

Bates College

EMPLOYEE HANDBOOK

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EMPLOYEE HANDBOOK

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GENERAL POLICIES

GENERAL POLICIES

101 STATEMENT OF COMMUNITY PRINCIPLES

Membership in the Bates community requires that individuals hold themselves and others responsible for honorable conduct at all times. Together we create the educational and social setting that makes Bates College unique, with an atmosphere characterized by trust and mutual concern. Our actions must support our ability to work, study, live and learn together productively and safely. We are dedicated as a community to intellectual honesty and to the protection of academic freedom. We believe these values are fundamental to scholarship, teaching, and learning. We expect each other to maintain the highest integrity in all of our academic and social undertakings.

102 DIVERSITY STATEMENT

Bates values a diverse college community. Moreover, Bates does not discriminate on the basis of race, color, national or ethnic origin, religion, sex, sexual orientation, marital or parental status, age, or disability, in the recruitment and admission of its students, in the administration of its educational policies and programs, or in the recruitment and employment of its faculty and staff.

103 LANGUAGE POLICY

Bates College recognizes and values access, within its community, to diverse cultures and traditions through practice, use and encouragement of multiple languages. In keeping with this commitment, no College agency (office or unit) shall adopt a policy (or create an implicit expectation) which requires of employees the use of only the English language in the workplace.

While the College encourages employees to be sensitive to the need to communicate freely and effectively with each other, particularly in emergency situations or hazardous circumstances, the College has determined (in compliance with Title VII of the 1964 Civil Rights Act and EEOC Guidelines 29 CFR, part 1606.7) that this goal does not warrant English-only regulations in any of its operations.

104 APPLICABILITY OF HANDBOOK

This handbook applies to all faculty, staff, and volunteers of Bates College. Certain sections of the handbook apply to staff members only and are duly noted by use of the term STAFF instead of employee. The Faculty Handbook of Bates College governs matters specific to faculty only. If there are unintended conflicts between the contents of this document and faculty legislation, the Dean of the Faculty will resolve conflicts in consultation with the Director of Human Resources.

While informative, the Employee Handbook does not constitute a contract between Bates College and any or all of its employees. However, the College must reserve the right to modify, revoke, suspend, or terminate any or all of the plans, policies, and procedures described in this handbook, in whole or in part, at anytime, as long as legal procedures which may apply to any given section are observed. If there are oversights or errors in the drafting or publishing of this document, such mistakes do not constitute new practice or policy, and normal College practice or policy will prevail.

105 EMPLOYMENT AT WILL

Employment with Bates College is at the mutual consent of Bates College and the employee, and either party may terminate that relationship at any time, with or without cause, and with or without advance notice. *Employment at will* is a statement of the voluntary nature of the relationship between Bates College and its employees.

All employees who do not have a signed employment contract for a specific term of employment are "at-will" employees. Generally, only faculty personnel at Bates College have contracts of employment with the College. Neither an initial employment offer, nor any statement or representation in this handbook or in any other College communication should be construed as an implied contract of permanent employment. Nothing in this handbook should be read or interpreted as to alter an employee's at-will status.

This *employment-at-will* statement does not require the College to exercise this right. In addition, it does not absolve supervisors of their obligations, where appropriate, to orient, train, develop, evaluate, and counsel employees.

106 NON-DISCLOSURE AND CONFIDENTIALITY

The protection of confidential information is vital to the interests and the success of Bates College and its employees. Employees who improperly use or disclose confidential information will be subject to disciplinary action, up to and including termination of employment, even if they do not actually benefit from the disclosed information. Individual department heads will determine what information is considered confidential for their departments.

107 CONFLICTS OF INTEREST

An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative as a result of Bates College's business dealings. For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

No "presumption of guilt" is created by the mere existence of a relationship with outside firms. However, if employees have any influence on transactions involving purchases, contracts, or leases, it is imperative that they disclose to the Vice President of Asset Management and Treasurer as soon as possible the existence of any actual or potential conflict of interest so that safeguards can be established to protect all parties.

108 OUTSIDE EMPLOYMENT

A staff member may hold a job with another organization or work as an independent contractor as long as he or she, notifies his or her supervisor of the outside employment, and satisfactorily performs his or her job responsibilities with Bates College. Staff members will be subject to Bates College's scheduling demands, regardless of any existing outside work requirements.

Faculty members are discouraged from holding other faculty positions outside of Bates College. It is the responsibility of a faculty member to inform the Dean of Faculty of their employment with another college or university.

Multiple jobs may place additional physical and stress demands on an employee, as such excessive demands may make employees more susceptible to irritation and injury. Therefore, employees who hold other jobs will have any workers' compensation, and short-term or long-term disability claims scrutinized, in order to ascertain the impact of multiple positions on any work-related medical condition.

If Bates College determines that an employee's outside work interferes with performance or the ability to meet the requirements of Bates College as they are modified from time to time, the employee may be

asked to terminate the outside employment if he or she wishes to remain with Bates College.

Outside employment will present a conflict of interest if it has an adverse impact on Bates College.

109 BULLETIN BOARDS AND SUGGESTION BOXES

The College maintains a number of bulletin boards to post official information. They are located in Admissions, Athletics, College Store, College Relations, Dining Services, Human Resources, Information Services (110 Russell St.), Ladd Library, Physical Plant, and the employee lounge in Lane Hall. The posted materials include Occupational Health and Safety information, wage and hour laws, unemployment compensation, Workers' Compensation, current job openings, smoking policy, and other items of interest and importance to employees.

Suggestion boxes are located in Chase Hall, Cutten Maintenance, Human Resources and Lane Hall. All employees are free to place suggestions in these boxes about employment-related matters at Bates College. The contents of the suggestion boxes are openly read at meetings of the Staff Advisory Committee. However, matters that are confidential, or situations involving individuals identified by name are not read openly, but forwarded to the Director of Human Resources for review and action.

110 WORK SCHEDULES

Core hours for the College's administrative services are Monday through Friday, 8:00 a.m. through 4:30 p.m. at minimum. The individual needs of some departments dictate that schedules may vary from these hours. Some departments require 24-hour coverage, others need coverage beyond an 8-hour day's core hours.

The regular workweek for all full-time regular nonexempt staff members at Bates College is forty hours. However, departments may configure individual staff schedules to accommodate departmental needs and the needs of the College. Examples may be combinations such as four ten-hour days, four nine-hour days with one four-hour day, and similar variations as long as the configurations meet the College's needs for coverage, supervision and work to be accomplished.

Daily and weekly work schedules may be changed from time-to-time at the discretion of the College and/or the individual department to meet the varying needs of the College. Changes will be announced as far in advance as practicable. Departmental supervisors should work with the Human Resources Department when an alternative schedule is being considered, to make sure all concerns are covered. If an alternative schedule is requested on a regular basis, approval by the appropriate vice president or dean and the President may be required. Refer to the *Changes to Employment Status For Staff Members* section of chapter 2 of this handbook for more information.

By Maine state law, overtime pay is calculated on the basis of hours worked over 40 per week, not over 8 per day; therefore days longer than 8 hours may be scheduled without incurring overtime pay for non-exempt staff as long as the number of hours worked during the week does not exceed forty.

111 ATTENDANCE AND PUNCTUALITY

To maintain a safe and productive work environment, Bates College expects staff members to be reliable and punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other staff members and on Bates College. In the rare instances when staff members cannot avoid being late to work or are unable to work as scheduled, they should notify their supervisor in advance of the anticipated tardiness or absence or as soon as possible.

112 EMPLOYEE CONDUCT AND WORK RULES (Professional Standards of Conduct)

The successful operation and reputation of Bates College is built upon the principles of fair dealing and ethical conduct of our employees. Our standards require careful observance of the spirit and letter of all applicable policies, procedures, laws and regulations, as well as a scrupulous regard for the highest

standards of conduct and personal integrity.

Bates College will comply with all applicable policies, procedures, laws and regulations, and expects its directors, officers, and employees to conduct themselves in accordance with the letter, spirit, and intent of all relevant laws and to refrain from any illegal, dishonest, or unethical conduct. Compliance with this policy of business ethics and conduct is the responsibility of every Bates College employee.

To ensure orderly operations and provide the best possible work environment, Bates College expects employees to follow rules of conduct that will protect the interests and safety of all employees and the organization.

It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. The following are examples of infractions of rules of conduct that may result in disciplinary action, up to and including termination of employment:

- * Theft or inappropriate removal or possession of property
- * Falsification of timekeeping records
- * Working under the influence of alcohol or illegal drugs
- * Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or
 - while operating college-owned vehicles or equipment
- * Fighting, threatening violence, or causing harm to others in the workplace
- * Behavior that prevents others from doing their work
- * Negligence or improper conduct leading to damage of college-, student-, or employee-owned property
- * Insubordination or other disrespectful conduct
- * Violation of safety or health rules
- * Smoking in prohibited areas
- * Sexual or other unlawful or unwelcome harassment
- * Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace
- * Excessive absenteeism or any absence without notice
- * Unauthorized absence from work station during the workday
- * Unauthorized use of telephones, e-mail system, or other college-owned equipment
- * Unauthorized disclosure of confidential information
- * Violation of personnel policies
- * Unsatisfactory performance or conduct which interferes with the performance of others
- * Violation of local, state, or federal laws while on College property or while working as an employee of the College
- * Any willful behavior that results in the destruction of College property or brings injury to another employee

Employment of non-faculty employees with Bates College is at the mutual consent of Bates College and the employee, and either party may terminate that relationship at any time, with or without cause, and with or without advance notice.

113 PERSONAL AND PROFESSIONAL APPEARANCE

During work hours or when representing Bates College, employees are expected to present an appearance that is consistent with the work being performed or professional standards. For certain positions, uniforms are required. Each supervisor or department head is responsible for establishing reasonable standards of dress appropriate to the work performed in that area.

114 CHILDREN AT WORK

The College generally discourages employees from bringing their children to work. However, the College recognizes that from time-to-time and especially in cases of emergency, children are brought into

the workplace, but this practice should be the exception to the rule and children should be under adult supervision at all times when present on campus.

Parents should plan accordingly for the care of their children on days when children may be sick, on snow days, during school holidays, or other occasions. The College encourages all employees to participate in the Dependent Care subsidy program, refer to section 325.

There are safety, health, and environmental concerns for children in the workplace. Therefore, some areas are inappropriate for non-employees of any age, but particularly for children. In the more industrial areas (laboratories, machine shops, kitchens, etc) on campus, there are many imminent dangers for children and a great potential for accidents and incidents in which children either harm themselves or create hazards for others since the work environment is foreign to them. The presence of children may be prohibited in certain areas by the appropriate supervisor.

Sick children in the workplace may also create health concerns for others. Employees should use their sick leave to care for an ill child. Supervisors are encouraged to work with employees to resolve childcare issues and issues regarding children in the workplace. Nonetheless, children in the workplace should always be the exception to the rule. Therefore, the intention of bringing children into the workplace should never be to provide temporary or long term daycare.

115 PETS ON CAMPUS

The College provides some guidelines for pet owners who bring their pets to campus. The College expects pet owners to use common sense, good judgment, and extend appropriate courtesy to others when bringing pets to campus. The College also requires that pet owners comply with the city of Lewiston's lease law when on campus.

The pet owner must remove waste produced by pets on campus; the maintenance and custodial staff of the College will not be asked to clean after pets. Furthermore, in outside areas of the College pet owners are expected to bring receptacles with them to care for and clean after their pets.

There are also safety, health, and environmental concerns for pets on campus and in the workplace. Pet owners should realize that not all members of the campus community are comfortable with the presence of pets, and indeed some will have negative reactions to pets. Therefore, pet owners should be sensitive and courteous to other members of the campus community so not to place others who are not comfortable with the presence of pets in inappropriate **contact** with a pet. Pet owners who bring pets to campus will be held liable for damage to property or physical injury to others if caused by the pet.

Furthermore, supervisors and department heads may place restrictions on the presence of pets in their workspaces consistent with the work being performed and the demands of that work area. Finally, pets should not be present in any area where they create a disruption to the work being performed in that area.

116 SOLICITATION

In an effort to ensure a productive and harmonious work environment, employees or persons not employed by Bates College may not solicit or distribute literature in the workplace at any time for any purpose.

Working time does not include lunch periods, work breaks, or any other periods in which employees are not on duty. However, employees soliciting may not disrupt the work of coworkers while the coworker is engaged in work activity.

Individuals wishing to purchase or sell items to coworkers should participate in the "For Sale" e-mail listserve. For information on this listserve, please call the Information and Library Services department.

117 BATES-MORSE MOUNTAIN CONSERVATION AREA & COASTAL CENTER AT SHORTRIDGE

Bates College manages the Bates-Morse Mountain Conservation Area (BMMCA), six hundred acres of coastal property in Phippsburg, ME, for educational purposes and scientific research. The property extends from the Sprague to the Morse Rivers, and provides access to Seawall Beach (a separate property

owned and maintained by the Small Point Association), the largest undeveloped beach and dune complex remaining in Maine. This beach is a nesting site for two endangered bird species: the piping plover and least tern. It is a two-mile hike from the parking lot. Visitors are permitted at the Conservation Area, as long as their activities are consistent with its mission of conservation and protection of its natural features. Bates Faculty, Staff, and Students are stewards of this area: it is our responsibility to protect it, support its mission, and abide by its rules. Therefore, we have no special privileges.

Vehicles must be parked in the parking lot unless they are involved in approved research that requires driving to the research site. Access is during daylight hours only without special permission. Large groups, camping, fires, bicycles and pets are not allowed at any time of the year.

Near the Conservation Area, the Bates College Coastal Center at Shortridge provides meeting space as well as living quarters for student and faculty researchers and meeting attendees. Academic uses are overseen by the Office of the Dean of the Faculty. The Center may also be used on occasion for College programs, as well as meetings of academic and administrative departments, including authorized student organizations and selected outreach efforts. The use of the facility for meetings, retreats and conferences is scheduled through the Director of the BMMCA and Coastal Center at Shortridge. For reservations or for more information call 786-6078.

118 GIFTS, FLOWERS, OR OTHER PURCHASES WITH COLLEGE FUNDS

The College does not allow the use of College funds to purchase flowers or gifts for employees. Individuals wishing to purchase flowers or gifts should use their own personal funds or collect funds from coworkers to purchase items for other coworkers.

On the rare occasion when a department head or director wishes to purchase flowers or small gifts for a faculty or staff member, the department head may use departmental funds, provided that the purchase is limited in amount, and the department head receives the approval of the appropriate Vice President or Dean.

119 RECYCLING

Bates began a formal recycling program in 1991. In the fall of 1998, the program was improved to include education and a standard color-coded collection system. Currently, all red, blue and green bins are appropriately color-coded. Additionally, color-coded labels have been placed on all bins to identify the material that should be placed in them.

The College currently recycles the following materials: office paper, mixed paper, No. 2 plastic, tins, glass (clear and colored), metal, wood, packing peanuts, overhead transparencies, redeemable bottles and cans, newspapers and magazines, corrugated cardboard, laser cartridges and ink-jet cartridges.

Bates College supports environmental awareness by encouraging recycling and waste management in its business practices and operating procedures. This support includes a commitment to the purchase, use, and disposal of products and materials in a manner that will best utilize natural resources and minimize any negative impact on the earth's environment.

The simple act of placing a piece of paper, a can, or a bottle in a recycling container is the first step in reducing demand on the earth's limited resources. Success of this program depends on active participation by all of us. Employees are encouraged to make a commitment to recycle and be a part of this solution.

Bates College encourages reducing and, when possible, eliminating the use of disposable products. Source reduction decreases the consumption of valuable resources through such workplace practices as:

- * communication through computer networks with e-mail
- * posting memos for all employees
- * two-sided photocopying

Whenever possible, employees of Bates College are encouraged to purchase products for the workplace that contain recycled or easily recyclable materials. Buying recycled products supports recycling and increases the markets for recyclable materials.

By recycling, Bates College is helping to solve trash disposal and control problems facing all of us today. This program does not cover any hazardous waste generated by College activities, for information on Hazardous Waste, refer to section 505. If you have any questions or new ideas and suggestions for the recycling program contact the Mail and Print Services.

120 SMOKING POLICY FOR BATES COLLEGE EMPLOYEES

I. Policy Statement

A. In compliance with Maine's Workplace Smoking Act of 1985, and Maine's Act to Protect Maine Citizens From the Effects of Environmental Tobacco Smoke, effective January 1, 1994, Bates College has established a written policy concerning smoking and non-smoking. According to the law, the policy must prohibit smoking except in designated smoking areas.

B. Smoking is not permitted in elevators (by state law), stairwells, corridors, restrooms, storage areas, custodial areas, classrooms and seminar rooms, or laboratories.

II. Smoking and non-smoking areas in individual buildings:

A. Smoking is not permitted in classroom buildings and other buildings containing Faculty Offices or Administrative Offices except as noted below.

B. All buildings constructed after January 1, 1994, shall be smoke-free unless certain areas of them are specifically designed as contained, separately ventilated smoking areas.

C. Smoking is prohibited except in the Smoking Room located next to Chase Lounge in Chase Hall.

III. Outdoor smoking

Smoking should be done away from public entrances and open windows, so that those entering, leaving, and occupying the building will not be exposed to second-hand smoke.

IV. All College-owned vehicles shall be smoke-free.

V. This document does not apply to students residing in student residences that do not have a prohibition against smoking.

121 DRUG AND ALCOHOL POLICIES (& Drug-Free Workplace Act of 1988 Notice)

The College's policy on alcohol and other drugs seeks to fulfill two principal objectives: to affirm the importance of individual responsibility on the part of each member of the faculty or staff; and to meet legal obligations set by state or federal law. Bates regards illegal drug or alcohol use and abuse as serious problems which affect the entire college community.

Bates prides itself on the intelligence and good judgment of its employees, and expects them to employ these qualities where alcohol and drugs are concerned. Bates College firmly believes that drug and alcohol abuse affect our entire community and that each of us has a responsibility to help safeguard the community and its members by respecting College policy and intervening in situations of abuse. Addressing drug and alcohol problems in our society and our community depends upon caring, thoughtfulness and cooperation from all of us.

Bates College receives federal grant monies for student financial assistance, faculty research, and other federal programs. The Drug-Free Workplace Act of 1988 (Act) requires that the College, because it

receives such funding, establish and disseminate a policy informing employees of the College's intention of complying with the Act. This statement of policy reflects the College's desire to comply with the Act.

1. The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the workplace at Bates College. This prohibition is a condition of employment with Bates College.

When there is good reason to believe criminal conduct is directed towards or potentially harmful to the person or property of others, the College's first obligation is to those persons or properties, and then to the employee involved.

2. The College recognizes alcohol and drug abuse as treatable health problems which will receive the same consideration and offer of assistance extended to employees having any other health problem. All employees of the College may utilize the Employee Assistance Program (EAP) at 1-877-878-6485 to help identify resources to deal with substance abuse or addiction.

However, nothing in this policy prohibits disciplinary action against any employee who violates the prohibition in paragraph 1, above, including the removal from employment of employees who cannot function properly in their positions.

3. In accordance with the Drug-Free Workplace Act, employees are required to report to the College any criminal drug statute conviction based on acts in the workplace within five days of conviction. The College, within ten days of such Report must in turn report the conviction to any Federal Agency funding any program in which the employee participates. Finally, the College must within thirty days of such report take appropriate personnel action, up to and including termination, or require the employee to participate satisfactorily in an approved substance abuse or rehabilitation program.

Bates College continues to affirm the value of individual autonomy in making decisions about one's life, and will continue to make education and counseling its chief strategies for meeting its responsibilities

In regards to the use of alcohol, Bates College observes all laws governing the use of alcoholic beverages within the state of Maine and does not condone violation of these laws by an employee at any time. Employees are held personally responsible for complying with all aspects of Maine laws.

Maine law in this area imposes both criminal and civil liability on anyone who negligently or recklessly sells, gives, or otherwise provides alcoholic beverages to any person who has not attained the age of 21 years or to a visibly intoxicated person, where the minor or intoxicated person causes harm to another. All Bates employees are reminded that they are under the restrictions of Maine law when they choose to entertain or have social events on or off the campus and when persons under 21 years of age are present.

With regards to the use of illegal drugs, the College will utilize its counseling resources to help employees involved with drugs.

Disciplinary Sanctions

Bates College may impose disciplinary sanctions on employees who are in violation of the College's prohibition of the unlawful possession, use, or distribution of illicit drugs and alcohol on College property or as part of any of the College's activities. Employee violations of these policies will be reported to the Vice President of Academic Affairs and Dean of the Faculty, in the case of members of the Faculty, or to the Vice President for Asset Management and Treasurer for all other employees, for review and action. Employees are subject to appropriate sanctions which may include referral to standing procedures for termination of employment.

Employees involved may be required to undergo professional assessment by a substance abuse professional designated by the College to determine whether they are involved in substance abuse or addiction. In the case of dependency, the College may treat the case as a disability. In cases of the use or abuse of substances, the College may make mandatory referrals to a counseling or treatment program, and may make it a requirement that an employee successfully complete such a program as a condition of continued employment. The Employee will be responsible for paying for his or her treatment if the treatment is not covered by the College's health insurance or Employee Assistance Program.

The College reserves the right to involve law enforcement authorities and/or undertake legal

proceedings against an employee, as appropriate.

It is Bates College's desire to provide a drug-free, healthful, and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner.

For a more information in regards to this matter, please call the Human Resources Department.

122 THE BATES COLLEGE AFFIRMATIVE ACTION POLICY

I. The Office of Affirmative Action

The Office of Affirmative Action exists primarily to implement the College's plans for increasing the racial/ethnic and gender diversity on campus. The Office also assists in the development of personnel policy in effort to assure equality of opportunity. The Office may from time-to-time become involved in campus issues that affect the atmosphere for women and racial/ethnic minorities. The Office also serves to facilitate communication between Bates and the various off-campus organizations that promote such diversity. In carrying out the responsibilities stated above, the Director of Affirmative Action (DAA) will have access, when needed, to information or documents designated as confidential by the President and/or Trustees of the College or by law. This information or these documents include the College's administrative and financial records, the College's employee salary and fringe benefit information, employee personnel files, files of the Committees on Personnel and on Personnel for Physical Education, and student files or transcripts in the offices of the Dean of Admissions, the Dean of the College, the Dean of Students, the Registrar and Student Financial Services, and the Office of Career Services.

The DAA's access to confidential material will be in accordance with the following procedures:

1. The request for information will be made in writing to the College officer responsible for the maintenance and security of the confidential material. The request will be for specific material and for a specific purpose directly related to the implementation and oversight of affirmative action policies of the College as stated in this policy. If access involves a request to review evaluations of specific individuals, written permission must be secured from those individuals by the DAA and must accompany the request. If access involves a review of areas of concern or categories of personnel, the purpose and date of the review by the DAA will be noted in the files.
2. Access to confidential material is under the supervision of the relevant College officer. It is the joint responsibility of the DAA and the officer to assure the continuing confidentiality of the material. Material will be reviewed in the office where it normally is kept, with no duplication of files or other confidential information permitted.

II. The Affirmative Action Advisory Committee

The Affirmative Action Advisory Committee (AAAC) exists to provide advice to the DAA. Specifically, the AAAC identifies obstacles and barriers to equity of opportunity and rewards at Bates and makes recommendations to the DAA on methods to remove these barriers and obstacles. Additionally, the AAAC seeks to educate the campus in regards to the principles of affirmative action and equal opportunity. The AAAC also evaluates and makes regular reports on the implementation of affirmative action policy. The Affirmative Action Advisory Committee is not empowered by the College or its officers to deal with specific complaints or grievances from individuals or from groups of individuals. Members of the AAAC are appointed by the President for three-year terms. Each area of the College covered by the Affirmative Action Policy will have opportunity to nominate representatives to the AAAC. Areas of the College covered by the Affirmative Action Policy include: the Library, Admissions, Dining Services, Administrative Support Staff, the Administration, Faculty, and the Physical Plant. While students are not usually covered by the Affirmative Action Policy, students may nominate two representatives for the AAAC. Additionally, two at-large representatives will be nominated by current members of the AAAC. From this list of nominations, the current AAAC will make recommendations to the President, who has

final responsibility for the appointment of members to the AAAC. The AAAC will in making its recommendations to the President consider the racial/ethnic and gender diversity of the campus.

III. Community Input

A. Any member of the Bates Community may bring an affirmative action concern to the attention of the AAAC by submitting a written statement to the DAA.

B. Any member of the AAAC may bring an area of affirmative action concern to the attention of the full Committee.

IV. Policies

Wherever reference is herein made to policies, practices, manuals, rules, regulations, or the like, the reference will be deemed to denote such elements as may at the relevant time be in effect, and no such references will be deemed to preclude changes, replacements, etc., in such elements in effect as of the date of this document.

123 NONDISCRIMINATION AND SEXUAL HARASSMENT

General Policies and Procedures

A. POLICIES

1) Nondiscrimination

Bates values a diverse college community. Moreover, Bates does not discriminate on the basis of race, color, national or ethnic origin, religion, sex, sexual orientation, marital or parental status, age, or disability, in the recruitment and admission of its students, in the administration of its educational policies and programs, or in the recruitment and employment of its Faculty and staff.

To aid the Director of Affirmative Action in this charge, an Advisory Committee on Affirmative Action is appointed annually by the President. It is the members' responsibility to assess continually the status of their respective areas in regard to compliance. Members of the Bates community are encouraged to report instances of alleged discrimination to the Director of Affirmative Action.

2) Bates College Sexual Harassment Policy

Within our academic setting, a state of trust and openness among persons is the necessary condition for intellectual inquiry and hence academic excellence. Associations between Faculty, students, and staff must reflect the mutual respect for one another which is essential to the free exchange of ideas. Harassment, including sexual harassment, destroys trust and openness. When any member of the Bates community denigrates another member through unwanted sexual advances or sexual allusions, or through unwarranted references to sexuality or sexual activity, these bonds of trust and openness are broken.

Harassment, including sexual harassment, is especially serious when it involves a relationship of authority within which academic or other rewards may be experienced or perceived as related to the harassment. Among such situations are those relationships between Faculty and students or between senior and junior Faculty. When the imposition of unwanted sexual attention is accompanied by the promise of academic or employment rewards or reprisals, the harm can be very great. If harassment occurs between persons, one of whom has any kind of supervisory, evaluative, or other authoritative responsibility in regard to the other, it is intimidation and coercive abuse of power.

Sexual harassment is one form of illegal sex discrimination, as defined by Title VII of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, and Section 4572 of the Maine Human Rights Act, and the regulations of both the Equal Employment Opportunity Commission and the Maine Human

Rights Commission. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's academic advancement or employment;
- b) submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individuals;
- c) such conduct has the purpose or effect of substantially interfering with an individual's academic or work performance or creating an intimidating, hostile, or offensive working or learning environment.

The state of trust which is so essential to academic work in the College is important to the associations between Faculty and students; such trust also is important among non-academic staff and employees. Sexual harassment within these associations prevents or impairs the harassed person's full enjoyment of occupational or educational benefits and opportunities. It interferes with an individual's work performance and creates an offensive working environment. The employment regulations of the Maine Human Rights Commission give support to the College's policy against harassment and provide legal protection for all employees.

Whereas, it has been and is the policy of Bates College that sexual harassment has no place and will not be tolerated in this College; and whereas, the Federal Equal Employment Opportunity Commission has declared that sexual harassment constitutes illegal discrimination under Title VII of the Civil Rights Act of 1964. Now therefore, the President and Trustees of Bates College restates its policy that sexual harassment not be tolerated and hereby directs the President to see that appropriate steps are taken to communicate that Board's intent, as expressed in this policy to the College's Faculty, staff, and students. The President shall advise the Faculty, staff, and students that there are in effect adequate grievance procedures to facilitate prompt reporting of specific acts of sexual harassment at Bates, and urge the members of the College to report such acts so that appropriate action may be taken.

Bates College denounces the use of violence directed against any individual or group. We, the College community, regard sexual assault as a violent crime, a particularly heinous form of sexual harassment, whether committed by a stranger or an acquaintance on or off campus. We condemn the commission of sexual assaults and believe persons charged with such offenses should be dealt with promptly and fairly through the courts and our own judicial systems. Moreover, we rededicate ourselves to eradicating hostile settings in which our ability to work, study, live, and learn together is inhibited. Finally, we pledge assistance through the various departments of the College in aiding survivors of assault to determine how best they may regain control over their circumstances.

When offensive conduct against persons, including but not limited to assault, may occur, for which the offender may be charged within the criminal justice system for violating the criminal statutes of the State of Maine, or the United States, victims may also elect to seek redress through the College's disciplinary procedures, as well as through civil action. All members of the community are expected to conform their conduct to the requirements of the law and to the standards of the College community.

As a guide to the community, relevant provisions of the criminal law and descriptive definitions of conduct and consent will be provided in published form to all students, Faculty, and staff annually. These provisions and definitions will serve to assist the College community in identifying unacceptable behavior and to provide a basis for consistent interpretation and judgment.

B. PROCEDURES

1. Procedures for Charges of Discrimination

The exercise of seeking advice and information is entirely voluntary and is not a prerequisite to making a formal complaint either within the College or with the Maine Human Rights Commission. Grievants who choose to file a complaint directly with the Maine Human Rights Commission must do so within 180 days

(6 months) of the alleged incident(s) of discrimination. Grievants who seek informal resolution of cases of discrimination may do so in either of the following ways:

a) Voluntary Informal Consultation

There are many channels within the Bates Community available for the informal resolution of incidents of discrimination. The College recommends contact with any campus support personnel who are knowledgeable about the possible avenues of resolution of discrimination claims, when in doubt, the Affirmative Action Officer is a reliable, confidential and supportive source of information. Others who may assist in directing inquires in the process include the Health Center staff, the chaplains, immediate supervisors, resident coordinators and junior advisors, members of the Faculty, the Office of the Director of Human Resources, the Office of the Deans of Students and the Office of the Dean of Faculty. *Consultations may be brought in full confidentiality; no written record is to be maintained when an informal consultation is made.*

If individual action or discussion through informal resolution does not resolve the problem, grievants may, either in the company of a trusted person or alone, talk privately with the Director of Affirmative Action regarding other steps.

b) Complaints

The Director of Affirmative Action is the primary agency to receive all complaints. If students are involved, the individuals may initially elect to discuss a complaint with one of the Deans of Students; a Faculty member may initially discuss a complaint with the Dean of Faculty; or a staff member may initially discuss a complaint with the Director of Human Resources. In each case, however, the subsequent step, if not the initial step, should be with the Director of Affirmative Action.

There are two forms of complaints:

1) Informal Complaints

The Director of Affirmative Action may provide suggestions for resolution, help in mediating differences in views, or other channels for resolution involving skills or suggestions of others.

2) Formal Complaints

The grievant may institute formal grievance proceedings whether or not the Director of Affirmative Action can effect a resolution. Grievants can elect to pursue any or all options, including: making a written complaint within the College's procedures, initiating a complaint to an agency outside of the College (e.g., to the Maine Human Rights Commission), if appropriate, pursuing criminal charges within the criminal justice system, or pursuing civil action within the court system. The Director of Affirmative Action will explain the elements of each process. Within the College, a written complaint is needed to initiate formal grievance procedures.

c) College Formal Grievance Procedures

Section I

(a) Formal grievance procedures shall be available to faculty members, employees, and students of Bates College, except where students are named as accused parties. In such cases, the matter shall be heard by the Committee on Student Conduct. The procedures herein shall not apply to grievances in regard to appointment, reappointment, tenure, or promotion of faculty members as these matters are governed by Article VI of the Personnel Rules and Procedures contained in the *Faculty Handbook of Bates College*. The procedures herein shall be further limited to cases of improper discrimination, sexual harassment, or sexual assault. Improper discrimination shall be defined as acts in violation of applicable non-discrimination laws or the non-discrimination policy which appears in the official publications of Bates College.

(b) The sole purpose of a hearing under formal grievance procedures is to determine if improper discrimination, sexual harassment, or sexual assault has occurred. A hearing board shall have no authority

to invoke sanctions for improper behavior. The report of the hearing board shall be given to the President of the College for any further action.

Section II

(a) Nothing stated herein shall be construed to prevent several complainants, in the appropriate case, from joining in a single complaint. The word “complainant,” as used herein, shall refer to any person who files a complaint or to any group of persons who together file a single complaint. The word “respondent,” as used herein, shall refer to any party or parties accused in the same complaint and who will be heard in the same hearing

(b) The complainant shall file a formal complaint in writing with the Director of Affirmative Action or the Director of Human Resources. Upon receipt of the complaint, the Director of Affirmative Action or the Director of Human Resources shall immediately inform the respondent in writing and provide the respondent with a copy of the complaint.

(c) In cases of multiple complainants or multiple respondents, where any individual complainant or respondent claims that his or her complaint or defense would otherwise be compromised, that party may submit a request in writing to the Director of Affirmative Action and the Director of Human Resources for a separate hearing. The Director of Affirmative Action and the Director of Human Resources shall make a decision on such a request prior to submitting a request to the President for a hearing board and shall notify all parties in writing of that decision. In appropriate cases, the Director of Affirmative Action and the Director of Human Resources may require multiple complainants to join in a single complaint.

(d) The Director of Affirmative Action and the Director of Human Resources together shall determine whether the complaint on its face states facts which, if true, allege a claim of improper discrimination, as defined in applicable non-discrimination laws or the College’s non-discrimination policy, or of sexual harassment or sexual assault. If so, the matter may proceed to a hearing; if not, the complaint shall be returned to the complainant, and no further action shall be taken unless an amended complaint is filed in accordance with Section II (b).

(e) The Director of Affirmative Action and the Director of Human Resources shall make their decision whether to refer the complaint to the President with a request to form a hearing board within 7 days of receipt of the complaint, unless circumstances require a longer time, in which event, they shall inform the President and all parties in writing. Once a decision is made to refer the complaint to a hearing board, all parties shall be informed in writing of the action taken.

Section III

(a) The Director of Affirmative Action and the Director of Human Resources, having concluded that the complaint states a claim under standards contained in Section II (d), shall provide the President of the College with a copy of the complaint and request that the President form a hearing board. At this point, no further amendments to the complaint shall be permitted.

(b) The complainant and the respondent may each designate two members of the hearing board. The President shall choose two additional members, and a majority of the six members thus chosen shall choose a seventh member to act as chair of the board. Board members shall be selected from the then current faculty or staff of Bates College. The word “staff,” as used herein, shall not include student employees. If either the complainant or respondent neglects or refuses to designate members of the hearing board, the President shall choose them. Once the hearing board is established, the President shall give a copy of the complaint to the hearing board and shall inform all parties in writing of the composition of the board.

(c) A hearing board shall be formed within 7 days from the date on which the Director of Affirmative Action and the Director of Human Resources inform the President of the need for a hearing. If, in exceptional circumstances, more time is necessary to form the hearing board, the President shall inform all parties in writing.

Section IV

(a) The complainant shall, within 7 days of being notified of the formation of a hearing board, file with that board all documents and other tangible evidence available to the complainant which will be used in the hearing in support of the complaint and a list of all witnesses whom the complainant wishes to testify at the hearing in support of the complaint. Upon receipt, the chair of the hearing board shall make these materials available to the respondent.

(b) Within 21 days of receipt of such materials, the respondent shall file with the hearing board a written response to the charges made in the complaint, together with all documents and other tangible evidence available to the respondent which will be used in the hearing in support of any defense against the complaint and a list of all witnesses whom the respondent wishes to testify at the hearing in support of any defense against the complaint. Upon receipt, the chair of the hearing board shall make these materials available to the complainant.

(c) The chair of the hearing board shall notify in writing all witnesses of the need for their testimony at the hearing. It is the responsibility of any member of the Bates College community who has information relevant to an issue before the hearing board to testify at the hearing or to produce documents or other tangible evidence at the request of the chair of the hearing board.

(d) Failure, without adequate justification, to produce documents or other tangible evidence or to testify at the hearing by anyone requested to do so by the chair of the hearing board shall be reported to the President for any action he or she deems appropriate. In the event that either the complainant or the respondent shall fail, without adequate justification, to produce documents or other tangible evidence or to testify at the hearing when requested to do so by the chair of the hearing board, the hearing board may report to the President that it is unable to make a decision in the matter, and the President may take whatever action he or she deems appropriate.

(e) After the hearing board has received evidence and witness lists from the parties, it will determine whether any additional documents, other tangible evidence, or testimony may reasonably be necessary to a determination of the facts at issue and may require any such documents or other tangible evidence from the complainant or respondent and may require documents or other tangible evidence or testimony from any third party, within or without Bates College. A determination that further evidence is necessary may be based on a request by the complainant or respondent. Should any additional documents or other tangible evidence be produced, they shall be made available to all parties. All parties shall be informed in writing of any witnesses identified by the hearing board who will testify at the hearing in addition to those already listed in the witness lists of the parties. The chair of the hearing board shall determine the date by which all evidence and all witness lists required by the hearing board shall be presented to the hearing board.

(f) Once all documents, other tangible evidence, and all witness lists have been made available to all parties, no additions to any witness list, and no additional documents or other tangible evidence shall be considered except by a decision by the chair confirmed by a majority vote of the hearing board.

(g) A hearing on the complaint shall commence no sooner than 7 nor later than 10 days after all documents, other tangible evidence, and all witness lists have been made available to all parties. The chair of the hearing board shall have the authority to alter these time limits if necessary and shall notify all parties in writing of a decision to do so.

Section V

(a) The chair of the hearing board, subject only to being overruled by a majority of the board, shall rule on all questions of evidence and procedure and may make such other rules and decisions, not provided for in these procedures, as are necessary to conduct the hearing fairly and expeditiously. This includes decisions on requests from complainants and respondents for separate hearings which arise after the hearing board is formed. Only evidence that a reasonable person would rely on to make judgements in

serious matters shall be admitted and be considered by the hearing board in making its findings and conclusions.

(b) The complainant and respondent may have the assistance of an attorney during the hearing; however, the role of the attorney shall be limited to observing the hearing and offering advice to the party represented. The hearing board may have the assistance of College Counsel.

(c) The members of the hearing board shall maintain the confidentiality of all aspects of the complaint, response, hearing, evidence, and its deliberations. The hearing shall be private. Only members of the hearing board, parties, attorneys, and witnesses while testifying may be present. The hearing board may exclude all but its members in order to deliberate on its findings and conclusions.

(d) The board shall allow a reasonable time for opening and closing statements by the complainant and respondent. Each party at the hearing shall have opportunity to pose questions to all witnesses. This shall be done either directly or through the chair, at the discretion of the chair.

(e) The hearing shall be electronically recorded, except that the private and confidential deliberations of the hearing board shall not be recorded. The President shall have custody of the recording and may, in his or her discretion, have a transcript made of the recording after the completion of the hearing.

Section VI

(a) The hearing board shall make specific findings of fact. The burden of proof shall be on the complainant, and the board shall make findings and conclusions in regard to the allegations in the complaint only when a majority of the board is convinced that those findings and conclusions are supported by a preponderance of the evidence.

(b) After reaching its findings and conclusions, the board shall report them in writing, within a reasonable time, to the President of the College, the complainant, and the respondent. The President shall make a brief announcement of the nature of the complaint and the findings of the hearing board to the Bates College community without mention of the names of parties or other participants. The President shall, within his or her discretion, determine what, if any, further action he or she will take in response to the report of the hearing board. The President shall commence any such action within 7 days of delivery of the report unless he or she deems some other period appropriate, in which case, the President shall inform all parties in writing.

(c) In accordance with Article V, Section 2 of the *By-Laws of Bates College*, the complainant and respondent may, in appropriate cases, seek indemnification from the College for reasonable attorneys' fees incurred for purposes of the hearing.

Section VII

The existence of these grievance procedures in no way precludes the College from taking immediate action to maintain the safety of the College community or individual members thereof.

Programs have been established to assist the campus community in resolving grievances, disagreements, problems, and other issues on campus. Since informal, proactive, and flexible approaches

124 CONFLICT RESOLUTION

are consistent with the Bates culture and allow individuals maximum flexibility in choosing a manner of resolving issues in which they feel most comfortable, they are the hallmark of this grievance program. However, to ensure a basic level of fairness and consistency, a structured and formal system is also included as a desirable complement to less formal methods. These programs are offered as simple and user-friendly so as not to discourage their use. They also encourage resolution at the lowest level possible and aim to resolve issues in a timely fashion. A final consideration for resolving problems or issues includes having a widely diverse group of people available to assist those who need assistance.

Before initiating a conflict resolution process, employees should first consult their supervisor to address their concerns. If the supervisor is unable to assist the employee, the employee should follow the normal administrative line of authority and bring his or her issue to the attention of their director or department head. If the issue is not resolved at this level, the employee should present the issue to the appropriate vice president or dean. If for some reason the normal administrative chain is not a suitable option for the employee, he or she may initiate other options to resolve the matter at hand.

The grievance program contains three parts, an Ombuds-function, an Alternate Dispute Resolution process, and a formal Staff Grievance Procedure.

124.1 OMBUDS-FUNCTION

This program has been established to assist individuals in seeking an appropriate path to resolving their concerns, the primary role of an Ombudsperson is to facilitate problem resolution. Several volunteer Ombudspersons are available on campus. These employees are trained to assist coworkers and their assistance is available to all Faculty and Staff. An issue brought before an Ombudsperson can be any problem or issue except those that are covered by the College's Nondiscrimination and Sexual Harassment policies. Such issues must be referred to the Director of Affirmative Action or the Director of Human Resources.

Ombudspersons are employees who have a collateral duty designed to help fellow employees with problems related to their employment at Bates College. Dealings with Ombudspersons are confidential except in cases where there is imminent harm to the others, or to the welfare of the institution, or in situations where the law or College policy requires the matter to be reported, or unless an employee agrees to share information in order to resolve a problem. The ombudsperson keeps no formal written records. Because the ombudsperson's services are informal, they are a supplement to, and not a replacement for, the College's formal processes.

The functions of Ombudspersons are:

- _ to listen
- _ to provide answers to questions or to assist in finding someone who can
- _ to analyze situations and identify and evaluate options for responding to them with the employee
- _ to explain College policies and procedures and their application to an individual employee
- _ to carry complaints forward, if an employee is unable to do so, and to advocate resolution
- _ to provide prompt, impartial, and confidential assistance
- _ to attempt to help people help themselves
- _ to provide assistance on any problem or issue
- _ to provide mediation assistance where possible and appropriate
- _ to conduct limited fact finding for issues
- _ to serve as the avenue of first resort when employees do not know where to take their problems or complaints or do not know how to approach the appropriate person or committee
- _ to serve as the avenue of last resort when the employee has worked through all appropriate channels, but still feels the problem has not been resolved
- _ to recommend changes in policy and procedure when trends develop regarding issues on campus

Ombudspersons do not:

- _ take sides
- _ represent the institution or its interests

- _ override or enforce College policy
- _ require employee to take any action
- _ breach confidentiality (except as noted above)

For more information on Ombudspersons, please see the Human Resources Department.

124.2 ALTERNATE DISPUTE RESOLUTION (ADR) PROCESS

Alternate Dispute Resolution refers to any activity that results in resolving disputes before the use of the formal grievance program. The ADR process is also an informal method of problem solving that encourages individuals to get involved in developing the solutions to their own concerns; such methods usually involve mediation, negotiation, or consultation. These methods often usually contain a third party to facilitate open communication and assist disputants in resolving the issue at hand. Trained mediators are available on campus, or on occasion where it is appropriate the Human Resources department can obtain mediators from off-campus. Participation in an alternate dispute resolution process is voluntary, but highly encouraged. Research shows that ADR efforts resolve greater than 80% of the problems encountered.

Alternate dispute resolution services are available to all Faculty and Staff. These methods can be used to address any problem or issue except those that are covered by the College's Nondiscrimination and Sexual Harassment policies. Such issues must be referred to the Director of Affirmative Action or the Director of Human Resources.

124.3 STAFF GRIEVANCE PROGRAM AND PROCEDURE

A grievance is a **work-related problem** or condition which a staff member believes to be unfair, inequitable, or a hindrance to his or her effective performance. Grievances are not problems or complaints covered by the College's Nondiscrimination and Sexual Harassment policy; such matters should be referred to the Affirmative Action Office or Director of Human Resources.

Grievances should be filed in writing within 30 days of the occurrence of said event or circumstance. An ombudsperson can assist in determining whether a grievance is appropriate and, if appropriate, can help the individual write his or her grievance.

The written grievance must be sent to the Director of Human Resources, or the Vice President of Asset Management and Treasurer if the Director of Human Resources is involved in the issue or is unavailable. A Committee Chairperson will be selected by the Director of Human Resources based upon the nature of the grievance. The Chairperson will meet with the staff member in an attempt to clarify the issue and attempt to resolve the issue without the Committee. Following this meeting:

- _ The staff member may withdraw the grievance.
- _ The staff member may be encouraged to seek Alternative Dispute Resolution/mediation options.
- _ The grievance may be edited and re-filed.
- _ The grievance may remain unchanged.

If the grievance goes forward, the Chairperson will convene a formal staff grievance committee. The matter at hand will be reviewed by a committee of peers. At least seven members will be selected to review each matter. The Committee Chairperson will select the additional 6 members who will sit to review the grievance. The Chairperson may receive input from the parties involved and the Director of Human Resources in selecting the members who will serve. These members will be chosen from a pool of 15 grievance committee members who will be elected from the campus community.

Once the Committee is selected, it will proceed as follows, 1) conduct fact finding; 2) review College policies and procedures; 3) meet with all parties in an attempt to resolve the concern or issue; 4) review and analyze all the information received to date, 5) make a recommendation. However, before proceeding, the Committee may refuse to hear certain grievances if it feels that the matter is not appropriate for this body to review. If so, the matter will be referred to the appropriate administrator within the College.

After the Committee has deliberated, it will form a recommendation. This recommendation will be shared with the grievant before it is presented to the appropriate official(s) within the College

administration. After the recommendation has been made and if, and when actions are taken in response to the recommendation, the Committee Chairperson will meet with all major parties to the grievance to share the result of the committee's efforts.

The work of the Committee should be accomplished as soon as possible. Due to vacations and holidays, a specific time frame is not placed on this process. In general, Human Resources will acknowledge the receipt of the staff member's grievance and notify the Chairperson immediately. The Chairperson will attempt to meet with the staff member within one week. The Committee shall attempt to make its recommendations within 30 days of first convening.

Staff members are protected from fear, the threat of retaliation, or reprisal for exercising his or her right to redress their concerns or grievances by College policy and applicable laws. Grievances are treated as privacy matters and are handled privately and with discretion.

125 BATES COLLEGE COMPUTER USE POLICY

Each user of Bates College information systems has two basic rights: (1) the right to privacy with respect to the information stored in their user account, hard drive, or on diskette, as well as their computer output; and (2) the right to a fair share of the system resources. Users who violate the rights of others, either by accessing information to which they have no right, or by using an excessive amount of system resources, are acting in an unethical manner. Information and Library Services reserves the right to take whatever actions are necessary to prevent a user from violating the rights of other users.

To assure each user privacy and a fair share of system resources, all users must comply with Information and Library Services policies. Since Information and Library Services cannot anticipate every possible way in which users might intentionally or unintentionally violate the rights of other users, the guidelines listed below are illustrative, not exhaustive. Any activity that results in loss of privacy or unreasonable reduction in system performance for other users is unethical. Cases involving unethical behavior will be referred to the Office of the Dean of Students, the Dean of the Faculty, or the Human Resources Office, as appropriate.

1. Each user is issued a user account and should always log into the computer under that account. Using any other account is an invasion of the privacy of the individual issued that account. The right to use the Bates College computing facilities is nontransferable: a user should not allow another individual to use his or her account. Each user is held responsible for the computing activities that occur under his or her account, so users should make special efforts to preserve the security of their passwords.
2. All files and computer output belong to someone. They should be assumed to be private and confidential unless the owner has explicitly made them available to others. A user should not alter, manipulate, or inspect the contents of another user's file area without the user's knowledge and explicit permission. Similarly, a user should not alter or manipulate the contents of a public library or directory unless the owner has specifically authorized the user to do so. Users should also take steps to protect their data.
3. Because electronic information is volatile and easily reproduced, respect for the work and personal expression of others is especially critical in computer environments. Violations of authorial integrity including plagiarism, invasion of privacy, unauthorized access, and trade secret and copyright violations may be grounds for sanctions against members of the academic community. (From *Using Software* published by EDUCOM, used with permission.) For example, a user who presents the work of another user as his or her own by simply submitting a duplicate listing of a homework assignment is committing plagiarism. A user who exploits flaws in system or instructor software to obtain answers to an assignment or examination or who manipulates the contents of a file containing grades or other records of course performance is being academically dishonest. For more information, see the Bates College *Statement on Plagiarism and a Guide to Source Acknowledgments*.
4. Information content supplied by users and visible or sent to others over computer networks is subject to the same rules of conduct that apply to any message in any other medium.

5. Networks such as the World Wide Web have greatly expanded the capacity of Bates users to view and interact with computers all over the world. A user should not use the Bates College computing facilities to go beyond normal Internet connections to gain unauthorized access to other computers off campus. Users should notify Information and Library Services staff of any off-campus computing arrangements they have that may have an impact on Bates computing resources. Unauthorized access to, and use of, other computers may result in criminal and/or civil action.
6. A user should not alter the normal functioning of the computing system. This applies to attempts to reallocate storage space, to change the priority levels at which programs run, or to gain unauthorized access to other user accounts, passwords, or system directories. It also applies to attempts to degrade system performance, to "crash" the computer, to disconnect other users from the computer, or to send unsolicited messages and "junk" mail to other users of the system. These restrictions apply to all Bates computers, including public microcomputers. More generally, all users have a responsibility to avoid running programs that are wasteful of system resources, especially when doing so noticeably reduces the performance of the system for other users.
7. A user should not attempt to reserve access to the computer in a public area for his or her own use, and should log out in all locations when the computer is not in use. Generally a user should not use more than one port or microcomputer at a time.
8. Game and other recreational programs have the lowest priority on the system. Anyone using a computer in a public lab for game or conference must relinquish it to another user upon request. Modems may not be used for games, which includes muds and irc. Modems are a limited resource, and may only be used for educational purposes.
9. A user should not abuse or mistreat Information and Library Services equipment. All users should become thoroughly familiar with the proper operating procedure for a given device before attempting to use it. High-speed printers, plotters, multimedia equipment, scanners and similar equipment are quite delicate and easily damaged through careless or rough use. A user is held responsible for any damage to equipment caused by his or her own carelessness.
10. Information and Library Services provides documentation online, in Treat Gallery, at remote sites on campus, and in the Library. A user should not remove documentation from any of these locations. Documentation may also be purchased from Information and Library Services, the Bookstore, and through other commercial channels.
11. Bates College computing systems are available to the Bates community to further the educational goals of the College. Bates College does not permit use of its computing resources to support commercial enterprises of account holders. A user in doubt about a particular case should contact the Information and Library Services Management Team.

System Administration

1. Information and Library Services staff charged with the responsibility for maintenance of the integrity and security of the College's computing systems are permitted to copy or move user files for routine backups and preservation. They are authorized to investigate possible abuse of computer systems, and to take appropriate action. A user can expect that staff will not inspect the contents of their files without proper justification and authorization.
2. Bates College IP addresses are issued and authorized by Information and Library Services staff. They are available for use only by the person to whom they have been issued for uses authorized by Information and Library Services.
3. Most software is protected by copyright law unless it has been placed in the public domain. It is illegal to duplicate or distribute software or its documentation without the permission of the copyright owner. Software acquired by Bates College is licensed to the College. The licenses restrict how and

where the software may be used by members of the College community, and Information and Library Services manages the system in order to minimize the number of copies of software needed to support College work. Consult Bates College Information and Library Services for information about the content of particular license agreements.

The guidelines discussed above are intended to insure that each user's rights to privacy and fair share of system resources are protected. Users are requested to inform Information and Library Services staff if they suspect that their rights are being violated.

126 TRAVEL POLICY

For information in regards to traveling on Bates College business, please call the Accounting and Budgeting department.

127 MOTOR VEHICLE SAFETY HANDBOOK AND POLICY

I. Introduction

The Bates College Motor Vehicle Safety Handbook and Policy is based on a loss prevention model which establishes the safety of drivers and passengers as a fundamental priority in the operation of Bates College motor vehicles. For policy purposes, the term "Bates College motor vehicle" includes all motor vehicles owned, leased, or rented by the College.

Experience tells us that motor vehicle accidents are preventable. Working to prevent and reduce the number of motor vehicle accidents helps to lower the incidence of personal injuries, lowers the aggregate cost of property damage, and works to reduce insurance costs while serving as an important part of the larger effort to foster a safe educational environment at the College.

The safety and well being of the College's students, faculty, and staff are important goals for all elements of the College's programs. While it is the responsibility of all community members to participate in safe practices, it is particularly important that every student or member of the College's faculty and staff who accepts the responsibility to operate a Bates College motor vehicle should consider safety a fundamental part of the obligations which obtain in that capacity.

Please read the Bates Motor Vehicle Safety Handbook carefully and take very seriously the responsibility you accept by becoming a driver of a Bates College motor vehicle.

All student drivers as well as faculty and staff under the age of 25 will be required to take a safe driving course and to sign an Agreement for Operation of Bates College Motor Vehicles form in order to be qualified for driving Bates College motor vehicles.

This Handbook and Policy addresses not only the rules governing the operation of Bates College motor vehicles (part II) but, also, the circumstances under which Bates College students may be approved to drive Bates College motor vehicles in support of academic, co-curricular, and formally organized extracurricular activities of the College (part III).

II. Rules Governing the Operation of Bates College Motor Vehicles

A. Compliance with Traffic Laws

Operators of Bates College motor vehicles will comply with all applicable motor vehicle regulations, laws, and ordinances at all times.

B. Alcohol and Drugs

The use of alcohol and/or drugs by the driver or passengers of Bates College motor vehicles is strictly prohibited, either while in possession or use of the vehicle or within 8 hours prior to such possession or use. Violation of this provision will be grounds for immediate termination of driving privileges under this policy.

C. Safety Belts

In compliance with state law, all drivers are required to use safety belts while operating a motor vehicle for the College. Similarly, all passengers, regardless of placement in the vehicle, must wear safety belts while the vehicle is in motion. It is the driver's responsibility to insure 100% compliance with this aspect of policy.

D. Qualified Drivers of Bates College Motor Vehicles

Bates College students must be qualified in order to drive Bates College motor vehicles. Faculty and staff under the age of 25 must be qualified in order to drive Bates College motor vehicles. Standards and requirements to be certified as qualified are described in this section II-4, below.

Other faculty and staff are authorized to drive Bates College motor vehicles so long as they possess an approved driver's license from one of the fifty states of the United States. Exceptions to this blanket authorization for faculty and staff age 25 years and over may be necessary where there is a demonstrated record of unsafe driving practices by the individual.

To become a qualified driver of Bates College motor vehicles, Bates College students as well as faculty and staff under the age of 25 must:

1. Possess a valid driver's license from one of the fifty states of the United States of America.
2. Have no more than (2) minor moving traffic violations within a thirty-six (36) month period.
3. Attend and satisfactorily complete a Safe Driving Class conducted by the College.

Disqualification: Persons who have been convicted of one or more major violations, i.e., driving under the influence of alcohol or drugs, reckless operation, hit and run, driving under suspension, fleeing from a police officer, or who acquire more than two (2) minor moving violations in the preceding thirty-six (36) month period prior to the application for qualification are not eligible to drive Bates College motor vehicles. Persons who are convicted of a major violation after becoming an approved driver must notify the College's Director of Security and Campus Safety or his designee in which event authorization to drive Bates College motor vehicles will be withdrawn.

E. Authorized Passengers - Only those individuals affiliated with the College, i.e., faculty, staff, students, or invited guests, are to be transported in Bates College motor vehicles. Personal use is strictly prohibited. It is the driver's responsibility to enforce this policy.

F. Accidents Involving College Vehicles - If there is an accident involving a Bates College motor vehicle, the first order of safety is to attend to the injured parties and to take care that all parties are safely out of further harm's way in the area of the accident. Note: injured parties should be moved only by medical personnel except under the most unusual and crisis-like circumstances to prevent added trauma arising to the victim.

Each driver's packet contains information on accident reporting, as well as an insurance card bearing the name of the College's insurance broker. No driver should operate a Bates College motor vehicle for the College unless s/he has the accident reporting kit and the insurance card in their possession.

Bates College policy requires that any accident involving Bates College motor vehicles, regardless of severity, location, or fault, should be reported *immediately* to the law enforcement authority within the jurisdiction where the accident occurred and to the Director of Security and Campus Safety at Bates College (207-786-6254).

Other points for consideration in the event of an accident:

1. Make no statement to anyone other than to law enforcement personnel or to the Bates College Director of Security and Campus Safety.
2. Make no statement about payment of damage.
3. Admit no liability.
4. Move the vehicle only when so instructed by police unless your best judgment under the circumstances is that moving the vehicle is the best and safest course of action. Drivers of College vehicles are responsible for all citations received as a result of an automobile accident, excessive speed and other moving violations.

G. Bates College Safe Driving Course - All Bates College students and all faculty and staff under the age of 25 who will drive a Bates College motor vehicles must first successfully complete the Safe Driving Course conducted by the College.

H. Driver Responsibility in Bates College Motor Vehicles - The ultimate responsibility for the safety and well being of all passengers inevitably belongs to the driver of the Bates College motor vehicle. No policy or procedural statements can eliminate that responsibility. All laws must be obeyed and good safety practices followed on an ongoing basis.

The areas listed below further define the driver's responsibilities.

1. Equipment - Any equipment discrepancies, failures, or vehicle damage should be reported to the Office of Security and Campus Safety, and for rented/leased vehicles, to the company owning the vehicle. Inspect the vehicle before using so that pre-existing problems are noted at the outset and, if possible, corrected before vehicle use. Vehicles thought to be unsafe should not be taken out on the road under any circumstances.

2. Luggage - All luggage and equipment shall be stored in a secure fashion so that it does not interfere with the safe operation of the vehicle or endanger the safety of the passengers.

3. Uncooperative Passengers - Passengers who do not, by their actions while being transported in a Bates College motor vehicle, support the safe driving goals of this policy should be reported by the driver to the departmental supervisor who approved the use of the Bates College motor vehicle for College business.

4. Distractions - The driver's attention should always be on the safe operation of the vehicle. Distractions such as eating or drinking should be refrained from while the vehicle is in motion. Smoking is prohibited in College vans.

5. Reflectors - If the vehicle becomes disabled, triangular reflectors, which are located in the vehicle, should be placed to the rear of the disabled vehicle.

I. Unauthorized Use of Bates College Motor Vehicles - Only authorized and qualified drivers may drive Bates College Motor Vehicles. Drivers for whom vehicles have been signed out or rented are not authorized to delegate driving privileges to other drivers except in an emergency and, then, only where the delegated driver is a qualified driver for Bates College Motor Vehicles.

J. Approvals Required for Bates College Students to Drive Bates Motor Vehicles - The College distinguishes between the question of the rules for qualifying Bates College students for driving Bates College motor vehicles (addressed in part II, above) and the processes and policies which will govern the acceptable circumstances wherein Bates College students may be asked to drive Bates College motor vehicles.

Broadly speaking, Bates College students will be authorized to drive Bates College motor vehicles only when absolutely necessary for the direct support of the College's academic, co-curricular, and formally organized extracurricular programs and when faculty or staff personnel are not available to serve in the capacity of driver.

Approval for Bates College students to drive Bates College motor vehicles must be granted in writing by one of the members of the Bates College faculty or staff listed below or his/her approved (faculty or staff) designee. Authorization may be granted only on a date-specific basis; that is, no blanket authorizations may be granted covering extended or open-ended periods of time. Authorization forms (see appendix A...) will be prepared in duplicate. One copy should be retained by the authorizing party. The other should be submitted, before assuming command of the vehicle, to the Office of Security and Campus Safety in the case of College-owned vehicles or to the auto rental company in the case of rented/leased vehicles.

Only certain individuals are authorized to approve Bates College students to drive Bates College motor vehicles in circumstances consistent with this policy. The list is available in the Campus Safety and Security Department.

128 PARKING REGULATIONS

The College recognizes the use of motor vehicles as a convenience, and it is not obligated to provide parking for all vehicles entering campus. It will, however, make an attempt to provide a reasonable number of parking spaces for properly registered vehicles within the scope of resources and available sites. In order to ensure an orderly flow of motor vehicle traffic and to maximize utilization of the limited parking facilities on campus, all members of the College community must accept the obligation to observe these policies. The regulations are designed to maximize our limited parking space and to avoid detracting from the natural beauty of the campus. Please read these rules and regulations carefully, as they apply to all faculty, staff, students, their guests and visitors. Furthermore, it is understood that the operation of a motor vehicle on campus and utilization of any Bates College Parking facility constitutes an acceptance of these rules and regulations.

128.1 REGISTERING A FACULTY/STAFF MOTOR VEHICLE

All vehicles parked on campus (this includes motorcycles, mopeds, and vehicles belonging to students who live off campus) must be registered with Security. Parking permits may be obtained at the Satellite Security office adjacent to Concierge in Chase Hall. This office is staffed Tuesday through Friday from 9 a.m. to 3 p.m. or as resources allow. Otherwise, employees may obtain a permit at the Security Building located at 245 College Street.

The parking decal must be properly affixed to the rear driver's side window. If the decal is improperly placed, the owner of the vehicle is in violation of the parking policy. Should there be a question about the placement of a parking decal, call Security and Campus Safety. Any vehicle with an altered parking decal is in violation of College policy and the owner of the vehicle is subject to being fined and/or towed from campus property.

All faculty and staff of Bates College must register their vehicle(s) as described above if they plan to park on campus at any time. Upon registering, they will be issued a Bates College parking permit. There is no fee for a faculty/staff decal. If a vehicle was registered and received a parking permit after September 1, 1993, the registration is valid and does not need to be re-registered.

Unregistered motor vehicles found on campus will be fined \$20.00. The fine for individual parking tickets is \$10.00. Faculty/Staff members are expected to pay their tickets within 14 days. Outstanding fines that are 30 days overdue will result in the suspension of parking privileges and automatically place the vehicle(s) in jeopardy of being towed. Parking privileges will be reinstated upon payment of all outstanding fines.

128.2 REGISTERING A VISITOR'S MOTOR VEHICLE

All visitors desiring to park their motor vehicle on Bates College property must register their vehicle with the Security Office upon their arrival. A temporary parking permit will be issued to the visitor. There is no cost for this temporary permit. Visitors must comply, however, with the College parking regulations. For this reason it is the responsibility of any member of the Bates College community who has invited visitors to the campus to inform them of the parking regulations.

128.3 PARKING SIGNS

Parking signs have been kept to a minimum to preserve the beauty of the campus. Consequently, signs primarily will designate where you are allowed to park, rather than where you may not park. It is the responsibility of each student, faculty, and staff member of Bates College who desires to park on campus to obtain a copy of these regulations and campus parking map. The map clearly designates where faculty, staff, students, and visitors may park, and it will be each person's responsibility to be familiar with the map and the locations on campus where parking is permitted.

For more information on Parking policies, call the Security and Campus Safety Department at 796-6254.

EMERGENCY AND SECURITY INFORMATION

129 EMERGENCY NUMBERS

**Security and Campus Safety and Bates EMS786-6111 or
786-6254**

**Health Center
786-6199**

**Lewiston Police
..... 911**

**Sexual Assault Response Line Student Advisors:
786-6199**

x-7275

From on campus:

**Sexual Assault Crisis Center (SACC)
.....795-2211**

phones

Blue Light emergency

130 BATES COLLEGE SECURITY PERSONNEL

Bates College has full-time, trained, Security Officers who patrol the campus on foot, on bicycles, and in a security vehicle 24 hours a day. Communications Officers (dispatchers) staff the security office located at 245 College Street, at all times. They answer phone calls directed to Security, including calls from the security phones located throughout the campus, and are in constant contact with security personnel via radio. In addition, there are Watch Officers on campus at various times who monitor buildings, lock and unlock doors, and assist campus personnel in a variety of ways.

131 SECURITY PHONES

There are over 120 security phones strategically located throughout the campus. These phones are connected directly to Security and Campus Safety, and automatically begin to ring when the receiver is lifted. Security phones may be used to contact Security for any reason, such as to call for an escort, to report a suspicious person, or to report an emergency. Communications Officers can contact the appropriate emergency personnel (security, police, fire, or medical personnel) and direct them to your location. Each security phone has a blue light above it which is clearly visible at night. Employees should become familiar with the locations of the security phones and their operation.

132 SECURITY ALERTS

The Security Alerts program is administered by the Dean of Students Office. Please contact this office for more information.

133 SAFEWALKS ESCORT PROGRAM

During critical times of the evening and night, students are available to escort faculty, staff, or students to their destinations on the campus. These students are trained in safety procedures and are equipped with flashlights, security vests, and portable radios. They also patrol the campus when not conducting escorts, acting as eyes and ears for Security by detecting and reporting potential problems. If you wish to have an escort on campus, either by SafeWalks personnel or by Security, simply pick up one of the security phones (they automatically dial Security), or dial 6999 from any campus phone.

134 WHISTLE ALERT PROGRAM

Bates College has instituted a Whistle Alert Program for all persons on campus. Employees desiring to participate in this program should pick up a whistle from Security, free of charge, and follow the few simple instructions listed below. The procedures described can be used throughout your life, regardless of where you live or work.

The College distributes whistles to promote the general safety and well-being of the community. Responsible use of such whistles is critical to the success of the program. We offer the following guidelines for proper use:

1. Whistles should be used only when immediate threat exists or an actual crime is in progress.
2. If you hear a whistle, respond by:
 - a. alerting Security immediately (786-6111), if a telephone is accessible or by picking up a security phone;
 - b. blowing your whistle if nearby;
 - c. going to the scene, preferably in the company of others.

Please remember a whistle is not a replacement for other safety precautions. False whistle alerts will be met with penalties, including a \$75.00 fine.

135 EMERGENCY RESPONSE PROCEDURES (INTEGRATED CONTINGENCY PLAN)

An Integrated Contingency Plan has been designed to minimize hazards to human health and the environment potentially caused by fires, explosions, natural disasters, bomb threats, and any unplanned release of hazardous material to air, soil, surface water, or groundwater at or from the facility. The provisions of this plan will be carried out whenever there is a fire, explosion, or release of hazardous material at or from the facility that could threaten human health or the environment.

The important thing to remember in any emergency situation is to dial **786-6111** on your Bates College telephone. The **x-6111** number is to the Security and Campus Safety Office who have are trained to respond to any emergency on campus. Dialing **x-6111** is as effective way of responding since the Security Department will contact the appropriate emergency personnel (security, police, fire, or medical personnel) and direct them to the appropriate location.

There are additional procedures requested of faculty and staff members who receive a bomb threat. Please refer to section 136 of this handbook for more information on Bomb Threats. For a more complete description of the Integrated Contingency Plan, please refer to section 515 of this handbook.

136 BOMB THREAT PROCEDURES

When a bomb threat is received:

1. Contact Security immediately by calling 6111.

2. All on-duty Security Officers will be dispatched immediately to the scene.
3. 911 will be notified by the Dispatcher as soon as the Security Officers have been dispatched.
4. The Dispatcher will contact the Director of Security immediately. In his/her absence, the Associate Director will be notified. In his/her absence, the Assistant Director will be notified. The Director will contact the offices of the President, the Dean of the Faculty and the Dean of Students and/or activate the SERG committee. The Director or his/her designee will inform the Office of College Relations of the incident.
5. Once on the scene the Security Officer in charge will coordinate with outside emergency agencies to assess/investigate the threat.
6. The appropriate College authority along with the Security Officer in charge will determine the course of action, including:
 - a. Evacuation of the building
 - b. Search methods to be utilized, if any
 - c. Safety measures
 - d. Need for other agencies

To evacuate a building:

Emergency personnel will evacuate the building by repeatedly blowing a whistle provided by Security. Personnel will simultaneously check each room beginning with the lowest floor and advise anyone remaining in the building to leave immediately in a calm manner. The fire alarm shall NOT be pulled in an effort to evacuate the building and all electronic devices must be turned off prior to entering the building. This includes but is not limited to two-way radios, pagers, and cell phones.

To search a building:

The search method(s) agreed upon will be executed by personnel chosen by the Security Officer in charge.

Each person who searches a building will be issued a whistle.

If you find a suspicious object or condition:

- a. Do not touch, move, or handle the object or anything attached to it.
- b. Blow your whistle three times in succession to evacuate search team members.

All media inquiries will be handled by the Office of College Relations.

137 EMERGENCY RESCHEDULING OF CLASSES

This procedure was drafted to address the rescheduling of classes in non-weather emergencies.

- The establishment of an emergency situation will be authorized by the Dean of Faculty or Dean of Student's office and communicated to the Registrar and Student Financial Services (RSFS) Office.
- In advance, a link with the title "emergency information" will be placed on the No Line On Line login page and the Bates community informed that this is the place to look for scheduling information.
- The RSFS staff will attempt to reschedule all courses as needed and will update it on the web.
- The initial schedule will be copied and given to the DOS office for campus distribution in key areas with a note to refer to the web link for updates.
- Faculty will be instructed to check with RSFS if they have special needs for that day.

- DOS will continue to send out a voice mail and an e-mail to the Bates community and will remind them of the emergency link on No Line On Line for scheduling information.
- In advance, RSFS staff will determine the contact person for using the Gray Cage and other spaces on campus not typically used for classes such as rooms in Chase Hall, lounges, library and computer labs. Each of those contact people will be informed that in an emergency situation, classroom scheduling takes precedence.
- RSFS staff will be trained to use the Banner system to identify spaces that can be used at each time. Every attempt will be made to follow the usual class schedule.

138 COLLEGE EMERGENCY PROCEDURES & POLICIES *(INCLUDING WEATHER EMERGENCIES)*

A Senior Emergency Response Group (SERG) is established to determine the existence and nature of an emergency (including weather emergencies) affecting the College, and to initiate appropriate action and communication regarding such emergencies. The Group will continue to serve during the emergency, to coordinate the College's efforts, and to advise the President on decisions regarding the emergency.

Members of the Senior Emergency Response Group

President, Vice President for Asset Management and Treasurer, Vice President for Academic Affairs, Dean of Students, Director of College Relations, Director of Human Resources, Director of Physical Plant, and the Director of Security.

SERG Operating Procedures

- 1. Following consultation with Security the President or, if the President is unavailable, the Vice President for Academic Affairs, Dean of Students and the Vice President for Asset Management (in that order) will determine whether to convene SERG. In their absence, the director of security will activate the SERG committee. The Director of his designee will inform the Office of College Relations of the incident. In the event of imminent danger to individuals or groups of individuals, public safety procedures will take precedence over immediately activating SERG.**
2. Bates Security and Campus Safety will contact the SERG and other necessary personnel.
3. If SERG is convened, they will meet in the Bates Security and Campus Safety Office during the emergency or crisis.
4. Immediate objectives of SERG, once convened:
 - Identify the nature and scope of the emergency.
 - Establish priorities and coordinate crisis response efforts.
 - Activate the emergency telephone system in the event of a power failure. If this system fails, activate the campus phone tree or courier system.
 - Interact with outside agencies including, but not limited to, the American Red Cross, law enforcement, fire department, and the Emergency Management Agency.
 - Determine the times and means to report efforts and progress to the campus community.

Depending on the nature of the emergency, additional members of SERG may be added, including, but not limited to, the head of Bates Emergency Medical Service (EMS), Director of Health Services, or the Vice President for External and Alumni Affairs.

Weather Emergencies

At the announcement of a weather emergency, the Senior Emergency Response Group (SERG) will determine whether or not College services are to be open or closed. The announcement will be made

on radio and television (see below), as well as by Security when contacted. ***If College offices are closed, only those personnel already defined in advance by the director of the department as "essential" should report for work; no other personnel should report. "Essential" personnel will be needed only to preserve safety, health, and maintenance functions. If College offices are declared open, all personnel should assume that they report to work.***

Guidelines for Staff

When Bates College declares a weather emergency, only "essential" personnel should report for work as scheduled.

If the President, or his or her designee, declares a weather emergency and the College closes its offices, each department head will have determined, in advance, on the basis of typical categories of situations (e.g., weather emergencies), who in the department is to be considered "essential." However, it is understood there will be unanticipated categories of emergency that may require the director of the department to make last-minute contact with key employees.

Employees not asked to report to work (except temporary employees) will receive their regular pay. If an employee is on vacation or sick leave during a declared weather emergency (and College offices are closed), the day(s) of emergency will be added to the employee's vacation or sick leave balance.

Regular **non-exempt** employees who are required to work during a weather emergency will receive pay at 2 _ times the straight time rate of pay. This is figured by adding 1 _ times pay (the overtime rate) and an added 1 time (straight-time) pay to make allowance for the excused time pay received by other nonexempt employees during the emergency.

If Bates does not declare that College offices are closed as a result of a weather emergency, weather conditions nevertheless may cause employees to be concerned about traveling to and from work depending on the distance of travel, the hazards of driving or other subjective factors. In such cases, the employees will have to make their own judgments about whether to stay home or to leave work early. An employee's decision, based on individual circumstances, will be respected when shared with his or her supervisor. If an employee chooses not to travel or decides to leave work early because of concerns about the weather, he or she may use accumulated vacation time, make up the time on other days within the same week (or its practical equivalent) if approved by the supervisor, or take leave without pay.

Temporary employees may be required to report for work during weather emergencies if they are declared essential. Temporary employees who work during the weather emergency will receive time-and-one-half pay for hours worked, in accordance with the normal pay policies and practices of the College.

Classes. Because Bates is a residential college, the College may be in session (during the academic term) when a declared emergency occurs; the operating assumption will be that classes will still be held. On rare occasions, the College, through SERG, may have to announce an emergency so severe that classes are canceled. **The announcement of the cancellation of classes will be a separate announcement from the declaration of the closing of College offices. [Announcements would be "Bates College offices are closed; classes remain open. Only essential personnel should report to work."; -- or "Bates College offices are closed; classes are canceled. Only essential personnel should report to work."]**

Even if classes are not canceled, individual instructors whose travel to the campus would be hazardous, or who (for other reasons) are unable to meet their classes, may decide to cancel their classes and reschedule them later. This information would be most effectively addressed to the Office of the Dean of the Faculty. On the unusual condition of the official declaration of the cancellation of classes, radio announcements, electronic and telephonic postings, as well as written postings on campus buildings will be made.

Professional services at the College. Unless an emergency has been declared which closes College services, the assumption should be that offices and services are open. If the College is open, individuals may decide not to come to work when travel risks or other weather-related factors make it inadvisable. Professional service providers, who are unable to come to work when a weather emergency has not been declared, will use vacation or sick time.

Independent contractors not providing services, whether or not an emergency has been declared, should not bill for that time.

Special events and programs (including non-resident Summer programs) will be canceled if the College closes its services; while an effort to provide appropriate notice will be made canceling a specific event, the assumption shall be that if College offices are closed, then the special event will be canceled.

Volunteers. Employees not asked to work as a result of the emergency situation, and who wish to volunteer to assist, may volunteer at the central communications center (see below). A member of the Human Resources staff will be available to coordinate deployment of volunteers.

Parking restrictions during a weather emergency will be announced by Security and posted throughout the campus.

Announcements

Announcements will be made that the College has declared a weather emergency and closed basic services and/or has declared a weather emergency, closed basic services, *and* canceled classes. These announcements will be:

- First news media notification will be made to WCSH TV-6.
- Broadcast over **radio stations**: WLAM-AM 870, WRBC-FM 91.5 — as well as **television stations** — WCSH-TV (Channel 6) , WGME-TV (Channel 13) and WMTW-TV (Channel 8), Fox TV-51.
- If power is available, emergency messages will be on the campus **e-mail** network and on **voicemail** so many employees can dial in from home. The College Web page will also carry the relevant information.

The Security Office, or a designated alternate site, will be the College's central communications center. An emergency telephone information number will be provided and published in College publications which can be used to obtain current information.

Employment

Employment

200 EMPLOYMENT

The intent of this section of the Employee Handbook is to clarify the definitions of employment classifications so that all employees understand their employment status and benefit eligibility.

201 EMPLOYMENT CATEGORIES

Bates College has three categories of employees: Faculty, Staff (exempt and non-exempt), and Student Employee. A person is classified as an employee when he or she receives a payroll check from Bates College. An employee's status and benefit eligibility are determined by his or her employment category and number of hours worked.

These classifications do not guarantee employment for any specified period of time. Accordingly, the right to terminate the employment relationship at will at any time is retained by both the employee and Bates College. All employees who do not have a signed employment contract for a specific term of employment are "at-will" employees. Generally, only faculty personnel at Bates College have contracts of employment with the College.

201.1 FACULTY

201.1a Membership in the Faculty is defined in Article VIII, Section 1 of the By-Laws of Bates College. Employees holding tenured, non-tenured, or non-tenure track positions at the rank of Professor, Associate Professor, Assistant Professor, Instructor, Senior Lecturer or Lecturer, including those with Visiting appointments, are defined as Faculty for employment purposes. Employees holding such rank are subject to rules and procedures in the Faculty Handbook of Bates College in addition to this handbook.

201.1b The President, the deans, the chief financial officer, the Registrar, the Librarian and the principal Assistant Librarian are also designated as members of the Faculty by the By-Laws. For employment purposes, these employees are defined as exempt administrative staff members (see 201.2a) unless they also are appointed to a rank specified in 201.1a.

201.1c The Faculty of the College may allow certain staff members to attend meeting of the Faculty without vote. Such an invitation is a courtesy extended by the Faculty as a body, and does not define an employment category or employment relationship for invitees.

201.2 STAFF

201.2a Exempt Staff Members - are non-faculty employees serving in positions exempt from the overtime pay provisions of the Fair Labor Standards Act because their executive, administrative, professional, or managerial responsibilities meet the exemption requirements of the Act.

Administrative Staff (directors, department heads, and/or members of the President's Council), Professional Staff (those who hold positions which require advanced training and/or education), are generally paid on a monthly pay cycle.

201.2b Nonexempt Staff Members - are non-faculty employees serving in positions covered by the overtime provisions of the Fair Labor Standards Act. Support Staff are generally nonexempt employees who are paid on a biweekly basis.

201.3 STUDENT EMPLOYEE - are persons whose primary status is as registered students at Bates College or who are classified as students in accordance with Federal regulations. All students are classified as temporary employees.

202 EMPLOYMENT STATUS

In addition to the employment categories defined above, each employee will also belong to one of the following employment statuses:

202.1 REGULAR EMPLOYEE - employees who occupy positions with a reasonable expectation that the position is recurring, notwithstanding the employment-at-will relationship. Regular employees are those who are not in a temporary or introductory status (see section 204 for a definition of introductory status).

202.1a Full-time employees are those who are regularly scheduled to work 40 hours per week for the entire year. Full-Time employees hold a 1.0 Full-Time Equivalent (FTE) position. Generally, full-time employees earn full Bates College benefits, subject to the terms, conditions, and limitations of each benefit program as described in the Benefits section of this handbook.

202.1b Three-quarter-time employees are those who are regularly scheduled to work between 27 and 39 hours a week for a full year, and at least 1405 hours up to a total of 2079 hours per year schedule. Three-Quarter-time employees hold positions greater than .67 FTE but less than a 1.0 FTE. Generally, they earn Bates College benefits on a prorated basis, subject to the terms, conditions, and limitations of each benefit program as described in the Benefits section of this handbook.

202.1c Half-time employees are those who are regularly scheduled to work between 20 and 27 hours a week with a minimum of 1040 hours and up to but not exceeding 1404 hours per year. Half-time employees hold positions of .50 to .66 FTE. Generally, they earn Bates College benefits on a prorated basis, subject to the terms, conditions, and limitations of each benefit program as described in the Benefits section of this handbook.

202.1d Part-time employees are those who are regularly scheduled to work less than 20 hours per week for the entire year or less than 1040 hours. Part-time employees hold positions of less than .50 FTE. They are ineligible for Bates College benefits as described in the Benefits section of this handbook, but receive all legally mandated benefits (Social Security, Workers' Compensation and Unemployment Insurance).

202.1e Academic Year Staff Members serve in positions that are regularly scheduled to work over a 9- or 10-month period of time in support of the academic calendar. Academic Year staff work from 1 - 40 hours per week for 40 - 44 weeks per year, or .01 - .833 FTE. As with other classifications of employment, Academic Year positions earn benefits based upon the number of hours scheduled for work or their Full-Time Equivalent status. Therefore, they are eligible for Bates College benefits on a prorated basis, subject to the terms, conditions, and limitations of each benefit program as described in the Benefits section of this handbook.

202.2 TEMPORARY EMPLOYEE - non-regular employees who are employed 364 consecutive days or less, generally have defined start and end employment dates, are not eligible for Bates College benefits, and do not occupy recurring positions. For temporary employees, there is no expectation of continued employment after the defined and agreed upon period of time has ended. Temporary employees are also employees-at-will.

Temporary employees are hired as interim replacements to temporarily supplement the work force, or to assist in the completion of specific projects. Employment assignments in this category are intended to be of a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status unless and until notified of a change of status in writing by the Human Resources Department. Temporary employees receive coverage under the College's Workers' Compensation insurance, unemployment coverage, and participate in Social Security program, which are legally mandated benefits. However, temporary employees are ineligible for all other Bates College benefits. Such limitations are described in the Benefits section of this handbook

202.2a Per Diem Employee - temporary employees who are employed on an as needed, day-by-day, or intermittent and/or unpredictable basis to perform specific assignments that do not normally require an ongoing work commitment (on-call wait-staff, on-call dispatchers, casual labor, special event, or emergency workers).

202.2b Special Projects/Summer Programs Employee - temporary employees who periodically participate in summer programs or long term special projects with defined and agreed upon start and end employment dates of 364 days or less.

203 SPECIAL OR CONTRACTED EMPLOYEE - are generally employees whose terms and conditions of employment are negotiated at the time of hire because of the unique nature of their employment with the College, these unique arrangements are agreed upon in a signed contract. Contracted Employees generally hold hard to fill, unique, or grant funded positions within the College.

204 INTRODUCTORY PERIOD OF EMPLOYMENT - all new staff member's performance is evaluated to determine whether further employment in a specific position or with Bates College is appropriate. The introductory period for staff members is 6 months upon initial hire in regular positions.

205 INTERNATIONAL STAFF MEMBERS

This information pertains to staff members who are Non-U.S. Nationals in Staff Positions (for Faculty positions see the Faculty Handbook). Bates College expects non-U.S. nationals hired at Bates to pursue measures necessary to ensure that they can live and work in the United States legally. The non-U.S. national who has secured a position must:

- 1) maintain a current legal status in the appropriate visa category and notify the College of any anticipated change of status. Note: J-visa holders must verify that they are not subject to the two-year foreign-residency requirement;
- 2) ensure his/her ability to travel outside of the U.S. and return legally in time to fulfill his/her obligations to the College, and provide Human Resources with a photocopy of every new I-94 form (front and back);
- 3) initiate his/her own permanent-residency petition if appropriate. Note: The filing of the first part of this application *must* be done within a *limited* time period (currently eighteen months) from the date the staff member is selected.
- 4) manage all immigration matters pertaining to dependents;
- 5) bear all expenses associated with immigration matters, including filing fees to the Immigration and Naturalization Service and the compensation of immigration attorneys; Bates College will not be responsible for any legal fees associated with individuals obtaining an appropriate visa status.
- 6) Inform the Director of Human Resources as soon as U.S. permanent residency is secured.

In its efforts to assist staff members with alien visas and immigration matters, the College will:

- 1) provide general information about H-1B visa or other visas and permanent-residency requirements;
- 2) submit a Labor Condition Application to the Department of Labor on behalf of the staff member (required for an H-1B visa);
- 3) generate documentary materials as required to assist in the submission of a Labor Certification Application (required within eighteen months of hire so that it is on file if the staff member ever decides to apply for permanent residency);
- 4) assist with supporting documentary evidence (such as copies of contracts, letters of support from the department head) as required;
- 5) provide a list of immigration attorneys available to assist non-U.S.-citizen staff members at the staff member's expense. Note: The College strongly recommends that staff members who choose to retain attorneys consult those with a specialty in immigration law, since general-practice attorneys are not always apprised of the frequent and complex changes in immigration regulations.

206 VOLUNTEER - a person who has agreed to perform voluntary service to the College but receives no remuneration. Volunteers are obligated to abide by the rules, regulations, and policies and procedures of the College. Volunteers are ineligible for Bates College benefits, but may receive special privileges of access to College

facilities, on an as needed basis.

207 EMPLOYMENT AGENCY PERSONNEL

Individuals who are leased from temporary employment agencies for specific assignments are employees of the respective agency and not of Bates College. These personnel are not eligible to receive a Bates Identification Card or receive any benefits or status as a member of the Bates Community.

208 INDEPENDENT CONTRACTOR

Persons, or business representatives, who perform specified services for the College and do not occupy an identified regular or temporary position at the College, are not employees of the College. Independent Contractors are paid through accounts payable. The appropriate IRS regulations governing Independent Contractors are quite extensive, therefore, Human Resources should be consulted when classifying individuals as an employee or as an Independent Contractor. Independent contractors may be required to carry appropriate insurance for indemnification of liability to the College.

EMPLOYMENT PROCESS

209 EMPLOYMENT PROCESS

Before any person can be hired by and placed on the payroll, one of two forms must be completed. For regular positions, a *Position Announcement Authorization Form (PAAF)* is required. The *Temporary Position/Person Authorization Form (TPPA)* is required for nonrecurring positions that are filled for limited durations. The President must sign the PAAF before any regular employee is recruited or hired at Bates College. Also, the President must approve any temporary employee who works for 5 or more months or 1000 or more hours in a calendar year.

For temporary employees who work for less than 5 months, the appropriate Vice President/Dean or Director/Department Head who has budget authority can sign the TPPA form up to a certain salary limit and time limit. For more information, contact the Human Resources Department.

During the authorization process to fill vacant positions, each position authorization form must be accompanied by a written justification for filling or refilling the position in question. Reauthorization of positions is not an automatic process and as such each position request is reviewed anew when a vacancy occurs.

Additionally, all exempt positions are subject to the College's Affirmative Action policy and procedures. Therefore, when recruiting and hiring exempt positions, certain Affirmative Action procedures must be incorporated into the hiring process. Please contact the Affirmative Action Office for more information.

210 JOB DESCRIPTIONS AND JOB CLASSIFICATION

An evaluation of the duties and responsibilities of all new positions will be conducted prior to recruiting for the position. This evaluation is used to accurately classify positions and to ensure compliance with state and federal regulations.

Since recruiting, hiring, and compensation decisions are dependent upon an accurate job description, every effort should be made to maintain accurate job descriptions for all positions within the organization. Each description should include the following job information: a job summary or general overview, the essential functions of the position, and any special, unique, or periodic duties. Essential functions are the core duties and responsibilities of a position, without which the position would be fundamentally different.

Job descriptions are also useful in orienting new staff members to their jobs, setting standards for staff member performance, and establishing a basis for making reasonable accommodations for individuals with disabilities.

The hiring manager must prepare a job description when new positions are created. Existing job descriptions

should be reviewed and revised periodically in order to ensure that they are up-to-date with the position's current duties and responsibilities. All staff members are expected to help ensure that their job descriptions are current, accurate, and reflect the work being performed. Semi-annual Conversation Document meetings (refer to section 229) are good occasions to discuss job descriptions, when needed.

It is important to remember that job descriptions do not necessarily cover every task or duty that might be assigned, and that additional responsibilities are assigned as necessary. Contact the Human Resources Department if you have any questions or concerns about job descriptions.

211 RECRUITING, ADVERTISING, AND POSTING POSITIONS

Job posting is a way to inform employees of openings and to identify qualified and interested applicants who might not otherwise be known to the hiring manager. Position openings may be posted on bulletin boards around campus, posted on the web, and listed in the *Human Resources Communicator* newsletter. The Bates College job line at 786-6959 may also be used to announce openings as they occur. Positions will normally remain open for at least 14 days, but applications are accepted until the position is filled.

Open positions will also be advertised in local, regional, and national newspapers, list serves and periodicals depending on the nature of the position and time when the position is available. Other recruiting sources may also be used to fill open positions in the best interest of the College.

On occasion, certain positions will be advertised on campus only and such postings will be noted by the label “*INTERNAL CANDIDATES ONLY.*” *Internal Candidates Only* postings are designed to encourage current staff members to apply for positions on campus. It is the prerogative of the hiring manager to have an open search, an internal search, or a combined internal and external search based upon the time involved in the search process, as well as the needs and demands of the particular department.

Advertising and posting position announcement flyers are only two forms of recruiting qualified candidates. Additional recruiting efforts are encouraged to develop a large and diverse pool of potential applicants. In an effort to obtain a diverse pool of applicants, the Affirmative Action Office and the Human Resources Department will work with the hiring manager to design a recruiting campaign for each open position. Employees are also encouraged to notify and nominate qualified applicants for open positions at the College.

212 EMPLOYMENT APPLICATIONS

Bates College relies upon the accuracy of information contained in the employment application, or resume as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the exclusion of the individual from further consideration for employment or, if the person has been hired, potential termination of employment. Employment applications are required of all positions, or a resume and cover letter with statements noting that an individual is legally able to work within the U.S. and whether or not the applicant has a felony conviction. A felony conviction may disqualify an applicant from employment with the College.

213 INTERNAL CANDIDATES

Bates College provides employees an opportunity to indicate their interest in open positions and advance within the organization according to their skills and experience. In general, all regular non-temporary job openings are posted throughout the College. Temporary positions, promotions, reclassifications, and positions created by reorganizations are not necessarily posted as vacancies.

Employees who have a written warning or reprimand on file within the most recent 6-month period of time are not eligible to apply for posted jobs. Employees who are on suspension are not eligible to apply for posted jobs. Staff members in their introductory period of employment with the College are also ineligible to apply for internal postings.

Eligible employees should only apply for those posted jobs for which they possess the required skills, competencies, and qualifications as advertised or listed in the position announcement. To apply for an open position, employees should submit an updated resume or application to the Human Resources Department listing job-related skills and accomplishments. The materials should also describe how their current experience with Bates

College and prior work experience and/or education qualifies them for the position.

Bates College recognizes the benefit of developmental experiences and encourages employees to talk with their supervisors about their career plans. Supervisors are encouraged to support employees' efforts to gain the knowledge, experience, training, and/or education to advance within the organization.

The hiring manager must check internal references of the employee who is a candidate for a position with the employee's current supervisor to verify performance, skills, attendance and other factors related to the employee's employment.

214 USE OF SEARCH COMMITTEES

The use of search committees is required for all exempt positions and is in accordance with the Affirmative Action policy of the College. Exceptions to this practice will be approved by the Director of Human Resources for staff positions, or the Dean of Faculty for faculty positions, each with the consent of the Affirmative Action Officer.

A Human Resource Manager, the Affirmative Action Officer, or a member of the Affirmative Action Committee are available to serve as ex-officio, non-voting advisors to search committees. These individuals can advise committees in the areas of: 1) training and assistance on search, screening, and evaluation techniques, 2) information on legal matters related to employment, 3) advise and support the committee in Affirmative Action efforts, and 4) otherwise serve as a resource for the committee in the entire employment process.

Suggested guidelines for the conduct of search committees are available in the Human Resources Department.

215 EMPLOYMENT REFERENCE CHECKS

To ensure that individuals who join Bates College are well qualified and have a strong potential to be productive and successful, it is the policy of Bates College to check the employment references of all applicants. It is the hiring manager's responsibility to ensure that references are checked. This effort is often delegated to members of search committees, but it is the responsibility of the hiring manager.

When checking references, it is the practice of the College to require at least one reference from a former supervisor of the prospective employee in order to verify actual performance in past positions. Other references are appropriate and acceptable, however, only past supervisors can provide certain qualitative information that is critical in reference checking. In situations where candidates desire to not have their current supervisor notified, an offer of employment can be tendered contingent upon a satisfactory reference check from the supervisor.

More extensive checks may be completed for appropriate positions and may include verification of credentials, work experiences, and other methods of background checks depending upon the nature of the position in question.

216 POST-OFFER PHYSICALS

To help ensure that employees are able to perform their duties in a safe and adequate manner, medical examinations are required for certain positions that involve significant physical demands.

After an offer of employment has been made to an applicant entering a designated position before a person commences working, a medical examination will be performed by a health professional of the College's choice and at the College's expense. The offer of employment and assignment to duties is contingent upon satisfactory completion of the medical evaluation. The medical evaluation will indicate whether the individual is able to perform the essential functions of the position. A copy of the certification will be placed in the employee's personnel file.

However, any other information on an employee's medical condition or history is kept separate from other employee information and maintained confidentially. Access to this information will be limited to those who have a legitimate need to know.

217 INITIAL EMPLOYMENT PROCESSING

Federal law, Immigration Reform and Control Act of 1986, requires all personnel to complete an *I-9 Employment Eligibility Verification* form and present documentation establishing identity and employment

eligibility within 72 hours of commencing employment with Bates College. At that time, the employee will also complete a *Federal W-4, Maine Form W-4ME*, an internal Bates College *Employee Confidential Information Form*, and may enroll in direct deposit at that time. For more information on Direct Deposit, refer to section 405 of this handbook.

Former employees who are rehired must also complete these forms if they have not completed an I-9 with Bates College within the past three years, or if their previous I-9 is no longer retained or valid. Employees with questions or seeking more information on immigration law issues are encouraged to contact the Human Resources Department. All new employees should attend a new employee orientation session upon hire. Refer to section 222 of this handbook for more information.

218 HIRING TEMPORARY PERSONNEL

218.1 Bates College Temporary Employees

Generally, hiring individuals into temporary positions follows similar procedures and is subject to the same rules, regulations, laws, and policies and procedures as hiring regular employees. However, often due to the time demands and the ad hoc nature of temporary assignments, the appointment of temporary persons without a search is possible with the approval of the Director of Human Resources and consent of the Affirmative Action Officer for exempt positions.

Hiring managers should contact the Human Resources Department for assistance in hiring temporary employees. As noted in section **209 Employment Process**, a Temporary Position/Person Authorization form must be completed, before hiring or before the first day of work.

218.2 Agency Temporary Personnel

On occasion, Bates College will lease employees from an outside employment agency. Such agency temporary personnel are acquired from employment agencies to provide support for various departments for a defined period of time. The Human Resources Department is the liaison between the hiring department and the Employment agency. There are several considerations in this process. The department head must contact Human Resources to give the following information: the skills desired, the type of assignment, the length of assignment, reason for the need, available budget, and recommended employment agency, if applicable.

219 DUAL STATUS EMPLOYEES

Employees of the College may serve in more than one position with the approval of the Human Resources Department. This approval must occur prior to the agreement with the employee to work in the secondary job. The hiring manager of the secondary department must contact the Director of Human Resources to ensure the following considerations are addressed: 1) the correct employment status of both positions – full time, part time, per diem; 2) classification of both positions – exempt, non exempt; 3) classification effect on overtime and benefits; 4) determination of which position is primary employment status.

The classification and combination of the two positions may create additional legal and financial implications. Where increased costs associated with overtime are created, the costs are borne by the secondary department. Where the second job creates benefits eligibility, the approval of the President may be required. Additionally, any new or additional costs for benefits will be borne by the secondary department. In all cases, the secondary department head must meet with the Director of Human Resources to review the legal and financial implications of creating dual status employment prior to an offer of employment.

220 EMPLOYING BATES COLLEGE RETIREES

Provisions of federal law govern the employment of persons who retire from an organization and then return to the same organization as an employee. Before making a hiring decision involving a Bates College retiree, the Human Resources Department should be consulted.

221 STUDENT EMPLOYMENT OFFICE

The Student Employment Office (SEO) is a student-managed division of the Human Resources Department, which acts as a resource for both students and employers of students at Bates College, and as a centralized office through which issues concerning student employment are channeled. The primary function of this office is to assist Bates students in finding on-campus student employment and to facilitate and regulate the application process. This office also posts off-campus positions, including babysitting and tutoring jobs in the surrounding community as well as a variety of work-study opportunities in non-profit agencies. The Student Employment Office is located at 220 College Street and the telephone number is (207) 786-6303.

There are two categories of student workers at Bates College. The first category is Work-Study Student employees. These students are given first priority in seeking student positions on campus as the purpose of the Work-Study financial aid program is to provide students with the ability to earn wages to offset their educational expenditures. The second category of student employees is regular Student Assistants. These student employee positions are provided for by the College and are available to all students regardless of financial aid status. Both Work-Study Students and Student Assistants are able to seek any open student position at the College, however priority is given to the former.

For more information regarding hiring or managing student employees, refer to the Student Employee Handbook or obtain a guide for hiring student employees which can be obtained from the SEO.

222 NEW EMPLOYEE ORIENTATION

GENERAL EMPLOYMENT POLICIES AND PROCEDURES

New employee orientation is offered on a regular basis, for the schedule of sessions, please call the Human Resources Department. Supervisors are encouraged to ensure that each of their new employees are notified of this event and support their attendance.

The program consists of a number of useful vignettes on topics important to new members of the Bates community. The program also contains important pieces of information that the College is obligated to share with employees such as certain Safety and Drug-Free Workplace information.

223 CHECK-IN PROCEDURES

New employees of the College find it easier to settle into the Bates community if certain administrative procedures are followed. While there are no established check-in procedures at the College, there are a number of departments that should be contacted upon the arrival of a new employee.

It is important for the new employee or their supervisor to contact the following departments: Security – to obtain a Bates College Identification Card and parking privileges, Office Services – to ensure mail is routed to the correct office, Information and Library Services – to ensure the individual gets assigned the appropriate computer access and passwords, as well as a telephone number, where appropriate.

224 FACULTY AND STAFF DIRECTORY

Each fall the College publishes a written telephone directory that contains information about all regular employees of the College. The information that is included is name, title, department, office telephone number, office and e-mail address. Each employee has the option of including his or her home address and telephone number as well. This information is also available online at the Bates College website. The Bates College website is a secure website and personal information is only accessible from persons who access the website from a Bates College address or @bates.edu entry point.

All information for the directory is drawn from the College's official database contained in the BANNER information system. Therefore, only official information will be listed in the directory, except in the case of personal preference for nicknames or preferred names, and spouse/partner name. New employees are asked to provide appropriate information upon hire by completing the Employee Confidential Information Form, see section 217 Initial Employment Processing for more information. All regular employees are asked to verify their information for the Directory each spring.

225 PERSONAL DATA CHANGES

It is the responsibility of each employee to promptly notify Bates College of any changes in personal data. Name changes, personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of an emergency, educational accomplishments, and other such status reports should be accurate and current at all times. If any of your personal information has changed, notify the Human Resources Department in writing; a signed request is required for all official data changes.

Changes to department names or other official information should be also be communicated to the Human Resource and other campus departments.

226 ACCESS TO PERSONNEL FILES

Bates College maintains a personnel file on each employee. The personnel file includes such information as the employee's job application, resume, records of training, completed Conversations Documents, salary increases, and other employment records.

Personnel files are the property of Bates College and access to the information they contain is restricted. Generally, only supervisors and management personnel of Bates College who have a legitimate reason to review information in a file are allowed to do so and access is restricted to information related to the inquiry only.

Employees who wish to review their own file should contact the Director of Human Resources. With reasonable advance notice, employees may review and/or copy their own personnel files in Bates College's offices and in the presence of an individual appointed by Bates College to maintain the files.

227 WORK HOURS, MEALS, AND BREAKS

An expectation of an average forty-hour work week is a requirement for all regular full-time exempt and nonexempt staff members. While the daily work schedule will vary from department to department, it is expected that during the course of a work-week staff members will be engaged in 40 hours of work. Workload demands may require exempt employees to work more than 40 hours in any given week, but this does not provide entitlement to additional compensation. For more information on Work Schedules, refer to section 110 of this handbook.

In accordance with federal and state law, if an employee works for more than six or more consecutive hours he or she must take a break of at least one half-hour. Most often this break will be a lunch or dinner break. Therefore, employees may not skip breaks in order to accumulate time to depart work early. Furthermore, working without appropriate breaks is a common cause of accidents and injuries.

Lunch or meal periods will vary by department and will range from a half-hour to a full hour depending upon the rules of the department. For departments that are open from 8:00 a.m. – 4:30 p.m., lunch breaks will typically be a half-hour in length and for departments that are open from 8:00 a.m. – 5:00, lunch hours are typically one hour in length. In areas that must provide continuous coverage, lunch periods will be staggered at the discretion of the supervisor so that there is an employee on duty at all times. Bona fide meal periods are not paid time unless the employee is required to work and remain at his or her work site.

Work hours and break times vary according to departmental responsibility and are scheduled by the department head and/or supervisor. Hours for part-time positions, or multi-shift operations may vary based on departmental and service needs.

For more information on Work Schedules refer to section 110, for additional information on timekeeping, and pay related matters please refer to section 401 of this handbook.

228 NEPOTISM

It is necessary that hiring supervisors seek the most highly qualified and competent candidates for vacant positions, with consideration to qualified individuals regardless of their relationship to other employees at the College.

The College will not prohibit employment of spouses, domestic partners, or close relatives in the same department or administrative unit, provided that neither employee participates in making recommendations or decisions specifically affecting the appointment, retention, tenure, work assignments, promotion, demotion, or salary of the other, and that one family member does not directly supervise another.

Departments hiring same family members must comply with the College's affirmative action and personnel policies. The Director of Human Resources will make the determination of whether good faith recruitment efforts have been exhausted, consulting with the Director of Affirmative Action, before the hiring of a family member is approved.

Financial policies specifically prohibit requests for reimbursement by one relative from being approved by another relative.

229 CONVERSATIONS DOCUMENT

Participation by staff members and their supervisors in the Conversations Document process is an expectation of all staff members.

The purpose of the Conversations Document is to facilitate meaningful conversations about work related matters. These conversations should focus upon improving the quality of the work and work environment.

A main focal point in the discussions between supervisors and staff members is ensuring our collective efforts are focused and aligned toward supporting the mission and goals of the College. In doing so, discussions about how an individual's contributions affect the attainment of our department's and the College's goals are held.

Conversations Document meetings should be planned, should occur periodically, and can be initiated by staff members or their supervisors. It is recommended that two *Conversations Document* meetings be held each year. One of the meetings should occur during the anniversary month of the staff member's hire. It is suggested that new staff members have more frequent *Conversations Document* meetings with their supervisors. It is also recommended that more than two *Conversations Document* meetings be held in some departments, for certain jobs, for work that demands additional discussions, when requested by the staff member, or when otherwise needed.

Each completed *Conversations Document* form should be sent to HR by the staff member. *Conversations Document* meetings are confidential and should be handled appropriately.

230 PERFORMANCE MANAGEMENT

It is the obligation of supervisors to manage the performance and contributions of their staff members. Supervisors are expected to work with staff members to direct the individual staff member's activities to meet the function of the department and to meet the department's goals in support of the mission of the College.

Supervisors are expected to give direction to staff members and make day-to-day corrections of performance to ensure each staff member fulfills the duties outlined in their job description. Day-to-day corrections and adjustments to performance is a product of normal performance counseling and performance management. Normal performance corrections, counseling, coaching, and basic supervision should not be perceived as punitive, but rather as the obligation of the supervisor and staff member to work collaboratively to meet the work requirements of their department.

Good performance management includes training staff members to the specific tasks, duties and responsibilities of their position. The standards and expectations of the staff member's performance should be based upon the duties listed in the job description and these requirements should be understood and agreed upon by both parties.

In situations where a staff member's performance or behavior over a period of time is not consistent with the requirements of their job, department, or the general standards and expectations of the College, the Progressive Discipline policy shall apply, section 231 of this handbook.

231 PROGRESSIVE DISCIPLINE

Bates College's own best interest lies in ensuring fair treatment of all staff members and in making certain that disciplinary actions are prompt, uniform, and impartial. The major purpose of any disciplinary action is to correct a problem, prevent recurrence, and prepare staff members for satisfactory service in the future.

Although employment with Bates College is based on mutual consent and both the staff member and Bates College have the right to terminate employment at will, with or without cause or advance notice, Bates College may use progressive discipline at its discretion.

Disciplinary action may call for any of four steps -- verbal warning, written warning(s), suspension with or without pay, or termination of employment -- depending on the severity of the problem and the number of occurrences. There may be circumstances when one, or all steps are bypassed.

Progressive discipline means that, with respect to most disciplinary problems, these steps will normally be followed: a first offense may call for a verbal warning; a next offense may be followed by a written warning; another offense may lead to a suspension; and, still another offense may then lead to termination of employment.

Normally, written warnings will be accompanied by an action plan to follow to address the issues at hand. The action plan will detail what the issues are and what steps will be taken to deal with the issues and a follow-up or evaluation plan of these action steps.

Bates College recognizes that there are certain types of problems, accumulation of offenses or collection of actions that are serious enough to justify either a suspension, or, in extreme situations, termination of employment, without going through the usual progressive discipline steps.

While it is impossible to list every type of behavior or problem that may occur, the Employee Conduct and Work Rules policy, 112, includes examples of problems that may trigger progressive discipline. Progressive discipline includes, immediate suspension, or termination of employment.

By using progressive discipline, we hope that most problems can be corrected at an early stage, benefiting both the staff member and Bates College.

CHANGES TO EMPLOYMENT STATUS FOR STAFF MEMBERS

232 CHANGES TO EMPLOYMENT CONDITIONS

Changes to the employment status, pay, or benefits of any staff member will generally require the recommendation of the appropriate Vice President/Dean and the approval of the Vice President for Asset Management and Treasurer. Such requests for changes must be forwarded via the Director of Human Resources who will offer a recommendation on the validity and desirability of the request with due regard to the best interests of the College. Certain changes, because of their nature, may require the approval of the President.

Changes that are specific to payroll matters are covered in the Payroll and Pay Administration portion of this handbook.

233 CHANGES TO EXISTING POSITIONS

Changes to existing positions such as increasing or decreasing the number of hours of a position, changing the wage, or benefit structure of a position follows the approval process similar to creating a new position. Requests to reduce the number of hours for a position should be driven by an evaluation of the work required for the position. Requests to accommodate individuals by changing their work arrangements should be forwarded by the department

head or director to the Vice President for Asset Management and Treasurer via the Director of Human Resources, with the endorsement of the appropriate Vice President or Dean. If permanent changes are requested for a position, approval of the President may be required. Changes in employment status may have a budget impact and an impact on benefits eligibility.

If a salary adjustment is requested with a change to an existing position, it will be reviewed within the context of the overall compensation goals of the College and consistent with internal and external equity considerations. Request for an analysis of pay for similar positions within the College, market wages, or other compensation matters should be forwarded to the Human Resources Department.

234 CLASSIFYING POSITIONS

An evaluation of the classification of all new positions will be conducted prior to the recruitment for the position by the Human Resources Department. Starting salaries will be agreed upon at the time of position requisition and authorization and are based upon the position classification. A re-evaluation of the classification of positions will occur as positions are vacated and refilled. For more information on this see section 210 Job Descriptions and Job Classifications.

235 RECLASSIFICATION OF POSITIONS

It is possible that the tasks, duties, and responsibilities of a position may change over time and at a given point appear to be an entirely different position. If this occurs, then a position may be reviewed by the Human Resources Department with the assistance of the campus-wide advisory committee, Classification and Compensation Committee (CCC), when appropriate. Such changes include title changes, significant changes in duties and responsibilities, and status changes from nonexempt to exempt. Such position reviews should be initiated at the beginning of each calendar year so that the effects of such a change can be effected at the beginning of the new fiscal year.

Human Resources and the Classification and Compensation Committee conduct reclassification evaluations during the months of January to March. However, requests must be made no later than January 31st each year, so that schedules can be arranged to have 3 to 5 members of the CCC review the position(s) in question. A completed position classification questionnaire is needed before a review is conducted. A questionnaire can be obtained from the Human Resources Department.

Changes as a result of reclassification or other personnel actions will normally take effect at the beginning of each fiscal year (July 1st). Changes that are requested outside of the normal cycle must have compelling operational reasons to warrant changes in the middle of the fiscal year and budget cycle.

236 PROMOTIONS

A promotion may be warranted after a period of continual assessment, development, growth in their work performance, and exceptional contributions to the mission and goals of the College. Promotion requests will be reviewed by the Human Resources Department to ensure that the promotion is consistent with due regard to the best interests of the College. Promotion recommendations require the endorsement of the appropriate Vice President/Dean and the budget approval of the Vice President of Accounting and Budget, and Controller.

Requests for a promotion review should be made by January 31st each year, as to allow the review and approval process to occur in advance of preparations for the beginning of the following fiscal year.

237 EXIT PROCEDURES AND EXIT PROCESSING

When an employee leaves Bates College he or she must notify the Human Resources Department of their departure in writing. Employees must also return property belonging to the College, complete exit and benefits processing, and may participate in an exit interview with a Human Resource Manager or the Director of Affirmative Action.

Since employment with Bates College is based on mutual consent, both the employee and Bates College have

the right to terminate employment at will, with or without cause, at any time. However, it is expected that non-exempt employees who depart the College will provide the College with at least two weeks notice of their departure. Exempt employees are expected to provide the College with four weeks or more notice when possible. An employee's actual termination day must be the last day worked, and cannot be extended by the use of vacation, sick, or personal leave, or a holiday.

Employees are responsible for items in their possession or control that are the property of Bates College, such as the following:

- * credit cards
- * equipment
- * Bates identification card
- * keys
- * manuals
- * cellular phones and pagers
- * protective equipment
- * laptops and audio-visual equipment
- * tools
- * uniforms
- * vehicles
- * written materials

All College property must be returned by employees on or before their last day of work. As applicable by appropriate laws, Bates College may withhold from the employee's final paycheck the cost of any items that are not returned when required. Bates College may also take all action deemed appropriate to recover or protect its property.

To facilitate the employee's exit processing, the employee and his or her supervisor must complete a *Bates College Termination Procedure Checklist*. The checklist is completed by the Dean of Faculty's office for faculty members. This checklist ensures that the employee has completed all of his or her exit processing and that the appropriate departments within the College are notified. Once the employee's supervisor has confirmed that the employee has turned in all Bates College property, Payroll will release the employee's final paycheck or vacation leave pay out.

Bates College will generally schedule an exit processing meeting at a time before the employee's last day of work. The exit processing meeting will include such issues as employee benefits and conversion privileges, repayment of outstanding debts to Bates College, future employment reference checks and employment verification, and discussion of COBRA or other benefits that may be continued at the employee's expense if the employee so chooses.

In regards to future employment references or employment verification, the Human Resources Department will respond accordingly to outside organizations who request references and employment verification unless the employee specifically asks the College in writing not to release this information.

238 EXIT INTERVIEWS

Exit Interviews will generally be offered to all employees who depart the College. An exit interview will consist of the completion of an exit questionnaire and/or an interview with a Human Resource Manager, the Director of Human Resources, or the Director of Affirmative Action. Such interviews give the employee the opportunity to offer suggestions or complaints about their employment with the College and to share feedback about their overall employment experience. Exit interviews are held in confidence, except it involves matters governed by law, harm to others, or unless the employee wishes to have the contents of the interview shared with the appropriate College personnel.

Information obtained in Exit Interviews is used to improve the quality of the work experience at Bates College. The information is used in such a way that it cannot be attributed to any individual.

239 REFERENCES FOR FORMER EMPLOYEES

When employees depart the College they are generally asked if they want the College to respond to reference checks or inquiries that are requested by other employers. Unless specifically prohibited by the employee, the College will generally respond and provide the following type of information: confirm dates of employment, position(s) held, and whether an employee is eligible for rehire. Requests for information or references of a more specific nature should be forwarded to the Director of Human Resources or the Dean of the Faculty, as appropriate.

240 INACTIVE EMPLOYEES

The right to terminate the employment relationship at will at any time is retained by both the employee and Bates College. Furthermore, the College, subject to applicable laws, will normally terminate the employment of any employee who is in an inactive period of employment for 15 months or more. However, based upon the needs of the College, the College reserves the right to terminate inactive employees earlier at its discretion. This right is consistent with the employment at will relationship. This policy applies equally to work related or non-work related injury for employees who are absent from work due to being eligible for Long Term Disability, or Workers' Compensation benefits, on unpaid leaves, or any other extended period of being absent from work.

BATES BENEFITS

BATES BENEFITS

300 BATES COLLEGE BENEFITS

The following section describes the benefits and leaves provided by Bates College. The intent of this section is to provide a general description of available benefits, but it does not take the place of official benefit plan documents. If there is a conflict between the handbook and a benefit plan document, the plan document governs. Additional benefit plan documents are available in the Human Resources Department.

Benefits offered by Bates are dependent upon the employment classification and status of the employee. Sections 201 and 202 of this handbook describe in detail each employment classification category and status. Additional information is provided below to help determine benefits eligibility.

Generally, benefits are only provided to regular active employees of the College. All benefits, as indicated, are provided on a prorated basis for employees who are not classified as full-time employees. Full-time employment is considered 1.0 Full-Time Equivalent (FTE) or 2080 hours of employment. Please note that some benefits are only provided to employees who are full-time 1.0 FTE while other benefits are provided for employees who are from .826 FTE or greater.

301 BENEFIT ELIGIBILITY

For the purpose of benefits eligibility, employees must be in a regular full-time, three-quarter-time, or half-time position in an active status.

301.1 Regular Benefits Eligibility – Regular employees include faculty, and exempt and non-exempt staff that hold regular recurring positions and are eligible for benefits based on their Full-Time Equivalent status (FTE). A full-time position is represented as 1.00 FTE or as 2080 hours per year. Refer to section 202 for more information on Regular employees.

301.1a Benefits Eligibility for Staff - The following descriptions are for benefits eligibility only and do not represent employment categories, descriptions, or status (benefits eligibility for Academic Year Staff is located in section 301.1c):

Full Benefits - over 33 hours per week and 1716 hours in a year for an FTE of .826 - 1.00

Three-Quarter Benefits - 26.6 - 33 hours per week and 1383-1716 hours per year for an FTE of .67 - .825 FTE

Half Benefits - 20 - 26.5 hours per week and 1040 – 1382 hours per year for an FTE of .50 - .66 FTE

*Not eligible for benefits (Part-Time) - fewer than 20 hours per week and fewer than 1040 hours per year for an FTE of .00 - .49 FTE are not eligible for Bates College benefits.

301.1b Benefits Eligibility for Faculty – Faculty benefits eligibility is based on using 5 course equivalents as = 1.0 FTE.

Full Benefits – consists of teaching 5 courses (or course equivalents) per academic year in any combination.

Three-Quarter Benefits – teaching 3.5 – 4 courses per academic year for an FTE between .67 - .825

Half Benefits – teaching 2.5 – 3 courses per academic year for an FTE between .50 - .66

Not eligible for benefits (Part-Time) – fewer than 2.5 courses per year are not eligible for Bates College benefits for an FTE between .00 - .49.

For faculty personnel the following apply: 1) Benefits are determined by the employment terms denoted in the faculty members contract, and the employment terms are binding in regards to eligibility for benefits: 2) If the length of the contract is one semester only, and the teaching responsibilities are for 2.5 – 3 course equivalents, the faculty member receives full benefits for that semester; 3) If the length of the contract is for

one academic year, and the teaching responsibilities are for 2.5 – 3 course equivalents during any part of the academic year, the faculty member is eligible for half benefits for the length of the contract as specified.

Note: The standards set out here, an FTE of .67 - .825 equaling three-quarter benefits, .5 - .66 FTE equaling half benefits and .49 or less equaling no benefits, is the same standard used for all employees at Bates.

301.1c Benefits Eligibility for Academic Year Staff Members - Academic Year Staff Members earn leaves (vacation, sick, and personal leave) and benefits on a prorated basis, based upon the hours they are scheduled to work in a calendar year or their FTE status. Leaves and holidays for Academic year employees are earned and taken only during the academic year. Furthermore, the College may require Academic Year Staff members to take their accrued vacation leave during student breaks or other periods based upon the scheduling needs of the College.

Academic Year staff members are not eligible for the Rowe Fund and Child Rearing Leave as eligibility for these benefits are restricted to employees who are full-time and have an FTE of 1.0.

The following information describes benefits eligibility for Academic Year staff members and does not represent employment categories, descriptions, or status:

For 10-Month Academic Year Positions, the chart below applies:

Full Benefits - 40 hours per week for **44 weeks** = **1760** hours (1760/2080 = .846 FTE)

Three-quarter Benefits - 32 hours per week for 44 weeks = **1408** hours (1408/2080 = .676 FTE)

Half Benefits - 24 hours per week for 44 weeks = **1056** hours (1056/2080 = .507 FTE)

*Not eligible for benefits - fewer than **1040** hours per year for an FTE of .00 - .49 FTE is not eligible for Bates

College benefits.

Note: In calculating time scheduled to work $10/12 = .833$. However $12 \text{ months} \times 4 \text{ weeks per month} = 48$ weeks and is not equal to a 52 week calendar year. Therefore, 2080 hours is used as the standard payroll calendar year.

For 9-Month Academic Year Positions, the chart below applies:

Full Benefits - Not available

Three-quarter Benefits - 35 or more hours per week for 40 weeks = 1400 hours (1400/2080 = .67 FTE)

Half Benefits - 26 hours per week for 40 weeks = 1040 (1040/2080 = .50 FTE)

*Not eligible for benefits - fewer than **1040** hours per year for an FTE of .00 - .49 FTE is not eligible for Bates

College benefits.

Note #1: The staff member's eligibility for benefits does not change if actual hours worked are less than or more than those originally scheduled for the academic year (i. e. overtime, work for special events, approved unpaid leaves, FMLA, etc).

Note #2: Nonexempt staff members: 1) Will be required to take vacation leave during regular student breaks or other times based upon the scheduling needs of the College. Pay for nonexempt staff will occur during the pay period the staff member works; however payroll deductions for the nonexempt staff member's share of the cost of his or her benefits will be withheld at a rate of 1/9th or 1/10th per month during the academic year, instead of 1/12 per month for 12 months.

Note#3: Exempt Employees: Exempt employees working 9, 10, or 12 months will be paid over 12 months and payroll deductions for benefits will also be taken over 12 months.

301.2 Temporary Employees - Receive only legally mandated benefits, which are social security, Workers' Compensation, and unemployment benefits. The only exception to this policy is that temporary

employees may voluntarily participate in the Bates College 403(b) Supplemental Retirement Plan by contributing their own earnings, but they are not eligible to receive a 1% match from the College.

Refer to section 202 for more information about temporary employees. Time served as a temporary employee is not credited as years of service to determine benefit or leave eligibility or accrual.

301.3 Domestic Partners - Domestic Partners (of the same or opposite sex as the employee) are eligible for certain benefits at Bates College. In order to receive such benefits, an *Affidavit of Partnership* must be completed, attesting to living in a committed family relationship, that each is, and intends to remain, the other's sole Domestic Partner, neither of the two are married to someone else, both are 18 years of age, and share joint responsibility for one another's common welfare and basic needs.

Under federal tax law, domestic partner insurance coverage is not available on a pre-tax basis and COBRA benefits noted in section 343 also do not apply to domestic partners. Benefits extended to Domestic Partners include health and life insurance, a Bates College identification card, and access to facilities and services. Family and Medical Leave, and Bereavement Leave are provided to employees with a domestic partner as they are to married employees. Please refer to Family and Medical Leave section 319 and Bereavement Leave section 312.

** By federal law, employees who work more than 1000 hours are eligible to receive pension benefits. Therefore, regular or temporary employees working between 1000-1040 hours in a calendar year are eligible to receive pension benefits only.*

302 BATES FLEXIBLE BENEFITS PLAN

Bates College offers employees a Flexible Benefit Plan. This is a variation of a cafeteria plan that allows benefits to be provided on both a pre- and post-tax basis, or be taken as cash compensation in lieu of a benefit. All employees who are half-time or more are eligible to participate in this plan. Benefits are prorated for those employees who are less than full-time, 1.0 FTE.

The benefits that are provided under the College's Flexible Benefits Plan are as follows: Health Insurance, Life Insurance & Accidental Death and Dismemberment Insurance (AD&D), Long Term Disability Insurance (LTD), Health Care Reimbursement Account (HCRA), Dependent Care Reimbursement Account (DCRA), and the Dependent Care Subsidy **that is provided by the College.**

303 OPEN ENROLLMENT

Generally, Open Enrollment is the time of year when employees are allowed to make changes to some benefits without the requirement of a life status change. The benefits that may be enrolled in or modified during Open Enrollment are Health Insurance, Life Insurance & Accidental Death and Dismemberment Insurance (AD&D), Health Care Reimbursement Account (HCRA), Dependent Care Reimbursement Account (DCRA), and the Dependent Care Subsidy.

For more information on Life Status Changes, refer to section 304 of this handbook. Generally Bates College holds its annual Open Enrollment period for at least 30 days during the October-November time frame each year.

304 LIFE STATUS CHANGES

A life status change is any event that affects the number of dependents employees have or the employment status of the employee or his or her spouse. Examples of life status changes include, but are not limited to, marriage, separation, divorce, birth, adoption, a dependent child losing their dependent status, a permanent change in work hours for the employee or his or her spouse, the spouse obtains a job elsewhere, or the termination of your spouse's employment. For more information on life events that may or may not qualify as a life status change, please contact the Human Resources Department as soon as possible, because changes can only be made within 30 days of the event. Benefit changes made during this time must be consistent with the life status change.

LEAVES AND HOLIDAYS

This section covers leave and holiday policies for all regular staff members. Any leave or holiday policy that may apply to faculty members are located in the *Faculty Handbook of Bates College*, except as specifically noted below (i.e. LTD, FMLA).

305 HOLIDAYS

Bates College grants all benefits eligible staff members a total of 11.5 holidays per calendar year. The College usually observes the following days as holidays:

- | | |
|--------------------|--|
| * New Year's Day | * Thanksgiving |
| * Memorial Day | * Recognition Day (day after Thanksgiving) |
| * Independence Day | * Afternoon before Christmas (noon on December 24th) |
| * Labor Day | * Christmas |

In addition to the usually observed holidays, the College will grant four (4) additional paid holidays to regular staff members during the year. The floating holidays are determined by the President and are announced in advance each year.

Coverage for some areas of the College is required on holidays. The College reserves the right to schedule staff members as needed to work on holidays. Directors and department heads will determine and make arrangements to schedule appropriate personnel to work when needed by the College. Certain staff members are required to work as a condition of employment for events such as the beginning of the academic year or Commencement weekend.

If an eligible nonexempt staff member works on a recognized holiday, the staff member will receive holiday pay plus wages at one and one-half times their straight-time rate for the hours worked on the holiday. Holiday pay will **not** be counted as hours worked for the purposes of overtime hours. Staff members who work on a holiday will be paid for the hours worked at one and one-half their normal rate of pay, but can request to take another day as their actual 'holiday' during the same pay period, provided that it is agreed upon between the staff member and his or her supervisor.

If a recognized holiday falls during an eligible staff member's paid absence (such as vacation or sick leave), holiday pay will be paid in lieu of the vacation or sick hours that would have otherwise applied. For more information on Holiday Pay, refer to section 409 of this handbook.

306 RELIGIOUS HOLIDAYS

A staff member may arrange for time off without pay in observance of religious holidays, or may deduct these days from accrued vacation time. Personal leave may also be used to celebrate religious holidays.

307 VACATION LEAVE 7/2001

Revised

Vacation leave is earned by regular staff members according to the schedule listed in the charts provided below. However, for new staff members, vacation is accumulated but cannot be used until after he or she has been employed for 6 months or 180 calendar days.

The following charts illustrate the maximum amount of vacation accrual per pay period, and the total hours/days staff members are able to accrue; actual accrual is earned based upon the number of hours worked in each pay period.

Exempt Staff members

Exempt	Accrual Per Pay Period	Maximum Accrual
Full Benefits Eligible	16 Hours	192 Hours/24 Days
Three-Quarter Benefits Eligible	12 Hours	144 Hours/18 Days
Half Benefits Eligible	8 Hours	96 Hours/12 Days

For Nonexempt Staff Members starting before July 1, 2001

Non-Exempt	Accrual Per Pay Period*	Maximum Accrual
Full Benefits Eligible	6 Hours	144 Hours/18 Days
Three-Quarter Benefits Eligible	4.5 Hours	108 Hours/13.5 Days
Half Benefits Eligible	3 Hours	72 Hours/9 Days

* *Nonexempt staff members earn vacation in 24 of the 26 annual pay periods*

For Nonexempt Staff Members starting on or after July 1, 2001

Non-Exempt	Accrual Per Pay Period*	Maximum Accrual
Full-Time Benefits Eligible 1-5 years service to Bates College	3.33 Hours	80 Hours/10 Days
5-10 years of service	4.66 Hours	112 Hours/14 Days
10 or more years of service	6 Hours	144 Hours/18 Days
Three-quarter-Time Benefits Eligible 1-5 years service to Bates College	2.5 Hours	60 Hours/7.5 Days
5-10 years of service	3.5 Hours	84 hours/10.5 Days
10 or more years of service	4.5 Hours	108 Hours/13.5 Days
Half-time Benefits Eligible 1-5 years service to Bates College	1.66 Hours	40 Hours/5 Days
5-10 years of service	2.33 Hours	56 Hours/7 Days
10 or more years of service	3 Hours	72 Hours/9 Days

* *Nonexempt staff members earn vacation in 24 of the 26 annual pay periods*

To take vacation, staff members should request advance approval from their supervisors. Vacation schedules are coordinated within individual departments, with position, seniority, and workload used as guidelines in determining vacation schedules within departments. The College reserves the right to change work schedules, regulate vacation schedules, and to request overtime and holiday work when necessary.

Vacation leave is based on hours, so staff members must record their vacation time in hours and not days. Vacation time can be used in minimum increments of one-quarter hour. For staff members who work less than full-time, he or she can only take sick or vacation leave up to the amount of hours normally scheduled per day.

Staff members are not allowed to take more time than they have accumulated and register it as vacation in anticipation of earning it later. Staff members should refer to their last paycheck statement for their vacation leave balance. Unpaid time is not available unless it is a part of an approved leave of absence. For more information on Leaves of Absences, refer to section 316.

Unused vacation leave will accumulate until the staff member has accrued their maximum limit. If the staff member's leave reaches the maximum, further accrual of vacation leave will be suspended until the

staff member has reduced the balance below the limit. Upon termination of employment, staff members will be paid for unused vacation time that has been earned through the last day of work in the pay period following termination, provided that the staff member has worked for the College for at least six months or 180 calendar days. Service as a temporary staff member is not credited toward benefit or leave eligibility.

**308 SICK LEAVE
7/2001**

Revised

Sick leave is earned by regular staff members starting with their first day of employment. Once staff members enter an eligible employment classification, they begin to accrue sick leave time according to the schedule listed in the chart below, **which indicates an average of 10 sick days per year for full-time benefits eligible staff members.** Sick Leave may be used for the following:

1. when the staff member is ill, or disabled.
2. when an office visit to a doctor, dentist, vision care professional, or other medical professional treating a physical condition **must** be scheduled during normal working hours.
3. when it is necessary that the staff member provide or secure care for an ill member of his or her immediate family.
- 4. when absences are related to pregnancy or childbirth.**
5. when a visit to an Employee Assistance Program service provider must be scheduled during working hours.

The College reserves the right to ask any staff member for a written statement from a physician certifying any given illness or disability. Patterns of absence that indicate abuse of the policy can be reason for requiring a second medical opinion at College expense, requiring a medical certification for each absence, and/or taking disciplinary action.

Accumulated sick leave does not constitute a cash reserve payable upon termination of employment. Furthermore, any leaves granted under Bates College policies may count toward the staff member's entitlements under the Maine Family Medical Leave Law of 1998 and the federal Family and Medical Leave Act of 1993 entitlements.

The following chart illustrates sick leave accrual per pay period, and the total hours/days staff members are able to accrue; actual accrual is earned based upon the number of hours worked in each pay period.

Sick Accrual

Exempt	Accrual Per Pay Period	Maximum Accrual
Full-Time Benefits Eligible	6.66 Hours	400 Hours/50 Days
Three-Quarter-Time Benefits Eligible	5 Hours	300 Hours/37.5 Days
Half-Time Benefits Eligible	3.33 Hours	200 Hours/25 Days

Non-Exempt	Accrual Per Pay Period*	Maximum Accrual
Full-Time Benefits Eligible	3.33 Hours	400 Hours/50 Days
Three-Quarter-Time Benefits Eligible	2.5 Hours	300 Hours/37.5 Days
Half-Time Benefits Eligible	1.66 Hours	200 Hours/25 Days

** Nonexempt staff members earn sick leave in 24 of the 26 annual pay periods*

Sick leave can be used in minimum increments of one-quarter hour.

Staff members who are unable to report to work due to illness or injury should notify their direct supervisor before the scheduled start of their workday, if possible. The direct supervisor should be contacted on each additional day of absence, if necessary and appropriate. Staff members may be required to submit a health care provider certification for three or more consecutive sick days due to illness or injury. Such verification may be requested for other sick leave absences as well and may be required as a condition to receiving sick leave benefits. Before returning to work from an extended sick leave absence of

more than 5 business days, a staff member should provide a physician's verification, indicating that he or she may safely return to work.

Unused sick leave benefits will accumulate until the staff member has earned their maximum accrual of sick leave benefits. If the staff member reaches this maximum, further accrual of sick leave benefits will be suspended until the staff member has reduced the balance below the limit.

If a staff member submits sick leave on their timesheet, but does not have enough sick leave accrued, he or she will automatically have the appropriate amount deducted from his or her vacation leave. In the event that the staff member has no vacation or sick leave, the time off will be unpaid. Human Resources will contact the staff member in these circumstances because staff members are not allowed to take unpaid time unless it is a part of an approved leave of absence. For more information on Leaves of Absence, refer to section 316 of this handbook.

Sick leave benefits are intended solely to provide income protection in the event of illness or injury, and may not be used for any other absence. Unused sick leave benefits does not represent a cash reserve and will not be paid to staff members upon termination of employment.

309 PERSONAL LEAVE

The College grants regular benefits eligible staff members the equivalent of two days of personal leave each calendar year to be used as personal holidays. Personal leave days are granted on January 1st of each year and must be used in the year granted. Personal leave days do not accumulate, roll over from year-to-year, nor constitute a cash reserve payable upon termination of employment.

Personal leave days are similar in nature to vacation days, but give staff members more discretion in taking care of their personal affairs. Typical uses for personal leave are birthdays, religious holidays, and other personal matters that are not considered vacation. Personal leave can be used in lieu of vacation or sick leave.

Personal leave must be taken in full day increments. Staff members who work less than full-time will be granted personal leave on a prorated basis. New staff members starting before July 1st each year will be granted two personal leave days for the current calendar year, new staff members starting on or after July 1st will be granted one personal leave day for the calendar year. New staff members are granted personal leave on the first of the month following 30 days of employment with the College.

Certain departments with 24 hour coverage requirements may institute procedures for scheduling the use of personal leave days, so as to avoid adverse impact on other staff members who would be forced to provide coverage if leave were taken unexpectedly by a relief person. Additionally, each department head may restrict the use of personal leave when the granting of such leave would have an adverse impact on department operation. An example of times when personal leave may be restricted is Commencement weekend or when circumstances or demands leave a department unable to perform its function.

310 MATERNITY LEAVE AND BENEFIT

In the case of pregnancy and/or childbirth, female staff members who have completed six months or more of service may arrange a Maternity Leave of up to eight weeks. For the first thirty consecutive days of leave, the staff member is expected to use accrued paid leave (vacation, sick leave or personal), or take time off without pay. For the balance of the eight weeks, wages and benefits will be paid by the College. If the staff member experiences a disability as a result of pregnancy or childbirth, the short-term disability leave and benefit may apply.

If the staff member takes additional leave without pay under these policies, he or she may qualify for continuation of some benefits at the College's expense under the Family and Medical Leave Act, and should apply if eligible. Otherwise, the staff member may continue benefits at her own expense for the period of time a paycheck is not being issued.

311 CHILD REARING LEAVE

All full-time staff members are eligible for unpaid child rearing leave. Such leave may be requested by

either parent and must be approved by the appropriate vice president or dean. Arrangements regarding the continuation of benefits must be made with the Human Resources Department, prior to the beginning of the leave period. As with other unpaid leaves, all benefits to the staff member are suspended, except that one may elect to remain in the group flexible benefit plan program through assuming the employer's and the staff member's cost for participation. Leave accruals, such as vacation, sick leave, or holiday benefits, will be suspended during the leave and will resume upon return to active employment. Certain child rearing leaves may be covered under the Family and Medical Leave Act, refer to section 319 for more information.

312 BEREAVEMENT LEAVE (FUNERAL LEAVE)

In the case of death in the immediate family, up to three days may be taken with pay. Bates College defines "immediate family" as the staff member's spouse/domestic partner, parent, child, sibling; the staff member's spouse/domestic partner's parent, child, or sibling; the staff member's child's spouse/domestic partner; grandparents or grandchildren. Special consideration will also be given to any other person whose association with the staff member was similar to any of the above relationships, upon request and subsequent approval of the Director of Human Resources. Additional time, if taken, would be without pay or taken as vacation leave.

313 BATES COLLEGE COMPETITIVE LEAVE AWARDS FOR ADMINISTRATIVE AND PROFESSIONAL STAFF

The Bates College competitive leave awards for administrative and professional staff provides awards of 30 or 60 calendar-day leaves, with pay, to successful applicants whose proposed projects would result in individual professional, or institutional benefits. Applications are made to the Office of the President, through the Dean or Vice President to whom the professional reports. An ad hoc committee of professionals, composed of at least two Vice Presidents, will recommend proposals from within the pool of applicants. Final determination of awards will be made from among those recommended.

A condition of eligibility to compete for a 30 calendar-day leave award is five years of full-time continuous calendar service (calendar years of continuous full-time service defined as the period from date of hire as salaried staff member [or date of previous leave] to date of beginning of requested leave period); a condition of eligibility to compete for a 60 calendar-day leave award is ten years of continuous service. Awards can be connected to a period of accrued vacation.

Recipients of either a 30 or a 60 calendar-day award will be eligible for support, to enhance their project, of up to \$2,500. (For example, support could be requested for travel expenses, conference expenses, workshops, to meet expenses incurred to visit professional operations at other institutions, or research expenses.)

The award period resulting from the receipt of a competitive leave must be covered by other staff within the unit, or by persons who would be "cross-trained" to cover the responsibilities of the awardee during the period she/he is away. The appropriate Dean or Vice President will have to confirm, at the time of application, how the responsibilities will be covered.

Applications are normally needed three months prior to the period in which leave would be taken; notification of an award would normally be made within the month following application. Applications are normally accepted before February 1st each year for leaves taken during that year.

A maximum of four awards will be made throughout the College within the calendar year. A report from the awardee should be submitted to the appropriate Vice President, Dean, and to the President, within 60 days of completion of an award.

314 MILITARY LEAVE

Leaves of absence are granted without pay to members of the National Guard or the Military Reserve. Accrued paid vacation time may be used toward discharging an staff member's military obligations, at the

staff member's discretion.

All military duty must be authorized by the Governor or under the provisions of applicable laws. Contact the Human Resources Department for more information or questions about military leave.

315 JURY OR WITNESS DUTY

Staff Members are encouraged to serve, as a matter of good citizenship, when called upon for jury duty or as a court witness. Staff members are expected to have their responsibilities covered according to the individual needs of their departments and to return to work after they have discharged their court obligations for the day. Staff members will receive full compensation from Bates for up to 30 days served and must make payable to Bates College any compensation received for their services. Exceptions to this policy must be approved by the President.

316 LEAVES OF ABSENCE

The College may grant unpaid leaves of absence when personal urgent and compelling business occurs. All such leaves are contingent upon the departments either securing satisfactory replacements or making arrangements to cover the staff member's responsibilities and such leaves require the approval of the appropriate vice president or dean. Any request for a leave of absence of more than 90 days will require the approval of the President. Unpaid leave is approved only in exceptional circumstances, not otherwise provided by College policy or applicable law.

During the period of unpaid leave, all benefits to the staff member are suspended, except that one may elect to remain in the group flexible benefits program through assuming the employer's and the staff member's cost for participation. Arrangements for length of time, continuation of benefits and reallocation of workload will be made through the Human Resources Department to accommodate the specific circumstances.

Benefit accruals, such as vacation, sick leave, or holiday benefits, will be suspended during the leave and will resume upon return to active employment. When a leave of absence ends, every reasonable effort will be made to return the staff member to the same position, if it is available, or to a similar available position for which the staff member is qualified. However, Bates College cannot guarantee reinstatement in all cases. If a staff member fails to report to work promptly at the expiration of the approved leave period, he or she will be deemed to have resigned.

317 SHORT-TERM DISABILITY LEAVE AND BENEFIT

Regular benefits eligible staff members who have completed six months or more of service are eligible for Short-Term Disability (STD). Short-Term Disability benefits are provided at a rate of 75% of the staff member's base compensation or regular hourly rate (based upon the staff member's normal regular work schedule) for up to five (5) months, after 30 consecutive calendar days of certified disability due to the same continuing condition. Under this plan, the staff member must have been medically determined to be unable to work because of an injury or illness by a treating physician.

Eligibility to receive STD benefits is also contingent upon the recipient's participation in the College's Return-To-Work program. Therefore, the College will expect all staff members capable of returning to work in their present position, or in an alternative position that meets the limitations and restrictions ordered by the attending health care provider, to return to work at the earliest opportunity. For more information on the Return-To-Work program, refer to section 509 of this handbook. If a staff member is able to work in their present position or in an alternative position approved by the health care provider and chooses not to, short-term disability coverage will be denied or discontinued. Short-Term disability is intended to assist a staff member with short-term income protection when he or she is unable to work due to a non-work-related injury or illness.

Partial STD benefits are only granted in cases where the staff member is returning to partial duties and participating in the Return-to-Work program after having already been eligible for and receiving STD benefits. Staff members are limited to one STD claim in a 12-month period.

Procedure:

Staff members requesting STD benefits must complete a STD application form and have their physician complete appropriate sections of the application before the request is considered. Normally, the College will contract with a third-party case management and medical evaluation professional to review applications before STD is awarded. Based upon this review, normal standards of care, and the medical information provided, the College will, at its discretion, determine the length of STD coverage. Approved periods of coverage that are less than that recommended by the staff member's physician, can be taken as sick, vacation, or unpaid leave by the staff member.

The staff member will receive written notice of the STD approval or disapproval. If approved, the letter will contain the amount of time STD benefits are granted. During the 30-calendar-day elimination period, the staff member must use accrued sick leave until exhausted and then accrued vacation leave. If necessary, other time may be taken without pay during this elimination period. A staff member receiving STD benefits should meet with an HR benefits representative before beginning and after returning from a STD leave to coordinate the affect of their pay and benefits during this time.

For continued STD benefits, the staff member must provide medical certification from the attending physician at appropriate intervals during this leave. If not received, the staff member's status will convert to a leave without pay status.

Prior to returning to work, the staff member should provide the HR Department with a release from the health care provider indicating his or her ability to return to work and/or any limitations or restrictions on their work. Staff members are required to abide by any such medical restrictions and limitations until the health care provider completely releases him or her to regular employment.

Conditions covered by Workers' Compensation are excluded from STD coverage. Time away from work for any short-term disability leave will run concurrently with any leave entitlement the employee has under the federal Family and Medical Leave Act of 1993 or applicable Maine law. Leave accruals, such as vacation, sick leave, or holiday benefits, will be suspended during the STD period and will resume upon return to active employment. For more information on the payment of short-term disability benefits, please refer to section 415.

318 LONG-TERM DISABILITY (LTD) LEAVE AND BENEFIT

Long-term disability leave applies to faculty and staff who are classified as half-time or more. Participation in the Long-Term Disability benefit program is mandatory under the College's Flexible Benefits program and the College provides employees with enough benefit credits for the cost of LTD. Please note that LTD credits are not prorated for employees who are less than full-time; LTD coverage is provided at 100% of the employee's salary.

Employees suffering from a disability who do not expect to return to work within 6 months of the onset of their disability, may initiate a claim for long-term disability. The determination of an employee's eligibility to receive LTD benefits is made by the College's LTD insurance carrier. For information on the coverage provided by the College's LTD insurance policy, please call the Human Resources Department.

The LTD benefit is paid for with after tax dollars out of the employees earnings, even though the credits for the benefit are provided by the College. Since the benefit is paid for with after tax dollars, the employee will receive benefits (wage replacement) tax free. The benefit provides 60% wage replacement after a 6-month (180 day) elimination period. LTD benefits are offset with amounts received under Social Security or Workers' Compensation for the same time period.

The LTD benefits plan is designed to help eligible employees cope with an illness or injury that results in a long-term absence from employment. LTD provides continuing income for employees who are disabled and unable to work. Employees who are inactive for 15 months may be terminated from employment with Bates College. The details governing the LTD benefits plan including benefit amounts, and limitations and restrictions are described in a Summary Plan Description provided to eligible employees. Contact the Human Resources Department for more information about LTD benefits.

319 FAMILY AND MEDICAL LEAVE

In accordance with the federal Family and Medical Leave Act of 1993 and Maine Law, Bates College provides faculty and staff who are unable to work due to a serious health condition with up to 12 weeks of unpaid leave. It also allows employees to take time off to fulfill family obligations relating directly to childbirth, adoption, or placement of a foster child; or to care for a child, spouse, or parent with a serious health condition. A serious health condition means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility; or continuing treatment by a health care provider.

Eligible employees may request leave only after having completed 365 calendar days of service with the College. Eligible employees should make requests for family leave to their supervisors at least 30 days in advance of foreseeable events or as soon as possible for unforeseeable events. Employees requesting leave related to the serious health condition of a child, spouse, parent, or domestic partners may be required to submit a health care provider's statement verifying the need for a leave to provide care, its beginning and expected ending dates, and the estimated time required. Request forms for FMLA are available in the Human Resources Department.

Eligible employees may request up to a maximum of 12 weeks of FMLA leave within any 12-month period. Any combination of family leave and medical leave may not exceed this maximum limit. Employees will be required to use any accrued paid leave time (sick and vacation leave as appropriate) before taking unpaid family or medical leave. Married employee couples will not be restricted to a combined total of 12 weeks leave within any 12-month period for childbirth, adoption, or placement of a foster child, as allowed under law. Thus, married employees are each entitled to their own 12 weeks of FMLA eligibility.

Consistent with the Family and Medical Leave Act of 1993, an employee's benefits eligibility will continue while he or she is taking family or medical leave. Employee's may be responsible for covering the cost of their participation in all other benefit programs. Leave accruals, such as vacation, sick leave, or holiday benefits, will be suspended during the unpaid leave and will resume upon return to active employment. When the employee returns from family or medical leave, his or her benefits will resume according to applicable plans.

If the employee was out due to their own serious health condition, he or she must provide the College with a release to return to work from his or her health care provider. When a family or medical leave ends, the employee will be reinstated to the same position, if it is available, or to an equivalent position for which the employee is qualified. If an employee fails to return to work on the agreed upon return date, the employee is deemed to have resigned.

COLLEGE PROVIDED BENEFITS

320 HEALTH INSURANCE

Health insurance coverage is a mandatory benefit within the College's Flexible Benefits program for Faculty and Staff who are classified as half-time or more. Employees who provide proof of health coverage elsewhere may opt-out of Bates College's health insurance plan.

Eligible employees may participate in the health insurance plan subject to all terms and conditions of the agreement between Bates College and the insurance carrier. A change in employment classification that would result in loss of eligibility to participate in the health insurance plan may qualify an employee for benefits continuation under the Consolidated Omnibus Budget Reconciliation Act (COBRA). Refer to the Benefits Continuation (COBRA) policy information in section 343.

Details of the health insurance plan are described in a Summary Plan Description (SPD) along with information on the cost of coverage is provided in advance of enrollment to eligible employees. Contact the Human Resources Department for more information about health insurance benefits.

321 DENTAL SUBSIDY

All benefits eligible employees of Bates College receive a dental subsidy each year in lieu of College

provided dental insurance. This subsidy is noted on the Bates College Benefits enrollment form and is a part of the College's flexible benefits plan. The credits can be used to purchase other benefits, to put in a health care reimbursement account, or can be taken as taxable income.

322 LIFE INSURANCE AND ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE

Life insurance and Accidental Death and Dismemberment (AD&D), insurance are available to Faculty and Staff who are classified as half-time or more. This is a voluntary benefit that employees elect at initial benefits enrollment, or annually during Open Enrollment. The College provides each employee with enough benefit credits to purchase one (1) times their salary up to \$50,000. The credits are prorated for those employees who are less than full-time. Employees may use these credits to purchase other benefits or take as taxable income under the College's Flexible Benefits program.

Accidental Death and Dismemberment (AD&D) insurance provides protection in cases of serious injury or death resulting from an accident and is provided as part of the basic life insurance plan. Additional supplemental and/or dependent AD&D coverage may also be purchased. Supplemental insurance is limited to 3 times the employee's salary up to \$500,000, and Dependent life insurance is limited to 50% of the employee's total up to \$100,000 for a spouse and \$20,000 for children. Enrollment into certain life insurance plans may require an Evidence of Insurability medical evaluation.

Eligible employees may participate in the life insurance plan subject to all terms and conditions of the agreement between Bates College and the insurance carrier. Details of each insurance plan including benefit amounts are described in the Summary Plan Description provided to eligible employees. Contact the Human Resources Department for more information about life insurance benefits.

323 FLEXIBLE SPENDING ACCOUNTS

Bates College provides Flexible Spending Accounts (FSA) that allow employees to have pre-tax dollars deducted from their salaries to pay for eligible out-of-pocket expenses. Participation in the Health Care Reimbursement Account and/or the Dependent Care Reimbursement Account is optional. Employees desiring to participate in a FSA must enroll/reenroll each plan year. This benefit is available to faculty and staff who are classified as half-time or more.

Flexible spending accounts can be used to pay for predictable non-reimbursed health care and dependent care expenses during the plan year for which the account was created. Through the use of an FSA, employees may be able to reduce their taxable income without reducing his or her actual income.

323.1 Health Care Reimbursement Account (HCRA) is a health plan that allows employees to set aside income that has not been taxed to pay for eligible health care expenses. The Health Care Reimbursement Account offered to employees has a maximum contribution of \$5,000. The amount elected by the employee is deducted from his or her paycheck in equal installments throughout the year; however, the employee is able to submit expenses as they are incurred.

A Health Care Reimbursement Account may be beneficial for those who plan to spend money during the calendar year on health or medical expenses. Some examples are insurance co-pays, glasses, dental exams, or other health, or medical needs that are not covered by insurance. Therefore, if an employee has a good idea of what costs that he or she (or a family member) will incur during the next year, it is possible to save money by starting a HCRA.

It is important to ensure that one does not contribute more than needed into a Health Care Reimbursement Account. There is an IRS regulation that says that **any money put into a HCRA account that is not used, is lost.** (The account helps the employee pay less in taxes and therefore, the IRS regulations are very restrictive.) It is always suggested that employees make conservative elections to this account because of the "use it or lose it rule," which is a federal law and not a policy of the College. Reimbursed medical expenses have to occur between January 1st and December 31st of the year enrolled, however employees have until March 31st to file claims for the prior year.

Details of the Health Care Reimbursement Account are described in a Summary Plan Description (SPD). Contact the Human Resources Department for more information on this benefit and to obtain enrollment information.

323.2 Dependent Care Reimbursement Account (DCRA) is the second Flexible Spending Account that is available to employees and is used to pay for qualified child/adult care expenses. It is similar to the Health Care Reimbursement Account in that qualified expenses are paid on a before tax basis. In order to be eligible for reimbursement under this plan, the employee must have a child who is twelve years of age or younger, and that the employee claims as an exemption on his or her federal tax return, or a dependent adult/child who is physically or mentally incapable of caring for himself or herself.

For tax filers who file single and married couples filing a joint return, the IRS will allow contributions of up to \$5,000 per year. For married couples filing separate returns, the IRS will only allow each to contribute up to \$2,500. Please note that the maximum includes the employee's contributions as well as contributions made on the employee's behalf through the College's Dependent Care Subsidy Program. Refer to section 325 for more details on the Dependent Care Subsidy benefit.

Employees who participate in this plan must be actively working. If an employee goes on any type of leave, participation in this plan will cease until the employee returns. The laws that govern this benefit limits reimbursable expenses to those that are paid to a care provider so that the employee can maintain employment. The care must be provided outside of the employee's home and may not be overnight care (day camps are covered, but overnight camps are not covered).

There are some important differences in the Dependent Care Reimbursement Account as compared to the HCRA discussed earlier. Reimbursement for child care services are provided only for services that have already occurred. Employees who pay for childcare or camps in advance cannot be reimbursed until after the services have been rendered. Additionally, and more importantly, employees cannot be reimbursed beyond their contributions to the DCRA at that point in the year.

Though the Dependent Care Reimbursement Account is funded with before tax dollars, the money put into this account will reduce the amount the employee is able to receive as a child care tax credit on his or her income tax return. Tax credit amounts are reduced dollar for dollar for amounts that have been contributed to a Dependent Care Reimbursement Account. As with the Health Care Reimbursement Account, any money left in an account that is not reimbursed is forfeited, so care must be taken to not over-fund an account.

Details of the Dependent Care Reimbursement Account are described in a Summary Plan Description (SPD). Contact the Human Resources Department for more information on the Flexible Spending Account program or to obtain enrollment and reimbursement forms and worksheets.

324 SUBMITTING FLEXIBLE SPENDING ACCOUNT CLAIMS

In order to be reimbursed for Health Care or Dependent Care, employees must submit receipts with a claim form to Group Dynamic, the third party administrator of the College's Flexible Spending Accounts. Furthermore, when claims are submitted for reimbursement for dependent care, they must include the dates of service, cost, and tax identification number of the dependent care provider.

Claims can be mailed to Group Dynamic at Reimbursement Benefits, c/o Group Dynamic, Inc., 411 U.S. Route One, Falmouth, ME 04105 or can be sent via facsimile to (207) 781-3841. Group Dynamic issues checks each Thursday for claims received prior to noon the previous Tuesday.

325 BATES DEPENDENT CARE SUBSIDY

Bates College provides **dependent care** assistance to faculty and staff who are classified as half-time or more. To participate in the Bates College Dependent Care Subsidy, the employee must enroll in a Dependent Care Reimbursement Account. The subsidy is provided to help offset the costs of dependent care to employees in maintaining employment. The subsidy is structured to favor those with more dependents and is based on total household income. The Dependent Care Subsidy benefit is prorated for employees who work less than full-time.

An application for a Dependent Care subsidy must be submitted along with a copy of the first page of the employee's most recent tax return. If tax information is not provided, the subsidy will be based on the highest income bracket on the chart.

The combined amount of subsidy and the employee's contribution to a DCRA cannot exceed the maximum allowed by law. For tax filers who file single and married couples filing a joint return, the IRS will contributions up to \$5,000 per year. For married couples filing separate returns, the IRS will only allow contributions up to \$2,500.

The subsidy is based on total household income and the number of dependents that are eligible to be covered; children 12 years old or younger that you claim on your tax return.

The following is a chart of the Dependent Care Subsidy Contributions:

	Total Annual Benefit Based on Last Year's Tax Return			
	Gross Household Income			
	0 to 30,000	30,001 to 40,000	40,001 to 50,000	50,001 and Over
Number of Dependents				
1st Dependent	\$1,300	\$1,040	\$780	\$520
2 nd Dependent	\$2,340	\$1,872	\$1,404	\$936
3rd Dependent	\$3,120	\$2,496	\$1,872	\$1,248
4th Dependent	\$3,640	\$2,912	\$2,184	\$1,456
5th Dependent	\$3,900	\$3,120	\$2,340	\$1,560
6th Dependent	\$3,900	\$3,120	\$2,340	\$1,560

326 FACILITIES ACCESS

All regular employees and retirees, their spouses/partners and dependent children (up to age 21) have access to Bates facilities, including the Davis Fitness Center, the ice arena, the athletic facilities in Merrill Gymnasium and Alumni Gym, and circulation privileges in the Library. The BatesCard is required to access these facilities and services. Guidelines for employee and dependent eligibility for the BatesCard are available in Human Resources.

In addition to facilities access, there are events of all types that faculty and staff members, retirees and their families are invited to and encouraged to attend, such as lectures, art exhibitions and other events.

327 CAMPUS-WIDE EVENTS

Generally, the College holds several campus-wide events to which employees are invited. These events are offered at no charge to employees; some examples are the Employee Recognition Lunch, generally in April; Presidential Gala, generally in March; a campus-wide picnic in August; and a holiday brunch in December.

328 PARKING

Employees may park on campus after having registered his or her vehicle with the Security and Campus Safety office. There is no fee for parking permits for faculty or staff. However, if an employee receives a ticket for a parking violation, the employee must pay for the ticket. For more information on Parking, see section 128 of this handbook.

329 BANKING

People's Heritage Bank offers Bates College employees a free checking account. Employees can also have their Bates College identification card serve dual purpose as an Automatic Teller Machine card as well. For more information on the identification card option, please call People's Heritage Bank at 795-5245.

This information about the services of People's Heritage Bank is not intended to be an endorsement of the bank, and is written for informational purposes only.

330 TRAINING, DEVELOPMENT, AND EDUCATION

Bates College recognizes that the skills and knowledge of its employees are critical to the success of the College. Therefore, the College provides opportunities for professional development through training and educational programs. Section 330.1 describes the educational assistance program, and encourages personal development through formal education to assist employees in maintaining and improving job-related skills or enhance their ability to compete for reasonably attainable jobs within Bates College.

Individual courses or courses that are part of a degree, licensing, or certification program must be related to the employee's current job duties or a foreseeable-future position in the organization in order to be eligible for 100% reimbursement educational assistance. Bates College has the sole discretion to determine whether a course relates to an employee's current job duties. Employees should contact the Human Resources Department for more information or questions about educational assistance.

While educational assistance is expected to enhance employee's performance and professional abilities, Bates College cannot guarantee that participation in formal education will entitle the employee to automatic advancement to a different job assignment, or pay increases.

Nonetheless, staff members are expected to grow and develop their professional skills as a condition of employment, to ensure that their contributions remain aligned with the needs of their department and the College. Supervisors are encouraged to develop good job descriptions and professional development plans for each employee and provide the appropriate support and opportunities to ensure employees develop their skills and competencies in line with the College's mission and goals.

The College will continue to offer employees opportunity for professional development with training programs on and off-campus. The cornerstones for a good training and development program are good job descriptions, and individual professional development plans. A professional development plan will outline for the employee and their supervisor where the individual's and the College's efforts should be best directed to enhance the employee's potential contributions to the College. Professional Development plans ensure that the efforts of employees are connected to the mission and goals of the College.

The Human Resources Department can assist supervisors and staff members with creating and monitoring professional development plans. Human Resources can also assist with developing accurate job descriptions and clarifying the link between departmental goals and Goals 2005.

The training function within the Human Resources Department can also assist supervisors with designing and developing training solutions for their specific department and is responsible for campus-wide training programs.

330.1 EDUCATIONAL ASSISTANCE PROGRAM FOR BATES COLLEGE EMPLOYEES

8/94

As a private educational institution, supporting the concept that education should be a lifelong process, Bates College encourages the educational pursuits of its employees. The options available under this Educational Assistance Program serve to benefit both the institution and its staff.

Three types of educational programs are covered:

330.1a Job Specific Courses - A single undergraduate level or non-credit course or class, specifically determined to be essential to the employee's present job and taken at the supervisor's request, at another educational institution or training location.

Eligibility: Regular employees, Immediately.

Cost: The fee is fully paid by the College. This policy also applies to training sessions and special 1-day courses.

Application: To the Department Head or senior officer. The Director of Human Resources hears appeals

for eligibility and participation in this program.

Time: Whenever possible, courses should be taken outside working hours. Whenever it is necessary to take a required course during working hours, the employee will receive pay for the time he/she is in class.

330.1b Courses at Bates - A course or series of courses taken at Bates College at the employee's initiative.

Eligibility: Regular employees, after one year of regular employment.

Cost: One course per semester at Bates, for credit as a special student, will be paid for by the College for regular full-time employees. The cost of the benefit is pro-rated for regular part-time employees. The costs include the application fee. There is a limit of six courses which may be accumulated with special student status.

Application: Application forms are available at the Registrar's Office.

Employees apply for special student status by submitting an application form. Qualified employees are admitted on a first come first served basis, as space permits. Written permission of the instructor is necessary for all special students.

Time: Whenever possible, courses should be taken outside working hours. Courses occurring during regular working hours may be taken provided that it is possible to work out with the supervisor a satisfactory arrangement for rescheduling or otherwise making up missed hours, thereby meeting the responsibility or duties of the employee's position.

330.1c Elective Courses - Undergraduate, graduate, or non-credit classes or courses related to the employee's potential development, taken at another institution at the employee's initiative.

Eligibility: Regular employees, following three years of continuous employment. Limited to two courses each fiscal year (July 1 - June 30) per employee.

Cost: 50% of the tuition is reimbursed by the College upon satisfactory completion of the course for regular full-time employees. The cost of the benefit is pro-rated for regular part-time employees.

Application: To the Department Head and the Director of Human Resources who must concur.

Time: The program must be completed on the employee's own time. Work schedules may be rearranged as long as the needs of the department can be met.

331 ROWE FUND (Educational Assistance for Children of Employees)

6/2/01

The Harry W. Rowe Tuition Grant Fund Program

The following describes the Harry W. Rowe Tuition Grant Fund Program (the Rowe Fund) which is provided by Bates College for its employees on behalf of their children attending college.

Eligibility and Participation. Assistance from the Rowe Fund toward tuition for dependent children is available to each active or retired full-time Faculty, Administrative Staff, and Support Staff member (or two persons sharing a single full-time employment appointment treated as a single full-time employee) who has met the applicable service requirement at Bates College. An active employee is one who is either employed as defined above or is on authorized leave, not exceeding one year in duration and from which the employee will return to full-time employment. For purposes of this Program, a retired full-time

employee is one who separates from full-time employment by the College on or after January 1, 2000, and does not continue in the workforce.

Effective January 1, 2000, Rowe Fund assistance is extended to the dependent child or children of a deceased active or retired full-time member of the Faculty, Administrative Staff, or Support Staff who has met the applicable service requirement and whose date of death occurs on or after January 1, 2000.

Service Requirement. For a Faculty, Administrative Staff, or Support Staff member employed on or before June 30, 1988, eligibility for participation begins after two years of consecutive service. For a Faculty, Administrative Staff, or Support Staff member starting employment after July 1, 1988, eligibility for participation begins after five years of consecutive service.

Benefits Available. Bates College will provide tuition assistance at Bates or at any fully-accredited baccalaureate-degree granting institution on behalf of an eligible employee for the purpose of undergraduate educational assistance for dependent children.

For purposes of this program a dependent child is defined as one:

- A. Who is a blood descendant of the first degree (i.e., a son or daughter), a stepchild, or the legally adopted child of an active full-time member of the Faculty, Administrative Staff, or Support Staff of the College or such a child of an active full-time member of the Faculty, Administrative Staff, or Support Staff who retires on or after January 1, 2000, and/or who dies on or after January 1, 2000;

AND

- B. Who either
 - (1) (a) has not attained the age of 19 at the close of the calendar year; or
 - (b) is a student (as defined in Section 151(c)(4) of the Internal Revenue Code) who has not attained the age of 24 at the close of the calendar year;

AND

more than half of whose support for the calendar year was received from the active full-time or retired member of the Faculty, Administrative Staff, or Support Staff of the College or that member's surviving spouse;

-OR-

- (2) has not attained the age of 25 and both of whose parents are deceased.

Effective July 1, 1988 - June 30, 2001:

For a Faculty, Administrative Staff, or Support Staff member employed on or before June 30, 1988, Rowe Fund payments equal 50% of the tuition and mandatory academic fees of the college or university attended, up to a maximum of one-half of the Bates tuition. For a Faculty, Administrative Staff, or Support Staff member starting employment after July 1, 1988, Rowe Fund payments equal 10% of the Bates College annual charge as stated in the College catalog.

Effective on and after July 1, 2001:

For a Faculty, Administrative Staff, or Support Staff member employed on or before June 30, 1988, Rowe Fund payments equal the greater of either:

(A) 50% of the tuition and mandatory academic fees of the college or university attended, up to a maximum of one-half of the Bates tuition (Bates tuition = comprehensive fee as stated in the College catalog less charges for room and board) ,

OR

(B) 10% of the Bates College comprehensive fee as stated in the College catalog.

For a Faculty, Administrative Staff, or Support Staff member starting employment after July 1, 1988, Rowe Fund payments equal 10% of the Bates College comprehensive fee as stated in the College catalog.

For each dependent child, the benefits of the Fund are limited to not more than four years of full-time undergraduate study, leading toward the baccalaureate degree, at accredited institutions of higher education. If a student receives other grants, the sum of the Rowe Fund grant and other such support shall not exceed 100% of the college's or university's tuition and appropriate charges.

Payment of Benefits. Payments under the Rowe Fund are made directly to the college or university attended by the eligible child. Bates College pays the grant upon confirmation of enrollment of the student and confirmation of amounts due for tuition and mandatory academic fees. Payments are generally calculated for the academic year; one-half is paid prior to September 1, and the balance is paid prior to January 1.

Administration and Information. The Rowe Fund of Bates College is administered by the College's Human Resource Department. Requests for more information or questions regarding special situations may be addressed to that office.

332 EMPLOYEE ASSISTANCE PROGRAM (EAP) - 1-877-878-6485

All employees, to include temporary and part-time employees, of Bates College are eligible to use the services of the EAP program. Bates College cares about the health and well-being of its employees and recognizes that a variety of problems can disrupt their personal and work lives. Through the Employee Assistance Program (EAP), Bates College provides confidential access to professional counseling services for help in confronting such personal problems as alcohol and other substance abuse, marital and family difficulties, financial or legal troubles, and emotional distress. The EAP is available to all employees and their immediate family members offering problem assessment, short-term counseling, and referral to appropriate community and private services.

The EAP is strictly confidential and is designed to safeguard the employee's privacy and rights. Information given to the EAP counselor may be released only if allowed by the employee in writing. All counselors are guided by a Professional Code of Ethics.

Personal information concerning employee participation in the **EAP is maintained in a confidential manner**. No information related to an employee's participation in the program is entered into the personnel file.

There is no cost for employees to consult with an EAP counselor. If further counseling is necessary, the EAP counselor will outline community and private services available and will try to coordinate services with the Bates College health plan. The counselor will also let employees know whether any costs associated with private services may be covered by their health insurance plan. Costs that are not covered are the responsibility of the employee.

Minor concerns can become major problems if ignored. No issue is too small or too large, and a professional counselor is available to help when needed. **Call 1-877-878-6485** to contact an EAP counselor.

333 COMPUTER PURCHASE PROGRAM

This program offers Bates employees assistance in purchasing computers through payroll deduction. The College offers short-term loans to regular full-time, three-quarter-time, or half-time Faculty and Staff members to enable them to purchase computers, printers and related items for their personal use.

TERMS AND CONDITIONS

- This program enables employees to purchase high-quality products, taking advantage of an educational discount. The equipment must be for the employee's own personal use, not for resale. The employee may purchase the equipment through an outside vendor.
- The employee must pay at least 10% of the purchase price of the equipment to initiate this agreement. The balance will be through a payroll advance.
- The balance must be paid within a 24-month (2-year) period or less, through a payroll deduction. Payments must be at least \$50 per month.
- Only one computer, or computer combination such as computer/printer/modem, will be approved at a time. The balance of an outstanding loan must be completely paid before another purchase loan is approved.
- If the employee terminates employment at Bates before the loan is paid, the remaining balance becomes due. The signed loan agreement authorizes the College to deduct any remaining balance from the employee's final paycheck. If the final paycheck is not large enough to cover the balance, the employee must make arrangements to cover the balance.

For more information on the Computer Purchase program, or to obtain an application and instruction sheet call Human Resources.

334 RENTAL REAL ESTATE

Revised

7/2001

The primary purpose of the College's acquisition and ownership of residences surrounding the campus is to provide space for future expansion of buildings, green space and other College needs. The secondary purpose is that, while these buildings consist of dwelling units, these units may be rented, both to accrue income to offset the cost of purchase, maintenance and repairs, and to provide housing that is consistent with the needs of the College.

Employees who relocate from at least 50 miles away from Bates College and have been employed with the College for less than 15 months are eligible to rent available properties. Employees who depart from the College are required to vacate College rental properties within 60 days of terminating their employment with the College. Employees who join the College after July 1, 2001 are required to pay their rent through payroll deduction.

Units shall normally be rented according to the following priority:

1. Consideration for the recruitment and retention needs of the College.
2. Faculty and Staff members with temporary appointments (who cannot reasonably be expected to make long-term commitments on housing), or Faculty or Staff members who are relocating from a distance, particularly those whose schedules and distances make it impossible to come to the area in advance of their appointment starting date to make housing arrangements.
3. Bates employees whose responsibilities indicate that proximity to the College would be advantageous.
4. Any Bates employees or Bates students.
5. Other tenants with appropriate references (tenancy limited to one year leases)

LIMITATION OF TENANCY

Effective, March 1, 1994, the duration of tenancy of rental properties belonging to Bates College, in addition to the longstanding College policy that all tenants are “tenants at will” will be limited for tenants beginning their tenancy after that date. These tenants will be limited to seven (7) calendar years of tenancy in any Bates rental property or properties. The seven years will include any years that the tenant may be on leave, subletting the units(s), or otherwise absent.

This policy is written to maximize the availability of temporary housing for new employees who relocate to this area from a distance, or who have temporary appointments at the College and cannot be expected to find permanent locations.

Tenants who have rented these properties before 3/01/94 are not affected by this limitation, but will still remain tenants at will, as are all tenants of the College’s rental property. If a unit becomes vacant, the limitation policy will apply with the new rental.

335 TRAVEL ACCIDENT INSURANCE

Employees are covered by a Group Travel Accident policy when traveling on College business only. Bates College pays the entire cost of this plan. The plan provides for \$250,000 coverage for loss of life. The College has written guidelines for those who travel for the College as a part of their work, and who attend professional development meetings and conferences. For more information, please call the Accounting and Budget Office.

336 BENEFITS FOR RETIREES

After an employee has officially retired from the College, he or she may be eligible for certain College benefits. The eligibility for benefits recognizes the retiree’s contributions to the College and encourages the individual to retain membership with the Bates community.

- Recognition at Annual Employee Recognition Lunch
- Gift upon retirement
- Bates College identification card
- Facilities access to library, gym, and recreation facilities
- Mailings and invitations to events, lectures, and gatherings
- Access to group health plan, at the retiree’s expense [Requires 15 years of service and 55 years of age] Rowe Fund for children of retirees [Requires 15 years of service and 55 years of age]

RETIREMENT BENEFITS

337 RETIREMENT BENEFITS

Bates College maintains three separate plans providing Retirement benefits. In order to participate in the Bates College regular retirement plan, or the 1% Match plan, the employee must be classified in a regular position that is half-time or more. All employees regardless of their status can participate in the 403(b) plan, which is a Tax Deferred Annuity Plan, but employees will not receive a 1% match from the College unless he or she is a half-time or more employee. If a temporary employee exceeds 1000 hours in a calendar year, he or she will become automatically eligible for participate in both the retirement plan and the 1% Match plan.

338 BATES COLLEGE RETIREMENT PLAN

Participation eligibility starts on the first of the month following 30 days of employment in the College’s pension plan. The pension plan is a 401(a) defined contribution plan. Under this plan, employees are guaranteed a defined contribution into the plan and the employee directs the investment of his or her contributions. The college contributes on an annual basis, 6.7% on the first \$16,850 of base earnings and

11% thereafter. Every January the 6.7% rate resumes until earnings exceed \$16,850.

Employees must complete the required enrollment form to receive the benefit. Failure to complete the enrollment form can delay contributions. Enrollment forms are available in Human Resources.

Employees are eligible to retire early at age 55 with 15 years of service. Normal retirement occurs on the 65th birthday of the employee. A faculty member's normal retirement is the last day of the academic year in which they turn 65.

Complete details of the pension plan are described in a Summary Plan Description provided to eligible employees. Contact the Human Resources Department for more information.

339 TAX DEFERRED ANNUITY PLAN 403(b)

Bates College has established a 403(b) Tax Deferred Annuity plan, which is a supplemental retirement plan that provides employees with an additional opportunity to secure future financial security for retirement. All employees are eligible to participate in the 403(b); to participate employees must complete the appropriate enrollment form and sign a Salary Reduction Agreement.

Because contributions to a 403(b) plan are automatically deducted from an employee's pay before federal and state tax withholdings are calculated, the employee saves tax dollars now by having their current taxable income amount reduced. These contributions are not exempt from Social Security Taxes or Medicare Taxes. Employees can elect either a flat dollar amount or a percent of their earnings. Enrollment forms can be obtained from the Human Resources Office.

The amount that an employee may place into a supplemental retirement account is limited each year. For a calculation of the amount that can be placed into an individual employee's account, please call the Human Resources Department.

Complete details of the 403(b) savings plan are described in a Summary Plan Description provided to eligible employees. Contact the Human Resources Department for more information about the 403(b) plan.

340 BATES COLLEGE 1% MATCH PLAN

Bates College has established an additional 403(b) retirement annuity plan to aid employees in preparing for future financial security in retirement. As an incentive to participate, the College matches the employee's contributions up to 1% of the employee's salary.

To be eligible for the match, the employee must be enrolled in and contributing to a retirement annuity under the Tax Deferred Annuity Plan described in section 338 above. Eligible participation starts on the first of the month following 30 days of employment.

Complete details of the 403(b) savings plan are described in the Summary Plan Description provided to eligible employees. Contact the Human Resources Department for more information about the 403(b) plan.

LEGALLY MANDATED BENEFITS

341 WORKERS' COMPENSATION INSURANCE

Bates College provides a comprehensive Workers' Compensation insurance program at no cost to employees. This program covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. Subject to applicable legal requirements, Workers' Compensation insurance provides benefits after a seven day or 56 hour waiting period or, if the employee is hospitalized, immediately. Employees are able to use sick and vacation during the waiting period. In accordance with state law, Workers' Compensation provides 80% income replacement for eligible participants.

Employees who sustain work-related injuries or illnesses should inform their supervisor immediately. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately. This will enable an eligible employee to qualify for coverage as quickly as possible. Refer to section 509 for more information on reporting Workers' Compensation claims.

342 SOCIAL SECURITY AND MEDICARE TAXES

In compliance with the Federal Insurance Contribution Act, Bates College withholds 7.65% of the employee's earnings for social security (6.2% for Social Security and 1.45% for Medicare). On behalf of the employee, the College matches the employee's contributions and deposits both contributions with the Internal Revenue Service.

343 UNEMPLOYMENT BENEFITS

The College is required to reimburse the state of Maine for all unemployment benefits and all costs of unemployment compensation, which the State pays to terminated employees who qualify for unemployment benefits.

344 BENEFITS CONTINUATION (COBRA)

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under Bates College's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, death of an employee, a reduction in an employee's hours or a leave of absence, an employee's divorce or legal separation; **and if a dependent child becomes ineligible for health care coverage because of age or changes his or her status as an eligible student.**

Under COBRA, the employee or beneficiary pays the full cost of coverage at Bates College's group rates, plus an administration fee. Bates College provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for continuing coverage under Bates College's health insurance plan. The notice contains important information about the employee's rights and obligations. COBRA benefits do not apply to domestic partners.

PAYROLL PROCESSING AND PAY ADMINISTRATION

PAYROLL PROCESSING AND PAY ADMINISTRATION

400 PAYROLL OVERVIEW

This section of the employee handbook governs pay and pay related practices and contains important information about benefit and tax deductions. This section also contains useful information about pay and salary administration practices.

401 TIMESHEETS AND TIMEKEEPING

It is the responsibility of every nonexempt staff member to accurately record the time he or she works on a timesheet each pay period. The staff member's supervisor must review the timesheet for accuracy, verify the hours worked, and calculate any hours eligible for premium pay (overtime, shift differential, or other). The signature of the staff member and the supervisor certifies the accuracy of the information on the timesheet. Federal and state laws require Bates College to keep an accurate record of time worked in order to calculate nonexempt staff member's pay and benefits.

Nonexempt staff members should report to work no more than 7 minutes prior to their scheduled starting time nor stay more than 7 minutes after their scheduled stop time without the prior approval of their supervisor. Likewise, overtime work must be approved before it is performed, except under extenuating circumstances. For more information about work hours, refer to section 227 of this handbook.

Supervisors of staff members who are working part-, half-, or three-quarter-time due to restricted duties while earning Short-term Disability or Workers' Compensation benefits must ensure that the staff member's timesheet correctly lists actual hours worked and time approved under the appropriate benefit category. Supervisors are also responsible for ensuring that their staff member's timesheets indicate all paid and unpaid leaves, including Family or Medical leave.

Timesheets must be submitted on time each pay period in order for a staff member to get paid. The Payroll Office cannot assume that a nonexempt staff member has worked. A delay in submitting timesheets may result in the staff member not receiving a paycheck on the scheduled payday.

402 PAYDAYS

Nonexempt staff members are paid biweekly on every other Thursday. Each paycheck will include earnings for all work performed through the end of the previous payroll period. Pay periods end on the Saturday prior to each payday. There are 26 pay periods during a calendar year for nonexempt employees.

Exempt employees (faculty, administrative and professional staff) are paid on a monthly pay cycle. Exempt paydays occur on the second Thursday of each month. The actual date when the monthly employee receives his or her paycheck will vary, but will always be on the second Thursday of each month. Exempt employees are paid for the entire calendar month on each designated payday.

403 PAY DEDUCTIONS AND PAY STATEMENTS (Stubs)

Employee's pay statements (stubs) contain important information about the individual's pay, benefits, leaves, and other employment-related information. The pay statement also includes information such as Bates College's contribution to various benefits and tax deductions. For a detailed list of the elements contained on pay statements, refer to section 404.

403.1 Benefit Deductions - For exempt personnel, benefits credits and all benefits deductions are taken during each monthly pay period. For nonexempt employees, there are 26 pay periods during a calendar year and benefit credits provided by the College are distributed in each of the 26 pay periods. However, benefit deductions are taken from the employee's pay only 24 times per year, or twice a month. This results in two benefit deduction-free checks during months where there are 3 pay periods.

The actual amount deducted will be determined by the benefits that were elected during initial benefits enrollment, or those benefits selected during the annual open enrollment period.

403.2 Leave Accrual –For exempt staff personnel, leaves accrue each monthly pay period. For nonexempt staff, leaves accrue in 24 of the 26 pay periods. Leaves are earned on a prorated basis, based upon the number of hours worked during the pay period. An individual staff member must work the entire pay period to earn the full amount of leave for that pay period. All leave accrual will be noted on the following pay statement.

Staff members who do not have a sick leave balance and take sick leave before it is accrued, will automatically have the appropriate amount of vacation time deducted, if available. New staff members with the College for less than 6 months will not have vacation time available. Staff members who take vacation time before it is accrued will not be paid for the time away.

Time away from campus that is not sick leave or an approved vacation, is considered unpaid leave. In accordance with section 316 of this handbook, all unpaid leaves must be approved by the appropriate vice president or dean unless otherwise provided by College policy. Therefore, staff members may not exhaust all of their sick leave and create an unlimited bank of time off by choosing to receive no pay instead of using vacation leave. Staff members also may not exhaust their vacation time and create an unlimited bank of time off by choosing to receive no pay for unapproved time away from campus.

Patterns of use of sick or vacation leave that would indicate abuse may be reviewed by the supervisor. As noted in sections 307 and 308, vacation time must be approved and sick time can be scrutinized if patterns of use indicate potential abuse.

404 PAY STATEMENT CODES

The abbreviations and codes that are used in your pay statement are located in the appendix portion of this section. See Appendix 2 for a complete listing. If you have any questions, call the Human Resources Department.

405 DIRECT DEPOSIT AND PAPER CHECKS

All current Bates employees are encouraged to enroll in direct deposit. Direct deposit is safe, confidential, and convenient. Payments made by direct deposit have never been lost. In fact, there are a number of potential problems with paper checks, refer to section 406 for information about lost checks. To enroll, employees must complete a *Direct Deposit Authorization Agreement* form in the Human Resources Department and attach a voided check with their form (employees who bank with credit unions will have to provide a voided check and deposit slip). As of July 1, 2001, new Bates employees and students are required to enroll in direct deposit at the time of initial employment.

An added benefit of being enrolled in direct deposit is that paychecks processed through direct deposits can be deposited into more than one bank account. Employees can have their paycheck divided and sent to multiple bank accounts. Such arrangements are repeated automatically each payday allowing the employee greater flexibility and control over managing his or her pay.

Employees enrolled in direct deposit will always receive a pay statement that lists information identical to that reported on traditional paycheck statements. The direct deposit pay statement lists how much was deposited into each account and how much was deducted for taxes, benefits, and other items.

Direct deposit statements and paper payroll checks are mailed to each employee's home. The Human Resources Department cannot hold checks for individual employees. Employees who are on vacation or otherwise desire that their paper check be handled specially are encouraged to sign up for direct deposit.

Direct deposit at Bates is made easier by the benefit of banking with Peoples Heritage Bank. As noted in section 329 of this handbook, employees are eligible to receive free checking with Peoples Heritage Bank to ensure that there are no costs to have direct deposit paychecks. Enrolling in direct deposit is free, safe, and convenient.

The College transmits direct deposit two days before the scheduled pay date. Your banking institutions will make your payment available at some time on the actual pay date. Some banks will make it available as early as 12:01 a.m., whereas other banks will post your payment later in the day.

Therefore, Payroll will not take action on direct deposit failing to appear in your account until after 2:00 p.m. on payday, as it is likely that your bank has the money and has not made it available for withdrawal yet. Please call Human Resources at x-8218 for more information about enrolling in direct deposit.

406 PAY CORRECTIONS AND LOST CHECKS

Bates College takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday. In the unlikely event that there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of the Human Resources Department. When Bates College is responsible for the error, we will make every effort to correct mistakes as quickly as possible. However, if the amount of the error is less than \$50, the College reserves the right to correct the error in the following scheduled pay period.

When an error is made in reporting time accurately on the staff member's timesheet, a delay may occur in processing the change. Therefore, it is imperative that the staff member and the staff member's supervisor verify the accuracy of the staff member's timesheet prior to submitting it to the Payroll Office. Paychecks for late timesheet submissions will be processed on the Friday after each payday. Exceptions to this policy will require the approval of the Director of Human Resources. For more information on timesheets, see section 401 on this handbook.

On occasion, an employee loses their actual paper paycheck or their paycheck is lost in the mail. Experience shows that every pay period there are one or two paychecks that get inadvertently delayed by the U.S. Postal Service. Therefore, the Payroll Office will not take action on a delayed check until the following Monday since most delayed paychecks appear in the employee's mail on Friday or Saturday. Current employees are encouraged to enroll in direct deposit to avoid the inconvenience of having a delay in receiving their pay.

407 DEDUCTIONS FROM PAY

There are a number of deductions that will occur from most employee's compensation. Among these are applicable federal and state income taxes. Social Security deductions are also taken from each employee's earnings up to a specified limit that is called the Social Security "wage base." This deduction is noted on the employee's pay statement as FICA (actual social security deposits) and FICA MED (contributions to Medicare) and are combined to equal 7.65% of the employee's taxable pay. Bates College matches the amount of Social Security taxes paid by each employee; Bates College's match of 7.65% of the employee's taxable earnings is noted on the pay statement as well.

In addition to legally mandated deductions, each benefit eligible employee will have deductions from their paycheck according to the benefits selected from the Bates College flexible benefits program. Employees make their benefit selections during their initial employment processing or annually during the benefits Open Enrollment period. Eligible employees authorize deductions from their paychecks to cover the cost of participating in these programs. For more information on benefit deductions, please refer to section 403 of this handbook.

Other wage deductions, such as garnishments or tax levies, may be made to fulfill legal requirements when appropriate. International employees may be exempt from certain taxes and social security withholdings according to appropriate tax treaties and IRS regulations.

Questions concerning paycheck deductions should be directed to the Human Resources Department.

408 OVERTIME

Overtime compensation is paid to all nonexempt staff members in accordance with federal and state wage and hour guidelines. Bates College also grants overtime for nonexempt staff members for hours taken as vacation or sick leave. Time off for holidays, personal leave or any leave of absence will not be considered hours worked for purposes of performing overtime calculations.

Overtime is paid for all hours over 40 per week. Bates College calculates overtime on a weekly basis, therefore, working 10 hours on one day does not count as overtime unless the total amount worked for that week exceeds 40 hours. The overtime pay rate is one and one-half times the staff member's regular rate, which includes special compensation (shift differential, call-in pay, other premium pay, etc.).

All overtime work must receive prior approval of the staff member's supervisor. When possible, staff members will be given the opportunity to volunteer for overtime work assignments. In other cases, overtime assignments will be distributed as equitably as practical to all staff members qualified to perform the required work. In certain situations, overtime is expected or is required as a condition of employment. In such cases, it is usually noted at the time of hire, or in advance for major campus events or unusual departmental demands. Examples of mandatory overtime are working during a weather emergency for essential personnel, Commencement weekend, or at other times when College needs prevail.

409 HOLIDAY PAY

Regular staff members who are eligible to earn leave will receive holiday pay in accordance with section 305 of this handbook. Holiday pay is based upon the number of hours the staff member is normally scheduled to work, up to a maximum of 8 hours. Half-time and three-quarter-time staff members will be paid 4 or 6 hours of holiday pay, respectively.

Nonexempt staff members who work on a scheduled College holiday will be paid time-and-one-half for the hours actually worked on the holiday in addition to regular holiday pay. However, staff members may elect to receive time-and-one-half pay for the hours actually worked on the holiday and take another day during the same pay period as the paid holiday; this arrangement must be approved by the staff member's supervisor.

410 EMERGENCY CALL-IN PAY

Certain nonexempt staff positions are eligible to receive call-in pay for coming to campus to respond to a bona fide campus-wide College emergency. Designated positions are determined in advance by the Human Resources Department and are routinely placed on call because of their job requirements. Events designated as campus-wide emergencies for the purpose of this policy are made by the Vice President for Asset Management and Treasurer.

The minimum pay for being called in before midnight is two hours of pay. The minimum pay for being called in after midnight is three hours of pay, regardless of the length of the emergency. If the staff member works for more than the minimum two or three hours, he or she is paid for the actual amount of time worked. Overtime and shift differential pay, where applicable, will apply except as noted in section 412 Shift Differential of this handbook.

411 PAGER TIME OR WAITING TO WORK TIME

Certain nonexempt staff positions are eligible to receive pager pay for being on call 24 hours a day in case a pressing need of the College emerges. Designated positions are determined in advance by the Human Resources Department and are routinely placed on call for designated periods of time.

The pay for pager time is 4 hours of regular pay for each week the staff member is in a waiting to work status. If a staff member comes in to respond to an emergency, he or she will also receive Emergency Call-in pay in accordance with section 410 of this handbook.

412 SHIFT DIFFERENTIAL

Bates College's policy is to give additional compensation for regular nonexempt positions that routinely require work to be scheduled outside of the normal daytime hours. A shift differential shall be paid to regular staff members who are required by management to work certain evening, night, or weekend hours. Eligible hours are those that occur when one or more hours are worked between 6:00 p.m. and 6:00 a.m., Monday through Friday, or for any work occurring after 6:00 p.m. Friday evening, all day Saturday, all day Sunday, and until 6:00 a.m. on Monday morning. Work arrangements that are approved on the basis of convenience to the staff member, shall not be considered an assigned evening, night, or weekend shift for the purpose of this policy. Student and temporary employees are not considered regular employees and, therefore, are not eligible to receive a shift differential.

Only regular, nonexempt staff members, who are regularly scheduled to work in positions that normally require the individual to work evening, night, or weekend hours, are eligible to receive shift differential pay.

Eligibility: Typically, shift differential pay is approved for positions in departments that require around-the-clock coverage or operations that consistently require late evening, night, or weekend coverage. Eligibility for a shift differential is tied to the position and time period worked, and is not an entitlement of individual staff members. Positions that are eligible to receive a differential are approved by Human Resources in advance.

A shift differential is paid in addition to the regular hourly rate when at least one full hour is worked during periods of time covered by the shift differential. For partial hours of 30 minutes or more, a full differential is paid provided that one full hour has been worked prior to the partial hour.

If a staff member who typically works the evening, night, or weekend shift is temporarily assigned to the day shift, he or she will not receive any shift differential for the hours worked during the day shift. A staff member regularly assigned

to a rotating shift, a split shift, or who regularly rotates shifts, shall be paid the shift differential only when working the specific position and hours for which a differential has been approved.

Rate: The standard rate at which Bates College compensates for all shift work is fifty cents (\$.50) an hour in addition to the staff member's regular base rate of pay. The shift differential rate for overtime hours will be calculated at 1 _ times the shift differential rate. Shift differential pay is not included in the pay of staff members who are on paid leave, such as vacation, sick leave, or holidays, etc., and shall be paid only for hours that are actually worked. The maximum shift differential that can be paid for any hour worked is fifty cents per hour.

Shift differential pay is subject to the same payroll deductions and payroll charges as regular salary or wages, but it is not used in the calculation of benefit credits. The eligible staff member's supervisor is responsible for ensuring that the staff member's time sheet correctly reflects the appropriate time worked and notes the hours where the shift differential applies.

Special Circumstances: Staff members who are asked to come in during the evening, night, or on the weekend by a manager to work in a position that is normally eligible for a shift differential will receive the appropriate differential. Staff members who are asked by a manager to work over will also receive the differential if he or she works for one hour or more into the eligible shift differential period.

Staff members who are subject to Emergency Call-In assignments, according to section 410 of this handbook, and who work for more than four consecutive hours will receive the appropriate differential for that shift. If called in for less than four hours, shift differential pay would not apply, but regular emergency call-in provisions, where applicable, would apply. Emergencies declared by the Senior Emergency Response Group are governed by sections 139 and 414 of this handbook and such emergencies are not eligible for a shift differential, but are governed by the pay provisions of those policies.

413 PAY ADVANCES

Under rare circumstances, employees may receive an advance against future earnings in the form of emergency and vacation advances. All pay advances are taxable wages at the time of the advance. The following guidelines govern advances when they occur:

1. The employee must have an emergency situation or a financial need that cannot be met by other sources. Emergency situations do not include regular monthly expenses and are subject to the approval of the Payroll Manager.
2. Requests for advances may not exceed the net amount of the employee's next two paychecks.
3. The employee must authorize in writing that the advance will be paid back through a payroll deduction within a two-month period of time.
4. Vacation advances will be authorized for employees who will be on vacation during the week of a scheduled payday. A vacation advance is limited to the amount of net pay the employee would receive on the scheduled payday. Vacation advances must be paid back on the regular scheduled payday. Such requests must be submitted to the Payroll Manager at least one week prior to departing for vacation.
5. All emergency and vacation requests require the approval of the Payroll Manager.
- 6. Employees who have outstanding debts to the College are not eligible to receive a pay advance.**
7. Due to the rare nature of such advances, only one advance (regardless of the kind of advance) is granted in a fiscal year.

Requests for advances that are larger than two months salary, requests to pay back advances over a longer period of time, or more than one request in a fiscal year, must have the approval of the appropriate vice president or dean, as well as the approval of the Vice President for Asset Management and Treasurer. Such requests should be submitted to the Payroll Manager before being submitted to the appropriate vice president or dean.

Employees are encouraged to plan for their vacations and enroll in direct deposit in order to have access to their paycheck while away from campus.

414 PAY FOR COLLEGE EMERGENCIES (including Weather Emergencies)

The excerpts below are taken from the *College Emergency Procedures and Policies* (also known as the *Senior Emergency Response Group Policy*) and govern pay for weather emergencies only. For more information on this policy, please refer to section 109 of this handbook.

When Bates College declares a weather emergency, only "essential" personnel should report for work as scheduled. Employees not asked to report to work (except temporary employees) will receive their regular pay. If an employee is on vacation or sick leave during a declared weather emergency (and College offices are closed), the day(s) of emergency will be added to the employee's vacation or sick leave balance.

Regular **nonexempt** employees who are required to work during a weather emergency will receive pay at 2 _ times the straight time rate of pay. This is figured by adding 1 _ times pay (the overtime rate) and an added 1 time (straight-time) pay to make allowance for the excused time pay received by other nonexempt employees during the emergency.

Temporary employees may be required to report for work during weather emergencies if they are declared essential. Temporary employees who work during the weather emergency will be receive time-and-one-half pay for hours worked, in accordance with the normal pay policies and practices of the College.

If Bates does not declare that College offices are closed as a result of a weather emergency, weather conditions nevertheless may cause employees to be concerned about traveling to and from work depending on the distance of travel, the hazards of driving, or other subjective factors. In such cases, the employees will have to make their own judgments about whether to stay home or to leave work early. An employee's decision, based on individual circumstances, will be respected when shared with his or her supervisor. If an employee chooses not to travel or decides to leave work early because of concerns about the weather, he or she may use accumulated vacation time, make up the time on other days within the same **work week** (or its practical equivalent) if approved by the supervisor; or take leave without pay.

415 PAY WHILE ON LEAVE (Unpaid Leave, Workers' Compensation, Short-Term Disability, etc.)

This section provides information in addition to polices in section 300 of this handbook which governs leaves and benefits. This section also provides detailed information about pay administration with regard to leaves.

415.1 Unpaid Leave – Typically, when on an approved unpaid leave, employees will not receive any pay or benefits from Bates College. Furthermore, employees will not accrue vacation or sick leave or receive any benefits that are reserved for active employees.

During the period of unpaid leave, all benefits are suspended, except that the employee may elect to continue participating in the College's flexible benefits program by assuming the entire cost of his or her participation. The employee may elect to remain on certain benefits by paying the individual's and the employer's share of costs, where appropriate for the benefit elections that the employee has chosen.

Depending upon the circumstances that have necessitated an unpaid leave, and in accordance with federal regulations governing benefit elections, an employee may be able to change his or her benefit elections during this period of time. For more information please refer to section 304 Life Status Changes or call the Human Resources Department.

415.2 Short-Term Disability (STD) – In accordance with the Bates College STD program noted in section 317 of this handbook, the College pays 75% of a staff member's base salary after a 30 calendar day elimination period of STD Leave.

During a period of STD, employees do not accrue vacation or sick leave, but the employee's benefits continue at the normal rate. For more information on matters pertaining to Short-Term Disability, please refer to section 317 of this handbook.

415.3 Workers' Compensation – In accordance with the state laws that govern this program, employees are provided with 80% of their average after tax weekly compensation after a seven day or 56 hour elimination period.

During a period of Workers' Compensation, employees do not accrue vacation or sick leave, nor earn pension benefits. Employees receiving Workers' Compensation benefits do however continue on the College's health insurance and life insurance plans if enrolled in these plans prior to becoming eligible for Worker's Compensation benefits.

For more information on matters pertaining to Workers' Compensation, please refer to section 341 of this handbook.

416 COMPENSATORY TIME AND SCHEDULE CHANGES

As a private employer, Bates College cannot offer compensatory time. Nonexempt staff members must be paid for time worked when it is worked in accordance with governing federal and state laws. Compensatory time is allowed by law only for public sector employees.

However, staff members and their supervisors may use a flexible scheduling arrangement for the rare occasions when work demands are not of a routine nature. These flexible arrangements allow changes in time worked during a calendar week. An example under this arrangement, the staff member might work two days of ten hours, two days of eight hours, and one day of four hours for a total of 40 hours worked that week. Any hours worked in excess of 40 hours in one week for a nonexempt employee must be paid as overtime.

For exempt employees, and in accordance with section 227 of this handbook, there is an expectation that full-time exempt employees work at least 40 hours per week. Variations in time worked should be arranged by agreement and approval of the individual exempt staff member and his or her supervisor. However, any extended or permanent change in the arrangement that results in less than an average of 40 hours per week worked will require approval of the appropriate vice president or dean and/or the President.

417 VACATION LEAVE PAY OUT

Any staff member terminating employment, who has worked at the College for at least 6 months, is entitled to all accumulated and unused vacation pay. This vacation pay will be included in a final check that will normally be paid in the pay period following the staff member's last day of work, provided that the staff member has completed exit processing according to section 237 of this handbook. For more information on vacation leave accrual, please refer to section 307 of this handbook.

418 LAST PAYCHECK

The employee's last check for vacation leave pay out, will be paid on the nearest pay period to the resignation or departure notice. Before an employee receives their last check, he or she must complete appropriate exit processing as noted in section 237 of this handbook.

Employees must return all College property on or before their last day of work. As appropriate with applicable laws, Bates College may withhold from the employee's final paycheck the cost of any items that are not returned when required. Bates College may also take all action deemed appropriate to recover or protect its property as well as withhold any indebtedness to the College.

The employee's last check will not be released until both the employee and the employee's supervisor have completed their portion of the *Bates College Termination Procedure Checklist*. Among other items, this checklist ensures that the employee has completed all of his or her exit processing and confirms that the employee has returned all Bates College property. Employees are asked to ensure that their supervisor has verified that all of their appropriate exit processing has been completed. Giving appropriate attention to the *Bates College Termination Procedure Checklist* will ensure that the employee receives his or her last paycheck in a timely manner.

419 SALARY ADMINISTRATION

PAY AND SALARY ADMINISTRATION (FOR STAFF MEMBERS)

The goals of the salary administration program at Bates College are to achieve consistent pay practices, comply with federal and state laws, mirror our commitment to Equal Employment Opportunity, and offer competitive salaries within

our labor market(s). Bates College recognizes that recruiting and retaining talented staff members is critical to the College's success. It is, therefore, committed to paying staff members equitable wages that reflect the requirements and responsibilities of their positions and are comparable to the pay received by similarly situated staff members in like organizations. Generally, the compensation for positions at Bates College is determined by several factors, including job analysis and evaluation (Job Classification), the essential duties and responsibilities of the job, and salary survey data on pay practices of other employers.

To facilitate the goals identified above, Bates College will attempt to classify positions appropriately and to attach appropriate market-based salary ranges to each position. Refer to section 210 Job Descriptions and Job Classification for more information. Market wages will be determined by the Human Resources Department using recent salary survey data from reputable sources. Generally, Administrative personnel will be compared to appropriate national markets, professional positions will be compared to regional markets and support staff positions will be compared to local and state markets. Salary ranges will be adjusted every 2 to 4 years to reflect changes in the economy and marketplace.

Bates College will periodically review its salary administration program and restructure it as necessary to achieve the aforementioned goals. All pay and salary actions are reviewed within the context of the overall compensation goals of the College which are designed to support the mission and goals of the College.

The Human Resources Department is available to answer specific questions about the salary administration program. Staff members who have particular questions about their pay should bring their pay-related questions or concerns to the attention of their immediate supervisors, who are responsible for the fair administration of departmental pay practices.

420 POSITION SALARY RANGES

Consistent with the Pay Equity process started in 1997, the College generally establishes a salary range for staff positions within a 40% salary range band. Minimum salaries are established as 20% below the market median/average wages and maximum salaries are established at 20% above the market median/average wages for each position. Individual faculty and staff salaries are confidential and are not published.

421 STARTING SALARY RANGES

Starting salaries for staff positions are usually the minimum or near the lower end of the salary range. Starting salaries shall also take into consideration internal equity. Internal equity is the potential starting salary of a candidate as compared to current Bates staff members. An aim of the College's compensation practices is to ensure the wages of current and new staff members are equitable with consideration to the qualifications and experiences of each. Nonetheless, individual staff member salaries are confidential and are not published.

Starting salaries for *positions* are established after a classification evaluation has occurred and before the recruiting process has begun. Requests for a starting salary for an exceptionally qualified candidate that is outside of the established starting range for the position are requested in writing by the hiring manager with proper justification to the Director of Human Resources. The request will be reviewed by the Director of Human Resources who will comment on the relative merit of the request in comparison to appropriate market data, internal equity considerations, departmental and College needs, and other dynamic considerations related to recruiting and employment at that time. After this review, the request is forwarded to the Vice President for Asset Management and Treasurer for action.

422 ANNUAL SALARY INCREASES

Annual salary increases, when authorized, will be based upon the recommendation of each department head. Each recommendation for annual increases will be forwarded to and reviewed by the appropriate vice president or dean. Final approval of salary recommendations are made by the President. Salary increases, when granted, will become effective on July 1st each year for staff members, and on August 1st for faculty members.

423 OTHER PAY- OR POSITION-RELATED CHANGES

Generally, changes to pay, employment status, or benefits occur at the beginning of each fiscal year. Exceptions to this policy must include justification as to the compelling reasons for making a change outside of the timeframe and cycle of other College pay related matters. All other pay-related changes are governed by the following protocol:

1. Changes to the pay of any staff member must be requested in writing by the department head, director, or other official who has budget authority.
2. This request shall be submitted to the appropriate vice president or dean.
3. After the approval of the appropriate vice president or dean, the request should be submitted to the Vice President for Asset Management and Treasurer via the Director of Human Resources.
4. The Director of Human Resources will comment on the request with consideration as to the relative advantages or disadvantages of the request in context with other College pay-related practices, in comparison to internal equity issues, and in consideration of the overall compensation goals of the College.
5. The request is submitted to the Vice President for Asset Management and Treasurer for review and action.

424 INTERNATIONAL EMPLOYEES AND THE IMMIGRATION REFORM AND CONTROL ACT OF 1986

In accordance with the Immigration Reform and Control Act of 1986, it is Bates College policy to hire only those individuals who are authorized to work in the United States. Pursuant to this law, all individuals who are offered employment will be required to submit documentary proof of their identity and employment authorization. Employees will be required to complete, and sign under oath, Immigration and Naturalization Form I-9. This form requires candidates for employment to attest that they are authorized to work on the job for which he or she may be hired and that the documents submitted are genuine. In addition to requiring all off campus applicants hired for employment to comply with this law, it will also apply to on campus applicants who are offered and accept employment in which there is a status change, i.e. temporary part-time to regular part-time to regular full-time.

If an individual is authorized to work in this country for a limited period of time, before the expiration of that period, he or she will be required to submit proof of employment authorization and sign another Form I-9 in order to remain employed. Bates College will not discriminate based upon national origin and citizenship.

424.1 INTERNATIONAL STUDENTS - According to the federal guideline established by the Immigration and Naturalization Service, an international student *cannot* work more than 20 hours a week while classes are in session. It is both the student's and the supervisor's responsibility to comply with this federal guideline. International students must first come to the Student Employment Office to fill out necessary paper work before they can apply for any jobs. The payroll department will determine if a student is subject to any tax treaties that may exempt them from tax payments.

424.2 INTERNATIONAL STAFF - International staff are required to come to the Payroll Department to determine their tax status. The Payroll department will require a copy of the employee's visa, their Form IAP-66 if on a J-1 visa or Form I-20 if on an F-1 visa, their social security card (if you need to apply for one, the Payroll Department can assist in this process), their offer letter or contract.

424.3 TN VISAS FOR CANADIAN AND MEXICAN PROFESSIONALS - TN is a temporary, nonimmigrant status available on a yearly basis for Canadian or Mexican citizens only. TN status is employer-specific and must be for professions, which are listed by INS as being eligible for this status. TN dependents are classified as "TD" and are not eligible for employment. The procedures for Canadian citizens and Mexican citizens to obtain TN status are quite different. Canadian citizens are not issued visa stamps and instead are admitted to the United States in TN status when they present appropriate documentation to INS inspectors at the point of entry. Their TN status is then noted on Form I-94. For Mexicans, the employer must send documentation to the DOL and INS for approval in advance. Mexican citizens must then obtain TN visa stamps before being admitted to the United States with the TN notation on Form I-94.

PAY APPENDIX 1

SAMPLE PAYCHECK

Employee Name	Employee ID	Social Security Number	Pay Period Begin	Pay Period End	Check Date	Check Number
Bates, Norman	000000406	123456789	04/09/00	4/22/00	4/27/00	123458

This Pay Period			Year To Date			Tax Information			
Gross Earnings	Total Deductions	Net Pay	Gross Earnings	Total Deductions	Net Pay	State Tax Filing Status	Extra State Withholding	Federal Tax Filing Status	Extra Federal Withholding
1114.68	342.16	772.52	9967.85	3060.21	6907.64	M3	5.00	M4	10.00

Sick and Vacation			Direct Deposit Information				
	Hours Accrued	Hours Available	Bank	Peoples Heritage	Peoples Heritage	Fleet Bank	Total Direct Deposit
Vacation	6	96	Account Type	Savings	Checking	Savings	
Sick	2	20	Amount	100.00	250.00	422.52	772.52

Earnings					Deductions				
Description	Hours	Rate	Amount This Check	Amount Year to Date	Description	Your Cost This Check	Your Amount Year To Date	Employer Cost This Check	Employer Cost Year to Date
Regular	80	10.00	800.00	7200.00	Health HMO	90.25	812.25	335.34	1341.36
Overtime	20	15.00	300.00	2700.00	Life-Bas	0.35	3.15		
Dental Credit	1	7.69	7.69	32.90	LTD	6.58	32.90		
Life & AD&D Credit	1	0.41	0.41	2.05	AD&D Emp	0.06	0.54		
LTD Credit	1	6.58	6.58	32.90	Sup AD&D	0.18	1.62		
					AD&D Chi	0.15	1.35		
					AD&D Sps	0.15	1.35		
					Dep Care	4.16	37.44		
					Dep Subs	0.00	0.00	104.00	416.00
					HC Reimb	10.00	90.00		
Total			1114.68	9967.85	GSR %	110.00	990.00		
Bulletin					1% Match	0.00	0.00	11.00	99.00
					Pension	0.00	0.00	67.00	603.00
					Rowe Fund	0.00	0.00	3265.00	3265.00
					SS FICA	62.14	559.26	62.14	559.26
					SS Med	14.53	130.77	14.53	130.78
					Me Tax	16.73	159.82		

	Fed Tax	26.88	239.76		
	Total	342.16	3060.21	3859.01	6414.40

YOUR CHECK/DIRECT DEPOSIT NOTICE WOULD BE HERE

APPENDIX 2

CODE	DESCRIPTION	CODE	DESCRIPTION
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PAY STATEMENT DEDUCTION CODES

ABB Pre-tax Basic AD&D - Biweekly
ABM Pre-tax Basic AD&D - Monthly
ADC Computer Purchase
ADO Advance Other
ADP Advance Personal Account
ADS Advance Student
ADV Vacation Advance
ADX AD&D Spouse Monthly
AFM AD&D Family Monthly
ASB Supplemental AD&D – Biweekly
ASM Supplemental AD&D - Monthly
AUT Personal Use of Company Vehicle
DAD Dependent AD&D
DCD Dependent Care Deduction
DCS Dependent Care Subsidy
DEV Bates Contribution
DL Dependent Life Insurance Taxable
EIC Earned Income Credit
EOU Employee A/R Not Paid - Taxable
F15 International Tax
FIC FICA Social Security Tax
FIM FICA Medicare Tax
FIT Federal Withholding Tax
GRC Garnishments-Court Ordered
GRD Garnishments-DHS
GRI Garnishments-IRS
GRO Garnishment-Others

GRT Garnishment-Tuition

HAB Health Taxable - Biweekly

HAM Health Taxable - Monthly

HB1 Health Insurance - HMO Biweekly Full Time

HB2 Health Insurance - HMO Biweekly 1/2 Time

HB3 Health Insurance - HMO Biweekly 3/4 Time

HCD Health Care Reimbursement Account
Deduction

HM1 Health Insurance - HMO Monthly Full Time

HM2 Health Insurance - HMO Monthly 1/2 Time

HM3 Health Insurance - HMO Monthly 3/4 Time

HME Health Married Employees

HMS Health Unusual - Pre-taxed

HOP Health Insurance Opt Out

LBB Pre-tax Basic Life Insurance - Biweekly

LBM Pre-tax Basic Life Insurance – Monthly

LSB Supplemental Life Insurance - Biweekly

LSM Supplemental Life Insurance - Monthly

LTB Long Term Disability Biweekly

LTM Long Term Disability Monthly

MSC Miscellaneous

PB1 Health Insurance - POS Biweekly Full Time

PB2 Health Insurance - POS Bi-Weekly 1/2 Time

PB3 Health Insurance - POS Bi-Weekly 3/4 Time

PCC Personal Use of Company Car

PEM 1% Matching Match 403(b)

PEN Pension

PM1 Health Insurance - POS Monthly Full Time

PM2 Health Insurance - POS Monthly 1/2 Time

Payroll Processing and Pay Administration

PM3 Health Insurance - POS Monthly 3/4 Time
REF Money Owed
RNT Rent
ROW Rowe Fund
SCG Senior Class Gifts
SDP Security Deposit
SHO Show Allowance
SIT Maine State Tax
SRF Group Supplemental Retirement Account - Fixed
SRP Group Supplemental Retirement Account - Percent
TSF Tax Sheltered Annuity (403B) - Fixed
TSP Tax Sheltered Annuity (403B) - Percent
UCC Community Health Charities of Maine
ULA L/A Arts Annual Giving
UMS Maine Share
UW United Way

ENVIRONMENTAL HEALTH & SAFETY

ENVIRONMENTAL HEALTH AND SAFETY

500 COLLEGE SAFETY STATEMENT

In 1994, the College adopted the following policy:

“The safety and health of all personnel at Bates College is of major importance. Therefore, the College accepts the primary responsibility of lessening accidents in order that each employee may work in a safe and healthful environment and return home each day without injury, illness, or financial loss.

Injuries are always disturbing, often calamitous and costly to the individual, his/her family and the College. Consequently, we have instituted a policy to promote safe practices that can help to prevent accidents and diminish unsafe conditions.

An organized college-wide safety committee has been established to enhance safety through awareness training, engineering and supervision.

Each employee plays an important part in this safety and health program, and is expected to join in making this a successful, accident free and healthy environment.”

In support of this policy, the College’s Safety Office, in collaboration with other Bates Departments, has developed policies and procedures for safe practices at the College. Information on safety policies are distributed to those who are directly affected by them, and they are available for review in the Human Resources Department. We expect that these guidelines will reinforce the College’s commitment to the safety of all members of our community.

501 SAFETY

To assist in providing a safe and healthful work environment for employees, students, and visitors, Bates College has established a workplace safety program. The Human Resources Department has responsibility for implementing, administering, monitoring, and evaluating the safety program. Its success depends on the alertness and personal commitment of all.

Bates College provides information to employees about workplace safety and health issues through regular internal communication channels such as supervisor-employee meetings, bulletin board postings, memos, or other written communications. A Safety Committee has been established to assist in these activities and to facilitate effective communication between employees and supervisors about workplace safety and health issues.

Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition to the appropriate supervisor. Employees who violate safety standards, who cause hazardous or dangerous situations, or who fail to report or, where appropriate, to remedy such situations, may be subject to disciplinary action, up to and including termination of employment. Refer to sections 112 and 231 for more information.

In the case of accidents that result in injury, regardless of how insignificant the injury may appear, employees should immediately notify the Human Resources Department or the appropriate supervisor as soon as possible, but not later than within 24 hours of the injury. For information on injury reporting, refer to section 509 Workers' Compensation and Incident Reporting.

Bates College is committed to providing a safe and healthful working environment. In this effort, Bates College makes every effort to comply with relevant federal and state occupational health and safety

laws and to develop the best feasible operations, procedures, technologies, and programs conducive to such an environment.

Bates College's policy is aimed at minimizing the exposure of our employees, students and visitors of our facilities to health or safety risks. To accomplish this objective, all Bates College employees are expected to work diligently to maintain safe and healthful working conditions and to adhere to proper operating practices and procedures designed to prevent injuries and illnesses.

The responsibilities of all employees of Bates College in this regard include:

1. Exercising maximum care and good judgment at all times to prevent accidents and injuries.
2. Reporting to supervisors and seeking first aid for all injuries, regardless of how minor.
3. Reporting unsafe conditions, equipment, or practices to supervisory personnel.
4. Using safety equipment provided by Bates College at all times.
5. Observing conscientiously all safety rules and regulations at all times; and
6. Notifying their supervisors, before the beginning of the workday, of any medication they are taking that may cause drowsiness or other side effects that could lead to injury to them and their coworkers.

502 RIGHT-TO-KNOW (HAZARD COMMUNICATION)

The Hazard Communication plan of Bates College ensures that all employees who handle or may come into contact with hazardous chemicals are informed of the hazards of these chemicals and of measures to protect themselves. This program includes the following: maintaining a Hazardous Chemical list; labeling containers of hazardous chemicals; providing access to Material Safety Data Sheets (MSDS) for all employees regarding hazardous chemicals present in their work environment; semi-annual listing of all hazardous chemicals which are used on the campus; and training programs for employees who use or may come into contact with hazardous chemicals.

All employees are required to receive two types of training in the Right-To-Know Program. Basic training is received during orientation and includes: explanation of the Hazardous Chemical Protection and Right-To-Know Act; how to read and interpret an MSDS; how to read and interpret a chemical label; the College's Right-To-Know policy; and chemical hazard classification.

Employees working in areas that make it more likely that they may come in contact with different chemicals are required to have Chemical-Specific training. Department heads are responsible for ensuring that all new employees receive Chemical-specific training prior to being required to handle a hazardous chemical. Such training consists of, but is not be limited to, the following: methods and observations that are or may be used to detect the release of a hazardous chemical; the physical and health hazards of the chemicals in the work area; and the measures employees can take to protect themselves from these hazards.

503 MATERIAL SAFETY DATA SHEETS (MSDS)

Material Safety Data Sheets contain vital information about chemicals that may be present in your work area. Employees should read and familiarize themselves with these documents to ensure that they are knowledgeable about potential dangers in the workplace. All departments will maintain a file/notebook containing MSDS's for all hazardous chemicals in their respective work areas. Departments shall advise employees as to the location and availability of the departmental file/notebook. The departments shall review all MSDS's in their area for completeness and accuracy. The departments shall notify any manufacturer who sends an inappropriate MSDS and request a revised and complete MSDS. A master list of MSDS's are located in the Environmental Health and Safety Office of the Human Resources Department.

504 HAZARDOUS CHEMICAL LISTS

All department heads shall, on a semi-annual basis (June and December), supply the Environmental Health and Safety Coordinator with a list of all hazardous chemicals and/or products used by their specific department. This product list will contain the chemical name, its manufacturer, and the quantity of the

chemical on hand. This list shall include all chemicals labeled as ignitable, corrosive, reactive, explosive, or toxic. The Environmental Health & Safety Coordinator serves as the point of contact for maintaining this list of chemicals.

505 HAZARDOUS WASTE

Hazardous wastes come in all shapes and forms. They may be liquids, solids, or sludges. They may be the end products of a science teaching lab, a research project, photographic development, an art class, Physical Plant operations or simply commercial by-products--such as household cleaning fluids or used batteries and fluorescent tubes--that have been discarded. Whatever their form, proper management and disposal of hazardous wastes are essential to protect our environment and comply with existing State and Federal Laws. In order to regulate hazardous wastes, State and Federal Governments first had to determine which *specific* wastes are hazardous since there are tens of thousands of wastes that can be hazardous for many different reasons. Only wastes determined to be hazardous are subject to such regulations.

Environmental Protection Agency Regulations identify hazardous wastes based on their characteristics and also provide a list of specific hazardous wastes. The list is extensive. Determining which wastes are hazardous is a dynamic process, influenced by new concerns, research data, and test development. The list is constantly expanding. The EPA is now adding certain types and classes of wastes to its hazardous waste lists, and is deciding whether to identify additional hazardous characteristics. The best source of information about chemicals or products and any associated waste can be obtained from its Material Safety Data Sheet.

The Office of Environmental Health & Safety within the Human Resources department manages hazardous waste for the College. Hazardous Waste generated by the College is recycled or disposed of by a licensed (State and Federal) specialty contractor. Questions regarding chemicals or products and their waste must be addressed to the EH&S Coordinator at 786-6413 or 786-6140. Mismanagement of hazardous waste represents significant regulatory and financial liability for Bates as well as potential personnel injury, environmental harm, or property damage.

506 HAZARDOUS MATERIALS IN TRANSPORT

There are a number of restrictions in handling and transporting Hazardous Materials and Waste. The number of restrictions are too numerous to delineate in this handbook, however the Environmental Health and Safety Coordinator serves the campus point of contact for information related to this issue. Should you have the need to transport these materials call the Safety Office at 786-6413.

Many common items used everyday in the home or workplace may be seen as harmless, however, when transported by air, they can be very dangerous. In flight, variations in temperature and pressure can cause items to leak, generate toxic fumes or start a fire. The Federal Aviation Administration restricts the materials that can be transported by air or mailed (mail may be transported by air). Do Not Pack in luggage or carry on board: Fireworks (signal flares, sparklers or other explosives), Flammable Liquids or Solids (fuels, paints, lighter refills, matches), Household items (drain cleaners and solvents), Pressure containers (spray cans, butane fuel, scuba tanks, propane tanks, CO2 cartridges, self inflating rafts), Weapons (firearms, ammunition, gunpowder, mace, tear gas or pepper spray), Other Hazardous Materials (Dry Ice, gasoline-powered tools, wet-cell batteries, camping equipment with fuel, radioactive materials - except limited quantities), poisons, infectious substances. The above list is not inclusive and caution should be observed before attempting to transport or mail any substance.

Hazardous materials must be declared to airline, air package carrier or U.S. Postal Service. Violators of Federal Hazardous Materials Regulations (49 CFR 171-180) may be subject to a civil penalty of up to \$25,000 for each violation and, in appropriate cases, a criminal penalty of up to \$500,000 and/or imprisonment of up to 5 years. For questions, contact the College's Mail and Print Office or speak with a relevant airline representative.

507 BLOOD BORNE PATHOGENS (BBP) AND INFECTION CONTROL

Blood borne pathogens pose a great risk to the health of employees if contact is made with another's blood/bodily fluids. In general, if contact with another person's blood or bodily fluids is possible, wear disposable gloves. Clean-up kits for dealing with blood/bodily fluid spills have been placed in several key locations on campus; each kit contains disposable protective gloves, a disinfectant/fungicide/virucide solution, a biohazard disposable bag, and a copy of the American Red Cross' Preventing Disease Transmission Recommendations.

For more detailed and complete information in dealing with BBP, please consult the Bates College **Infection Control Plan**. Security, Athletics, and the Student Health Center maintain copies of the full College-wide plan, and maintain clean-up kits.

508 VIDEO DISPLAY TERMINALS

When one speaks of VDT usage in the office environment they are most commonly referring to a micro-computer video screen or a computer remote terminal screen. The acronym "VDT" means Visual Display Terminal. The computer screen is also called a CRT or Cathode Ray Tube, hence many articles on this subject will talk about the CRT user. Others may use the acronym "VDU" rather than VDT. The abbreviation of VDU stands for Visual Display Unit. These three acronyms (VDT, CRT, VDU) are interchangeable.

Both the Federal Government and the State of Maine have enacted laws requiring Safety Standards for Operators of Video Display Terminals. The law requires training of all VDT operators, defined as employees whose primary job, for at least half of their typical workday (four consecutive hours, exclusive of breaks), involves work at a video display terminal. All new operators must receive training within one month of their employment. Training is typically accomplished at New Employee Orientation or through written materials obtained from the Environmental Health and Safety Office.

The VDT user's comfort, performance, and productivity are directly related to the physical, psychological, and emotional well being of the VDT user. The VDT operation involves complex interactions between VDT User/VDT System/ Environment. A study of the key elements must include the ergonomics of the VDT user (Person), the characteristics and ergonomics of the CRT screen and the VDT furniture, and the physical aspects of the space (luminous, thermal, acoustical Environment).

Individual work site evaluations are conducted by the campus Ergonomics Committee, which may be contacted through the Human Resources Department.

509 WORKERS' COMPENSATION (WC) AND INCIDENT REPORTING

Workers' Compensation (WC) is a no-fault, state-mandated insurance program providing health coverage and wage replacement for employees sustaining injury or illness as a result of their employment. The principal purpose of Workers' Compensation Law in Maine is to provide specifically defined remedies for employment-related injury and illness.

In the event of an incident, accident, or injury, an employee must contact Human Resources, at 215 College Street, 786-6413, to report the incident to a Workers' Compensation representative. If no one is available, please leave a message with your extension number, so we may return your call. Include the following in your message: employee name, department, nature of incident, and if the employee needs an appointment to be seen. If immediate help is needed, call 786-6140.

This verbal report should be followed by an *Accident/Incident Report* within 24 hours of an incident. The Accident/Incident report should be completed by the employee and her/his supervisor and must be submitted whether or not medical attention is needed.

In the event of an emergency call x-6111, and the Security and Campus Safety will respond. Employees are urged to use their best judgment in determining what an emergency is. In all other cases requiring non-emergency medical attention, the Human Resources Department will call one of our medical providers and set up an appointment for the employee to be seen.

After the accident or incident has been reported, the Environmental Health and Safety Office will communicate with the College's Workers' Compensation insurer if necessary. The information communicated to the insurer is taken largely from the *Accident/Incident Report*, therefore an accurate and timely submission of this report is critical to establishing both employee and employer rights under Maine

Payroll Processing and Pay Administration

State Law and for establishing a date of injury necessary for initiating WC coverage.

Workers' Compensation provides for 80% income replacement after a 7-day or 56-hour elimination period for employees injured on the job. Employees receiving Workers' Compensation benefits will remain enrolled in the College's Health, Life, and Long Term Disability benefit programs if they are eligible and enrolled at the time of their injury. Employees receiving Workers' Compensation benefits will not accrue sick or vacation time or earn College-contributed pension benefits while in a non-working Workers' Compensation status.

510 MEDICAL PROVIDERS FOR WORK-RELATED INJURIES

Maine Workers' Compensation Law entitles employers to select health care providers to service injured/ill employees within the first ten days of treatment. Bates College has selected two local, hospital-affiliated providers for this purpose, *Occupational Health and Rehabilitation (OH&R)* at 59 East Avenue, Lewiston, or 777-8816; and *Work Med* at 77 Bates Street, Suite 10 Lewiston, or 753-3080. The College requires that all employees needing medical care for work-related injuries or illnesses to be evaluated by one of these providers.

Both organizations have expertise in the prevention, treatment, and management of work-related injuries and illnesses. Both are full service providers and are convenient to the College. Visits to and appointments with these medical care providers for work related injury/illness should be made during normal business hours. For emergencies, call the Security and Campus Safety office at x-6111, who will respond appropriately, to include dispatching ambulance services, if needed.

511 RETURN-TO-WORK PROGRAM

It is the intent of Bates College to provide our employees who have sustained injury or illness, whether or not in the course of employment, with the best available recovery program that allows a return to work as quickly as possible.

Bates College will make an effort to create opportunity for all injured or ill employees to return to work to full or partial employment, within the limits of her/his medical condition, at the earliest point in time. This will be accomplished through assignment of modified work, referred to as light duty or restricted work, and the continuous monitoring of injured or ill employees.

The College will attempt to modify work for employees recovering from injury or illness, and to perform duties that medical providers have deemed safe during a recovery process. Alternative or modified job assignments will be structured to meet the physical capabilities and therapy needs of the employee. Modified work is defined as temporary assignments within an employee's physical abilities, knowledge, and skills. These activities will be monitored by the employee's supervisor and a human resources representative.

It may include responsibilities and tasks taken from the employee's regular job, when the employee cannot perform full duties or work a full day. Assignments may include other appropriate tasks within the employee's department or assignments within the College if suitable employment is not otherwise available in the employee's home department. In all cases, the assignment must be approved by the employee's supervisor and be consistent with the employee's medical restrictions. Work restrictions, as defined by the treating physician, will be strictly adhered to.

Employees who do not participate in the Return-To-Work Program are not eligible for the College's short-term disability coverage. For more information on STD, refer to section 317 of this handbook.

512 ERGONOMICS

Ergonomics is a branch of science which investigates human abilities and limitations in relation to work demands, and applies that knowledge to improve interactions with products, systems, and environments.

In the 50 years since the advent of ergonomics, it has gradually become clear that to be used safely and effectively, systems and products need to be designed with human limitations in mind. This discipline

affects all aspects of our lives such as work, sports, and leisure. Design processes should take into account the variability of people's physical size, strength, vision, hearing, thermal comfort, motion, vibration, and workloads. If any of these variables are not accounted for in a particular environment, it may result in discomfort and/or injury.

Bates College has developed an ergonomics program to minimize Musculo-Skeletal Disorders (MSDs) in the workplace. The primary elements of the ergonomics program include: (1) worksite evaluations, (2) control of exposures that may have caused musculo-skeletal disorders, and (3) ergonomics training of employees. The ergonomics program also focuses on educating employees on their personal responsibility to ensure good work habits (such as posture and body mechanics) and adequate fitness for work.

Musculo-Skeletal injuries, identified and diagnosed by a licensed physician that can result from a job, process, operation, or poor work habits, where employees perform the same repetitive motion tasks. Examples of repetitive motion tasks include, but are not limited to, sustained computer keyboard and mouse usage; assembling materials and products; or lifting, carrying, and loading objects.

When a MSD has been reported at Bates College that results from a job, process, operation, or poor work habits, a worksite evaluation will be conducted. The evaluation identifies potential exposures that may have caused MSDs and determines the methods Bates College will use to control or minimize them. Affected employees will be informed of the potential exposures and trained in the control measures.

Every reasonable effort will be made to correct exposures in a timely manner that may have caused MSDs or, if the exposure is not capable of being corrected, to minimize it to the extent feasible. In determining how to correct or minimize exposures, Bates College will consider reasonable, cost-effective engineering or administrative controls. Employees are provided with training that includes an explanation of the ergonomics program, exposures that have been associated with MSDs, the symptoms and consequences of injuries caused by repetitive motion, the importance of reporting symptoms and injuries, and the methods used to minimize MSDs.

There are three primary risk factors that contribute to musculo-skeletal disorders, otherwise known as repetitive motion injuries, or cumulative trauma disorders; **awkward posture, force, and repetition**. One or all combined is at the root of most workplace problems, whether health, productivity, or quality.

All of us can significantly reduce our risk of injury if we can adhere to the following ergonomic principles: 1) All work activity should permit the use of several different but equally safe postures to complete a task, 2) where muscular force must be exerted it should be done by the largest appropriate muscle groups available (legs versus back for lifting) and, 3) work activities should be performed with the joints at about mid-point of their range of movement, this applies particularly to the head, trunk, and upper limbs, 4) keep items close to your body and avoid reaching. These disorders may take a lifetime of activity to develop. It is, therefore, important to catch them at an early stage.

All employees are encouraged to immediately report to the Human Resources Department all suspected MSDs, MSD symptoms, or other ergonomic concerns. Employees must report all workplace MSDs as soon as possible after they have been identified and diagnosed by a licensed physician.

Post-offer medical examinations may be required for positions in which there is a bona fide job-related physical requirement. They are given to all persons entering those positions only after conditional job offers to help ensure they are able to perform their duties safely, refer to section 216 of this handbook. All medical records are confidential and will be kept separate from personnel files.

Appointments for ergonomic evaluation can be made in the Human Resources Department. Interested employees who would like to serve on the campus wide Ergonomics Committee, please call the Safety Office within Human Resources at 786-6140.

513 PREPLACEMENT, RETURN TO WORK AND FIT FOR DUTY MEDICAL EVALUATIONS

Bates College reserves the right to require health evaluations of employees as necessary to the safe performance of work. Pre-placement (post-offer) evaluations are valid, job-specific evaluations of the abilities of the conditionally hired employee to perform the essential functions of the job safely and efficiently, and are compliant with ADA guidelines. A standardized evaluation protocol is used based on job descriptions provided by the employer. This service can help reduce injuries by determining if an employee is capable of performing the job he/she was hired for in a safe and efficient manner over a period of time. The screening can also help determine whether or not

any type of accommodation may be needed to reduce risk of future injury. See section, 216 Post- Offer Physicals for more information.

A return-to-work evaluation involves a comprehensive examination of the musculoskeletal system, which includes a basic neurological assessment, directed toward determining the worker's ability to return to his/her job. Specific functional capabilities, e.g., lifting and other material handling techniques are tested based on job-specific needs. The results of this examination determine the employee's ability to return to work safely with or without accommodations. This evaluation will normally be utilized for return to work after absence from work for any injury/illness reason (workers' compensation, short or long term disability) or other leave or period of absence.

Fit for duty evaluations of incumbent employees may be conducted in order to determine physical or mental/psychological ability to perform ongoing job tasks and a motivating stimulus for employees to take responsibility for their own health. It identifies health changes that place the worker at increased risk for injury or illness. Employees may be tested for cardiovascular status, body fat/lean mass ratio, flexibility, strength, and coordination, or other physiological or psychological tests. A copy of the examination results will be provided to the employee and the College by the physician performing the evaluation.

514 WELLNESS

Wellness is the promotion of a healthy lifestyle in the areas of environmental, physical, social, mental, and occupational wellbeing. The environmental piece is not constrained to the physical environment, but also includes the inner life or emotional terrain each of us exists in daily. A safe, healthy workplace is a requirement, as are the tools to cope with the ever-increasing pressures of life. By ensuring an environment safe from both physical and mental dangers, the College protects itself, the students and employees.

Wellness is a continual process of acknowledging and acting on choices that leads to a more fulfilled, healthy, and successful existence. The success is determined by each individual based on their own accomplishments, aspirations, and belief system. It is a process because we can never reach a point at which there can be no improvement. A process that seeks to continually expand our knowledge and thereby the variety of options from which we can select to achieve our goals. Wellness is multidimensional, personal, and ever changing.

Employees may receive assistance in meeting their wellness needs and goals from the College's Human Resources department, from the College's healthcare provider (the Working Wonders program), and assistance for mental health issues through the Employee Assistance Program, refer to section 332 for more information on EAP. Additionally, the College will often provide wellness activities and programs that support the wellness of the College community.

515 INTEGRATED CONTINGENCY PLAN

An Integrated Contingency Plan has been designed to minimize hazards to human health and the environment potentially caused by fires, explosions, natural disasters, bomb threats, and any unplanned release of hazardous material to air, soil, surface water, or groundwater at or from the facility. The provisions of this plan will be carried out whenever there is a fire, explosion, or release of hazardous material at or from the facility that could threaten human health or the environment.

This plan serves as a reference document which employees, administrators, environmental managers, emergency responders, and environmental regulators are encouraged to use to learn Bates' emergency action and response, hazard communication, and oil spill prevention and response policies, procedures, and programs. This plan also provides guidance on the ways in which Bates' employees are trained on these policies and procedures. The procedures specified in this document should be implemented whenever an emergency occurs.

This plan is intended to be an evolving document. As campus operations and personnel change the document will be revised accordingly. Bates College Administration fully supports the implementation of this plan, and will make available the necessary resources to carry out the provisions of this plan. Copies of the Plan are maintained at the offices of Environmental Health & Safety, Security, and Physical Plant.

