

ESSEX COUNTY COLLEGE EMPLOYEE HANDBOOK



Revised: March 2021

Essex County College

Is an Equal Opportunity Employer

Essex County College

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Newark, New Jersey 07102

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DISCLAIMER

THE CONTENTS OF THIS HANDBOOK ARE GUIDELINES ONLY AND SUPERCEDE ANY PRIOR MANUAL OR HANDBOOK. THE EMPLOYMENT RELATIONSHIP THAT EXISTS BETWEEN ESSEX COUNTY COLLEGE (“ESSEX”) AND ITS EMPLOYEES IS EMPLOYMENT-AT-WILL. THIS MEANS THAT EMPLOYMENT WITH ESSEX COUNTY COLLEGE MAY BE TERMINATED AT ANY TIME, FOR ANY REASON, WITH OR WITHOUT CAUSE OR NOTICE BY THE EMPLOYEE OR ESSEX. **THIS HANDBOOK DOES NOT CONTAIN ANY PROMISES OF ANY KIND.** NEITHER THIS HANDBOOK NOR ANY OTHER GUIDELINES, POLICIES, OR PRACTICES CREATE AN EMPLOYMENT CONTRACT. ESSEX COUNTY COLLEGE HAS THE RIGHT, WITH OR WITHOUT NOTICE, IN AN INDIVIDUAL CASE OR GENERALLY, TO CHANGE ANY OF ITS GUIDELINES, POLICIES, OR PRACTICES, OR WAGES/BENEFITS AT ANY TIME, EXCEPT FOR BARGAINED-FOR, CONTRACTUAL EMOLUMENTS OF EMPLOYMENT, WITHOUT HAVING TO CONSULT ANYONE AND WITHOUT ANYONE’S AGREEMENT. HOWEVER, ESSEX SHALL ATTEMPT TO NOTIFY EMPLOYEES OF ANY SUCH CHANGES BY POSTING THEM CONSPICUOUSLY THROUGHOUT THE COLLEGE AND BY OTHER APPROPRIATE MEANS.

NO ONE IS AUTHORIZED TO PROVIDE ANY EMPLOYEE WITH AN EMPLOYMENT CONTRACT OR SPECIAL ARRANGEMENT CONCERNING TERMS OR CONDITIONS OF EMPLOYMENT UNLESS THE TERMS OF THE AGREEMENT ARE IN WRITING AND SIGNED BY THE DEPARTMENT HEAD AND THE PRESIDENT AND APPROVED BY ESSEX’S BOARD OF TRUSTEES.

THIS NOTICE APPLIES TO ALL EMPLOYEES REGARDLESS OF DATE OF HIRE.

Welcome

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

You are joining an institution that has a reputation for outstanding leadership, student success, innovation, and expertise in the field of education. Our employees use their creativity and talent to invent new solutions, meet new demands, and offer the most effective student services in higher education. With your active involvement, creativity, and support, **Essex County College** will continue to achieve its goals. We sincerely hope you will take pride in being an important part of our success.

Please take time to review the guidelines contained in this handbook. Please note that the information contained in this document may vary based on the information contained in Collective Bargaining Agreements. If you have questions, feel free to ask your supervisor or to contact the Human Resources Department at extension 3413.

Mission, Vision, and Values

Vision Statement

A Beacon for Education and Knowledge, Essex County College attracts people who seek a better life through education. We transform lives, broaden learning and empower students to achieve their full potential. Our college community and graduates are change agents and leaders who contribute to the health, vitality and advancement of society.

Mission Statement

Essex County College is an open access community college that serves the diverse needs of students through comprehensive educational programs, training, and continuing education. Essex County College is dedicated to academic excellence and the success of its students.

Values Statement

Essex County College affirms the following principles, values and beliefs:

- **Teaching and Learning:** We affirm teaching and learning as our primary purpose. The College seeks to instill in students general and specialized knowledge, the ability to think critically, and a commitment to civic responsibility. We value academic freedom and support the open exchange of ideas and experiences.
- **Excellence and Accountability:** We believe in creating a learning environment that fosters high expectations for achievement. The College is committed to rigorous academic standards, faculty excellence, and responsive support services that enable students to reach their full academic, professional and personal potential. We provide excellent programs that utilize technology, demonstrate innovation, and undergo evaluation to ensure consistent and outstanding performance.
- **Community and Engagement:** We support programs that enhance the economic and social development of Essex County. We value our role as a vital community resource and are dedicated to forging effective partnerships with our many constituencies.
- **Diversity and Access:** We embrace the rich diversity of our student population and our employees. We recognize the historical, intellectual, and artistic contributions of all cultures, and promote an atmosphere in which critical examination of perspectives is accepted and encouraged. We believe all people should have access to affordable, quality higher education that will prepare them to succeed in a their chosen profession.
- **Legacy and Transformation:** We honor our history and the valued traditions of Essex County College, the City of Newark and the County of Essex. We also welcome the transformative power of education to change lives. Building upon our past achievements, we eagerly embrace the future by pursuing innovations in teaching, administration, and student services.

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Employment at Will

Employment at **Essex County College** is on an at-will basis unless otherwise stated in a written collective bargaining agreement or individual contract.

This means that either the employee or the College may terminate the employment relationship at any time, for any reason, with or without notice.

Nothing in this employee handbook is intended to or creates an employment agreement, either express or implied. Nothing contained in this or any other document provided to the employee is intended to be, nor should it be, construed as a contract that employment or any benefit will be continued for any period of time. In addition, no College representative is authorized to modify this policy for any employee or to enter into any agreement, either oral or written, that changes the at-will relationship.

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

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

Equal Opportunity Employment and Commitment to Diversity

Equal Opportunity

Essex County College provides equal employment opportunities to all employees and applicants for employment without regard to race, color, ancestry, national origin, gender, sexual orientation, marital status, religion, age, disability, gender identity, results of genetic testing, pregnancy, service in the military or any other prohibited basis in accordance with all applicable federal and state laws. Equal employment opportunity applies to all terms and conditions of employment, including hiring, placement, promotion, termination, layoff, recall, transfer, leave of absence, compensation, and training.

Essex County College expressly prohibits any form of unlawful employee harassment or discrimination based on any of the characteristics mentioned above. Improper interference with the ability of other employees to perform their expected job duties is absolutely not tolerated.

Any employees with questions or concerns about equal employment opportunities in the workplace are encouraged to bring these issues to the attention of the Executive Director of Human Resources. The College will not allow any form of retaliation against individuals who raise issues of equal employment opportunity. If an employee feels he or she has been subjected to any such retaliation, he or she should bring it to the attention of the Executive Director of Human Resources.

Retaliation means adverse conduct taken because an individual reported an actual or perceived violation of this policy, opposed practices prohibited by this policy, or participated in the reporting and investigation process described below. "Adverse conduct" includes, but is not limited to:

- (1) Shunning and avoiding an individual who reports harassment, discrimination or retaliation;
- (2) Express or implied threats or intimidation intended to prevent an individual from reporting harassment, discrimination or retaliation; or
- (3) Denying employment benefits because an applicant or employee reported harassment, discrimination or retaliation or participated in the reporting and investigation process.

Complaints of discrimination should be filed according to the procedures described in the Harassment and Complaint Policy.

Americans with Disabilities Act (ADA) and Reasonable Accommodation

Essex County College is committed to complying with all relevant and applicable provisions of the Americans with Disabilities Act ("ADA") and related state laws. Essex County College will not discriminate against any qualified employee or job applicant with respect to terms, privileges, or conditions of employment based on a person's physical or mental disability.

To ensure equal employment opportunities to qualified individuals with a disability, Essex County College will make reasonable accommodations for the known disability of an otherwise qualified

individual, unless undue hardship on the operation of the business or a direct threat of substantial harm to the health and safety of the employee or others would result.

An applicant or employee who may require a reasonable accommodation in order to perform the essential functions of the job he or she holds or desires should contact the Human Resources Department and request such accommodation at extension 3413.

Commitment to Diversity

Essex County College is committed to creating and maintaining a workplace in which all employees have an opportunity to participate in, and contribute to, the success of the institution and are valued for their skills, experience, and unique perspectives. This commitment is embodied in company culture, policy and the way we do business at Essex County College and is an important principle of sound business management. Essex County College is committed to fostering, cultivating and preserving a culture of diversity, equity and inclusion.

Our human capital is the most valuable asset we have. The collective sum of the individual differences, life experiences, knowledge, inventiveness, innovation, self-expression, unique capabilities and talent that our employees invest in their work represents a significant part of not only our culture, but our reputation and the College's achievements as well.

We embrace and encourage our employees' differences in all areas; including age, color, disability, ethnicity, family or marital status, gender identity or expression, language, national origin, physical and mental ability, political affiliation, race, religion, sexual orientation, socio-economic status, veteran status, and other characteristics that make our employees unique.

All employees of Essex County College have an obligation to treat others with dignity and respect at all times. All employees are expected to exhibit conduct that reflects inclusion during work, at work functions on or off the work site, and at all other company-sponsored and participative events. All employees are also required to attend and complete annual diversity awareness training to enhance their knowledge to fulfill this responsibility.

Any employee found to have exhibited any inappropriate conduct or behavior against others may be subject to disciplinary action.

Employees who believe they have been subjected to any kind of discrimination that conflicts with the College's diversity policy and initiatives should seek assistance from a supervisor or an HR representative.

Commitment to Anti-Harassment

It is Essex County College's guiding principle to prohibit harassment of an employee by another employee, management representative, supplier, volunteer, or business invitee on the basis of an actual or perceived sex, race, creed, color, religion, national origin, ancestry, age, marital or political status, affectional or sexual orientation, domestic partner status, atypical heredity,

cellular or blood trait, genetic information, disability (including AIDS or HIV infection), liability for service in the United States armed forces, and/or any other characteristic protected by law. While it is not easy to define precisely what harassment is, it includes slurs, epithets, threats, derogatory comments, unwelcomed jokes, teasing, and other similar verbal or physical conduct.

If an employee is witness to, or believes to have experienced harassment, the Department of Human Resources should be notified. See the Employee Harassment and Complaint Procedure included herein for the notification process.

Harassment of any employees, in connection with their work, by non-employees may also be a violation of this policy. Any employee who experiences harassment by a non-employee, or who observes harassment of any employee by a non-employee, should report such harassment to a supervisor. Appropriate action will be taken against any non-employee.

Notification by an employee to the Department of Human Resources of any incidents of harassment is essential to the success of this policy and Essex County College in general. The College cannot resolve a harassment concern unless it is reported. Therefore, it is the responsibility of all employees to advise the Department of Human Resources of such issues, so that necessary steps can be taken to address them.

Violation of this harassment policy will subject employees to disciplinary action up to, and including, dismissal.

Harassment and Complaint Procedure

Sexual and other unlawful harassment is a violation of Title VII of the Civil Rights Act of 1964 (Title VII), as amended, as well as many state laws. Harassment based on a characteristic protected by law, such as race, color, ancestry, national origin, gender, sex, sexual orientation, gender identity, marital status, religion, age, disability, veteran status, or other characteristic protected by state or federal law, is prohibited.

It is Essex County College's policy to provide a work environment free of any and all types of harassment. To that end, harassment of Essex County College employees by management, supervisors, coworkers, or nonemployees who are in the workplace is absolutely prohibited. Further, any retaliation against an individual who has reported an incident or incidents of harassment, or retaliation against individuals for cooperating with an investigation of a harassment complaint is similarly unlawful and will not be tolerated. Essex County College will take all steps necessary to prevent and eliminate unlawful harassment.

Definition of Unlawful Harassment. "Unlawful harassment" is conduct that has the purpose or effect of creating an intimidating, hostile, or offensive work environment; has the purpose or effect of substantially and unreasonably interfering with an individual's work performance; or otherwise adversely affects an individual's employment opportunities because of the individual's membership in a protected class.

Unlawful harassment includes, but is not limited to, epithets; slurs; jokes; pranks; innuendo; comments; written or graphic material; stereotyping; or other threatening, hostile, or

intimidating acts based on race, color, ancestry, national origin, gender, sex, sexual orientation, marital status, religion, age, disability, veteran status, or other characteristic protected by state or federal law.

Definition of Sexual Harassment. While all forms of harassment are prohibited, special attention should be paid to sexual harassment. “Sexual harassment” is generally defined under both state and federal law as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where:

- Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of any individual’s employment or as a basis for employment decisions; *or*
- Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive work environment.

Other sexually oriented conduct, whether intended or not, that is unwelcome and has the effect of creating a work environment that is hostile, offensive, intimidating, or humiliating to workers may also constitute sexual harassment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct that, if unwelcome, may constitute sexual harassment depending on the totality of the circumstances, including the severity of the conduct and its pervasiveness:

- Unwanted sexual advances, whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one’s sex life, comments about an individual’s body, comments about an individual’s sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, or cartoons;
- Unwelcome leering, whistling, brushing up against the body, sexual gestures, or suggestive or insulting comments;
- Inquiries into one’s sexual experiences; *and*
- Discussion of one’s sexual activities.

All employees should take special note that, as stated above, retaliation against an individual who has reported an incident or incidents of sexual harassment and retaliation against individuals for cooperating with an investigation of sexual harassment complaint is unlawful and will not be tolerated at Essex County College.

Employee Complaint Policy and Procedures

Where not governed by a contracted-for grievance procedure, employees who wish to report harassment, sexual harassment, or any other workplace wrongdoing/grievance are requested to immediately report the matter to their supervisor. If they prefer, or do not feel that the matter can be discussed with their supervisor, they should contact the Department Head, Area Head or the Department of Human Resources. If the complaint pertains to Human Resources, the employee should contact the Office of the President. Reporting such incidents is encouraged,

both when an employee feels that he or she is subject to such incidents, or observes such incidents in reference to other employees. Employees should report such incidents in writing using Essex's prescribed Employee Complaint or Discrimination Complaint form, but may make a verbal complaint at their discretion. If the employee has any questions about what constitutes harassment, sexual harassment, or any other workplace wrongdoing, they may ask their supervisor, Department Head, Area Head or the Department of Human Resources to provide clarification.

All reports of harassment, sexual harassment, or other wrongdoing will be promptly and thoroughly investigated by the Title IX Officer, Human Resources designee, or other authorized person by Essex County College to conduct the investigation. Essex County College, also, retains the right to employ an independent third-party to conduct fair investigations.

No employee will be penalized in any way for filing a complaint. There will be no discrimination or retaliation against any individual who files a good-faith harassment complaint, even if the investigation produces insufficient evidence to support the complaint, and even if the charges cannot be proven. There will be no discrimination or retaliation against any other individual who participates in the investigation of a complaint.

If the investigation substantiates the complaint, appropriate corrective and/or disciplinary action will be swiftly pursued. Disciplinary action up to, and including, dismissal shall also be taken against individuals who make false or frivolous accusations, such as those made maliciously or recklessly. Actions taken internally to investigate and resolve harassment complaints will be conducted confidentially to the extent practicable and appropriate in order to protect the privacy of persons involved. Any investigation may include interviews with the parties involved in the incident, and if necessary, with individuals who may have observed the incident or conduct, or who have other relevant knowledge. The complaining employee will be notified of a decision at the conclusion of the investigation and within a reasonable time from the date of the report of an incident and acceptance of the investigatory findings by Essex County College.

Complaint Procedure

Any employee who believes he or she has been subject to or witnessed illegal discrimination, including sexual or other forms of unlawful harassment, is requested and encouraged to make a complaint. You may complain directly to your immediate supervisor or department manager, the HR director, or any other member of management with whom you feel comfortable bringing such a complaint. Similarly, if you observe acts of discrimination toward or harassment of another employee, you are requested and encouraged to report this to one of the individuals listed above.

No reprisal, retaliation, or other adverse action will be taken against an employee for making a complaint or report of discrimination or harassment or for assisting in the investigation of any such complaint or report. Any suspected retaliation or intimidation should be reported immediately to one of the persons identified above.

All complaints will be investigated promptly and, to the extent possible, with regard for confidentiality.

If the investigation confirms conduct contrary to this policy has occurred, Essex County College will take immediate, appropriate, corrective action, including discipline, up to and including immediate termination.

Conflicts of Interest and Confidentiality

Conflicts of Interest

Essex County College expects all employees to conduct themselves and College business in a manner that reflects the highest standards of ethical conduct, and in accordance with all federal, state, and local laws and regulations. This includes avoiding real and potential conflicts of interests.

Exactly what constitutes a conflict of interest or an unethical business practice is both a moral and a legal question. Essex County College recognizes and respects the individual employee's right to engage in activities outside of employment which are private in nature and do not in any way conflict with or reflect poorly on the College.

It is not possible to define all the circumstances and relationships that might create a conflict of interest. If a situation arises where there is a potential conflict of interest, the employee should discuss this with a manager for advice and guidance on how to proceed. The list below suggests some of the types of activity that indicate improper behavior, unacceptable personal integrity, or unacceptable ethics:

1. Carrying on College business with a firm in which the employee, or a close relative of the employee, has a substantial ownership or interest.
2. Holding a substantial interest in, or participating in the management of, an organization to which the College makes sales or from which it makes purchases.
3. Borrowing money from customers, students, or organizations, other than recognized loan institutions, specifically organizations from which our College buys services, materials, equipment, or supplies.
4. Accepting substantial gifts or excessive entertainment from an outside organization or agency.
5. Speculating or dealing in materials, equipment, supplies, services, or property purchased by the College.
6. Participating in civic or professional organization activities in a manner that divulges confidential College information.
7. Misusing privileged information or revealing confidential data to outsiders.
8. Using one's position in the College or knowledge of its affairs for personal gains.
9. Engaging in practices or procedures that violate antitrust laws, commercial bribery laws, copyright laws, discrimination laws, campaign contribution laws, or other laws regulating the conduct of College business.

Confidential Information

The protection of confidential business information is vital to the interests and success of Essex County College. Confidential information is any and all information disclosed to or known by you because of employment with the company that is not generally known to people outside the College about its business, students or employees.

An employee who improperly uses or discloses confidential College information will be subject to disciplinary action up to and including termination of employment and legal action.

This provision is not intended to, and should not be interpreted to, prohibit employees from discussing wages and other terms and conditions of employment if they so choose.

Whistleblower Policy

A whistleblower as defined by this policy is an employee of Essex County College who reports an activity that he/she reasonably believes to be illegal, dishonest, or incompatible with public policy to one or more of the parties specified in this Policy. The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures; appropriate management officials are charged with these responsibilities.

Examples of illegal or dishonest activities include, but are not limited to: violations of federal, state or local laws or regulations; billing for services not performed or for goods not delivered; and other fraudulent financial reporting.

If an employee has knowledge of or a concern of illegal, dishonest, or fraudulent activity or actions which are incompatible with public policy, the employee is to contact the Compliance Department or a Human Resources Director. The employee must exercise sound judgment to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing will be subject to discipline up to and including termination.

Insofar as possible, the confidentiality of the whistleblower will be maintained. However, identity may have to be disclosed to conduct a thorough investigation, to comply with the law, or to provide accused individuals their legal rights of defense.

Essex County College will not retaliate against a whistleblower who discloses what they reasonably believe to be an unlawful activity, policy or practice. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, or poor work assignments and threats of physical harm. Any whistleblower who believes he/she is being retaliated against must contact the Human Resources Director immediately. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

Under New Jersey's Whistleblower Law, the Conscientious Employee Protection Act ("CEPA") an employer cannot take retaliatory action against an employee because an employee:

New Jersey law prohibits an employer from taking any retaliatory action against an employee because the employee does any of the following:

- a. Discloses, or threatens to disclose, to a supervisor or to a public body an activity, policy or practice of the employer or another employer, with whom there is a business relationship, that the employee reasonably believes is in violation of a law, or a rule or regulation issued under the law, or, in the case of an employee who is a licensed or certified health care professional, reasonably believes constitutes improper quality of patient care;
- b. Provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any violation of law, or a rule or regulation issued under the law by the employer or another employer, with whom there is a business relationship, or, in the case of an employee who is a licensed or certified health care professional, provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into quality of patient care; or
- c. Provides information involving deception of, or misrepresentation to, any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity.
- d. Provides information regarding any perceived criminal or fraudulent activity, policy or practice of deception or misrepresentation which the employee reasonably believes may defraud any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity.
- e. Objects to, or refuses to participate in, any activity, policy or practice which the employee reasonably believes:
 - (1) is in violation of a law, or a rule or regulation issued under the law or, if the employee is a licensed or certified health care professional, constitutes improper quality of patient care;
 - (2) is fraudulent or criminal; or
 - (3) is incompatible with a clear mandate of public policy concerning the public health, safety or welfare or protection of the environment. N.J.S.A. 34:19-3.

Under CEPA, the protection against retaliation, when a disclosure is made to a public body, does not apply unless the employee has brought the activity, policy or practice to the attention of a supervisor of the employee by written notice and given the employer a reasonable opportunity to correct the activity, policy or practice. However, disclosure is not required where the employee reasonably believes that the activity, policy or practice is known to one or more supervisors of the employer or where the employee fears physical harm as a result of the disclosure, provided that the situation is emergency in nature.

All reports of illegal and dishonest activities will be promptly submitted to the Chief Compliance Officer, Syrion Jack, 973-877-3477, sjack1@essex.edu, who is responsible for investigating and coordinating corrective action.

Employees with any questions regarding this policy, or who would like to provide notification as to any violation of this policy should contact the Executive Director of Human Resources, Yvette Henry, 973-877-3084, yhenry@essex.edu.

Media Communication Policy

Essex County College Communication Media are the property of the College and, as such, are to be used for legitimate business purposes only. For purposes of this Communication Media Policy, "Communication Media" includes all electronic media forms provided by Essex County College, such as cell phones, smart phones, computers, electronic tablets, access to the internet, voicemail, email, and fax.

All data stored on and/or transmitted through Communication Media is the property of Essex County College. For purposes of this policy, "data" includes "electronically-stored files, programs, tables, databases, audio and video objects, spreadsheets, reports and printed or microfiche materials which serve an Essex County College business purpose, regardless of who creates, processes or maintains the data, or whether the data is processed manually or through any of Essex County College's mainframe, midrange or workstations; servers, routers, gateways, bridges, hubs, switches and other hardware components of Essex County College's local or wide-area networks."

Essex County College respects the individual privacy of its employees. However, employee communications transmitted by Essex County College's Communication Media are not private to the individual. All Communication Media and all communications and stored information transmitted, received, or contained in or through such media may be monitored by Essex County College. Essex County College reserves the absolute right to access, review, audit, and disclose all matters entered into, sent over, placed in storage in Essex County College's Communication Media. By using Essex County College's equipment and/or Communication Media, employees consent to have such use monitored at any time, with or without notice, by Essex County College personnel. The existence of passwords does not restrict or eliminate Essex County College's ability or right to access electronic communications. However, Essex County College cannot require the employee to provide its password to his/her personal account.

All email, voicemail, and Internet messages (including any technology-based messaging) are official documents subject to the provisions of the Open Public Records Act (N.J.S.A. 47:1A-1). Employees of Essex County College are required to use the assigned College-issued email account for ALL Essex County College business and correspondence.

Employees can only use Essex County College's Communication Media for legitimate business purposes. Employees may not use Essex County College's Communication Media in any way that is defamatory, obscene, or harassing or in violation of any Essex County College rules or policy. Examples of forbidden transmissions or downloads include sexually-explicit messages; unwelcome propositions; ethnic or racial slurs; or any other message that can be construed to be harassment or disparaging to others based on their actual or perceived age, race, religion, sex, sexual orientation, gender identity or expression, genetic information, disability, national origin, ethnicity, citizenship, marital status or any other legally recognized protected basis under federal, state or local laws, regulations or ordinances.

All employees, who have been granted access to electronically-stored data, must use a logon ID assigned by Essex County College. Certain data, or applications that process data, may require additional security measures as determined by Essex County College. Employees must not share their passwords, and each employee is responsible for all activity that occurs in connection with their passwords.

All employees may access only data for which Essex County College has given permission. All employees must take appropriate actions to ensure that Essex County College data is protected from unauthorized access, use, or distribution consistent with these policies. Employees may not access or retrieve any information technology resource and store information other than where authorized.

Employees must not disable anti-virus and other implemented security software for any reason, in order to minimize the risk of introducing computer viruses into Essex County College's computing environment.

Employees may not install or modify ANY hardware device, software application, program code, either active or passive, or a portion thereof, without the express written permission from Essex County College. Employees may not upload, download, or otherwise transmit commercial software or any copyrighted materials belonging to parties outside of Essex County College or licensed to Essex County College. Employees shall observe the copyright and licensing restrictions of all software applications and shall not copy software from internal or external sources unless legally authorized.

Essex County College encourages employees to share information with co-workers and with those outside Essex County College for the purpose of gathering information, generating new ideas, and learning from the work of others to the extent such sharing is permitted by Essex County College. Social media provides an inexpensive, informal and timely ways to participate in an exchange of ideas and information. However, information posted on a website is available to the public; therefore, employees must adhere to the following guidelines for their participation

in social media. Employees may engage in social media activity during work time through the use of Essex County College's Communication Media, provided that it is directly related to their work and it is in compliance with this policy.

Employees must not reveal or publicize confidential Essex County College information. Confidential proprietary or sensitive information may be disseminated only to individuals with a need and a right to know, and where there is sufficient assurance that appropriate security of such information will be maintained. Such information includes, but is not limited to the transmittal of personnel information such as medical records or related information. In law enforcement operations, confidential, proprietary or sensitive information also includes criminal history information, confidential informant identification, and intelligence and tactical operations files.

No media advertisement, electronic bulletin board posting, or any other posting accessible via the Internet about Essex County College or on behalf of Essex County College, whether through the use of Essex County College's Communication Media or otherwise, may be issued unless it has first been approved by the Office of the President or designee. Under no circumstances may information of a confidential, sensitive or otherwise proprietary nature be placed or posted on the Internet or otherwise disclosed to anyone outside Essex County College.

Because (authorized) postings placed on the Internet through use of Essex County College's Communication Media will display on Essex County College's return address, any information posted on the Internet must reflect and adhere to all of Essex County College's standards and policies.

All users are personally accountable for messages that they originate or forward using Essex County College's Communication Media. Misrepresenting, obscuring, suppressing, or replacing a user's identity on any Communication Media is prohibited. "Spoofing" (constructing electronic communications so that it appears to be from someone else) is prohibited. Employees must respect the laws regarding copyrights, trademarks, rights of public Essex County College and other third-party rights. Any use of Essex County College's name, logos, service marks or trademarks outside the course of the employee's employment, without the express consent of Essex County College, is strictly prohibited. To minimize the risk of a copyright violation, employees should provide references to the source(s) of information used and cite copyrighted works identified in online communications.

To the extent that employees use social media outside of their employment and, in so doing, employees identify themselves as Essex County College employees, or if they discuss matters related to Essex County College on a social media site, employees must add a disclaimer on the front page, stating that it does not express the views of Essex County College, and the employee is expressing only their personal views. For example: "The views expressed on this website/web log are mine alone and do not necessarily reflect the views of my employer." Place the disclaimer in a prominent position and repeat it for each posting that is expressing an opinion related to Essex County College or Essex County College's business. Employees must keep in mind that, if they post information on a social media site that is in violation of Essex County College policy and/or federal, state or local laws, the disclaimer will not shield them from disciplinary action.

Nothing in these policies is designed to interfere with, restrain, or prevent employee communications regarding wages, hours or other terms and conditions of employment. Essex County College employees have the right to engage in or refrain from such activities.

Employment Relationship

Employment Classifications

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

Exempt. Exempt employees are paid on a salaried basis and are not eligible to receive overtime pay.

Nonexempt. Nonexempt employees are paid on an hourly basis and are eligible to receive overtime pay for overtime hours worked.

Regular, Full-Time. Employees who are not in a temporary status and work a minimum of 30 hours weekly and maintain continuous employment status. Generally, these employees are eligible for the full-time benefits package and are subject to the terms, conditions, and limitations of each benefits program.

Regular, Part-Time. Employees who are not in a temporary status and who are regularly scheduled to work fewer than 24 hours weekly, but at least 1-5 hours weekly, and who maintain continuous employment status. Part-time employees are eligible for some of the benefits offered by the College and are subject to the terms, conditions, and limitations of each benefits program.

Temporary, Full-Time. Employees who are hired as interim replacements to temporarily supplement the workforce or to assist in the completion of a specific project and who are temporarily scheduled to work the company's full-time schedule for a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status.

Temporary, Part-Time. Employees who are hired as interim replacements to temporarily supplement the workforce or to assist in the completion of a specific project and who are temporarily scheduled to work fewer than 24 hours weekly for a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status.

Work Week and Hours of Work

The standard workweek is from Saturday 12:00 a.m. until Friday 11:59 p.m. and generally consists of 35 work hours. Office hours are 8:30 a.m. to 5:00 p.m. Individual work schedules may vary depending on the needs of each department.

Time and Attendance

All employees are required to provide an accurate accounting of time and attendance on a daily, weekly or monthly basis as determined by your employment status. Time and attendance are required to be documented electronically via Kronos or manually via the “Monthly Attendance Report”. Time and attendance is approved by your direct supervisor. Failure to provide accurate and consistent Time and Attendance reports may result in disciplinary action up to and including termination and legal action.

Overtime

When required due to the needs of the business, you may be asked to work overtime. Overtime is actual hours worked in excess of 35 or 40 hours in a single workweek, as determined by the assigned number of hours of work of the employee. Nonexempt employees will be paid overtime compensation at the rate of one and one half times their regular rate of pay for hours over 35 or 40 hours actually worked in a single workweek. Paid leave, such as holiday, vacation, sick, personal, bereavement leave, and jury duty does not apply toward work time. All overtime work must be approved in advance by a supervisor or manager.

Deductions from Pay/Safe Harbor Exempt Employees

The Company does not make improper deductions from the salaries of exempt employees and complies with the salary basis requirements of the Fair Labor Standards Act (FLSA). Employees classified as exempt from the overtime pay requirements of the FLSA will be notified of this classification at the time of hire or change in position.

Permitted deductions. The FLSA limits the types of deductions that may be made from the pay of an exempt employee. Deductions that are permitted include:

- Deductions that are required by law, e.g., income taxes;
- Deductions for employee benefits when authorized by the employee;
- Absence from work for one or more full days for personal reasons other than sickness or disability;
- Absence from work for one or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for salary lost due to illness;
- Offset for amounts received as witness or jury fees, or for military pay; or
- Unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions.

During the week an exempt employee begins work for the company or during the last week of employment, the employee will only be paid for actual hours worked. In addition, an employee may be paid only for hours worked during a period when the employee is using unpaid leave under the Family and Medical Leave Act (FMLA).

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

Paychecks

Essex County College's pay period for all employees is biweekly and payday is on Friday. If a pay day falls on a federal holiday, employees will receive their paycheck on the preceding workday. If employee opts as such, paychecks are directly deposited into their checking and/or savings accounts.

Access to Personnel Files

The official personnel file for each employee shall be maintained by the Department of Human Resources. Personnel files are confidential records that must be secured in a locked cabinet and will only be available to authorized managerial and supervisory personnel on a need-to-know basis. Records relating to any medical condition will be maintained in a separate file. Electronic personnel and medical records must be protected from unauthorized access. Upon request, employees may inspect their own personnel files at a mutually agreeable time in the presence of a designee from the Department of Human Resources. The employee will be entitled to see any records used to determine his or her qualification for employment, promotion, or wage increases and any records used for disciplinary purposes, upon a 3-day written notice. Employees may not remove any papers from the file. Employees will be allowed to have a copy of any document they have signed relating to their obtaining employment. Employees may add to the file their versions of any disputed item.

Personnel files do not contain confidential, employee medical information. Any such information that Essex County College may obtain will be maintained in separate files and treated as confidential information at all times. Any such medical information may be disclosed under very limited circumstances in accordance with any applicable legal requirements.

Essex County College endeavors to maintain the privacy of personnel records. There are limited circumstances in which Essex County College will release information contained in personnel or medical records to persons outside of the College. These circumstances include:

- In response to a valid subpoena, court order, or order of an authorized administrative agency;
- To an authorized governmental agency as part of an investigation of Essex County College's compliance with applicable law;
- To Essex County College agents and attorney, where necessary;
- In a lawsuit or legal proceeding, in which the employee and Essex County College are parties;

- In a workers' compensation proceeding;
- To administer benefit plans;
- To an authorized health care provider, pursuant to a signed release by the employee;
- To first aid or safety personnel, when necessary; and
- To a potential future employer or other person requesting a verification of an employee's employment (only providing date of hire and date of separation; salary will only be provided if requirements related to NJ Bill A1094 are met).

Employment of Relatives and Domestic Partners

Relatives and domestic partners may be hired by the company if (1) the persons concerned will not work in a direct supervisory relationship, and (2) the employment will not pose difficulties for supervision, security, safety, or morale. For the purposes of this policy, "relatives" are defined as spouses, children, siblings, parents, or grandparents. A "domestic partnership" is generally defined as a committed relationship between two individuals who are sharing a home or living arrangements.

Current employees who marry each other or become involved in a domestic partnership will be permitted to continue employment with the company provided they don't work in a direct supervisory relationship with each other or otherwise pose difficulties as mentioned above. If employees who marry or live together do work in a direct supervisory relationship with each other, Essex County College will attempt to reassign one of the employees to another position for which he or she is qualified, if such a position is available. If no such position is available, the employees will be permitted to determine which one of them will resign from the College.

Separation from Employment

In all cases of voluntary resignation (one initiated by the employee), employees are asked to provide a written notice to their supervisors at least 10 working days in advance of the last day of work. The 10 days must be actual working days. Holidays and paid time off (PTO); such as sick time, vacation time and personal days, will not be counted toward the 10-day notice. Employees who provide the requested amount of notice will be considered to have resigned in good standing and generally will be eligible for rehire.

In most cases, Human Resources will conduct an exit interview on or before the last day of employment and collect all College property. Information regarding payroll should be directed to the Payroll department. If applicable, information regarding benefits continuation through the Consolidated Omnibus Budget Reconciliation Act (COBRA) will be sent to the employee's home address. It is recommended that the employee verifies that their current residence is on file with the College.

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

Workplace Safety

Drug-Free and Alcohol-Free Workplace

It is the policy of Essex County College to maintain a drug- and alcohol-free work environment that is safe and productive for employees and others having business with the College.

The unlawful use, possession, purchase, sale, distribution, or being under the influence of any illegal drug and/or the misuse of legal drugs while on any campus or client premises or while performing services for the College is strictly prohibited. Essex County College also prohibits reporting to work or performing services under the influence of alcohol or consuming alcohol while on duty or during work hours. In addition, Essex County College prohibits off-premises abuse of alcohol and controlled substances, as well as the possession, use, or sale of illegal drugs, when these activities adversely affect job performance, job safety, or the College's reputation in the community.

To ensure compliance with this policy, substance abuse screening may be conducted in the following situations:

Pre-employment: As required by the College for all prospective employees who receive a conditional offer of employment

For Cause: Upon reasonable suspicion that the employee is under the influence of alcohol or drugs that could affect or has adversely affected the employee's job performance.

Random: As authorized or required by federal or state law.

Compliance with this policy is a condition of employment. Employees who test positive or who refuse to submit to substance abuse screening will be subject to termination. Notwithstanding any provision herein, this policy will be enforced at all times in accordance with applicable state, federal and local law.

Any employee violating this policy is subject to discipline, up to and including termination, for the first offense.

Smoke-Free Workplace

Smoking in any facility of the College is not allowed in buildings or work areas at any time. "Smoking" includes the use of any tobacco products (including chewing tobacco), electronic smoking devices, and e-cigarettes.

Smoking is only permitted during break times in designated outdoor areas. Employees using these areas are expected to properly dispose of any smoking debris safely.

Workplace Violence Prevention

Essex County College will not tolerate workplace violence. Violent acts or threats made by an employee against another person or property may result in immediate termination and criminal prosecution. This includes any violence or threats made on Essex County College's property, at

Essex County College's events, or under other circumstances that may negatively affect Essex County College's ability to conduct business.

Prohibited conduct includes but is not limited to:

- Causing physical injury to another person;
- Aggressive, hostile behavior or bullying that creates a reasonable fear of injury to another person or subjects another individual to emotional distress;
- Intentionally damaging employer property or property of another employee;
- Possession of a weapon while on Essex's property or while on Essex business except as authorized by New Jersey Statute;
- Committing acts motivated by, or related to, sexual harassment or domestic violence; and
- Threats, threatening language, or any other acts of aggression or violence made toward or by any employee. A threat may include any verbal or physical harassment or abuse, attempts to intimidate others, menacing gestures, stalking, or any other hostile, aggressive, and/or destructive actions taken for the purposes of intimidation.

Any potentially dangerous situations must be immediately reported. The College will actively intervene in any potentially hostile or violent situation.

All Essex County College employees bear the responsibility of keeping our work environment free from violence or potential violence. Any employee who witnesses or is the recipient of violent behavior should promptly inform their supervisor, manager, or the Human Resources Department. All threats will be promptly investigated. No employee will be subject to retaliation, intimidation, or discipline as a result of reporting a threat in good faith under this guideline.

Any individual engaging in violence against the College, its employees, or its property will be prosecuted to the full extent of the law. All acts will be investigated, and the appropriate action will be taken. Any such act or threatening behavior may result in disciplinary action up to and including termination.

Essex County College prohibits the possession of weapons on its property at all times, including our parking lots or company vehicles. Additionally, while on duty, employees may not carry a weapon of any type. Weapons include, but are not limited to, handguns, rifles, automatic weapons, and knives that can be used as weapons (excluding pocketknives, utility knives, and other instruments that are used to open packages, cut string, and for other miscellaneous tasks), martial arts paraphernalia, stun guns, pepper spray/mace and tear gas. Any employee violating this policy is subject to discipline up to and including dismissal for the first offense.

Essex County College reserves the right to inspect all belongings of employees on its premises, including packages, briefcases, purses and handbags, gym bags, and personal vehicles on College property. In addition, Essex County College may inspect the contents of lockers, storage areas, file cabinets, desks, and work stations at any time and may remove all property and other items that are in violation of Essex County College rules and policies.

Emergency Closings

Essex County College will always make every attempt to be open for business. In situations in which some employees are concerned about their safety, management may advise supervisors to notify their departments that the office is not officially closed, but anyone may choose to leave the office if he or she feels uncomfortable.

If the office is officially closed during the course of the day to permit employees to leave early, nonexempt employees who are working on-site as of the time of the closing will be paid for a full day. If you leave earlier than the official closing time, you will be paid only for actual hours worked, or you can use PTO time, if available to you. Exempt employees will be paid for a normal full day but are expected to complete their work either remotely or at another time.

Workplace Guidelines

Attendance

All employees are expected to arrive on time, ready to work, every day they are scheduled to work.

If unable to arrive at work on time, or if an employee will be absent for an entire day, the employee must contact the supervisor as soon as possible. Voice mail and e-mail messages are not acceptable except in certain emergency circumstances. Excessive absenteeism or tardiness will result in discipline up to and including termination. Failure to show up or call in for a scheduled shift without prior approval may result in termination. If an employee fails to report to work or call in to inform the supervisor of the absence for 3 consecutive days or more, the employee will be considered to have voluntarily resigned from employment.

Job Performance

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

Generally, formal performance reviews are conducted annually. These reviews include a written performance appraisal and discussion between the employee and the supervisor about job performance and expectations for the upcoming year.

Outside Employment

Employees are permitted to work additional jobs as long as it does not interfere with their job performance with Essex County College. Employees with additional jobs are expected to work their assigned schedules. An additional job will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel, or refusal to work overtime or different hours.

If outside work activity causes or contributes to job-related problems, the job performance must be improved, or the employee may be subject to disciplinary action, up to and including termination.

Dress and Grooming

Essex County College provides a professional work environment for its employees. It is important to project a professional image to our students, visitors, coworkers and the community we serve. All employees are expected to dress in a manner consistent with good hygiene, safety, and good taste. Uniforms must be clean, presentable and worn in accordance with standard operating procedures.

Any questions or complaints regarding the appropriateness of attire should be directed to the Human Resources department. Decisions regarding attire will be made by the Human Resources department, in accordance with College policy, and not by individual departments or managers.

Social Media Acceptable Use

Essex County College encourages employees to share information with co-workers and with those outside of the institution for the purposes of gathering information, generating new ideas, and learning from the work of others. Social media provides inexpensive, informal, and timely ways to participate in an exchange of ideas and information. However, information posted on a website is available to the public and, therefore, the College has established the following guidelines for employee participation in social media.

Note: As used in this policy, “social media” refers to blogs, forums, and social networking sites, such as Twitter, Facebook, LinkedIn, YouTube, Instagram, and SnapChat, among others.

Off-duty use of social media. Employees may maintain personal websites or weblogs on their own time using their own equipment. Employees must ensure that social media activity does not interfere with their assigned duties. In general, the College considers social media activities to be personal endeavors, and employees may use them to express their thoughts or promote their ideas.

On-duty use of social media. Employees may engage in social media activity during work time provided it is directly related to their work, approved by their manager, and does not identify or reference students, clients, customers, or vendors of the College without express permission. Essex County College monitors employee use of company computers and the Internet, including employee blogging and social networking activity.

Respect. A social media site is a public place, and employees should avoid inappropriate comments. For example, employees should not divulge Essex County College confidential information; such as student lists or information restricted from disclosure by law on social media sites. Similarly, employees should not engage in harassing or discriminatory behavior that targets other employees or individuals because of their protected class status or make defamatory

comments. Even if a message is posted anonymously, it may be possible to trace it back to the sender.

Post disclaimers. If an employee identifies himself or herself as a College employee or discusses matters related to the College on a social media site, the site must include a disclaimer on the front page stating that it does not express the views of the College and that the employee is expressing only his or her personal views. For example: “The views expressed on this website/Weblog are mine alone and do not necessarily reflect the views of my employer.” Place the disclaimer in a prominent position and repeat it for each posting expressing an opinion related to the College or the College’s business. Employees must keep in mind that if they post information on a social media site that is in violation of College policy and/or federal, state, or local law, the disclaimer will not shield them from disciplinary action.

Confidentiality. Do not identify or reference clients, students, customers, or vendors without express permission. Employees may write about their jobs in general but may not disclose any confidential or proprietary information.

Links. Employees may provide a link from a social media site to Essex County College’s website during employment (subject to discontinuance at Essex County College’s sole discretion). Employees should contact the Office of the General Counsel to obtain the graphic for links to Essex County College’s site and to register the site with Essex County College.

Trademarks and copyrights. Do not use Essex County College’s or others’ trademarks on a social media site, or reproduce Essex County College’s or others’ material without first obtaining permission.

Legal. Employees are expected to comply with all applicable laws, regulations, standards, and guidelines.

Discipline. Violations of this policy may result in discipline up to and including immediate termination of employment.

Note: Nothing in this policy is meant to, nor should it be interpreted to, in any way limit your rights under any applicable federal, state, or local laws, including your rights under the National Labor Relations Act to engage in protected concerted activities with other employees to improve or discuss terms and conditions of employment, such as wages, working conditions, and benefits.

Solicitation

Employees should be able to work in an environment that is free from unnecessary annoyances and interference with their work. In order to protect our employees and visitors, solicitation by employees is strictly prohibited while either the employee being solicited or the employee doing the soliciting is on “working time.” “Working time” is defined as time during which an employee is not at a meal, on break, or on the premises immediately before or after his or her shift.

Employees are also prohibited from distributing written materials, handbills, or any other type of literature on working time and, at all times, in “working areas,” which includes all office areas. “Working areas” do not include break rooms, parking lots, or common areas shared by employees during nonworking time.

Non-employees may not trespass or solicit or distribute materials anywhere on College property at any time.

Computers, Internet, Email, and Other Resources

Essex County College provides a wide variety of communication tools and resources to employees for use in running day-to-day business activities. Whether it is the telephone, voice mail, fax, scanner, Internet, intranet, e-mail, text messaging, or any other college-provided technology, use should be reserved for business-related matters during working hours. All communication using these tools should be handled in a professional and respectful manner.

Employees should not have any expectation of privacy in their use of College computer, phone, or other communication tools. All communications made using college-provided equipment or services including email and internet activity, are subject to inspection by Essex County College. Employees should keep in mind that even if they delete an email, voicemail or other communication, a copy may be archived on the College's systems.

Employee use of college-provided communication systems, including personal e-mail and internet use that are not job-related have the potential to drain, rather than enhance, productivity and system performance. You should also be aware that information transmitted via e-mail and the internet is not completely secure or may contain viruses or malware, and information you transmit and receive could damage the College's systems. To protect against possible problems, delete any e-mail messages prior to opening that are received from unknown senders and advertisers. It also is against Essex County College's policy to turn off antivirus protection software or make unauthorized changes to system configurations installed on Essex County College communication tools.

Nothing in this policy is designed to interfere with, restrain, or prevent employee communications regarding wages, hours, or other terms and conditions of employment as protected under the National Labor Relations Act. Employees have the right to engage in or refrain from such activities.

Disciplinary Action Procedures

All employees are expected to meet Essex County College's work performance and conduct standards. The intent of the Disciplinary Action Procedure is to document problems and provide the employee with a reasonable time to improve performance where such a procedure is not already proscribed by law or a collectively negotiated agreement. The process should encourage development by providing employees with guidance in areas that need improvement such as poor work performance, attendance problems, personal conduct, general compliance with Essex County College's policies and procedures, and other disciplinary problems.

Should the Area or Department Head document that an employee is not conforming to Essex County College's policies and rules or to specific instructions, or has acted improperly, the Department or Area Head will first privately discuss the matter with the employee to obtain the employee's view. Thereafter, action may be taken depending upon the gravity of the employee's wrongful act, the employee's past record and any applicable collective bargaining agreement:

- **Verbal Reprimand:** Depending on the circumstances, the supervisor, manager, Department or Area Head may verbally notify the employee that the employee's action was improper and warn the employee against further occurrences. The Area or Department Head will prepare a record of the verbal reprimand including the date, time, and what was discussed with the employee. This record must be included in the employee's official personnel file.
- **Written Reprimand:** When the Department or Area Head determines that a written reprimand is appropriate, the reprimand should clearly identify the transgression and outline a course of corrective action within a specific time frame. The employee should clearly understand both the corrective action and the consequence (i.e. termination) if the transgression is not corrected or reoccurs. The employee should acknowledge receipt of the warning and may include additional comments. A copy of the written reprimand with the signed acknowledgment and comments must be included in the employee's official personnel file.
- **Suspension:** Whenever an employee is recommended for suspension, the Department or Area Head will make the recommendation, in consultation with the Executive Director of Human Resources as needed, and may seek the advice of the President of the College and Essex County College's General Counsel, if appropriate.
- **Termination:** Whenever an employee is recommended for termination, the President will make the decision only after seeking the advice of Essex County College's Executive Director of Human Resources and the Office of the General Counsel. There must be a complete review of the employee's personnel file and all other facts to determine if termination is appropriate.

Examples of Reasons for Discipline

While not an exhaustive list, an employee may be subject to discipline and termination for the following reasons, including, but not limited to:

- Falsification of public records, including attendance and other personnel records.
- Failure to report absence.
- Harassment of co-workers and/or volunteers and visitors.
- Theft or attempted theft of property belonging to Essex County College, fellow employees, volunteers or visitors.
- Failure to report to work day on days prior to or following a vacation, holiday and/or leave, and/or any unauthorized day of absence.
- Fighting on Essex County College property at any time.
- Being under the influence of intoxicants (e.g., liquor) or illegal drugs (e.g., cocaine or marijuana) on Essex County College property.
- Possession, sale, transfer or use of intoxicants or illegal drugs on Essex County College property and at any time during work hours.
- Insubordination.
- Entering the building without permission during non-scheduled work hours.

- Soliciting on Essex County College premises during work time. This includes, but is not limited to, distribution of literature or products or soliciting membership in fraternal, religious, social or political organizations, and/or sales of Avon, Amway, Girl Scout Cookies, etc.
- Careless waste of materials or abuse of tools, resources, equipment, or supplies.
- Deliberate destruction or damage to Essex County College or suppliers' property.
- Sleeping on the job.
- Carrying unauthorized weapons of any kind on Essex County College premises and/or during work hours, unless carrying a weapon is a function of your duties.
- Violation of established safety and fire regulations.
- Unscheduled absence and chronic or excessive absence.
- Chronic tardiness.
- Unauthorized absence from work area, and/or roaming or loitering on the premises, during scheduled work hours.
- Defacing walls, bulletin boards, or another Essex County College or supplier property.
- Failure to perform duties, inefficiency, or substandard performances.
- Unauthorized disclosure of confidential Essex County College information.
- Gambling on Essex County College premises.
- Horseplay, disorderly conduct and use of abusive and/or obscene language on Essex County College premises.
- Deliberate delay or restriction of your work effort, and/or incitement of others to delay or restrict their work effort.
- Violating any Essex County College rules or policies.
- Conduct unbecoming a public employee.
- Violation of Essex County College policies, procedures and regulations.
- Violation of Federal, State or Essex County College regulations concerning drug and alcohol use and possession.
- Misuse of public property, including motor vehicles.

Time Off and Leaves of Absence

Important Note: Many states and municipalities have laws related to leaves of absence and paid time off that include family and medical leave, paid sick leave, small necessities leave, leave for victims of domestic violence, etc. In addition, many have laws that are applicable to public sector employers.

Holidays

The College observes and allows time off with pay for Full Time Employees for the following holidays:

- New Year's Day
- Martin Luther King Jr.'s Birthday
- Presidents' Day

- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Thanksgiving Day
- Thanksgiving Friday
- Christmas Eve
- Christmas Day
- Work days between Christmas and New Year's Day
- Any other holidays officially declared by the College

Applicable to only Support Staff, Security, and Police:

- Employee's own Birthday or a substitute day mutually agreed upon by the Department Head and employee within fifteen (15) days of the birthday

Any additional holidays will be designated by the College at start of each calendar year.

In the event a specific holiday falls on a Sunday, the Monday following shall be observed as the holiday. In the event the holiday falls on a Saturday, the Friday before shall be observed as the holiday.

Holiday pay. Part-time and temporary employees, including summer workers, are not eligible for holiday pay.

To receive holiday pay, an eligible employee must be at work or taking an approved absence on the work days immediately preceding and immediately following the day on which the holiday is observed. An approved absence is a day of paid vacation, paid personal or paid sick leave. Holiday pay shall be computed at the employee's regular daily base rate of pay in effect at the time of the holiday.

Religious observances. Employees who need time off to observe religious practices or holidays not already scheduled by the company should speak with their supervisor. The College will seek to reasonably accommodate individuals' religious observances.

Vacation

Essex County College recognizes the importance of time off from work to relax, spend time with family, and enjoy leisure activities. The College provides paid vacation time to eligible full-time employees for this purpose and employees are encouraged to take vacation during the year.

Employees become eligible for vacation days after completing probationary period of employment. Full-time employees will accrue paid vacation according to the following schedule (annual totals should be rounded to the nearest whole day):

Professionals:

Service Period

Monthly Vacation Accrual

1 month through 4 full years	1 $\frac{3}{4}$ working days per month of service
First day of 5th year	2 working days per month through 9 full service years
First day of 10th year	2 $\frac{1}{4}$ working days per month through 14 full service years
First day of 15th year	2 $\frac{1}{2}$ working days per month and thereafter of service

Support Staff (SSA), Security and Police:

<u>Service Period</u>	<u>Monthly Vacation Accrual</u>
0 month to 2 years	1 working day per month (12 days) per year of service
2 years + 1 day to 5 years	1 $\frac{1}{4}$ working days per month (15 days) per year of service
5 years + 1 day to 10 years	1 $\frac{1}{2}$ working days per month (18 days) per service year
10 years + 1 day to 15 years	1 $\frac{3}{4}$ working days per month (21 days) per year of service
After 15 years	2 working days per month (24 days) per year of service

Administrative:

Vacation days are earned at a rate of 2.5 days per month. The unit member's vacation leave time shall be credited and available for use on July 1 of each year.

Faculty:

Only non-instructional faculty are eligible for vacation. Commencing with the first month of service, the non-instructional faculty are eligible for a total of 42 days per year of service accrued at 3 and $\frac{1}{2}$ per month.

Generally, employees should submit vacation plans to their supervisor at least 4 weeks in advance of the requested vacation date. Vacation may be scheduled at the discretion of the Area or Department Head. Managers or Supervisors have the right to designate when some or all of vacations must be taken based on the needs of the operation. Designation of vacation time usage varies based on the work schedule of the College (i.e.: Four (4) day work week during Summer hours)

Vacation is to be used in the year it is earned. Employees are not permitted to carry-over accrued vacation to the following fiscal year. Unused vacation time will be forfeited.

Employees whose employment terminates will be paid for unused vacation time that has been earned and accrued during the fiscal year of the termination of employment.

Personal Days

Essex County College provides eligible regular, full-time employees with up to three (3) personal days. The days are awarded in accordance with the applicable collective bargaining agreement. Personal days shall not accrue or carry over from year to year. Personal days, if not used, are lost and are not reimbursable upon termination of employment.

Sick Leave

Essex County College provides eligible **regular, full-time employees** with paid sick leave. Employees become eligible for sick days after completing a probationary period of employment.

Full-time employees accrue sick days as follows:

Professionals:	one and one-quarter (1-1/4) days per month of service
Support Staff (SSA):	
Commencing the first month	one (1) day for every month of service
One (1) or more years of service	one and one-quarter (1-1/4) days per month of service
Security and Police:	one (1) day for every month of service
Administrative and Faculty:	twelve (12) days per year

Sick days are not intended to be used as a substitute for vacation or personal days. Sick days may be used if an employee needs time off for a medical procedure or to provide care for a family member who is ill.

Employees may carry accrued and/or earned sick days over from one year to the next.

If the need for sick leave is foreseeable, employees are required to give an advance notice (e.g., a planned medical treatment) whenever possible. If the need for sick leave is unforeseeable, employees are asked to notify their supervisor as soon as is practicable.

If an employee misses three (3) or more consecutive days, with the exception of five (5) or more consecutive days for faculty, because of illness, Essex County College may require the employee to provide a physician's written permission to return to work.

Unused sick days are forfeited when the employment relationship ends for any reason.

Essex County College provides **eligible part-time employees** with paid sick leave, in accordance with the New Jersey Paid Sick Leave Law. Employees will be permitted to use accrued and/or earned sick leave beginning on the 120th calendar day of the inception of the law or the 120th calendar day after employment commences.

Part-time employees accrue sick time as follows:

Eligible employees:	One (1) hour for every 30 hours worked
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Sick time is not intended to be used as a substitute for vacation or personal days. Sick time may be used if an employee needs time off for a medical procedure, to provide care for a family member as defined by the act, to attend school related activities for a child, school closures outside of the institution and other activities as outlined by the ordinance.

Employees may carry over a maximum of 40 accrued sick hours per fiscal year.

If the need for sick leave is foreseeable, employees are required to give an advance notice (e.g., a planned medical treatment) whenever possible. If the need for sick leave is unforeseeable, employees are asked to notify their supervisor as soon as is practicable.

If an employee misses three (3) or more consecutive days, with the exception of five (5) or more consecutive days for faculty, because of illness, Essex County College may require the employee to provide a physician's written permission to return to work.

Unused sick time is forfeited when the employment relationship ends for any reason. If an employee is rehired or reinstated within six months, the prior accrued/advanced sick leave must be returned to the employee.

Please speak with a member of the Human Resources Department if you require additional information regarding sick time.

Family and Medical Leave

Essex County College complies with the federal Family and Medical Leave Act (FMLA), which requires employers to grant an unpaid leave of absence to qualified workers for certain medical and family-related reasons. The College, also, abides by any state and local leave laws. The more generous of the laws will apply to the employee if the employee is eligible under both federal and state laws.

Please note, there are many requirements, qualifications, and exceptions under these laws, and each employee's situation is different. Contact the Human Resources department to discuss options for leave.

The Family Medical and Leave Act requires private employers with 50 or more employees and all public agencies, including state, local, and federal employers, and local education agencies (schools), to provide eligible employees up to 12 weeks of unpaid, job-protected leave in any 12-month period for certain family and medical reasons. The 12-month period is a rolling period measured backward from the date an employee uses any FMLA leave, except for leaves to care for a covered service member with a serious illness or injury. For those leaves, the leave entitlement is 26 weeks in a single 12-month period, measured forward from the date an employee first takes that type of leave.

Basic Leave Entitlement. FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons: (1) for incapacity due to pregnancy, prenatal medical care, or child birth; (2) to care for the employee's child after birth or placement for adoption or foster care; (3) to care for the employee's spouse, son or daughter, or parent who has a serious health condition; or (4) for a serious health condition that makes the employee unable to work.

Military Family Leave Entitlements. Eligible employees with a spouse, son, daughter, or parent on active duty or called to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include addressing issues that arise from (1) short notice of deployment (limited to up to seven days of leave); (2) attending certain military events and related activity; (3) arranging childcare and school activities; (4) addressing certain financial and legal arrangements; (5) attending certain counseling sessions; (6) spending time with covered military family members on short-term temporary rest and recuperation leave (limited to up to five days of leave); (7) attending post-deployment reintegration briefings; (8) arranging care for or providing care to a parent who is incapable of self-care; and (9) any additional activities agreed

upon by the employer and employee that arise out of the military member's active duty or call to active duty.

The Family Medical Leave Act, also, includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. 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 and 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.

Benefits and Protections During FMLA Leave. During FMLA leave, the College will maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. The employee's contribution must be maintained by the employee if the employee enters a 'no pay status' or if pay does not support amount of benefits. Upon return from FMLA leave, most employees will be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms if employee returns up to the 12 week designated period. However, an employee on FMLA leave does not have any greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the FMLA leave period.

Certain highly compensated key employees also may be denied reinstatement when necessary to prevent "substantial and grievous economic injury" to the College's operations. A "key" employee is an eligible salaried employee who is among the highest paid ten percent of the College's employees within 75 miles of the worksite. Employees will be notified of their status as a key employee, when applicable, after they request FMLA leave.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Employee Eligibility. The FMLA defines eligible employees as employees who: (1) have worked for the College for at least 12 months; (2) have worked for the College for at least 1,250 hours in the previous 12 months; and (3) work at or report to a worksite which has 50 or more employees or is within 75 miles of College worksites that taken together have a total of 50 or more employees.

Definition of Serious Health Condition. A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job or prevents the qualified family member from participating in school, work, or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to

pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave. An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced work schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies also may be taken on an intermittent or reduced work schedule basis.

Substitution of Paid Leave for Unpaid Leave. Employees may choose or employers may require the use of accrued paid leave while taking FMLA leave. Accordingly, the College requires employees to use any accrued paid vacation, personal, and sick days during an unpaid FMLA leave taken because of the employee's own serious health condition or the serious health condition of a family member or to care for a seriously ill or injured family member in the military. In addition, the employee must use any accrued paid vacation or personal days (but not sick days) during FMLA leave taken to care for a newborn or newly placed child or for a qualifying exigency arising out of a family member's active duty or call to active duty status in support of a contingency operation. In order to use paid leave for FMLA leave, employees must comply with the College's normal paid leave procedures found in its Vacation and Sick Leave policies.

Employee Responsibilities. Employees must provide 30 days' advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days' notice is not possible, the employee must provide notice as soon as practicable and generally must comply with the College's normal call-in procedures. The College may delay leave to employees who do not provide proper advance notice of the foreseeable need for leave, absent unusual circumstances preventing the notice.

Employees must provide sufficient information for the College 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, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the College if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees, also, are required to provide a certification and periodic recertification supporting the need for leave. The College also may require a second, and if necessary, a third opinion (at the College's expense) and, when the leave is a result of the employee's own serious health condition, a fitness for duty report to return to work. The College, also, may delay or deny approval of leave for lack of proper medical certification.

Essex County College Responsibilities. The College will inform employees requesting leave whether they are eligible under the Family Medical Leave Act. If they are, the notice will specify any additional information required as well as the employees' rights and responsibilities. If employees are not eligible, the College will provide a reason for ineligibility.

The College will inform employees if leave will be designated as FMLA protected and the amount of leave counted against the employee's FMLA leave entitlement. If the College determines that the leave is not FMLA-protected, the College will notify the employee.

Other Provisions. Under an exception to the Fair Labor Standards Act (FLSA) in the FMLA regulations, hourly amounts may be deducted for unpaid leave from the salary of executive, administrative, and professional employees; outside sales representatives; certain highly-skilled computer professionals; and certain highly compensated employees who are exempt from the minimum wage and overtime requirements of the FLSA, without affecting the employee's exempt status. This special exception to the "salary basis" requirements for the FLSA's exemptions extends only to eligible employees' use of FMLA leave.

Employees may not perform work for self-employment or for any other employer during an approved leave of absence, except when the leave is for military or public service or when the College has approved the employment under its Outside Employment policy and the employee's reason for FMLA leave does not preclude the outside employment.

Unlawful Acts by Employers. The FMLA makes it unlawful for any employer (1) to interfere with, restrain, or deny the exercise of any right provided under the FMLA; or (2) to discharge or discriminate against any person for opposing any practice made unlawful by the FMLA or for involvement in any proceeding under or relating to the FMLA.

Enforcement. An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer, if an unlawful act is suspected.

The Family Medical Leave Act does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement which provides greater family or medical leave rights.

Military Leave

Essex County College supports the military obligations of all employees and grants leaves for uniformed service, including reserve training, in accordance with applicable federal and state laws. Any employee who needs time off for uniformed service or reserve training should immediately notify the Human Resources department and his or her supervisor, who will provide details regarding the leave. If an employee is unable to provide notice before leaving for uniformed service, a family member should notify the supervisor as soon as possible.

Upon return from military leave, employees will be granted the same seniority, pay, and benefits as if they had worked continuously. Failure to report for work within the prescribed time after completion of military service will be considered a voluntary termination.

All employees who enter military service may accumulate a total absence of 5 years and still retain employment rights.

Bereavement Leave

Eligible Regular full-time employees may be granted bereavement leave immediately following the death of an employee's immediate family member for the purpose of planning and attending the funeral. The allowance is based on family member and varies in accordance to the applicable collective bargaining agreement. The number of days allowed are either Three (3) days or Five (5) days based on the family relationship to the employee.

In addition, only applicable to Support Staff (SSA): One (1) day per year may be used to attend the funeral of a friend or distant relative not living in the employee's home.

The College may require verification of the need for the leave. The employee's supervisor and Human Resources will consider this time request off on a case-by-case basis.

Payment for bereavement leave is computed at the regular hourly rate to the maximum seven/eight hours for 1 day. Time off granted in accordance with this policy shall not be credited as time worked for the purpose of computing overtime.

Jury Duty/Court Appearance

The College supports employees in their civic duty to serve as a trial juror. An employee summoned for jury duty or subpoenaed as a witness for a work related incident, and who must serve, and who does in fact serve, shall be granted leave to fulfill such duty.

The employee shall be paid for such duty an amount equal to the length of the employee's absence from work at the employee's regular hourly rate of pay for the maximum seven/eight-hour day, less any fees received on account of such jury duty.

To be eligible for jury duty pay or witness pay, an employee: (1) must have been scheduled to work on that day; (2) must inform the Department or Area Head, or designee, immediately upon receipt of notice to report; (3) shall cooperate with the Department or Area Head, or designee, requesting excuse from or delay of jury duty in those cases in which the Department or Area Head, or designee determines that the employee's absence shall adversely affect the operation of the department; (4) must not have volunteered for such duty; and (5) must furnish a certificate of jury duty service or a certificate of service as a witness, indicating that the employee reported and was dismissed on each day for which jury duty or witness duty is claimed.

If an employee is released from jury duty after 4 hours or less of service, he or she must report to work for the remainder of that work day.

Time for appearance in court for personal business will be the individual employee's responsibility. Normally, personal days or vacation days may be used for this purpose.

Time Off for Voting

Essex County College recognizes that voting is a right and privilege of being a citizen of the United States and encourages employees to exercise their right to vote. In almost all cases, you will have

sufficient time outside working hours to vote. If for any reason you think this won't be the case, contact your supervisor to discuss scheduling accommodations.

Employee Benefits

Essex County College recognizes the value of benefits to employees and their families. The College supports employees by offering a comprehensive and competitive benefits program through the NJ Division of Pension and Benefits. **For more information regarding benefit programs, contact the Human Resources department.** To the extent of the information provided here conflicts with the full plan document, the full plan document will control.

Medical and Dental Insurance

Full-time employees working 30 hours or more per week are eligible for medical coverage on the first of the month following 60 days of service. Full-time employees are eligible for dental coverage following 90 days of service with the exception of Faculty and Administrative Staff. To keep coverage in force, every insured employee must work a minimum of 30 hours per week. Please meet with a member of the Human Resources Department to learn more about your individual coverage.

Short-Term Disability

This is a voluntary benefit and is funded solely by the employee through an approved provider. Short-term disability is offered to full-time employees working a minimum of 30 hours per week. Employees are eligible for this benefit on the first of the month following 30 days of service. If an employee becomes disabled and cannot work for a short period of time, this coverage pays up to the policy limits as agreed upon between the employee and the provider.

Short-term disability benefits may run concurrently with FMLA leave and/or any other leave where permitted by state and federal law.

Long-Term Disability

Long-term disability benefit is available for Alternate Benefit Program (ABP) members who are full-time employees working a minimum of 30 hours per week. A member is eligible for employer-paid, long-term disability insurance coverage after one year of participation in ABP. If an employee becomes totally disabled and cannot work for an extended period of time, this coverage pays 60 percent of the employee's salary, up to the policy limits.

Long-term disability benefits will run concurrently with FMLA leave and/or any other leave where permitted by state and federal law.

Retirement Plans

Essex County College recognizes the importance of saving for retirement and offers eligible employees options through a defined benefit or defined contribution retirement plan.

Eligibility, vesting, and all other matters relating to these plans can be obtained from a Human Resources professional.

Workers' Compensation

Workers' compensation is a "no-fault" system that provides compensation for medical expenses and wage losses to employees who are injured or who become ill because of employment.

The insurance provides coverage for related medical and rehabilitation expenses, and a portion of lost wages, to employees who sustain an injury on the job.

The College abides by all applicable state workers' compensation laws and regulations.

If an employee sustains a job-related injury or illness, it is important to notify the supervisor and Human Resources immediately. The supervisor will complete an injury report with input from the employee and return the form to the Human Resources department. Human Resources will file the claim with the insurance company. In cases of true medical emergencies, report to the nearest emergency room.

Workers' compensation benefits (paid or unpaid) will run concurrently with FMLA leave, if applicable, where permitted by state and federal law. In addition, employees will not be paid vacation or sick leave for approved absences covered by the company's workers' compensation program, except to supplement the workers' compensation benefits

Employee Assistance Program

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

This free, comprehensive counseling service offers employees six visits per issue each year, and a 24-hour hotline answered by professional, degreed counselors.

The College encourages employees to use this valuable service whenever a need exists. Employees who choose to use the counseling services provided by the Employee Assistance Program are assured the information disclosed in their session(s) is confidential and not available to the College, nor is the College given any information on who chooses to use the services. For questions or additional information about this program, employees may contact the Human Resources department.

EMPLOYEE HANDBOOK ACKNOWLEDGMENT AND RECEIPT

I hereby acknowledge receipt of the employee handbook of **Essex County College**. I understand and agree that it is my responsibility to read and comply with the policies in the handbook.

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

I further understand that, subject to the terms of any applicable Collective Bargaining Agreement, I am an At-Will Employee and that neither this document nor any other communication shall bind the College to employ me now or hereafter. I understand that no representative of Essex County College has any authority to enter into any agreement for employment for any specified period of time or to assure any other personnel action or to assure any benefits or terms or conditions of employment, or make any agreement contrary to the foregoing.

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

Employee's Name in Print

Signature of Employee

Date Signed by Employee

TO BE PLACED IN EMPLOYEE'S PERSONNEL FILE

Receipt of Harassment Policy

I have read and I understand the Essex County College Harassment Policy.

Employee's Name in Print

Signature of Employee

Date Signed by Employee

TO BE PLACED IN EMPLOYEE'S PERSONNEL FILE