HANDBOOK FOR SUPPORT STAFF

APPLICABLE TO NON-EXEMPT EMPLOYEES
INCLUDING STAFF ASSOCIATES, CAMPUS SAFETY AND SECURITY
AND PLANT OPERATIONS PERSONNEL

Compilation adopted May 10, 1991
Issue 20 reflects amendments through August 2011

Note: In this handbook, *is used for paragraphs which refer to Plant Operations Personnel only. **are used for paragraphs which refer to Staff Associates only.
EQUAL OPPORTUNITY STATEMENT

Muhlenberg College does not discriminate against any person based on age, color, disability, gender, gender identity, national or ethnic origin, race, religion, sexual orientation, veteran status, or any other basis protected by applicable federal, state or local laws. This policy applies to all aspects of employment, including recruiting, hiring, training and promotion, and all personnel actions, such as compensation, benefits and termination. An employee who believes a violation of this policy has occurred should bring the matter to the immediate attention of the Vice President of Human Resources (Third Floor, The Haas College Center, 484-664-3166) and may proceed under the Problem Resolution and Complaint Procedures for Non-faculty Personnel. In addition, inquiries concerning the application of Title IX of the Education Amendments of 1972 (prohibiting discrimination on the basis of sex) may be directed to the Assistant Secretary for Civil Rights, U.S. Department of Education.

ADMINISTRATION OF POLICIES AND PROCEDURES

In order to retain necessary flexibility in the administration of policies and procedures, the College reserves the right to change or revise this information without advance notice whenever the College determines it is warranted.

The policies, procedures, and rules set forth are guidelines for administration and supervision. They are not a contract of employment nor do they guarantee any continuation of employment. This handbook is not intended to alter in any way the "employment-at-will" relationship of the College and its employees.

No statement, verbal or written, made by any officer, Vice President, supervisor, or other representative of the College, other than the President, should be interpreted as creating a continuing contract of employment.

ABOUT THE COLLEGE

Muhlenberg College is an independent, undergraduate institution affiliated with the Evangelical Lutheran Church in America. Founded in 1848 to provide a liberal arts education in the Christian humanistic tradition, Muhlenberg is committed to high standards of academic integrity and excellence. Muhlenberg College took its present name in 1867 from Henry Melchior Muhlenberg, patriarch of the Lutheran Church in the American Colonies.

Muhlenberg's primary purpose is to help students develop imaginative and critical thinking. The Muhlenberg experience is characterized by a limited enrollment, small classes, close student-faculty relationships and a high degree of student responsibility in academic and social affairs. In all areas, the College attempts to sustain an environment in which students can pursue their education, vocation, social and spiritual goals in the context of our moral and intellectual tradition.
Welcome to Muhlenberg College. Before beginning your work assignment, you will need to complete some forms and records of personal information required for the payroll. You will want to carefully review the information provided to you about your work and benefits at the College.

The Human Resources Office will notify the payroll department and other campus personnel about your employment so that others may welcome you.

This handbook is intended as an introduction and guide to expectations at Muhlenberg College. Please feel free to visit the Human Resources office at any time during your employment with the College. I am always happy to answer questions you may have (for example, about benefits, pay or vacation), and am interested in any comments and suggestions you may offer. I hope that you will find your work with the College to be rewarding.

Anne W. Speck
Vice President, Human Resources
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SECTION 1: EMPLOYMENT

1.1 ORIENTATION

Your supervisor will provide orientation to the campus, work procedures and responsibilities, information about your work area, and instructions about reporting your work hours.

To learn more about College activities and special events, check the latest issue of "On Campus." This is a weekly publication of the College Public Relations department which includes a current calendar of events and announcements of interest to employees. Additional information can also be found on College’s web site at http://www.muhlenberg.edu.

For your information, a copy of the College catalog may be obtained from the Admissions Office.

1.2 CLASSIFICATION OF POSITIONS

Each position has been classified according to assigned responsibilities. The classification of your job and your experience related to your job assignment at the time of your employment determine your pay level.

1.3 INTRODUCTORY STATUS

As a new or rehired employee, or if you receive a change in your job assignment, you will have an initial "introductory" period of ninety days duration for full-time employees, or up to 400 hours worked for part-time employees. This time allows you to become familiar with your work assignment, your supervisor, fellow employees, and the College. It also allows you and your supervisor to determine whether or not your employment will continue beyond that point. In certain cases, your introductory period may be extended up to an additional ninety days by the Vice President of Human Resources if your supervisor makes such a request.

During the ninety-day introductory period for new employees, you are not eligible to use any vacation or sick day accruals. However, you do earn sick and vacation days as noted in the sick leave and vacation sections of this handbook. You will not be paid for holidays occurring during this period unless Christmas and/or New Year's Day occur during your introductory period. In this case you will receive holiday pay for these two days.

Upon completing a satisfactory introductory period, you will be a "regular" employee, meaning that you will receive benefits such as sick leave, holiday, and vacation pay in addition to your regular pay. "Regular" appointment does not imply permanent employment because the College retains with you an "at will" employment relationship.

1.4 TEMPORARY EMPLOYEES

You are a temporary employee if your assignment is for less than six months. Temporary employees are not eligible for paid leave or any other benefits.
1.5  PART-TIME EMPLOYEES

Part-time employees may be eligible for some benefits depending upon their expected annual hours. Refer to the Benefits section of this handbook for complete eligibility requirements.

1.6  STAFFING

Open positions will be posted on the campus legal notice board, ground floor of the College Center and on the web at http://www.muhlenberg.edu/mgt/humanres/jobs.html. Postings will give current employees information about lateral and promotional opportunities. Local newspapers may also be used to advertise available openings.

1.7  JOB SUPERVISION AND EVALUATION

The College's program of performance management and evaluation is intended to encourage consistent performance and continuous improvement. Your supervisor is responsible for providing instruction, support, coaching, and feedback. You will receive a written appraisal/evaluation from your supervisor at least once a year.

1.8  DISCIPLINE

Disciplinary action is sometimes used to help employees recognize work performance problems. Discussions which accompany disciplinary action can also assist you in strengthening your performance and achieving job success.

Disciplinary actions will often be progressive. First, your supervisor may talk with you about any problems, detailing perceived performance or conduct deficiencies. This discussion may lead to rules being clarified, and your input regarding special circumstances will be considered. Further verbal instruction may be offered to you and you may receive a warning, either verbal or written, about your performance.

If you fail to improve your performance and/or conduct, your supervisor may progress to more serious actions including a written warning, reprimand, suspension or dismissal. For a second warning, you may receive a written summary of the conversation or counseling and the summary may be placed in your file in the department. A written warning may be prepared for any continuing problems which require further action. Warnings will often describe the extent of the problem, courses of action which are required, and a date by which time the problem must be resolved. Possible consequences of continued substandard performance or conduct are often included in a written warning.

A copy of any written warning will be placed in your file in the Office of Human Resources as well as in the department files. You will be required to sign any written warning, indicating that you have read it, and you may enter comments on the warning if you wish. Written summaries and warnings are removed from your files after three years.

You may be discharged immediately or suspended without pay for any serious offense. Serious offenses include, but are not limited to: intentional damage to, or theft of, College property; assault; violation of the College's Weapons Policy (Section 8.5); sexual harassment; drinking alcoholic beverages or using illegal drugs while on the job. You may also be discharged from employment if you receive three written warnings within three years. Failure to provide reasonable notice of your absence to your supervisor is considered willful misconduct and may result in termination of your
employment. If you are absent without reporting your absence for three consecutive days, you will be considered to have abandoned your job and will have to re-apply for employment. Discharge requires the recommendation of your Supervisor and the approval of the Vice President of Human Resources. Each discharge recommendation will be evaluated on its own set of circumstances.

1.9 DISCIPLINARY LAYOFF

A disciplinary layoff is a temporary layoff without pay. Your supervisor, with or without prior notice, may lay you off for disciplinary reasons. Within two business days following a disciplinary layoff, the Vice President of Human Resources or your supervisor will notify you of the reasons for the disciplinary action, the duration of the layoff and requirements you must meet to continue employment, or of termination. This notification may be given verbally, or may include a written follow-up to confirm the conversation.

1.10 SEPARATION FROM EMPLOYMENT

Reasonable written notice of separation of at least two weeks is expected so that you and/or the College may have time to make adjustments. If you leave College employment, you are required to have an exit interview with the Vice President of Human Resources. A record is established which shows the reason for separation, that College property has been returned, and that final arrangements for pay and benefit privileges have been completed.

The controller will be authorized to pay any amount due to you up to the time of your separation. It will be paid to you on the next scheduled pay day. If you have received pay for days you have not worked, or benefit premiums paid on your behalf, you will be required to repay the College for these expenses.

Your benefit coverage at College expense will continue through the last day of the month in which your employment ends. You may be eligible to continue your participation in the College group health plan under federal legislation (known as COBRA) or you may convert the college plan to an individual policy. You must complete forms and make arrangements to pay the full premiums plus a 2% administration fee in the Human Resources Office.

Your options about continuing such benefits as life insurance will be explained by the Vice President of Human Resources during the exit interview.

Unused sick leave credits are automatically canceled when you separate from the College. Such credits are not restored if you are later re-employed at the College.

1.11 LAYOFF AND REDUCTION IN FORCE

The objective of the College is to maintain steady employment for its employees. When economic conditions make adjustments to staff necessary, employees will be reassigned, where possible, to other positions for which they qualify. When economic conditions make it necessary to reduce staff, the College will retain those employees who, in the judgment of the President, are the most qualified for the positions available.

A layoff can occur because of lack of work, reduction of the staff of the College, or an emergency that creates abnormal conditions. In the event of a layoff, the Vice President of Human Resources will
notify you in writing as soon as practicable, but no less than two weeks in advance of the layoff date. The College reserves the right to pay out two weeks wages in lieu of notice.

SECTION 2: WAGES AND HOURS

2.1 PAY RATE, TIME RECORDING, AND PAY DAY

The Manager of Employment & Benefits will inform you about your pay rate, pay periods, and pay days.

** Staff Associates are paid on either a monthly or bi-weekly basis dependent upon position assignment. You should fill out your time sheet each day and have your supervisor sign it at the end of the pay period. Time sheets are due in the Office of Human Resources on the first work day following the end of each pay period.

** Staff Associates paid monthly are paid on the 20th of each month. When the 20th falls on a Saturday, checks are available on the 19th. When the 20th falls on a Sunday, checks are available on the 21st. You are paid for a full month even though you have not yet completed work for the month. Staff Associates employed on a monthly basis have one hourly rate during the Academic Year and another during the Summer Period. The different hourly rates ensure that monthly base pay remains the same from month to month even though the office schedule may change during the summer. Overtime is paid at time-and-one-half the hourly rate in effect when the overtime is worked.

** Monthly Staff Associate pay is adjusted in the month following the report of a variation from the normal schedule. The Human Resources Office uses your actual time worked as shown on the time sheet you submit each month to determine the amount of additions (such as overtime) or deductions (such as unpaid personal time) to be made to your next pay check.

* Plant Operations and Security employees are paid biweekly on an hourly rate basis. Hours are reported using the time clock.

Bi-weekly personnel, including part-time staff associates, receive pay every other Thursday for work performed and reported for the preceding pay period.

2.2 YOUR PAY CHECK

Your pay check is available on pay day in the office of the Controller. If you are employed on a regular basis, you may make arrangements with the Controller to have your pay check deposited directly to a bank on the Automated Clearing House system.

If you do not call for your pay check by 3:00 p.m. the Controller's Office will mail it to your home. Federal, state, and local income taxes, and social security taxes are required deductions from your pay check. If you wish to change the number of personal exemptions you claim, obtain a W-4 form from the Human Resources Office and submit the change to the Controller's office.

You may choose to have other voluntary deductions taken from your pay, such as amounts invested in retirement annuities, contributions to United Way, or periodic gifts to the College.
2.3 WORK WEEK/WORK SCHEDULE

For Fair Labor Standards Act reporting purposes and unless specified otherwise, the College's defined "work week" begins on Sunday at 12:01 a.m. and ends at midnight the following Saturday. All time sheets should reflect this Sunday - Saturday workweek. Your actual schedule of work days and hours is determined by your supervisor and may vary according to the needs of the College. If you are scheduled by your supervisor to report to work on your regular day off you will receive no less than three hours pay.

2.4 OVERTIME AND HOLIDAY PAY

Overtime is paid for time worked in excess of 40 hours in one work week. *(Note: Only those hours for which you are paid are counted in the 40 hours. If you have unpaid hours, such as unpaid sick or unpaid personal, those hours are not included in determining overtime pay. Paid hours, including paid illness, paid vacation, funeral leave, etc. are included in the calculation of overtime pay.)*

Most employees are not required or permitted to work overtime. However, you may be expected to do so by your supervisor under certain circumstances. If your supervisor requires or permits you to work in excess of 40 hours in one work week, you should report these hours and you will be paid at one-and-one-half your hourly rate for them. Hours must be reported in the time period worked.

If you work on a College holiday you will be paid time-and-one-half your normal hourly pay rate for the hours you work. This is in addition to any holiday pay you would have received had you not worked on the holiday. Please note that this policy does not apply to those offices that are required to remain open on several designated holidays. In those cases, you are eligible to a floating holiday in exchange for time worked. Refer to the "Holiday" section (4.3) in this handbook for the list of offices that remain open.

* 2.5 CALL OUT (TRADES)

* A "call out" list is maintained for trades personnel employed by the Plant Operations department. When a specific need or emergency arises on the Campus, the employee at the top of this list will be called at home to report to work as soon as possible. A name remains at the top of the list until that employee responds to a call out. After an employee responds to a call out, his or her name rotates to the bottom of the list and the next name moves to the top. You will normally be called out by Campus Safety & Security or by your supervisor. In an emergency, you may be called by another member of Management. You are guaranteed at least three hours pay if you are called out.

* Refusal to respond to a call out without an excuse acceptable to the supervisor (such as a verifiable illness, a disabled vehicle, an existing emergency at home, or other extenuating circumstances) will be considered willful misconduct and will result in disciplinary action. Repeated failure to respond to call outs will be considered a general unwillingness on your part to successfully meet the requirements of the job. Repeated refusals to respond to call outs will result in disciplinary action up to and including dismissal.

2.6 COMPENSATORY TIME

Compensatory time refers to an exchange of time off in one work period for time worked in a different work period. The College does not authorize a compensatory time program. You should report all the hours you work immediately after each pay period so that you will be paid in the next
payroll. Due to work requirements, your supervisor may approve a schedule that requires you to work a varying number of hours on different days of the week or month. Such variations of work schedule occurring within the same work period are not considered compensatory time. Any time worked outside your normal work schedule must be approved, in advance, by your supervisor.

2.7 ANNUAL HOURS ASSIGNMENT

Your Annual Hours Assignment (AHA) is the number of hours you are budgeted to work over the course of a year. Since many benefits depend upon your Annual Hours Assignment, it is important for you to know what you AHA is. Your supervisor or the Manager of Employment & Benefits can give you this information.

* Plant Operations and Security personnel are usually employed for a work week of 40 hours, consisting of five 8-hour days. This amounts to an Annual Hours Assignment of 2080 hours.

** Biweekly and part-time Staff Associates receive an Annual Hours Assignment based upon the budget for the department and the position.

2.8 AVERAGE WORK DAY

** An "Average Work Day" is calculated for all biweekly and part-time staff associates by dividing the Annual Hours Assignment by 260 (52 weeks OPEN 5 days). Your Average Work Day describes the number of hours your work day would be if your schedule were constant, five days per week year round. This number is used for vacation and sick leave accumulations. The Manager of Employment & Benefits can tell you what your Average Work Day is.

2.9 TEMPORARY REASSIGNMENT

Circumstances may require that you be assigned to a different work area temporarily. Should you be assigned to a higher level position for more than one month, the College will provide additional pay for you. The amount, determined by the Vice President of Human Resources and your supervisor, may be an hourly increase for that period of reassignment or a bonus amount at its conclusion.

2.10 OFFICE HOURS

** Currently, most administrative offices are open from 8:30 a.m. to 5:00 p.m. Your supervisor can confirm your individual work schedule. Any variations in the standard work schedule, including a summer work schedule, will be determined by the President. Some offices, for example, the Book Store and the Health Center, observe varied schedules according to the academic calendar. The appropriate Vice Presidents are responsible for determining the schedules of these staff members.
SECTION 3: BENEFITS

Detailed and current information about all of the group insurance plans of the College, including cost information, is available in the Human Resources Office.

3.1 HEALTH INSURANCE

If you have been appointed to a full-time position (year-round or academic year), you and your dependents or a qualified domestic partner are eligible to enroll in any of the College group health insurance plans on the first of the month following your date of employment. If you do not enroll during your first thirty days of employment, you may enroll during our annual January open enrollment period. If your spouse is employed elsewhere and has health insurance available, the College expects that your spouse’s employer will provide their health insurance coverage. However, if you elect to cover a working spouse, you may do so by paying a supplemental premium. See the Human Resources Office for details.

If you do not require health insurance, you must sign a waiver indicating your understanding of your eligibility and noting your alternative health insurance coverage.

The College offers a choice of health care plans. You pay your share (approximately 20%) through monthly or biweekly payroll deductions. The amount of the deduction is determined by the plan you select and the number of people you cover. Your deduction is taken before taxes are calculated to reduce your tax burden.

During any month when you do not receive any pay from the College but wish to remain enrolled, you are responsible for paying the entire premium (100%) to the College. (An exception is made for individuals taking a Family Medical Leave.) You may pay by check at the beginning of the month. Checks should be made payable to Muhlenberg College and submitted to the Vice President of Human Resources. Current premium information is available in the Human Resources Office. Full-time academic year employees may continue their health insurance coverage during the summer months by paying the usual employee portion of the health insurance premium.

3.2 BLOOD BANK

You may enroll yourself and your family members in the Muhlenberg College group of the Miller-Keystone Blood Center. The blood bank supplies blood to meet the needs of covered members. Members are encouraged to donate blood during the year to meet the College donation quota.

3.3 LIFE INSURANCE

You are eligible, after one year of employment at a minimum of 1248 hours, to enroll in the College-paid life insurance plan. The amount of insurance on your life is determined by your annual pay rate and your age. The maximum benefit is $75,000.

3.4 DEATH BENEFIT

If you should die while in active service at the College with less than one year of service, the College will pay your beneficiary the equivalent of your pay for two weeks from the date of your death. If you have been in active service from one to five years, the benefit will be the equivalent of pay for one month; if five or more years, the benefit will be the equivalent of pay for two months. This benefit is in addition to whatever coverage you have under the life insurance program.
3.5 PENSION PLAN

You are eligible for the college-paid TIAA/CREF pension plan after you have completed two consecutive years of service at 1000 hours or more each year. Continued eligibility requires a work assignment of at least 1000 hours per year. You also must be at least 21 years of age. The College contributes an amount equal to 10% of your base pay up to the social security wage base, and 15% of salary beyond that base, to an annuity policy which you receive from TIAA/CREF. You are not required to contribute to this plan. Under some circumstances involving prior pension plan participation, you may be eligible to participate in the pension plan before two years of service have been completed. Consult with the Human Resources Office for complete details about the pension plan.

3.6 SUPPLEMENTAL RETIREMENT ANNUITIES

If you wish, you may contribute additional funds to your pension through salary reduction. Under this plan, the money you set aside is not taxed by the Federal government until you begin to draw income from your investment in the plan. You must sign an agreement in the Human Resources Office if you choose to participate in this program.

3.7 LONG TERM DISABILITY INSURANCE

You are eligible, after one year of employment at a minimum of 1248 hours, to enroll in the College paid total disability plan. You must continue in a position in which you work 1248 hours or more a year to remain eligible. If you become disabled and are unable to work for a period exceeding six months, you would file a claim with our insurer for this benefit. If the insurer approves the claim, the insurance payments are for 66 2/3 % of your most recent base monthly pay for each month that your disability continues beyond six months. This payment is indexed annually. The 66 2/3 % payment has a maximum of $5,000/month and is reduced by any social security payments you receive for the same disability.

While you are on an approved long-term disability, the insurer will pay your life insurance premiums so that your life insurance coverage will continue. In the case of an extended disability, pension premiums will be paid by the insurer if the College was contributing during the month in which you become disabled.

The payments and premium contributions noted above are made directly by the insurer and are contingent upon both the insurer's acceptance of your claim and satisfactory certification of your disability.

3.8 TUITION BENEFITS

After you have fulfilled a two-year required employment period, having worked 1248 or more hours each year during this period, you and your dependents are eligible for a number of tuition benefits. Each of the tuition benefit programs described in this section requires application at the Human Resources Office.

You and your dependents are eligible for full tuition remission benefits at Muhlenberg College. Remission is limited to two courses per semester for you and your spouse, and eight full semesters for each of your dependents under age 25. Normal College admissions requirements must be met and satisfactory academic progress maintained in order to participate in the tuition remission plan.
You and your spouse are also eligible to be considered for tuition remission scholarships for two undergraduate courses each semester at any of the member colleges of the Lehigh Valley Association of Independent Colleges (LVAIC). These colleges are De Sales University, Cedar Crest College, Lafayette College, Moravian College and Lehigh University. *LVAIC tuition remission is not available for summer or January sessions.*

Your dependent children under age 25 are also eligible to be considered for Tuition Exchange scholarships at more than 300 colleges nationwide. These scholarships are often full tuition scholarships which run for four years of undergraduate education. Renewal must be requested each year, and each of the participating colleges set their own admission and scholarship guidelines.

Written details and specific eligibility conditions of these tuition benefits are available in the Human Resources Office.

### 3.9 BENEFITS IN RETIREMENT

Official retirement from the College is available upon attainment of age 60 and 10 years of service. There is no mandatory retirement age.

A Health Insurance Premium Reimbursement is paid by the College for each official retiree and spouse during their respective lifetimes. To be eligible for this benefit, the retiree must have been hired prior to January, 1995. This plan provides a payment of a flat dollar amount, determined annually by the College, to the retiree based upon documented health insurance premium expenses incurred by the retiree/spouse. The retiree may choose any health insurance they prefer under this plan.

Life insurance coverage is paid by the College for all retirees. The amount of insurance varies from $3,000 to $5,000 depending upon age.

Other benefits that continue in retirement include College ID cards and accompanying privileges (i.e., bookstore discount, library privileges, wellness programs, Life Sports Center privileges including free admission to most home sports athletic events), blood bank membership, and membership in the Allentown Teachers Credit Union.
SECTION 4: TIME NOT WORKED

Paid or unpaid absences from work require your supervisor's knowledge and approval. You may also need the approval of the Vice President of Human Resources. Paid absences include vacations and holidays, and may include sick days and other days as noted in the following sections. Unpaid leaves include short and longer term leaves, (such as leaves for child care, medical reasons, and military leaves) as described in Section 5.

4.1 VACATION

You are expected to take full advantage of vacation benefits to secure needed rest and relaxation. You may use vacation credits only after you are appointed to "regular" status as an employee. See Section 1.3 for further details on "regular" status. Vacation time is paid at your base pay rate in effect at the time you take vacation.

You accumulate vacation credits according to the following schedule:

<table>
<thead>
<tr>
<th># of Years Completed</th>
<th>Annual Accrual Rate</th>
<th>Monthly Accrual Rate (Except Anniversary Month &amp; Month After)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Years 0-4</td>
<td>10 days **</td>
<td>1.0 days **</td>
</tr>
<tr>
<td>Years 5-9</td>
<td>15 days **</td>
<td>1.5 days **</td>
</tr>
<tr>
<td>10 Years or more</td>
<td>20 days **</td>
<td>2.0 days **</td>
</tr>
</tbody>
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All part-time employees working a minimum of 850 hours per year accrue credit in Average Work Days. Employees working less than 850 hours per year are not eligible to sick or vacation leave accumulation.

If you are hired on or before the 15th of a month, that month is your anniversary month. If you are hired after the 15th of a month, the following month is your anniversary month. (For example, an employee hired on October 8 has an anniversary month of October. An employee hired October 17 has an anniversary month of November.)

You may choose to use your vacation credits as you earn them, or you may accumulate them for use in larger blocks of vacation. You may carry forward a maximum of one full year's vacation eligibility into your next anniversary year. Vacation time in excess of one full year's accrual may not be carried forward into the next anniversary year and will be forfeited. (For example, if your anniversary month is September, you must use vacation earned prior to September of the current year by the beginning of September of the following year.)

Consecutive vacation periods are limited to 10 working days, with exceptions to be made only with the approval of the appropriate vice president in consultation with the Director of Plant Operations, Director of Campus Safety & Security, or the Vice President of Human Resources as appropriate.
Your vacation dates are subject to approval by your supervisor in accordance with schedules that maintain work flow without interruption. Every effort will be made to honor your requests, but length of service will be used to determine approval should two or more employees request the same time period. Your supervisor may require that you make vacation requests in writing.

* Plant Operations and Campus Safety & Security employees must request vacation in writing.
* Plant Operations employees will not receive approval for vacations during the week before or following Commencement. Campus Safety & Security employees will not receive approval for vacations during the week before Commencement.

If a college holiday occurs when you are on vacation, it will be considered a holiday and will not use your vacation eligibility.

You are expected to use your vacation days prior to your last day of work before separation from employment. If this is not possible, the Vice President of Human Resources will consult with your supervisor and may provide full payment for your accumulated vacation.

If you are off pay status from the first to the last day of a month, you do not earn vacation or sick leave credits for that month.

**4.2 HOLIDAYS**

The following days are observed by the College as holidays. Offices are closed on specific dates announced, although some coverage is provided (see next page) on Labor Day, Martin Luther King, Jr. Day, Easter Monday and one of the days during the Christmas/New Year break. If your office remains open and you are required to work on any of these days, you will not be paid holiday pay rates. Instead, you will be given one floating holiday in exchange for each day worked. **One floating holiday** is also available for use on either Martin Luther King, Jr. Day or Easter Monday.

<table>
<thead>
<tr>
<th>New Year's Day</th>
<th>Martin Luther King, Jr. Day</th>
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<tbody>
<tr>
<td>Memorial Day</td>
<td>Independence Day</td>
</tr>
<tr>
<td>Easter Monday</td>
<td>Labor Day</td>
</tr>
<tr>
<td>Thanksgiving Day</td>
<td>Christmas Day</td>
</tr>
<tr>
<td>Day after Thanksgiving</td>
<td>3 days during Christmas break period</td>
</tr>
<tr>
<td>Good Friday</td>
<td></td>
</tr>
</tbody>
</table>

You must work the full work day before and the full day after the holiday in order to be paid for the holiday. Exceptions will be made for employees on approved vacation or those producing a doctor's excuse for the time involved.

If you are a part-time employee you will receive pay in an amount equal to the hours you would normally have worked if the day were not a holiday.

If your assignment does not call for you to work during the breaks when students are absent from the campus, you will receive pay for nine holidays (rather than 12) during your annual period of employment. You may select the dates when you receive holiday pay subject to the approval of the Vice President of Human Resources. The pay for such a holiday will equal that of your Average Work Day. Nurses in the Health Center and the secretary in the Counseling Center are examples of such employees. Part-time Dispatchers who only work weekends will receive pay for six holidays (rather
than 12), with pay equal to that of their Average Work Day. When you are on leave of absence without pay, you will not be paid for holidays that occur during the leave.

### 4.3 HOLIDAY OFFICE COVERAGE

Offices listed below are expected to provide services as indicated. President's Staff members, in consultation with supervisory personnel in each of their units, will designate those managers and staff associates who will provide coverage.

<table>
<thead>
<tr>
<th>Office</th>
<th>Labor Day</th>
<th>Martin Luther King, Jr. Day</th>
<th>Easter Monday</th>
</tr>
</thead>
<tbody>
<tr>
<td>Academic Departments</td>
<td>OPEN</td>
<td>OPEN</td>
<td>CLOSED</td>
</tr>
<tr>
<td>Academic Resource Center</td>
<td>OPEN</td>
<td>OPEN</td>
<td>CLOSED</td>
</tr>
<tr>
<td>Admission</td>
<td>CLOSED</td>
<td>OPEN</td>
<td>OPEN</td>
</tr>
<tr>
<td>Art Gallery</td>
<td>CLOSED</td>
<td>OPEN</td>
<td>CLOSED</td>
</tr>
<tr>
<td>Bookstore</td>
<td>OPEN</td>
<td>OPEN</td>
<td>CLOSED</td>
</tr>
<tr>
<td>Campus Safety</td>
<td>OPEN</td>
<td>OPEN</td>
<td>OPEN</td>
</tr>
<tr>
<td>Career Center</td>
<td>OPEN</td>
<td>OPEN</td>
<td>OPEN</td>
</tr>
<tr>
<td>Controller</td>
<td>OPEN</td>
<td>OPEN</td>
<td>OPEN</td>
</tr>
<tr>
<td>Copy Center</td>
<td>OPEN</td>
<td>OPEN</td>
<td>CLOSED</td>
</tr>
<tr>
<td>Counseling Services</td>
<td>OPEN</td>
<td>OPEN</td>
<td>CLOSED</td>
</tr>
<tr>
<td>Dean of Students</td>
<td>OPEN</td>
<td>OPEN</td>
<td>OPEN</td>
</tr>
<tr>
<td>Development Offices</td>
<td>CLOSED</td>
<td>CLOSED</td>
<td>OPEN</td>
</tr>
<tr>
<td>Financial Aid</td>
<td>OPEN</td>
<td>OPEN</td>
<td>OPEN</td>
</tr>
<tr>
<td>Human Resources</td>
<td>CLOSED</td>
<td>OPEN</td>
<td>CLOSED</td>
</tr>
<tr>
<td>Life Sports Center</td>
<td>OPEN</td>
<td>OPEN</td>
<td>OPEN</td>
</tr>
<tr>
<td>Mail Room</td>
<td>OPEN</td>
<td>OPEN</td>
<td>OPEN</td>
</tr>
<tr>
<td>Media Services</td>
<td>OPEN</td>
<td>OPEN</td>
<td>OPEN</td>
</tr>
<tr>
<td>Office of Information Technology</td>
<td>OPEN</td>
<td>OPEN</td>
<td>OPEN</td>
</tr>
<tr>
<td>Plant Operations</td>
<td>OPEN</td>
<td>OPEN</td>
<td>CLOSED</td>
</tr>
<tr>
<td>President's Office</td>
<td>OPEN</td>
<td>OPEN</td>
<td>OPEN</td>
</tr>
<tr>
<td>Provost’s Office</td>
<td>OPEN</td>
<td>OPEN</td>
<td>CLOSED</td>
</tr>
<tr>
<td>Public Relations</td>
<td>CLOSED</td>
<td>OPEN</td>
<td>CLOSED</td>
</tr>
<tr>
<td>Purchasing</td>
<td>CLOSED</td>
<td>CLOSED</td>
<td>OPEN</td>
</tr>
<tr>
<td>Registrar</td>
<td>OPEN</td>
<td>OPEN</td>
<td>OPEN</td>
</tr>
<tr>
<td>Residential Services</td>
<td>OPEN</td>
<td>OPEN</td>
<td>OPEN</td>
</tr>
<tr>
<td>Seegers Union</td>
<td>OPEN</td>
<td>OPEN</td>
<td>OPEN</td>
</tr>
<tr>
<td>Student Health Services</td>
<td>OPEN</td>
<td>OPEN</td>
<td>CLOSED</td>
</tr>
<tr>
<td>The Wescoe School</td>
<td>OPEN</td>
<td>OPEN</td>
<td>CLOSED</td>
</tr>
<tr>
<td>(OPEN if classes are being held)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Treasurer</td>
<td>CLOSED</td>
<td>CLOSED</td>
<td>OPEN</td>
</tr>
<tr>
<td>Trexler Library</td>
<td>OPEN</td>
<td>OPEN</td>
<td>OPEN 6 P.M. – 1 A.M.</td>
</tr>
</tbody>
</table>
4.4 JURY DUTY

If you are subpoenaed for jury duty or as a witness in a court action in which you are not a plaintiff or defendant, you will be granted leave to fulfill the obligation. The College will continue your pay during time spent on jury duty. Part-time employees will be granted jury duty leave on a schedule consistent with their part-time work schedule. You are expected to let your supervisor know about jury duty as much in advance as possible. You are expected to report to work if you are excused by the court.

4.5 DEATH IN THE FAMILY

When a death occurs in your family, you may receive time off with pay within the limits stated below. Such time is not charged against any other accrual and is considered bereavement leave.

<table>
<thead>
<tr>
<th>Death of spouse, child, or parent</th>
<th>4 Days</th>
</tr>
</thead>
<tbody>
<tr>
<td>Death of brother or sister</td>
<td>3 Days</td>
</tr>
<tr>
<td>Death of an aunt, uncle, grandparent, or grandchild</td>
<td>2 Days</td>
</tr>
<tr>
<td>Death of father-, mother-, brother-,sister-, son-, daughter- or grandparent-in-law</td>
<td>1 Day</td>
</tr>
</tbody>
</table>

Additional unpaid time off may be arranged subject to approval by your supervisor and the Vice President of Human Resources, or you may arrange to use vacation time.

4.6 ACCUMULATION OF SICK LEAVE CREDITS

You accumulate sick leave credit at the rate of one (1) day per month, with the exception of your anniversary month and the month after, for a total of ten days per year. You may accumulate a maximum of 130 sick day credits.

Part-time employees working at least 850 hours per year accumulate credit at the rate of one (1) Average Work Day per month, except for the anniversary month and the month after, for a total of ten Average Work Days per year. No sick leave accumulation is available to employees working less than 850 hours per year.

Unless otherwise provided, sick leave credit hours continue to accrue during paid absences, while on military leave of absence, and for the first six months of periods of absence while you are receiving income from Workers Compensation insurance. Sick leave is not accrued in any month when you are off pay status except as described above.

4.7 SICKNESS/DISABILITY ABSENCE

When you are out sick, you will be paid as long as you have accumulated sick days available. Your accumulation of sick credit hours will be reduced by the amount of time reported absent. The dollar amount of your sick pay will equal your current hourly rate of pay times the number of hours you normally are scheduled to work on the day of absence. If you are out sick for more days than you have accumulated, you will not be paid for those days.

After six months of sickness/disability leave, you may receive payment from the College's insurance carrier if you qualify for disability benefits. Please see the Benefits Sections entitled LONG TERM DISABILITY for details.
In those cases where a future "disability" is known, such as a planned surgery or childbirth, you should submit a statement from a physician to the Manager of Employment & Benefits. The statement should indicate the expected date(s) of your absence and when you may be expected to perform your normal duties both before and after the disability. In the absence of a physician's statement, or if there is any question about the advisability of your continuing active work, the matter may be referred by the Manager of Employment & Benefits to a College-appointed physician for final determination. If you expect to have elective or cosmetic surgery, you are expected to coordinate the timing with your supervisor so that the needs of the department are considered.

You may use sick leave for your own personal illness, injury, childbirth, or while you are under medical or dental care which precludes your working. Under the Family and Medical Leave Act, you also may be eligible to a special leave of absence if your presence is required to care for a sick family member. See the Human Resources office for details. You are expected to report your absence from work due to illness each day that you are sick. Give the reason for the absence and the date you expect to return. Failure to provide reasonable notice of your absence to your supervisor is considered willful misconduct and may result in termination of your employment. If you are absent without reporting your absence for three consecutive days, you will be considered to have abandoned your job and will have to re-apply for employment.

If you are unable to arrange medical or dental appointments on your time off, you may use sick leave credits in hourly components.

* Plant Operations employees on regular day shift are to report absences by calling (484) 664-3400 between 8:00 a.m. and 8:30 a.m. Later shifts must report between 9:00 a.m. and 3:00 p.m. Further departmental instructions should be followed in all cases of absence.

** Staff Associates are expected to notify their supervisor within thirty minutes of the beginning of their normal work day.

You may not use sick leave credit hours during your introductory period or on a holiday. Part-time employees may use sick leave credits only during their normal working periods. For example, sick pay is not available in June, July, or August to employees who normally work from September through May.

For all absences of five or more consecutive days, you must provide a physician's statement to your supervisor when you report back to work. Additionally, the College reserves the right to require a physician's statement for any absence. If you fail to provide such a statement when required or you report off improperly, you may be subject to disciplinary action which might include discharge. If you fail to report off as described above, you will lose pay for time missed.

If the pattern, frequency, or length of your use of sick leave is in question, you may be required to submit a medical release and/or written report which includes prognosis, diagnosis, and required treatment. This determination will be made jointly by the Vice President of Human Resources and your supervisor. A College-paid medical examination by a College-selected physician may be required by the Vice President of Human Resources.
4.8 PERSONAL DAYS

Each year, from one employment anniversary to the next anniversary, you may use up to three of your accumulated sick credits (days or average work days) as personal time to take care of unexpected emergencies. Personal days should be cleared in advance with your supervisor. These days are not to be used as vacation days, but are to be used for unavoidable events such as court appearances, mortgage closing, repair work or deliveries at your home.

4.9 SHORT TERM ABSENCES (UNPAID)

When your work performance, attitude, and absence record are satisfactory and you have given proper advance notice, your supervisor may grant you up to two working days off without pay upon your request to attend to a personal matter. First you must have exhausted your accrued vacation time. The Vice President of Human Resources must approve time off without pay in excess of two working days.

The College will make every effort to accommodate you if you request time off from work for a religious holiday not observed by the College. Such a request will be approved, without pay, as long as there is no interference with normal operations. If you prefer to take the day off with pay, you may use a vacation day for this purpose. Or, with your supervisor's approval, you may arrange to work on one of the established College holidays instead, and use a floating holiday for your religious holiday.
SECTION 5: LEAVES OF ABSENCE

5.1 GENERAL INFORMATION

This section describes leaves of absence for medical, personal reasons and military service. The College complies with all provisions of the Family and Medical Leave Act of 1993. For all medical and personal leaves, an "Application for Leave of Absence" must be completed. In reviewing leave of absence requests, the College will review the individual circumstances involved, taking into account the length of service, number of requests, dates, work load, and whether such work can be adequately performed by a temporary replacement. Detailed leave of absence provisions and information on eligibility requirements are available in the Human Resources Office.

Your benefits and sick/vacation accruals are suspended on the first day of the month coincident with or following the beginning of any unpaid leave. Accruals begin again upon your return to work. Should you wish to continue benefit coverage during an unpaid leave, you may arrange with the Human Resources office to do so by paying the full cost of the premiums one month in advance of the coverage date.

An employee on a leave of absence is expected to keep in regular contact with the supervisor and the Vice President of Human Resources during the leave, and to advise both of any changes to mailing address and/or telephone number during the leave.

5.2 MEDICAL LEAVE OF ABSENCE

In any case where a future medical absence is known (such as maternity or planned surgery), you must submit an Application for Leave of Absence in advance of your absence. Your doctor's statement must be attached, detailing the dates of your expected absence. A medical release also is required from your attending physician before returning to work. You will be paid during a medical leave for that portion of time which your sick leave credits and any vacation credits cover. Under the terms of our FMLA Policy, the College may require an employee to use up to half of his/her available sick and/or vacation accumulation prior to initiation of unpaid leave. After you have exhausted your sick/vacation credits, your medical leave of absence continues, without pay, for a maximum total period of six months. A maternity leave is treated in the same manner as other medical leaves. For information on a child care leave to extend beyond the medical leave, refer to the section on Personal Leaves of Absence. See Appendix E for complete FMLA Policy.

5.3 PERSONAL LEAVE OF ABSENCE (UNPAID)

A personal, unpaid leave of absence may be requested for many different reasons using the Application for Leave of Absence. Illness of a family member, adoption arrangements, child care, or other personal matters can form the basis for a personal leave. A child care leave will not be extended for more than six months from the time of the birth or adoption of a child. All personal leaves of absence are limited to a maximum continuous period of six months. You are not eligible for payment for sickness during a personal leave. If your leave is requested for a period of more than ten days, you must use accrued vacation before beginning the leave. Specific information on Family and Medical Leave provisions and eligibility requirements are available in the Human Resources Office and in Appendix E.
5.4 MILITARY LEAVE OF ABSENCE

You may request a military leave of absence in order to fulfill military obligations. The College has no provision to continue pay during such a leave, although you may choose to use accrued vacation to receive pay. Employees who return to work following military service are granted full reinstatement rights at no loss of seniority or benefits, as specified by Uniformed Services Employment and Reemployment Rights Act (USERRA). Employees must return to work (if service was for less than 31 days) or apply for reemployment (if service was for more than 31 days). See Appendix D for USERRA policy information.

5.5 REINSTATEMENT FROM LEAVE OF ABSENCE

You may return to your former position or to a comparable position, as determined by the Vice President of Human Resources, if and when an appropriate position is available. If your absence was for a Family and Medical Leave, your reinstatement will be guided by the provisions of the Family and Medical Leave Act. (Note: See Military Leave above for additional exception regarding guaranteed reinstatement rights.) You must submit your request to return to work in writing to your supervisor with a copy to the Vice President of Human Resources. You may request a return to work at any time during the leave, but your actual return date will be based upon the availability of an open position. If a comparable position is offered and you refuse the position, you will be considered to have resigned. If you fail to maintain contact with your supervisor or the Vice President of Human Resources, you will be considered to have resigned. Accrued benefits will be canceled at the expiration of the leave. Your employment ends if you do not return to work at the end of the approved leave of absence period.

SECTION 6: EMPLOYEE PRIVILEGES

6.1 REST PERIODS

* A rest period of fifteen minutes may be available to you during each continuous work period of four hours. The time is established by your supervisor.

6.2 LUNCH PERIODS

** Staff Associates normally are provided a lunch period of 60 minutes without pay. The time is established by your supervisor.

* Plant Operations and Security personnel normally are provided a lunch period of 30 minutes without pay. The time is established by your supervisor.

6.3 PARKING

Limited parking space is available to employees. Human Resources provides vehicle information registration forms for new employees and the Campus Safety Office issues a parking tag, free of charge, which designates the authorized campus parking location during each academic year. Improperly parked or unregistered vehicles on campus are subject to ticketing and fines. All fines are payable in the Controller's Office during normal Cashier window hours. Continued abuse of parking privileges will result in notification to your supervisor who may take disciplinary action. Information regarding parking regulations, any temporary parking restrictions, ticket appeal
process and annual return of parking tags is communicated by the Campus Safety Office on a regular basis. Contact the Campus Safety Office with questions, X3112.

6.4 EMPLOYEE IDENTIFICATION CARD

The Manager of Employment & Benefits will sign an authorization for an ID card for you. To secure an ID card, take the authorization to the desk in the Seegers Union building. Your ID card identifies you as a College employee and permits you to take advantage of other benefits, such as use of the library, admission to varsity athletic events or discounts to certain other on-campus programs. Please have your ID card with you for identification purposes whenever you are on campus. If you are a full-time employee, your spouse and dependent children may also secure ID cards identifying them as family members of a College employee.

Employee ID cards coded for access to specified areas are to be used only to allow the individual employee access. An employee's use of his/her ID card to allow others to gain access to secured areas is strictly prohibited.

6.5 TREXLER LIBRARY PRIVILEGES

College identification cards also function as library cards, entitling you to all library privileges, including borrowing videotapes.
6.6 LIFE SPORTS CENTER

Full-time employees and on-going part-time staff as well as spouses, same sex domestic partners and dependents (ages 18-23) of these individuals have unrestricted access to the Life Sports Center.

These privileges are extended with the understanding that, as with family members, the College employee is responsible for the actions of this individual relating to these privileges, including actions taken by this individual when he/she is visiting the campus, whether or not the individual is accompanied by the employee. The employee agrees to notify the Human Resources Office immediately should the individual no longer reside with the employee.

Hours of operation are posted by the Athletic Office. During the academic year, use of the racquetball courts and swimming pool by the employees is restricted to certain hours.

For further information please visit:  
http://www.muhlenberg.edu/main/aboutus/construction/facilities/lsc/policies.html

6.7 BOOKSTORE DISCOUNT

You are entitled to a 10% discount on most bookstore items. You must present your ID card to receive the discount on your purchase.

6.8 WELLNESS PROGRAMS

The College offers numerous wellness programs to encourage healthy living. Many of these courses are offered free or at a reduced cost to employees and their spouses.

6.9 CREDIT UNION

All College employees are eligible for membership in the Lehigh Valley Educator’s Credit Union and First Commonwealth Federal Credit Union. Savings deposits, direct deposits and loan payments may be made to the both credit unions through payroll deduction.
SECTION 7: LEGAL AND ETHICAL MATTERS

Ethical matters involving tips and gratuities, use of College personnel or materials for personal gain, conflict of interest, confidentiality, or holding another job should be discussed with your supervisor and the Vice President of Human Resources. Work for other employers, for yourself, or other employees of the College may not interfere with College assignments.

Collections, solicitations, and distributions of materials on campus require formal approval. Please inquire of the Vice President of Human Resources as to where approval may be secured.

7.1 EMPLOYEE RECORDS

Personnel records are maintained in the Human Resources Office for three years after termination of employment. Please use the appropriate change form to notify the Human Resources Office of any change in name, address, phone, marital status, new dependents, beneficiary, etc. Other offices will be notified as needed by the Human Resources Office.

When outside sources request information about your work record, the Human Resources Office will disclose only the dates of your employment and job title(s). Additional information such as current or past pay rates, scheduled increases, or financial background will be supplied only if you sign a written request to have the information released.

Your supervisor has been advised against releasing information about your work record, work quality, or the reason for your separation from employment to unauthorized parties without your written consent.

The Vice President of Human Resources will review your current personnel file with you if you wish. Please call the Human Resources Office to arrange an appointment. With the permission of the Vice President of Human Resources, you may be permitted to make copies of most of the materials in your file.

Supervisors who have direct responsibility for your work are entitled to inspect your file.

7.2 EMPLOYMENT OF RELATIVES

Your relatives will be treated in the same manner as other applicants. However, your relative will not be appointed to positions where you will supervise, review, or process each other's work.

7.3 PROBLEM RESOLUTION

Employees with concerns about unfair employment practices or discriminatory treatment should refer to the College's written problem resolution and complaint procedures. These procedures provide employees with an early and formal response to complaints. See Appendix B.

7.4 ATTENDANCE

You are expected to report for work regularly and promptly. If it is necessary to be absent from work, you are required to notify your supervisor according to stated instructions. Failure to do so may result in the termination of your employment with the College.
7.5 POLICY STATEMENT ON DISCRIMINATORY HARASSMENT

It is the policy of Muhlenberg College to provide an environment free from any form of sexual or discriminatory harassment. This policy applies to all College full and part-time employees, including management, staff, faculty, and support personnel and to all College students, contractors and consultants. All who work at the College are responsible for ensuring that the work and academic environment is free from discriminatory practices, including sexual harassment.

Specifically, the College expressly prohibits any form of unlawful harassment of its employees or students based on age, color, disability, gender, gender identity, national or ethnic origin, race, religion, sexual orientation, veteran status or any other basis protected by applicable federal, state or local laws. Sexual and other forms of discriminatory harassment are unacceptable conduct, whether on the College’s premises or in other College related activities and settings, and will not be tolerated by the College. Discriminatory harassment in the workplace is also prohibited by law.

For more information, refer to Appendix C.

7.6 AT WILL EMPLOYMENT

You are an "at will" employee without a contract of employment. This means that you may leave the College at any time and for any reason. It also means that the College may terminate your employment at any time and for any reason not prohibited by law.

7.7 POLICY ON ELECTRONIC COMMUNICATION AND INFORMATION ACCESS

The Policy on Electronic Communication and Information Access approved in July 2000 and updated in November 2005 is located in Appendix A. Violations of these policies should be reported to either the Provost, the Dean of Students, the Vice President of Human Resources, or the Director of Campus Safety and Security.
SECTION 8: SAFETY AND SECURITY

Safety programs are conducted to assure your safe and proper use of College equipment and facilities. Your work stations and areas should be clean and neat at all times. Your tools and equipment should be clean and in good working order. You are prohibited from making copies of a College-issued key, and you may not loan such a key to another person.

8.1 ACCIDENTS ON THE JOB

If you sustain an on-the-job injury or illness, you are required to report the incident to your supervisor and Campus Safety & Security. All on-the-job accidents are required to be reported immediately, but in no case later than 24 hours after the event. You should have a nurse in the Health Center attend to you. A procedure has been established so that you will receive appropriate medical attention in the campus Health Center and, if necessary, referral to a physician. If the Health Center is closed you will receive instruction from a Campus Safety & Security representative. Your supervisor will submit an injury report to the Human Resources Office for any injury sustained on College property. FMLA will run concurrent with any work-related injury.

The College uses a panel of physicians and other health care providers for all work related injuries. Employees must select a physician or other health care provider from the panel for treatment. In order to have medical treatment paid by the College’s insurer, the employee must continue to visit the physician or other health care provider for 90 days, if treatment is needed, from the date of the first visit.

8.2 SECURITY AND CARE OF EQUIPMENT

Loss, theft or damaged equipment, identification card, tools, keys, keycards and all other College property must be reported immediately but in no case later than 24 hours. In certain circumstances, you may be required to reimburse the College for repair or replacement costs. All keys, keycards, ID cards and any other College property must be returned to the College upon separation from employment.

If you will be in a College facility after the end of a work day, be sure that a member of Campus Safety & Security is aware of your presence. It is important that Campus Safety & Security be made aware of any persons who are not normally authorized to be in one of our buildings. You should always have your identification card with you.

Please report lost items found on campus to your supervisor. You should turn in such items to Campus Safety & Security. A report will be prepared by that department.

At the time of employment, employees of the Department of Campus Safety & Security will receive a personal copy of the Department of Campus Safety Rules of Conduct and Standard Operating Procedures. They will also receive a copy of the Student Handbook and the Pennsylvania Crimes Code. Campus Safety & Security employees are expected to be familiar with all appropriate sections of these documents. Each police officer is required to receive training as arranged by the Director of Campus Safety & Security.
8.3 EMERGENCY COLLEGE CLOSING

As a general policy, the College will remain open and fully operational during snow storms and emergencies. Any need for closure of offices will be determined by the President according to College policy. Individual office closing require the approval of the President. If the College is closed due to a snow emergency, announcements will be broadcast as early as possible (by 7-7:30 a.m.), on the following radio stations: WAEB(104.1 FM, 790 AM), WLEV (100.7 FM), WKFB (770 AM), WMUH (91.7 FM), WZZO (95.0 FM), WEST (1400 AM), WCTO (96.1 FM), WODE (99.9 FM), WWYY (107.1 FM), and WBYN (1160 AM). Additionally, announcements will be carried on TV Channels 69 (WFMZ), 16 (WNEP), 28 (WBRE) and 22 (WYOU).

* During an emergency College closing, Plant Operations and Campus Safety & Security employees are to report to work at regularly scheduled times unless otherwise instructed by the supervisor.

8.4 USE AND CARE OF COLLEGE VEHICLES

If your position requires you to drive on behalf of the College or drive College vehicles in the performance of your duties, your motor vehicle record will be reviewed prior to your initial employment and on an annual basis thereafter. If you use a College vehicle, you will be expected to keep the vehicle clean and to make timely reports to your supervisor of any mechanical problems observed.

8.5 WEAPONS POLICY

Muhlenberg College strictly prohibits use or possession of firearms, ammunition, explosives, weapons and items or materials of any kind that are designed to inflict serious bodily injury. These restrictions apply to all students, staff, faculty, vendors, contractors, and visitors with the exception of law enforcement and Campus Safety officers and extend to all College buildings, grounds, parking lots, College-owned or leased properties and College-owned vehicles. Exceptions to this policy must be approved in writing by the President or the Director of Campus Safety.

Approved by President’s Staff 12/14/2010.
APPENDIX A

MUHLENBERG COLLEGE

Policy on Electronic Communication and Information Access

Approved July 2000
Last Updated November 2005

The electronic communication System at Muhlenberg College is to be used primarily for purposes consistent with carrying out the College's educational mission. Examples of this System include, but are not limited to, the central computing facilities, the campus-wide network, local-area networks, attached computers and printers, stored programs and data, electronic mail, newsgroups, access to the Internet, the College telephone facilities including voice mail, departmental networks, campus CCTV, and the public computing facilities and related services, including Trexler Library computers. (Note: Above defines System, for subsequent use in the policy).

This policy applies to all Users of this System (including resources owned, leased by, subscribed to, or managed by Muhlenberg College), including but not limited to faculty and visiting faculty, staff, managers, students, guests of the management team, and external organizations and individuals accessing external services, such as the Internet and Library systems, via Muhlenberg's electronic communication system. (Note: Above defines User, for subsequent use in the policy).

By using this System, Users agree to the guidelines contained herein.
Electronic mail and Internet may be used for personal communication, but this may not take priority over intended business and academic uses. Priority for using this System will always be given to members of the College community. Because the College cannot guarantee the privacy of messages or documents stored on the System or transmitted through the System or through the Internet, use of the System for sending confidential or private personal information is discouraged. Users should be aware that electronic mail communications and voice mail communications can be a potential source of evidence in the process of attorney discovery in discrimination lawsuits or other litigation. (Note: Voice Mail should be treated same as e-mail).

Users of the College's System should not disclose their passwords to others. Documents or information stored in the System should not be accessed by anyone other than the author or recipient, or by the College, as stated below.

General policy requirements applicable to the use of the System are as follows:

1. Offensive, harassing, defamatory, or otherwise inappropriate communication via the System is prohibited. (Note: Above would address use of Instant Messenger and other non-e-mail transmissions).

2. Use of the System is subject to all legal and College prohibitions against discrimination and harassment based on based on age, color, disability, gender, gender identity, national or
ethnic origin, race, religion, sexual orientation, veteran status, or any other basis protected by applicable federal, state or local laws.

3. Obscene, objectionable or other offensive material, including material that may be interpreted as harassment by others, may not be viewed, downloaded, printed or transmitted via the System in public spaces.

4. System users are liable for any action or negligence that directly or indirectly results in adverse effects upon the System or its Users. The execution of computer programs intended to gain unauthorized access to, or make unauthorized use of, the System is prohibited. Users must abide by the terms of all software licensing agreements and copyright laws. Also, Users are prohibited from downloading software onto any Library or Computer Lab computer unless given prior approval by the Director of the Office of Information Technology or the Library Director.

5. Users of the System are obligated to respect the rights of others, the intellectual rights and the intellectual property rights of others when using these resources. Duplicating and/or distributing information, recordings, or images in violation of applicable copyright laws is not permitted.

6. Unless granted proper authority, Users are forbidden to access, transmit or release any information or data of a confidential nature, secured through their position with the College, to a person not authorized to receive such information. Further, the Family Educational Rights and Privacy Act (FERPA) mandates that certain types of student information may not be disclosed and/or distributed to unauthorized persons. This includes information transmitted and stored on the electronic mail system. Additional information relative to the provisions of FERPA is available from the Dean of Students or the Registrar.

7. College policy prohibits acts that are wasteful of System resources. Examples include, but are not limited to: sending or forwarding chain letters; sending mass electronic mailings not directly pertinent to College business; creating unnecessary multiple jobs or processes; excessive uploading or downloading of large files, or, creating unnecessary output or printed material.

8. The College System may not be used for personal financial gain, inappropriate or illegal activity of any kind. Users may not download to, install upon, create links to, or otherwise place on the System any data or program which consists of any advertisements for commercial enterprises, without prior approval.

9. The campus electronic mail system exists primarily to facilitate business communications between individuals and specific groups. To the extent that there is excessive use of "Everyone Group" messages (or similar mass mailings) to numbers of individuals who, given a choice, would choose not to receive them, the effectiveness of the System is compromised. Such messages must be restricted to campus emergencies and urgent operational messages, notification of campus meetings and events, and notification of College-sponsored events or other events off-campus, which relate to the College's educational goals. Messages such as notice of lost and found articles, promotion of political causes, and listing of personal sale items should not be sent via the campus e-mail system.
The ON CAMPUS faculty/staff newsletter and the campus MESSAGE BOARD are appropriate vehicles for lost and found and for sale items.

10. As is common in business and other organizations, it is the College's current practice that all information stored on this System, including the content of the electronic mail system and the content of the voice mail system, is normally copied daily to digital tape to provide a back-up copy in the event original records are damaged. These tapes are stored in a secure area where they are considered confidential and are retained for a period of four weeks. This means that electronic mail messages and voice mail messages deleted by an individual user subsequent to the College's daily backups may be retained for this period of time. After the four-week period the tapes are normally re-used. The College may change these and other operational practices from time to time. (Note: Voice Mail should be treated same as e-mail).

The College is the owner and administrator of this System. The College may exercise the right to access information stored on the System for business purposes such as retrieving College business-related information, troubleshooting problems, responding to complaints of misuse, and in order to comply with legal and regulatory interests. Where practical, efforts will be made to obtain express consent from the individual employee or student whose information is to be accessed. It is for these and other reasons that the College cannot guarantee the privacy of messages or documents stored on, or transmitted through the System.

Violations of these policies should be reported either to the Provost, the Dean of Students, the Vice President of Human Resources, or the Director of Campus Safety and Security. Violations could result in penalties imposed upon the User of the System. These penalties could include disabling of the User’s account(s), student suspension, student expulsion, employee suspension or termination, termination of access to the System, or liability for expenses incurred by wasteful usage (see point 4 under policy requirements).

The College maintains the right to monitor network use and discipline users, including faculty, staff members, managers and students, in accordance with human resource and electronic communication policy guidelines.

Note on Muhlenberg web pages (7/00): Under normal circumstances, links to commercial web sites that advertise and/or promote retail products are generally not allowed.

Any organization that is officially recognized by the Dean of Students' Office is eligible for its own listserv distribution list, effective Spring 2002. OIT is available for problems and issues arising with the technology, and is available to train officers to start up and maintain the list serve, but the sole responsibility for maintenance and updating information rests with the individual organizations and its officers.
A complaint is defined as the claim of an employee (the “complainant”) that s/he has been adversely affected by a breach or violation of the announced rules, regulations, and policies of Muhlenberg College as approved by the President and/or the Board of Trustees. The procedures set forth below provide both informal and formal mechanisms for resolving complaints. They are designed to ensure consistency and fairness in the College’s relations with its employees. No employee’s status within the College will be adversely affected because s/he utilizes these procedures.

These procedures may be invoked by any non-faculty employee who believes that s/he has been adversely affected by an action that violates Muhlenberg College’s rules, regulations, or policies, including Muhlenberg College’s policy against discrimination in employment based on age, color, disability, gender, gender identity, national or ethnic origin, race, religion, sexual orientation, veteran status, or any other basis protected by applicable federal, state or local laws. Because employment at Muhlenberg College is at-will, termination decisions may be challenged under these procedures only where they are believed to be in violation of Muhlenberg College’s rules, regulations, or policies, including Muhlenberg College’s policy against discrimination in employment based on age, color, disability, gender, gender identity, national or ethnic origin, race, religion, sexual orientation, veteran status, or any other basis protected by applicable federal, state or local laws. Further information regarding sexual harassment may be found in the “Policy Statement on Discriminatory Harassment” available from the Human Resources Office.

The policy of Muhlenberg College is to encourage employees to report promptly any perceived violation of rules, regulations, or policies, including discriminatory action. The College will endeavor to promptly investigate and resolve complaints in an equitable manner.

Under ordinary circumstances, it is expected that a complaint, formal or informal, will be asserted within one month of the perceived violation or discriminatory action. Any complaint not presented within this time period shall be deemed to have been waived. While it is preferable, it is not necessary that informal complaint procedures be utilized prior to the initiation of formal complaint procedures by a complainant.

The investigation of employee’s complaints will be handled in a confidential manner by Muhlenberg College. Muhlenberg College, in turn, expects that during and following the investigation of any employee complaint, all individuals involved in the investigation will respect the confidentiality of the process and the privacy of others. Any individual who intentionally breaches the confidentiality of this process and/or violates the privacy interest of others will be subject to disciplinary action.
INFORMAL COMPLAINT PROCEDURES

Relationships between people in the workplace involve occasional problems. In most instances all parties will benefit if problems can be resolved promptly, in an atmosphere that encourages cooperative efforts toward an amicable resolution, and without resort to formal complaint procedures. For this reason employees are urged to identify problems and to seek resolution in an informal manner whenever possible.

Unless the problem arises from the action of the complainant’s supervisor and the complainant reasonably believes discussions with his/her supervisor would be futile, initial consultation between the complainant and his/her supervisor is appropriate and expected. If the supervisor is involved in the alleged violation and the complainant reasonably believes discussions with his/her supervisor would be futile, the complainant should consult that person’s supervisor or the Vice President of Human Resources.

A variety of approaches may be pursued by the complainant and/or the supervisor, at the option of the complainant, in an effort to resolve the matter. These approaches include but are not limited to the following:

a. The complainant may seek, within a one-month period, to resolve the matter directly with the individual(s) whose actions prompted the complaint (the "respondent"). If the complainant does so, the respondent shall within 7 days, respond to the complainant’s concerns in an effort to clarify, interpret, and/or offer a resolution to the matter. Depending upon the circumstances, a written response from the respondent may be appropriate.

b. The complainant may seek the intervention of his/her supervisor or, where circumstances warrant, the next highest college supervisor, in resolving the complaint. If s/he does, the supervisor shall, within 7 days, explore the matter and respond to the complainant in an effort to clarify, interpret and/or offer a resolution to the matter. Depending upon the circumstances, a written response from the supervisor may be appropriate.

c. The complainant, with the approval of the respondent, may seek the advice and counsel of a third party, whom both parties trust, to explore possible resolutions to the matter.

Should the complaint be resolved during the informal process, the complainant or other interested party may ask that Vice President of Human Resources maintain a confidential record of the complaint and its resolution.

FORMAL COMPLAINT PROCEDURES

Muhlenberg College has established formal complaint procedures that may be invoked if a complaint remains unresolved following the use of informal complaint procedures, or if the complainant elects to forgo the benefits of the informal complaint process. The formal procedure begins when the complainant presents his/her complaint, in writing, to the Vice President of Human Resources. The matter will be considered a formal complaint upon receipt of the complaint in writing by the Vice President of Human Resources.

The Content of the Complaint
Although no particular format is required, the complainant shall provide the following information in writing to the Vice President:
1. Descriptive statement of facts and circumstances that provide the basis for the complaint, including the identity of any person(s) involved or with knowledge of facts or circumstances underlying the complaint.
2. Date(s) of the incidents and time period of the complaint.
3. Descriptions of attempts, if any were made, to resolve the complaint on an informal basis and the results of those attempts.
4. Signature of the employee and the date of the complaint.

The Review Board
The Vice President of Human Resources will select a Review Board to review the matter within 14 days of receipt of the written complaint. The Review Board shall consist of four impartial members chosen from the college administration. The method of selection shall be as follows:

One member shall be recommended by the complainant and one member by the respondent – both to be approved by the Vice President of Human Resources. The remaining two persons will be selected by the Vice President of Human Resources.

During the selection process, both the complainant and the respondent may disapprove the selection of one of the persons chosen and request that another person be recommended by the individual who completed the initial selection. No member of the Review Board will be selected for the purpose of serving as an advocate, nor will any member serve as an advocate during the review process. Review Board members will be selected to exercise independent judgment on the issues presented in the case. The Board will name one of its members as chair.

Should the case involve sexual harassment, the Vice President of Human Resources shall guarantee an equal membership of males and females on the Review Board.

All meetings of the Review Board will be private and their deliberations will be confidential; only those persons authorized by the Board may attend, although it is generally to be expected that individuals requested to appear on behalf of an affected party will be heard. Decisions and recommendations of the Review Board will normally be made by consensus rather than by majority vote.

The Role of the Review Board
Ten days prior to the date set for the Review Board meeting, written notice of the time, place, and purpose of the Review Board meeting should be given to the complainant and the respondent.

At the same time, the respondent should also be given notice of the formal complaint filed against him/her, his/her right to have a person of his/her choosing present at the hearing as an observer, and his/her rights at the hearing. There shall be no right for any party to have counsel at the hearing. The Review Board will conduct the hearing and examine witnesses and documents in the order and manner deemed appropriate by the chair. However, the complainant and the respondent also have the right to call and examine the witnesses, introduce written evidence, cross examine any witness regarding any relevant matter, and make opening statements and summations either orally or in writing.

The complainant may be required by the Review Board to be present at the hearing. The complainant’s failure to appear upon request of the Review Board may waive all rights under the complaint procedures.
A record shall be kept of the hearing and shall include all exhibits offered and at least a summary of the testimony taken. The manner of creating the record shall be within the discretion of the chair of the Review Board. A tape recording shall be an acceptable means of keeping a record.

The Review Board may obtain expert advice as it deems necessary.

The Review Board’s hearing will not be conducted strictly according to rules of evidence or procedures applicable in courts of law; the chair of the Review Board shall make determination as to the actual procedures to be used at the hearing and the relevance of certain matters. Any relevant matter upon which responsible persons customarily rely in the conduct of serious matters may be considered. The burden of proof shall be on the complainant.

Within 21 days of reviewing the facts of the case, the Review Board shall provide to the Vice President of Human Resources its written findings and recommendations on the issues raised. It will list its recommended actions and state the rationale for its recommendations.

**The Role of the Vice President of Human Resources**
Within 21 days of receipt of the Review Board’s recommendations, the Vice President of Human Resources will consider the Review Board’s recommendations and will make a written determination of the issues and the actions to be taken. S/he will provide copies of his/her written determination to the complainant, respondent, and the Review Board.

**Final Resolution and Appeals**
A complaint will be considered resolved if neither the complainant nor the respondent requests further consideration and review within a period of 7 days following receipt of the Vice President’s determination.

Appeals may be requested in writing through the Vice President of Human Resources to the President of the College. Such written appeals shall be transmitted immediately to the President for review and determination.

**The Authority and the Role of the President**
The President, or his/her designee, shall review the recommendations of the Review Board and the determination of the Vice President and, within 14 days, provide to the complainant and the respondent his/her written determination of the matter. Written determinations of the President of the College, or his/her designee, shall be regarded as final.

*No Penalty for the Complaint*
There will be no discrimination, and/or penalty, against any employee for his/her part in the presentation of a complaint.

**Records**
Appropriate arrangements shall be made in the Human Resources Office for the retention of records of actions that are the result of formal complaint procedures involving non-faculty employees. Tape recordings of Review Board proceedings may be made, but a written transcript will not be made unless the complainant or respondent secures the services or a court reporter and pays the cost thereof. All documentation/evidence that is gathered pursuant to the filing of a formal complaint will be kept in a confidential file and released to appropriate persons only on an “as needed” basis.
Additional Time
Although the need for expediency is demonstrated through stated timetables, it is understood that additional time may become necessary at any stage of the formal process. Requests for additional time should be presented to the Vice President of Human Resources. Any such requests shall be communicated by the Vice President of Human Resources to the complainant or respondent.

Amendments
These procedures may be amended by the President in consultation with the Executive Committee of the Board of Trustees.
APPENDIX C
MUHLENBERG COLLEGE
POLICY STATEMENT ON DISCRIMINATORY HARASSMENT

Prohibition of Sexual and Discriminatory Harassment

It is the policy of Muhlenberg College to provide an environment free from any form of sexual or discriminatory harassment. This policy applies to all College full and part-time employees, including management, staff, faculty, and support personnel and to all College students, contractors and consultants. All who work at the College are responsible for ensuring that the work and academic environment is free from discriminatory practices, including sexual harassment.

Specifically, the College expressly prohibits any form of unlawful harassment of its employees or students based on age, color, disability, gender, gender identity, national or ethnic origin, race, religion, sexual orientation, veteran status or any other basis protected by applicable federal, state or local laws. Sexual and other forms of discriminatory harassment are unacceptable conduct, whether on the College’s premises or in other College related activities and settings, and will not be tolerated by the College. Discriminatory harassment in the workplace is also prohibited by law.

Definition and Examples of Sexual and Discriminatory Harassment

For the purpose of this policy, the term “sexual harassment” includes any unwelcome or unwanted sexual attention, sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature or other offensive behavior directed toward an employee or student because of or on account of his or her gender or gender identity, whether by a person of the opposite or same gender, when:

1. submission to or rejection of such conduct by an individual is used as a basis or factor in decisions affecting the terms or conditions of employment or education of any individual; or
2. submission to or rejection of such conduct by an individual is used either explicitly or implicitly as a basis for academic or employment decisions affecting that individual; or
3. such conduct has the purpose or effect of unreasonably interfering with an individual’s academic or professional performance; or
4. such conduct creates an intimidating, hostile or offensive academic, employment, educational or living environment.

Examples of the types of conduct that constitute sexual harassment include, but are not limited to: threatening adverse employment or academic actions if sexual favors are not granted; unwanted and unnecessary physical contact; demands for sexual favors in exchange for favorable treatment or continued employment; display of pornographic material; excessively offensive remarks, including unwelcome graphic or suggestive comments about an individual’s body, appearance or dress, obscene jokes or other inappropriate use of sexually explicit or offensive language; the display in the workplace of sexually suggestive objects or pictures which create an intimidating or hostile work environment; and other unwelcome and unwanted conduct of a sexual nature, such as leering, name calling and sexual innuendoes.
Examples of the types of conduct, when done in isolation, that generally will not constitute sexual harassment include, but are not limited to: simple teasing, offhand comments, and joking which does not include sexual innuendo.

For purposes of this policy, “discriminatory harassment” includes any unwelcome or unwanted attention, and other verbal, visual, or physical conduct or other form of offensive behavior directed toward an employee because of or on account of his or her race, color, religion, national origin, age, disability, gender, gender identity, sexual orientation, veteran status, (or such conduct or behavior that may be offensive on the basis of race, color, religion, national origin, age, disability, gender, gender identity, sexual orientation, or veteran status and to which an employee may be exposed, directly or indirectly) when:

1. submission to or rejection of such conduct by an individual is used as a basis or factor in decisions affecting the terms or conditions of employment of any individual; or
2. submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s work performance; or
3. such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance; or
4. such conduct creates an intimidating, hostile or offensive work environment.

Examples of the types of conduct that constitute discriminatory harassment include, but are not limited to: any form of discriminatory treatment based on race, color, religion, national origin, age, disability, gender, gender identity, sexual orientation, veteran status; communication or display of offensive material capable of a stereotypical or discriminatory meaning; offensive remarks containing stereotypical or discriminatory references, including unwelcome comments about an individual’s body, appearance, manner, speech or dress capable of a stereotypical or discriminatory meaning; racial, religious, ethnic or other stereotypical or discriminatory jokes or other inappropriate use of racial, religious, ethnic or other discriminatory language capable of a stereotypical or discriminatory meaning; the display in the workplace of objects, drawings or pictures which create an intimidating or hostile work environment; and other unwelcome and unwanted conduct of a stereotypical or discriminatory nature, such as name calling and racial, religious or ethnic innuendoes.

**Coverage**

This policy covers all College students and employees without exception. The College will not tolerate, condone, or allow discriminatory harassment, whether engaged in by faculty, students, fellow employees, supervisors, managers, customers, vendors or other non-employees who conduct business with the College. The College encourages the reporting of all incidents of harassment, regardless of who the offender may be.

**Open-Door Complaint Procedure**

The College encourages individuals who are being unlawfully harassed to firmly and promptly notify the offender that his or her behavior is unwelcome. In the event that such informal, direct communication between individuals is either ineffective or too difficult, the following steps should be followed in reporting a discriminatory harassment complaint.

Anyone who feels that he or she has been subjected to harassment in violation of this policy, or has been retaliated against for making a report of discriminatory harassment or for providing information concerning an act of discriminatory harassment shall promptly report the incident,
either verbally or in writing. A faculty or staff member should report matters of alleged discriminatory harassment directly to the Vice President of Human Resources or the Provost. In addition, a student may report matters of alleged discriminatory harassment directly to the Dean of Students.

All reports of discriminatory harassment will be documented in writing by the person receiving the complaint and signed by the complainant. The full and complete cooperation of the complainant is vitally necessary for the prompt and effective investigation and remediation of all harassment, discrimination or retaliation complaints.

The Vice President of Human Resources, the Provost, and the Dean of Students or other senior management official, will investigate all allegations of discriminatory harassment in as thorough, prompt, and confidential a manner as is reasonably possible. The College will undertake all investigations with due regard to the privacy of all parties involved consistent with a thorough and appropriate investigation. Where necessary, the College will engage a lawyer or consultant to investigate the complaint and provide guidance in handling the matter.

**Resolving the Complaint**

Upon completing the investigation of a discriminatory harassment complaint, the College will communicate its findings and intended action to the complainant and to the alleged harasser.

If the College determines after an investigation that there is no substantial basis to conclude that there has been discriminatory harassment in violation of this policy, the College will inform the complainant and the accused.

If the College determines after an investigation that there is a substantial basis to conclude that there has been discriminatory harassment in violation of this policy, appropriate disciplinary action will be taken, commensurate with the College’s judgment as to the seriousness of the particular offense, up to and including termination of employment or expulsion from the College. Although penalties may differ for students and employees, disciplinary action may include one or more of the following: a verbal and written reprimand; referral to counseling; withholding of a promotion; reassignment; temporary suspension without pay; suspension from classes and student activities; financial penalties; and termination or expulsion.

The College’s ability to discipline a non-employee harasser is limited by the degree of control, if any, that the College has over the alleged harasser. Any employee or student who has been subjected to employment or academic related discriminatory harassment by a non-employee should file a complaint.

**Retaliation Prohibited**

The College will not retaliate against an individual who makes a report of discriminatory harassment or provides information concerning an act of discriminatory harassment, nor permit any other employee or student to do so. Retaliation is a serious violation of this policy. Any acts of retaliation or threatened retaliation should be reported immediately. Any person found to have retaliated against another individual for reporting discriminatory harassment will be subject to appropriate sanctions, including all of the same disciplinary actions noted above for discriminatory harassment offenders.
APPENDIX D
MUHLENBERG COLLEGE

MILITARY LEAVE OF ABSENCE POLICY AND THE UNIFORMED SERVICES
EMPLOYMENT AND
REEMPLOYMENT RIGHTS ACT (USERRA)
(Effective April 22, 2010)

Policy
It is the policy of Muhlenberg College to comply with the provisions of the Uniformed Services Employment and Reemployment Rights Act (USERRA) and applicable state laws regarding military leave of absence. USERRA protects the reemployment rights and health care benefits of uniformed service members who leave their civilian jobs for military service.

A. Administration
The Vice President of Human Resources is responsible for the administration of this policy.

B. Eligibility
USERRA applies to people serving in the Army, Navy, Air Force, Coast Guard, and Marine Corps, including members of the Reserves and National Guard, commissioned corps of the Public Health Service, and service as a disaster-response appointee upon activation of the National Disaster Medical System. Service includes active duty, active and inactive duty for training, examination to determine fitness for duty, and funeral honors duty by National Guard or Reserve members.

Employees who return from military service are eligible for reemployment and continuation of health coverage if they meet the following criteria:

- The employee is absent from their position because of his or her service in the uniformed services;
- The employee must notify Human Resources at least 30 days in advance of the impending military service. This notice may be in writing or verbally. (Failure to provide advance notice is excused only if giving notice was impossible, unreasonable, or precluded by military necessity.);
- The employee’s leave of absence for uniformed service does not exceed five years. (Under certain circumstances, employees who serve more than five years may still have reemployment rights.);
- The employee must return to work or apply for reemployment in a timely manner after the conclusion of military service.

Service members must have an existing employment relationship with Muhlenberg College to be eligible for USERRA continuation coverage. Service members who are dependents of active employees, or who are retirees, are not entitled to elect USERRA continuation coverage.

An employee loses his or her reemployment rights if discharged from military service for dishonorable or other conduct.
C. **Compensation**
Eligible employees who serve in the uniformed services will be placed on unpaid military leave of absence status for all days they are engaged in military service.

D. **Continuation of Health Care Coverage**
Under USERRA, employees who are members of *any uniformed service* and their covered dependents have the right to continue their existing Muhlenberg College health care coverage for up to 24 months during military leave. Employees and their covered dependents must elect continuation coverage within 60 days of giving notice of military service. If the employee leaves work for military service without electing continuation coverage, the employer may cancel the employee’s health care coverage upon the employee’s departure for military service (if the period of military service lasts for more than 30 days). Dependents must make the same decision as the employee regarding electing or waiving USERRA continuation coverage.

If the employee is on military duty for less than 31 days, Muhlenberg College will continue to pay our portion of the premium for health care coverage. The employee must pay his/her share of the premium for him/herself and covered dependents in order to keep the benefits active. This is the same amount the employee would have paid had they been at work instead of on leave.

If the employee is on military duty for more than 31 days, he/she may be required to pay up to 102% of the full premium (the employee’s share plus the employer’s share plus administrative costs). USERRA continuation coverage is available for up to 24 months.

The employee’s premium payment obligation begins on the first day of the continuation coverage. The initial premium payment must be made within 45 days after the date of election. Subsequent payments are due monthly on the first day of each month within a 30-day grace period with each subsequent period. Continuation coverage will be cancelled if payments are not received by the end of the grace period.

When the employee returns to work following military leave, the employee and his/her eligible dependents’ coverage under the group health plan will be reinstated without a waiting period.

If the employee does not return to work at the end of the military leave, the employee may be required to reimburse Muhlenberg College for the cost of the premiums paid by the college to maintain coverage during the military leave of absence.

In addition to the rights an employee has under USERRA, an employee and his/her covered dependents (if any) are also entitled under the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) to continue the health coverage they had (if any). The 24 months of continuation coverage under USERRA runs concurrently with continuation coverage provided under COBRA.

E. **Returning to Work/Applying for Reemployment**
Employees who return to work following military service are granted full reinstatement rights at no loss of seniority or benefits, as specified by USERRA. Employees must return to work (if service was for less than 31 days) or apply for reemployment (if service was for more than 31 days) in a timely manner after the conclusion of military service.
Reemployment will occur within two weeks of the employee’s application for reemployment, when possible. Employees who do not return to work or notify Muhlenberg College of their intent to return to work will lose their right to continuation coverage under USERRA. The time required for returning to work depends on the period of uniformed service as follows:

- Less than 31 days, or any period if for purposes of an examination for fitness to perform uniformed service: The beginning of the first regularly scheduled work period on the day following the completion of service, after allowing for safe travel home and an eight-hour rest period. If this is impossible through no fault of the employee, as soon as is possible;
- More than 30 days but less than 181 days: An application for reemployment must be submitted (written or oral) within 14 days after completion of service. If that is unreasonable or impossible through no fault of the employee, on the first full day on which it is possible to do so;
- More than 180 days: An application for reemployment must be submitted (written or oral) within 90 days after completion of service;
- Any period if the employee was hospitalized for, or is recovering from, an injury or illness incurred or aggravated as a result of service: Report to work or submit an application for reemployment as above, except that time periods begin when the employee has recovered from the injury or illness rather than upon completion of service. The maximum period for recovery is limited to two years from completion of service, but may be extended if necessary.
1. A Muhlenberg College employee is eligible to request an unpaid FMLA leave of up to 12 weeks if he/she has been employed by the College for at least twelve (12) months and has worked at least 1250 hours during the twelve (12) month period immediately preceding the leave.

2. Subject to the requirements described in this policy, an eligible employee may request and will be granted up to twelve (12) workweeks of unpaid FMLA leave during any twelve (12) month period for any one or more of the following reasons:
   a. the birth and care of a newborn child;
   b. the placement of a child for adoption or foster care and care of the newly placed child in the employee’s home;
   c. the care of the employee’s spouse, child, or parent with a serious health condition; or;
   d. the employee’s serious health condition which renders him/her unable to perform one or more of the essential functions of his/her position.

3. For purposes of calculating the amount of FMLA leave an eligible employee may request, the term “during any twelve (12) month period” means a rolling twelve (12) month period measured backward from the date requested leave will be used.

4. The taking of a FMLA leave shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced; however, nothing in this policy shall entitle any employee to the accrual of any seniority or additional employment benefits during the period of the leave.

5. Unless one of the exceptions in the law applies, an employee who takes an FMLA leave for the intended purpose of the leave shall be entitled, on timely return from the leave and completion of all required documentation, to be restored to the position of employment held with the leave commenced or to an equivalent position with equivalent employment benefits, pay and other terms and conditions.

6. At the election of the eligible employee, any group health plan will be maintained for the duration of an FMLA leave and at the level and under conditions coverage would have been provided if the employee had continued in employment for the duration of the leave. The employee will be responsible for paying his/her share of the premium. While on an unpaid FMLA leave, the employee will be responsible for paying this part of the premium by submitting payment to the Human Resources Office on or before each regular payday. The College may recover its share of the premiums for maintaining coverage for the employee under such group health plan during the period of an FMLA leave if the employee fails to return to work (or returns but fails to stay 30 calendar days) for reasons other than the continuation or onset of a serious health condition entitling the employee to FMLA leave or other circumstances beyond the employee’s control. Certification of inability to return to work may be required.
7. As permitted by the FMLA regulations, the College may require an employee to use up to half of his/her available sick and/or vacation accumulation prior to initiation of unpaid leave. At the employee’s request, all of his/her sick and/or vacation accumulation may be used prior to unpaid leave in order to extend the paid portion of FMLA leave. Upon exhaustion of the above-described accrued paid leave, the remainder of any FMLA leave will be unpaid. In no case will the combination of paid and unpaid leave used for an FMLA purpose exceed twelve (12) workweeks in any twelve (12) month period as defined herein.

8. FMLA leave for the birth/care of a child or for the placement of a child for adoption or foster care must be taken within the twelve (12) month period which starts on the date of such birth or placement. Regardless of when such leave begins, it will end no later than the end of the twelve (12) month period. Unless specifically permitted, FMLA leave for these purposes cannot be taken on an intermittent or reduced leave schedule.

9. An eligible employee who foresees that she/he will require a leave for the birth/care of a child, or for adoption or foster care placement, must notify the Human Resources Office in writing not less than thirty (30) calendar day in advance of the start date of the leave. If not foreseeable, the employee must provide as much written notice as is practicable under the circumstances, generally within two (2) working days of learning of the need for leave.

10. An eligible employee who foresee that she/he will require a leave of absence due to planned medical treatment for herself/himself or for her/his spouse, child or parent, must notify the Human Resources Office in writing as early as possible so that the absence can be scheduled at a time least disruptive to the College’s operations. Such notice should be at least thirty (30) calendar days in advance of the start of leave, unless impracticable, in which case the employee must provide written notice as early as circumstances permit, generally within two (2) working days of learning of the need for leave.

11. If the requested leave is to care for a spouse, child or parent who has a serious health condition, the employee will be required to file with the Human Resources Office in a timely manner a health care provider’s statement that the employee is needed to care for the son, daughter, spouse or parent and an estimate of the amount of time that the employee is needed for such care.

12. If the requested leave is because of a serious health condition of the employee which renders her/him unable to perform one or more of the essential functions of her/his position, the employee may be required to file with the Human Resources Office a health care provider’s statement as allowed by the FMLA.

13. Subject to the limitations and certifications allowed by the FMLA, leaves taken for a serious health condition may be taken intermittently or on a reduced leave schedule when medically necessary, provided a health care provider certifies the expected duration and schedule of such leave and provided further that where such leave is foreseeable based upon planned medical treatment the employee attempt to schedule the leave so as not to disrupt operations of his/her department. The employee may be required or may elect to transfer temporarily to an available alternative position for which the employee is qualified and that has equivalent pay and benefits and better accommodates recurring periods of leave than the employee’s regular position.
14. An employee on an approved leave under this policy must inform the Human Resources Office every thirty (30) days regarding her/his status and intent to return to work upon conclusion of the leave. An employee may also be required to submit a fitness-for-duty certification before returning to work.

15. In any case where there is reason to doubt the validity for the health care provider’s statement or certification for leaves taken for a serious health condition, the College may, at its expense, require second and third opinions, as specified by the FMLA, to resolve the issue.

The provisions of this policy are intended to comply with the Family and Medical Leave Act of 1993, and any terms used from the FMLA will be as defined in the Act or the U.S. Department of Labor ("DOL") regulations. To the extent that this policy is ambiguous or contradicts the Act or DOL regulations, the language of the Act or regulations will prevail.
GLOSSARY

ANNIVERSARY MONTH
Your anniversary month is determined by your starting date with the College. If you started on the
First through the fifteenth of the month, the month you started is your anniversary month. If you
started work after the fifteenth of a month, the following month is your anniversary month. For
example, if you started your employment with the College on August 3, then August is your
anniversary month. If you started on August 18, then September is your anniversary month.

ANNIVERSARY YEAR
The time between your anniversary month in one year and your anniversary month in the next year.
For example, if your anniversary month is August, one anniversary year would be from August 1, of
the current year to July 31, of the following year. You earn vacation and sick leave credits during
each anniversary year. A total of one year’s vacation eligibility may be carried forward into the next
anniversary year.

ANNUAL HOURS ASSIGNMENT (AHA)
The number of hours budgeted and authorized for a position in a fiscal year.

* A full-time Plant Operations employee has an AHA of 2080 hours a year.
** Many full-time Staff Associate have an AHA of 1755 hours a year or 1820 hours a year.

AVERAGE WORK DAY
For biweekly employees, the Annual Hours Assignment divided by 260. 260 is five days a week
times 52 weeks a year. The average work day is the average number of hours an employee is
appointed to work per day over a 52 week period. Average Work Day is used to determine benefits
such as vacation and sick leave accumulations for some employees.

APPOINTMENT LETTER
The letter the Human Resources Office sends to new employees outlining, pay, benefits, and other
conditions of employment. Also the letter sent annually to each support staff employee indicating
changes in pay or benefits for the next year if the employee continues employment with the College.

AT WILL EMPLOYMENT RELATIONSHIP
The relationship between the College and an employee which permits the employee and/or the
College to end the employment relationship with or without notice, with or without cause.

COBRA
The Consolidated Omnibus Budget Reconciliation Act of 1986. This federal law required the
College to offer continuing enrollment in health benefit plans to employees leaving the College
and/or to dependents under certain conditions (e.g., divorce, full-time student graduates from
College, etc.)

CONTRACT EMPLOYEE
An employee who enters a signed and contracted relationship of employment with the President for
a specific term. This term applies to faculty.

EMPLOYEE
Throughout this handbook, the word "employee" refers to support staff employees who are non-
exempt employees covered under the hourly pay section of the Fair Labor Standards Act.
INTRODUCTORY STATUS
A period of 90 days (or up to 400 hours for part-time employees) occurring immediately following employment or reassignment to introduce the employee to the College and/or the new position. May be extended for an additional 90 days upon supervisory recommendation and Human Resources approval.

MEDICAL LEAVE
A period when an employee is not working because of illness or injury after exhausting all sick leave and vacation benefits. The employee is responsible for requesting continued health benefits coverage through the Human Resources Office and must pay the full premium cost during an unpaid medical leave.

NON-CONTRACT EMPLOYEE
An employee who is employed in an at will relationship with no assurance of a specific length of employment. This category includes non-exempt employees and administrative managers.

NON-EXEMPT EMPLOYEE
An employee who is covered by the Fair Labor Standards Act and receives overtime pay for work performed in excess of 40 hours per week. This includes Staff Associates, Plant Operations and Campus Safety & Security staff.

NON-PAY STATUS
A pay period during which an employee receives no pay. In most instances, during such a period the employee is responsible for 100% of the cost of continuing benefits premiums. This includes the cost the College usually pays during a period of active employment.

PAY CREDIT
Sick leave, vacation or other accrued credits for which an employee may be paid as these types of days are used.

PAY STATUS
A pay period during which an employee receives pay for any reason, including vacation, sick leave, holiday, etc.

POLICY
Guidelines for decision making which ensure consistency with overall plans and goals.

PROCEDURE
A defined set of steps or required actions.

REGULAR STATUS
The status of an at-will employee following a satisfactory introductory period of employment. Accrued vacation days begin to be available for use after attaining regular status.

RULE
A requirement for certain action or restraint from action.

REGULATION
A legal requirement.

SEPARATION LETTER
A letter detailing terms, dates, and benefits when employment ends.

**SICK LEAVE CREDIT**
A day (or Average Work Day) added to an employee's sick leave bank. Each employee earns 10 sick leave credits per year.

**SUPPLEMENTAL RETIREMENT ANNUITIES**
Additional voluntary accounts that employees may use to set aside extra money for retirement beyond the funds contributed by the College.

**TEMPORARY EMPLOYEE**
A person appointed to a position for a specified period, normally no more than six months. No benefits, including paid leaves, are available to temporary employees.

* Refers to Plant Operations employees

** Refers to Staff Associates