

CURRENTLY UNDER REVIEW



Lincoln University
of the
**Commonwealth System of Higher
Education**
Established 1854

EMPLOYEE HANDBOOK

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ACKNOWLEDGEMENT STATEMENT

Lincoln University Employee: Please complete and submit a copy of this **Acknowledgement Statement** within three (3) days of receipt of this notice and Employee Handbook or within three (3) days of your hire date for placement and retention in your official personnel file.

I, _____ (Print Name of Employee), certify that I have Internet access to the Lincoln University (“University”) Employee Handbook and the policies contained within. I understand that it is my responsibility to read (or have read to me), understand, and adhere to all University policies, guidelines, work rules, and the terms and conditions of the negotiated agreement, if applicable. I further understand that any questions regarding the contents of the Handbook may be directed to my immediate supervisor, department/division administrator, or a representative of the Office of Human Resources.

Employee Signature: _____ Date: _____

Department: _____ Supervisor _____

HR Receipt / Date: _____

(HR Use Only)

**Complete and submit a separate copy of this
Acknowledgement Statement document and
submit to the Office of Human Resources
For Retention in Personnel File**

INTRODUCTION AND PURPOSE

This Lincoln University Employee Handbook (“Handbook”) is intended to summarize various University employment policies, procedures, work rules, guidelines, and benefits, and is intended to be for informational purposes only. It is not a Contract and nothing in this Handbook is intended to create an employment contract or property right for continued employment.

University employment in a position that is not covered by a collective bargaining agreement (“CBA”) or a written employment contract providing for a definite duration of employment is “at-will,” as understood and defined under Pennsylvania Common Law. This means that except as provided in a CBA or written contract signed by an authorized representative of the University, no employee has a guarantee or promise of employment with the University for any specific term or defined period of time. No one has the authority to make promises or contracts with any employee of the University providing for a length of employment except in writing. The University, as the employer, has the authority to hire employees and, subject to the provisions of law and any applicable CBA, determine their qualifications, and conditions for their continued employment, dismissal, or demotion, and has the authority to promote, place, transfer, and assign all University employees according to business and operational needs. The University reserves the right to change the provisions of this Handbook at any time.

While this Handbook includes a comprehensive outline of cross-references to and summaries of policies and resources, it is not a replacement for the actual detailed Human Resources policies summarized herein. Similarly, the brief outlines of potential employee benefits in this Handbook are not intended to modify the terms of any actual employee benefit plans or to imply that all University employees are eligible for all of the programs outlined. Benefits are described more precisely in plan documents and summary plan descriptions, which are periodically reviewed and modified as necessary.

If there are any differences between this Handbook and University policies or benefit plan documents, such actual written policies or benefit plan terms shall prevail. Moreover, with respect to any employees in bargaining units represented by a union and covered by a CBA, this Handbook does not supersede the specific provisions of any applicable CBA. In the event of a conflict between the contents of this Handbook and the CBA with a particular employee group’s bargaining unit, the language of the CBA shall prevail until modified or deleted through the course of collective bargaining. Nothing in this Handbook is intended to increase or decrease compensation or benefits provided for under any CBA to a bargaining unit employee. NOTE: The term “days” as used in this Handbook means calendar days unless expressly indicated otherwise.

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NOTE: This Handbook, along with all University-wide policies relating to employment, as well as copies of all collective bargaining agreements, benefit plan documents, and other important information applicable to employment at the University are maintained in the Office of Human Resources. As a convenience to employees, the University also endeavors to make available via the Internet current copies of this Handbook and the Human Resources policies and other documents about which University employees most commonly have questions at www.lincoln.edu/employment.

**SECTION I:
EMPLOYMENT PRACTICES**

1.1 Equal Employment Opportunity / Nondiscrimination / Affirmative Action

Lincoln University is committed to equal employment opportunity, nondiscrimination, and affirmative action in employment in accordance with all applicable federal, state, and local laws and regulations, including but not limited to the Civil Rights Act of 1964, as amended; the Pennsylvania Human Relations Act; the Equal Pay Act; the American With Disabilities Act, of 1990, as amended; the Rehabilitation Act of 1973, as amended; and the Vietnam Era Veterans Readjustment Assistance Act of 1974.

It is the policy of the University to promote equal employment opportunities and to select faculty and staff, and to handle all employment decisions and actions, without discrimination against individuals on the basis of race, color, sex, sexual orientation, religion, creed, national origin, age, veteran status, or disability unrelated to job requirements. The University is further committed to promoting, through its employment practices and procedures, the recruitment, employment, and advancement of qualified personnel without regard to race, color, sex, sexual orientation, religion, creed, national origin, age, veteran status, or disability unrelated to job requirements. It is also the policy of the University to maintain a work environment free from unlawful discrimination, including harassment.

In furtherance of these policies, the University is committed to continuing to:

- a. Recruit, hire, train and promote persons in all job classifications without regard to race, color, gender, sexual orientation, religion, creed, national origin, age, veteran status, or disability unrelated to job requirements.
- b. Make employment-related decisions to further the principle of equal employment opportunity.
- c. Ensure that promotion and other employment related decisions are in accordance with the principals of equal employment opportunity by imposing only valid requirements relevant to the job.
- d. Ensure that all personnel actions are administered without regard to race, color, gender, sexual orientation, religion, creed, national origin, age, veteran status, or disability unrelated to job requirements.

Responsibility for the monitoring and coordination of all equal employment opportunity/nondiscrimination/affirmative action in employment programs is with the University Director of Human Resources.

The University President and Board of Trustees call upon every member of the University community to engage wholeheartedly in the effort to ensure a wholly nondiscriminatory process of recruiting, hiring, and promoting women, members of minority groups, qualified disabled individuals, disabled and Vietnam era veterans, and other protected individuals at all levels of employment throughout the University. The University also expects and requires that outside agencies with whom it contracts will comply with all applicable federal, state, and local anti-discrimination laws.

Diversity within the University community advances the academic purposes of the University, and an affirmative action policy is essential to achieving such diversity. The University endorses the goals of equal employment opportunity and affirmative action as supportive of University values and of the values of a democratic and pluralistic society.

Unlawful discrimination or harassment, including unlawful sexual harassment, is prohibited and will not be tolerated by the University. Any employee who violates the University's policies prohibiting unlawful discrimination or harassment shall be subject to disciplinary action or termination of employment.

Any person who believes that he/she has been subject to unlawful discrimination is encouraged to bring this matter to the attention of his or her supervisor or other appropriate University official at the earliest practical opportunity. Inquiries and complaints may be directed to the Director of Human Resources. For detailed information on procedures for reporting unlawful harassment, including but not limited to sexual harassment, refer to Section 2.6 of this Handbook and the Harassment Prevention Policy in the Appendix of this Handbook.

No person will be threatened, intimidated, retaliated against, coerced, or limited in employment opportunity for exercising any rights protected under federal, state, and local nondiscrimination laws and regulations. Also, no person shall be threatened, punished, discharged, retaliated against, or be limited in employment because that person files a good faith complaint, furnishes information for or participates in an investigation, compliance review, or hearing, or participates in any other activity related to the administration of federal and state and local nondiscrimination laws and regulations.

1.2 Employment Status Confirmation

The University provides written confirmation of all employment offers and appointments, as well as all promotions, demotions, transfers, and other changes in employment status. New employees must complete the necessary new hire and federal tax forms and present them to HR-Benefits for disposition and administration of payroll and benefits, if applicable.

1.3 ADA Accommodation

If, at the time of an offer of employment, a candidate indicates the need for a workplace accommodation due to a disability, the Director of Human Resources or designee will work with the individual to initiate the interactive process of attempting to determine a reasonable accommodation in accordance with all applicable laws, including the Americans with Disabilities Act. For more information on an ADA Accommodation, please see Section 1.14 below.

1.4 Employment Eligibility Verification - Form I-9

The University, in accordance with federal law, including the Immigration Reform and Control Act of 1986, is committed to employing only those applicants authorized to work in the United States.

As a condition of employment, all new and rehired employees must complete, sign, and date the first section of the U.S. Citizenship and Immigration Services Form I-9 properly at the time of hire/rehire. In addition, such individuals must provide evidence of identity and employment eligibility in accordance with law within three (3) business days of the date employment begins (except for engagements that are to last less than three (3) days, in which case, such documentation must be provided prior to or at the time of hire/rehire). Under federal law, only certain forms of identification are acceptable for use in verifying eligibility for employment. For more information on this, refer to the following website: <http://www.uscis.gov/files/form/I-9.pdf>.

A rehired employee must complete the I-9 form upon rehire if the employee's previous I-9 is more than three years old, or his or her previous I-9 is no longer valid. An employee who does not complete the I-9 form properly and provide necessary evidence within the legally required

timeframe will not be permitted to work until the documentation is completed and submitted to HR – Benefits, and if not timely submitted, the employment offer shall be rescinded. HR provides employees with detailed instructions and an I-9 form at the time of their hiring/rehiring.

1.5 FLSA Job Classifications and Complaint Procedure

1.5.1 Exempt and Non-exempt Classifications

Each University position is classified as either exempt or non-exempt from federal and state wage and hour laws based upon job duties. Each employee will be advised of his/her position classification upon hire or a change in position. The general differences between exempt and non-exempt positions are as follows:

- a. *Exempt:* An employee whose position meets the specific exemption tests established by the Fair Labor Standards Act (FLSA) and Pennsylvania law is exempt from overtime pay and certain other requirements. Salary for employees in exempt positions is designed to compensate for all hours required to perform the specific job. In accordance with the FLSA, exempt employees do not have their pay reduced by the University for variations in the quantity or quality of work performed. Exempt employees who feel their pay has been reduced improperly should report this immediately pursuant to the University's FLSA complaint procedure set forth below in Subsection 1.5.3 of this Section.
- b. *Non-Exempt:* An employee whose position does not meet the FLSA and Pennsylvania exemption tests is entitled to the applicable overtime pay rate as specified by state and/or federal wage and hour laws. Employees in this category receive overtime pay for work in excess of 40 hours in a workweek (or according to the applicable CBA).

NOTE: Although exempt employees being paid a salary generally do not have deductions from their salary for variations in the work performed, deductions are permitted under the law when an exempt employee is absent from work for one or more full days for personal reasons that do not qualify for sick or vacation time under the University's policies. These permitted deductions are made in full day increments. Sick and vacation balances are accounted for in accordance with the University's policies. For additional information, see the explanation below in Subsection 1.5.2 of this Section.

1.6 Permitted Deductions from Pay for Exempt Employees

Deductions from pay are permissible for exempt employees of the University in the following situations:

- a. Absences from work for one or more full days for personal reasons other than sickness or disability when the employee has exhausted all vacation/personal time, or the employee has requested leave without pay. (Partial days must be paid in this situation.)
- b. Absences from work for one or more full days due to sickness or disability, if the deduction is made in accordance with a plan, policy or practice of the University providing compensation for salary loss due to illness or disability.
- c. To offset fees actually received by the employee for jury duty, witness duty or military leave.
- d. Unpaid disciplinary suspension of one or more full days in accordance with University disciplinary policies.
- e. Deductions for unpaid leave taken in accordance with a bona fide absence under the Family and Medical Leave Act.
- f. Deductions for partial time worked during the first and last week, month, or pay period of employment with the University.

NOTE: Exempt employees do not need to be paid for any workweek in which they perform no work, but if the employee is ready, willing, and able to work, deduction will not be made for the time in the week when work is not available.

1.7 FLSA Improper Deduction Complaint Procedure for Exempt Employees

Exempt employees of the University who believe their pay has been improperly reduced should contact the Director of Human Resources immediately and follow the procedure below:

- a. The employee is responsible for submitting their complaint concerning a potential FLSA improper deduction in writing to the Director of Human Resources. The complaint should include the dates and circumstances of the pay deduction.
- b. The Director of Human Resources will review all such complaints and personnel/payroll records, and will interview the employee and supervisor to determine whether the pay deduction complied with the University policy.
- c. If the deduction was improper, the amount of such deduction will be reimbursed to the employee in the next payroll processing cycle.
- d. The resolution of the situation will be documented and placed in the affected employee's personnel file.

1.8 Employment Classifications

1.8.1 Regular Full-Time

Regular Full-Time Employees are employees who (i) are not in temporary, Part-Time, Regular Part-Time, Casual/Seasonal, or introductory status and who (ii), if non-faculty employees, are regularly scheduled for an indefinite period to work at least thirty (30) hours per week or such other minimum number of hours for full time as may be expressly provided by any applicable CBA to be considered regular full-time, or, if faculty employees, teach a full course load of twelve (12) or more credits per semester for an indefinite duration. Generally, a Regular Full-Time employee may elect to participate in most University benefit plans when eligible, subject to the terms, conditions, and limitations of each benefit program and terms of a CBA, if applicable.

1.8.2 Part-Time / Regular Part-Time

Regular Part-Time Employees are employees who (i) are not in a temporary, Full-Time, Casual/Seasonal, or introductory status and (ii) are regularly scheduled to work less than the full-time work schedule but who, if non-faculty, are regularly scheduled to work at least twenty (20) hours per week, or, if faculty, teach at least six (6) but less than twelve (12) course credits

per semester for an indefinite duration. Employees who are not in a temporary, Full-Time, Casual/Seasonal, or introductory status and who are regularly scheduled to work less than twenty (20) hours per week for an indefinite period are simply considered “*Part-Time Employees.*” Part-Time Employees are not eligible to participate in University-sponsored employee benefits, except where mandated by law. See Section III of this Handbook for more information about University-sponsored employee benefits.

1.8.3 Temporary

Temporary Employees are those employed for short-term assignments, not to extend beyond one year. Employment beyond any initially stated period does not imply, in any way, a change in employment status. Temporary Employees retain such classification unless and until notified of a change. Each Temporary Employee must be supervised on a regular basis and may not work more than 999 hours in any one-year period. Temporary Employees are not eligible to participate in University-sponsored employee benefits, except where mandated by law.

1.8.4 Casual / Seasonal

Casual/ Seasonal Employees work for the University for a specifically defined period, on an “as-needed” and/or “call-in” basis. Such employees are paid for actual hours worked or for the number of approved course credits taught; and are not eligible to participate in University-sponsored benefits except where mandated by law. Casual/Seasonal Employees may not work in excess of eight (8) hours per day except for positions that require travel and/or overnight lodging.

1.9 Introductory Period

All new, rehired, promoted, or demoted employees work on an introductory basis for the first 90 days in their new position, except to the extent otherwise provided in an applicable CBA (which may refer to the applicable introductory period as the “probationary period” or “trial period”). Employees are encouraged to take advantage of this period to determine whether or not the position meets their expectations, and get clarification concerning essential job functions, performance objectives, and expectations of conduct. The University will use this period to evaluate an employee's overall performance and suitability for the job. Either the University or the employee may end the employment relationship at will, with or without cause, during this introductory period.

If an employee is absent from work for any significant period of time during introductory period, or if the employee's supervisor deems it necessary to observe further the employee's performance beyond the normal introductory period, that period may be extended for a specified length of time, as defined by the supervisor, not to exceed 60 additional days. The employee's supervisor will notify the employee and HR in writing of the extension, its length, and the reason. However, the University is under no obligation to extend the introductory period.

1.10 Time and Attendance Record

Federal and state laws require the University to keep an accurate record of days and time worked and absences in order to calculate employee pay and maintain accurate leave balances. Therefore, each employee must record absences and time worked accurately, and report time worked according to established departmental and/or University procedures. All exempt employees must accurately report time away from work regarding leave and absences. Falsification of time records shall be grounds for discipline, up to and including discharge, and if such falsification results in a fraudulent overpayment, the employee may be subject to criminal prosecution and/or a civil action by the University to recover any such overpayment.

1.10.1 Non-Exempt Employees

Non-exempt (hourly) employees are required to utilize their assigned identification badge to swipe the time clock to record and certify the number and type(s) of hours actually worked and follow the established departmental guideline for requesting and recording approved paid / unpaid time off. Non-exempt employees may not work through meal periods, and may not clock other employees in or out or complete time cards for other employees.

1.10.2 Exempt Employees

Exempt (salaried) employees are required to record days worked and/or absent on the appropriate form or in the appropriate systems, which is submitted on a monthly basis, in order to accurately maintain vacation and sick leave balances. This form must be completed and approved by the employee's immediate supervisor and submitted to the Payroll Department for timely processing.

1.11 Performance Reviews

1.11.1 Periodic Reviews

Periodic reviews of an employee's job performance provide essential information regarding the employee's progress in meeting job expectations and career development objectives. Accordingly, the University encourages, but does not require, frequent informal and formal performance-oriented conversations between the employee and his or her supervisor. Additionally, the University encourages employees and their supervisors to establish career objectives that will further the purposes and objectives of the University.

1.11.2 Performance Appraisals

Performance appraisals are conducted at least annually or as stated in the employee's applicable CBA. When an employee's performance has been rated as "needs improvement" (marginal) or "unsatisfactory" (unacceptable), appropriate personnel action, at the discretion of the University, which may include the development and implementation of a performance improvement plan, will be administered by the employee's supervisor in conjunction with HR prior to adverse employment action, when possible.

1.12 Personnel Records

Personnel records are maintained in HR and are the property of the University. Except to the extent an applicable CBA provides otherwise, an employee may inspect his or her personnel file upon request in accordance with the terms and limitations of the Pennsylvania Personnel Files Act, 43 P.S. § 1321 et seq.

Unless an applicable CBA provides otherwise, an employee's personnel record may contain such items as, but not limited to: employment application, resume, credentials, training certificates, correspondence, performance appraisals, commendations, disciplinary notices and records, benefits enrollment, compensation information, and employment contracts, if applicable. To the extent required by law, certain medical records and information are kept in separate files with limited access.

1.12.1 Obligation to Update Information

Current employee contact and other information is essential to maintaining accurate employment records and, in some circumstances, administering payroll, tax withholdings and reporting, and benefits. Employees are required to notify HR in writing in the event of a change of name, marital status, dependents, beneficiaries, person(s) to be contacted in case of emergency, or other pertinent information relating to University employment. The employee shall notify HR immediately in writing of any change of mailing address or telephone number to ensure that important University announcements, notifications, and official correspondences reach the employee.

1.13 Training and Professional Development

Training and professional development of employees is necessary for the efficient operation of the University. To the extent practicable, employees will be given consideration for professional absence for attendance and participation in training and developmental activities to increase their knowledge, skills, and performance efficiency and to prepare for career advancement. Reimbursement for fees associated with training and professional development activities may be available upon approval by the appropriate Division Vice President and subject to available funding. For information regarding Tuition Remission of courses taken at the University, see Section 3.3 of this Handbook.

1.14 Employee Rights under the Americans with Disabilities Act (ADA)

The University is committed to equal opportunity employment for qualified individuals with disabilities. It is, therefore, the policy of the University to comply with all federal, state, and local laws prohibiting disability-based employment discrimination, including most notably the Americans with Disabilities Act (“ADA”).

The ADA and similar laws generally prohibit discrimination against a qualified person with a disability and require that covered employers provide “reasonable accommodations” to such qualified individuals with disabilities. Generally, an individual may be considered to have a disability if the individual:

- a. Has a physical or mental impairment that substantially limits one or more major life activities; or
- b. Has a history of such an impairment; or
- c. Is perceived as having such impairment.

“Major life activities” may include, but are not necessarily limited to, functions such as caring for oneself, walking, seeing, hearing, speaking, breathing, learning, and working. In order to be a qualified individual with a disability, generally the individual must be able to perform the essential functions of the job, with or without reasonable accommodation.

“Reasonable accommodation” means an accommodation or adjustment to the work environment, duties, or circumstances under which the job is customarily performed in order to enable a qualified individual with a disability to perform the essential functions of that job.

The University does not discriminate, or tolerate discrimination, against qualified individuals with disabilities in University hiring or employment practices. The University will not ask a job applicant about the existence, nature, or severity of a disability, but may be permitted under the ADA to ask about the ability of an individual to perform certain specific essential job functions. In certain circumstances, medical examinations or fitness for duty requirements may be applicable when appropriate for a specific position, but only after a conditional offer of employment has been made and only to the extent required of all applicants for that position. The University will make reasonable accommodations for known physical or mental limitations of a qualified applicant with a disability upon request unless such accommodation would cause an undue hardship on the operation of the University.

Upon becoming aware of a disability and a potential need for an accommodation, the University endeavors to act through an interactive process with the affected individual in order to perform an individualized assessment of whether the qualified individual with a disability meets certain criteria and in order to explore potential reasonable accommodations.

If an employee believes that he/she may need an accommodation, or has general questions about the University’s practices and procedures relating to ADA accommodations, that employee should contact the University’s

Manager of Employee and Labor Relations who acts as the University's ADA Coordinator.

1.15 Requests for Vacation and Personal Leave

Certain eligible Regular Full-Time Employees are provided with paid vacation leave, and in some instances, may be eligible for personal leave. The vacation and/or personal leave rights of an employee covered by a CBA is administered in accordance with the terms of the applicable CBA.

Personal and vacation leave for eligible employees may be used as accrued and requires prior approval from the employee's immediate supervisor. The immediate supervisor has the discretion to approve or deny vacation leave requests based on business or operational needs. See Section

1.16 Employee Rights under the Family and Medical Leave Act (FMLA)

As is explained in detail in the University's FMLA Policy, which is included in the Appendix of this Handbook, University employees who meet the eligibility requirements of the Family and Medical Leave Act of 1993 ("FMLA") are entitled to an unpaid leave of absence under that law in certain circumstances.

Generally, FMLA requires a covered employer, like the University, to grant an eligible employee a job-protected unpaid leave (or to have appropriate paid leave substituted in accordance with the University's policy) for 12 workweeks (total) during a rolling 12-month period for any of the following reasons:

- a. The birth of a child and to care for the newborn child;
- b. The placement of a child with the employee for adoption or foster care;
- c. The employee is needed to care for a "Family Member" (child, spouse, or parent) with a "Serious Health Condition;"
- d. The employee's own Serious Health Condition makes the employee unable to perform functions of his or her job; or

- e. Any “Qualifying Exigency” (as defined by the U.S. Department of Labor) arising out of the fact that the employee’s spouse, son, daughter, or parent is on active duty, or has been notified of an order or call to active duty, in the Armed Forces in support of a “Contingency Operation” (described in the attached Policy).

In addition to the above reasons for standard FMLA leave, an eligible employee has a special right to take a job-protected unpaid leave (subject to appropriate substitution of paid leave in accordance with the University’s Policy) for up to 26 weeks during a single 12-month period to care for a covered military service member with a serious injury.

In order to be eligible to take FMLA leave, a University employee must meet all of the following requirements, which are explained in more detail in the University Policy on Leaves under the FMLA, which is included in the Appendix to this Handbook:

- a. The University must have employed the employee for at least 12 months (subject to special rules explained in the policy under which certain time from previous employment with the University may be counted).
- b. The employee must have worked at least 1,250 hours during the 12 months immediately prior to the first day of the FMLA leave.
- c. The 1,250 work hour requirement must be met whenever an employee is reapplying for FMLA leave in a new rolling FMLA 12 month period.
- d. The employee must work at a University location where at least 50 employees are employed by the University within 75 miles.
- e. The employee must not have already exhausted all FMLA leave in the current FMLA 12 month period.

NOTE: Military service time covered under the Uniformed Services Employment and Reemployment Rights Act (“USERRA”) will also count toward satisfying the twelve-month length of employment and 1,250 hours of work requirements.

1.17 Fitness-For-Duty

The University strives to provide a safe and efficient workplace for the benefit of all members of the University community. To that end, under certain circumstances, University supervisors and managers may need to implicate certain fitness-for-duty evaluation procedures when dealing with an emergency situation involving an employee who appears to be impaired or to be demonstrating violent, abusive, unsafe, or threatening behavior while at work; or, certain non-emergency situations in which the supervisor has an objective basis to believe that an employee is unfit to safely and appropriately perform the duties and responsibilities of his or her position. To the extent permitted by law, the University may require a fitness-for-duty examination to determine psychological or medical fitness-for-duty or substance abuse violations.

Such evaluations are conducted by independent third-party licensed health care professionals and only pursuant to careful review and approval of the use of such examinations by the HR Director. To the extent possible, the University will protect the confidentiality of the evaluation and results.

In certain acute emergency situations, such as situations involving violence and imminent threats of violence or harm to another or to the employee himself or herself, the University may take reasonable steps, such as calling for law enforcement intervention, to protect the safety of all persons. In such event, a fitness-for-duty examination may also be required after the immediate danger has been controlled.

Under appropriate circumstances, an employee may be required to present a physician's certificate indicating that he or she is fit for duty. Where appropriate, the University makes accommodations in accordance with the Americans with Disabilities Act under the University's ADA policy (described in Section 1.12 of this Handbook).

In the event that an employee is directed to undergo a fitness-for-duty evaluation because of an observed act, which gives reason to believe the employee is unfit for duty, the employee may be compensated for time lost for undergoing the fitness-for-duty medical evaluation specifically directed by the University for this purpose. The University will pay the cost of such examinations. If the University directs an employee to undergo a fitness-for-duty evaluation prior to returning to work, the University shall provide a special paid leave of absence of up to 3 work days to complete such evaluation without requiring the employee to use sick leave or other leave.

If the employee misses more than 3 workdays, the employee may use any accrued sick or other personal leave to the extent the employee is otherwise entitled to such leave under the University's policy on leaves and absences.

To the extent that any applicable federal or state health certification guidelines apply to the employee's specific position, the employee will be required to meet such legally imposed guidelines to remain employed by the University in his or her job assignment.

If an individual is determined to be unfit for duty in accordance with applicable policies, and a reasonable ADA accommodation cannot be made, time off that is required by any such disability should be determined and charged in accordance with the appropriate circumstances to any applicable leave to which the employee may otherwise be entitled.

The application of this fitness-for-duty guideline is not a substitute for disciplinary action. In any situations involving misconduct, such as, but not limited to, situations involving acts of violence by an employee, disciplinary action may occur notwithstanding a referral for a fitness-for-duty examination. For additional information regarding fitness-for-duty procedures, contact HR – Employee Relations.

1.18 Employment of Relatives

Generally, employees will not be placed in positions where they would supervise or be supervised by a relative. The term "relative" for the specific purposes of this section (but not necessarily for other purposes) includes the following relationships whether established by blood, marriage, or other legal action: spouse, parent, child, step relative, niece, nephew, brother, sister, cousin, grandparent, grandchild, parent-in-law, sibling in law, members of household or any person with whom the employee has a close personal relationship such as domestic partner or co-habitant.

The University permits relatives to work at the University based on their qualifications. Relatives may not be hired, however, if employment would:

- a. Create a supervisor/subordinate relationship with a relative;
- b. Have the potential for creating an adverse impact on work performance; or
- c. Create either an actual conflict of interest or the appearance of a potential conflict of interest.

Employees who become relatives or establish a domestic relationship may continue employment as long as it does not involve any of the above three conditions. If one of the conditions should occur, an attempt may be made to find a suitable position within the University to which one of the employees will transfer. If the employees become family members or establish a domestic relationship or other relationship described in this Section, the University may make reasonable efforts to assign job duties to minimize problems of supervision, safety, security, and morale.

1.19 Outside Employment

Unless specific written departmental rules or the terms of an applicable CBA provide otherwise, outside employment is prohibited to the extent that it conflicts with an employee's University scheduled working hours and assigned duties, or the University's Code of Conduct. The term "outside employment" includes, but is not limited to, other full-time/part-time employment, personal or side businesses, independent sales, consulting, free-lancing, etc. Therefore, employees (subject to any more restrictive departmental rules or any differing applicable CBA provisions) may hold outside jobs as long as they meet the performance standards of their job with the University. All employees will be held to the same performance standards and remain subject to the University's scheduling demands regardless of any existing outside employment commitments. Employees are strictly prohibited from conducting non-University related business, i.e., business pertaining to outside employment, while fulfilling his or her University work-related duties or on University time.

In the event an employee's outside employment should interfere with his or her performance or the ability to meet the requirements of the University as they are modified from time to time, the employee may be required to terminate the outside employment if he/she wishes to remain employed with the University. In addition, outside employment that constitutes a conflict of interest is in all circumstances prohibited.

1.20 Extra Compensation for Additional Work

Administrative and other exempt (salaried) employees at the Director level or above are not entitled to any additional compensation by the University for extra work. Administrative employees below the level of Director may work for the University performing duties that are not part of their regular position outside of the normal work hours for additional compensation upon

terms agreed upon by the University. These arrangements may not interfere with their normal workload, and must be approved in advance by the employee's supervisor and the appropriate Vice President. Extra compensation may not cause the total annual compensation to aggregate to more than 133 percent of the employee's regular annualized salary.

1.21 Administrative Teaching

The University limits full-time Administrator's teaching at the University to no more than a grand total of six (6) credits annually at a compensation rate equivalent to the "Overload Rate" for instructors, unless the University and Lincoln University Chapter of the American Association of University Professors agree in writing to an increase in the maximum number of allowed credits.

1.22 Internal Career Opportunities

Career opportunities within the University are posted on the University's website and in HR. Some announcements of position vacancies are advertised on Internet job boards, in local and/or national newspapers, at regional colleges and universities, and in other publications. Generally, position vacancies are posted at least ten (10) calendar days prior to the application closing date or according to the terms of an applicable CBA, if different.

While it is the University's philosophy to promote from within whenever possible, there may be extenuating circumstances that could cause a position to be filled without posting, or to post the position while simultaneously recruiting from the outside. The circumstances that could cause a decision to bypass posting include, but are not limited to: organizational restructuring, position requirements that include skills, education, and/or experience that are not known to match any existing employee; critical business or operational needs, or funding.

1.22.1 Application for Position Vacancies

Employees may apply for posted position vacancies. Such positions are posted in HR and on the University's Internet website: <http://www.lincoln.edu/hr/hrjobs.html>. If an employee is interested in pursuing a specific vacancy, he or she must inform his or her immediate supervisor in writing of his or her desire for transfer consideration and successfully complete the application process as noted on the job posting, or follow the guidelines as outlined in the applicable CBA.

NOTE: Current employees will not be considered automatically to fill vacant positions, and therefore are encouraged to apply as described above if interested in an open position.

1.22.2 Interview and Selection Processes

Candidates for formal job interviews will be selected based on information contained in the completed application documents submitted for specific position vacancies and their overall qualifications. The department administrator or designee usually coordinates the interview process. A combination of qualifications, credentials, skills, demonstrated knowledge, accomplishments, expertise, specialized training and education, experience, work history, outcome of reference checks, and interview rating is used to select the most suitable candidate to fill a position vacancy. Except to the extent disclosure is required by law, information contained in letters of recommendation or obtained during reference checking and personal interview results are confidential.

1.23 Employment Status Changes

The rules and procedures for handling employment status changes vary according to the voluntary or involuntary nature of the change, guidelines established by the CBA, when applicable, and the general circumstances involved.

1.23.1 Resignation

An employee who desires to resign from his or her employment is expected to notify his or her immediate supervisor in writing at least two (2) weeks prior to the intended last day of actual work, or by any different deadline for giving notice as provided for any individual written employment contract or CBA, if applicable, covering the employee.

1.23.2 Retirement

An employee who desires to retire and who is eligible under applicable University retirement plans to retire from employment with the University should notify HR in writing at least three months prior to the intended retirement date in order to properly and timely coordinate any benefits to be received by the employee and potential Social Security Benefits, if applicable. The retiring employee should complete an application for Social Security benefits at least three months in advance of retirement by contacting Social Security Administration. For more information, contact HR-Benefits to arrange for a consultation.

1.23.3 Involuntary Termination and Appeal Process

In the event that the involuntary termination of an employee for cause is necessary, the employee's final paycheck will be provided on the next scheduled payday according to established payroll procedures, unless other provisions have been made.

Under appropriate circumstances, a Public Safety representative will escort the employee away from University premises.

An employee not covered by a CBA may appeal the involuntary termination of employment to the Division Vice President, or to the President, if, and only if, the Division Vice President was not involved in the original disciplinary process. The appeal process shall be initiated by the employee via a written statement, which shall be sent to the HR Director within no more than five (5) days of the effective date of the termination via U.S. Certified Mail or hand delivery with a signed acknowledgement of receipt by HR. The designated officer shall respond to the employee's appeal with a decision and such decision shall be final and conclusive. A full explanation of the Appeal Process may be found in HR-117 Policy: Termination of Employment, which is included in the Appendix of this Handbook.

1.24 Exit Interview

Employees voluntarily leaving employment with the University may be asked to participate in a face-to-face or telephone exit interview meeting with the HR Director or designee. An exit interview is designed to assist the University in identifying work environment conditions that may affect retention and turnover, help the University gain a perspective on the

reasons employees leave, and provide employees with an opportunity to make suggestions for improvements.

1.25 Final Paycheck/Information Concerning Benefits

All separating employees will receive their final paycheck on the next scheduled payday in accordance with established University payroll procedures. Employees will receive in that final paycheck any accrued and unused vacation pay in accordance with University policies. (There is no entitlement to receive any extra compensation for unused sick days or personal days.)

Upon separation from employment for any reason, employees will be required to pay any outstanding debts or financial obligations owed by the employee to the University. In accordance with law, separating employees will be provided appropriate information regarding any employee benefit plans, such as, if applicable, information relating to COBRA, and conversion rights with respect to any University group health plans in which the separating employee participates.

1.26 Reductions in Force

In its sole discretion, the University may decide to restructure or reduce its workforce. The University will attempt to provide advance notice to those employees affected by the reduction. Except to the extent provided otherwise by an applicable CBA, factors which the University may use in selecting employees for layoff and/or changes in work schedule, include, but are not limited to, budgetary constraints or lack of funds, reorganization logistics or needs, program modifications, business or operational requirements, end of work assignment, outsourcing of position, or lack of work.

1.27 Return of University Property

In the event of departure of an employee for an extended leave of absence, or separation from employment for any reason, and in some cases in the event of a transfer, an employee is required to return all University property as part of routine exit procedures. This may include, but is not limited to keys, identification badge, credit card(s), laptop and/or desktop computer, access

pass(es) or swipe card(s), private or proprietary documents or data, and any other assigned University-owned/leased property. The employee's immediate supervisor will coordinate this process in conjunction with HR.

1.28 References / Employment Verification to Third Parties /Release of Information about University Employees

Because of potential exposure to liability, the commitment of the University to protect the privacy of its employees and former employees, employees other than those assigned to HR are not permitted to provide professional references in their capacity as employees or representatives of the University unless authorized in writing to do so by the President or a Vice President. Only HR shall have the authority to release employee information on behalf of the University without such special officer authorization.

Limited employment verification information will be provided by HR, such as length of service, wage confirmation, and job title. An employee who wishes the University to provide further information regarding employment must submit a written request with his/her signature to HR authorizing the release of specific information. With such authorization, the University may in its discretion, but is not obligated to, provide the additional requested information. All other requests for information (e.g., those involving private attorneys or state or federal agency representatives) regarding an employee or former employee must be directed to HR for response.

**SECTION II:
GENERAL GUIDELINES AND WORKRULES**

2.1 General Standards of Conduct and Performance

Employees are expected to follow established employment guidelines and work rules, and adhere to University policies and standards of conduct and performance. If an employee is unsure whether certain actions or performance levels on his or her part are acceptable, then the immediate supervisor, department administrator, or an HR administrator should be contacted for clarification.

The University will not hesitate to take appropriate personnel action if there is evidence that substantiates that an employee's performance is substandard or unsatisfactory, or an employee has engaged in conduct that is unlawful, inappropriate, or unacceptable, including in certain circumstances improper off-duty conduct that may be relevant to the employee's suitability for his or her position at the University. Examples of conduct and performance that are unacceptable and are the basis for disciplinary action or termination of employment with the University include, but are not limited to:

- a. Insubordination or lack of cooperation;
- b. Failing to follow University job instructions;
- c. Failing to follow instruction of, or to perform work requested by, a supervisor or manager;
- d. Failing to meet any applicable University efficiency or productivity / work performance standards;
- e. Placing unauthorized long distance personal phone calls or making or receiving excessive personal phone calls on University time, or violating computer usage restrictions of the University;
- f. Unauthorized or excessive absences (including late arrival and early departure) from work;
- g. Sleeping on University property or during the time in which an employee is supposed to be working;
- h. Abusing, wasting, or stealing University property or materials or the property of any University employee, student, or non-employee invitee;
- i. Removing University property or records without written authorization, or providing University information without authorization to third parties;
- j. Falsifying employment application or other personnel records;

- k. Falsifying University reports or records (including time records);
- l. Violating law on University premises or while on duty;
- m. Fighting or starting a disturbance on University premises or while performing job duties, including, but not limited to, assaulting or intimidating a University employee, student, or non-employee;
- n. Unauthorized possession of firearms, weapons or dangerous substances while on duty or on University premises;
- o. Reporting to work in a condition unfit to perform duties, including reporting to work with measurable amounts of illegal drugs or controlled substances in the employee's system; or, being under the influence of alcohol or drugs or controlled substances;
- p. Consuming, selling, or possessing alcohol, illegal drugs, or controlled substances on University premises or while on duty;
- q. Smoking, eating and drinking in prohibited areas;
- r. Violating a University safety rule or practice; or, creating or contributing to unhealthy or unsanitary conditions;
- s. Acting in conflict with the interests of the University;
- t. Disclosing confidential University information without authorization, including but not limited to violating confidentiality /privacy laws and policies applicable to student and other confidential information at the University;
- u. Unauthorized solicitation or sales on University property;
- v. Using profanity or making inappropriate gestures toward others;
- w. Failing to cooperate fully in a University investigation;
- x. Violating the University Code of Conduct, which is included in the Appendix to this Handbook;
- y. Violating University or departmental policies and rule, or applicable NCAA rules.
- z. Incompetence, negligence, or substandard/unsatisfactory performance.

Such causes are illustrative only and the University reserves the right to discipline for other acts of misconduct.

Generally, the University will employ a progressive disciplinary process (that may ultimately lead to termination of employment) to address employee misconduct and substandard performance; however, exceptions to these

processes, based on the nature and severity of the misconduct or impact of substandard performance, will be made as necessary. In situations of serious misconduct, the employee may be subject to immediate discharge.

In all cases in which an employee is covered by a CBA, discipline will be administered in compliance with the terms of such CBA.

2.2 Attendance Guideline

Employees are required to maintain an acceptable attendance record by reporting to work as scheduled and remaining at work until the end of the scheduled shift/workday. Employees are expected to follow established department procedures and the CBA, if applicable, for reporting absence, lateness, or early departure from work, requesting leave (or extended leave), and returning to work upon authorization after an approved leave of absence. Such departmental procedures may be obtained from the employee's immediate supervisor or department administrator. Supervisors have the authority to ensure that their assigned department and employees comply with all leave reporting policies. Leave requests, approvals, recording, and verification of balances are required for all employees eligible for leave usage.

For the purpose of determining lateness, an employee is late if he or she reports for work any time after the designated start time of the scheduled workday. In general, road construction, traffic congestion, personal issues, and non-severe weather conditions as determined by the University are unacceptable reasons for lateness.

Absence of three consecutive scheduled workdays without proper reporting is considered job abandonment and the employee's voluntary resignation if, prior to the beginning of the fourth consecutive scheduled workday, the employee does not follow departmental procedures for reporting such absence; or the immediate supervisor is not made aware of any extenuating circumstance(s) acceptable to the University that has prevented the employee from properly reporting to work or reporting the absence.

An employee's attendance record may be considered unacceptable under the following circumstances:

- a. An employee has a pattern of absence(s) such as, but not limited to, absences occurring immediately before or immediately after approved days off; or a pattern of absences,

lateness, or early departures which adversely impacts University operations and/or the employee's performance, as determined by an employee's immediate supervisor;

- b. An employee fails to follow established departmental procedures for reporting absence;
- c. An employee has exhausted all paid and unpaid time off to which he/she is entitled and continues to be absent, without University approval; or
- d. An employee uses sick leave for purposes not allowed by the University.

The University maintains official records concerning vacation and sick leave balances and usage. Each supervisor has the authority to ensure that the policies for vacation, sick leave, and other leaves for employees are applied in a consistent manner, and in consultation with HR as necessary, to achieve substantial uniformity across the University. Employees are encouraged to examine their paycheck stub or supplemental records provided by the University for each pay period to verify accuracy of accrued and used sick and vacation leave balances.

2.3 Confidentiality

Employees are required to protect sensitive information and confidential records of the University, its students, and its employees. Furthermore, employees with authorized possession of or access to private or confidential documents or data (collectively called "documents") are personally responsible for protecting against unauthorized disclosure, for improper use or distribution of information contained in these documents (including after ceasing to be an employee); and for returning them to the University upon termination of employment. Employees are not authorized to divulge any confidential information regarding University partners or vendors without their express written consent.

Employees handling certain types of information or data that are as a matter of law confidential, or which are subject to a specific University or departmental policy or guideline requiring the information to be kept confidential, must strictly comply with the obligations of those laws and policies.

For example, when handling students' information and records, employees are required to comply with the Family Educational Rights and Privacy Act

(FERPA) and the University's policies and procedures relating to FERPA. Similarly, employees working in law enforcement positions with the University Department of Public Safety are subject to certain statutory and departmental policy restrictions relating to criminal investigations and records. University employees who have access to certain types of counseling and medical treatment records, and certain employees with access as part of their duties to certain information relating to group health plan records are subject to special departmental policies as well as statutory restrictions relating to the protection of the confidentiality of such records, including under such laws as the Health Insurance Portability and Accountability Act of 1996 ("HIPAA").

Violations by University employees of any confidentiality requirements under any laws or policies of the University are considered by the University to be serious infractions and are grounds for disciplinary action or termination of employment. In some instances, the individual violating nondisclosure requirements that are imposed by law may also be subject to personal liability, even after ceasing employment with the University.

2.4 Employee Privacy

Consistent with the value of showing respect for all persons while demonstrating integrity in all of the University's words and deeds, it is the responsibility of all University employees to avoid actions that are intended to obtain confidential or private information regarding another member of the University community, where there is not a business need to have such information. Examples of actions that would fall in this category include seeking private information from employee files or electronic media, searching another employee's personal belongings, asking other members of the University community for confidential information about another employee, or searching another employee's work area without a valid business reason.

As business circumstances warrant, the University reserves the right, at its discretion, to access an employee's work area, files, computer, voice, or electronic mail. Normally, access will be done by the employee's supervisor, a higher-level manager in the department, or designee. To the extent consistent with law, Public Safety personnel may access an employee's work area in the course of protecting the University community and/or property or in the investigation of alleged criminal activity.

Whenever possible, access will be done in the presence of another employee and will be limited in scope to the business or operational need. Therefore, employees are advised that if they do store personal information or property in University facilities or equipment, they do so at their own risk and with the understanding that they have no right to or expectation of privacy.

2.5 Conflict Resolution Procedure (Non-Union)

The University recognizes that decisions on operational and administrative issues can result in differences of opinion, and recognizes that when an employee believes a work condition or treatment is unjust or inequitable, this may create a hindrance to effective operation or other problems. Whatever the nature of the issue or problem, the University is committed to an informal grievance or conflict resolution process that is as flexible and informal as possible and recognizes the need to maintain an orderly flow of information. As a result, the University has established the following practice applicable to employees who are not covered by a CBA in resolving general employee complaints, issues and problems:

- a. To report a complaint or resolve a problem, an employee is encouraged to contact his or her immediate supervisor initially and in a reasonable timeframe.
- b. If the immediate supervisor is unable to resolve the complaint or problem, the employee should contact the department administrator.
- c. If the department administrator is unable to resolve the complaint or problem, the employee is then encouraged to contact HR to seek appropriate action. An investigation may be conducted at the discretion of the University and the findings will be reviewed in consultation with the appropriate Vice President.

This practice should be followed to resolve all complaints, issues, and problems except those involving allegations of harassment, which are to be handled in accordance with the guidelines in the Harassment Prevention, Section 2.6 of this Handbook. Employees who are covered by a CBA must consult the terms of the CBA for the applicable grievance procedure.

2.6 Harassment Prevention

The University is committed to promoting a respectful workplace to assure that all of its employees and students can perform and learn respectively in an environment free from sexual harassment as well as harassment for any reason prohibited by law, including but not limited to intimidation on the basis of race, religious creed, color, national origin, citizenship, ancestry, disability, marital status, being over age 40, sex, or U.S. Veteran status.

All employees are required to be familiar with the University's Harassment Prevention Policy, which is in the Appendix of this Handbook. Employees have a responsibility to identify and bring to the attention of their immediate supervisor, department administrator, or an HR representative inappropriate behavior or unfair treatment of other employees or students, whether the accused is a coworker, supervisor, student, parent, contractor, vendor or other member of the University community.

If an employee is being subjected to or has knowledge of alleged harassment, it is the employee's responsibility to notify his or her immediate supervisor. If an employee's immediate supervisor or department administrator is the source of the alleged harassment, or is unwilling or unable to assist the employee, he or she should contact an HR representative as soon as possible. By surfacing the problem, the employee enables the University to investigate and take immediate and appropriate corrective action, if necessary.

NOTE: All employees may be required by the University to attend and participate in harassment prevention training sponsored by the University. For more information, refer to University's Policy, *Harassment Prevention* in the Appendix of this Handbook.

2.7 Alcohol and Controlled Substances/Abuse Prevention

The University has strict policies, as noted below, prohibiting employees from possessing, using, distributing, manufacturing, purchasing, dispensing, selling, or being under the influence of unlawful controlled substances while on duty or on University property. Violations of such policies may result in disciplinary action, the employee's required participation in a substance abuse rehabilitation program as a condition for continued employment, or termination of employment.

In certain circumstances, depending upon the employee's position with the University, an employee's engagement in unlawful conduct relating to controlled substances off-duty that is relevant to the employee's fitness for the position may be considered grounds for discipline or termination. The University has strict policies applicable to its employees relating to the use, possession, distribution, or being under the influence of alcoholic beverages, which is explained in more detail below.

An employee refusing a directive to submit to confirmatory testing when alcohol or substance abuse is reasonably suspected, except to the extent such testing is prohibited by law, may be subject to disciplinary action or termination of employment.

2.7.1 Controlled Substances / Drug-Free Workplace Policy

It is the policy of the University to prohibit the unlawful manufacture, distribution, dispensation, use, or possession of any controlled substance on University property (whether owned, leased or otherwise controlled by the University), or in the performance of duties on behalf of the University. It is also the policy of the University to prohibit employees from being under the influence of any unlawful controlled substance while on duty in University employment. The University requires, as a condition for employment, that every employee strictly adhere to the terms of this Policy.

All employees are required to notify their supervisor of any criminal drug conviction for an infraction occurring in the University workplace, or while on duty no more than five (5) days after such conviction.

Any employee found to be in violation of the University's policies relating to unlawful controlled substances shall be subject to disciplinary action, up to and including termination, and/or may be required to participate in a drug rehabilitation program as a condition for continuing employment.

For more information relating to University policies or controlled substances, please refer to the *Substance Abuse Prevention Policy* in the Appendix of this Handbook.

2.7.2 Alcohol Restrictions for Employees

The use, possession, or distribution of alcoholic beverages by employees is prohibited on University property (whether owned, leased or otherwise under the control of the University) or while on duty unless specifically authorized in writing by the President or a Vice President, including for

certain specific sanctioned social functions. Even where permitted, any such use, possession, or distribution must be in strict compliance with all laws of the Commonwealth of Pennsylvania, including the Pennsylvania Liquor Code of 1951, as Reenacted by Act 14 of June 29, 1987, P.6.32, and regulations there under. Except where specifically authorized in advance in connection with certain social functions or entertaining on behalf of the University, University employees are prohibited from using, possessing or distributing, or being under the influence of, alcoholic beverages on University property or while on duty for the University. Also, employees are prohibited, under any circumstances, from providing alcohol to, or consuming alcohol with, students or other persons under the age of 21 on University property or while on duty.

University employees are further restricted from having the odor of alcohol on his or her breath or person while working regardless of whether the employee is intoxicated or has been consuming alcohol while on duty or on the premises of the University.

For more information, refer to the University's *Substance Abuse Prevention Policy* in the Appendix of this Handbook.

2.7.3 Prescription Drugs Impairing Ability to Perform Job

If an employee is using a drug that has been prescribed by a licensed health care provider and that is reasonably expected to impair the employee's ability to safely and efficiently perform his or her duties, it is the employee's responsibility to inform his or her immediate supervisor of the potential side effects that could affect his or her performance or conduct. This is in order that a determination can be made about whether the employee should report to, remain at work, or can be reasonably accommodated.

2.8 Smoking / Tobacco Use

The University is committed to protecting the health and safety of its students, employees, and visitors to its facilities. To that end, the University prohibits smoking or carrying of lighted tobacco products by employees in all indoor facilities, including all parts of all University buildings; in University owned/leased vehicles; and in University outdoor athletic/recreation facilities during the course of all University-sponsored events. Smoking or the use of tobacco products by employees is permitted only in designated outdoor areas and not within 50 feet of any building entrance. All smoking materials must be properly extinguished and placed only in designated receptacles.

Smoking or the use of tobacco products is prohibited by University employees, vendors, contractors, and visitors when actively working or conducting business on behalf of the University, even if not present on University property. Without limiting the foregoing, smoking or tobacco use by all University athletic/game day personnel (e.g., coaches, trainers, managers, and game officials) is prohibited during the course of all University sports events, including practice and competition.

For additional information, refer to the University's Policy, *No Smoking and No Tobacco Use* in the Appendix of this Handbook.

2.9 Attire and Personal Hygiene

While on duty, all University employees are expected to dress appropriately for their position and in accordance with any specific departmental dress code or uniform policies, and to report to work in a manner that reflects positively on the professional environment and image of the University. If, in the reasonable judgment of an employee's supervisor, an employee has offensive personal hygiene or is not appropriately groomed or dressed for duty, then the supervisor may direct the employee to leave University premises until he or she has resolved such issues and can report to work appropriately dressed and groomed. Any such time away from duty shall be treated as non-working time.

2.10 Cellular Telephone Usage

2.10.1 Use of University-Provided Cellular Telephones

Where job or business needs have been determined by the University to demand regular communication with an employee who may not be at a fixed workstation, the University may issue a business cellular telephone or other communication device to an employee for work-related communications. To protect the interests of the University, and to protect employees from incurring a tax liability for the personal use of this equipment, such devices are to be used for business reasons only. Employees in possession of University equipment such as cellular phones are expected to protect the equipment from loss, damage, theft, or unauthorized use by others.

Upon resignation or termination of employment, or at any time upon request by the University, the employee is required to produce the device for return or inspection. Any employee unable to present the phone or other University communication device in good working condition within the time period requested may be expected to bear the reasonable cost of a replacement. Employees who separated from employment with outstanding debts for equipment loss or unauthorized charges will be considered to have left employment on unsatisfactory terms and may be subject to legal action for recovery of the loss.

2.10.2 Restrictions on Use of Personal Cellular Telephone While on Duty

While at work or on duty for the University, employees are expected to exercise the same discretion in using personal cellular phones as is expected for the use of University land line telephones. Excessive personal calls during the workday, regardless of the telephone used (whether a University phone or personal cell phone), can interfere with employee productivity and be distracting to others. Employees are expected to restrict their personal calls (even on personal cellular phones) to during scheduled breaks or scheduled lunch periods in non-working areas. Employees are therefore asked to make personal calls on non-work time except with supervisory authorization. Flexibility will be provided in extenuating circumstances demanding immediate attention, but such exceptions must be only on an incidental and occasional basis unless authorized by the employee's supervisor.

The University will not be liable for the loss or damage of personal cellular phones brought into the workplace.

2.10.3 Safety Guideline for University Cellular Telephone Usage

Employees whose job responsibilities include regular or occasional driving and who are issued cellular phones for business use are expected to refrain from using their phones while actively driving. Safety must be the first priority. Regardless of the circumstances, including slow or stopped traffic, employees are strongly encouraged to pull off to the side of the road and safely stop the vehicle before placing or accepting a call. Employees are expected to wait until pulling over is feasible and then return the call immediately upon finding a safe place to stop the vehicle.

Employees are not permitted to talk on a cellular phone handset or perform any other cellular phone function (e.g., text messaging, or internet surfing) while driving a University vehicle – except to the extent there is a special departmental procedure regarding necessary on-duty communications (e.g., police officer communications with dispatch from patrol cars done in accordance with set protocols).

Under no circumstances are employees allowed to place themselves and accompanying passengers at an undue risk to fulfill business needs. Employees who are charged with traffic violations resulting from the use of their phone or other communication device while driving may be subject to discipline and may be responsible for liabilities that result from such actions.

2.11 Use of University Two-Way Radios

As part of the job duties, some positions at the University require that the employee use University issued walkie-talkies, police radios, and other two-way radio communication devices other than cellular telephones (hereinafter “Two-Way Radio”). Because of unique considerations regarding such devices, including that third parties may be able to easily monitor and listen in to communications broadcast over such devices, and because in some circumstances (e.g., the use of squad car police radios) the urgent use of handsets while driving may be a necessary part of the job, the University applies special policies set forth herein to the employee use of University Two-Way Radios.

As with all University communications devices, employees are expected to act courteously and professionally when using University Two-Way Radios, are prohibited from using obscene, offensive, or inappropriate language over University Two-Way Radios, and are prohibited from using such devices in violation of other University policies or law.

Because communications over Two-Way Radios may not be secure, employees are not to communicate privileged, confidential, or sensitive University information over such devices. (Note: Specific rules and procedures for appropriate use of and communication over police radios by law enforcement officers and other employees of the University’s Public Safety Department are covered in more detail by General Orders and Policies of the Public Safety Department.)

Employees who are issued Two-Way Radio devices and, as part of their job duties, who travel in motor vehicles are required to prioritize safety with respect to the use of Two-Way Radio devices. Such use must comply with any applicable departmental safety protocols or policies regarding such use. Cost incurred by the University from damages to or the loss of Two-Way Radio communication devices may be the responsibility of the employee if, such damage or loss is as the result of intentional damage, improper use, or gross neglect, or abuse by the employee.

2.12 Employment Policies Relating to Solicitation of, and Distribution of Literature to Employees

2.12.1 University Employees

The University prohibits employees from soliciting or seeking support from other employees for organizations or causes unrelated to the employee's job. University employees are prohibited from distributing literature that *advertises* or solicits support for organizations or causes unrelated to the employee's job except in a non-working area on non-working time and only if all employees involved are on non-working time.

Use of University facilities or services in connection with such solicitation or distribution of literature is prohibited unless authorized by an appropriate University official.

2.12.2 Non-University Employees

The University prohibits the solicitation of employees or the distribution of printed or written literature of any kind, including advertising materials and handbills, to University employees on the property of the University by persons who are not employees of the University.

NOTE: Nothing in the University's policies relating to non-solicitation by non-employees is intended to limit any rights of access of appropriate representatives of labor organizations that are recognized or certified bargaining representatives established under any existing CBA with the University as those rights relate to bargaining unit employees represented by the labor organization.

2.12.3 Employee Sales / Commercial Activities

The University does not permit the selling or distribution of products or services of any kind at any time on University property by employees. Employees are not permitted to use University facilities or resources in the conduct of a commercial enterprise for the employee's own benefit or the benefit of third parties. The conducting of any business by the employee for personal profit or the profit of others on University property or while on duty for the University by employees, or at any location while the employee is on duty, is prohibited.

2.13 Use of Technology Equipment, Computer Systems, and the Internet

Some University employees, as part of their employment, are provided by the University with access to, or the use of, University Technology, including in certain circumstances access to computers, hardware, and software, the use of the University's network and email systems, and access to the internet. Such University provided technology is to be used by the employee in support of the proper performance of his or her duties on behalf of the University and is subject to the Policy on Computer and Network Usage by Employees, which is included in the Appendix of this Handbook.

The University is committed to reasonably protecting the privacy of all users of University technology, including students, employees, and others who are permitted access to or communicate using University technology. Employees should understand, however, that employee communications, data, and files stored on and traversing the University's network and system, or stored on the University's servers and hardware, are considered the property, and in some instances the business records, of the University.

As is explained in the Policy on Computer and Network Usage by Employees, the University reserves the right, to the extent permitted by law, to monitor email, Internet usage, and other usage of University issued computers and access to the University technology by employees, as well as the right to inspect any computer hardware issued to employees. Employees using University computers and systems, therefore, have no reasonable expectation of privacy with respect to any data, emails, communications, or Internet usage, as an employee, all of which under appropriate circumstances may be subject to monitoring as is provided in the Policy on Computer and Network Usage by Employees.

All employees using University computers or the University networks are required to be familiar with and fully comply with the Policy on Computer and Network Usage by Employees, which is in the Appendix of this Handbook.

2.14 Business Travel

2.14.1 Travel Requests

A request for business travel must be submitted on a Travel Authorization Form and be approved in advance by the appropriate Dean or Vice President, or in the event of overseas travel, by the President. A traveler should submit all paperwork at least ten (10) business days in advance to ensure approvals and processing of any travel advances. Employees should contact their supervisor for established departmental guidelines on business travel issues. Employees may not travel on University business at the expense of the University if the Travel Authorization form for such travel has not been approved beforehand. Business Travel forms may be obtained from the Business Office.

2.14.2 International Travel

All foreign travel must be approved by the President of the University before the travel is scheduled to begin. The Request for Travel Authorization form must be accompanied by a well-defined proposal stating the particular programmatic benefits that will be derived from the travel.

2.14.3 Travel and Lodging

Upon approval of business travel, the employee or referring department is responsible for making travel arrangements. Approval for all reservations for a single trip should be requested at the same time. For example, for an overnight stay, the airline, lodging, and ground transportation (if necessary) should be requested simultaneously on one Travel Authorization form and submitted to the Dean, Vice President, or President for approval.

The University will pay for transportation costs associated with travel booked through an approved travel agency, or through an online agency. Travel arrangements reserved and booked through a University approved travel agent will be paid by the University. A traveler profile must be completed and on file with such travel agent. Employees choosing not to

make travel arrangements through the University must pay for their travel in advance using a personal funding source.

Employees choosing to book travel through online services should be aware that they might not have the benefit of using the services of a personal travel agent should they experience difficulty with their hotel, flight, logistical, travel, emergency, vehicle, or other arrangements prior to traveling or once travel has commenced. The University will not reimburse for any travel change or cancellation. If the University has not booked the trip, the employee is responsible to get the refund from the travel agency.

It is the policy of the University to secure the least expensive airfares and therefore, employees should search all airlines, including low cost carriers when making their own travel arrangements. The University will not pay for first class or business class fares. Other travel related expenses, e.g., meals, will be reimbursed using the Travel Expense Statement. Employees are expected to limit expenses submitted for reimbursement to business related purposes.

2.14.4 Advance Payment of Travel Expense

When a registration or similar fee requires payment in advance of the travel date, the date required should be indicated on the Pre-travel Authorization form with supporting documentation attached. The University will remit payment directly to the applicable organization.

2.14.5 Travel Advances

If the estimated cost of an approved trip exceeds \$200, the University's Business Office will provide the employee an advance of up to 50 percent of the estimated cost. The requested advance must be submitted on an approved Travel Authorization form to the Business Office no later than ten (10) business days prior to the date the check is needed. Travel advances will not be released more than five (5) business days before the travel is scheduled to commence. Requests for future travel advances will not be honored if previous advances have not been reconciled and unspent funds have not been returned to the Business Office.

2.14.6 Combining Personal and Business Travel

With prior approval, a family member or friend may accompany employees on business travel when the presence of a companion will not interfere with successful completion of business objectives. Generally, employees are

permitted to combine personal travel with business travel, as long as time away from work is approved in advance and a University-owned or -leased vehicle is not used. Additional expenses arising from such non-business travel are the sole responsibility of the employee.

2.14.7 Expense Reports

When travel is completed, employees must submit completed travel expense reports within forty-five (45) days. Receipts for all expenses totaling greater than \$10 must accompany reports and must be attached to an 8-1/2" x 11" blank sheet of paper. For example, if two receipts for the same type of expense (e.g., tolls) are less than \$10 separately but total \$10 together, they must be submitted. Employees are expected to prepare and submit expense reports that are true and correct to the best of their knowledge, as falsifying expense reports may lead to disciplinary action or termination of employment.

2.14.8 Entertainment Expenses

Reasonable expenses generated for the purpose of entertaining (lunch, dinner, etc.) vendors, visiting lecturers and other non-employee constituents of the University for the purpose of conducting business is permitted and will be reimbursed subject to limits and conditions in University policies. Entertainment expenses should be submitted within 45 days of occurrence and should be submitted along with receipts on the appropriate forms.

2.14.9 Substantiation of Expenses

In general, receipts for expenses incurred by the employee must be attached to the claim that is submitted for reimbursement. A Statement of Travel Expense Report, with all receipts attached, is required to be submitted to settle all travel advances, regardless of whether the actual expenses incurred were less than or more than the amount of the advance. Advances in excess of substantiated expenses shall be repaid to the University immediately upon completion of the travel for which the advance applied. Receipts are required for all expenses. Reasonable expenses that will be reimbursed include the following:

- a. Car rental fees, only for compact or mid-sized cars;
- b. Fares for shuttle or airport bus service (upon arrival at destination city), or costs of public transportation, where available, for other ground travel;

- c. Taxi and limousine fares, only when there is no less expensive alternative;
- d. Reasonably necessary overnight stays for seminars or training programs when the distance is greater than fifty-five (55) miles from the University's campus one way;
- e. Cost of standard accommodations in low to mid-priced hotels, motels, or similar lodgings;
- f. Lodging at a facility other than at the conference site when such on-site lodging cannot be obtained;
- g. Cost of meals, no more lavish than would be eaten at the employee's own expense, to a maximum of \$50 per day, including taxes and tips, for overnight stays. A maximum of \$30 per day, including taxes and tips, for day travel of six (6) hours or more;
- h. Tips (are inclusive of the daily meal per-diem) not exceeding 18% of the cost prior to tax of a meal or 10% of non-meal charges for which tips are customarily given;
- i. Charges for telephone, facsimile, Internet access, and similar services required for business purposes;
- j. Charges for one personal telephone call lasting no more than fifteen (15) minutes each day for overnight stays; and
- k. Laundry services for overnight business stays greater than five (5) days.

2.15 Mileage Reimbursement

Employees will use the University mileage rate as published by the Office of Fiscal Affairs, plus actual expenses for tolls and parking fees (with receipts). Mileage is calculated as originating from the University's main campus or Graduate Center, depending on the employee's primary location of employment. If the destination is not listed on the back of the Travel Expense Statement, a copy of the destination on *MapQuest* (www.mapquest.com) must accompany the Statement.

Mileage will only be reimbursed if travel resulted in expenses that would not otherwise be incurred in connection with a normal workday. For example, a University employee lives adjacent to the Graduate Center but his or her primary worksite is located at the Main Campus. The employee must make a University-related visit to the Graduate Center on his or her way home.

Such an employee would not receive a mileage reimbursement for the trip since the visit did not result in any additional cost to the employee.

2.16 Use of Rental and University Vehicles

To obtain a rental car or University vehicle, reservations must be made through the Fleet Management office. All regulations, ordinances, laws, and University policies and procedures regarding operation of rental and University-owned/leased vehicles must be obeyed by employees at all times. A vehicle authorization request must be submitted in writing and approved per the University's established fleet management procedures prior to usage by the employee. Long-term usage must be reauthorized on an annual basis.

2.16.1 Accident and Driving Violation Reporting

Employees who are involved in an accident while traveling on business must, within 24 hours, report the incident to their immediate supervisor and HR – Risk Management at 484-365-7595 or 484-365-8059 and, if a University vehicle was involved, Fleet Management at 484-365-7113. Driving violations must be reported within 24 hours, or as soon as practicable to HR – Risk Management.

NOTE: Employees are responsible for paying for their own traffic and parking violations.

2.16.2 Insurance Verification

In an effort to ensure that University employees possess appropriate licensing and automobile insurance coverage while conducting University business, it is necessary to obtain current vehicle operator information for University records on an annual basis. If an employee drives a University-owned/leased vehicle, then the employee must submit to HR – Risk Management a legible (enlarged 150%) copy of his or her current valid driver's license for retention in the personnel file. If an employee drives his or her personal vehicle to conduct University business, then the employee must submit to HR a legible (enlarged 150%) copy of his or her current valid driver's license AND a copy of automobile insurance coverage verification card.

2.17 Issuance of Keys

Employees who require keys for access to University buildings and offices should make such request to their supervisor. For more information on the issuance or replacement of keys, contact the Office of the Physical Plant.

2.18 Campus Traffic and Parking Regulations

The operation of a motor vehicle on the campus is a privilege granted by the University. The University reserves the right to suspend and/or revoke the privilege for cause at any time. Traffic violations on University roadways are enforceable under provisions of the Pennsylvania Motor Vehicle Code and under University policies. Rules and regulations governing campus traffic and parking must be observed by everyone. Violations by employees may result in traffic citations under state law and/or disciplinary action. Traffic lanes must be kept open at all times to allow the easy flow of vehicles.

2.18.1 Parking Permit/Designated Parking Areas

All motor vehicles operated on University property by students, staff, and faculty must be registered with the University Department of Public Safety and Security. Employees must register their motor vehicle on campus and obtain a parking permit by submitting the following documents to the Department of Public Safety:

- a. Current driver's license
- b. Current registration
- c. Current inspection sticker
- d. Valid proof of insurance

The parking permit does not guarantee a parking space and it only gives an employee privileges to park his or her vehicle in certain areas on a space available basis where passes are required. Failure to register a motor vehicle with the Department of Public Safety will result in denial of admittance to the campus in an unregistered vehicle. Additionally, all vehicles parked on campus that are unregistered or in an unauthorized area will result in ticketing and/or towing of the vehicle at the owner's expense.

2.18.2 Authorized Parking Areas

The following is a list of the University parking lots and those persons authorized to park in those lots:

- a. Azikiwe Nkrumah Hall (side lot) - visitors only
- b. Lincoln Hall - senior administrators/visitors
- c. McCrary Hall - students only
- d. Manuel Rivero Hall - open parking
- e. Hansberry Hall - student parking
- f. Dickey Hall/Library - staff/faculty only
- g. Wright Hall - staff/faculty only
- h. Chapel - open parking
- i. Center Gate - open parking
- j. Alumni House - open parking
- k. Grim Hall - staff/faculty only
- l. Lincoln House - registered guests
- m. Guest House - open parking
- n. Bond House - residents/guests
- o. Cannon House - residents/guests
- p. Foster House - residents/guests
- q. Physical Plant – Physical Plant employees and contractors only

2.19 Risk Management

The goal of the University's Risk Management function is to embrace fundamental best practices that effectively manage current risk and mitigate future exposure to loss through preparedness, precautionary, and monitoring measures. A campus environment in which risk assessment and risk management are integrated into all business practices and decision making activities allows the University to maintain a campus communications structure and support a network that provides a competitive edge and enhanced reputation in the marketplace.

The University's Safety Committee has been established to promote safety and health awareness and accident prevention at the University as part of its Risk Management initiatives. The Committee, which consists of representation and involvement from faculty, staff, and students, meets monthly and encourages suggestions from all employees.

2.19.1 Workplace Safety / Workers' Compensation

The University strives to achieve and maintain the highest standards of safety and industrial hygiene in order to provide a safe, secure, and healthy working environment for all employees and to prevent accidents, injuries, and illnesses. Employees must report immediately to their immediate supervisor or department administrator any unsafe or unsecured working conditions. Additionally, employees are to report to their supervisor all work-related accidents or injuries that occur during work hours or are otherwise believed to be work-related; complete the following forms within 24 hours of the incident, to the extent possible; and, forward them to HR or Health Services Center:

- a. Employee Report of Occupational Injury or Disease;
- b. Acknowledgement of Rights; and
- c. Medical Authorization Form.

If an employee suffers a work-related injury requiring medical attention or which results in lost time, he or she will receive benefits in accordance with the Pennsylvania Workers Compensation Act.

2.19.2 Workplace Ergonomics

The University is committed to enhancing safety in the workplace with ergonomics, which is a discipline that involves arranging the environment to fit the person in it. For more information on ergonomics or for an ergonomic evaluation of their work environment, employees may contact HR – Employee and Employment Relations.

2.19.3 Workplace Security

All employees are expected to be vigilant in their work areas and make sure that unauthorized persons are not wandering campus facilities and grounds unattended. Employees should keep their personal items secure in drawers, closets, cabinets, etc., where they are not easily viewed or readily accessible. Keys to offices and combinations to University safes should be protected. If an employee observes unauthorized or suspicious personnel in his or her work area, the employee must call the Department of Public Safety at 484-365-7211 or extension 7211.

2.19.4 Workplace Violence Prevention

The University has a zero tolerance for workplace violence. Any acts or threats of violence, including but not limited to, intimidation, harassment, and/or coercion that occur on University property or in the conduct of the University's business will not be tolerated. This prohibition applies to all persons involved in the University's operation. Other conduct that is prohibited includes, but is not limited to, the following:

- a. Physically aggressive conduct directed towards another individual;
- b. Vandalism of personal effects or property;
- c. Inappropriate use of University email or voice mail or harassing or prank phone calls;
- d. Stalking; and
- e. Threats, including veiled threats.

Any employee who feels that he/she may have been subjected to such conduct should contact their immediate supervisor, HR, or the Department of Public Safety immediately. In an emergency, police should be called using 911. Whenever a report of any such conduct occurs, a prompt and thorough investigation will be undertaken. The identity of anyone reporting such conduct (whether or not he or she is the target) will be kept confidential to the fullest extent possible. The University will not tolerate retaliation in any form against any such person filing a good faith complaint.

2.19.5 Weapons and Fireworks Prohibition

The possession, carrying, or use of any weapon, ammunition, or explosive by any person is prohibited on all University property except by authorized law enforcement officers and other persons specifically authorized by the University.

No person shall possess, carry, or use any fireworks on University property, except for those persons authorized by a University official and local government to discharge such fireworks as part of a public display.

2.20 Employee Identification Badge/The “Lion Card”

In order to maintain a secure campus and to ensure the safety of those associated with the University, it is necessary for the University to issue each employee an identification badge. All University employees shall be responsible for possessing and displaying their University-issued identification badge while on University property.

HR will register each employee for a University identification badge, which will then be issued by the Office of Student Services. A badge will not be issued unless the employee has the proper verification of registration. There will be a \$10 fee for the replacement of a lost or damaged badge.

2.21 Children, Pets, and Visitors

Employees must provide for appropriate childcare that does not involve the work site during work hours. Employees are not to have family members at the work site except for brief visits during break or meal periods. Pets, other than personal service or law enforcement animals, are not permitted on campus. All visitors must register with the Department of Public Safety upon arrival to the University.

2.22 Dining Facilities

2.22.1 Faculty and Staff Dining Room

The Faculty and Staff Dining Room is located on the main floor of the Thurgood Marshall Living Learning Center and is adjacent to The Lincoln Marketplace. The hours of operation are 11:00 a.m. to 2:00 p.m. Meals at prices set by the University are available to all employees.

2.22.2 Dining Services – Lincoln’s Row

Lincoln’s Row is a retail destination site that blends current culture and history, located in the Thurgood Marshall Living Learning Center. It offers the perfect mix of popular restaurants, including Bluestown BBQ, KFC Express, Grill 155, Quick Zone, and Freshen’s. The hours of operation are Monday – Friday, 11:00 a.m. – 9:00 p.m.

2.22.3 Dining Services – Sandella’s

Sandella’s is located in the Student Union Building. This upscale, fast casual Cafe will serve premium quality, health-conscious, and great tasting menu items. Sandella's serves the grilled flatbreads, sandwiches, Panini, quesadillas, and salads. The hours of operation are Monday–Thursday, 4:00 p.m. to 11:00 p.m. and Friday 12:00 p.m. to 6:00 p.m.

2.22.4 The Lincoln Marketplace

The Lincoln Marketplace is the student restaurant on campus and is located on the main floor of the Living Learning Center. It delivers a restaurant environment that offers diverse meal choices served from multiple food stations. The Lincoln Marketplace is also available to faculty and staff. The hours of operation are as follows:

<i>Monday – Friday:</i>	Breakfast	7:30 a.m. – 10:00 a.m.
	Lunch	11:00 a.m. – 2:00 p.m.
	Dinner	4:30 p.m. – 6:30 p.m.
<i>Saturday and Holidays:</i>	Brunch	10:30 a.m. – 1:30 p.m.
	Dinner	4:30 p.m. – 6:30 p.m.
<i>Sunday:</i>	Brunch	10:30 a.m. – 1:45 p.m.
	Dinner	4:30 p.m. – 8:30 p.m.

2.23 University Closings and Modified Work Schedules

Under normal circumstances, the University never stops operating. The University recognizes that there are times, due to emergencies, such as severe weather conditions, when classes may be canceled and the University offices may be closed. In departments, such as, but not limited to, Public Safety and Security, Health Services, Housing and Dining Services, Housekeeping, and Maintenance Operations, employees provide essential services and are critical to operational needs, and therefore, will remain open and employees assigned to these departments are required to work. In an effort to ensure the safety of students and employees, timely decisions to modify work schedules will be made and communicated to employees.

Modified work schedules may take the form of either a partial or a full closing of the University’s operations. In either situation, essential personnel, as designated by administrators in the aforementioned

departments, or in some cases by the applicable CBA, are expected to remain at work if the closing occurs during their regular work schedule, or to report to work if the closing announcement is made before their regular work schedule begins.

2.23.1 Work Schedule Modifications

In the event of a public emergency, inclement weather or other extenuating circumstances, the President or designee will have the discretion to excuse employee lateness, early departure, or absence at-large or on an individual basis. The University will follow the policy of the U.S. Department of Labor and the guidelines outlined in any CBA regarding absences and compensation for emergency closing. The following work schedule modifications and pay practices will be communicated through the channels listed below under the Section 2.23.2, Communicating Modifications of Work Schedules:

- *Full Closing:* A full closing occurs when conditions warrant cancellation of classes and closing of administrative offices and academic departments, except those providing essential services. Non-essential employees are not required to report to work, but are compensated for the full workday. Essential employees are required to report to work and are compensated for time worked.
- *Partial Closing:* A partial closing occurs when circumstances warrant the cancellation of classes while administrative offices and academic departments remain open. Employees in administrative offices and academic departments are required to report to work or utilize accrued vacation leave only for such absence upon approval by their immediate supervisor.
- *Delayed Opening:* Occasionally, circumstances will warrant a delay in the opening time of the University. Employees are required to report to work and will be paid for the full day. Employees who do not report to work for the full workday may utilize accrued vacation leave only for absence upon approval by their immediate supervisor.
- *Closing before the End of the Normal / Scheduled Workday:* When there is a closing of the University before the end of the workday, administrators shall be contacted by HR so that they may release non-essential employees in their respective areas. All non-essential employees shall be paid for the full workday.

NOTE: Essential personnel, as defined by Administration or an applicable CBA, who do not report to scheduled work on a Full or Partial Closing or Delayed Opening day(s) are not eligible to utilize accrued vacation or sick leave for such day(s) and may be subject to disciplinary action, as such absence may be considered unauthorized and/or unexcused.

2.23.2 Communicating Modifications of Work Schedules

In an effort to ensure the safety of students and employees during times of inclement weather or emergencies, University Administration will make timely decisions to announce a closing or modified work schedules and communicate such decisions to employees through the following venues:

- University Special Information Telephone Line: Toll Free 866-809-4556; (484) 365-7999 or Campus extension 7999;
- Radio Station KYW 1060 AM – Broadcast Number 1197;
- TV Stations: CBS 3; WGAL NEWS 9; and WTXF FOX 29;
- Internet Websites: www.lincoln.edu; www.thewgalchannel.com; and www.kyw1060.com

SECTION III. BENEFITS AND SERVICES

3.1 Introduction

This Section III of the Handbook is intended to provide a brief overview of some of the more important types of employee benefit plans, fringe benefit programs, and services sponsored or provided by the University to eligible employees in accordance with the terms of the particular plan or program. Eligibility of an employee to participate in the various plans and programs depends upon the employee's job classification. An employee must meet all eligibility requirements as specified in the terms of the governing plan document. Eligibility is conditioned upon the employee electing coverage, making employee contributions, and/or having a valid cafeteria plan or other election (described below) in place.

The benefits and services described briefly below are for reference purposes only. The actual detailed eligibility and other requirements for any employee benefit plans outlined below are determined by the formal plan documents, which are more precisely summarized in booklets (sometimes referred to as "Summary Plan Descriptions" or "SPDs"). SPDs are provided to covered employees, and are periodically updated. They are also available in HR. To the extent possible, the University attempts to post SPDs and updates (sometimes referred to as "Summaries of Material Modifications") on the University's website at www.lincoln.edu/hr/hrbenefits.html. In the event of any inconsistencies between the informational outlines of benefits in this Handbook and the actual terms of the plan documents, the plan documents shall prevail.

THE UNIVERSITY RESERVES THE RIGHT TO AMEND OR TERMINATE UNIVERSITY EMPLOYEE BENEFIT PLANS AND PROGRAMS.

The general categories of benefit plans, fringe benefits, and similar programs at the University include the following:

3.1.1 Employee Benefit Plans

- a. Group Health Insurance (medical, prescription, and vision)
- b. Medical Opt-Out Provision
- c. Group Dental Insurance
- d. Short-Term Disability Insurance
- e. Long-Term Disability Insurance
- f. Group Life/Accidental Death and Dismemberment Insurance

- g. Voluntary Group Life Insurance
- h. Cafeteria Plans:
 - Unreimbursed Health Care and Dependent Care Reimbursement Account Plans
 - Premium Conversion (permitting employees to make elective employee contributions for University health and other welfare benefits on a pre-tax basis)
- i. Retirement Plans – through TIAA-CREF:
 - Lincoln University Defined Contribution Retirement Plan
 - Lincoln University Tax Deferred Annuity Plan

3.1.2 Other Fringe Benefits/Programs

- a. U.S. Savings Bond Purchase Program
- b. Tuition Remission Program
- c. Employee Assistance Program (“EAP”)
- d. Vacation Leave
- e. Sick Leave
- f. Personal Leave
- g. Other Leaves and Absences (aside from FMLA leave)
 - Job Related Illness or Injury / Workers’ Compensation
 - Funeral and Bereavement
 - Jury Duty
 - Military
 - Discretionary Leave without Pay
- h. Retiree Life Insurance
- i. COBRA Rights

3.2 Group Health Insurance

The “Lincoln University Health Plan” is a fully insured welfare benefit plan providing medical, prescription, and vision benefits to eligible employees of the University. The insured health benefits are provided through insured HMO contractual arrangements.

The details of available benefit options for eligible employees are set forth in the SPD for the Lincoln University Health Plan. Additional information may be obtained from HR and accessed via the Internet at www.lincoln.edu/hr/hrbenefits.html.

Except to the extent provided otherwise by any applicable CBA, Regular Full-Time Employees are generally eligible to elect, subject to the requirements of the plan, to participate in the Lincoln University Health Plan if they make any required election and employee contributions, in accordance with the Cafeteria Plan.

3.3 Medical Opt-Out Provision

The University's "Medical Opt-Out Provision" as detailed in the SPD, entitles eligible employees to receive a lump sum payment of taxable compensation if they choose to waive their participation in the University's group health insurance plan. To receive such payment for the waived coverage year, the employee must: 1) provide the University with proof of coverage from another plan (such as from a spouse's coverage); AND 2) complete and submit to HR a University Benefit Form indicating the selection to waive participation in the University's group health insurance plan for the annual enrollment period.

If an eligible employee elects to opt-out of the group health insurance plan and subsequently, during the coverage year, experiences a qualified change in family status of a type that under federal law would permit the employee to change the cafeteria plan election, the employee will be permitted to make such a change at that time. If a change is elected mid-year to pick up previously waived coverage, the employee will be required to repay the University, on a pro-rata basis via payroll deduction, the portion of any previously paid annual Opt-Out Payment relating to the remaining portion of the coverage year for which the medical opt-out is rescinded. (A more detailed explanation of this provision, including the amount of the offered payment, is provided in the annual enrollment literature provided to employees at the time of election period, as well as upon hiring or otherwise first becoming eligible to participate in the University's Health Plan.)

3.4 Group Dental Insurance

The University's Group Dental Plan provides insured dental coverage to eligible employees in accordance with the terms of the governing Plan documents.

The detailed terms of the dental coverage available to eligible employees are set forth in the University's Dental Plan SPD. Additional information may be obtained from HR and accessed via the Internet at www.lincoln.edu/hr/hrbenefits.html.

Except to the extent provided otherwise by an applicable CBA, Regular Full-Time Employees are generally eligible to elect, subject to the requirements of the plan, to participate in the University's dental insurance plan if they make any required election and employee contributions, in accordance with the Cafeteria Plan.

3.5 Short-Term Disability Insurance

Eligible and actively working Regular Full-Time Employees who are not covered by a CBA, and certain, but not all, actively working Regular Full-Time Employees who are covered by a CBA, are provided with short-term disability insurance coverage under a group disability insurance policy. For bargaining unit employees represented by a union, the terms of the applicable CBA determine whether the bargaining unit Regular Full-Time Employee is covered by this insurance benefit and, if so, when eligibility for coverage begins.

Under most CBAs that provide for this insurance coverage, there is a 90-day waiting period before such coverage may apply. Non-bargaining unit Regular Full-Time Employees are generally covered without an eligibility waiting period beginning when they commence actively working in regular full-time employment and otherwise meet any eligibility requirements under the Plan. Specific provisions for short-term disability benefits applicable to certain faculty bargaining unit Regular Full-Time Employees are set forth in Section 16.12 of the 2007-2011 CBA between the University and LUC-AAUP, in lieu of the insurance coverage outlined in this Section of the Handbook.

For eligible Regular Full-Time Employees who are covered under the group disability insurance policy, the benefit for covered disabilities as defined under the policy is generally equal to 60% of the employee's weekly earnings

to a maximum of \$1,000 per week, commencing after a 30-day “elimination” (or waiting) period after the disability commences. Such benefits, when they apply, generally continue no longer than 182 days after the date of the commencement of the disability, and are limited to a maximum of 25 weeks worth of benefits.

To the extent otherwise applicable, employees may use accrued sick and/or vacation leave to supplement the reduced income provided under the short-term disability plan. The aggregate amount of disability benefits plus sick and/or vacation leave shall not exceed the employee’s regular weekly/hourly wage.

These short-term disability insurance benefits outlined in this Section are subject to all of the actual terms, conditions, limitations, and exclusions of the policy and agreement between the University and the disability insurance carrier. Those governing terms are summarized in detail in the Certificate of Coverage and SPD. Additional information may be obtained from HR and accessed via the University’s Internet website.

3.6 Long-Term Disability Insurance

Certain eligible Regular Full-Time Employees are provided with long-term disability coverage under a group insurance policy. Such long-term disability insurance benefits, which generally cover 60% of the employee’s weekly wage subject to certain maximums, apply to eligible employees after they have been disabled within the meaning of the policy for a continuous period in excess of 182 days due to a non-work-related illness or injury. Long-term disability benefits are coordinated with other disability income benefits for which the employee may be eligible (including, to the extent permitted by law, Social Security Disability, Workers’ Compensation, retirement pension plans, etc.).

Long-term disability benefits are subject to the terms, conditions, limitations, exclusions, and claims procedures of the policy and agreement between the University and the disability insurance carrier, which are summarized in the Certificate of Coverage and SPD provided to participants. These documents are also available in HR - Benefits and are posted on the University’s website.

Except for employees of a bargaining unit represented by a Union whose long-term disability benefit rights are determined by the CBA, Regular Full-Time Employees of the University are currently provided, without cost to the employee, with this long-term disability insurance coverage. Such coverage does not insure against the disability of any dependents, only covered disabilities of the actual employee.

Generally, these benefits are paid on a monthly basis when payable under the terms of the plan. Long-Term Disability benefits will be coordinated in accordance with the terms of the plan with amounts payable from various other sources, such as Social Security, Workers' Compensation or certain other benefits. To determine the maximum duration of benefits and other details and limitations, employees should refer to the SPD.

If it is likely that the disability will last for 12 full calendar months or more, the policy requires that the employee file for Social Security disability benefits. The carrier will provide detailed instructions regarding Social Security filing procedures.

3.7 Group Life/Accidental Death and Dismemberment (AD&D) Insurance

The University provides certain eligible Regular Full-Time Employees with basic life insurance coverage at one times (1x) the employee's annualized salary subject to any benefit maximums or other limitations in the policy. Benefits at death are paid to the employee's designated beneficiary under, and subject to, the terms of the group life insurance policy. This type of life insurance coverage only applies to eligible employees, not their dependents. The details of such coverage are summarized in benefit booklets provided to participants. These documents are also available in HR - Benefits and are posted on the University's website.

Except for employees covered by a CBA, whose group life/AD&D coverage is specified by the CBA, Regular Full-Time Employees are currently provided, without cost to the employee, with this basic group life/AD&D insurance coverage.

3.8 Voluntary (Additional Employee-Purchased) Group Life Insurance

Eligible Regular Full-Time Employees may be given the opportunity during annual enrollment periods to purchase certain extra voluntary life insurance, at the employee's sole cost, for themselves and, provided the employee purchases at least \$10,000 worth of supplemental life insurance coverage themselves, may also elect to purchase voluntary life insurance for their IRS dependents.

Details regarding eligibility and election procedures are provided to eligible employees as part of the benefits enrollment and election package. For additional information, contact the HR-Benefits.

Except for employees covered under a CBA providing otherwise, this benefit may be elected and purchased by Regular Full-Time Employees.

3.9 Lincoln University Section 125 Plan / Flexible Spending Plan

The University maintains a cafeteria plan officially called the "Lincoln University Section 125 Plan," popularly referred to as the "Flexible Spending Plan." Under this Plan, eligible employees can elect, on an annual basis, to withhold from their earnings on a pre-tax basis up to a maximum annual amount specified in the Plan in accordance with federal tax laws. These funds are set aside in a special account and may be used for certain types of unreimbursed health-related and/or certain types of dependent care expenses.

An open enrollment period for these flexible benefits is provided in accordance with the terms of the Plan. Eligible employees are provided with detailed enrollment literature and an election form by HR – Benefits. The completed election form must be submitted to HR – Benefits on or before the close of the election period in order to be effective for the subsequent calendar year. The Plan is administered in accordance with very strict federal tax law guidelines. The terms of the Plan, which are summarized in detail in a SPD are provided to participants and available in HR - Benefits. Employees who are otherwise eligible to participate and choose to do so are required to complete certain documentation, including a Compensation Reduction Agreement, in addition to a Benefits Form on an annual basis.

The Internal Revenue Service has very strict guidelines on Flexible Spending Accounts and, therefore, the open enrollment period, which is normally October 1 through December 31, generally is the only time employees can enroll in this benefit for the effective calendar year. Mid-year changes can be made only upon the occurrence of certain specified changes in family status as provided in the Plan. Once the election(s) is made, it will remain in effect from January 1 through December 31 in the designated calendar year with certain limited exceptions. Generally, any money unclaimed (unused) from flexible spending account(s) at the end of the plan year will be forfeited after a 90-day grace period. IT IS, THEREFORE, IMPORTANT THAT EMPLOYEES DO NOT OVERESTIMATE HOW MUCH THEY WILL SPEND FOR UNREIMBURSED HEALTH CARE OR ELIGIBLE DEPENDENT CARE IF THEY CHOOSE TO PARTICIPATE IN THIS PROGRAM.

Subject to the terms of the Plan, eligible employees who choose to participate may prior to the beginning of the coverage year elect to set aside pre-tax monies, in lieu of receiving regular taxable compensation, for either Unreimbursed Health Care Benefits or Dependent Care Reimbursement Benefits, or both.

3.9.1 Health Care Reimbursement Account

Regarding the Health Care Reimbursement Account Benefits component, only certain types of medical expenses permitted under federal law, which are not reimbursed under another plan or insurance can be eligible for reimbursement under this account. Expenses for premiums paid for health coverage under any plan are not considered the type of expenses that can be reimbursed under this arrangement. Employees should carefully review the SPD in detail before making any decision about electing this coverage.

3.9.2 Dependent Care Reimbursement Account

The amount of dependent care expenses that may be used is limited under the terms of the Plan in accordance with applicable tax law. There are strict restrictions on what types of dependent care expenses may be reimbursed. Generally, if an employee's spouse is not employed, that employee will not be permitted to use the Dependent Care Assistance Benefit. Refer to the SPD for this Plan for additional information.

3.10 Cafeteria Plan for Pre-Tax Payment of Certain Insurance Premiums

The University maintains a cafeteria plan formally called the “Lincoln University of the Commonwealth System of Higher Education Premium Conversion Plan” for certain eligible employees. This particular cafeteria plan sets the procedure under which eligible employees can elect to make employee contributions to participate in the University’s group health insurance or group dental insurance, and certain other contributory employee welfare benefit plans on a pre-tax basis. It does not provide benefits directly by itself. The terms of that Cafeteria Plan are summarized in a SPD provided to participants and available in HR – Benefits.

3.11 TIAA-CREF Retirement Plans

3.11.1 Lincoln University Defined Contribution Retirement Plan (Plan #001)

Employees who are eligible pursuant to the terms of the Plan (and any applicable CBA) are provided certain retirement benefits under the Lincoln University Defined Contribution Retirement Plan. This Plan is one of two retirement plans provided through TIAA-CREF and operated in accordance with Section 403(b) of the Internal Revenue Code. Generally, under this Plan, the University makes an automatic annual employer contribution for eligible employees equal to 5% of the employee’s W-2 compensation. In addition, eligible employees are permitted to elect to make pre-tax deferrals of up to 5% of their compensation, and the University will make an equal matching contribution subject to any applicable maximums under the Plan. In some circumstances, special “catch-up” additional deferrals are permitted, consistent with federal tax law and the terms of the Plan, for employees over age 50 and meeting certain other criteria. Investment options are provided in accordance with the terms of the Plan.

Detailed information, including SPDs, is provided to eligible employees along with forms for making deferral elections. Refer to the SPD for the Lincoln University Defined Contribution Retirement Plan for actual details about the Plan.

Subject to the terms of the Plan and any applicable CBAs, eligibility for the Plan generally applies to Regular Full-Time and Regular Part-Time Employees (or those who work more than 1,000 hours per year).

3.11.2 Lincoln University Tax Deferred Annuity Plan (Plan # 002)

A second, supplemental TIAA-CREF retirement plan with the formal name “Lincoln University Tax Deferred Annuity,” sometimes informally referred to as the “Supplemental Retirement Annuity” or “SRA,” is made available to certain eligible University employees in accordance with the terms of that Plan. This second TIAA-CREF Plan, which is operated also in accordance with Section 403(b) of the Internal Revenue Code, does not provide for any employer contributions. Rather, it permits certain eligible employees, in accordance with the terms of the Plan, to make voluntary pre-tax deferrals toward retirement.

This administration of this Plan is not subject to the guidelines of the Employee Retirement Income Security Act (“ERISA”). Generally, subject to the terms of the Plan the amount that eligible employees can add to this supplemental Plan each year is subject to limitations under the Plan and under the Internal Revenue Code, including Section 415, and regulations there under. This is explained in a Plan document provided to Participant. Under certain special “catch-up” rules described in the Plan document, excess elected deferrals may be permitted subject to the terms of the Plan and applicable law for individuals over age 50 in certain circumstances.

3.12 U.S. Savings Bonds Purchase Program

Employees may purchase U.S. Savings Bonds through a University payroll deduction program upon completion and submission of authorization forms. For additional information, contact HR – Benefits.

3.13 Tuition Remission

The University recognizes that the skills and knowledge of its employees are critical to its overall success. The tuition remission program encourages personal development through formal education at the University so that employees can maintain and improve job-related skills or enhance their ability to compete for reasonably attainable jobs within the University. In certain circumstances tuition remission benefits are also applicable to certain dependents (as defined for federal income tax purposes), age 24 and younger, of an eligible employee.

Except to the extent an applicable CBA provides otherwise, the University currently provides undergraduate tuition remission to eligible employees in accordance with eligibility requirements outlined below:

Employee Group(s)	Eligibility Date	General Requirements (for all)
Regular Full Time Administrative, Faculty, and Professional	Date of Hire	Employee's work schedule must be approved by the employee's supervisor prior to enrollment and not interfere with regular work schedule.
Secretarial/Clerical, Maintenance, Housekeeping, and Public Safety	After 12 months of Regular Full Time Employment	Dependents of employee must be 24 years old or younger. Proof of age, e.g., birth certificate and proof of dependency – most recent IRS form and if pertaining to stepchildren, marriage certificate, must be presented with application.

This program applies only to undergraduate course fees, not graduate course fees. In addition, graduate students, who are otherwise eligible University employees or dependents, enrolled in undergraduate courses and earning undergraduate credits that will not be applied to their graduate degree will not be required to pay undergraduate tuition and fees for such courses. If the credits are applied to the graduate degree, however, then the employee or dependent will pay graduate tuition and fees. Undergraduate students enrolled in graduate courses and earning graduate credits will pay graduate tuition and fees without remission.

NOTE: Room, board, supplies (including books), and any other fees associated with academics are not included in the remission of tuition plan. This benefit covers the cost of undergraduate classroom instruction only.

In the event that tuition remission and any University scholarships in combination exceed the eligible student's charges, only the balance of the account will be covered consistent with the appropriate policy governing the use of those awards. When employees or their dependents are eligible for Financial Aid (including remission) and they are eligible for state/federal student assistance, award packaging will be governed by prevailing state/federal guidelines.

The *Application for Remission of Tuition* form may be downloaded from the University's website or obtained from HR - Benefits. Proper approval signatures must be obtained before full remission of tuition benefits can be recorded.

3.14 Employee Assistance Program (EAP)

The University recognizes that personal problems can often interfere with an employee's job performance. As a result, the University has established an Employee Assistance Program ("EAP") for eligible Regular Full- and Part-Time Employees and their dependents (as defined for federal income tax purposes), which offers confidential assistance for personal, family, and work related matters to eligible employees and their dependents, subject to the terms of the program.

Human Management Services, Inc. (HMS), the University's EAP provider, is an integrated counseling and referral service that is a resource to help covered employees and their eligible dependents successfully manage temporary setbacks in life. HMS counselors are trained to help employees identify the source of their problems and work with them to find practical solutions as quickly as possible.

Certain EAP services, including initial assessment, consultation, and referral have been prepaid by the University. Eligible employees and their eligible dependents may receive an assessment and up to three (3) short-term counseling sessions per incident free of charge. If additional treatment resources are necessary, the cost of such will, if chosen by the employee/dependent, be paid by the employee; or, if the employee (or dependent, as the case may be) has applicable health insurance, whether through the University or otherwise, that would cover the particular type of additional treatment, would be subject to the terms, procedures, exclusions, co-payments, deductibles and other limitations of such health insurance coverage.

To access EAP services provided by HMS, visit its Internet website at www.hmsincorp.com (Username: Lincoln; Password: University), or call 1(800) 343-2186.

3.15 Vacation Leave – Allotment, Accrual, and Usage

3.15.1 Administrative and Professional Employees not Under CBA:

Administrative and Professional Regular Full Time employees not covered by a CBA are allotted 22 paid vacation days (with each day being considered 7.5 hours) per fiscal year (July 1 to June 30). Employees commencing employment with the University in such a position part way through the fiscal year will be allotted vacation leave on a pro-rated basis.

Administrative and Professional Regular Full Time employees not covered by a CBA earn such paid vacation days at the rate of 13.75 hours for each calendar month in the fiscal year completed, but may, subject to approval by the Supervisor, take paid vacation days during that fiscal year before the days are earned (as an advance). However, if the employee uses paid vacation prior to its being earned and then separates for any reason (voluntarily or involuntarily) from such position with the University prior to having earned any vacation days taken in advance, the employee is liable to reimburse the University for those advanced unearned vacation days. That reimbursement is due and payable at the time of the separation and may be offset from the employee's final pay to the extent permitted by law.

3.15.2 All other Employees

The vacation leave accrual for employees covered by an applicable CBA is administered consistently with the terms of the CBA. Regular Full-Time employees not covered by a CBA other than administrative and professional employees accrue 22 working days of paid vacation annually (pro-rated on the basis of a fiscal year ending June 30). Paid vacation leave days may not be taken prior to when they are accrued (earned). Bargaining unit employees should consult the applicable CBA for details regarding vacation leave accrual and usage. Upon approval by the supervisor, vacation may be taken as earned. To the extent a CBA applies, the allocation of vacation preference is handled consistently with any procedures required by the CBA. Unless a CBA provides otherwise, the maximum amount of vacation leave that can be accrued shall not exceed the number of hours equivalent to 44 days (or 330 hours).

3.15.3 Carryover and Forfeiture

Only a maximum of 22 accrued vacation days can be carried over from one fiscal year to the next. All employees must "use" their excess vacation hours/days by June 30th each fiscal year or they will "lose" (forfeit) such

hours/days in excess of the maximum 22-day permitted carry over, unless the special exception below applies. If a supervisor is unable to grant an employee's request to use accrued vacation prior to July 1st because of a business or operational need, the supervisor may allow the employee to carry forward accrued vacation days in excess of the usual maximum 22 days, which excess days must be used no later than September 1st of the new fiscal year as a special exception to the above rule. The supervisor must notify the Director of Human Resources in writing of such allowance prior to June 30th. An employee must be permitted to use vacation that is subject to forfeiture before that September 1st of that subsequent fiscal year.

Direct compensation is not provided in lieu of use of accrued or allotted vacation leave. However, upon termination of employment, direct payment is made to the employee in the equivalent amount of the employee's then-available accrued and unused vacation leave up to the overall maximum of 44 days or 330 hours.

3.15.4 Transfer to Nine-Month Faculty Appointment

A 12-month employee who transfers to a 9-month faculty appointment is eligible to receive direct payment for earned unused vacation leave upon termination of the employee's 12-month appointment so long as the employee meets the other criteria described above. For the purpose of the application of this guideline and the timing of the payment, "termination of employment" shall be construed to mean "termination of the 12-month appointment prior to transfer to the faculty appointment." Payment shall be made only for accrued unused leave earned for continuous service in one or more succeeding 12-month appointments held prior to transfer to the 9-month faculty appointment.

3.16 Personal Leave

Effective July 1, 2009, Regular Full-Time Employees not covered by a CBA may utilize three (3) days of their accrued and unused sick days during each fiscal year for personal reasons. Such paid absence shall be deducted from the employee's accrued sick leave balance. The unused personal leave allotment is not eligible for carryover to the subsequent fiscal year, but will remain as unused sick leave. For example, if an eligible employee at the end of the fiscal year had a balance of 10 accrued and unused sick days, and had not used any days as personal leave, the employee would carry-over the balance of the 10 sick days into the new fiscal year, but would still

be limited to using a maximum of three (3) total personal leave days out of the potential 32 sick days in the new fiscal year.

Some, but not all, CBAs provide for some form of personal leave rights for certain bargaining unit employees. Because of variations between CBAs the details of how much, if any, personal leave time applies to employees covered by a CBA is not summarized here. Unless the CBA expressly provides for such leave, it does not apply. Employees covered by a CBA should consult the terms of the CBA to determine what, if any, such leave applies, or contact HR – Benefits.

Employees must submit a written request for personal leave to their immediate supervisor, which must be approved prior to taking such leave.

Employees are not paid for unused personal leave (or other sick leave) days upon separation from employment for any reason, whether voluntary or involuntary.

3.17 Sick Leave

3.17.1 Administrative and Professional Employees not Under CBA

Administrative and Professional Regular Full Time employees not covered by a CBA are allotted 12 paid sick days (with each day being considered 7.5 hours) per fiscal year (July 1st to June 30th). Employees commencing employment with the University in such a position part way through the fiscal year will be allotted vacation leave on a pro-rated basis.

Administrative and Professional not covered by a CBA earn such paid sick leave days at the rate of one day for each calendar month in the fiscal year completed, but may utilize those paid sick leave days during that fiscal year before the days are earned (as an advance). However, if the employee uses paid sick leave prior to its being earned and then separates for any reason (voluntarily or involuntarily) from such position with the University prior to having earned any sick leave days taken in advance, the employee is liable to reimburse the University for those advanced unearned sick leave days. That reimbursement is due and payable at the time of the separation and may be offset from the employee's final pay to the extent permitted by law.

3.17.2 All other Employees

Except to the extent that an applicable CBA provides otherwise, Regular Full-Time Employees accrue one (1) day (or 7.5 hours) of sick leave per month based on the number of months worked each year. Sick leave may accumulate to a maximum number of hours equivalent to 60 workdays at 7.5 hours per day. Any unused day(s)/hour(s) of sick leave shall be added to the employee's paid sick leave balance, which is recorded on the employee's paycheck stub and payroll record. When an employee resigns, retires, or his/her employment is otherwise terminated with University for any reason, he or she will not be paid for unused sick leave. Employees may utilize accrued sick leave during an approved leave of absence for sickness, but will not be able to stack multiple benefits for the same days. Employees will not be paid in advance for, or be permitted to draw against, sick leave that has not yet been accrued.

NOTE: Personal and/or vacation leave may not be retroactively substituted for sick leave already used and recorded as sick leave on the employee's payroll record.

3.17.3 Physician Certificate Requirement for Extended Sick Leave

Except to the extent provided otherwise by a CBA or prohibited by law, a physician's certificate indicating that an existing medical condition is preventing (or has prevented) an employee from reporting to work may be required to verify illness causing an absence of four (4) consecutive workdays or less, and shall be required for absences of five (5) or more scheduled workdays, or in the event a pattern of absence(s) is evident.

After any absence of five (5) or more consecutive scheduled workdays due to the illness of an employee (or an employee's family member's illness), to the extent permitted by law, the employee is automatically required to present a physician's certificate to HR – Benefits to substantiate the absence, and as a condition of receiving any paid sick leave compensation, in order to substantiate the basis for the missed time, and to establish a date of return to work. Additionally, a physician's certificate may be required in certain circumstances to determine whether the employee is eligible for an extended leave of absence under the Family and Medical Leave Act (FMLA) or any other type of leave. HR – Benefits will provide the employee with the request form, acknowledge receipt of all documents collected from the employee, and notify the employee's immediate supervisor of the status of the leave or absence or return to work clearance.

To the extent permitted by law, the University may request a physician's certificate periodically until the employee is authorized to return to work from an approved leave or absence. All correspondence to the employee will be sent via U.S. Mail to the employee's last known address as documented in his or her personnel record.

3.18 Other Leaves and Absences

3.18.1 Job-Related Illness or Injury

Employees who suffer a disabling work-related injury or illness in the course of employment with the University that causes the employee to be unable to work may be entitled to wage loss benefits to the extent provided for under the terms of the Pennsylvania Workers' Compensation Act, 77 P.S. §§ 1, et. seq. For additional information, see Section 4.5 of this Handbook.

3.18.2 Funeral and Bereavement

Regular Full-Time Employees are eligible for paid funeral or bereavement leave. A maximum of three (3) work days of paid leave may be granted per occurrence in the event of death of an employee's spouse, child, stepchild, parent, stepparent, parent-in-law, sibling, sibling-in-law, grandparent, grandparent-in-law, grandchild, or any relative residing in the employee's household or for whom the employee is the primary caregiver. Employees must submit a written request for bereavement leave to their immediate supervisor for approval prior to taking such leave. Upon request, employees are expected to present official documentation to substantiate paid absence for bereavement.

Other employees, including those working less than required for Regular Full-Time status, are entitled to unpaid leave of up to three (3) calendar days for bereavement for the death of the same types of relatives noted above and subject to the same rules relating to documentation.

3.18.3 Jury Duty

Regular Full-Time Employees who are summoned to court for jury duty during the scheduled workday shall receive regular pay during the time on jury duty. To be paid for such duty, the employee shall present to HR – Benefits the official correspondence from the court within five (5) days of receipt. A credit against such pay in favor of the University equal to the amount of any jury duty pay received from the court shall apply.

Other employees will be excused from work for jury duty, but without pay except to the extent provided by law or the terms of an applicable CBA.

3.18.4 Military Leave

Use of military leave and family leave relating to military events shall be consistent with state and federal laws, including the FMLA.

Upon presentation of proper military orders, an officer, exempt professional, or a faculty member on a 12-month teaching appointment who is a reservist or member of the National Guard is granted 15 working days of leave with pay for regularly scheduled workdays missed to attend training or active service. This leave is not charged to vacation leave. Other classifications of employees are not entitled to such special paid leave except to the extent provided otherwise by an applicable CBA.

An officer of the University, Exempt employee, or faculty member on a 12-month appointment who enters military service is granted military leave without pay until the end of the initial period of service, plus any period of additional service imposed by law. If the employee fails to return to the University after this period or voluntarily extends military service beyond the initial period without notice to the University, the employee is considered, but only to the extent permitted by law, to have resigned.

3.18.5 Discretionary Leave without Pay

Employees may be granted leave, at the discretion of the University, without pay for valid reasons for a period not to exceed 12 months. Such leaves must be approved by the employee's supervisor and the division Vice President or the President or his designee. Generally, leave without pay will not be granted until all vacation leave is exhausted. During periods of leave without pay, except for military leave or other special situations in which the law requires otherwise, the employee will not accrue vacation and sick leave. Prior to such leaves, employees should consult with HR – Benefits regarding potential health insurance COBRA rights and possible effects on benefits.

NOTE: Bargaining Unit employees should consult the applicable CBA for specifications regarding the allotment, usage and administration of vacation, sick and personal leave and extended leave, if applicable.

3.19 Retiree Life Insurance

Upon retirement after 10 consecutive years of Regular Full-Time employment with the University, in its discretion, the University may continue to provide at the University's cost retiree life insurance coverage in the amount of one-half of the employee's annualized salary on his or her date of retirement or a maximum of \$25,000, whichever is less. Such gratuitous benefit may be altered or terminated at any time except to the extent otherwise provided in an applicable CBA.

3.20 Rights Under the Consolidated Omnibus Budget Reconciliation Act ("COBRA")

The Consolidated Omnibus Budget Reconciliation Act of 1985 ("COBRA") is a federal law that requires the University in certain circumstances to offer employees and dependents covered under the University's group health insurance and dental insurance benefits the opportunity to temporarily extend their health and/or dental coverage at the group rates. Continuation coverage is available only when "qualifying events" as defined in that law cause coverage under the University's benefits plan to end. Coverage under COBRA is limited to the health and dental coverage in effect at the time of the qualifying event and must be elected within 60 days of a qualifying event. Some of the most common situations that give COBRA rights are: loss of job (other than for gross misconduct); reduced hours; death of an employee; death or divorce of spouse; death or divorce of parent; or change of status as dependent.

Due to the American Recovery and Reinvestment Act of 2009 (ARRA), signed into law on February 17, 2009, an employee who is an "Assistance Eligible Individual" (AEI) may be eligible to pay only 35 percent of the normal total COBRA premium for the initial period of nine (9) months with a federal subsidy (subject to certain terms and conditions) applying to the remaining 65 percent of the total premium. Generally, an employee is an AEI if he/she meets all of the following criteria:

- a. Eligible for COBRA coverage after September 1, 2008;
- b. Elects COBRA coverage during election period; AND
- c. Is COBRA qualified beneficiary because of an involuntary termination of a covered employee's employment for other than gross misconduct.

Detailed information regarding COBRA/AEI rights is provided to employees outside of this Handbook in a separate notice of COBRA rights.

SECTION IV: COMPENSATION

4.1 Pay Practices

The University establishes and maintains competitive and equitable salary structures and a merit salary review program, which recognizes and rewards employees for their performance and contribution to the success of the University, subject to funding availability. Compensation for employees covered by a CBA is administered according to the applicable CBA.

4.1.1 Paydays

Exempt (salaried) employees are paid monthly – on the last working day of each month. Non-exempt (hourly) employees are paid bi-weekly on every other Friday. When the scheduled payday Friday occurs on a holiday, the actual payday is the day before.

4.1.2 Direct Deposit

All employees hired after March 1, 2005 were, as a condition of employment, required to have their payroll earnings directly deposited in a U.S.-based financial institution of their choice. A Direct Deposit Authorization form may be obtained from HR – Benefits to initiate direct deposit transactions for any University employee. The initial direct deposit payment may take up to two pay periods to go into effect. Failure to provide the University accurate bank routing and account numbers will result delayed payments. The University's goal is to have 100% employee participation in the direct deposit program by July 1, 2010.

4.1.3 Paycheck / Direct Deposit Voucher Distribution

Payroll checks/direct deposit vouchers will be distributed during business hours by the cashier in Vail Hall. Paychecks will be released only to the employee whose name appears on the paycheck, upon presentation of proper identification. Secretaries and departmental staff may obtain payroll vouchers for employees who utilize direct deposit. Employees who elect to obtain paychecks from the cashier must arrange to do so at a time that does not interfere with the employee's work schedule. Any checks/direct deposit voucher remaining in the Cashier's possession at the close of the first business day following the actual payday will be mailed to the employee's last known address on record. Employees may opt to have their paycheck / deposit voucher automatically mailed each pay period by completing the Payroll Check Distribution Authorization form, which can be obtained from HR – Benefits.

4.2 Mandatory Salary Deductions/Withholdings

4.2.1 Income Tax Withholding Allowances

Applicable federal, state, and local income taxes will be withheld from employee earnings according to tax laws and regulations. All new employees must complete an Internal Revenue Service W-4 Form claiming the desired number of allowances. Any changes in tax status, whether through a change in the number of dependents or for other reasons, must be reported on a W-4 Form and submitted to HR - Benefits.

The Payroll Department will facilitate distribution of the annual Wage and Tax Statement (Form W-2) to all employees of the University on or about January 31st and the Foreign Person's U.S. Source Income Subject to Withholding Statement (Form 1042-S) for non-resident aliens on or about March 15th of each year in accordance with federal law.

NOTE: Employees in need of tax advice should contact the IRS or their tax accountant or legal advisor. The University's Payroll and HR staff, administrators, and other University employees are not tax advisors and are not authorized to perform this service.

4.2.2 Payroll Adjustments

In the event that an employee has been erroneously subjected to overpayment or underpayment, the adjustment will be made in the next payroll processing cycle following the discovery of such error.

4.2.3 Garnishments / Wage Assignments

Garnishments are court orders instructing the University to withhold pay from an employee's wages in order to satisfy certain types of debt, such as, but not limited to, child support or taxes, owed by the employee. The University is required by law to process and deduct the amounts indicated on garnishment orders (Writs of Garnishment) based on specific calculation guidelines. When a garnishment order is received, the Payroll Department will attempt to contact the impacted employee by phone, e-mail, or letter. However, depending on the date of receipt of the order, in some cases the employee may not receive this information until payday or later. Questions regarding deduction amounts for garnishments should be directed to the Payroll Department.

4.3 Voluntary Salary Deductions

The University provides an opportunity for employees (if otherwise eligible) to request in writing the following voluntary salary deductions:

- a. University sponsored welfare benefits (Cafeteria Plan election required);
- b. Tax Sheltered Annuity/Deferred University Compensation (University form is required);
- c. U.S. Savings Bonds (Authorization required); and
- d. Association/Union Dues (Dues Check-off Form / Authorization required).

4.4 Holidays

The University observes 13 holidays, except to the extent any applicable CBA provides otherwise. The University calendar will indicate when the University is closed on specific dates to observe the following holidays:

- | | |
|---|--|
| ▪ New Year's Eve | ▪ Labor Day |
| ▪ New Year's Day | ▪ Thanksgiving Day |
| ▪ Dr. Martin Luther King, Jr.'s
Birthday | ▪ Day after Thanksgiving Day |
| ▪ Good Friday | ▪ 2 nd Day before Christmas Day |
| ▪ Memorial Day | ▪ Christmas Eve |
| ▪ Independence Day | ▪ Christmas Day |
| | ▪ Day after Christmas Day |

The hours of a holiday begin at 12:00 a.m. on the day observed and end at 11:59 p.m. that day. Holidays falling on a Saturday will be observed on the previous Friday. Holidays falling on a Sunday will be observed on the following Monday. Employees on an unpaid leave of absence are not entitled to holiday pay.

Absence from work in observance of any holiday not listed above requires prior approval by the employee's immediate supervisor and will be charged first to accrued vacation or personal/sick leave, if applicable, or if no vacation or personal leave is available, will be taken as leave as time off without pay, if approved.

Except as provided in an applicable CBA, Regular Full-Time Employees are paid at their regular daily rate for time not worked on the observed holiday. If an observed holiday falls on a Regular Part-Time Employee's scheduled day to work, he or she will be paid his or her regular daily rate for time not worked on the observed holiday.

If an employee is scheduled to work on a holiday and is absent due to illness, the employee can be paid for that day using his or her available sick time if it is a legitimate sick day eligible for payment under the University's Sick Leave Policy.

If a holiday occurs on an employee's scheduled unpaid day off, he or she will not be paid for such holiday. If a holiday occurs during an employee's scheduled vacation leave, it will be charged as holiday pay with the remainder of the time being charged to the vacation accrual.

NOTE: Employees should examine their paycheck stub to ascertain whether the deductions, leave balances, and salary payment are accurate. Questions and inquiries regarding payroll processing or net pay may be directed to the Payroll Department at 484-365-7420.

4.5 Workers' Compensation

In accordance with applicable law, University employees suffering work-related injury or disease are provided with wage loss and medical treatment benefits, on an insured basis, under a policy issued by a licensed insurance company. Workers' compensation benefits are provided strictly in accordance with the Pennsylvania Workers' Compensation Act, as amended, 77 P.S. § 1, et seq.

NOTE: In the event of a work-related injury, employees must notify their supervisor and HR – Benefits immediately or within 24 hours of the onset of the injury.

In case of a work-related injury or disease within the meaning of the Pennsylvania Workers' Compensation Act, the injured employee will be required to choose a medical provider from the "Panel" on the list provided to employees and made available through HR – Benefits. Questions concerning the current Panel of Providers may be directed to the HR - Benefits.

Generally, employees will be required to continue to be treated by one of the physicians /providers on the Panel list, if the employee needs treatment for a new work-related injury, for 90 days from the date of the first visit for the work injury in order to have it paid as a Workers' Compensation benefit. After this 90-day period, if treatment is still needed, the employee may choose to go to another licensed physician or healthcare provider for treatment for the work-related injury. If this situation should arise, the employee must notify HR – Benefits or the workers' compensation insurance carrier's claims representative ahead of time.

All physicians and/or healthcare providers must file reports with the workers compensation insurer within 21days after the first treatment and at least once a month for as long as treatment continues in order for payment to be considered.

If one of the providers listed in the University's Panel list refers the injured employee to another licensed specialist, the University or its workers compensation insurer will consider payment in accordance with the Act for reasonable bills for these services.

If an employee is faced with an immediate medical emergency, the employee may secure initial assistance from a hospital emergency room of the employee's choice. The employee should then seek subsequent treatment from a licensed physician and/or healthcare provider listed in the University's workers' compensation Panel of providers for the first 90 days from the date of the first treatment for the work injury.

Any lost time because of a work-related injury, accident, or illness that also qualifies as a medical leave of absence will be charged against an eligible employee's leave under FMLA, to the extent permitted by law.

For detailed information regarding workers' compensation benefits, contact HR – Benefits.

4.6 Overtime for Non-Exempt Employees

For non-exempt (hourly) employees, overtime for work assignments may be determined by business or operational needs and must be approved by the immediate supervisor. Employees must seek and receive approval before working overtime. Overtime may be requested either by the non-exempt employee or by the non-exempt employee's immediate supervisor. Except to the extent provided otherwise in a CBA, overtime may be mandatory.

Except to the extent a CBA requires otherwise, a non-exempt employee who works between 37.5 and 40 hours in a typical workweek will receive his or her regular hourly rate of pay for time worked over 37.5 and up to 40 hours. A non-exempt employee who works more than 40 hours in any workweek will be compensated according to the Fair Labor Standards Act and Pennsylvania law under the following condition: an employee who works more than 40 hours in any workweek (Sunday through Saturday) will be paid at a rate of one and one-half time for any hour(s) in excess of 40 or according to the applicable CBA, if different.

Overtime is calculated and paid based on the number of hours actually worked not on sick, vacation, or personal leave. Generally, an employee will not be authorized to work or be paid for voluntary overtime if he/she is absent from work due to illness, personal or vacation on the same day or during the same workweek.

NON-EXEMPT EMPLOYEES MAY NOT WORK ANY OVERTIME UNLESS SUCH OVERTIME IS APPROVED BY THE SUPERVISOR IN ADVANCE.

4.7 Military Reserve/National Guard Service

As a member of the Military Reserves or National Guard, an employee will receive compensation for a maximum of 15 working days per year in order to fulfill annual training commitment. Compensation will be the difference between the employee's normal base salary or regular hourly rate of pay, and the salary paid by the government. The University reserves the right to modify or terminate its compensation and benefits practices for employee Reservists or members of the National Guard. See Section 3.18 for more information on Military Leaves.

APPENDIX: POLICIES

Appendix A1

LINCOLN UNIVERSITY

Policy:	Code of Conduct Enforcement
Policy Number:	HRM – 102
Effective Date:	August 12, 2009
Revisions:	October 1999, August 2011
Next Review Date:	August 2013
Review Officer:	Chief Human Resources Officer
Status:	Approved by President and Active

1. Introduction and Purpose

- 1.1 As stated in the *Code of Conduct at Lincoln University, Revised* ("Code of Conduct") (Attachment 1), made available on the University website at <http://www.lincoln.edu/hr/policiesboard.html>, the University, acting through its Board of Trustees, has enacted a Code of Conduct which shall be enforced by the Office of Human Resources. This Code of Conduct Enforcement directs the implementation of the Code of Conduct. Unless otherwise indicated, the Code of Conduct and this enforcement policy applies to all trustees, officers, administrators, faculty and full-time or part-time employees, athletic coaches and agents of the University and is not intended to detract from or amend any collective bargaining agreement. The Board of Trustees also has promulgated the *Conflict of Interest and Disclosure Policy for the Trustees and Officers of Lincoln University*, which applies to the trustees and officers of the University, and therefore, trustees and officers are required to follow the more restrictive of the two policies.
- 1.2 Lincoln University of the Commonwealth System of Higher Education ("University") recognizes that all members of the University community, trustees, officers, administrators, faculty, and all other employees contribute to the care, well-being, interest, and benefit of the institution, and that the success of the University is dependent upon the ethics of its members.
- 1.3 Members of the University community owe a duty, and are expected, to adhere to the ethical principles of the University Code of Conduct that include, but are not limited to, integrity, honesty, good citizenship, and professional conduct.

- 1.4 University members are encouraged to review the Code of Conduct and this enforcement policy often and should consider any situation where one's actions may reflect poorly on the University's reputation, mission, or responsibility to its students and to seek guidance from the Office of Human Resources if such situation should occur.

2. Applicability

- 2.1 As used in this Code of Conduct, the term "University" includes the whole of the university: each of its campuses, schools, divisions, operating and business units, administration, and Board of Trustees.
- 2.2 The behavior and activity of all members of the University community shall be consistent with the Code of Conduct as well as all applicable University policies and procedures, federal, state (Pennsylvania) and local laws and regulations, and professional standards (hereinafter collectively referred to as "Standards").
- 2.3 Compliance with University policies and procedures, including this enforcement policy, whether or not specifically addressed herein, is the duty of all members of the University community. Non-compliance should be reported to a supervisor, the Office of the Internal Auditor or the Office of Human Resources.

3. Ethical Principles and Relevant Standards

3.1 Administrative and Academic Integrity

- 3.1.1. The University is committed to upholding its ethical principles by charging individuals responsible for conducting the affairs of the University and administering its policies and procedures with the duty to perform in a fair, honest, and consistent fashion, without regard to personal bias.
- 3.1.2. Honest Communication. The University expects honesty and cooperation from employees in the performance of job responsibilities that may include communication with attorneys, auditors, and consultants and proper management of University property and proprietary information. No member of the University community shall make false or misleading statements to any student, employee, person, or entity doing business, or seeking to do business, with the University.

3.2 Business and Professional Ethics

Those representing the interests of the University shall exercise sound judgment and exemplify professionalism in all aspects. The University encourages fair and honest business practices.

3.2.1 Ethical Responsibility. The University is committed to upholding the highest standards of business ethics and integrity. Members of the University community will represent accurately and honestly the University and will not engage in any activity or scheme intended to defraud or unfairly deprive anyone of money, property, or services. Professional employees of the University have a duty to perform in full compliance with all applicable professional and business standards.

3.2.2 Procurement Standards. Officers and employees with procurement responsibilities, in addition to this Code of Conduct, should review and follow the Code of Ethics established by the National Association of Educational Procurement ("NAEP"), which may be found at <http://www1.naepnet.org/abcode.shtml>.

3.2.3 Statement of Financial Disclosure. All officers and employees with the authority to commit University funds shall file a Statement of Financial Disclosure as required by the University (Attachment 2) in the Office of Human Resources. Said Statement must be returned to the University within ten days of receipt of the request.

3.2.4 Intercollegiate Athletics. All members of the University community responsible for dealing with student athletes have an obligation to understand and comply with the rules and regulations established by the National Collegiate Athletic Association ("NCAA") and the University regarding eligibility and administration of student athletes. See the Coaches Compliance Manual for Division II Athletics in the Department of Athletics or visit: http://www.lulions.com/sports/2009/1/22/GEN_0122095825.aspx.

3.3 Confidentiality

The University is devoted to ensuring the confidentiality of any information entrusted to the University, in accordance with appropriate ethical, legal, and professional standards. Each member of the University community has an obligation to actively protect and safeguard confidential, sensitive, and proprietary information in a manner designed to prevent the unauthorized disclosure of information. Sensitive and proprietary information includes, but is not limited to, Business or Scientific Information, Proprietary Information, Educational Records, Personnel Records, and any other Personally Identifiable Information.

3.4 Conflict of Interest

All members of the University community are expected to carry out their individual employment responsibilities with the highest level of integrity and ethical behavior by discharging such duties in the best interests of the University. The University's policy governing conflict of interest is defined in Section 4 of this policy and discussed in more detail in the Code of Conduct.

3.5 Legal Compliance

The University is committed to ensuring that all business conducted in the interest of or on behalf of the University is in full compliance with the law and the official policies of the University. As a state-related institution of higher education, the University has a legal and ethical obligation to act in compliance with applicable laws, to ensure furtherance of its charitable purpose through use of its resources in a manner that contributes to the common good. Legal Compliance Standards include, but are not limited to, adherence to applicable laws, rules and regulations regarding its public purpose and non-profit status, laws regulating lobbying and/or political activity, environmental concerns, discrimination, and criminal law.

3.6 Fostering Diversity

The University is committed to encouraging an atmosphere of mutual respect that is tolerant and welcoming of diversity in which people of differing perspectives respect one another as valuable individuals.

3.7 Protection of Assets

The University is committed to the preservation, protection, and enhancement of the University's assets by making prudent and effective use of University resources and property. Standards for Protection of Assets include, but are not limited to, internal controls, accurate financial reporting, financial disclosure statements, accurate recording and reporting of travel and entertainment expenses, and personal use of University assets.

4. **Conflict of Interests**

It is essential that everyone within the University community including trustees, officers, and employees act only in the best interests of the University at all times and avoid behavior that involves either a real conflict of interest, or any appearance of a conflict of interest, especially under circumstances where personal use of a University affiliation may or appears to be a means of furthering personal gain. A conflict of interest occurs when a member of the University community uses the authority of his office or employment or any confidential information received in holding the office or employment for his private pecuniary benefit or for that of a member of his immediate family or a business with which he or a member of his immediate family is associated. The term "immediate family" includes a parent, spouse, child, or sibling.

5. **Administration and Application of the Code of Conduct**

Each member of the University community is expected to abide by the Ethical Principles and University Standards set forth herein in conducting business on behalf of the University. All members of the University community are expected to report any activity or practice that may violate any standard or principle to their supervisor, the Office of the Internal Auditor or the Office of Human Resources. An individual acting in good faith will be protected from any retaliation. Nothing in this Code of Conduct is intended to or shall be construed as providing any additional employment or contract rights to any member of the University community.

6. **Enforcement**

6.1 Every officer or employee subject to the Code of Conduct is required to read the Code of Conduct and sign a statement to that effect (Attachment 3).

- 6.2 Failure to abide by the Code of Conduct may lead to disciplinary action or termination of employment. In the event that an employee or agent is covered by the terms of a collective bargaining agreement, discipline shall be administered in accordance with the provisions of the applicable collective bargaining agreement.
- 6.3 The University will not hesitate to take appropriate personnel action if there is evidence that substantiates that an employee has engaged in conduct that is unlawful, inappropriate, or unacceptable, including in certain circumstances improper off-duty conduct that may be relevant to the employee's suitability for his or her position at the University.

Questions about this policy may be addressed to:

***The Office of Human Resources
Lincoln University
PO Box 179, 1570 Baltimore Pike
Lincoln University, PA 19352
484-365-8059***

Attachment 1:

CODE OF CONDUCT AT LINCOLN UNIVERSITY, REVISED

Preamble

Recognizing the importance of the University in the Commonwealth's and the Nation's system of higher education, the University, acting through its Board of Trustees, promulgates this Code of Conduct. Unless otherwise indicated, the various provisions of this Code apply to all officers, administrators, faculty, and full-time or part-time employees of the University. Because certain University functions such as procurement have a particularly high level of vulnerability, they are dealt with in greater detail. This policy is not meant to detract from or amend any collective bargaining agreement.

Conflicts of Interest

1. **General.** It is essential that everyone within the University community including trustees, officers, and employees act only in the best interests of the University at all times and avoid behavior that involves either a real conflict of interest, or any appearance of a conflict of interest, especially under circumstances where personal use of a University affiliation may or appears to be a means of furthering personal gain. A conflict of interest occurs when a member of the University community uses the authority of his office or employment or any confidential information received in holding the office or employment for his private pecuniary benefit or for that of a member of his Immediate Family or a business with which he or a member of his Immediate Family is associated. Immediate Family includes a parent, spouse, child, or sibling.
2. **Conflicting Financial Interests (General).** If an officer or employee has any power to Approve or Disapprove a Transaction proposed to be entered into between the University and any Entity that has a Significant Relationship to that officer or employee, or his Immediate Family, he has a potential conflict of interest and may not participate in the process of leading to the Approval or Disapproval of the Transaction unless the underlying facts giving rise to the potential conflict of interest are disclosed and approval for participation is obtained in writing from the individual's supervisor. Disclosure shall be in writing to the supervisor and the officer or employee can continue to participate in the Transaction only on terms approved in writing by the supervisor. A Transaction includes a contract, purchase order or similar commitment of funds or resources by the University. Approve or Disapprove means execution or a decision not to execute a University Purchase Requisition, Check Request, or Purchase Order of Contract. An Entity includes an individual, corporation, partnership, association, or similar legal Entity. A Significant Relationship exists if a person is a director, trustee, officer, or employee of, a partner or member in, or has a Material Financial Interest in the Entity in question. A Material Financial Interest is subject to review but, at a minimum, would include a

situation where the employee or officer owns more than 1% of the outstanding capital (whether debt or equity) of a firm or corporation or has any interest in a partnership or association.

3. Acquisition from Related Parties. The University shall not knowingly solicit or acquire goods or services from any supplier or contractor that has a Significant Relationship to any officer or employee that Approves or Disapproves a Transaction with the supplier or contractor, or any employee in the Purchase Department with authority to contract or his Immediate Family. The President of the University must approve any exception in writing of any Transaction from a related party prior to the issuance of a Purchase Order or other financial commitment on the part of the University. If the President is the officer involved in the Transaction, approval of an exception must be by the Board of Trustees.

Outside Employment

In general, no officer or employee shall have outside employment that is inconsistent with his status as an officer or employee of the University. Moreover, no officer or employee may work for a supplier or contractor of the University. See also Conflicts of Interest, #3, Acquisition from Related Parties. The University will, in the final analysis, determine what outside employment is inconsistent with University interests. Extramural activities by the Faculty are specifically covered by the Collective Bargaining Agreement between the University and the Faculty.

Gifts

1. Except as noted in paragraphs #2 & #3 below, no officer or employee shall accept entertainment, gifts, or favors provided by any person with whom the University has business dealings under circumstances, which would suggest that the donor intends to influence the judgment or conduct of the University officer or employee. Gifts or favors should never be solicited by a University officer or employee. Business dealings include not only present dealings but also where the person seeks to have business dealings.
2. Officers or employees may accept unsolicited advertising or promotional materials, such as pens, pencils, notepads, calendars, and other similar items of nominal intrinsic value. In addition, tickets to entertainment events (offered without the expectation of compensation or special consideration) may be accepted, provided that approval of acceptance by the officer or employee is received in writing from his supervisor. Under such circumstances, the supervisor shall determine whether there appears to be or there is the possibility of there being any influence on any existing or potential business dealings before acceptance is approved.
3. Acceptance of food and refreshment of nominal value on an infrequent, reciprocal basis in the ordinary course of a meeting is permitted.

4. University departments may provide a gift to an officer or employee or an officer's or employee's Immediate Family based upon the University officer or employee relationship under the following circumstances:
 - The departure of a long-time officer or employee.
 - Retirement of the officer or employee.
 - Illness of an officer or employee requiring hospitalization.
 - Death of an officer or employee or the officer or employee's Immediate Family member.
 - Recognition of outstanding performance.

5. No University officer or employee may accept the use of supplier or contractor property, transportation, travel packages, seminars (except those open to the general public), or similar favors unless prior supervisory approval has been sought and received in writing. In the case of the President, prior supervisory approval is by the Board of Trustees. Supplier or contractor includes not only current suppliers or contractors but also those seeking to become suppliers or contractors. Officers and employees may receive bona fide reimbursement for actual expenses for travel and necessary subsistence when it is compatible with other restrictions set forth in this Code of Conduct and for which no reimbursement is received from the University. However, an officer or employee may not be reimbursed for excess personal living expenses, gifts, entertainment, or other personal benefits, nor may an officer or employee be reimbursed for travel while on Official University business.

6. Reimbursement of Faculty expenses for attendance and participation at professional conferences or meeting is addressed in the Collective Bargaining Agreement between the University and the Faculty. Faculty reimbursement for transportation, subsistence lodging, and registration fees is also addressed in the Collective Bargaining Agreement between the University and the Faculty.

7. As a leading academic institution, the University encourages its members to participate in various extramural activities outside the employment setting that may bring professional and personal growth to the University, its departments and the individual. Whenever the University's name is attached, intentionally or otherwise, to the pursuit of these activities, there is at least the potential for portraying the University in an unfavorable light. For example, improperly suggesting that the University lends its support to a commercial endeavor. When in doubt, individuals are expected to contact their supervisor or department head before making commitments that may later have to be disavowed.

Use of Confidential Information

A conflict of interest exists when an officer or employee or his Immediate Family use for personal gain or for the benefit of others any confidential information obtained by the officer or employee as a result of his employment with the University. Information related to Transactions is particularly sensitive. Designs, operational procedures, technical information and pricing practices of suppliers and contractors with the University constitute commercial assets of those entities and as such, any direct or indirect use or disclosure of a supplier or contractor's protected data by a University officer or employee, except for official business, is unethical and prohibited by this Policy.

Misuse of University Property and Misappropriation of Business Opportunities

No officer or employee of the University shall use any University equipment, supplies, or property for his own private gain or for other than officially designated purposes. Officially designated purposes include occupancy by the President of the official residence and unrestricted use of an automobile. In addition, a conflict of interest exist when an officer or employee, without the knowledge and consent of the University, appropriates to himself or to another, the benefits of any business venture, idea, opportunity or potential opportunity about which such officer or employee learned or developed in the course of his employment, which is related to the current or prospective business of the University.

Special Provisions for Officers and Employees in the Purchasing Department

All officers and employees in the Purchasing Department are required to have a particularly highly developed sense of professional ethics. This is because these officers and employees are in a position to commit substantial University funds or to withhold substantial funds and rewards from suppliers or contractors who service the University. Officers and employees in the Purchasing Department, in addition to this Code of Conduct, should review and follow the Code of Ethics established by the National Association of Educational Buyers ("NAEB"), which is attached hereto and made a part hereof. The 12 tenants of the NAEB Code of Ethics repeat and reinforce many of the specific concepts contained in the University's Code of Conduct.

Statement of Financial Disclosure

All officers of the University and employees in the Purchasing Department with authority to commit University funds are required annually to file with Counsel for the University, a Statement of Financial Disclosure. The officer positions of the University are included as an attachment to this Code.

Enforcement

Any officer or employee, who refuses or fails to comply with this Code of Conduct, including the filing of a Statement of Financial Disclosure, where required, shall be subject to disciplinary action including, but not limited to, reprimands, suspensions and termination. Every officer or employee subject to this Code of Conduct shall be required, on an annual basis, to read the Code of Conduct and sign a statement to that effect. Each newly appointed officer and employee hired shall do the same at the time of appointment or hire.

Attachment 2:

LINCOLN UNIVERSITY STATEMENT OF FINANCIAL INTEREST

Instructions:

1. To be completed by President, Vice Presidents, Controller, and employees in the Purchasing Department with authority to commit University funds.
2. Review entire form before completing any items.
3. Complete all sections, indicating NONE or N/A where applicable. The information is to be typewritten or completed in print, using a black or blue ballpoint pen.
4. If additional space is necessary, provide information in the same format on 8 ½ x 11 sheet(s) and securely attach them to this form.
5. Make and retain the completed copy of this statement.
6. FILING PERIODS: Information requested is to cover the preceding calendar year.

TO BE COMPLETED BY OFFICER OR EMPLOYEE

Name of Employee: _____

Title/Department: _____

Home Address: _____

Business Phone: _____ Home Phone: _____

PERSONAL AND BUSINESS INTERESTS

List all ownerships, interests, whether or not financial, in any business entity, including board positions held, whether paid or unpaid, profit or not-for-profit, during the preceding calendar year. Financial interests may include stocks, bonds, notes, employment/consulting agreements or other forms of ownership or entitlement. Exclude investments in any publicly traded corporation where you own less than 1% of the outstanding capital (debt or equity). Use additional sheets to record required information as necessary.

Name and address of the principal office of the business entity (ies). _____

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Nature/Description and estimated value of interest(s), including conditions, liens and encumbrances, etc., if any, in any business entity (ies). _____

EMPLOYMENT

List all payments, compensation, or consideration of any nature (including but not limited to salaried employment, consultant fees, offices, directorships, honoraria, travel/related expenses and other fees, severance payments, etc) earned during the preceding calendar year, excluding University employment.

Name/Address of person(s) and/or entity(ies), for whom the service(s) were, are or will be rendered. _____

Title/Description of service(s). _____

Period(s) of time during which serves were, are or will be rendered. _____

Total amount of monies, compensation, consideration received. _____

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GIFTS

List all gifts of value in excess of \$100 from vendors and contractors of the University, including the forgiveness of debt received during the preceding calendar year. For the purpose of this section, gifts received from family members need not be disclosed.

Name/Address of the person(s)/entity(ies) from whom or on behalf of whom the gift was directly or indirectly received. _____

Nature and value of gift(s). _____

CERTIFICATION

I HEREBY CERTIFY THAT THE INFORMATION PRESENTED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, AND IS PROVIDED IN COMPLIANCE WITH THE UNIVERSITY'S CODE OF CONDUCT ENFORCEMENT.

Signature

Date

ACKNOWLEDGEMENT OF NEW OR REVISED POLICY

The policy contained herein is only a summary and is not all-inclusive. Supervisors must still manage day-to-day activities and make policy decisions where there are, at times, no strict guidelines. This policy is not to be interpreted as a legal document or an employment contract. Employment with the University is at the sole discretion of the University and does not change the employment at-will relationship with the University, nor does it affect the contractual relationship of those employees subjected to a collective bargaining agreement. Nothing in this personnel policy constitutes an expressed or implied contract or assurance of continued employment.

I acknowledge that I have received the following new or revised policy.

Policy name: Revised Code of Conduct at Lincoln University

I understand that it is my responsibility to read and comply with this policy. I further understand that I should consult with the Office of Human Resources regarding any questions raised by this policy.

The University reserves the right to alter, change, add to, delete from, or delete any policy or procedure at any time.

Understood and agreed:

Employee's Name Printed

Employee's Signature

Date

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Appendix A2

LINCOLN UNIVERSITY

Policy:	No Smoking and Tobacco Use
Policy Number:	HRM – 109
Effective Date:	October 2008
Revision(s):	February 2004, April 2008, former title, “Smoking Policy”, August 2011
Next Review Date:	August 2013
Review Officer:	Chief Human Resources Officer
Status:	Approved by President and Active

1. Policy

- 1.1. It is the policy of Lincoln University (“University”) to comply with the Pennsylvania Clean Indoor Air Act, which prohibits smoking in public places, and actively promotes healthy learning and work environments free from the harmful effects of second hand tobacco smoke.
- 1.2. The success of this policy depends on the thoughtfulness, consideration and cooperation of everyone on campus. It is expected that all understand the University’s concerns for the health and safety of the University community and its desire to have a campus that is free of smoking debris. Therefore, as reasonable and courteous persons, any and all individuals present on the University’s campus will share in the responsibility for adhering to this policy and are free to remind others of it. If necessary, any member of the campus community may refer recurring problems to the attention of Office of Human Resources.

2. Applicability

- 2.1. This policy applies to all University faculty, staff, students, vendors, contractors and visitors.

3. Definitions

- 3.1. *Smoking.* The carrying by a person of a lighted cigar, cigarette, pipe or other lighted smoking device.
- 3.2. *Tobacco products.* Any item or object that contains tobacco including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, or smokeless tobacco.

4. General

- 4.1. The University prohibits smoking or carrying of lighted tobacco products in all indoor facilities, all building stairwells, hallways, restrooms, fire escapes, University owned/leased vehicles, outdoor athletic/recreation facilities, and during all University-sponsored indoor or outdoor events.
- 4.2. Smoking or the use of tobacco products is permitted only in designated outdoor areas beyond 50 feet of any building entrance. All smoking materials must be properly extinguished and placed only in designated receptacles. A campus map displaying areas restricted from smoking as well as areas that are acceptable for smoking and designated receptacles for disposal of cigarette/cigar butts shall be posted on the University website and made generally available.
- 4.3. Smoking or the use of tobacco products is prohibited by University employees, vendors, contractors, and visitors when working or conducting business on behalf of the University; and by all game personnel (coaches, trainers, managers and game officials) in all sports during practice and competition.
- 4.4. The University shall foster educational programming and encourage participation in smoking cessation programs.

5. Dissemination of Policy

- 5.1. The policy shall be disseminated to all employees within the University and published on the University's Internet website.
- 5.2. Employees with questions or issues related to smoking and tobacco use in the workplace should raise their concerns with their supervisor or the Chief Human Resources Officer without fear of reprisal.

6. Enforcement

- 6.1. It is the responsibility of each University employee to comply with the provisions of this policy and to ensure that each visitor to the University campuses complies with the provisions of this policy.
- 6.2. It is the responsibility of the President, vice presidents, directors, deans, managers, department chairs, and supervisors for ensuring the implementation of the policy within their assigned areas of oversight.

- 6.3. Employees violating the policy will be subject to disciplinary action, which may lead to termination of employment.
- 6.4. Students violating the policy shall be referred to the Office of Student Affairs or the Department of Public Safety.
- 6.5. All other individuals violating the policy shall be referred to the Department of Public Safety and subject to a penalty as determined by Pennsylvania state law.

References

Pennsylvania Clean Indoor Air Act
PA ST 35 P.S. § 637.1 et seq.
NCAA Bylaw, Article 11.1.5

Questions regarding this policy may be addressed to:

The Office of Human Resources
Lincoln University
1570 Baltimore Pike
Lincoln Hall – 4th Floor
Lincoln University, PA 19352
484-365-8059

Appendix A3

LINCOLN UNIVERSITY

Policy:	Substance Abuse Prevention
Policy Number:	HRM - 113
Effective Date:	October 2008
Revisions:	February 2004, April 2000, former title "Drug and Alcohol Use", August 2011
Next Review Date:	August 2013
Review Officer:	Chief Human Resources Officer
Status:	Approved by President and Active

1. Policy

- 1.1. It is the policy of Lincoln University ("University") to adhere to local, state, and federal laws regarding the use, possession and sales/furnishing of alcohol and/or illegal drugs on its premises. Additionally, the University fully subscribes to the provisions of the Drug-Free Workplace Act of 1988.
- 1.2. The purpose of the policy is to provide University employees with guidelines prohibiting drug and alcoholic beverage use on University premises, during the normal course of employment, or while conducting University business. The policy also outlines the methods for maintaining a work environment free from the effect of alcohol or drug abuse or other substances that adversely affect or interfere with an employee's ability to perform the essential functions of their job.

2. Applicability

- 2.1. This policy shall apply to all members of the University community including faculty, staff (employees), students, volunteers, contractors and visitors.

3. Definitions

- 3.1. *Addiction.* A compulsive physiological need for alcohol or an illegal drug.
- 3.2. *Alcohol or Alcoholic Beverage.* Any beverage containing one-half of one percent or more of alcohol by volume.
- 3.3. *Drug(s).* Any legal or illegal substance (including over-the-counter medication, prescribed medication, alcoholic beverages, non-prescribed controlled substances, or any other substances) which potentially affects the employee's productivity and ability to perform duties or which potentially affects the safety and/or well being of the employee or others.

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The term "illegal drug(s)" shall not be defined to mean the use of a controlled substance pursuant to a valid prescription or other uses authorized by law.

- 3.4. *Substance Abuse.* The use or misuse of any drug or alcohol in a manner which may reduce employee effectiveness or pose an unsafe condition in the work or learning environment.

4. General

- 4.1. All employees, including student employees, are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner. Employees shall not report to work or be subject to duty while their ability to perform job duties is impaired due to on- or off-duty use of alcohol or other drugs. Employees are expected to follow established departmental guidelines for reporting absence from work.
- 4.2. The University strictly prohibits the selling, purchasing, dispensing, manufacturing, distributing, diverting, stealing, using, possessing and/or being under the influence of non-medically indicated prescription or non-prescription drugs or illegal substances, and/or alcohol on University premises, while working, or while conducting University business.
 - 4.2.1. Alcohol shall not be served on University property, except in designated areas or during special events approved by the President. No minor (person under age 21) shall be served alcoholic beverages at University approved events.
- 4.3. The University shall establish and maintain guidelines and procedures to ensure compliance with Pennsylvania state law, which prohibits furnishing alcohol to minors, underage alcohol possession and drinking, and consuming or possessing an open alcoholic beverage in public.
- 4.4. The legal use of prescribed drugs is permitted by an employee while working only if such use does not adversely impact his/her ability to perform assigned job functions and does not endanger him/her or other individuals in the workplace or learning environment.
- 4.5. The University retains the right to administer pre-employment drug and post-hire confirmatory testing for cause. The procedure administering confirmatory testing shall be maintained in the Office of Human Resources.

- 4.6. Under the Drug-Free Workplace Act, an employee who performs work for a government contract and is convicted under a criminal drug statute for a violation of such statute shall within five (5) days of such conviction, notify the Chief Human Resources Officer.
- 4.7. Employees with problems relating to substance abuse that have not resulted in, and are not the immediate subject of disciplinary action may request approval to take unpaid time off to participate in a rehabilitation or treatment program. An approved leave may be granted if the employee agrees to abstain from use of the problem substance; abides by all University policies, rules, and prohibitions relating to conduct in the workplace; and if granting the leave will not cause the University any undue hardship.
- 4.8. An employee who has been removed voluntarily or otherwise from his or her job assignment due to drug or alcohol abuse must agree to be tested on a random and discretionary basis any time for up to twelve (12) months from the return to work date.
- 4.9. The University shall foster educational programming and encourage participation in substance abuse prevention programs.

5. Dissemination of Policy

- 5.1. The policy shall be disseminated to all employees within the University and published on the University's Internet website.
- 5.2. Employees with questions on **this policy** should raise their concerns with their supervisor or the Chief Human Resources Officer without fear of reprisal.
- 5.3. Employees with questions or concerns about substance dependency or abuse are encouraged to use the resources of the University's Employee Assistance Program.

6. Enforcement

- 6.1. Each University employee shall comply with the provisions of the policy and ensure that each visitor to the University campuses complies with the provisions of this policy.
- 6.2. The University President, each vice president, director, dean, manager, department chair, or supervisor shall ensure the enforcement of the policy within his or her assigned area(s) of oversight. Additionally, all of the

above shall receive training to help him/her recognize and manage employees with substance abuse problems.

- 6.3. Employees violating the policy shall be subject to required participation in a substance abuse rehabilitation or treatment program or disciplinary action, in accordance with University policy and/or applicable collective bargaining agreements, which may lead to termination of employment. Additionally, such violation may have legal consequences.
- 6.4. Students violating the policy shall be referred to the Office of Student Affairs or the Department of Public Safety.
- 6.5. All other individuals violating the policy shall be referred to the Department of Public Safety and subject to a penalty as determined by Pennsylvania state law.

References

Drug Free Schools and Communities Act Amendments of 1989
Drug Free Workplace Act of 1988
Substance Abuse and Mental Health Services Association

Questions regarding this policy may be addressed to:

The Office of Human Resources
Lincoln University
1570 Baltimore Pike
Lincoln Hall – 4th Floor
Lincoln University, PA 19352
484-365-8059

Appendix A4

LINCOLN UNIVERSITY

Procedure: **Confirmatory Testing for Substance Abuse**
Procedure Number: **HRM – 113p**
Effective Date: **October 2008**
Revisions:
Review Officer: **Chief Human Resources Officer**

1. Purpose

- 1.1. It is the intent of Lincoln University ("University") to define and describe the standards governing its substance abuse detection and employee assistance program.

2. Reference

- 2.1. Policy 113, Substance Abuse Prevention

3. Applicability

- 3.1. The procedure shall be applicable to all University employees.

4. Definitions

- 4.1. *Chain of Custody:* The written guidelines and documentation which account for the identification and integrity of specimen provided by an employee by tracking its handling and storage from point of specimen collection to final disposition of the specimen.
- 4.2. *Confirmatory Testing:* A second analytical test to identify the presence of a specific drug or metabolite.
- 4.3. *Medical Review Officer:* A licensed physician with knowledge of substance abuse disorders who performs a final review of all drug test results in order to determine whether there is a possible alternate medical explanation of a confirmed, positive drug test result.
- 4.4. *Positive Test:* Any specimen which, upon laboratory analysis, is found to contain an amount of an illegal drug greater than or equal to an established threshold level for that drug or drug metabolite.

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5. Procedure

- 5.1. Confirmatory testing will be conducted according to the Substance Abuse and Mental Health Services Administration (SAMHSA) guidelines where applicable and will include a screening test; a confirmation test; the opportunity for a split sample; review by a Medical Review Officer ("MRO"), including the opportunity for employees who test positive to provide a legitimate medical explanation, such as a physician's prescription, for the positive result; and a documented chain of custody.
- 5.2. Types of Confirmatory Testing:
 - 5.1.1. *Pre-employment:* Testing that is part of the application process before an offer of employment is made, but before hiring actually occurs (a so-called "conditional offer of employment"); or testing that occurs sometime soon after the individual begins work, but passing the drug test is made a condition of employment (i.e., even though the individual is already working, his or her hiring will not become final unless the individual passes the required drug test).
 - 5.1.2. *Post-Accident:* This testing of an employee who is involved in an on-the-job accident or work-related injury (vehicle or otherwise) which may have involved human error, and which causes a fatality, a serious injury, lost work time, or significant property damage.
 - 5.1.3. *For-Cause:* This is synonymous with "probable cause" and "reasonable suspicion" testing. Typically, the "cause" required is an objective, factual, individualized basis for testing, such as when an employee's behavior or physical appearance suggests drug or alcohol use or possession of drugs or alcohol, or there are other indications of a violation of the University's substance-abuse prevention Policy 702.
- 5.2. The supervisor who determines that there is cause for testing an employee shall notify promptly the Chief Human Resources Officer or designee and prepare a written report listing the objective factors which support the supervisor's determination.
- 5.3. When an employee is tested for cause or post-accident, the employee shall be suspended with pay pending the results of the test. There shall be no discipline imposed against the employee in the absence of confirmatory testing results.

- 5.4. The substances that will be tested for are: Amphetamines, Cannabinoids (THC), Cocaine, Opiates, Phencyclidine (PCP), Alcohol, Barbiturates, Benzodiazepines, Methaqualone, Methadone and Propoxyphene.
- 5.5. Testing for the presence of alcohol shall be conducted by analysis of breath or saliva.
- 5.6. Testing for the presence of the metabolites of drugs shall be conducted by the analysis of urine.
- 5.7. Documents containing employee testing information shall be maintained in separate confidential personnel records.

6. Consequences

- 6.1. An employee who tests positive will be immediately removed from duty, referred to a substance abuse professional for assessment and recommendations, required to successfully complete recommended rehabilitation. An employee shall be subject to termination of his/her employment if he/she tests positive a second time or violates the terms and conditions for returning to work.
- 6.2. An employee will be subject to the same consequences of a positive test if he/she refuses the screening or the test, adulterates or dilutes the specimen, substitutes the specimen with that from another person or sends an imposter, will not sign the required forms or refuses to cooperate in the testing process in such a way that prevents completion of the test.
- 6.3. Nothing in this procedure prohibits the employee from being disciplined or discharged for other violations and/or performance problems.

7. Employee Assistance for Substance Abuse

- 7.1. The University recognizes that substance abuse and alcohol and drug addiction are treatable illnesses. Further, the University realizes that early intervention and support improve the success of rehabilitation. Whenever feasible, the University will assist current employees in overcoming drug or alcohol addiction and/or abuse. However, the decision to seek diagnosis and accept treatment is primarily the employee's responsibility. Employees with alcohol or drug abuse problems may request the confidential assistance of a Human Resources Department Administrator who will refer the employee to the appropriate counseling and treatment services through the University's employee assistance program.

- 7.2. Employees are encouraged to utilize the services of qualified professionals in the community to assess the seriousness of suspected drug or alcohol problems and identify appropriate sources of help. Employees may seek help without the approval of their supervisor. Employees who voluntarily request assistance in dealing with an alcohol or drug abuse problem may do so without jeopardizing their continued employment. Information disclosed in the process of seeking assistance will not serve as a basis of a disciplinary action.
- 7.3. Employees may be authorized to use accrued paid leave while seeking treatment for alcohol and other drug problems. For regular full-time or part-time benefited employees, treatment for alcoholism and/or other drug use disorders may be covered by the University's employee benefit plan in which the employee is enrolled. However, the ultimate financial responsibility for recommended treatment belongs to the employee.
- 7.4. If an employee seeks assistance (beyond merely asking for a referral to appropriate counseling or treatment services), and is referred to a rehabilitation program, the employee must provide proof of enrollment in an approved alcohol or drug abuse rehabilitation program and attendance at all required sessions, and pay for all costs of rehabilitation, which are not covered by the employee's health insurance plan. However, if an employee fails to complete a prescribed program for substance abuse / addiction treatment by an approved provider, the employee will be subject to disciplinary action or termination of employment. Disciplinary action for violation of this policy will not be reduced if an employee requests assistance after being asked to submit to confirmatory testing.
- 7.5. Employees with substance abuse problems that have not resulted in and/or are not the immediate subject of, disciplinary action may request approval to take unpaid time off to participate in a rehabilitation or treatment program. Leave may be granted if the employee agrees to abstain from use of the problem substance; complies with all Lincoln policies, rules, and prohibitions relating to conduct in the workplace; and if granting the leave will not cause Lincoln any undue hardship.

8. Confidentiality

- 8.1. All information received by the University as a result of Policy 702 is confidential communication. Access to or disclosure of this information shall be limited to those who have a legitimate need to know in or to comply with relevant laws and University policies.

Lincoln University
Department of Human Resources

**GENERAL GUIDELINES, CONFIDENTIAL MEDICAL QUESTIONNAIRE AND
VERIFICATION OF CONSENT FOR SUBSTANCE ABUSE CONFIRMATORY TESTING**

GENERAL GUIDELINES

Right to a Representative

An employee has the right to request an opportunity to talk to a representative prior to signing this consent. However, the University will wait no more than 30 minutes for such a representative to appear. If the presence of another employee is requested, then the University will provide coverage so that the employee is available within 30 minutes.

Providing the Specimen

The Supervisor or designee will transport the employee to the collection site. NOTE: The cost associated with confirmatory testing and results reporting shall be paid by the University. An employee must provide a specimen as required and specified by the University's designated test collector.

Accuracy of Test Results

The University has retained the alcohol and drug testing services of a testing laboratory that it meets the highest professional standards according to the Substance Abuse and Mental Health Services Administration (SAMHSA). The scientific and medical communities uniformly agree that the combination of tests and the chain of custody used by the test collector preserve the integrity of the specimen and produces extremely accurate results.

Confidentiality

Test results are highly confidential and are only disclosed to the Chief Human Resources Officer or designee. In the event of positive confirmatory test results, the employee's immediate supervisor and/or department administrator will be notified and personnel action will be taken against the employee.

Refusal to Submit to Confirmatory Test

If an employee refuses to sign the consent form and/or submit to the confirmatory test, appropriate personnel action shall be taken against the employee.

CONFIDENTIAL MEDICAL QUESTIONNAIRE

If you have taken any prescription or over-the-counter medication in the last thirty (30) days, please list the name and indicate whether or not your healthcare provider has prescribed such medication:

Exact Name of Medication	Name of Healthcare Provider if Medication is a Prescription

Addiction to a controlled substance(s) may be a legally protected handicap under federal, state or local laws. Are you addicted to alcohol or drugs? Check one: Yes No

VERIFICATION OF CONSENT

The information I have provided on this form is accurate to the best of my knowledge and may be verified by the University. I hereby consent to provide blood and urine specimens, and consent to the testing of specimens by the University's designated collector. I further authorize the release of the test results and any other related medical information to the physician retained by the University to review the test results.

Employee's Name

Employee's Signature

Date

Witness Verification

I verify that I read to and reviewed this consent form with _____
Employee's Name

Witness' Name and Title

Witness Signature

Date

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Appendix A5

LINCOLN UNIVERSITY

Policy:	Leaves and Absences Under the Family And Medical Leave Act ("FMLA")
Policy Number:	HRM – 111
Effective Date:	January 16, 2009
Inception Date:	1993
Revisions:	August 2011
Next Review Date:	August 2013
Review Officer:	Chief Human Resources Officer
Status:	Approved by President and Active

1. Introduction

- 1.1. It is the policy of Lincoln University to fully comply with, and provide leaves to eligible employees in accordance with, the requirements of the Family and Medical Leave Act of 1993, as amended, and the regulations thereunder (hereinafter collectively referred to as "the FMLA").
- 1.2. This Lincoln University FMLA policy is not intended to expand or diminish any rights in favor of University employees that are provided for under the FMLA, or to make FMLA leave applicable to any University employee who is not entitled to that leave under the FMLA, but is rather intended to set forth a summary of the University's general policies and procedures for complying with the FMLA regarding employees who are eligible under the terms of that federal law. In the event of any inconsistency between any term in this policy and the requirements of the actual FMLA, the terms of the federal law will control.
- 1.3. In the event of a conflict between the terms of this policy and a Collective Bargaining Agreement applicable to a particular employee's bargaining unit, the language in the Collective Bargaining Agreement shall prevail until modified or deleted through the course of collective bargaining.

2. Definitions Applicable to FMLA Leave

- 2.1. "Family Member" is defined in the FMLA to include the employee's spouse, son, daughter or parent (but not a "parent-in-law"). A "son" or "daughter" includes a biological, adopted, or foster child, a step-child, a legal ward, or a child for whom the employee is standing in *loco parentis* (i.e., a child the employee supervises on a day-to-day basis and for whom the employee is financially responsible) who either is under age 18, or is 18 or older and incapable of self-care because of a mental or physical disability at the time FMLA leave is to commence. A "parent" is any

biological parent, or any individual who had assumed day-to-day and financial responsibility for the employee when the employee was a child.

- 2.2. A "Serious Health Condition" for the purposes of the FMLA is an illness, injury, impairment, or physical or mental condition that involves either an inpatient care in certain types of medical care facilities, or continuing treatment by a Health Care Provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified Family Member from participating in school or other daily activities.

Subject to certain conditions and special rules in the applicable regulations, the continuing treatment requirement may be met by:

- a period of incapacity of more than three (3) consecutive, full calendar days and subsequent treatment by a Health Care Provider in-person two or more times within thirty (30) days of the first day of incapacity
- treatment by a Health Care Provider in-person on at least one (1) occasion which results in a regimen of continuing treatment
- pregnancy and prenatal care
- chronic condition which requires visits at least twice a year for treatment by a Health Care Provider over an extended period of time and may cause episodic rather than a continuing period of incapacity
- permanent or long-term conditions
- conditions requiring multiple treatments by a Health Care Provider including recovery time or, one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition.

Other conditions may meet the definition of continuing treatment. A Serious Health Condition does not include cosmetic treatments or cosmetic surgery unless hospitalization is required. Common colds, flu, headaches, earaches, routine dental treatments, and similar conditions are not serious health conditions for FMLA purposes. Treatments such as use of over-the-counter medications or bed rest, which can be initiated without visiting a physician, are generally not Serious Health Conditions.

- 2.3. **"Health Care Provider"** is defined as any physician, podiatrist, dentist, clinical psychologist, optometrist, nurse or midwife who is authorized to provide health care and is acting within the scope of his or her duties. The rules also include "any health care provider that is recognized by the employer or accepted by the employer's group health plan (or equivalent program)." Further, the regulations specifically include clinical social workers as Health Care Providers.
- 2.4. **"Active Duty"** means duty under a call or order to active duty of members of the uniformed services as described in section 101(a)(13)(B) of title 10, United States Code.
- 2.5. A **"Contingency Operation"** is an action or operation against an opposing military force as described in section 101(a)(13)(B) of title 10, United States Code.
- 2.6. A **"Covered Service Member"** is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.
- 2.7. A **"Qualifying Exigency"** as defined by the Department of Labor generally includes such things as (1) a short-notice deployment; (2) military events; (3) health care activities; (4) financial/legal arrangements; (5) counseling; (6) rest and recuperation; and (7) post deployment activities relating to Covered Service Members. NOTE: FMLA leave for such a Qualifying Exigency is not available to Family Members of individuals in regular Armed Forces. It is available to families of National Guard and Reserve Covered Service Members.

3. Eligibility

- 3.1. In order to be eligible to take FMLA leave, a University employee must meet all of the following requirements:
 - a. Employee must have been employed by Lincoln University for at least twelve (12) months. For the specific purpose of determining whether this criterion has been met, any portion of the week that the employee is on the payroll counts as a full week.

- b. During the twelve (12) months immediately preceding the first day of the FMLA leave, the employee must have worked at least 1,250 hours for the University. In order to count, these hours generally must be actually worked, and not merely compensated. Paid time off and holiday time do not count toward the 1,250 hours.
- c. The 1,250 work hour requirement also must be met whenever an employee is reapplying for FMLA leave in a new rolling FMLA year.
- d. The employee must work at a Lincoln University location where at least fifty (50) employees are employed by the University within seventy-five (75) miles.
- e. The employee also must not have already used up all weeks of FMLA leave in the current FMLA year. (Note: Unused portions of the FMLA leave bank may not be carried over between FMLA years.)

NOTE: Military service time covered under the Uniformed Services Employment and Reemployment Rights Act ("USERRA") will also count toward satisfying the twelve-month (12) length of employment and 1,250 hours of work requirements to be eligible for an FMLA leave.

4. Length of Leave

- 4.1. Standard FMLA Leave. The FMLA generally allows eligible employees, as defined in that federal law, to take job-protected unpaid leave (or to have appropriate paid leave substituted in accordance with this policy) for a total of twelve (12) work weeks during a twelve-month (12) rolling period for any of the following reasons:
 - The birth of a child and to care for the newborn child.
 - The placement of a child with the employee for adoption or foster care.
 - The employee is needed to care for a "Family Member" (child, spouse, or parent) with a "Serious Health Condition."
 - The employee's own Serious Health Condition makes the employee unable to perform functions of his or her job, or
 - Any "Qualifying Exigency" (as defined by the U.S. Department of Labor) arising out of the fact that the employee's spouse, son, daughter or parent is on active duty, or has been notified of an order

or call to active duty, in the Armed Forces in support of a "Contingency Operation."

- 4.2. Leave to Care for Covered Service Member. In addition to the above reasons triggering a right for an eligible employee to receive job-protected FMLA leave of up to twelve work weeks in a single twelve-month (12) period, the FMLA, as amended by the National Defense Authorization Act for FY 2008, provides eligible employees with a special right to take job-protected unpaid leave (subject to appropriate substitution of paid leave in accordance with this policy) for up to a total of twenty-six (26) weeks in a single twelve-month (12) period to care for a covered military service member with a serious injury or illness.
- 4.3. Effect of Holidays. The occurrence of a holiday during an FMLA leave week will generally have no effect, and the week will be counted as a whole week of FMLA leave. However, if the employee is using FMLA leave in increments of less than one week, the holiday will not be counted against the employee's FMLA leave entitlement unless the employee was otherwise scheduled to work on the holiday.
- 4.4. Intermittent Leave/Reduced Schedule Leave. If the purpose of the FMLA leave is to care for a sick employee's own or a Family Member's Serious Health Condition, the employee may take leave intermittently or by means of a reduced work schedule. Such leaves are subject to the limitations set forth in the FMLA regulations. Leave due to qualifying exigencies may also be taken on an intermittent basis. Under certain circumstances, the University may place employees who are on an intermittent leave or a reduced work schedule in another position with equivalent pay and benefits. Such a placement would be considered a temporary transfer. Employees will be required to make a reasonable effort to schedule any intermittent leave or reduced schedule leave so that it does not disrupt University operations.

5. FMLA Year

- 5.1. For Reasons Other Than Care of Service Member. For FMLA leave for permitted purposes other than to take care of a Covered Service Member with a serious injury or illness, an eligible employee's FMLA leave entitlement is limited to a total of twelve (12) workweeks in a "rolling" twelve-month period measured backward from the date the employee first uses any FMLA leave (other than leave to care for a Covered Service Member). Under this rolling FMLA year method, each time an employee takes such FMLA leave the remaining leave would be the balance of twelve (12) weeks which has not been used during the immediately

preceding twelve (12) months. For example, an employee who has taken eight (8) weeks during the past twelve (12) months would have a remaining entitlement of an additional four weeks of standard FMLA leave.

- 5.2. For Purpose of Caring For Service Member With Serious Injury/Illness. An eligible employee's FMLA leave entitlement for the specific purpose of caring for a Covered Service Member with a serious injury or illness is limited to a total of twenty-six (26) workweeks of leave during "a single twelve-month period." The University shall determine this single twelve-month period by measuring forward from the date an eligible employee's first FMLA leave to care for a Covered Service Member begins.

6. Proper Notice of Need for FMLA Leave by Employee

- 6.1. Employees must provide at least thirty (30) days advanced notice of a foreseeable FMLA leave. It is understood that in some circumstances it will not be possible to provide thirty (30) days prior notice. In these cases, the employee must provide notice as soon as practicable. A Lincoln University FMLA Leave Request Form is available from the Office of Human Resources for this purpose; however, employees may make a request for an FMLA leave by other reasonable means.
- 6.2. In all cases, employees must provide sufficient information for the University to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, that the Family Member is unable to perform daily activities, that there is a need for hospitalization or continuing treatment by a Health Care Provider, or that there are circumstances otherwise supporting the need for FMLA leave, including for military family leave for a Qualifying Exigency or to care for a Covered Service Member.
- 6.3. Providing proper notice of the need for FMLA leave in accordance with this policy does not eliminate the employee's responsibilities to comply with all normal University or departmental call-in procedures. By the same token, merely calling in sick without providing sufficient information to put the University on notice of a potential qualifying purpose for an FMLA leave will not, by itself, trigger an FMLA review by the University.
- 6.4. If an employee does not timely give proper notice of a foreseeable need for a leave, or does not reasonably cooperate with the University in providing sufficient information for the University to determine if there is a qualifying reason for FMLA leave, this could result in a delay in the employee's receiving any potential FMLA leave.

- 6.5. If the leave is for planned medical treatment of the employee or a Family Member, or requires intermittent or reduced schedule leave, employees may be required to the extent permitted by the FMLA to arrange a particular schedule or to reschedule appointments or treatments, subject to the consent of the Health Care Provider.

7. Mandatory and Permitted Substitution of Paid Leave

- 7.1. Mandatory Substitution of First Five (5) Accrued Sick Days. To the extent permitted by the FMLA, it is the policy of the University to require the employee to substitute accrued paid sick leave to which the employee would otherwise be entitled under the circumstances, to run concurrently with the FMLA leave; provided, however, that this mandatory substitution of such accrued sick leave shall not be required beyond a maximum of five (5) accrued sick days. As is set forth below in Section 7.2, to the extent the employee has accrued sick leave exceeding five days, the employee, at the employee's sole option, is permitted to substitute such paid sick leave. Beginning with the first day of FMLA leave, the employee must use any accrued paid sick days, up to five sick days, that the employee would otherwise be eligible under the circumstances to receive (i.e., for FMLA leave relating specifically to the employee's Serious Health Condition for a Family Member's Serious Health Condition). The requirement that the employee must use accrued paid sick days up to a maximum of five (5) days to the extent the employee is otherwise entitled under the circumstances to use such paid leave applies to any type of FMLA leave, including a leave that is taken intermittently or through a reduced work schedule.
- 7.2. Permitted substitution of vacation days and/or paid sick leave above five days. After the mandatory substitution, if any, of accrued paid sick days up to five (5) has been credited against the FMLA leave time in accordance with Section 7.1, the employee may, at the employee's election, but is not required to, use any additional accrued paid sick days and/or any accrued vacation days, in such order as is chosen by the employee. Such permitted substitution of paid leave shall run concurrently with the FMLA leave. Prior to the commencement of FMLA leave, an employee may elect in writing to substitute such accrued paid sick days or accrued vacation days for otherwise unpaid FMLA leave (provided that any paid sick leave may only be used in the case of leave for the employee's or Family Member's Serious Health Condition (including childbirth)). The election to substitute permitted paid leave must be provided to the Office of Human Resources.

8. Restoration of Employment After FMLA Leave

8.1. Pursuant to the FMLA, eligible employees will be entitled to return to the same or an equivalent position at the conclusion of the FMLA leave, if they are able to perform the essential functions of the position (and comply with proper "Fitness-For-Duty Certification" procedures discussed below in this policy). An employee's leave under the FMLA will not result in the loss of any accrued employment benefits that the employee had earned prior to the leave, and the FMLA leave will not be counted against the employee as a form of misconduct or documented in the employee's performance evaluations.

9. Group Health Benefit Continuation during FMLA Leave

9.1. Group health plan benefits will be maintained during the FMLA leave so long as the employee intends to return, and actually does return, to work at the end of the FMLA leave. Employees on FMLA leave will be responsible for paying their share of any employee contributions for group health plan coverage in the same manner as when they are working. If applicable, arrangements will need to be made with the Office of Human Resources for the employee to pay his or her share of the group health plan premiums. Contact the Office of Human Resources for additional information. The University reserves the right to recover premiums it paid to maintain group health plan coverage for an employee who fails to return to work at the end of his or her FMLA Leave.

10. Medical Certifications

10.1. For Serious Health Conditions.

- a. In cases where an FMLA leave is due to the Serious Health Condition of the employee or is to care for the Serious Health Condition of a Family Member or Covered Service Member, the employee must provide medical certification on the applicable Medical Certification Form provided by the University. The University should request the certification at the time the employee gives notice of the leave or within five (5) business days thereafter. Once requested, it is the employee's responsibility to provide the Office of Human Resources with the medical certification within fifteen (15) calendar days.
- b. If the certification is returned to the University incomplete or is unclear, the employee will be given seven (7) additional calendar days to provide more complete information.
- c. If the certification is still insufficient after being further supplemented, the Chief Human Resources Officer (or designee)

which shall not be an immediate supervisor of the employee, may contact the employee's Health Care Provider for clarification and/or authentication of the employee's medical certification.

- d. The University may require a second opinion from a Licensed Health Care Provider designated by the University. The University will pay the cost of any such second opinion, if required.
- e. If, but only if, the medical certification provided on behalf of the employee and the University's second opinion are in conflict, the University may require a third opinion from a mutually agreeable Licensed Health Care Provider, at the expense of the University.
- f. Employees may be asked to recertify the need for FMLA leave in accordance with certain limitations in the FMLA.
- g. When certification or recertification is requested, it shall be the employee's responsibility to ensure that the University is provided with timely, complete and sufficient certifications or recertifications. The failure to do so may result in the delay or denial of FMLA leave.

10.2. Certifications Relating to Qualifying Exigency.

- a. Specifically in cases where an FMLA leave is for the purpose of a Qualifying Exigency, the employee will be asked to complete a Certification of Qualifying Exigency for Military Family Leave Form. The completed form along with documentation required by the University in accordance with the FMLA will be used to determine if the leave request qualifies and the length of the leave. Failure to provide proper certification may result in a delay or denial of this type of FMLA leave.

11. University's Designation and Approval of FMLA Leave

- 11.1. The University shall inform employees requesting leave whether they are eligible under FMLA. If they are, the notice will specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the University will provide a reason for the ineligibility.
- 11.2. The University shall inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the University determines that the leave is not FMLA-protected, the University must notify the employee.

12. Certification of Fitness-for-Duty

- 12.1. As a condition for reinstatement to employment following FMLA leave occasioned by the employee's own Serious Health Condition that made the employee unable to perform the employee's job, the employee shall be required to obtain and present a certification ("Fitness-for-Duty Certification") from the employee's Health Care Provider that the employee is able to resume work and perform the essential functions of the job. The cost of such Fitness-For-Duty Certification shall be borne by the employee.
- 12.2. The University's designation of notice of the employee's leave as FMLA leave shall advise the employee of the Fitness-For-Duty Certification requirements regarding the return to work and whether that Fitness-For-Duty Certification must address the employee's ability to perform the essential functions of the employee's job.
- 12.3. The University shall not require a certification of Fitness-For-Duty for each absence taken on an intermittent or reduced leave schedule. However, the University shall be entitled to a Fitness-for-Duty Certification for such absences up to once every thirty (30) days if reasonable safety concerns exist regarding the employee's ability to perform his or her duties, based on the Serious Health Condition for which the employee took such leave.
- 12.4. All Fitness-for-Duty Certification requirements shall be handled by the University in strict conformity with the requirements of the FMLA.

13. Miscellaneous

- 13.1. Time taken against accrued FMLA leave will be charged in whole day increments.
- 13.2. FMLA leave time will be recorded in the employee's attendance record specifically as FMLA leave.
- 13.3. Any employee who fraudulently obtains FMLA leave from the University is subject to disciplinary action, up to and including termination.
- 13.4. If the University fails to timely designate an employee's eligible absence as FMLA leave, it may be retroactively designated by the University as FMLA leave if the employee has been given notice of the intent to make such retroactive designation and either (a) the retroactive designation does not harm the employee, or (b) the University and employee have mutually agreed to the retroactive designation. Such retroactive designation of FMLA leave, however, shall not apply to absences in which

the employee had not given the appropriate amount of prior notice or did not follow the proper call-in procedures.

- 13.5. The University shall not interfere with, restrain, or deny the exercise of any right provided under the FMLA.
- 13.6. The University shall not discharge or discriminate against any person for opposing any practice made unlawful by the FMLA or for any employee's involvement in any proceeding under or relating to the FMLA.
- 13.7. Interaction with Fair Labor Standards Act. If an employee is otherwise exempt from minimum wage and overtime requirements of the Fair Labor Standards Act ("FLSA"), the University's providing unpaid FMLA leave to such an employee will not be treated as causing the employee to cease to be treated as an exempt employee for FLSA purposes. In accordance with the applicable regulations under the FMLA, such employees in appropriate circumstances may have their salary reduced for any hours taken as intermittent or reduced FMLA leave within a workweek without affecting the exempt status of the employee.
- 13.8. The University's uniformly applied policies outside of this FMLA leave policy, including but not limited to the University's policies on substance abuse and restricting outside or supplemental employment, shall continue to apply to an employee while on FMLA leave from the University.

14. FMLA Enforcement

- 14.1. An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against the University. The FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreements which provides greater family or medical leave rights.

Questions about this policy may be addressed to:

***The Office of Human Resources
Lincoln University
1570 Baltimore Pike
Lincoln Hall, 4th Floor
Lincoln University, PA 19352
484-365-8059***

Appendix A6

LINCOLN UNIVERSITY

Policy:	Leaves and Absences other than FMLA and Workers Compensation Leaves
Policy Number:	HRM – 112
Effective Date:	July 1, 2009
Revisions:	Replaces University Policies #412 Leave Time and #415 Leave Time Donation, August 2011
Next Review Date:	August 2013
Review Officer:	Chief Human Resources Officer
Status:	Approved by President and Active

1. Introduction

It is the policy of the University as set forth herein to support leaves and absences from University duties for its employees when such leaves and absences are needed to assist them in meeting their personal and family-related needs, contribute to their professional growth and development, or permit their involvement in activities that will benefit them or the University. In doing so, it is the University's goal to minimize the interruption of student learning and achievement, education service delivery, and University operations.

2. Applicability

- 2.1. This policy shall apply to leaves and absences, other than leaves under the federal Family and Medical Leave Act ("FMLA") or work-related injury absences subject to the Workers Compensation Act, for regular full-time employees and regular part-time employees of the University. FMLA Leave is addressed in University Policy HRM-111, *Family and Medical Leave*.
- 2.2. In the event of a conflict between the contents of this Policy and a Collective Bargaining Agreement ("CBA") at the University covering the particular employee, the language in the CBA shall prevail until modified or deleted through the course of collective bargaining.
- 2.3. This Policy relating to paid time off is in no way intended to amend or restrict any applicable disciplinary policy of the University, including any absenteeism control policy.

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3. Definitions

- 3.1. *Regular Full-Time Employee.* An employee of the University who is not in temporary, part-time, casual/seasonal, or introductory status and who is regularly scheduled to work 30 to 40 hours per work week or teach a full course load (12 credits per semester) for an indefinite duration.
- 3.2. *Regular Part-Time Employee.* An employee of the University who is not in a temporary, full-time, casual/seasonal, or introductory status and who is regularly scheduled to work less than the full-time work schedule, but at least 20 hours per week or teach at least six (6) credits per semester but less than 12 credits per semester for an indefinite duration.

4. General Provisions

- 4.1. All employees remain subject to University policies during leave time away from work and periods of absenteeism. The University has discretion to determine, based on individual circumstances and the needs of a particular work area, whether absences are excessive, and constitute abuse of University policies. Excessive absenteeism and/or abuse of University policies may result in discipline or termination of employment.
- 4.2. The University reserves the right to interpret this Policy and to amend, modify, or terminate this Policy at any time.
- 4.3. Approved leaves and absences protect the employee's continuity of service and all benefits accrued up to the time the leave of absence begins. In requesting a leave or absence, an employee is expressing his/her intent to return to employment and that there is a reasonable assurance that the employee will return to work. If the employee returns to work on the date established and approved by the University, the employee will generally have the same rights to his or her original position, or to a comparable position with comparable compensation and benefits, as would have applied if the employee had been working during the period of the leave. If the employee fails to report to work on the established and approved return date, his/her employment shall be terminated due to job abandonment, except to the extent such termination may be prohibited by law. An employee on leave is still subject to general reductions in force that would have otherwise occurred if the employee were working.

- 4.4. Leaves and absences for non-work-related short-term disability (between 1 and 30 days) and long-term disability (over 182 days) shall be administered according to the University's approved disability benefit plans or policy terms. Leaves and absences for work related injuries are governed by the Pennsylvania Workers' Compensation Act, 77 P.S. §§1, et seq., or any other workers' compensation statute that may apply to the employee's disabling work-related injury.
- 4.5. To the extent possible, employees on an approved leave of absence under this Policy shall provide written notification to the Director of Human Resources at least five (5) days prior to their scheduled return-to-work date advising of the date they expect to be available to return to work from the leave.
- 4.6. In the absence of extenuating circumstances beyond the employee's control, failure by an employee to supply any required status updates to the Director of Human Resources regarding the employee's condition or circumstances relating to the leave or regarding the employee's expected date of return to work prior to any applicable deadline for doing so may result in the employee being treated as having resigned or having abandoned employment (unless prohibited by law under the circumstances).
- 4.7. The employee shall be required to report to work on the approved or established date of return to work. If the employee does not report to work on the established return to work date, and the University has not been made aware of extenuating circumstances preventing the employee's return, then the employee's employment shall, to the extent permitted by law, be terminated for job abandonment.

5. Paid Time Off for Sick Leave

- 5.1. Except to the extent that a CBA, applicable to the employee, provides otherwise, each Regular Full-Time Employee shall, upon the completion of any probationary period applicable to the employee's position, accrue an initial 22.5 hours of paid sick leave, and shall, thereafter, accrue paid time off for sick leave at the rate of 7.5 hours each calendar month, up to a maximum amount of accrued sick leave of 450 hours. Accrued sick leave hours may be carried over to subsequent fiscal years, up to a total maximum 450 hours.
- 5.2. Accrued paid time off for sick leave may be used for excused absences for the employee's non-work-related injuries or illness. To the extent specifically provided in the University's FMLA Leave Policy, the employee's paid time off for sick leave in certain circumstances

may be substituted for unpaid FMLA leave time to care for certain family members. Reference: University Policy HRM-602 for additional details.

- 5.3. Except to the extent that a CBA applicable to the employee provides otherwise, to be eligible to receive paid time off for sick leave for an absence, an employee must have reported off in accordance with his or her Department's call-off procedures at least two (2) hours before the start of his or her regularly scheduled workday, unless extenuating circumstances beyond the employee's reasonable control prevented him or her from doing so.
- 5.4. Except to the extent that a CBA applicable to the employee provides otherwise, paid time off for sick leave must be taken in increments of at least one (1) hour up to seven and one-half (7.5) hours per day for all hourly employees.
- 5.5. Except to the extent prohibited by law, employees who are absent three (3) or more consecutive workdays must furnish the Office of Human Resources with a written certificate from a licensed healthcare provider substantiating the medical excuse for the absence and releasing the employee to return to work. The presentation of fraudulent statements, oral or written, regarding sick days or missed time, or the presentation of a fraudulent doctor's certificate, will subject the employee to immediate discipline or discharge, at the time the fraud is discovered. To the extent permitted by law, the University may, prior to permitting the employee to return to work, require the employee to undergo a medical evaluation by one or more physicians selected by the University at the expense of the University.
- 5.6. Upon termination or separation from employment for any reason, whether voluntary or involuntary, an employee **shall not be entitled to receive any compensation for any unused or accrued paid time off for sick leave time.**

6. Bereavement Leave

- 6.1. Except to the extent that a CBA applicable to the employee provides otherwise, each regular full-time employee shall, upon the completion of any probationary period applicable to the employee's position, be entitled to Bereavement Leave as defined in this section.
- 6.2. Employees who are entitled to Bereavement Leave may take up to three (3) workdays of paid Bereavement Leave in the event of the death of an "immediate family member."

- 6.3. For the purposes of this Bereavement Leave Policy, the term "immediate family member" is defined as the employee's spouse; parent; stepparent, dependent stepchild, son, daughter in home (including adopted children, children placed for adoption, foster children and children for whom the employee is a guardian), brother, sister, grandparent, grandchild, son-in-law, daughter-in-law, brother-in-law, sister-in-law, parent-in-law, grandparent-in-law, any relative residing in the employee's household, or person for whom the employee is the primary caretaker.
- 6.4. Employees must submit a written request for bereavement leave to their immediate supervisor for approval prior to taking such leave. Upon request, employees are expected to present official documentation to substantiate paid absence for bereavement.
- 6.5. Bereavement Leave must be taken within two (2) calendar weeks of the date of death of the immediate family member.
- 6.6. If the death of the immediate family member to which the Bereavement Leave relates occurs while the employee is on vacation or a holiday, Bereavement Leave time shall be in addition to that vacation or holiday time.
- 6.7. Bereavement Leave pay is calculated based on the requesting employee's base pay rate at the time of the leave.
- 6.8. Employees may extend his / her Bereavement Leave for up to two weeks upon written request and approval by his / her immediate supervisor and the Office of Human Resources. An employee must utilize paid time off for sick and / or vacation leave or unpaid leave during the approved extended Bereavement Leave period.

7. Paid Time Off for Jury Duty Leave

- 7.1. Except to the extent that a CBA applicable to the employee provides otherwise, each Regular-Full-Time employee who are summoned for court or jury duty during the scheduled workday shall receive regular pay during the time on jury duty. All other employees who are not entitled to paid jury duty leave shall be given unpaid jury duty leave in accordance with governing law.
- 7.2. Employees shall notify the Office of Human Resources immediately upon receiving a summons for jury duty. The employee shall also notify his or her supervisor, to the extent possible, that he or she will not be attending work each day that he or she continues to serve on

the jury. A copy of the jury duty summons or other formal paperwork from the Court shall be presented to the Office of Human Resources in order to document the necessity for the absence. If the employee is able to work prior to reporting for jury duty on a given work day, or if he or she is reasonably able to return to work for part of the work day after being excused from jury duty, he or she is expected to do so.

- 7.3. Employees claiming a right to Jury Duty Leave Pay are required to submit to the Office of Human Resources the official correspondence from the court within five (5) days of receipt.
- 7.4. An employee on an unpaid leave of absence is not entitled to pay for jury duty leave under this Policy.
- 7.5. If an employee's services are deemed to be essential to University operations at the time of the proposed jury duty, such that serving on a jury will constitute a hardship to the University, the employee may ask his or her supervisor or the Office of Human Resources to request an exemption from jury duty on his or her behalf.
- 7.6. Absences due to jury duty shall be documented as such on the employee's time record by the employee's immediate supervisor, but shall not be considered as an occurrence when determining absenteeism/lateness for disciplinary or performance appraisal purposes.

8. Paid Time Off for Vacation Leave

- 8.1. Except to the extent that a CBA applicable to the employee provides otherwise, regular full-time employees who have completed their probationary period shall be entitled to paid vacation leave, with prior supervisory approval, in accordance with the terms of this Policy.
- 8.2. Regular full-time employees accrue vacation leave on a monthly basis at a rate of 22 working days of paid vacation annually. Upon approval by the supervisor, vacation may be taken as accrued. Vacation leave accrual shall not exceed the number of hours equivalent to 44 days. All employees must "use" their excess vacation hours/days by June 30th each fiscal year or they will "lose" (forfeit) such hours/days. If a supervisor is unable to grant an employee's request to use accrued vacation prior to July 1st because of a business or operational need, the supervisor may allow the employee to carry forward vacation accrual in excess of 44 days until no later than the following August 31st of the subsequent fiscal year. An employee must be permitted use

vacation that is subject to forfeiture before August 31st of that fiscal year.

- 8.3. Vacation leave shall be used in the fiscal year that it is accrued, or in the subsequent fiscal year. The needs of the University come first when scheduling vacations or other time off for an employee.
- 8.4. Requests for vacation must be submitted to the employee's supervisor no less than two weeks in advance. If the University fails to approve the vacation requests in writing at least one week in advance, then the request shall be deemed as disapproved.
- 8.5. Direct compensation is not provided in lieu of use of accrued vacation. However, an employee who is discharged or otherwise separated from employment for any reason, whether voluntary or involuntary, shall be paid for only unused vacation hours that have already been earned as of the date of separation.

9. Professional Development

To the extent practicable, in the discretion of the University, employees may be granted professional attendance and participation in short term training and short term professional developmental activities to increase their skills, knowledge and performance efficiency. Employees shall follow established University policies and procedures, such as university travel, for approval prior to a professional development. The University shall have the authority to reject any request if the University deems such request is excessive or for any other appropriate reason. All requests must meet the approval of the employee's immediate supervisor and appropriate Division Vice President or President, and is subject to available funding.

10. Paid Time Off for Personal Leave

Employees not covered by a CBA may utilize three (3) days of paid time off for sick leave during each fiscal year for absence due to personal business. Such paid absence shall be deducted from the employee's accrued personal / sick leave balance. The unused personal leave allotment is not eligible for carryover to the subsequent fiscal year, but will remain as unused paid time off for sick leave. Employees must submit a written request for personal leave to their immediate supervisor for approval prior to taking such leave.

11. Discretionary Unpaid Personal Leave

- 11.1. Except to the extent that a CBA applies, an unpaid Personal Leave of absence may be granted in the discretion of the University to employees for up to three (3) months for reasons other than those specified in FMLA, if there are extenuating circumstances giving rise to the employee's need for the leave and the employee demonstrates to the satisfaction of the University that the employee intends to return to work at the expiration of such scheduled leave. The University reserves the right in its sole discretion to approve, deny, cancel, or terminate such unpaid Personal Leave at any time.
- 11.2. The returning employee may be reinstated to his/her former classification and position provided the employee is physically and mentally able to perform the duties of that classification subject to regulations under the American with Disabilities Act and other applicable laws. If it is determined that the employee is not physically or mentally able to return to his/her former position classification, every effort will be made to place the employee in an alternative position for which he/she is medically qualified and/or suitable. In determining the employee's qualifications for such alternative positions, medical fitness, past work performance, education, and specialized training shall be considered. In addition, the alternative position shall be as similar as possible to the employee's former classification with regard to duties, responsibilities, and pay.

12. Administrative Leave

13. Except to the extent that a CBA applies, Administrative Leave may be used to grant paid time off in situations where the University wishes, in its sole discretion, to temporarily relieve or release an employee from their official duties for the good of the University. Donated Leave
 - 13.1. An employee may donate to or receive from other employees the same amount of earned paid time off for vacation leave if the receiving employee has requested an extended leave or absence due to a catastrophic illness suffered by him/her or a family member; has been employed by the University for at least twelve (12) months; and has exhausted all of his/her accrued sick, personal and vacation leave. The Office of Human Resources shall administer the donated leave process.

- 13.2. No employee may be intimidated, threatened, or coerced into donating leave time.
- 13.3. Employees may donate or receive up to ten (10) days of accrued vacation leave per fiscal year in full day increments only.
- 13.4. The employee receiving donated leave time will be paid at his/her regular rate of pay when the donating employee's rate of pay is higher. In the event the receiving employee's rate of pay is higher than the donating employee's rate, the receiving employee will be paid the donating employee's rate of pay.
- 13.5. Employees receiving donated leave time will be allowed to use only the exact amount of donated vacation leave time, regardless of whatever their respective rates of pay.

14. Recalculations of Service Date

The period of an unpaid leave of absence except as required under Federal or State Law shall not be counted toward the employee's total length of continuous service for the purpose of establishing benefits where length of service is a factor.

15. Administration

15.1. All employees requesting leave under this Policy must follow the written procedures for leave maintained by individual departments and/or the Office of Human Resources. The Office of Human Resources shall:

- Carefully consider all leave requests for approval, which are in compliance with this Policy;
- Screen all recommended leaves for conformance with this Policy;
- Provide guidance and counsel to employees as required;
- Maintain written procedures, guidelines, and provide communications for all aspects of leave, including, but not limited to application; approval; denial; length; and return from leave;
- Ensure that all employees, including department administrators and supervisors are familiar with and understand their role as it relates to this Policy.

16. Dissemination of Policy

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- 16.1. The Policy shall be disseminated to all employees within the University and published on the University's Internet website.
- 16.2. Employees with questions or issues related to leaves and absences should raise their concerns with their immediate supervisor, division vice president or the Director of Human Resources without fear of reprisal.

17. Enforcement

- 17.1. Each University employee shall comply with the provisions of this Policy.
- 17.2. The University President, each vice president, dean, director, manager, department chair, or supervisor shall ensure the enforcement of the Policy within his or her assigned areas of oversight. Additionally, training shall be made available by the Office of Human Resources to all of the above at least every two years to promote the proper administration and enforcement of this Policy.

Reference

Lincoln University Policy HRM – 111: Family and Medical Leave
Lincoln University Policy HRM – 121: Workers' Compensation Leaves and Administration

Questions regarding this policy may be addressed to:

***The Office of Human Resources
Lincoln University
1570 Baltimore Pike
Lincoln Hall – 4th Floor
Lincoln University, PA 19352
484-365-8059***

Appendix A7

LINCOLN UNIVERSITY

Policy:	Harassment Prevention
Policy Number:	HRM-108
Effective Date:	January 2011
Revisions:	August 2011
Next Review Date:	August 2013
Review Officer:	Chief Human Resources Officer
Status:	Approved by President and Active

1. Policy

- 1.1 It is the policy of Lincoln University ("University") to comply with Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967 (ADEA), and the Americans with Disabilities Act of 1990 (ADA). Further, the University shall comply with anti-discrimination laws which prohibit harassment against individuals and retaliation for filing a complaint, testifying, or participating in any way in an investigation, proceeding, or lawsuit under these laws; or opposing practices that individuals may reasonably believe are discriminatory, in violation of these laws.
- 1.2 The University has a zero tolerance of all forms of harassment and is committed to promoting and maintaining a respectful workplace and learning environment through prevention strategies, training, communication, and enforcement.
- 1.3 It is not the intent of this Policy to inhibit the expression of ideas or to use any methods that would infringe on an individual's constitutional right to free speech. This policy is intended to create a working environment that promotes respect and dignity for others.
- 1.4 Any and all individuals present on the University's campus shall adhere to this policy and are free to remind others of it.
- 1.5 Each University employee shall comply with the provisions of this policy and ensure that each visitor to the University campuses complies with the provisions of this policy.
- 1.6 The President, vice presidents, deans, directors, managers, department chairs, and supervisors shall ensure the enforcement of the policy within their assigned areas of oversight.

2. Applicability

This policy shall apply to the University Board of Trustees, administration, faculty, staff, students, vendors, contractors and visitors.

3. Harassment in General

3.1 It is the University's policy that all individuals within the University community have the right to an environment free from any type of discrimination, including any form of harassment. The University is committed to that policy, and under no circumstances will the University tolerate any form of harassment, which includes, but is not limited to: threatening, offensive or intimidating behavior or remarks, demands for sexual favors, or severe and pervasive behavior that creates a hostile or intimidating work environment, because of an individual's sex, age, race, color, national origin, religion, non-job related disability, or any other characteristic protected by federal, state or local law.

3.2 While all forms of harassment are prohibited, since sexual harassment is sometimes less easily understood, it is specifically discussed in the proceeding subsection. Note, however, that all forms of workplace harassment will be addressed using the same procedures and in the same manner as set forth below.

4. Sexual Harassment

4.1 No person, including any supervisor, shall threaten or insinuate, whether explicitly or implicitly, that an employee's refusal to submit to sexual advances will adversely affect the employment, evaluation, wages, advancement, assigned duties, shifts or any other term or condition of employment or career development of any employee.

4.2 All employees, supervisors and non-supervisory personnel and guests, including students, vendors, contractors or visitors, are strictly prohibited from engaging in inappropriate or offensive touching of any employee, offensive sexual flirtations, advances or propositions, verbal abuse of a sexual nature, verbal comments about an individual's body, sexually degrading words used to describe an individual, displaying sexually suggestive objects or pictures in the workplace, or any other conduct that creates a sexually hostile environment.

4.3 The University shall take all necessary and appropriate remedial action to end any such harassment.

5. Reporting Procedure

- 5.1 An employee who is subjected to any act of harassment, as described above, must inform his/her supervisor promptly. If, for any reason, the employee does not feel comfortable notifying his/her supervisor or the supervisor is not available, the employee should immediately report the matter to the next level of administration or the Office of Human Resources.
- 5.2 If an employee believes that he/she is being harassed by a student, the procedures specified in the Code of Student Conduct shall be followed.
- 5.3 The University shall investigate all such complaints and take appropriate action.
- 5.4 While complete confidentiality cannot be assured, all investigations of harassment complaints will be conducted thoroughly, promptly and in a manner designed to protect, to the fullest extent possible, the confidentiality of all parties involved.

6. No Retaliation

No employee shall be retaliated against for having asserted a complaint of harassment pursuant to this policy.

7. Penalty for Policy Violations

- 7.1 If the University determines that an employee engaged in harassment in violation of this policy, that employee shall be subject to appropriate disciplinary action or immediate discharge. Appropriate contractual provisions, if any, shall be followed for discharge or disciplinary action taken against an employee covered by a collective bargaining agreement.
- 7.2 Students violating the policy shall be referred to the Dean of Students and Campus Life.

8. Training and Dissemination of Policy

- 8.1 The University shall foster training and educational programming to create and maintain a harassment-free work and learning environment at least every two years. Attendance and participation in such training and educational programming shall be mandatory for all employees. Newly hired employees are required to complete this training within their introductory / probationary period and at least every two years thereafter. Failure to complete training as specified in this policy shall result in

disciplinary action or termination of employment, as well as negation of the University's responsibility, if any, to indemnify or defend an employee from any claims arising out of or relating to the charge of illegal harassment.

- 8.2 This policy and written guidelines for investigations shall be disseminated to all employees within the University, published on the University's Internet website, and inserted in the University Policy Manual.
- 8.3 Employees shall acknowledge receipt of this policy by signing the appropriate form. The signed form shall be presented by the employee to the Office of Human Resources and placed in the official personnel file of the employee.
- 8.4 Employees with questions or issues and concerns related to this policy should raise their concerns with their supervisor or the Chief Human Resources Officer without fear of reprisal.

References:

Equal Employment Opportunity Commission
Title VII of the Civil Rights Act of 1964
The Age Discrimination in Employment Act of 1967 (ADEA)
Americans with Disabilities Act of 1990 (ADA)
Pennsylvania Human Relations Act

Questions regarding this policy may be addressed to:

Lincoln University, Office of Human Resources
1570 Baltimore Pike, Lincoln University, PA 19352
484-365-8059

Policy Revisions:

June 2007, November 2008, Former Title, "Sexual and Other Unlawful Harassment,"
February 2009

Appendix A8

LINCOLN UNIVERSITY

Policy:	Whistleblower Protection Policy
Policy Number:	HRM-120
Effective Date:	April 2009
Revisions:	August 2011
Next Review Date:	August 2013
Review Officer:	Chief Human Resources Officer and Internal Auditor
Status:	Approved by President and Active

1. Introduction

- 1.1. Lincoln University is charged with the responsibility of protecting its resources including those involving its financial affairs and other proprietary and confidential information essential to its operation. The University is committed to conducting its affairs in full compliance with the law and with its own policies and procedures. As part of its commitment, the University has established this policy to reinforce its dedication to high ethical standards and to promote ethical and fair practices, as well as ethical treatment of all members of the University and those who conduct business with the University.
- 1.2. The purpose of this policy is to encourage employees to report suspected unlawful practices and violations of its policies, its undertaking to protect employees from retaliation for making such reports, and to identify the process for submitting a report including the appropriate authority whether staff or board member to whom the report shall be made. This policy is subject to the direct oversight of the Audit Committee of the Board of Trustees.
- 1.3. Definitions:
 - 1.3.1. Acts of misconduct – acts committed in violation of University policies and procedures and acts that are otherwise unlawful in nature.
 - 1.3.2. Good faith report – a report made by exercising sound judgment and acting without malice to avoid baseless allegations or frivolous complaints.
 - 1.3.3. Identified reporting authority – staff or board member specifically identified as the appropriate authority to receive a report involving acts of misconduct.
 - 1.3.4. Policies – guidelines and rules established by the University that govern its practices and procedures.

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1.3.5. Retaliation – any employment action or inaction by the University that may have an adverse impact on an employee who makes a good faith report or participates in an investigation, hearing or court proceeding. Examples of retaliation include but are not limited to the failure to promote or retain an employee, the discharge from employment and discrimination in a manner that adversely impacts compensation or terms or conditions of employment.

1.3.6. Whistleblower – an employee who makes a good faith report of acts of misconduct to the identified reporting authority. A whistleblower is merely a reporting party and not an investigator, and therefore, is not responsible for investigating suspected acts of misconduct or for determining fault or any corrective or remedial actions.

2. Responsibilities

2.1. The University's Responsibilities:

2.1.1. The University will use its best efforts to protect an employee who makes a good faith report of an act of misconduct against any form of retaliation. The University will evaluate all received reports of acts of misconduct, and where appropriate, based on its analysis, conduct investigations and/or take remedial actions. The University shall maintain the confidentiality of reports to the extent permitted by law. The University will keep the employee's identity confidential unless, (1) the employee agrees to be identified; (2) identification is necessary to allow University or law enforcement officials to investigate or respond effectively to the report; or (3) identification is required by law in legal or disciplinary proceedings.

2.2. Whistleblower Responsibilities:

2.2.1. An employee who makes a complaint or report must make the complaint or report in good faith. The employee must be truthful in its report and cooperative with investigators. The employee does have the right to know the status of any investigation concerning his/her report.

3. Making Good Faith Reports

3.1. Employees wishing to make confidential or anonymous good faith reports concerning financial and fraudulent acts of misconduct should visit the University website of the Office of Audit and Control (www.lincoln.edu/auditor). This website has detailed instructions and guidance for submitting good faith reports under the Hot Issues Email Site. An electronic or written report form may be submitted to the Office of Audit and Control as provided on the website. Good faith reports concerning acts

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of misconduct and violations of University policies unrelated to financial and fraudulent acts of misconduct must be made to the identified reporting authority specified under the section Hot Issues Frequently Asked Questions also found on the Hot Issues Email Site.

4. Protection Against Retaliation

- 4.1. An employee who makes a good faith report shall not be retaliated against in any manner. Retaliation committed with the intent of adversely affecting the terms or conditions of employment or enrollment including, but not limited to, threats or physical harm, loss of job, adverse or punitive work assignments or impact on wages or grades is strictly prohibited.
- 4.2. An employee who participates in an investigation, hearing or court proceeding related to a report of acts of misconduct shall not be retaliated against in any manner, with the intent of adversely affecting the terms or conditions of employment or enrollment including, but not limited to, threats or physical harm, loss of job, adverse or punitive work assignments or impact on wages or grades.
- 4.3. This protection from retaliation is not intended to prohibit supervisors or administrators from taking action, including disciplinary action, in the usual scope of their duties and based upon valid performance-related factors.
- 4.4. An employee who believes that he/she may have been retaliated against should promptly file a written complaint with the Chief Human Resources Officer or the Office of the President. All reports of retaliation will be investigated and all proven complaints of retaliation shall result in a proper remedy for the employee harmed and the initiation of disciplinary action, up to and including dismissal, against the retaliating employee.

5. Sanctions For False Claims

- 5.1. An employee who makes a report under this policy in bad faith, or knows or has reason to know that his/her report contains false or materially inaccurate information, shall be subject to appropriate disciplinary sanctions up to and including dismissal depending on the circumstances.

{L0373417.3}

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6. Oversight of Audit Committee

- 6.1. The administration of this policy is subject to the direct oversight of the Audit Committee of the Board of Trustees. The Audit Committee shall receive confidential reports of communications made through the Hot Issues Email Site and the status and/or responses to those communications from Internal Auditor. The Internal Auditor is appointed by and reports to both the President of the University and the Audit Committee of the Board of Trustees.

Questions regarding this policy may be addressed to:

***The Office of Human Resources
Lincoln University
1570 Baltimore Pike
Lincoln Hall – 4th Floor
Lincoln University, PA 19352
484-365-8059***

{L0873417.3}

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Appendix A9

LINCOLN UNIVERSITY

Policy:	Computer and Network Usage by Employees
Policy Number:	HRM-110
Effective Date:	July 1, 2009
Revisions:	Replaces, as they relate specifically to employees, IT Policies 517 – Internet Usage; 518 – Internet Monitoring; 519 – Internet Privacy Policy; and 804 – Use of Portable Computers, August 2011
Next Review Date:	August 2013
Review Officer(s):	Chief Human Resources Officer and Chief Information Technology Officer
Status:	Approved by President and Active

1. Purpose of Policy

The purpose of the Lincoln University Computer and Network Usage Policy for Employees is to help provide guidance and codify in one place the policies and guidelines with respect to the appropriate use by employees of Lincoln University's computer system and network and related information technology resources. It is further intended to help ensure that the information technology infrastructure that supports the fundamental missions of the University is properly safeguarded and appropriately used by employees in discharging their duties.

2. Applicability

2.1 This Policy is applicable to all employees of Lincoln University who are granted the use by the University of, or who otherwise use (even without proper authorization), the University's computers and related information technology resources, including the University's computer equipment, systems, and networks, as well as the information, data, communications and files created, sent, received or stored therein. It also applies to employee use of all related computer system resources, whether individually controlled or shared, stand-alone or networked, including all networking devices, personal digital assistants (PDA devices), wireless computer devices, personal and portable computers, tablets, workstations, mainframes, minicomputers, and any associated peripherals, hardware, software, and programs, that are owned, leased, or under the control of the University or form part of the University's computer network, system or computer equipment. All of the computer systems and technology and data and electronic communications covered by this Policy are hereinafter referred collectively to as "University Technology."

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2.2 This policy applies specifically to employees of the University. Separate Information Technology Department ("IT") policies of the University apply to students and other permitted non-employee users of University Technology. Separate policies also apply to use by employees and others of University telephones, walkie-talkies and other communication devices that are not part of the University computer system.

3. General Principles

3.1 Certain University employees, as part of their employment, may be provided by the University with access to, or the use of, University Technology, including in certain circumstances access to computers, hardware, software, the use of the University's network and email systems, and access to the internet. Such University provided access to University Technology is to be used by the employee in support of the proper performance of his or her duties on behalf of the University.

3.2 The University is committed to reasonably protecting the privacy of all individuals using University Technology, including the University's students, employees, and others who are permitted access to or communicating through the University Technology. Employees should understand, however, that all employee communications, data, and files stored on or traversing the University's network and system, or stored on the University's servers and hardware, are considered the property and the business records of the University. As is explained in more detail below in Section 9 of this Policy, the University reserves the right, to the extent permitted by law, to monitor and review employee computer files, data, email and other electronic communications, internet use, including sites visited, and other uses of University Technology by employees, as well as the right to inspect any hardware issued to employees. The University does not maintain such a policy of monitoring or review with respect to the use of the University Technology by, or electronic communications of, students who are not acting as employees or agents of the University.

3.3 To the extent permitted by law, the University has the right, as owner of the University network and other University Technology, to examine, log, capture, archive, and otherwise preserve or inspect any employee data, messages, and electronic communications of all types stored on, traversing, or transmitted over the University's network and other University Technology. Employees using University Technology, therefore, have no reasonable expectation of privacy with respect to any data, files, emails or other electronic communications or usage, all of which under appropriate circumstances may be subject to monitoring/review as is provided below in Section 9 of this Policy.

- 3.4 All employees should recognize that electronic communications are not guaranteed to be fully secure, and that during the ordinary course of the administration of the University Technology, network administrators and IT professionals may inadvertently review, or may be required to view, user messages and files.
- 3.5 All employees using University technology should also be aware that under certain circumstances, including as a result of lawsuits, subpoenas, and investigations, the University may be required by law to provide electronic communications or other records or information, including such things as email, data, and other computer files created or received or stored by employees of the University on University Technology, to third parties. The University may review, in its reasonable discretion, such information relating to the proper functioning of the University for internal investigations. Employees are hereby placed on further notice that in certain circumstances, the University, to the extent consistent with law, may turn over such information stored on University Technology to law enforcement authorities if there is evidence of possible violations of law, and may cooperate with law enforcement authorities in connection with the investigation of illegal activities or, to the extent required by law, including the Patriot Act, evidence of terrorist related activities.
- 3.6 Employees should always ensure that the business information contained in email messages and other transmissions and electronic communications of employees are appropriate, professional, and consistent with University policies generally. Employees shall not compose, transmit, access, or retrieve data via University Technology that contains content that could be considered discriminatory, offensive, obscene, threatening, harassing, intimidating, or disruptive to any employee or other person in violation of any law or University policy.

Examples of unacceptable content may include, but are not limited to, inappropriate sexual comments or pornographic images, racial slurs, inappropriate gender-specific comments, or any other improper comments or images that could reasonably offend someone on the basis of race, age, sex, religious or political beliefs, national origin, disability, sexual orientation, or any other characteristic protected by law.

- 3.7 University technology is not to be used by employees for personal activities unrelated to proper University functions, except in a purely incidental and occasional manner, or as expressly authorized by the employee's supervisor. Any such personal use, even if authorized, remains subject to the University's right to monitor and review, to the extent permitted by law by and this Policy (see Section 9, below). Personal use by employees of University Technology (whether or not

authorized) is considered to constitute consent by the employee to the University to monitor and review such use without further notice or consent, except to the extent prohibited by law. Personal use of University Technology beyond incidental and occasional use more than a few minutes a day, or pursuant to express authorization, may be grounds for disciplinary action.

- 3.8 The University further reserves the right to determine policies relating to the retention or purging of records, including electronic data and communications, and the right in its discretion to delete data, communications, and records stored on University Technology.

4. Portable Computers

- 4.1 Portable computers (i.e., laptops / notebooks, netbooks, tablets) are, when determined by the University to be appropriate, made available to employees to use when traveling or presenting to groups or as a way to stay in touch with the University while away from campus.
- 4.2 Costs incurred by the University from damages to or the loss of a portable computer is the responsibility of the employee if the result of intentional damage, improper care, or gross neglect. Employees shall be responsible to report immediately any stolen portable computers to the Public Safety Department and the Office of Information Technology.
- 4.3 As with all University computers and other University Technology, employees are prohibited from installing unauthorized software or hardware components on University issued laptops. Before installing any software, an employee is required to contact the Office of Information Technology for authorization and to determine that any necessary licensing has been secured. Only the Office of Information Technology may install new software on University owned or leased hardware.
- 4.4 Confidential, privileged, or sensitive information about the University should never be permanently stored on a portable computer. Any such information shall be transferred to the University's network where the data is secured and regularly backed-up.
- 4.5 In the event that the employee becomes aware that the security of a University laptop has been breached or compromised, the employee shall immediately advise the Office of Information Technology and Department of Public Safety.

- 4.6 As with all University Technology, the University reserves the right to inspect and monitor University laptops used by employees in accordance with the conditions and procedures set forth in Section 9 of this Policy.

5. Abuse and Excessive Use

- 5.1 Abuse by employees of University technology in violation of law or University policies, including this Policy, will result in disciplinary action or termination of employment. To the extent provided by law, employees may also be held personally liable for any losses caused by violations of this Policy.
- 5.2 The following are examples of behaviors and activities by employees that are prohibited by this Policy and can result in disciplinary action or termination of employment:
- a. Engaging in any activities that would use excessive system resources or overwhelm the natural capacities of the technology infrastructure. (Chain letters, the excessive downloading of large files, downloading of any software or programs, or the use or downloading of web-crawlers, streaming videos, or music without authorization are prohibited.)
 - b. Solicitation in violation of University policies regulating solicitation or sales by employees of others (employees or non-employees) using University Technology, including for commercial ventures, religious or political causes, outside organizations, or other non-business matters.
 - c. Using University Technology for any sort of gambling.
 - d. The unauthorized use, installation, copying, or distribution of copyrighted, trademarked, or patented material while using University Technology.
 - e. Sending or posting discriminatory, harassing, or threatening messages or images or sending or posting messages that defame or slander other individuals in violation of law or University policies (including the Harassment Prevention Policy).
 - f. Participating in the viewing or exchange or downloading of pornography or obscene materials. (See Section 6 below.)

- g. Using University Technology for personal gain or engaging in unauthorized transactions that may incur a cost to the organization or initiate unwanted Internet services and transmissions.
- h. Stealing, using, or disclosing someone else's account code or password without authorization.
- i. Violating copyright law by copying, pirating, or downloading software and electronic files without permission or failing to observe licensing agreements.
- j. Sending or posting confidential material, trade secrets, privileged communications, or proprietary information of the University to unauthorized third parties outside of the University or to unauthorized recipients within the University.
- k. Jeopardizing the security of University Technology or attempting to break into the computer system of another organization or person using University Technology.
- l. Refusing to cooperate with a security investigation by the University.
- m. Passing off personal views as representing those of the University.
- n. Sending anonymous email messages.
- o. Engaging in any illegal activities using University Technology.
- p. Using University Technology for personal purposes in excess of the generally permitted occasional or incidental use noted above, (not to exceed a few minutes a day except to the extent expressly authorized by the employee's supervisor).
- q. Installing unauthorized software on University hardware or systems.
- r. Installing unauthorized hardware into the University networks or systems.

6. No Harassment

- 6.1 It is University policy that all individuals within the University community have the right to an environment free from any type of discrimination, including any form of unlawful harassment. The University prohibits the use of University Technology by employees in a manner that violates the

University's Harassment Prevention Policy. (Refer to the Lincoln University Harassment Prevention Policy for further detail.)

- 6.2 It is not the intent of this Policy to unduly inhibit the expression of ideas or to use any methods that would infringe on an individual's right to free speech. This Policy is intended to create a working environment that promotes respect and dignity for others and the protection of legitimate University interests while reasonably striking a balance with the interest of employees' freedom of expression.

7. Security Controls

- 7.1 Information technologies are protected and controlled through the use of account codes and passwords and in some instances filters and protective software. University Technology users may not share their Lincoln computer accounts or passwords, and may not use the accounts or passwords of others. Violations of this by employees may result in disciplinary action.
- 7.2 Security controls on University Technology are established to protect individual privacy and to safeguard University information and physical assets. All members of the University community must respect these controls, refrain from attempting to circumvent them, and must promptly report to the Chief Information Technology Officer or their immediate supervisor violations of such Technology security controls as they are discovered.

8. University Policy on Institutional Monitoring or Review of Employee Electronic Communications or Files

- 8.1 University Technology, including computer equipment and systems, and data and communications and files created, sent, received or stored therein are the property of the University. To the extent permitted at the time by law, the University reserves the right to monitor and review any and all aspects of the University's computer systems and data, communications and files of employees stored on University Technology, at any time, without notice, and without the employee's permission. Lincoln similarly reserves the right to monitor and review Internet traffic of employees, including the history of sites visited, and retrieve and read any data composed, sent, or received through its University's online connections and stored in University Technology.
- 8.2 Accordingly, no University employee should have any expectation of privacy vis-à-vis the University in any message, file, image, or other electronic communications of employees created, sent, saved,

transmitted, retrieved, received, or stored by use of the University's Technology.

- 8.3 The University will not ordinarily monitor or review the content of electronic communications or computerized files of its employees except under certain special circumstances. Monitoring and review of electronic communications of computerized files may only be performed by University employees authorized by the President or designee and Chief Human Resources Officer. Other employees must not impede this monitoring, review, or attempt to monitor or review the communication of others. In this context, "electronic communications" includes, but is not limited to, email and computer files of employees transmitted over the University network or stored on University's computer system and equipment or other University Technology.
- 8.4 Examples of special circumstances when monitoring or review of employee electronic communications may occur include, but are not limited to, the following:
- a. Communications or files targeted by orders of a court of law, subpoena, or proper discovery demands.
 - b. Supervisor and/or internal audit reviews of University systems or records.
 - c. Electronic communications or files that have been inadvertently exposed to IT staff who are in good faith working to upgrade systems or correct technical issues. When IT staff inadvertently becomes aware of potentially illegal or improper content in communications or files, they are required to report what they have seen to appropriate authorities at the University. Otherwise, however, the University expects IT staff to treat inadvertently viewed electronic communications of University employees (or other users) as confidential and not subject to disclosure to anyone (including within the University) without authorization by the President or the President's designee.
 - d. Security testing and similar routine administrative functions by the IT staff and investigations of attempted improper access (i.e. "hacking") into University systems by unauthorized persons.
 - e. Investigations into allegations of violations of law or University policy.

- f. An urgent need for access to University business documents when an employee is unavailable.
- g. Reviews of documents released to third parties, including but not limited to disclosures in accordance with a court order or subpoena or discovery request, to determine whether the communications or files must be disclosed and/or whether they contain and confidential or privileged information of the University. Such situations will be specifically reviewed by and authorized by the President, the President's designee, or by the Vice President responsible for the affected employee.

9. Severability/Consistent with Law

- 9.1 Nothing in this Policy shall not be construed to require the disclosure by the University to third parties of any confidential or privileged communications.
- 9.2 In the event that any provision of this Policy is ever determined to be inconsistent with any law, the applicable law shall prevail and that specific portion of the Policy shall be considered to be severed from the Policy, but the rest of this Policy shall remain in force until further action is taken by the University to amend this Policy.

10. Violations of this Policy

- 10.1 Violations of this Policy should be reported to the immediate supervisor, Division Vice President, Chief Information Technology Officer, Director of Human Resources, or to any member of management.
- 10.2 Any violation by employees of this Policy or any laws related to the use of information and communication technologies will be subject to disciplinary action or termination of employment.

References

Lincoln University Harassment Prevention Policy

Questions regarding this policy may be addressed to:

The Office of Human Resources

Lincoln University

1570 Baltimore Pike

Lincoln Hall – 4th Floor

Lincoln University, PA 19352

484-365-8059

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Appendix A10

LINCOLN UNIVERSITY

Policy:	Termination of the Employment Relationship
Policy Number:	HR-117
Effective Date:	July 1, 2009
Revisions:	April 2008, August 2011
Next Review Date:	August 2013
Responsible Officer:	Chief Human Resources Officer
Status:	Approved by President and Active

1. Introduction and Purpose

The rules and procedures for handling employment status changes vary according to the voluntary or involuntary nature of the change, guidelines established by a Collective Bargaining Agreement (CBA), when applicable, and the general circumstances. However, when termination of employment becomes necessary, whether employee or University initiated, procedures set forth in this policy, to the extent consistent with any applicable CBA shall be followed. The purpose of this policy is to establish a guideline for employment termination procedures.

2. Policy

The effective date of termination will be on an employee's last working day except when termination occurs while the employee is on leave of absence without pay. If appropriate, unused accrued vacation leave, not to exceed the allowable maximum, will be paid as a lump sum in the employee's last paycheck.

3. Employment Termination Categories

3.1. Resignation

3.1.1. The employment relationship is most commonly severed by employee resignation. This is a voluntary action on the part of the employee. The absence of an employee without notification for three days, also known as "Job Abandonment" is also categorized as a resignation. Except to the extent prohibited by law, an "Inability to Work" or failure to return to work, "Fit for Duty," for a period which exceeds the time of all applicable leaves provided by law, the policies of the University, or, when applicable the CBA, will also be treated as a resignation at the expiration of all such leaves.

3.1.2. Employees are expected to notify their immediate supervisor in writing of their intention to resign their employment. An employee who

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desires to resign from his/her employment shall provide notice of resignation in writing to the University through their immediate supervisor, at least two weeks prior to the intended date of resignation or as stated in the employment contract or CBA, if applicable.

3.2. Retirement

An employee who is eligible, under applicable retirement plans of the University, to retire from employment with the University shall notify the Office of Human Resources ("HR") in writing at least three months prior to the intended retirement date in order to properly and timely coordinate any benefits to be received by the employee.

3.3. Death

In the event of the death of an employee, payment of the employee's outstanding wages shall be made in accordance with law.

3.4. Non-Reappointment

In the case of a faculty member who is not recommended for reappointment to an academic rank, the University shall terminate the employment of said employee due to non-reappointment in accordance with the policy and procedures delineated in the applicable CBA.

3.5. Reductions in Force

In its sole discretion, the University may decide to restructure or reduce its workforce. The University will attempt to provide advance notice of said reduction to the affected employees. Except to the extent provided otherwise by an applicable CBA, factors, which the University may use in selecting employees for layoff and/or changes in work schedule include, but are not limited to, budgetary constraints or lack of funds, reorganization, program modifications, business or operational requirements, end of work assignment, outsourcing of position, or lack of work.

3.6. Dismissal

3.6.1. When the dismissal of an employee is necessary, the University will administer the involuntary termination of employment process in accordance with State and Federal laws and the applicable CBA.

3.6.2. If an employee is involuntarily discharged, said employee is not eligible for rehire by the University. Similarly, faculty members who are

subject to non-reappointment as a result of misconduct shall not be eligible for rehire.

3.6.3. The employee shall be notified during a scheduled meeting, when possible, the effective date of his/her employment termination.

3.6.4. The employee's final paycheck will be provided on the next scheduled payday according to established Payroll Department procedures, unless other provisions have been made.

4. Appeal Process

An employee not covered by a CBA may appeal the dismissal to the Division Vice President, or the President, if, and only if, the Division Vice President was involved in the original disciplinary process. The appeal process shall be initiated by the employee via a written statement, which shall be sent to the Chief Human Resources Officer within five (5) days of the effective date of termination via U.S. Certified Mail.

5. Exit Interview

5.1. When possible, an exit interview will be conducted by an HR representative to discuss issues, such as continuation of employee benefits, conversion privileges, and repayment of outstanding debts to the University. At or prior to this interview, the employee is required to return University-owned property and has the option of completing a separation form. The employee's final paycheck will be provided on the next scheduled payday according to established payroll procedures.

5.2. University-owned property shall be returned to the employee's immediate supervisor. Said property may include, but is not limited to, any information technology equipment, e.g. laptop, or software, keys, ID badge, uniforms, tools, parking permits, books, materials, etc.

Questions regarding this policy may be addressed to:

**The Office of Human Resources
Lincoln University
1570 Baltimore Pike
Lincoln Hall – 4th Floor
Lincoln University, PA 19352
484-365-8059**

**LINCOLN UNIVERSITY
DIRECTORY OF EMPLOYEE SERVICES**

**911- Ambulance, Fire, Police
Chester County Emergency Services**

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(484) 365-8000
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**HMS Employee Assistance Program
(EAP) Services**
(800) 343-2186
www.hmsincorp.com
Username: Lincoln
Password: University

Payroll Department
(484) 365-7418 or 7420

Aetna Member Services
(877) 900-2371
www.aetna.com

TIAA-CREF Retirement Plans
www.tiaa-cref.org
(800) 842-2252

Campus Health Services
Cresson Hall 1st Floor
(484) 365-7338

Information Technology Help Desk
(484) 365-8134

**Office of the Physical Plant,
Facilities and Maintenance
Operations**
(484) 365-8061
fixit@lincoln.edu

Department of Public Safety
Azikiwe Nkrumah Hall 1st Floor
(484) 365-7211

Inclement Weather Hotline
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(484) 365-7999 Local