if possible. Notification should take place as soon as possible via email or a phone call. Should additional sick time be needed, the supervisor must be notified each day.

Excessive absenteeism or tardiness will result in discipline up to and including termination. Failure to show up or call in for a scheduled shift without prior approval may result in termination. If an employee fails to report to work or call in to inform the supervisor of the absence for three (3) consecutive days or more, the employee will be considered to have voluntarily resigned employment.

## **Bulletin Boards**

All required governmental postings are posted outside of the Office of Human Resources as well as in other key areas on the other campuses/location. These boards may also contain general announcements. The College reserves the absolute right to refuse permission to post or to take down any announcement. Union employees should refer to their respective collective bargaining agreements for language pertaining to bulletin board usage.

## **Minors on Campus**

Employees are permitted to bring minors to the workplace, or be visited by children in the workplace, who require supervision during work hours for a brief period of time as necessary and appropriate, subject to the following terms and conditions:

- Visits should generally be no longer than one half day (except for special events that allow for family members), and generally not on consecutive days.
- Approval is at the discretion of the employee's supervisor and may be required in advance of the visit. The supervisor may reserve the right to inform the employee that the child cannot be brought to or visit the workplace or that the visit must be terminated, in accordance with these guidelines.
- The employee must supervise the child at all times.
- The employee must ensure that the work of the College is not disrupted by the presence of the child.
- Children shall not be permitted in any potentially hazardous area or any other setting where they may be exposed to hazardous materials, machinery, or situations adverse to their health.
- Children may not have access to any confidential information (e.g., student records, medical records).

## **Dress, Grooming and Professional Image**

Mercy College provides a casual yet professional work environment for its employees. Even though the dress code is casual, it is important to project a professional image to our students, visitors, and coworkers. All employees are expected to dress in a manner consistent with good hygiene, safety, and good taste. Please use common sense.

In addition, any photograph used as part of official College business (i.e., Outlook email photo), or backgrounds for remote platforms, must be professional and appropriate.,

Any questions regarding the appropriateness of attire or photograph should be directed to the Office of Human Resources.

## **Policy on Gifts, Awards and Prizes**

Mercy College's mission is to transform students' lives through higher education, in an affordable manner. Consistent with that mission, the College must always seek to be judicious in the use of its resources. In addition, the College must remain compliant with federal and state tax laws relating to gifts. As such, while the administration wants to show support and sympathy to its community members in certain situations, it cannot do so in an unlimited fashion. This Policy discusses the limitations placed on expressions of sympathy, employee recognition and gifts, prizes and awards to employees, development gifts and institutional gifts.

The IRS requires that gifts, prizes, and most awards above a nominal amount be reported as taxable income. The College must therefore provide for proper accounting treatment in the limited instances where such gifts, prizes and awards are allowable. This Policy allows for modest occasional gifts to be made to students, employees, or immediate family members in expression of sympathy. College funds may not be used to purchase gifts for any individual in recognition of events such as Administrative Professionals Day, Long-term Service Awards, birthdays, weddings, housewarmings, births, or holidays. See the full Policy on Gifts, Awards and Prizes from College Funds.

## **Gift Card Policy**

The purpose of this Policy is to set forth the guidelines and procedures for the purchase and distribution of gifts and gift cards/certificates purchased with College funds to ensure compliance with the College's tax withholding and reporting obligations. **Gift cards may not be purchased using College credit cards;** rather, all gift card requests must be made through the College Purchasing Department in order to ensure compliance with this policy.

According to the rules of the Internal Revenue Service (the "IRS"), because cash and cash equivalents, such as gift cards/certificates, have a readily ascertainable value, they are considered taxable income regardless of the face amount of the gift card/certificates. For employees, the value of gift cards/certificates is considered compensation subject to federal, state and employment tax withholding, and reporting on Form W-2. There is no *de minimis* fringe benefit amount relating

to gift cards/certificates. For non-employees, the value of all gifts and gift cards/certificates in an aggregate amount of \$600.00 or more per calendar year must be reported to the IRS on Form 1099-MISC as other compensation. Finally, gift cards/certificates given to nonresident aliens are subject to federal tax withholding, for which the department will be responsible unless an exception applies.

## **Policy Relating to Intimate Relationships on Campus**

As per the College's Policies and Procedures relating to Sexual Misconduct, the College's rules relating to intimate relationships between faculty or employees and students, and supervisors and their employees, are set forth below.

### **Relationships Between Faculty or Employees and Students**

Sexual activity or amorous or dating relationships ("intimate relationships"), even when apparently consensual, are inappropriate when they occur between a faculty member or employee and any student for whom they have a professional responsibility. Those relationships are inappropriate because of the unequal power dynamic between students and faculty members and between students and employees who advise or evaluate them, such as athletic coaches or workplace supervisors. Such relationships necessarily involve issues of student vulnerability and have the potential for coercion. In addition, conflicts of interest or perceived conflicts of interest may arise when a faculty member or employee is required to evaluate the work or make personnel or academic decisions with respect to a student with whom they are having an intimate relationship.

Therefore, faculty members and other employees are prohibited from engaging in intimate relationships with students for whom they have a professional responsibility, including undergraduates and graduate students.

For purposes of this Section, professional responsibility for a student means responsibility over any academic matters, including teaching, counseling, grading, advising for a formal project such as a thesis or research, evaluating, hiring, supervising, coaching, making decisions or recommendations that confer benefits such as admissions, registration, financial aid, other awards, remuneration, or fellowships, or performing any other function that might affect teaching, research, or other academic opportunities.

### **Relationships Between Supervisors and Employees**

Many of the concerns about intimate relationships between faculty members or employees and students also apply to relationships between supervisors and employees they supervise. Those relationships therefore are strongly discouraged. Supervisors must disclose any such relationships to their supervisors in order to avoid or mitigate conflicts of interest in connection with the supervision and evaluation of the employees with whom they have an intimate relationship.

Mitigation may involve the transfer of either the supervisor or employee, reassigning the responsibility to evaluate the employee to a different supervisor, or other appropriate action.

For purposes of this Section, supervising an employee means supervising in an employment setting, including hiring, evaluating, assigning work, or making decisions or recommendations that confer benefits such as promotions, raises or other remuneration, or performing any other function that might affect employment opportunities.

## **Media Inquiries**

All inquiries from the media must be referred to the Office of Public Relations and Community Relations at [pr@mercy.edu](mailto:pr@mercy.edu).

## **Name Change Guidelines**

Mercy College recognizes that certain circumstances may make it necessary for Mercy employees to request a name change for employee records. Official employee records, such as W-2 forms, records concerning payroll and healthcare and retirement benefits, and employment verification letters may be changed following a court-ordered or other legal name change. Unofficial employee records, such as employee identification cards, College email addresses, directory information and faculty names as they appear in Blackboard or on class rosters, may be changed to reflect a Preferred Name. Please see the College's full Policy on Employee Name Changes.

## **Outside Employment**

Full-time employees are permitted to engage in work outside of the college (whether paid or volunteer) as long as it is not another full-time job and does not interfere with their job performance with Mercy College. Employees engaging in outside work are expected to work their assigned Mercy College schedule. Outside work will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel, or refusal to work overtime or different hours. If outside work activity causes or contributes to job-related problems, it must be discontinued, or the employee may be subject to disciplinary action, up to and including termination.

Faculty should refer to the Faculty Handbook.

## **Pets on Campus**

For reasons of health, safety, and inconvenience to other College community members, no animals, including but not limited to dogs and cats, are permitted in any College buildings except as in accordance with the laws, including but not limited to service animals and approved emotional support animals in residential housing.

## **Records Retention Policy and Schedule**

Mercy College has instituted a Records Retention Policy and Schedule to provide for the systematic review, retention and destruction of documents received or created in the transaction of

Mercy College (“College”) business. The policy is designed to ensure compliance with federal and state laws and regulations, to eliminate accidental or innocent document destruction of records and to facilitate College operations by promoting efficiency and reducing unnecessary storage of documents.

The retention periods set forth in the Records Retention and Disposal Schedule are the minimum retention periods required by the College. At the conclusion of the retention period, the Records should be properly disposed of under this Policy. Requests to deviate from or modify this Policy or these retention periods must be made to the General Counsel. See the full Records Retention and Disposition Policy and Schedule.

### **Residential Life Staff Apartment Accommodations Policy and Agreement**

Members of the Residential Life staff at Mercy College who live in one of the Residential Life apartments on campus are permitted to have one other adult occupant with whom an established commitment exists. The other adult occupant may not be an undergraduate student at Mercy College, nor under the age of 21 (including young children). *All adult occupants must comply with the same background check conducted for employees.* See the full Policy regarding other parameters for Residential Life Staff.

### **Remote Work Policy**

Mercy College seeks to create a balance of remote and in-person, on-campus work that best meets the needs of Mercy College and its employees while assuring the fundamental in-person character of the institution is maintained.

Remote work is a voluntary work alternative that is appropriate for some employees and some jobs but not all employees and all positions. No College employee is entitled to or guaranteed the opportunity to work remotely. Whether a particular employee may be approved for remote work is a decision made on a case-by-case basis by the employee’s department vice president, taking into consideration an evaluation of the likelihood of the employee succeeding in a remote work arrangement and an evaluation of the supervisor’s ability to manage remote workers. Remote work arrangements most commonly are for partial remote work, for example one to two days per week. Please see the full Remote Work Policy and the Virtual Work Guidelines.

### **Social Media Policy**

Mercy College recognizes that the internet provides unique opportunities to participate in interactive discussions and share information on particular topics using a wide variety of social media, such as Facebook, LinkedIn, Twitter, Instagram, Pinterest, TikTok, blogs, and wikis. However, use of social media by employees and official College student clubs, organizations and athletic teams can pose risks to Mercy’s confidential and proprietary information, reputation, and

brands, can expose the College to discrimination and harassment claims, and can jeopardize the College's compliance with business rules and laws. To minimize these business and legal risks, to avoid loss of productivity and distraction from employees' job performance, and to ensure that the College's Information Technology (IT) resources and communications systems are used appropriately as explained below, Mercy College expects its employees and official student clubs, organizations and athletic teams to adhere to the following guidelines and rules regarding social media use. Apart from personal use of social media in accordance with this Policy, the College encourages its employees and students to participate responsibly in these media as a means of generating interest in Mercy's academic programs and promoting the College, so long as all of Mercy's rules and guidelines regarding social media usage are adhered to. If you are required to use social media as part of your job duties, please refer to the section entitled "Business Use of Social Media" below. See the full Policy on Social Media.

### **Solicitation and Distribution Policy**

It is the policy of Mercy College to prohibit persons not employed by Mercy College to solicit or distribute literature on campus at any time for any purpose. The College has also established rules to govern employee solicitation and distribution of written materials, so that the College can maintain and promote a safe and efficient workplace and minimize non-work-related activities that could interfere with the College's daily operations.

This policy is not intended to restrict communications or actions protected or required by state or federal law. Union employees should refer to their collective bargaining agreements (CBA) regarding the use of bulletin boards for union business. If there is any conflict between the terms of this policy and the CBA, the CBA will take precedence. See the full Policy on Solicitation and Distribution.

### **Guidelines and Best Practices for the Use of Virtual Platforms in the Classroom for Faculty and Students**

This document is intended to provide faculty with guidance on how to manage and improve the student classroom experience while using virtual platforms, such as Zoom and Blackboard Collaborate. It includes guidelines on virtual etiquette, expectations for students and faculty, recording zoom sessions, etc. See the full Guidelines here.

## **SECTION VII: EMPLOYEE PAID TIME OFF AND LEAVE POLICY**

Mercy College recognizes that employees occasionally need time away from the workplace to address personal needs and family obligations while maintaining balance with the requirements of their job. The following are the Paid Time Off (“PTO”) policies and Leave of Absence:

- Sick and Safe Leave
- Vacation Leave
- Holiday Pay
- Personal Time Leave
- Summer Days Pay
- New York State Paid Family Leave (PFL)
- Family Medical Leave Act (FMLA)
- Bereavement Leave
- Blood Donation Leave
- Bone Marrow Donation Leave
- COVID-19 Paid Sick Leave
- Crime Victims Leave
- Jury Duty Pay
- Long-Term Disability Leave (LTD)
- Military Service Leave
- Military Spouse Leave
- Pay for Closure Due to Inclement Weather or College Emergencies
- Public Health Emergencies
- Short-Term Disability Leave (STD)
- Voting
- Workers’ Compensation
- 

Employees should keep accurate records of their PTO time taken. All PTO balances are available on Banner Self-Service, accessible through Mercy Connect. Managers are provided with access through Time and Attendance recording to view the PTO balances for their employees.

### **Definitions**

For purposes of this Policy, the following definitions shall apply for all PTO categories:

- “Eligible Employees” are defined as are those who regularly and customarily are scheduled to work at least twenty (20) hours per week for a minimum of 1,250 hours or 36 weeks per year.<sup>1</sup> This term applies to all PTO other than Sick and Safe Leave. All employees are eligible for paid Sick and Safe Leave.

- “Fiscal Year” shall mean from July 1 through June 30<sup>th</sup>.
- “Family member” is defined as an employee’s child, spouse, domestic partner, parent, sibling, grandchild, or grandparent, and the child or parent of an employee’s spouse or domestic partner.
  - “Child” is defined as a biological, adopted, or foster child, a legal ward, or a child of an employee standing in loco parentis.
  - “Parent” is defined as a biological, foster, step, or adoptive parent, or a legal guardian of an employee, or a person who stood in loco parentis when the employee was a minor child.

**Other Terms**

- PTO for all categories will *not* be counted as hours worked for the purposes of determining overtime.
- The College reserves the right to alter or discontinue the provision of any of these benefits at any time, with or without notice, except as otherwise required by law.
- PTO taken in accordance with this Policy should be discussed in advance with management, when feasible, and notated appropriately on the employee’s timesheet.

**Sick and Safe Leave**

Under New York State law, employees are eligible for up to fifty-six (56) hours of paid leave per year for sick and safe leave, at the accrual rates set forth below. Employees may use accrued leave following a verbal or written request to the College for the following reasons impacting the employee or a member of their family for whom they are providing care or assistance with care for sick leave or safe leave as set forth below.

**1. Sick Leave**

- For mental or physical illness, injury, or health condition, regardless of whether it has been diagnosed or requires medical care at the time of the request for leave; or
- For the diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or need for medical diagnosis or preventive care.

**2. Safe Leave**

Safe leave can be taken when the employee or employee’s family member has been the victim of domestic violence as defined by the State Human Rights Law, a family offense, sexual offense, stalking, or human trafficking due to any of the following as it relates to the domestic violence, family offense, sexual offense, stalking, or human trafficking:

- To obtain services from a domestic violence shelter, rape crisis center, or other services program;
- To participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee’s family members;

- To meet with an attorney or other social services provider to obtain information and advice on, and prepare for or participate in any criminal or civil proceeding;
- To file a complaint or domestic incident report with law enforcement;
- To meet with a district attorney's office;
- To enroll children in a new school; or
- To take any other actions necessary to ensure the health or safety of the employee or the employee's family member or to protect those who associate or work with the employee.

### **3. Leave Accruals**

All employees (including part-time employees) begin accruing paid sick time pursuant to this Policy at the start of their employment at a rate of one (1) hour for every thirty (30) hours worked. For certain employees, accruals will be at the monthly accrual rate set forth below (which is *not* in addition to the state mandated accrued amount up to fifty-six (56) hours per year):<sup>2</sup>

**Eligible Employees hired prior to July 1, 2002 will accrue sick leave benefits at the following rate:**

- Clerical: 12 days per year (1.0 days for every full month of service)
- Technical: 24 days per year (2.0 days for every full month of service)
- Professional: 24 days per year (2.0 days for every full month of service)
- Administrative: 30 days per year (2.5 days for every full month of service)

**Regular employees hired on or after July 1, 2002 will accrue sick leave benefits at the following rate:**

- Clerical: 12 days per year (1.0 days for every full month of service)
- Technical: 12 days per year (1.0 days for every full month of service)
- Professional: 12 days per year (1.0 days for every full month of service)
- Administrative: 30 days per year (2.5 days for every full month of service)

**The maximum number of unused sick days permitted to accumulate for all Eligible Employees (prior to and after July 1, 2002) are the following:**

- Clerical: 120 calendar days
- Professional: 120 calendar days
- Technical: 120 calendar days
- Administrative: 180 calendar days

The following terms apply with respect to accruals:

- If an employee's benefits reach this maximum, further accrual of sick leave benefits will be held as overage until the employee has reduced the balance below the limit; at which

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<sup>2</sup> UAW union employees should see the CBA.

time, the amount of time held as overage will be put towards replenishing the balance to the maximum accrued amount.

- Employees are only required to be credited with leave time for hours worked and not for hours spent using sick leave time under the law or any other paid time.
- Employees do not accrue leave for payments that are not for hours worked, such as bonuses or subject-to-call time. However, time that is considered “hours worked,” including on-call time, training time, and travel time, must be counted for the purposes of accruing leave.

See the full Policy on Sick and Safe leave regarding carryovers and usage, notice and documentation, and other provisions.

## **Vacation Leave**

Mercy College provides vacation time benefits to Eligible Employees.

### **1. Accruals**

Eligible Employees begin accruing vacation time pursuant to this Policy at the start of employment. Eligible Employees who work less than thirty-five (35) hours per week accrue vacation time on a pro-rated basis.

The amount of paid vacation time employees receive increase with the length of employment, and accrues on a monthly basis, as set forth in the following schedule:

- Clerical:
  - 1 to 5 years of service: 15 days/year, accrued monthly at the rate of 0.833 days
  - 5 to 10 years of service: 20 days/year, accrued monthly at the rate of 1.250 days
  - 10+ years of service: 20 days/year, accrued monthly at the rate of 1.667 days
- Technical/Professional:
  - 1 to 5 years of service: 15 days/year, accrued monthly at the rate of 1.25 days.
  - 5 to 10 years of service: 20 days/year, accrued monthly at the rate of 1.667 days.
- Administrative:
  - 20 days per year, accrued monthly at the rate of 1.667 days.

See the full Policy on Vacation Leave, including carryovers and usage, and notice and documentation.

## **Holiday Pay**

Mercy College will provide paid holiday time to Eligible Employees. Eligible Employees who work less than thirty-five (35) hours per week receive pro-rated holidays to the number of hours

per week that they work. If a recognized holiday falls during an eligible employee's regular shift, holiday pay will be provided. Mercy will grant paid holiday benefits to eligible employees on the holidays listed found in the Employee Information Center on Mercy Connect.

## **Personal Time Leave**

Mercy College provides personal time benefits to Eligible Employees. Personal time shall be used for personal or household emergencies and should therefore not be used as vacation time or an extension of vacation or holidays. Personal days are not intended to be used as they are accrued.

### **1. Accruals and Carry-Over**

- Regular Employees who work thirty-five (35) hours or more per year are allotted three (3) personal days per fiscal year.
- It is preferable that personal time leave be taken in half-day increments, though may be taken in hourly increments as necessary.
- Personal time cannot be taken until after the probationary period.
- As with both sick and vacation time, personal time accrues after each pay period.
- Personal time is not paid out upon separation from the College, including during the probationary period, and may not be carried over from one year to the next.

### **2. Approvals**

Supervisors should refrain from approving leaves for personal time that has not yet accrued, except under extraordinary circumstances in which the approval of the Director of Human Resources must be sought.

## **Summer Days Pay**

Mercy College will provide paid summer days off to Eligible Employees who work at least thirty-five (35) hours per week for 1,260 hours or thirty-six (36) weeks per year.

- Eligible Employees hired prior to September 1, 2008, will be eligible to take seven (7) Summer Days between May 1st and Labor Day as approved by their supervisor and consistent with business needs.
- Eligible Employees who are hired on or after September 1, 2008, will be eligible to take "Summer Days Off" as outlined in the schedule below:

The Friday before Memorial Day and

- After 1 full year of service: 1 day off
- After 2 full years or service: 2 days off
- After 3 full years of service: 3 days off
- After 4 full years of service: 4 days off (maximum)

## **New York State Paid Family Leave (PFL)**

Mercy College provides job-protected paid family leave to employees in accordance with the New York Paid Family Leave Law and applicable regulations (hereinafter “PFL”), and the terms and conditions of this Policy. This Policy sets forth the eligibility requirements for leave, the conditions for using leave, the process for requesting leave, etc., as well as how PFL interplays with FMLA, Disability and other College leaves.

### **Eligibility**

Employees are eligible to receive PFL benefits based on meeting the following criteria:

1. Employees who have a regular work schedule of twenty (20) or more hours per week and have been employed at least twenty-six (26) consecutive weeks prior to the date paid family leave begins, or
2. Employees who have a regular work schedule of less than twenty (20) hours per week and have worked at least one-hundred, seventy-five (175) days prior to the date PFL begins are eligible for PFL.

Employees are eligible for PFL regardless of citizenship and/or immigration status.

### **Entitlement**

PFL is available to eligible employees for up to twelve (12) weeks on or after January 1, 2021, at 67% of the employee’s average salary or 67% of the state average weekly wage, whichever is less as of January 1, 2021. Employees may elect to supplement PFL benefits up to their full salary with any accrued paid sick and vacation leave available to them, to the maximum extent permitted by applicable law.

### **Qualifying Reasons for PFL**

PFL may be taken within any fifty-two (52)-consecutive week period for any of the following reasons:

1. To participate in providing care, including physical or psychological care, for the employee’s family member (child, stepchild, spouse, domestic partner, parent, stepparent, parent-in-law, grandchild, or grandparent) with a \*serious health condition; or
2. To bond with the employee’s child during the first twelve months after the child’s birth, adoption, or foster care placement (see Section F below for interplay with FMLA); or

3. For qualifying exigencies, as interpreted by the Family and Medical Leave Act (FMLA), arising out of the fact that the employee's spouse, domestic partner, child, or parent is on active duty (or has been notified of an impending call or order to active duty) in the armed forces of the United States. The 52-consecutive week period is determined retroactively with respect to each day for which PFL benefits are currently being claimed.

\*A serious health condition is an illness, injury, impairment, or physical or mental condition that involves:

1. In-patient care in a hospital, hospice, or residential health care facility; or
2. Continuing treatment or continuing supervision by a health care provider.

For the purpose of this section, "providing care" may include necessary physical care, emotional support, visitation, assistance in treatment, transportation, arranging for a change in care, assistance with essential daily living matters and personal attendant services.

The employee must be in close and continuing proximity to the care recipient. This means present at the same location as the family member during the majority of the employment period from which leave has been taken. Travel necessitated for the purpose of securing medication or to arrange care for the family member, or other such deviations determined to be reasonably related to providing care, satisfy this requirement.

See the full Policy on Paid Family Leave regarding payroll deductions, use of leave, requests for leave, the interplay with Short Term Disability Leave and the Family Medical Leave Act, job protection and benefits, leave not covered, and job protection.

## **Family Medical Leave Act (FMLA) Leave Of Absence**

The Family Medical Leave Act (FMLA) entitles eligible employees to take unpaid, job protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken the leave.

### **Eligibility**

FMLA leave is available to "eligible employees" as defined by law. To be eligible, an employee must have:

1. Been employed by the College for at least twelve (12) months (which need not be consecutive); and
2. Worked for at least 1,250 hours during the twelve (12)-month period immediately preceding the requested commencement of the leave. Note: Only periods of actual work

time count toward the determination of whether the employee has worked at least 1,250 hours during the preceding twelve months; periods of unpaid or paid leave, holidays, sick, etc. are excluded.

### **Leave Entitlement**

Employees who are eligible are provided with up to twelve (12) weeks of unpaid job-protected leave during the designated leave year for anyone, or for a combination, of the following “qualifying reasons”:

1. The birth of a child and to care for the newborn within one year of birth,
2. The placement for adoption or foster care;
3. To care for the employee’s spouse, son, daughter, or parent (excluding in-laws) who has a serious health condition, including any period of incapacity due to pregnancy and for prenatal medical care;
4. For employee’s own serious health condition (including any period of incapacity due to pregnancy and for prenatal medical care) that makes the employee unable to perform one or more essential functions of the employee’s job; and/or
5. Up to 26 weeks of leave during a single 12-month period to care for a child, parent or next of kin who is a covered service-member. Leave to care for a covered service-member is only available during a single 12-month period and, when combined with other FMLA-qualifying leave, may not exceed 26-weeks during the single 12-month period. The single 12-month period begins on the first day an eligible employee takes leave to care for the injured service-member.

The employee’s FMLA 1-week leave period entitlement will commence anew from the subsequent period of September 1st through August 31st, provided that the eligibility requirements are fulfilled (the “designated leave year”).

Entitlement to FMLA leave for the birth of an employee’s child expires at the end of the 12-month period beginning on the date of the birth.

Please refer also to Section IV below regarding eligibility for New York State Paid Family Leave (PFL), and the interplay between FMLA, PFL and Disability Leave (DL) entitlements.

### **Definitions**

- **“Serious health condition”** is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee’s job or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity

due to a chronic condition. Other conditions may meet the definition of continuing treatment.

- **“Qualifying exigencies”** may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, caring for the parents of the military member on covered active duty and attending post-deployment reintegration briefings.
- **“Covered service-member”** is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is on the temporary disability retired list, for a serious injury or illness. These individuals are referred to in this policy as “current members of the Armed Forces.” Covered service-members also include a veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness, and who was discharged or released from military service, under condition other than dishonorable, at any time during the five (5) years before the employee takes injured service-member leave to care for the veteran. These individuals are referred to in this policy as “covered veterans.”
- Note: The FMLA definitions of a “serious injury or illness” for current Armed Forces members and covered veterans are distinct from the FMLA definition of a “serious health condition” applicable to FMLA leave to care for a covered family member.

See the full FMLA policy regarding the use of leave, college and employee responsibilities, benefits and protections, and the complaint process.

## **Bereavement Leave**

Mercy College provides bereavement leave benefits to Eligible Employees who experience the death of a family member, as defined in Section II. For the purposes of Bereavement Leave only, a family member shall also include brother-in-law and sister-in-law.

The number of days for which an Eligible Employee may receive bereavement leave per deceased family member is as follows:

- Up to five (5) paid days per year will be granted for the death of a spouse, domestic partner, child, stepchild, son-in-law, daughter-in-law, grandchild, parent, stepparent, or sibling.
- Up to two (2) paid days per year will be granted for mothers-in-law, fathers-in-law, brothers-in-law, sisters-in law, nieces, nephews, and grandparents.

Bereavement leave is pro-rated for Eligible Employees who work less than thirty-five (35) hours per week. Employees who wish to take bereavement leave should notify their supervisor as soon as practicable as to the need for the leave. An employee may request vacation time, personal time,

or unpaid leave for any other close relationship of up to five (5) days, to a maximum of ten (10) days per year.

## **Blood Donation Leave**

Employees who work on average twenty (20) hours or more per week are permitted the following unpaid leave (or paid personal or vacation time if accrued) under New York State Labor Law §202-j:

- Three (3) hours of leave in any twelve (12)-month period to donate blood off of the College's premises, or
- To donate blood during work hours at least twice each year at a convenient time and place set by the College, which includes at a blood drive at the College.

### **1. Notice**

Employees are required to provide notice of their intent to take blood donation leave:

- Three days in advance if the leave is for off-premises blood donation, or
- Two days in advance if the leave is for blood donation at a convenient time and place set by the employer.

In the case of an emergency where an employee needs to donate blood for their own surgery or the surgery of a family member, the College must provide reasonable accommodations for a shorter notice period.

2. **Certification** – If an employee donates blood off premises, the College may require the employee to provide proof of blood donation.
3. **Employee Rights** – Leave for blood donation off of the College's premises is unpaid, or the employee can use personal or vacation time. If the employee donates blood during work hours on the College's premises, the time is paid.

## **Bone Marrow Donation Leave**

Under New York State Labor Law §202-a, employees who work on average twenty (20) hours or more per week may take unpaid leave (or paid personal or vacation time if accrued) in order to donate bone marrow as well as to recover from the procedure and for resulting medical care. The College may ask for medical documentation detailing the purpose and length of the requested bone marrow leave. An employee should provide at least twenty-four (24) hours' notice to an employer of a scheduled bone marrow donation and, in the case of an unscheduled bone marrow donation, as soon as possible upon receiving the request for donation.

## **Pay for College Closure Due to Inclement Weather or Emergencies**

Eligible Employees shall receive regular pay for days in which the College provides official notice of closure of the particular campus for which an employee is assigned, due to inclement

weather or another emergency or dangerous situation. Essential employee--which generally will include facilities staff, though may include other employees depending on the type of emergency-- may be required to work on such days. Essential employees will be informed in a timely manner when they are expected to come to work. It is expected that all other (non-essential) employees will, to the greatest extent practicable, make every effort to work remotely in an effort to carry on College business as usual during such days. Regular employees who work less than thirty-five (35) hours per week are paid for such College closures on a pro-rated basis.

### **COVID-19 Paid Sick Leave (a.k.a. “Quarantine Leave”)**

Under legislation signed by Governor Cuomo effective January 1, 2020, employees shall be provided with at least 14 days of paid sick leave while they or their minor dependent child are on a mandatory or precautionary order of quarantine or isolation<sup>3</sup> issued by the State of New York, department of health, local board of health, or any governmental entity duly authorized to issue such order due to COVID-19 under the following conditions. See the full Quarantine Leave Policy for rights and limitations relating to the leave.

### **Crime Victims Leave**

Under New York State Penal Law § 215.14, employees who are victims of a crime or who are subpoenaed as a witness in a criminal proceeding are eligible for unpaid leave (or paid personal or vacation time if accrued).

**1. Victims include:**

- The aggrieved party;
- The aggrieved party’s next of kin, if the aggrieved party died because of the crime.
- The victim’s representative (for example, an attorney, guardian or parent of a minor);
- Good Samaritans; or
- Any person applying for or seeking to enforce an order of protection under the criminal procedure law or the family court act.

**2. Employees are eligible for leave to:**

- Appear as witnesses;
- Consult with the district attorney; or
- Exercise other rights under the law.

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<sup>3</sup> **Isolation:** is required when there is a confirmed infection, from of those who are not sick.  
**Quarantine:** is required for individuals who, though not showing signs of the illness yet, have been exposed and need to see if they become sick.

### **3. Notice**

Employees who are crime victims or subpoenaed as a witness at a criminal proceeding must provide at least one day of notice to their employer before taking the leave.

### **4. Certification**

The College may request proof that the employee attended or testified at a criminal proceeding.

## **Military Service Leave**

Under New York State Military Law § 317, all non-temporary employees may be entitled to reemployment following military service.

1. **Valid Leave Reasons** – Employees are entitled to leave in order to fulfill their obligations to the armed forces, National Guard and military reserves. This includes participation in drills and other equivalent training, reserve training, instruction, annual full-time training duty, active duty for training or other annual training.
2. **Certification** – In order to obtain reemployment, the employee must provide a certificate of completion of military service executed by an officer of the applicable force of the organized militia. The employee must also still be qualified to perform the duties of their position and timely apply for reemployment.
3. **Employee Rights** – Employees must be reemployed, unless they were temporary employees, if, upon completion of military service the employee: (1) receives a certificate of completion of military service duly executed by an officer of the applicable force of the armed forces of the United States or by an officer of the applicable force of the organized militia; (2) is still qualified for the duties of the position; and (3) applies for reinstatement within the appropriate time frame. However, the College need not reemploy the employee if the College's circumstances have so changed that it would be impossible or unreasonable to reinstate the employee.

Upon reemployment, the employee must be: (1) restored to their previous position or a position of similar seniority, status and pay; (2) restored to employment without any loss of seniority; (3) entitled to participate in insurance or other benefits offered by the employer pursuant to established rules and practices relating to employees on furlough or leave of absence in effect with the employer at the time such person entered the military service; and (4) protected from discharge, other than for cause, for one year after reemployment.

## **Military Spouse Leave**

Under New York Labor Law §202-i, an employee who works on average twenty (20) hours or more is entitled to take up to ten (10) days unpaid leave (or paid personal or vacation time if

accrued) without advance notice or certification if they are the spouse of a member of the armed forces of the United States, the National Guard or military reserves who has been deployed during a period of military conflict to a combat theater or combat zone.

## **Jury Duty Pay**

Eligible Employees receive regular pay for days during which they serve on jury duty, including but not limited state and federal jury duty, and state and federal grand jury duty. The College reserves the right to review any notices provided to appear for jury duty. Part-time employees are paid for jury duty on a pro-rated basis.

## **Long-Term Disability Leave (LTD)**

The College's Long-Term Disability Plan (administered by an outsourced carrier) provides an important financial safety net to eligible employees unable to work because of debilitating illness or injury.

Employees are enrolled in long-term disability coverage automatically. LTD benefits continue as long as the employee remains disabled or until the maximum benefit period has been reached at their social security normal retirement age (SSNRA). For employees who are age 60 or over at the time the disability begins, the maximum benefit period is the later of the employee's SSNRA or 5 years from the date the employee became disabled.

The LTD plan pays a monthly benefit equal to 60% of the employees' regular monthly income at the time of disability and up to a maximum monthly benefit of \$20,000. The paid benefit is reduced by any amount of money the employee receives from the following:

- Workers' compensation
- Federal social security disability
- Retirement
- No-fault auto insurance lost wage benefits
- Employer salary continuation

## **Public Health Emergencies**

Westchester County Local Law No. 10623-2018 and New York City Law A.C. Title 20, Chapter 8, permit employees who work more than eighty (80) hours in a calendar year to use up to fifty-six (56) hours per year of paid sick time for an employee (which time runs concurrent with paid sick leave in Section II above) in the following circumstances:

1. An employee's place of business, or child's day care, elementary or secondary school is closed due to a public health emergency; or

2. A public health authority determines the presence of an employee or family member in the community may jeopardize others' health because of the individual's exposure to a communicable disease, whether or not the individual has actually contracted the communicable disease.

## **Short-Term Disability (DL) Leave**

Mercy College provides benefits and partial compensation for eligible employees who are unable to work for qualified health reasons unrelated to workers compensation.

Employees typically use accrued health and personal leave (if available) to cover lost wages for the first seven (7) calendar days of a disability-related absence. After the seven (7) calendar day waiting period, employees receive 50% of their base pay (or \$170—the lesser amount) for the time they are medically approved as disabled from work, up to a maximum of 26 weeks in any 52-week period (or approximately six (6) months) and they are entitled to the same position or substantially the same position as when they went out on the leave.

Eligible employees may use accrued sick leave, personal leave and/or vacation time to supplement the other 50% pay. The employee will also receive holiday pay for any holiday that falls during a period of approved disability.

Employees may choose to use these days together or return to work up to half-time, and receive 50% pay for the time not worked with agreement from the employee, their physician, the employee's supervisor, and the Office of Human Resources. Leave accruals may still be used to supplement this partial disability time. If an employee exhausts all of their DL benefits, they may be approved for long-term disability. As noted above, however, DL and PFL benefits may not be used concurrently.

### **Eligibility**

To be eligible for this benefit, employees must:

1. Be employed for at least four (4) consecutive weeks by the College, or worked four (4) or more consecutive weeks elsewhere in New York and be re-employed with the College within four (4) weeks from the last day previously worked in New York.
2. Be absent from work for seven (7) consecutive calendar days.
3. Provide proper medical certification of disability from a licensed New York medical provider, both at the start of disability, and via periodic medical certification if the absence from work is lengthy. The College may seek independent medical verification of your disability as a condition of continuing your benefits.
4. Be a Regular full-time or Regular part-time College employee.

5. Not perform work for remuneration or profit elsewhere when the employee is disabled and receiving benefits from the College. Any outside employment requires the express written authorization from Mercy.
6. Part-time, non-benefits eligible employees (such as adjuncts) must meet the same criteria as above and the benefit is limited to the weekly rate as per current New York law.
7. See the full Short-Term Disability policy regarding the process for requesting leaves.

## **PTO to Vote**

All employees are eligible for the following PTO:

1. If a College employee is a registered voter and does not have sufficient time outside of their scheduled working hours, within which to vote on any day at which they may vote, at any election, the employee may, without loss of pay for up to two (2) hours, take off so much working time as will, when added to their voting time outside his or her working hours, enable the employee to vote.
2. If an employee has four (4) consecutive hours either between the opening of the polls and the beginning of his or her working shift, or between the end of his or her working shift and the closing of the polls, they shall be deemed to have sufficient time outside his or her working hours within which to vote. If he or she has less than four (4) consecutive hours he or she may take off so much working time as will, when added to his or her voting time outside his or her working hours enable him or her to vote, but not more than two (2) hours of which shall be without loss of pay, provided that he or she shall be allowed time off for voting only at the beginning or end of his or her working shift, as the employer may designate, unless otherwise mutually agreed.

## **Workers' Compensation**

The College's Workers' Compensation program provides payments for medical treatment and wages lost as a result of a work-related illness or injury. All Employees are covered by Workers' Compensation.

### **Eligibility**

If a physician considers an employee "disabled," the employee will continue to receive their regular salary during the first thirteen (13) weeks of disability. However, state law requires a seven (7) calendar day waiting period before workers' compensation goes into effect. During this waiting period, the employees' accumulated sick leave can be used. If they have no accumulated sick leave, they may use vacation time to assure continuation of full salary during this time. If the disability exceeds 14 calendar days, the sick leave or vacation time used during the first week will be returned to the employee.

A benefit-eligible employee's position, or an equivalent, is held for a combined total of twenty-six (26) weeks of any medical leave (182 days) during any twelve (12)-month period. If the employee returns to full duty within this twenty-six (26)-week period, they are entitled to their job upon returning to work. Once this twenty-six (26)-week period has elapsed, the employee's department is no longer required to hold the employee's position, and it may be filled at the department's discretion.

Workers' Compensation has no limit on how long an employee receives a benefit. Therefore, the employee may receive Workers' Compensation for the first six (6) months of leave, and then, if approved, long-term disability will begin. If you continue to receive Workers' Compensation after LTD begins, the monthly benefit you receive from the LTD plan is reduced by the amount you are receiving in Workers' Compensation benefits.

See the full Policy on Worker's Compensation regarding filing a claim and returning to work.

## **SECTION VIII. OTHER EMPLOYEE BENEFITS**

Mercy College recognizes the value of benefits to employees and their families. The College supports employees by offering a comprehensive and competitive benefits program. For more information regarding the benefit programs, please refer to the Mercy College Employee Benefits Guide, which can be found on Mercy Connect in the Employee Info Center or contact the Office of Human Resources. To the extent any of the information provided here conflicts with the Mercy College Employee Benefits Guide or full plan document, the full plan document will take precedence.

### **Employee Assistance Program**

The Employee Assistance Program (EAP), aka *ComPsych*, is a resource designed to provide highly confidential and experienced help for employees in dealing with issues that affect their lives and the quality of their job performance. Mercy College wants employees to be able to maintain a healthy balance of work and family that allows them to enjoy life. The EAP is a confidential counseling and referral service that can help employees successfully deal with life's challenges.

### **Group Life Insurance**

Mercy College provides life insurance for full-time employees who work a minimum of 30 hours per week. Employees are eligible for this benefit on the first of the month following 30 days of service. The life benefit is equal to an employee's annualized base rate. The cost of this coverage is paid for in full by the company.

### **Holidays**

Mercy College offers a full schedule of holidays. Please see annual Holiday Schedule posted on Mercy Connect on the Employee Info Center.

## **Medical, Dental, and Vision Insurance**

Full-time employees working 30 hours or more per week are eligible for insurance on the first of the month following 30 days of service. To keep coverage in force, every insured employee must work a minimum of 30 hours per week.

## **Tuition Exchange Policy**

Tuition Exchange (TE) is a reciprocal scholarship program involving a consortium of more than 600 colleges and universities which agree to sponsor an established number of employee children as prospective candidates for TE scholarships at other participating institutions, while also agreeing to host an equal number of students on their campuses. The receiving school determines the amount of the scholarship award, not Mercy College or Tuition Exchange. Because Mercy must balance the number of TE students its "exports" to other member institution with those it "imports" for enrollment at Mercy College, there are a limited number of eligible slots available each year for Tuition Exchange. Information about the Tuition Exchange Program can be found online at: [www.tuitionexchange.org](http://www.tuitionexchange.org). Please see Mercy's full Policy on Tuition Exchange.

## **Tuition Remission Benefits Policy**

Mercy College provides a competitive education to students and extends that formal education opportunity to employees, and their spouses/domestic partners and dependents, at a reduced tuition rate through this Tuition Remission Benefits Policy for Mercy College Employees. Outlined below is a summary of the benefits provided to employees who have completed their 90-day introductory period (except for adjunct faculty covered by the CBA with the SEIU). The benefits apply to Mercy College tuition charges only; all fees including (but not limited to) registration, books, labs and housing must be paid by the employee.

While this Policy is the general outline of the Mercy College Policy regarding tuition benefits for employees, **the following exclusions apply:**

- Union employees should refer to the UAW Local 2110 Collective Bargaining Agreement (CBA) or the SEIU Collective Bargaining Agreement for additional information on this benefit. If any provisions in this Policy or the CBA conflict, the CBA shall take precedence for union employees.
- This benefit does not apply to graduate student workers who are primarily students and work on-campus to support their education.
- This benefit does not apply to tutors or other similarly situated employees.

- This Policy applies only to credit-bearing courses at Mercy College. In no case shall tuition remission be provided to any employee taking courses in Mercy's non-credit bearing program(s).
- Tuition remission shall not be granted for any of the graduate programs or courses in the School of Health and Natural Sciences, except in select programs, with advanced approval by the School Dean.

See the full policy on Tuition Remission regarding applications and limitations.

### **Tuition Reimbursement for Faculty**

This Policy represents the College's support for existing and newly appointed Core Faculty members who were appointed under the Faculty Handbook based on their research and professional accomplishment and without terminal degrees to pursue graduate study at institutions other than Mercy College for completion of terminal degrees in their discipline.

Core faculty members who are seeking a terminal degree can apply for tuition reimbursement by filling out the application form and submitting it for signed approval to their Dean/ Director of Libraries, followed by the Provost. The field of study listed in the application must be related to the discipline in which the faculty member teaches, and the institution of study where the terminal degree is being sought must be regionally accredited. In addition, the quality of the program and the needs of the College are factors that shall be considered by the Provost in making a final determination, after consultation with the applying faculty member, the disciplinary faculty, the Dean/Director of Libraries, and the President. Applications are accepted once a year with a deadline of April 1st. See the full Policy on Tuition Reimbursement for Faculty Pursuing a Terminal Degree.

### **Voluntary Benefits**

Mercy College offers a variety of voluntary benefits, these can be found on Mercy Connect, in the Employee Info Center. Mercy College encourages employees to use this valuable service whenever they have such a need. Employees who choose to use these services are assured of confidentiality. For questions or additional information about this benefit, contact the Office of Human Resources.

### **403(B) Retirement Plan**

Mercy College recognizes the importance of saving for retirement and offers eligible employees a 403(B) plan. Eligibility, vesting, and all other matters relating to these plans are explained in the

SPD that can be obtained on Mercy Connect on the Employee Info Center or from the Office of Human Resources.

## **SECTION IX. GENERAL MERCY COLLEGE POLICIES**

### **Contracts Policy**

It is the policy of Mercy College to obtain all supplies, equipment, and services, and to engage in other business transactions, that offer the best possible value to the College - value being defined as the optimum combination of price, quality, availability, and service. The following business transactions are covered under this Policy:

- A. Purchase of Goods: includes, but is not limited to, the purchase of supplies and equipment.
- B. Construction Contracts: utilizing a contractor to perform work on Mercy owned property, or leased property, with appropriate performance, regulatory and insurance requirements.
- C. Provision of Services: where Mercy provides a service and/or rents its facilities to an outside entity.
- D. Professional Services: where Mercy secures design and related professional services with architects and engineers.
- E. Purchase of Services: where Mercy secures service from an independent contractor or a company.

The purchase of goods and services, the provision of services and professional services (hereinafter collectively known as “business transactions”) in an amount that exceeds \$1,000 is subject to the requirements set forth in this Policy. If the amount of the purchase is \$1,000 or below, the purchase can be made either: 1) with a Purchase Order via the Purchasing Department, 2) use of the College credit card by an approved individual, subject to the College’s credit card policy, or 3) reimbursement via the College’s Travel and Expense Policy. All such purchases made by credit card or reimbursement must receive approval in advance in writing by the department vice president or assistant vice president, or school dean or associate dean. See the full Policy and Procedures Relating to Business and Non-Business Transactions.

### **Facilities License Policy and Agreement**

The purpose of this policy is to set forth the guidelines for events held by External Groups on any Mercy College (“Mercy” or the “College”) campus or property. For the purposes of this Policy, “External Groups” are any group, organization, person, or program not affiliated with the College requesting use of the College’s facilities, resources and/or property (hereinafter referred to collectively as “facilities”) for an event, activity, conference, workshop, meeting, or seminar that is not a College function. All requests by any External Group to conduct any activity on the College’s campuses or locations must be submitted in advance to the Director of Community

Programs and Events for approval before any agreements or contracts are undertaken with the External Group. This document is intended to summarize the standard policies required for facilities reservations and to manage the usage of the College's facilities for External Groups. See the full Mercy College Facilities License Policy for External Groups.

## **Off-Campus Instruction**

As the College carries forth its mission of providing educational access to underserved and working students by expanding offered courses taught at off-campus locations, it must also balance its mission with its commitment to complying with all accreditation standards, federal and state laws, and regulations, as well as College policies. In particular, all courses as part of any College program taught at off-campus locations other than the Mercy College main campus, branch campuses ("Mercy College Campus") or fully distance learning have a set of compliance requirements to which the College must adhere. As such, this Policy sets forth that course offerings at off-campus locations must comply with the specific program structure and processes for approval of required for courses offered at a Mercy College campus and will be subject to the same rigorous academic and administrative oversight. These requirements must be put in place before offering or advertising any course offered at an off-campus location.

See the full Policy and Procedures Relating to the Approval and Administration of Off-Campus Instruction.

## **Parking Policy**

Mercy College has created parking regulations to help provide an efficient and safe environment for drivers and pedestrians at all campuses. All students, faculty and staff are required to register each vehicle and display a valid Mercy College parking permit (i.e., decal) in order to drive or park a vehicle on all campuses, except Manhattan. Registering a vehicle implies an understanding of the following:

- Parking is provided on a first-come first-serve basis.
- Any vehicle not bearing a valid permit or parked illegally is subject to being immediately ticketed, immobilized and/or towed away at the owner's expense.
- Parking privileges may be refused or revoked at the discretion of the College at any time.
- Under no circumstances shall Mercy College be responsible for loss or damage to any vehicle, its contents or equipment while parked on College grounds.

Union employees should also refer to the UAW Local 2110 Collective Bargaining Agreement (CBA) for additional information. If any provisions in this Policy or the CBA conflict, the CBA shall take precedence for union employees. See the full Mercy College Parking Policy.

## **Travel and Expense Policy**

Mercy College's (the College) Travel and Expense Policy (hereinafter "Policy") has been developed to provide employees on official College business with guidelines for cost-effective travel and ease/efficiency of recording travel expenses. "Travel Expenses" are the ordinary and necessary costs of traveling away from your home base on behalf of the College, which may require overnight stay. See the full Travel and Expense Policy for further details regarding expenses covered, documentation required, reimbursements, required approvals, etc.

## **Vehicle Use Policy**

This policy sets forth rules and procedures governing the safe and proper use of vehicles that are utilized in furtherance of Mercy College business or sanctioned functions. The policy is designed to secure to the greatest extent possible the safety of drivers, passengers, and pedestrians while members of the College community effectively carry out College business. As such, all drivers of Mercy College motor vehicles are expected to follow the rules and procedures outlined in the policy and to abide by all campus regulations and all local, state, and federal laws. Please see Mercy's full Policy on Vehicle Use.

## **Visitors**

It is expected that all visitors to Mercy College campuses engage in courteous and respectful behavior towards others, and to property, while on campus, and to abide by all standards of behavior as it relates to all college uses and activities. The Visitors Policy sets forth the permitted uses and prohibited uses of College property on the part of all visitors to the College, whether they are here for purposes related or unrelated to the business operations of the College.

See the full Visitors Policy.

## **SECTION X. STUDENT-RELATED POLICIES**

### **Marketing of Credit Cards to Students**

Mercy College (the "College") prohibits the advertising, marketing, or merchandising of credit cards on the Mercy College campus to students except in strict compliance with this Policy.

Except as otherwise permitted in this policy, credit card advertising or solicitation to students is not permitted on College campus. This includes advertising or solicitation at campus vendor tables, as well posting or distribution of applications, fliers, posters, handbills and signage (electronic and otherwise) in College facilities. The College's e-mail system or web pages may not be used for advertising or solicitation of credit cards to students. Banks, credit unions and other businesses approved to be present at student orientations/opening of school weeks or other campus activities may not provide credit card applications to students during those events. No campus employee, student group, or campus department may accept financial support or other goods and services

from credit card issuers or vendors in exchange for allowing them to market credit cards to students. See the full Policy Prohibiting the Marketing of Credit Cards to Students.

## **Student Complaint Policy**

Mercy College takes all complaints made by students seriously, and believes that all complaints should be reviewed thoroughly, and addressed appropriately. The College currently has a variety of policies and procedures for dealing with student-related issues, including, but not limited to, the *Academic Appeals Policy*, *Policy on Sexual Misconduct*, *Policy on Equal Opportunity and Non-Discrimination*, and *Reasonable Accommodations Policy*. In some instances, however, students may wish to make a general complaint that does not fall within one of the above-named or other College policy. The purpose of this Policy is to provide a process whereby current students can file a complaint with the College in circumstances where the student feels that the matter cannot be resolved informally, including but not limited to:

- Complaints against faculty in academic settings;
- Complaints relating to other employees, contractors or vendors for misconduct or unprofessional behavior;
- Complaints in connection with student services such as billing, tuition and financial aid;
- Complaints related to College services, such as food services, residential life, athletics and/or health and wellness; or
- Consumer complaints

Please see Mercy's full Policy and Procedures for Addressing Student Complaints. Complaints can be made online here.

## **Solomon Amendment**

The **Solomon Amendment** is a federal law that requires the following:

(1) the Secretary of a military department or the Secretary of Homeland Security shall gain access to campuses, or access to students (who are 17 years of age or older) on campuses, for purposes of military recruiting in a manner that is at least equal in quality and scope to the access to campuses and to students that is provided to any other employer; or (2) military recruiters for purposes of military recruiting shall have access to the following information pertaining to students (who are 17 years of age or older) enrolled at that institution (or any sub-element of that institution):

- (A) Names, addresses, and telephone listings.
- (B) Date and place of birth, levels of education, academic majors, degrees received, and the most recent educational institution enrolled in by the student.

Please see Mercy's full Policy on the Solomon Amendment.

## **Withholding Student Transcripts**

Mercy College provides a competitive education to students. The College recognizes, in accordance with New York State law, that students should not be penalized based on their debt owed to the College by having their transcript or diploma withheld from them by the College. This includes any currently enrolled students as well as past students. As such, this Policy prohibits the College from doing so with any outstanding debt owed to the College. The College may, however, prevent an enrolled student (except in bankruptcy matters) from registering for new classes, or former student from re-enrolling, until the debt has been paid in full.

In addition, the College understands students may incur bankruptcy. Students under automatic stay protection may obtain their transcripts and are permitted to register for classes but prohibited to incur any additional debt. Post-petition registration payment terms are due upon registration of classes. Failure to establish a method of payment for post-petition registration is subject to Mercy College administratively withdrawing the student. Students who are not in default on federal and/or state student loans may use federal, state and College financial aid awards to pay the post-petition. In no circumstance, however, shall the College attempt to collect outstanding payments during the pendency of a bankruptcy or after the debt to the College is relieved. See the full Policy on Withholding Student Transcripts [here](#).

## SECTION XI. COVID-19 POLICIES

### **Vaccination Policy**

#### I. Policy Statement

COVID-19 is a serious respiratory disease; over 1,000,000 Americans have died from COVID-19 related-causes. The COVID-19 vaccination is recommended by the Centers for Disease Control and Prevention (CDC) for anyone over the age of six (6) months and the booster is recommended for anyone ages five (5) and older, in order to prevent infection from and transmission of Covid-19 and its complications, including death. Getting vaccinated may also protect other community members, including those who are more vulnerable to serious COVID-19 illness (i.e. infants, older adults and individuals with certain chronic health conditions). In order for Mercy College to continue to maintain a safe and healthy environment, Mercy is requiring all students, employees, contractors, vendors, and other regular visitors to campus to provide proof of the COVID-19 vaccination, as set forth more fully below.

#### II. Employees

##### A. Proof of COVID-19 Vaccination and Booster Required for Employees

Mercy College employees are required to submit proof of full COVID-19 vaccination prior to commencing employment. Please see CDC Guidelines for vaccine and booster eligibility.

Under New York State law, all employees are entitled to up to 4 hours of paid leave to obtain the vaccine/booster, which does not count against the employee's regular sick leave bank. Employees may also use accrued paid sick leave if they have side effects from the vaccine. See Mercy's Paid Time Off and Leave Policy. Any questions should be directed to the Office of Human Resources.

#### 2. Exemptions

Employees have the right to seek an exemption from the COVID-19 vaccine (including booster requirement) under the following circumstances:

- a) Due to an allergy or medical contraindication to receiving the vaccine. They must provide the exemption form and physician's statement; or
- b) Due to sincerely held spiritual or religious belief, practice, or observance. They must provide a statement.

Employees who obtain an exemption are required to adhere to additional measures to ensure the safety of the campus community is maintained which includes wearing masks, and may include mandatory testing, and limitations on participation in on-campus activities and events, at the

College's discretion. Failure to show proof of full vaccination and booster if eligible, or failure to abide by the other requirements in the Policy, will result in termination or denial of employment.

Note that certain faculty members, such as clinical faculty working in off-site clinical facilities, shall be required to adhere to the guidelines of those locations, which may require proof of additional booster shots and may not allow for exemptions under any circumstance.

### III. Students

Mercy College students who plan to attend classes in-person at any of Mercy's campuses are required to submit proof of their fully vaccinated status by uploading the information online-prior to registering for classes. All students are strongly encouraged to receive the COVID-19 booster if eligible.

All Mercy College students who reside in on-campus housing, participate in Mercy College athletics or participate in clinical or experiential programs are required to show proof of the COVID-19 booster as well.

Details regarding the student vaccination policy are spelled out more fully in the complete COVID-19 Vaccination Policy.

### IV. Contractors, Vendors and Visitors

1. Contractors and Vendors. All Mercy College contractors and vendors who regularly appear on campus are required to provide proof of full COVID-19 vaccination, (including the booster, if eligible) to their employer before coming to Mercy College campuses. Those individuals, like Mercy employees, are entitled to request an exemption with their employer.
2. Residential Hall Guests. All guests to residential halls will be required to provide proof of the COVID-19 vaccine prior to entering. All overnight guests to residential halls are required to show proof of the COVID-19 vaccine and the COVID-19 booster (if eligible).
3. Alumni. Mercy College alumni who regularly use campus facilities, including but not limited to the gym and libraries, are required to provide proof of vaccination before gaining access to Mercy's campuses. They must obtain pre-approval and an identification card through the Office of Alumni Relations, which will allow them access to Mercy's campuses.

See the full Vaccination Policy.

## **Visitors, Face Masks and Facilities Use**

In order to continue to protect the health and safety of the entire Mercy College community during the COVID-19 pandemic and to prevent and control the spread of the virus, the College has

implemented the following rules and procedures for visitors coming to any Mercy College campus or location (hereinafter “College facilities”), limitations on facilities. The College reserves the right to make changes to this Policy at any time, at its discretion. *See the full COVID-19 Policy on Visitors, Face Masks and Facilities Use.*

## **Privacy Statement**

The COVID-19 pandemic has required Mercy College to adapt and change in numerous ways, so as to continue to meet the needs of our students by continuing to provide a high quality, personalized and competitive education. Some of the ways in which the College has changed its daily operations in light of COVID-19 so as to ensure the utmost safety of our College community include, but are not limited to; mandating proof of the COVID-19 vaccination for on-campus students, employees, certain visitors, contractors and vendors, offering testing for COVID-19 on campus, conducting contact tracing for positive COVID cases, and a greatly use by students, faculty and staff of virtual platforms such as Zoom, Microsoft Teams, and Blackboard Collaborate. With these and the many other changes implemented, Mercy believes it is important to reiterate that it takes personal privacy of all its Community Members very seriously. While we have a Privacy Policy which deals with the transparent use of the College’s webpage, the COVID-19 Privacy Statement is meant to inform the College community about other areas where we ensure confidential and private information about employees and students in light of the adaptations made by the College in the face of COVID-19. Please see the full COVID-19 Privacy Statement for further details regarding all the ways in which Mercy aims to protect COVID-related information.

## **SECTION XII. DISCLAIMER**

This handbook does not create or imply an employment contract, nor does it in any way limit the College's right to terminate employment at-will. In addition:

1. College Management reserves the right to supplement, modify, or abolish this personnel policies, manuals, or handbooks in its discretion and without notice;
2. These Handbook provisions do not constitute an employment contract for any period of time or a fixed duration;
3. Employee hires other than for a mutually-agreed period of time as set forth in a separate writing are employed-at-will, and may terminate their employment, or be terminated, at any time for any reason; and
4. The provisions of the handbook supersede all other guidance to employees, whether written or oral.
5. The College regularly updates policies, which can be found on Mercy Connect and at <https://www.mercy.edu/about/mercy-college-policies>. The College reserves the right to make any and all changes to its policies, at any time in its discretion.

### **SECTION XIII. EMPLOYEE HANDBOOK ACKNOWLEDGMENT**

I hereby acknowledge receipt of the Employee Handbook of Mercy College. I understand and agree that it is my responsibility to read and comply with the policies in the handbook.

I understand that the Handbook and all other written and oral materials provided to me are intended for informational purposes only. Neither it, College practices, nor other communications create an employment contract or term. I understand that the policies and benefits, both in the Handbook and those communicated to me in any other fashion, are subject to interpretation, review, and change by College administration at any time without notice.

I further agree that neither this document nor any other communication shall bind the College to employ me now or hereafter and that my employment may be terminated by me or the College without reason at any time. I understand that no representative of the College has any authority to enter into any agreement for employment for any specified period of time or to assure any other personnel action or to assure any benefits or terms or conditions of employment, or make any agreement contrary to the foregoing.

I also understand and agree that this agreement may not be modified orally and that only the Director of Human Resources may make a commitment for employment. I also understand that if such an agreement is made, it must be in writing and signed by the Director of Human Resources.

The College regularly updates policies, which can be found on Mercy Connect and at <https://www.mercy.edu/about/mercy-college-policies>. The College reserves the right to make any and all changes to its policies, at any time in its discretion.

\_\_\_\_\_  
Employee's Name in Print

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_  
Date Signed by Employee

**TO BE PLACED IN EMPLOYEE'S PERSONNEL FILE**