



## **NON-EXEMPT EMPLOYEE HANDBOOK**

**Last Updated on August 16<sup>th</sup>, 2023**

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## **-005- INTRODUCTORY STATEMENT**

Welcome to Franklin College. We are pleased to have you join the “Franklin Family” and hope that you find many opportunities for personal and professional growth.

This is your personal copy of Franklin College’s (“the College”) Non-Exempt Employee Handbook. This handbook is designed to acquaint staff with the College and provide information about working conditions, employee benefits and some of the policies affecting your employment. You are required to understand and comply with all provisions in the Handbook. This Handbook describes many of your responsibilities as an employee and outlines the programs developed by the College to benefit employees. You are required to read this Handbook and to keep a copy of it and any subsequent changes or revisions for future reference.

Please be sure the Office of Human Resources has your signed receipt, showing that you have received and read the handbook, in your employee file.

This Handbook provides current information for the convenience of employees and may be changed by the College at any time. No employee handbook can anticipate every circumstance and question about policy. In order to retain necessary flexibility in the administration of policies and procedures, the College reserves the right to revise, supplement or rescind any policies or portion of the Handbook from time-to-time as it deems appropriate, in its sole discretion.

This Handbook supersedes any previously issued personnel rules, policies or Employment Handbooks. All policies in the Handbook are effective immediately.

This Handbook is not an employment contract and does not create or describe obligations of the College. Employment with the College is not for any fixed term or definite period and may be terminated at any time by either the employee or the College, with or without cause and with or without notice or warning.

In addition to this Handbook, the College may use a variety of other methods to keep employees informed of policies and procedures including, but not limited to bulletin boards, memorandums, newsletters, e-mails and meetings. Employees should review material on bulletin boards on a regular basis.

It is only through a dedicated and conscientious effort that the College can continue to flourish and its employees continue to prosper. Please talk to your supervisor and/or the Manager of Human Resources if you have any questions regarding the Handbook or any matter not covered by this Handbook.

## **-009- HISTORICAL BACKGROUND**

Franklin College was founded in 1834 by the Baptist Education Society, and from its inception has been a leader in higher education. It became the first college in Indiana to admit women in 1842.

In 1844 the institution formally adopted the name “Franklin College.” Franklin maintains a voluntary affiliation with the American Baptist Churches/USA.

During the Civil War when northern sympathy ran high among students, the College was forced to close its doors while its students went off to battle. In 1869 the College reopened and many of those who had fought returned to complete their education.

In the 1920s, the national spotlight shone on the College’s “Wonder Five” men’s basketball team, led by Coach Griz Wagner and future Naismith Memorial Hall of Fame member Fuzzy Vandivier. The team compiled a 36-1 record and defeated the toughest teams in the nation on its way to national championships in 1923 and 1924.

In 1985 the College was dealt a pair of devastating blows: fire twice struck Franklin College. First, Bryan Hall, a men’s residence hall, was destroyed. A short time later, Old Main, home of most of the College’s classrooms and administrative facilities, was severely damaged. Miraculously no one was injured in either blaze. The fires put the College in a serious situation. To complicate matters, the science building, Barnes Hall, was under renovation at the time and Shirk Hall, the former library, was in disrepair. In effect, over 50 percent of the campus’ space was unusable.

The spirit of Franklin’s people pulled the College through and set the College on a track of unprecedented growth and prosperity. The College’s Board of Trustees met the weekend after the Old Main fire and devised a plan for recovery. Design The Future: The Campaign to Rebuild Franklin College was begun and trustees, alumni, friends and members of the campus community responded overwhelmingly. Old Main was restored and rededicated on September 19, 1987. Apartment-style residence halls - Johnson Memorial Hall and the Dietz Residence Halls - were opened in the fall of 1986. That spring the restoration of Barnes Hall was completed, and the building was reopened for classes. A newly-restored Shirk Hall opened in the spring of 1988 as home of the Pulliam School of Journalism.

Franklin College has proven itself to be a leader in providing students with a quality, liberal arts, values-based education. To provide such an education is the promise which all colleges make to their students. At Franklin College, we are keeping that promise.

## **-013- MISSION, VISION & GOALS**

The mission of Franklin College is as follows:

*Franklin College empowers students through an experiential education, grounded in the liberal arts and sciences, promoting impactful careers and meaningful lives.*

In furtherance of its mission, Franklin College strives to inculcate wealth of mind, strength of character, and wellness of body and spirit through a productive array of curricular and co-curricular opportunities, role modeling, mentoring, and counseling; by stressing the classic values of the Judeo- Christian and liberal arts traditions; and through a campus culture embodying freedom, responsibility, equality, and community.

Franklin's size, low student-faculty ratio, and tradition of individualized attention help each student achieve his or her goals. The personal relationships that students develop with Faculty and staff members and with other students are meaningful during the undergraduate years and often last many years after graduation.

The vision statement of Franklin College is as follows:

*Franklin College envisions a vibrant, inclusive learning community fueled by transformative experiences and innovative partnerships.*

Franklin College upholds a common set of values that enhances the community and sustains personal, spiritual, intellectual, and professional growth for a lifetime. We value:

### **People of INTEGRITY who exhibit**

- honest and ethical conduct and speech
- responsibility in personal, academic, and professional lives

### **Commitment to INCLUSIVITY that honors**

- all forms of diversity
- the dignity of self and others
- empathy, sincerity and openness

### **Culture of INTELLECTUAL CURIOSITY that promotes**

- deep reflection about knowledge, beliefs, and ideas
- the ability to recognize, formulate, and ask discerning questions
- independent thinking

### **Drive for INNOVATION and CREATIVITY that encourages**

- a willingness to take risks
- adaptability to an ever-changing world
- the ability to solve complex problems

### **Spirit of COMMUNITY that fosters**

- a collaborative environment that is responsive to the needs of others
- a supportive, service-minded network
- respect for the personal beliefs, faiths, and convictions that give purpose and meaning to our lives.

The underlying strengths of a liberal arts education – a broadly trained intelligence; a commitment to citizenship and service; a global, human-heritage perspective; and a firm set of personal, social and spiritual values – will endure and prosper. Accordingly, Franklin College intends to:

- Remain a small (approximately 1,000 students), personal, participatory, values-focused, career-sensitive liberal arts college which emphasizes teaching and learning.
- Continue motivating and preparing students for productive, satisfying lives marked by *excellence*, *leadership* and *service* to others.
- Retain its commitment to educating many first generation and socio-economically disadvantaged students while expanding diversity and building community spirit.

Franklin College continues its commitments to:

- An excellent faculty and staff, adequately supported with resources.
- A rigorous liberal arts and sciences curriculum with emphasis on both a broad general education and career sensitivity.
- A vital cultural and spiritual environment.
- A high quality, well-maintained physical plant.
- The teaching of skills mastery, leadership, professional development, human relations, global awareness, values, teamwork and lifetime fitness.

With those commitments as our background, Franklin College builds toward a new future, one which promises strength, discovery and inspiration. Innovative new programs will challenge our students and distinguish us from other schools, while the goals and values we have always cherished will provide a thread of continuity from 1834 to today.

### **-015- EMPLOYMENT AT-WILL**

As is common throughout Indiana, employment with the College is at-will. This means you are free to resign from employment at any time, and you may be separated from employment without notice, for any or no reason, at any time, regardless of length of service, with or without cause. No employee or other representative of the College is authorized to make verbal representations or agreements that modify any employee's at-will status with the College. However, the President of the College may enter into written agreements with employees as he/she in his/her discretion deems appropriate.

### **-020- BACKGROUND CHECK**

Franklin College believes background checks serve as an important part of the selection process and that hiring qualified individuals to positions contributes to the College's overall strategic success.

The College conducts background checks on all job candidates post-offer (contingency offer). The College uses a third-party administrator to conduct background checks. The type of information that can be collected by this agency includes, but is not limited to, a criminal background check, employment history and professional and personal references.



This process is conducted to verify the accuracy of the information provided by the candidate and determine his/her suitability for employment. All applicants must complete an Authorization and Release Form, as required by the third-party administrator.

The College will ensure that all background checks are held in compliance with applicable federal and state statutes, such as the Fair Credit Reporting Act.

All criminal background checks are conducted post-offer (contingency offer). However, as part of the Title VII of the Civil Rights Act, this information cannot be used as a basis for denying employment, unless it is determined to be job related.

## **-025- POLICY ON NON-DISCRIMINATION**

The College is committed to providing an inclusive and welcoming environment and to ensuring that educational and employment decisions are based on individuals' abilities and qualifications. Consistent with these principles and applicable laws, it is therefore the College's policy not to discriminate on the basis of age, color, disability, gender, gender expression, gender identity, genetic information, national origin, marital status, race, religion, sex, sexual orientation or veteran status as consistent with the Policy on Prohibited Discrimination, Harassment and Related Misconduct. No person, on the basis of protected status, shall be excluded from participation in, be denied the benefits of, or be subjected to unlawful discrimination, harassment, or retaliation under any College program or activity, including with respect to employment terms and conditions. Such a policy ensures that only relevant factors are considered, and that equitable and consistent standards of conduct and performance are applied.

If you have any questions, problems, or complaints regarding a violation of this Policy on Non-discrimination or discrimination in general, or Title IX, you may seek assistance from the Equal Employment Opportunity/Title IX Office/ the Manager of Human Resources:

Steve Leonard  
101 Branigin Blvd.  
Franklin, IN 46131  
317-738-8899  
[TitleIXresponse@franklincollege.edu](mailto:TitleIXresponse@franklincollege.edu)

## **-027- IMMIGRATION LAW COMPLIANCE**

Franklin College does not discriminate because of a person's citizenship or national origin.

Because Franklin College complies with the Immigration Reform and Control Act of 1986, every new employee is required to complete the Employment Eligibility Verification Form I-9 and show documents that prove identity and employment eligibility. This form is available in the Office of Human Resources.

## **-030- DISABILITY ACCOMMODATION**

The College is committed to complying fully with the Americans with Disabilities Act (ADA) and ensuring equal opportunity in employment for qualified persons with disabilities.

All employment practices and activities are conducted on a non-discriminatory basis. However, it is the responsibility of the employee/applicant to notify the College of the existence of any qualifying disability and any reasonable accommodation necessary to perform the essential functions of the job. Requests for reasonable accommodations should be made to your supervisor, the Manager of Human Resources or the EEOO.

### **-035- SEXUAL AND OTHER UNLAWFUL HARASSMENT**

The College will not tolerate the harassment of any employee, student, or visitor on the basis of sex or any other unlawful basis as described in the Policy On Prohibited Discrimination, Harassment And Related Misconduct ([Click link](#)). The consequences for violation of the Policy are described in the Procedures for Reporting and Responding to Complaints of Discrimination, Harassment, and Misconduct Involving a Student, Student Organization or Employee as the Respondent ([Click link](#))

### **-040- WORKPLACE SAFETY**

As a College community, Franklin College places a special value on the person as its greatest resource. Consequently, the safety and health of all College employees and work study students is of utmost and primary concern. The Workplace Safety Committee comprised of administrators, faculty , staff, and work study students, has been established to promote work safety throughout the College community.

The Workplace Safety Committee is charged with promoting safe work practices on campus. This committee meets on a regular basis to discuss the Safety Program and recommend, if needed, any modifications to the program.

The safety of all employees is everyone's responsibility and must be accomplished by the promotion and enforcement of safe work practices and of a safe work environment. The participation of every member of the College community, working together, is necessary to accomplish these goals. We rely on all employees and students to follow College safety rules and to report unsafe conditions and accidents to their immediate supervisor.

Upon hire, all employees are informed to immediately report any injury sustained at work to their supervisor. All supervisors of Franklin College are aware of the necessary steps to take and the required paperwork to complete in the instance of a work related injury. Any questions or concerns should be directed to the Manager of Human Resources.

### **-045- NEW EMPLOYEES**

Usually on the first day of employment, new employees report to the Office of Human Resources for On Boarding. During Onboarding, employees will complete all required documentation including the W-4 and I-9 forms, and will receive the following information: Employee Handbook, Drug Free Workplace Agreement, Harassment Brochure, and Family Educational Rights and Privacy Act Agreement (FERPA).

Federal law requires that any person being employed by the College must complete an Employment Eligibility Verification form (I-9) within three days of employment. The employee must show appropriate, original documentation for review and verification to the Office of Human Resources. Failure to provide the proper documents may delay the start of employment or be cause for termination.

## **-050- TRAINING PERIOD**

An employee's first 90 days of employment will be considered a training period. During this time, the employee will be expected to learn the job and become reasonably proficient at the assigned duties. It is also an opportunity for the employee and College to evaluate each other. An initial evaluation of an employee's potential for the job will be given at 30, 60 and 90 days.

If it becomes clear at any time in the initial training period that an employee does not possess the requisite skills, abilities or other traits necessary for success in the position for which they were hired, the relationship with the College would be terminated. ***However, employees must be aware that even upon completion of their training period, they are still employees' at-will.***

## **-055- EMPLOYMENT OF MINORS**

The College follows state and federal laws governing the employment of minors. Under no circumstances may a person under the age of 16 be employed at Franklin College. Youths of 16 or 17 years of age that are enrolled in school are limited to work a certain number of hours and consecutive days. More information about the employment of minors is available in the Office of Human Resources.

## **-060- EMPLOYMENT OF RELATIVES**

Franklin College permits the employment of relatives. However, to prevent potential conflicts, the following guidelines apply to all regular full- and part-time jobs:

- \* Relatives may not have direct supervisory responsibility, salary or career influence over each other.
- \* Relatives may not be assigned to jobs where they are involved in cross-checking, processing or influencing each other's work in any way.
- \* Relatives should not be employed in the same unit. Specific guidance will be provided and policy decisions made by the Manager of Human Resources in unusual cases.

For the purposes of this policy, the term "relatives" includes spouse, domestic partner, parents, children, siblings, in-laws, grandparents, aunts, uncles, nieces, nephews and first cousins. This policy does not apply to summer jobs or temporary positions lasting less than three months.

## **-065- EMPLOYMENT STATUS**

At Franklin College, an employee has one of the following status categories:

- \***Regular:** An employee will have a regular status if hired into a position that is expected to last at least nine months in a continuing capacity.
- \***Temporary:** Temporary employment is a special classification under which an individual

receives a wage or salary for temporary services performed. Temporary employees are covered by Worker's Compensation and Social Security. They are not eligible for any fringe benefits.

**\*Full-time:** Scheduled to work a minimum of 1,560 hours on an annual basis or 75 percent of a full workload. A full workload is considered to be a minimum of 1820 hours on an annual basis. Full-time employees are eligible for all fringe benefits.

**\*Part-time:** Scheduled to work on a regular schedule but for less than 1,560 hours or work on an on-call basis. Part-time employees may share in some fringe benefits.

Employees are also defined as being either non-exempt or exempt. **Non-exempt** employees are those who are covered by the overtime provisions of the Fair Labor Standards Act (FLSA) or applicable state law. Employees in this category will receive overtime pay for actual time worked in excess of forty (40) hours in a workweek. **Exempt** employees are those employees who are classified as exempt from the overtime provisions of the FLSA and any applicable state law. Exempt employees do not receive overtime pay, as their salary represents compensation for all work performed in a pay period. An employee's status as an exempt or non-exempt employee could change during the term of employment. Employees who are uncertain about their status as full-time, part-time, regular or temporary employee or as an exempt or non-exempt employee should contact the Office of Human Resources.

## **-070- WORK SCHEDULE**

Daily and weekly work schedules are determined by the College based on the requirements of each department. Such schedules may be changed at the discretion of the College to suit varying conditions.

In most departments, the work hours are 8 a.m. to 5 p.m., Monday through Thursday and 8 a.m. to 4 p.m. on Friday with a one hour lunch period from noon to 1 p.m. Because of special situations, a few departments operate on different shifts. In some departments a 40-hour-week is standard with a 30-minute unpaid lunch period for non-exempt employees.

During the summer months the College's administrative hours may change to 8 a.m. to 4 p.m., Monday through Friday (closed from noon to 1 p.m. for lunch). The "summer schedule" will be in effect from the Monday following Commencement to the Monday of the week prior to which the fall semester begins.

## **-075- REST PERIODS**

Non-exempt employees are allowed a fifteen (15) minute coffee/rest period for each four (4) hours worked, provided such interruption in work does not interfere with the employee's responsibilities or the efficiency of the department. The purpose of rest periods is to give employees a break from their daily duties. They may not be accumulated or applied to the lunch period nor the beginning or end of the work day.

## **-080- ATTENDANCE STANDARDS**

Employees are expected to come to work regularly and on time. Absenteeism and/or tardiness often may cause an undue burden on co-workers and adversely affects a

department's ability to function effectively. When it is determined that an employee's occasions of absence or tardiness have become excessive, disciplinary action, up to and including termination of employment may be warranted.

Absences will be considered excessive if absent more than four days in six months or six days in twelve months. Absences exceeding three consecutive days or the limits stated above require documentation by a physician.

Employees (either full or part-time) needing an extended medical leave of more than three working days must submit a request for Family/Medical Leave (see *Family and Medical Leave Act*). Medical documentation will be required to substantiate the request.

Employees who are absent for any reason, other than pre-approved time off, must call their supervisor no later than one half hour after their regularly scheduled start time. Successive days of absence must be called in daily. Failure to do so may result in termination of employment.

### **-085- ABSENCE WITHOUT NOTIFICATION**

Except in cases of pre-approved absence (such as annual leave time or Family/Medical Leave), employees must notify their supervisor each day they are absent. If such notification is not provided it will be recorded as an unexcused absence. If an hourly employee is absent for three consecutive work days without notification, the College will consider the employee to have abandoned their job and voluntarily terminated employment without notice.

### **-090- INCLEMENT WEATHER**

Since Franklin College is an educational institution with a predominantly residential student population, it is expected that normal operation will take place on a regular basis.

Please be aware if the college CANCELS CLASSES due to inclement weather, it will NOT be reported through the media, but through internal communications only. This will include the emergency text messaging system, our website and email.

If the college CLOSES, it will be reported internally as well as through the media. This means only essential services/personnel are expected to report to campus.

In the event that the City of Franklin or Johnson County declares a weather emergency, Franklin College will be CLOSED, except for essential services/personnel, as this declaration restricts road travel. Essential services/personnel may vary depending upon conditions and time of year. This will be reported through internal communications and the media.

Please be advised to monitor these systems during inclement weather conditions. If at any time you are uncertain of the campus' status, you may call security or your immediate supervisor.

It is strongly recommended employees enroll in the emergency text messaging system offered through MyFC to receive all emergency text messages.

Non-exempt employees who are required to work when the College is closed will be paid their standard pay for that day and will also receive additional hourly pay for the hours actually worked. Time and a half will be paid when the total hours actually worked for the

week exceed 40 hours.

If the College remains open, employees are urged to use their good judgment, as conditions can vary widely from one location to another. An employee unable to report for work due to inclement weather may apply annual leave time if available. If sufficient annual leave time is not available, this absence will be treated as an unpaid day.

Note that some departments have procedures in addition to those stated in this policy. All employees should check with their supervisor to be certain they are familiar with special needs of their position or department.

## **-095- ANNOUNCEMENT OF POSITION VACANCY**

Listings of current position vacancies are also available on the College's Web site [www.franklincollege.edu](http://www.franklincollege.edu). Internal Job Posting notices are displayed on the Human Resources bulletin board in Old Main. Job postings are normally displayed for a minimum period of three working days.

In addition to internal job postings, the College may choose to advertise a position externally in one or more publications. In the event of an interdepartmental promotion, appointment by the President or other circumstance, the College may choose to fill vacant positions immediately without internal or external announcements.

## **-097- STAFF INTERNAL TRANSFER**

Franklin College is dedicated to assisting employees to reach their professional goals through internal promotion and transfer opportunities. Transfers and promotions provide staff the opportunity for career growth and advancement within Franklin College. The Vice President of the department must approve all internal postings prior to initiating this process.

The primary objective is the selection of the best qualified applicant for the open position. Supervisors are encouraged to consider internal candidates from within their own entity or department as well as from other entities or departments throughout campus. When seeking to fill a newly created or vacant position within a department, the hiring manager of that department must receive salary approval from the Vice President of Finance and complete and submit a job description of the newly created position.

In considering internal candidates, hiring managers are encouraged to talk with the candidate's present and former supervisors and to review their performance evaluations and any other pertinent performance related information contained in the employee's personnel file. The hiring manager should contact the Office of Human Resources to review the contents of the personnel file.

As a courtesy, the candidate should be notified before these steps occur. The Department Head and or Department Supervisor of the new position will be responsible for contacting the Department Head and/or Supervisor of the current department for any relevant reference items that should be disclosed. Once final candidate is selected, the hiring manager will schedule an appointment for the employee to meet with the President. Upon the President's approval, an offer will be made.

Open positions are posted on MyFC as well as on the Human Resources bulletin board in Old Main so that internal employees can be aware of opportunities, express interest and receive

first consideration. The job is to be posted for a minimum of 3 days. If no qualified candidates are identified through internal postings, the Office of Human Resources will post the job externally on the FC website as well as any other applicable site.

Staff must inform their current supervisor of a transfer request before accepting another position at FC so that the current supervisor and hiring supervisor can discuss staff performance and work history. The hiring supervisor should contact at least two references including the current supervisor.

Expressing an interest in a transfer or promotion within Franklin College will not adversely affect a staff member's current employment.

To be eligible for an internal transfer, the staff member must be in their current position for a minimum of six months. Generally, an employee who transfers under this policy shall not be eligible for a subsequent transfer for one (1) year following the transfer. Staff will be considered for positions that appropriately match their skills and interests. Franklin College encourages staff members to establish a long-term, stable working relationship before seeking other career opportunities on campus. Ideally, transfers occur at the beginning of the payroll period. A staff member who transfers to another department retains his or her original continuous service date – based upon his or her initial date of hire.

## **-100- VOLUNTARY TERMINATION OF EMPLOYMENT**

Resignation is a voluntary separation of employment initiated by the employee. All employees are required to submit a letter of resignation to their supervisor/manager, stating the anticipated last day of work. It is customary for non-exempt staff to give a notice of two or more weeks. The letter of resignation will be forwarded to the Office of Human Resources for inclusion in the employee's personnel file. Keys, identification cards, parking tag and other College property must be turned in to the Office of Human Resources on the last day of employment.

When appropriate, the Office of Human Resources will schedule an Exit Interview with the employee to discuss benefits information and the like. Completion of the exit interview assists the College in evaluating current policies and procedures.

Upon termination of employment an employee will not receive pay for any unused annual leave hours. For employees of the college on July 31, 2009, the balance of accumulated annual leave hours the employee had accrued as of that date, and not subsequently used, will be paid upon termination. Accumulated sick leave is not reimbursable or convertible at the time of termination of employment.

## **-105- COMPLAINT/GRIEVANCE PROCEDURE**

It is the intent of the College to provide active employees with an effective means to discuss and bring to resolution any work-related problem or concern by using the following steps:

1. Employees should promptly bring any problem, issue or complaint to the attention of their immediate supervisor.
2. If employees prefer not to discuss the situation with their supervisor, or their supervisor does not address the issue satisfactorily, employees may choose to speak to the department manager or department head.

3. If the manager or department head is unable to address the problem satisfactorily, or employees do not wish to discuss the issue with him or her, they may choose to speak to the Manager of Human Resources.
4. If the employee has discussed the complaint or problem with the Manager of Human Resources and remains dissatisfied with the results of the conversation, he/she may then request a meeting with the relevant Vice President or with the President, whose review and decision will be final.

## **-110- CORRECTIVE ACTION/PROGRESSIVE DISCIPLINE**

Standards of work performance, personal conduct and attendance must be maintained to assure the orderly, effective operation of the College.

Occasionally, discussions between the employee and the supervisor must occur to correct certain deficiencies. Generally, the following steps will be adhered to when corrective action is necessary. However, the College retains the right to omit any steps and to impose a disciplinary suspension or terminate employment at any time, for any or no reason, with or without warning at its sole discretion.

Generally, the supervisor will verbally review any deficiency with the employee and discuss expected changes. The discussion will be documented. Failure to improve may result in a verbal warning.

**-115- VERBAL WARNING:** During the verbal warning, the continued work problem will be reviewed and expected changes will be defined. The conversation will be documented by the supervisor and the documentation will be placed in the employee's personnel file. The employee will sign and receive a copy of the verbal warning. Failure to show lasting improvement may result in a written warning.

**-120- WRITTEN WARNING:** A written warning will include a description of the particular job performance issues and expectations for improvement. The supervisor and employee will further discuss acceptable standards and methods of achieving them. The employee will sign and receive a copy of the written warning. A copy of the warning will also be placed in the employee's personnel file. Continued deficiencies may result in a disciplinary suspension or the termination of employment.

**-125- DISCHARGE:** Usually employees who do not take corrective action or who commit other serious offenses after a written warning will be discharged. Depending upon the seriousness of the offense any of the steps in the Corrective Action policy may be omitted and disciplinary suspension or immediate discharge may result.

## **-130- EMPLOYEE RECORDS & PRIVACY**

It is the policy of Franklin College to respect individual privacy, and to maintain in confidence all information and records pertaining to its employees to the extent practicable in keeping with the College's interest.

Official employee records are maintained in the Office of Human Resources. Access to those records is limited to official need by members of Human Resources or other College



officials. An employee has the right to review his/her personnel file during regular office hours. Neither the file, nor sections of the file may be removed from the Office of Human Resources. Employees who wish to make an appointment to review their file should contact the Office of Human Resources.

This policy does not permit access to faculty promotion and tenure files or letters of recommendation or other references.

In general, salary and other information about an employee will not be released without the prior written consent of the employee or an appropriate legal process. Upon request, the Office of Human Resources will provide to third parties confirmation of employment, i.e. dates of employment and position held.

Personnel and payroll records retention policies conform to applicable state and federal requirements. For details, please see the Manager of Human Resources.

### **-135- Institutional Policy For The Implementation Of The Family Educational Rights And Privacy Act Of 1974**

The Family Educational Rights and Privacy Act of 1974, (FERPA) as amended, is a Federal law which states (a) that a written institutional policy must be established and (b) that a statement of adopted procedures covering the privacy rights of students be made available. The law provides that the institution will maintain the confidentiality of student education records. The offices and departments of the College that collect and maintain academic, financial, academic advising, personal counseling, disciplinary, placement and other information about students shall adhere to the following policy regarding the release of such information. At its discretion, the College may disclose directory information in response to inquiries about individual students. Items considered directory information include the following:

- Name, local address, e-mail address and local phone number
- Date and place of birth
- Home (permanent) address and phone number and parents' names
- Confirmation of current enrollment/admittance
- Previous institutions attended
- Past and present participation in officially recognized college activities, including athletics
- Awards and honors received, degrees conferred and dates
- Dates of attendance, including class level and major
- Full or part-time status
- Physical and performance statistics of members of athletic teams

Students may withhold directory information by filing a request for non-disclosure during the fall or spring registration period (within one week of registration) with the Academic Records Office. Requests for non-disclosure will be honored for one academic year. Therefore, such requests must be filed annually.

All other information about students is restricted information. The Director of Academic Records, or his/her designee, must obtain written consent of the students before release of this information to any person, office or agency. Some exceptions may be possible. A request from a parent for information may be honored only if the student qualifies as a

dependent of that parent as documented by IRS forms or has signed a release form for that parent. Faculty/staff, please contact the Academic Records Office to determine if information may be released by you.

All grade information is restricted. Grades should not be distributed or posted in any fashion that permits identification of the student by anyone other than the student. Posting of grades by rosters, even with names deleted, violates the regulation. Use of social security numbers is prohibited as some numbers are easily identified as unusual (for instance, those of students from the East Coast).

The law provides students with the right to inspect and review information contained in their education records. Complete details of what may or may not be inspected and procedures for inspection are available in the Academic Records Office. A Student Request to Inspect

Educational Records form must be completed in the Academic Records Office. Information will then be accessible to the student for review within 30 working days from receipt of the written request.

## **-140- DRUG AND ALCOHOL POLICY**

The College is committed to maintaining a healthy, wholesome environment that is conducive to the pursuit of learning. The welfare and success of the College depends largely upon the physical and psychological health of its employees. The use of drugs and alcohol poses a serious threat to the College and its employees. It is for this reason that the College has established the following drug and alcohol policy:

- The unlawful possession, manufacturing, dispensing, possession, sale or use of unauthorized or illegal drugs or controlled substance, or the misuse of any prescription drugs on/in College property, while on College business or while operating college-owned vehicles or equipment is prohibited.
- Any employee under the influence of controlled substance, drugs or alcohol while on/in College property or while on College business or while operating college-owned vehicles or equipment is prohibited.
- Employees are responsible for promptly reporting to their supervisor any use of prescribed medication which may affect their judgment, performance or behavior.
- The unauthorized use, dispensing, and/or possession of alcohol on the Franklin College campus or in connection with College activities are prohibited.

The College will take whatever steps it finds appropriate to effectively enforce this policy. This includes, but is not limited to, facility searches, drug/alcohol testing and other measures when there is reason to believe that drugs or alcohol are present, employee performance is impaired or other behavior indicating drug/alcohol use is evident. Refusal to cooperate with such procedures may result in disciplinary action up to and including disciplinary suspension or immediate termination.

As a further condition of employment, all employees, staff and faculty of Franklin College shall notify their superior or any other appropriate officer or director of Franklin College of being convicted of any criminal drug statute violation within five (5) days of such conviction, if such conviction arose as a result of conduct on Franklin College premises.

Any employee violating this policy will be subject to disciplinary action up to and including

disciplinary suspension or immediate termination of employment.

## **-145- SOLICITATION POLICY**

In order to protect our employees from the interference in the course of their work and to prevent distractions or confrontations, solicitations will not be permitted during work time. Employees are not permitted to distribute literature, printed materials or printed products, or to sell products, solicit monetary contributions or solicit for any organization or cause during work time or in work areas with the exception of student or College organizations or for College-sponsored events. Non-employees are not permitted to solicit or distribute material on/in College property at any time.

## **-150- CHILDREN AT WORK**

Franklin College values family life and has worked to develop employment policies and benefits that are supportive of families. While the College seeks to focus on providing an environment open to work and family issues, the workplace should not be used in lieu of a childcare provider. Further, the College believes that it is inappropriate for minor children of employees to be in work areas during work for several reasons:

- Risk of harm to the children
- Decreased employee productivity due to distractions and interruptions
- Potential liability to the College

It is the policy of the College that minor children of employees not be present at an employee's workplace (e.g. office, classroom, etc), in lieu of other childcare arrangements during the employees working hours. This policy is not intended, however, to prohibit children from the campus when the purpose of their visit is to attend classes or participate in activities specifically scheduled for their benefit (e.g. summer sports camps, athletic events, etc). *At no time during a child's visit should they be permitted access to computer passwords and other computer resources in offices.*

## **- 152 – PET POLICY**

Animals are not permitted in campus buildings and facilities. Domestic animals on campus grounds must be kept on a leash and/or under the direct control of the owner at all times. Domestic animals may not be left unattended, tethered on campus, or left in a vehicle. People bringing domestic animals to campus are expected to clean up after their animals. Service animals, such as seeing-eye dogs, and animals used for educational purposes are permitted in buildings but are subject to all other aspects of this policy.

## **-156- SMOKE/TOBACCO-FREE CAMPUS**

Franklin College is committed to providing a healthy, comfortable, and productive environment for the students, faculty, staff and visitors of this campus.

As of July 1, 2011 Franklin College is a smoke/tobacco-free campus. This policy applies to all faculty, staff, students and visitors on our campus. Smoking and/or tobacco use is prohibited within the boundaries of college property including all buildings, facilities, indoor and outdoor spaces and grounds owned, rented, operated, and/or licensed by the college,

parking lots, walkways, sidewalks, college vehicles, private vehicles parked or operated on college property. For the purposes of this policy, smoking and tobacco use include but are not limited to cigarettes, cigars, cigarillos, electronic cigarettes, pipes, smoking apparatuses, spice, cloves and all smokeless tobacco products.

Enforcement of this policy will depend on the cooperation of all faculty, staff, and students not only to follow this policy but also to encourage others to comply in order to promote a healthy environment in which to work, study and live. Anyone who observes a policy violation may courteously and without confrontation inform the individual of the smoke/tobacco-free policy. Violators of this policy will face progressive discipline, as with all other policies, as stated in *The Key: A Guide to Campus Life* and the *Employee Handbook*.

## **-160- PERSONAL CONDUCT**

A high standard of personal conduct and a cooperative spirit by the employee are important qualities in the work setting of the College. Any action by an employee which breaches confidentiality shows disrespect for the rights and safety of others, disregard for College property or is in conflict with the mission and goals of the College will not be tolerated and may be grounds for the termination of employment or other disciplinary action. Notwithstanding this provision, all employees remain employees-at-will.

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

- Theft or inappropriate removal or possession of College property
- Falsification of timekeeping records
- Violation of the Drug & Alcohol Policy
- Violation of the Sexual and Other Harassment Policy
- Fighting or threatening violence in the workplace
- Insubordination or other disrespectful conduct
- Violation of safety or health rules
- Possession of dangerous or unauthorized materials, such as explosives or firearms in the workplace
- Unauthorized use of telephones, mail system, technology or other employer owned equipment
- Undesirable work habits including, but not limited to, carelessness, negligence or sleeping on the job

## **-161- Civil Rights to Expression**

When employees exercise their civil rights to expression in any public forum, they shall be careful to indicate accurately whether and to what extent they actually represent and are authorized to represent the College in their opinions. Submission of opinion articles, columns or interviews to media outlets, blogs, websites or podcasts are encouraged. An employee of Franklin College who authorizes publication or production of such opinion material and who identifies him/herself with Franklin College, is required when possible and practical to include the following disclaimer as part of the identifying information: **“The views expressed are those of the author only and should not be attributed to Franklin College.”** Employees will protect all teaching situations from irrelevant editorializing, expression of grievances, negative comment on the competency of colleagues, and other expressions which might abuse the academy.

## **-165- WORKPLACE VIOLENCE**

Workplace violence, as defined for this employee handbook, is any physical assault, threatening or intimidating behavior, harassment or verbal abuse occurring in the work setting whether direct or through the use of campus facilities, property or resources.

It is an essential goal of Franklin College to maintain a safe and comfortable workplace and academic setting for all members of the Franklin College community. In support of this commitment, the college has established standards of conduct that cover every member of our community. Specifically, violent acts, threats (direct or implied), unlawful harassment, verbal or physical abuse, stalking, intimidation, and other disruptive behavior will not be tolerated and will result in an appropriate response which could include disciplinary action up to and including termination.

To ensure a positive work environment, all members of the Franklin College community are expected to conduct themselves in an appropriate and professional manner.

All threats and other inappropriate behavior that create an immediate concern for safety should be reported immediately to your supervisor, Campus Security and/or the Office of Human Resources. For the safety and well-being of everyone on campus, any employee who has an active restraining order out against another individual must notify Security within 24 hours.

## **-170- USE OF EQUIPMENT AND VEHICLES**

Equipment and vehicles essential to accomplishing job duties are expensive and may be difficult to replace. When using College property, employees are expected to exercise care, perform required maintenance and to follow all operating instructions safety standards and guidelines. Use of equipment and vehicles is permitted by assigned personnel only.

Employees should notify their supervisor if any equipment, machine, tool or vehicle appears to be damaged, defective or in need of repair. Prompt reporting could prevent deterioration of equipment and possible injury to the employee and others.

The improper, careless, negligent, destructive or unsafe use or operation of equipment or vehicles may result in disciplinary action, up to and including termination of employment.

## **-175- USE OF INFORMATION TECHNOLOGY RESOURCES**

Computing resources are made available to members of the Franklin College community to promote and enhance learning and research, and to support College-related duties and assignments. Members of the College community may have different levels of access to these resources, but anyone who uses the computing services of the College agrees to adhere to the policies stated herein. The network is available 24 hours a day with the exception of 6 a.m. – 7 a.m. Friday. The network may also be unavailable for periodic scheduled network maintenance.

## **-180- RESPONSIBILITIES OF USERS**

Access to computing services is a privilege to which faculty, staff and students are entitled. Use of these services is limited, however, to purposes related to the College's mission of education, research and public service. Certain responsibilities accompany that privilege, and

understanding them is important for all computer users. These responsibilities include, but are not limited to, the following:

- Computer accounts, passwords and other types of authorization are assigned to users and shall not be shared with others.
- The user will select an obscure password and change it when notified to do so.

## **-185- SECURITY**

Information Technology will take reasonable steps to help its users protect their stored information from accidental loss and unauthorized access. The ultimate responsibility for the protection of information rests with users, and the College is not liable for loss of data. The College, wishing to make its computing resources available with the fewest interruptions possible, grants the Information Technology staff the authority to monitor activities on the network. Such monitoring will be conducted in a manner that will preserve the privacy of network users as much as possible.

## **-190- CONFIDENTIALITY**

Information stored on College computers is considered confidential unless the owner intentionally makes that information available to other groups or individuals. Requests for disclosure of confidential information will be honored only when approved by College officials or when required by state or federal law. Except when inappropriate, computer users will be notified prior to such disclosure.

## **-195- ELECTRONIC MAIL**

Electronic mail is a College resource and should be used primarily for educational and administrative purposes. Individuals do not have personal privacy rights to materials created, received or sent from the e-mail system.

## **-200- CENSORSHIP**

Free expression of ideas is central to the academic process. The Franklin College Information Technology administrators will not remove any information from active individual accounts or from electronic bulletin boards maintained on them unless the administrator determines that:

- The presence of the information involves illegality (e.g. the material is copyrighted).
- The information endangers computing resources or the information of other users (e.g. a computer worm, virus or other potentially destructive program).

## **-205- LEGAL USE**

Computing resources may not be used for illegal purposes. Examples include:

- Unauthorized copying or use of copyrighted software or information. (This prohibits copying of site-licensed software for personal use or distribution to others except as permitted under the terms of our license agreements.)
- Destruction of or damage to hardware, software or data belonging to the College or other users.

- Disruption of, interference with, or unauthorized monitoring of electronic communications.
- Harassment of others.

## **-210- EHTICAL USAGE**

Computing resources shall be used in accordance with the ethical standards of the College community. Examples of unethical use (which may also involve illegality) include:

- Violations of security or any attempts to compromise the College computer security systems.
- Unauthorized use of computer accounts, files and data which do not belong to the user.
- Unauthorized use of access codes assigned to others.
- The intentional introduction of a disruptive program, such as a "virus" or a "worm."
- The intentional use of computer telecommunications facilities in ways that impede the computing activities of others.
- Academic dishonesty (e.g. plagiarism and cheating).
- Violation of software licensing agreements.
- Violation of network policies.
- Violation of another user's privacy.
- Storing on College systems information that may injure someone else and/or lead to a lawsuit or criminal charges. (e.g. pirated software, destructive software or libelous statements)
- Using College computer systems for advertising or commercial enterprises.

## **-215- RESPONSIBLE USAGE**

Proper use of computer resources follows the same standards of common sense, courtesy and restraint found in the shared use of other utilities. It includes:

- Regular deletion of unneeded files from one's accounts on central machines.
- Restraint in the use of connect time, data storage space, printing, central processor time and interactive networks such as the Internet.

## **-220- INFRACTIONS, ADJUDICATION AND SANCTIONS**

Violators of these policies will be subject to the disciplinary procedures of the College as stipulated in The Key, the Faculty Handbook, the Exempt Employee Handbook, the Non-Exempt Employee Handbook and other pertinent College documents. Loss of some or all computing privileges may result. Illegal acts are also subject to prosecution by state and federal authorities. The Information Technology staff has the authority to take immediate action to protect the integrity and proper functioning of the computing systems and networks. This may involve the removal of suspected files or programs from central, shared hard drives and the disconnection of an individual causing interference or disruption of network services.

The Academic Computing Committee may be consulted during the adjudication of alleged policy infractions.

## **-230- DANGEROUS ARTICLES**

The College prohibits possession of firearms or any other weapons on/in the College's property or while on College business. Violation of this policy may result in disciplinary action, up to and including immediate termination.

In addition, any employee who has an active restraining order out against another individual must notify the Security Office within 24 hours.

### **-235- PERSONAL APPEARANCE**

Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the business image the College presents to the community.

During business hours, employees are expected to present a clean neat appearance and to dress according to the requirements of their position. Employees who appear for work inappropriately dressed may be sent home and directed to return to work in proper attire. Under such circumstances, employees will not be compensated for the time away from work. Employees who have questions about what constitutes appropriate attire are encouraged to consult with their supervisor.

### **-240- COLLEGE SPONSORED EVENTS**

From time-to-time, the College sponsors a function, such as a holiday party. Attendance at these functions is usually voluntary. If the event includes the availability of alcohol, employees should be responsible about their consumption and are strongly encouraged to make appropriate transportation arrangements, such as using a designated driver. Any other impromptu or regular employee gatherings outside of work time are not sponsored by the College.

### **-245- RETURN OF COLLEGE PROPERTY**

Employees are responsible for all College property, materials or written information issued to them or in their possession or control. Employees must return all College property immediately upon request or upon termination of employment. Where permitted by applicable laws, the College may withhold from the employee's check or final paycheck the cost of any items that were not returned when required. The College may also take any/all action deemed appropriate to recover or protect its property.

### **-250- WORKWEEK AND PAY PERIODS**

The workweek begins at 12:01 a.m. Monday and ends Sunday at 12 a.m.

Non-exempt employees are paid on a bi-weekly basis, on a Friday, two weeks in arrears. If a holiday falls on a normally scheduled payday, paychecks will be issued the preceding available workday.

### **-252- ELECTRONIC DEPOSIT OF EMPLOYEE PAYCHECKS**

Effective July 1, 2009, the College shall only make payment of earnings by direct deposit of employees' paychecks via electronic transfer to the personal checking or savings account designated by the employee. Employees shall be required to designate a financial institution



to accept the deposits and consent to the transfer. If any employee requires assistance in establishing such accounts, information can be obtained from the Office of Employee Resources.

In 2007 Franklin College signed on for the American College and University President's Climate Commitment (ACUPCC). Part of our commitment is to begin to trend down our carbon footprint starting in 2008. As part of the College's Institutional Effectiveness program, employees are required to sign up for an on-line pay service. Effective August 1, 2009 Franklin College employees will no longer receive a paper paystub. Following a registration process with our payroll service partner, employees will have access to a secure on-line pay service. This service allows employees to view, download, and print their check stubs at their own convenience. See the Office of Human Resources or the Payroll Department for details.

## **-255- TIME RECORDS**

Non-exempt employees are responsible for keeping an accurate record of time worked on the electronic timekeeping system. Hourly employees are required to register their number of hours worked as well as paid time off into the electronic timekeeping system by the appropriate deadline. All time for which an employee was scheduled to work must be accounted for using the following codes:

Regular/OT  
Vacation  
Floating Holiday  
Holiday  
Bereavement  
PriorVac  
Sick  
Jury Duty  
BankVac

These hours must be electronically verified by the supervisor by 9 a.m. Monday every two weeks.

Employees are not to begin their shift more than 5 minutes prior to the scheduled time unless overtime has been approved by the supervisor. Falsification of time sheets may result in disciplinary action up to and including termination.

## **-260- OVERTIME PAY**

Work is organized and scheduled in such a way that, normally, overtime work is not needed. However, it may sometimes be necessary to ask certain non-exempt employees to work additional hours. When this is the case, the supervisor will try to notify the employees of the need for overtime as far in advance as possible. Every reasonable effort will be made to accommodate those employees who, for personal reasons, may on occasion have difficulty complying with the overtime request. However, employees should be aware that the College has the right to require reasonable amounts of overtime work. **Except in an emergency, an employee may not work in excess of regularly scheduled hours without prior approval**

**from the supervisor.**

A non-exempt employee is paid at one-and-one-half (1 ½) times the regular rate for all hours actually worked in excess of forty (40) hours per the employee's designated workweek (the College's workweek for payroll purposes is 12:01 a.m. Monday to 12 a.m. Sunday).

Overtime work is paid in the paycheck for the payroll period in which it occurred.

By law, the College is not permitted to provide non-exempt employees with compensatory ("comp") time off unless the time is used within the same workweek as the hours were worked. Exempt positions are exempt from the Fair Labor Standards Act and as such are not paid overtime.

Time off such as annual leave, sick leave, class time and paid holidays (any hours not actually worked) are not considered time worked when computing overtime pay.

## **-265- EMERGENCY CALL-IN PAY**

A non-exempt employee called back to work for an emergency is guaranteed a minimum call-in period of two hours. The employee is expected to work two hours on site. A minimum of two hours will be paid regardless of the hours worked. Only hours actually worked in excess of 40 will be counted as time worked for calculating overtime.

## **-270- REQUIRED TRAVEL PAY**

While attending off-campus meetings, all authorized travel time spent driving an automobile as a driver or a passenger is treated as work hours, regardless of whether the travel takes place within normal work hours or outside normal work hours. An employee will receive his/her regular hourly rate for all travel time. Travel time will **not** be factored into overtime calculations.

Travel between home and work or between the hotel and meeting site is considered normal commuting time and is not eligible for compensation.

Electronic time sheets should be marked to record the actual time spent for travel as well as time attending required conferences and meetings. Travel time should be calculated by rounding up to the nearest quarter hour.

"Air-Travel time" is defined as the time the employee arrives at the airport to the time the employee reaches his/her destination. If an employee is traveling *to* a location, then the destination is either the hotel or the work site (if the employee travels directly from the airport to work). If the employee is returning home *from* a location, the destination is the airport of final arrival. Travel time will **not** be factored into overtime calculations.

If an employee requests a specific travel itinerary or mode of transportation that is different from the one authorized by the college, only the estimated travel time associated with the itinerary and mode of transportation that has been authorized will be eligible for compensation.

Employees are responsible for accurately tracking, calculating and reporting travel time on

their electronic time sheets in accordance with this policy.

Meal periods should be deducted from all travel time.

## **-275- WAGES/SALARY INCREASES**

Wage increases are not automatic and are given by the College only with the supervisor's consent. Any wage increase usually becomes effective September 1.

*Employees hired between July 1 and August 31 of any given year will generally not be eligible to receive an increase until September 1 of the subsequent year.*

## **-280- PAYROLL DEDUCTIONS**

Franklin College, like other employers, is required by law to make certain deductions from employee paychecks. These deductions include federal, state and local income tax withholding and FICA (Social Security). If there is any change in dependency status, it is the employee's responsibility to advise the Manager of Human Resources of the change and to sign a new deduction authorization.

In addition, an employee may make certain optional deductions (such as medical/dental insurance premiums, development gifts, retirement contributions, etc.). All deductions made are itemized on the statement of earnings attached to your paycheck.

While the College does not wish to become involved in the personal financial matters of employees, it is required to honor garnishments, wage assignments and levies as prescribed by law.

## **-285- PAY ADVANCES**

Franklin College does not authorize pay advances for any employee.

## **-290- PAY CORRECTIONS**

The College takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday. The College prohibits any pay deductions which are improper under the Fair Labor Standards Act regulations. In the unlikely event that there is an error in the amount of pay or a deduction which the employee believes is improper, an employee can raise the issue through the Complaint Procedure in this Handbook or you may bring the discrepancy to the attention of your supervisor, the Business Office or the Manager of Human Resources so that corrections can be made as quickly as possible. Reimbursement will be made for any improper deductions and the College will make a good faith commitment to avoid any future improper deductions.

## **-295- UNEMPLOYMENT INSURANCE**

An employee discharged from work at Franklin College may be eligible for unemployment compensation, in accordance with the laws in the State of Indiana. To apply for unemployment benefits, the employee must personally contact the Indiana Department of Workforce Development. The full cost of this insurance is paid by Franklin College.

## **-300- SOCIAL SECURITY**

Franklin College participates in the Social Security program which provides retirement, survivors and disability benefits. In accordance with the Federal Insurance Contributions Act (FICA), the College contributes a specified percentage of employee earnings each calendar year; the employee also contributes a specified percentage of earnings by means of automatic payroll deduction.

## **-305- ANNUAL LEAVE**

Annual leave is for the general well-being of employees and may be used for personal business, family medical leave or other reasons approved by the College.

Effective August 1, 2009: For the 12 months beginning August 1, 2009 and each (August 1 – July 31) thereafter, the amount of annual leave to which full-time, non-faculty employees become entitled is determined by the employee's years of service as of August 1st. Refer to the tables below to determine the number of annual leave hours that are granted per years of service.

### Hourly Employees

Less than 5 years	80 hours
5 years or more but less than 10 years	120 hours
10 years or more but less than 15 years	144 hours
15 years or more but less than 20 years	160 hours
20 years or more of service	200 hours

Individuals beginning their employment at Franklin College are granted the following number of hours of annual leave based upon the month in which they commence employment. These annual leave hours must be taken prior to the next July 31st and may not be carried over into the next 12-month period.

<u>Month of Hire</u>	<u>Hours Granted</u>	<u>Month of Hire</u>	<u>Hours Granted</u>
August	73	February	33
September	66	March	26
October	60	April	20
November	53	May	13
December	46	June	6
January	40	July	0

Full-time employees on 9- and 10-month contracts are granted pro-rated annual leave allocations based upon their years of service. Use of annual leave hours is subject to approval by the employee's supervisor. Annual leave time must be taken prior to July 31 after the August 1<sup>st</sup> on which it is granted. Annual leave hours may not be carried over into the next twelve-month period. Employees are not permitted to have a deficit annual leave balance. Any unused annual leave hours as of July 31 each year will be forfeited.

Granted annual leave must be taken or forfeited. Employees are not entitled to pay in lieu of taking annual leave. Franklin College does not pay employees for unused annual leave hours upon termination of employment.

**NOTE:** Accumulated annual leave hours as of July 31, 2009: The balance of annual leave

hours as of July 31, 2009 will continue to be available for employee use for annual leave, personal, family medical leave or other reason approved by the College. However, no additional hours shall be accumulated after July 31, 2009. The balance of these annual leave hours will be paid upon termination of employment.

Part time employees who work at least 1,040 hours per year are granted annual leave time on a pro-rated basis according to their years of service.

Note that the total number of hours an employee is granted is governed by the number of months worked. If, for example, an employee has three years of full-time service and works a ten-month schedule, that employee would be granted 66 hours of annual leave a year. The annual leave earning rate is based on the length of continuous service.

Requests for annual leave should be submitted to the supervisor for approval as far in advance as possible by completing an Annual Leave Request Form. A copy of the completed/signed form should be forwarded to payroll and a copy should be placed in the employee's personnel file. A reasonable effort will be made to grant an employee annual leave time at the time requested but efficient operation of the department and staffing needs may cause the supervisor to deny the request. Pay in place of annual leave is not permitted. Sick time may not be utilized for annual leave.

### **-310- HOLIDAYS**

Franklin College observes the following annual paid holidays for full-time employees:

New Year's Day  
Memorial Day  
Independence Day  
Labor Day  
Thanksgiving Day  
Friday after Thanksgiving  
Christmas Eve  
Christmas Day  
Floating Holiday

In addition, except for certain departments which have special procedures, all working days between Christmas to New Year's Day will be considered as paid annual leave in addition to annual leave granted under the Annual Leave policy and is subject to the provisions of that policy. All work between Christmas and New Year's, except emergency call-ins, must be approved in writing in advance by a department's cabinet officer, with a copy of approval given to the Vice President of Finance.

Holidays are observed on the day legally observed by the Federal Government. Generally, if a holiday falls on Saturday, it is observed the preceding Friday; if a holiday falls on Sunday, it is observed the following Monday. Newly hired full-time employees are immediately eligible for paid holidays.

All full-time staff members are eligible for a floating holiday to be used during the calendar year. If the holiday is not used during the calendar year, it will be lost. An Annual Leave Request Form must be submitted to the supervisor as far in advance as possible. The floating holiday may not be broken down into hourly increments; the full 8 hours must be used in one day.

Employees who are absent from work for reasons including, but not limited to, disability, unpaid FMLA or Worker's Compensation will not receive holiday pay. Holiday benefits are forfeited in the case of:

- An unauthorized absence from scheduled work immediately prior to or following the holiday
- An unauthorized absence when scheduled to work a holiday
- An absence (extended or otherwise) from scheduled work immediately prior to or following a holiday without annual leave or sick pay coverage. The employee must be in an active pay status the day before and after a holiday to qualify for holiday benefits.

Based on the academic calendar or workload, some departments may remain open on a holiday (e.g. Security or Physical Plant). In such circumstances, full-time hourly staff will be paid at time and a half for the time actually worked and receive their "holiday" paid time off at a mutually acceptable date within reasonable proximity of the actual holiday. **Paid holidays are not considered time worked when computing overtime pay.**

### **-315- SICK LEAVE**

Sick leave is granted to full-time employees for absences due to illness of either the employee or an immediate family member. Immediate family is defined as the employee's spouse, domestic partner, child, mother, father, sister, brother, grandparent, grandchild, niece, nephew, corresponding in-law, or any person the employee resides with. Part-time employees who work at least 1,040 hours a year will earn sick leave on a pro-rated basis. In the event an employee exhausts available sick time, employee has the following options:

1. Apply for additional sick hours via Sick Pool
2. Apply for a leave of absence (personal or medical)
3. Apply for a Family Medical Leave of Absence
4. Apply for Long Term Disability

If employee is out of sick time, he or she must use annual leave time before taking unpaid leave. Should these options not be approved, employee will be in an unpaid status and be subject to the College Attendance Standards policy. Sick leave can be used in hourly increments to allow usage for illness-related appointments. However, excessive absences, tardiness or early departures may be cause for disciplinary action up to and including termination (see *Attendance Standards Policy*).

Non-Exempt Employees – Earning Rate per Week & Year

<u>Service</u>	<u>Bi-Weekly Accrual</u>	<u>Annual Accrual</u>
No Service Requirement	3.70 hours	96 hours

***Accrual of sick leave ceases during any unpaid leave of absence and resumes upon the employee's return to work.***

Any absences beyond the accrued sick time will not be paid unless the employee applies annual leave time or qualifies for long term disability benefits.

The maximum number of hours that can be accumulated is 1,000. Hours earned in excess of 1,000 will be lost. Earned, unused sick leave is not reimbursable at the time of termination of employment.

## **-320- SICK LEAVE POOL**

The purpose of the Sick Leave Pool (Pool) is to provide eligible employees with supplemental sick leave benefits during an illness, medical condition or injury of the employee after the individual's regular sick and annual leave benefits have been exhausted.

An illness, medical condition or injury is defined as a severe condition or combination of conditions affecting the mental or physical health of the employee, which requires the services of a licensed physician. The plan will exclude elective procedures that are not medically necessary. The condition must force the employee to exhaust all annual and sick leave earned and to lose compensation from the College.

The Pool will be funded by the voluntary contributions of Franklin College employees from their individual accumulated sick leave. Only those employees who meet the eligibility requirements will be allowed to apply for benefits from the Pool. Once a licensed physician has confirmed in writing an illness, medical condition or injury, the eligible employee can apply for Pool benefits.

The employee must be a participant in the Pool Plan to qualify for eligibility. Eligibility will be for the plan year in which the employee has made a contribution to the Pool. Individuals must be employed for one year prior to participating in the Pool. Donation of hours will take place once each year during the month of April.

Employees who wish to participate in the Pool must contribute a minimum contribution of one day (*8 hours, 6 hours or 4 hours, depending on employee status*) each plan year, and up to a maximum contribution of 12 days per plan year. Employees must maintain a minimum number of hours after their contribution, based on their weekly scheduled work hours (see chart). Qualified employees must use all accumulated personal sick and annual leave before applying for Pool benefits.

Scheduled Hours Worked	Minimum Donation	Hours Maintained
Full Time 100 %	8 hours	80 accrued hours/two weeks
Full Time 75 %	6 hours	60 accrued hours/two weeks

When applying for benefits from the Pool, the employee must provide to the Manager of Human Resources a licensed physician's statement that contains the diagnosis, prognosis and estimated duration of the illness, medical condition or injury. All information provided to the Office of Human Resources will remain confidential. Confidential information will be shared with members of the administrative committee for the purpose of hearing a claim for denied benefits upon receiving a signed consent form from the employee.

Benefits from the Pool will only be paid after the first ten days of leave. The first ten days of any leave are not covered under this plan. A maximum of 30 days can be disbursed during any given illness, medical condition or injury. Distribution will be based on minimum amount of time (estimated duration of illness, medical condition or injury) documented by

physician. Re-application for the benefits may be necessary to extend the benefit.

Total disbursements from the Pool will only be made up to the total amount of hours accumulated in the pool.

## **-325- FAMILY AND MEDICAL LEAVE ACT (FMLA)**

The College complies with all applicable federal and state labor and employment laws, including the Family and Medical Leave Act of 1993 (FMLA). Under the FMLA, eligible employees are entitled to certain rights, and have certain obligations, with respect to unpaid leave for certain family and medical reasons. This policy will be interpreted and applied in accordance with applicable federal law and regulations.

### **FMLA Leave Eligibility**

An eligible employee under the FMLA is an employee who has been employed by the College for at least 12 months, who has worked at least 1,250 hours in the past 12 months, and who works at a facility in which at least 50 employees are employed by the College either at that facility or within 75 miles of that facility. Based upon information provided by the employee, the College will designate whether a leave qualifies as an FMLA.

### **Reasons for FMLA Leave**

An eligible employee may take FMLA leave for one of five different reasons. Specifically, an eligible employee may take FMLA leave of:

- \* Up to 12 weeks per leave year to care for a newborn child, or a child newly placed in the employee's custody through adoption or foster care, for a period of up to one year after such birth or placement;
- \* Up to 12 weeks per leave year to care for the employee's spouse, child, or parent who has a serious health condition;
- \* Up to 12 weeks per leave year because of the employee's own serious health condition, if that condition renders the employee unable to perform his or her job functions;
- \* Up to 12 weeks per leave year because of a qualifying exigency arising from the fact that the employee's spouse, son, daughter, or parent is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation. The term "qualifying exigency" is construed in accordance with applicable federal law and regulation; or
- \* Up to 26 weeks per leave year to care for a service member who is the employee's spouse, daughter, son, parent, or next of kin who is (1) undergoing medical treatment, recuperation, or therapy, (2) is in outpatient status, or (3) is on the temporary disability retired list, for a serious injury or illness suffered in the line of duty.

Any leave taken by an eligible employee for one or more of these reasons will be counted against that employee's annual FMLA leave entitlement. An employee may not combine forms of leave. In other words, an employee is only eligible for a total of 26 weeks of FMLA leave a year.



Spouses who are both employed by the College are entitled to a total of 12 weeks of leave (rather than 12 weeks each) for the birth or adoption of a child or for the care of a sick parent with a serious health condition. However, such spouses each may take 12 weeks of leave if needed to care for their newborn child with a serious health condition.

### **Serious Health Condition**

For the purpose of determining whether an eligible employee or his or her spouse, child, or parent has a serious health condition, such a condition includes any injury, illness, impairment, or physical or mental condition that requires either in-patient care in a medical facility (*i.e.*, overnight hospitalization), or continuing treatment by a health-care provider. These terms are construed by the College in accordance with applicable federal laws and regulations.

### **Contingency Operation**

A “contingency operation,” as used in this policy, includes any operation designated by the Secretary of Defense as one in which members of the armed forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; an operation that results in a call to duty of certain members of the Armed Forces from retirement, the reserves, the National Guard, or state militias; or any other operation which is the result of a national emergency declared by the President or Congress.

### **Illness or Injury**

For the purpose of determining whether an eligible employee’s spouse, daughter, son, parent, or next of kin is a covered service member who has suffered a qualifying illness or injury in the line of duty, this means an injury or illness that renders the service member unable to perform the required duties of their office, grade, rank or rating. As used in this policy, “next of kin” means the nearest blood relative of an injured service member.

### **Leave Year**

For the purpose of this policy, the leave year within which an eligible employee may take his or her 12 or 26 weeks of FMLA-protected leave means a rolling 12-month period measured backwards from the date the employee first takes leave for any of the reasons set forth previously.

### **Compensation for FMLA Leave**

Generally, FMLA leave is not paid. However, an eligible employee may elect to take any paid annual leave or, for personal medical leave, paid sick days in lieu of taking unpaid leave under the FMLA. Such paid leave will be counted towards the employee's 12 or 26 weeks of FMLA leave granted per leave year.

### **Intermittent or Reduced Hours Leave**

In the case of leave taken to care for a seriously ill spouse, child, or parent; or due to the employee's own serious health condition, an employee may take leave intermittently (*i.e.*, periodically), but in units of 2 hours, or on a reduced hours schedule (*i.e.*, reduced number of

working hours per day or per week) only when such leave is medically necessary, as certified by the employee's or family member's health-care provider. Otherwise, such leave is not permitted except at the sole discretion of the College. An employee who takes leave intermittently or on a reduced leave schedule may be temporarily transferred to another position for which the employee is qualified to better accommodate that leave.

## **Job and Benefits Security**

An eligible employee who takes leave under the FMLA and who returns to work before his or her annual FMLA entitlement has expired will be restored to the position he or she held when the leave commenced, or to an otherwise equivalent position with respect to pay, benefits, and other terms and conditions of employment, unless the employee would no longer have been employed in such a position had the employee not taken such leave. Additionally, any unused employment benefits that had been granted to an eligible employee prior to the commencement of leave will be restored upon return from FMLA leave.

## **Continuation of Group Health Plan Coverage**

Group health plan coverage will be maintained by the College during an eligible employee's period of FMLA leave to the extent and under the same circumstances as it ordinarily is furnished to that employee. Premium payments should be made to the Business Office on the schedule available from the Office of Human Resources. The Office of Human Resources will notify eligible employees concerning the amount of each premium payment. Failure to pay such premiums during leave may result in the loss of health coverage. An eligible employee who fails to return to work after the expiration of the FMLA leave period for reasons that are not beyond his or her control will be expected to reimburse the College for health-care premiums paid by the College during the leave period.

## **Employee Notice Requirements**

An eligible employee must give their supervisor and the Office of Human Resources at least 30-days' notice of his or her intent to take leave under the FMLA. If the employee is unable to give such notice because the need for leave is not foreseeable, then the employee must give as much notice as practical. Typically, this will mean giving notice to the supervisor and the Office of Human Resources within one or two working days of learning that FMLA leave must be taken. Any employee who fails to give the requisite notice may be delayed in receiving authorization for leave.

### **EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT**

#### **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:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

#### **Military Family Leave Entitlements**

Eligible employees with a spouse, son, daughter, or parent on active duty or call 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 attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA 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 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, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

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

#### **Eligibility Requirements**

Employees are eligible if they have worked for a covered employer for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

#### **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 or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

#### **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 leave 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 may also be taken on an intermittent basis.

#### **Substitution of Paid Leave for Unpaid Leave**

Employees may choose or employer may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid 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 an employer's normal call-in procedures. Employees must provide sufficient information for the employer 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 employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

#### **Employer Responsibilities**

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

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

#### **Unlawful Acts by Employers**

FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

#### **Enforcement**

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA 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.

**FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulations 29 C.F.R. § 825.300(a) may require additional disclosures.**

**For additional information:** 1-866-4US-WAGE (1-866-487-9243) TTY: 1-877-889-5627 [WWW.WAGEHOUR.DOL.GOV](http://WWW.WAGEHOUR.DOL.GOV)

## **Healthcare Provider Certification**

In cases of leave to be taken to care for a family member, with a serious health condition, a family member who has suffered a serious injury or illness in the line of military duty, or due to the employee's own serious health condition, an eligible employee must provide the Office of Human Resources with a completed and signed health-care-provider certification indicating that the employee requires FMLA leave. This certification must be submitted to the Office of Human Resources within 15 days after the employee gives notice of his or her intent to take FMLA leave, and must contain the following information:

- \* the date on which the serious health condition commenced;
- \* the probable duration of the condition;
- \* the treatment regimen prescribed;
- \* any appropriate medical facts within the health-care-provider's knowledge regarding the condition;
- \* if applicable, a statement that the employee is needed to provide care for his or her spouse, child, or parent and an estimated duration of such need; and
- \* if applicable, a statement regarding the medical necessity of intermittent or reduced

hours schedule leave.

Failure to submit this certification in a timely manner may result in delays in securing authorization for leave, and failure to submit the certification at all will preclude the employee from taking leave.

The College also may require, at its own expense, a second and third health-care-provider opinion if there is a question as to the validity of the certification provided by the employee. An eligible employee also may be asked to furnish the College with subsequent health-care-provider certifications on a reasonable basis during the employee's leave period. An eligible employee's failure to furnish subsequent certifications may result in termination of the employee's right to leave.

An employee returning to work from an unpaid medical leave of absence must be able to perform the essential functions of his or her job. If a reasonable accommodation is required, the employee must notify the Office of Human Resources. An eligible employee on FMLA leave must submit to the Office of Human Resources a medical release (*i.e.*, fitness-for-duty certification) indicating that the employee is able to return to work. Failure to submit such a release will preclude the employee from being restored to his or her employment with the College.

## **-327- PARENTING LEAVE**

### **For the Primary Caregiver**

The College will provide a paid parenting leave of 8 weeks (6 weeks for full time employees who work a 10-month schedule) to eligible employees who are the primary caregiver to care for a newborn child or a child newly placed in the employee's custody through adoption. If a 10-month employee takes leave during June and/or July the leave will be unpaid. To be eligible, an employee must have been employed with the College full-time for at least 12 months and worked at least 1250 hours during the 12 month period before the leave. The leave must be taken consecutively beginning with the birth or placement of the child. The leave will not be charged against the employee's sick or annual leave hours. The employee will need to complete the required paperwork established under the FMLA and meet all the requirements. The leave will work in conjunction with the FMLA. The employee must provide 30 days notice (or as much notice as practical) to their supervisor and the Office of Human Resources and complete the necessary forms available from the Office of Human Resources. The forms must be submitted to and approved by the Office of Human Resources. The leave is considered time used against the maximum 12 weeks of FMLA and runs concurrently with FMLA or any other related leaves for which the employee is eligible. After the paid parenting leave is exhausted, the employee may charge sick and/or annual leave in accordance with College policies with authorization from the Office of Human Resources to continue such leave.

### **For the Secondary Caregiver**

The College will provide a paid parenting leave of 10 working days to eligible employees who are the secondary caregiver to care for a newborn child or a child newly placed in the employee's custody through adoption. To be eligible, an employee must have been employed with the College full-time for at least 12 months and worked at least 1250 hours during the 12-month period before the leave. The leave is not charged against the employee's sick or annual leave hours. The paid ten working days may be taken on an

intermittent basis. The employee must complete the required paperwork established under the FMLA and meet all the requirements. The leave works in conjunction with the FMLA.

The employee must provide 30 days' notice (or as much notice as practical) to their supervisor and the Office of Human Resources and complete the necessary forms. The forms must be submitted to and approved by the Office of Human Resources. The leave is considered time used against the maximum 12 weeks of FMLA and runs concurrently with FMLA or any other related leaves for which the employee is eligible. After the paid leave is exhausted, the employee may charge sick and/or annual leave in accordance with College policies with authorization from the Office of Human Resources to continue such leave.

### **-330- MEDICAL LEAVE OF ABSENCE (NON-FMLA ELIGIBLE)**

Employees needing an extended medical leave (more than 3 working days) must complete a Leave of Absence Request form. Medical documentation will be required to substantiate the request. Failure to provide such documentation will delay the receipt of any paycheck due for allowable absences.

Though a reasonable effort will be made to hold an employee's position open during a leave of absence, the College does not guarantee the employee a job when their leave is over. When able to return to work, an effort will be made to reinstate the employee in the same position or a comparable position, provided such position is available. If no such position is available, employment will be terminated the day the employee is eligible to return to work.

If the Medical Leave is unpaid, employee contributions to medical and dental insurance premiums must be prepaid on a monthly basis for the duration of the leave. Employees who are using either sick or vacation benefits during the Medical Leave may pay premiums via payroll deduction. Accrual of vacation and sick time ceases during any unpaid leave of absence and resumes upon the employee's return to work.

### **-335- PERSONAL LEAVE OF ABSENCE (NON-FMLA ELIGIBLE)**

Although employees are not eligible for FMLA leave to care for a domestic partner or dependent child of a domestic partner under federal law, Franklin College will provide an equivalent type leave to employees who must care for a domestic partner or dependent child of that partner, who otherwise would be eligible for FMLA leave.

Employees who do not qualify for FMLA and who need to be absent from work for personal or family reasons may apply for a Personal Leave of Absence by completing a Leave of Absence Request form. Leaves of absence for other than military purposes are limited to 90 days and must not interfere with the efficient operation of the department.

Medical and dental insurance premiums will continue only if the employee prepays the full portion of the employee contribution for the duration of the leave. The College's contribution to the employee's retirement account will cease during this time. Accrual of annual leave and sick time ceases during any unpaid leave of absence and resumes upon the employee's return to work.

Though a reasonable effort will be made to hold an employee's position open during a leave of absence, the College does not guarantee the employee a job when their leave is over. When able to return to work, an effort will be made to reinstate the employee in the same

position or a comparable position, provided such position is available. If no such position is available, employment will be terminated the day the employee is eligible to return to work.

### **-340- MILITARY LEAVE**

A military leave of absence will be granted to employees who are absent from work because of service in the U.S. uniformed services in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA). Advance notice of military service is required, unless military necessity prevents such notice or it is otherwise impossible or unreasonable.

The leave will be unpaid; however, employees may use available annual leave time for the absence.

Continuation of health and dental insurance benefits is available as required by USERRA based on the length of leave and subject to the terms, conditions and limitations for the applicable plans for which the employee is eligible.

Employees on military leave for up to 30 days are required to return to work for the first regularly scheduled shift after the end of service, allowing reasonable travel time. Employees on longer military leave must apply for reinstatement in accordance with USERRA and all applicable state laws.

Employees returning from military leave will be reinstated to the position held before the leave, or to an equivalent position, depending upon the length of service in accordance with USERRA. They will be treated as though they were continuously employed for purposes of determining benefits based on length of service with Franklin College.

### **-341- INDIANA MILITARY FAMILY LEAVE POLICY**

Under Indiana's Military Family Leave Act ("IMFLA"), eligible employees are entitled to an unpaid leave of absence to spend time with certain family members who are engaged in or called to active military service.

#### **IMFLA Eligibility**

An eligible employee under IMFLA is an employee who has been employed by the College for at least 12 months, who has worked at least 1,500 hours during the 12-month period immediately preceding the leave, and who is the spouse, parent, grandparent, sibling, or court-appointed guardian or custodian (all as construed according to the statute) of a person who is ordered to active duty. The term "active duty" means full-time service on active duty orders in the armed forces of the United States or the National Guard for a period that exceeds 89 consecutive calendar days.

#### **Reasons for IMFLA Leave**

An eligible employee may take IMFLA leave of up to 10 cumulative working days per calendar year during one or more of the following periods:

Within the 30-day period before a spouse, son, daughter, grandson, granddaughter or sibling ("military family member") begins active duty;

During a period when the military family member is on leave; or

During the 30-day period after a military family member's active duty orders are terminated.

### **Compensation for IMFLA Leave**

Generally, IMFLA leave is not paid. However, an eligible employee may elect to take any paid annual leave, personal leave, or other paid leave (except for paid medical or sick leave) in lieu of taking unpaid leave under the IMFLA. Such paid leave will be counted toward the employee's 10 working days of IMFLA leave granted per year.

### **Job and Benefits Security**

An eligible employee who takes leave under the IMFLA and who returns to work before his or her IMFLA leave entitlement has expired will be restored to the position the employee held when the leave commenced or to an otherwise equivalent position with respect to seniority, pay, benefits, and other terms and conditions of employment.

### **Employee Notice and Leave Request Requirements**

An eligible employee must give their supervisor and the Office of Human Resources at least 30-days written notice of his or her intent to take leave under the IMFLA unless the military family member's active duty orders are issued less than 30 days prior to the requested leave. An eligible employee must also provide a copy of the activity duty orders, if available, along with the leave request.

The College reserves the right to require verification of the employee's eligibility for IMFLA leave. If an employee fails to provide such verification, then his or her absence will be considered unexcused.

### **Continuation of Group Health Plan Coverage**

The College will maintain group health plan coverage for an employee who takes IMFLA under the same terms and conditions as active employment.

### **Non-Discrimination/Non-Retaliation Policy Statement**

The College will not interfere with, restrain, or deny an employee's exercise of right under the IMFLA.

## **-345- BEREAVEMENT LEAVE**

In the event of a death in the immediate family, a full-time employee may be excused from work with pay for a maximum of four (4) consecutive working days, ending no later than the day following the day of the funeral.

Immediate family is defined as the employee's spouse, domestic partner, child, mother, father, sister, brother; grandparent, grandchild, niece, nephew, corresponding in-laws, or any person the employee resides with.

## **-350- JURY DUTY LEAVE**

The College encourages employees to fulfill their civic responsibilities by serving on jury duty when required. An employee serving on jury duty will be granted the necessary time off without loss of regular pay. Upon receipt of jury duty pay, the employee must endorse the check they receive from the courts and give it to the Business Office. If the jury duty check includes travel reimbursement and is more than what the employee earns per hour, the employee will be reimbursed on the next paycheck.

Employees must show the jury duty summons to their supervisor and the payroll administrator as soon as possible so that the supervisor may make arrangements to accommodate their absence.

The employee is expected to report for work when doing so does not conflict with court obligations. It is the employee's responsibility to keep his or her supervisor informed about the amount of time required for jury duty or court appearance as the employee receives such information.

## **-355- WORKER'S COMPENSATION INSURANCE**

In accordance with the provisions of the Worker's Compensation Law of Indiana, all employees are covered by Worker's Compensation Insurance. Worker's Compensation is an insurance program that pays necessary medical and disability (for missed work time) benefits to employees for work-related injuries and diseases. The cost of providing this insurance is fully paid by the College.

An employee has an obligation to report a work-related injury without delay. **Immediate notification** of the injury should be made to the employee's supervisor and the Office of Human Resources. Employees who do not properly report work related injuries to their supervisor in a timely manner may face discipline up to and including termination. Requirements of the law make it mandatory that employers file certain reports within seven days of the reported injury to the insurance company and the Indiana Worker's Compensation Board. If the employee declines the offered medical treatment, they may be asked to sign a declination form of their worker's comp rights.

## **-360- MODIFIED DUTY PROGRAM**

Franklin College values the workplace efforts and contributions of all employees. The Modified Duty Program ensures that each injured employee is provided the opportunity to remain an active and productive member of the college community. To that end, every effort is made to provide modified duty work to those employees who sustain a workers' compensation compensable injury or illness.

The policy and provisions of the Modified Duty Program are administered by the Office of Human Resources and go into effect when an injured employee's authorized medical care provider assigns physical restrictions to the employee and then releases that employee to return to work. From that point forward, the employee must be available to return to work and perform duties identified by the department that are within the restrictions established by the employee's authorized medical care provider. Responsibility for ensuring that temporary modified duty work is provided to injured employees rests with the appropriate supervisor.



Injured employees must perform assigned modified duty work to the best of their ability within the restrictions established by their authorized medical care provider. Departments, however, are under no obligation to provide work to employees who fail to make a good faith effort to perform such work. Employees who refuse to cooperate with and/or participate in the program jeopardize their worker compensation benefits and face discipline up to and including termination.

Absence from work due to a work-related injury or illness will count toward Family and Medical Leave Act (FMLA) entitlement as set forth in the FML Act.

### **-365- EMPLOYEE BENEFITS/ELIGIBILITY**

Franklin College is committed to providing a comprehensive benefit program as an integral part of each regular full-time employee's total compensation. Some benefit programs require contributions from the employee, but others are fully paid by the College. Participation in and benefits from any of the benefit programs are governed by the provisions of the formal plan documents for each program. Summaries of the programs follow. The College reserves the right to change benefits at its discretion.

Part-time and temporary employees are not benefits eligible, except as required by law, but are covered under Social Security, workers' compensation and unemployment insurance.

### **-367- DOMESTIC PARTNERSHIP**

Domestic Partner benefits are available to full-time employees according to the provisions of the most recent Medical Insurance Plan Description, currently with the South Central Indiana School Trust. To be eligible, employee must submit an Affidavit of Domestic Partnership form available in the Office of Human Resources.

### **-370- MEDICAL INSURANCE**

Medical insurance is available to full-time employees according to the provisions of the most recent Medical Insurance Plan Description, currently with the South Central Indiana School Trust. Eligible employees may begin participation in the College's Medical Plan on the first of the month following their date of full-time employment or at the beginning of the Plan Year (currently January 1). In certain limited circumstances, and in accordance with the current Medical Insurance Plan Description, an employee may be allowed to begin participation after the Plan Year has begun.

For complete details, see the Manager of Human Resources or the South Central Indiana School Trust Summary Plan Description.

### **-375- DENTAL INSURANCE**

Full-time employees are eligible to participate in the College's group dental insurance plan according to the provisions of the most recent Dental Insurance Plan Description, currently with the South Central Indiana School Trust. Eligible employees may begin participation in the College's Dental Plan on the first of the month following the beginning date of their full-time employment. Enrollment must occur within 31 days of the beginning date of employment or benefits will be limited for a period of 24 months.

For complete details, see the Manager of Human Resources or the South Central Indiana School Trust Summary Plan Description.

### **-380- FLEXIBLE BENEFITS**

The College's Flexible Benefits Plan allows eligible employees to achieve federal income tax savings on the College's group insurance programs. Employees pay their share of premiums for group medical and dental insurance with pre-tax dollars. Employees may also elect to set up an account from which they may receive reimbursement on a tax-free basis for such medical and dependent care expenses as health care expenses not covered by insurance, vision, dental and child and/elder care. Additional information regarding this benefit is available from the Office of Human Resources.

### **-385- EMPLOYEE ASSISTANCE PROGRAM (EAP)**

Franklin College recognizes that a wide range of issues and illnesses can have an effect on an employee's health, well-being and job performance. Moreover, these problems can affect employees at any level and in any position. If left unaddressed, these problems can escalate to a point where the employee's personal well-being or job performance can be adversely affected.

Franklin College believes that it is in the best interest of the employee, the employee's family, and the College to provide an Employee Assistance Program (EAP) to help with such problems by providing confidential and professional assessment, referral and follow-up services. The objective of this program is to assist employees and their family members in a manner consistent with the philosophy, mission and vision of Franklin College. Additional EAP services include providing referrals for issues such as child and eldercare, education, adoption, pet care, daily living and travel. All regular full time employees, employee spouse/domestic partner, and employee dependents are eligible for EAP services.

There is no charge to the employee for the assessment, referral or follow-up services provided by the EAP. If a referral for further assistance is made and accepted, the cost of such assistance is the employee's responsibility. The EAP staff will discuss financial considerations with the employee in advance of the referral, and the employee's insurance plan may cover part of the cost. Questions regarding this program should be directed to the Office of Human Resources.

### **-390- LIFE INSURANCE**

Full-time employees are eligible for Basic Term Life and Accidental Death and Dismemberment (AD&D) and voluntary supplemental term life insurance according to the provisions of The Hartford. Coverage begins on the first day of the month following full-time employment. Premium costs for Basic Term Life and AD&D insurance are paid by Franklin College.

### **-395- TRAVEL ACCIDENT INSURANCE**

Franklin College's travel accident insurance is covered and governed by Hartford Life Insurance Company group term insurance policy. This is a fringe benefit provided to each full-time employee effective on the first day of the month following the beginning of

employment. It provides \$50,000.00 in travel insurance coverage for those traveling on College business.

## **-400- LONG TERM DISABILITY**

After one year of full-time employment, an employee is eligible for insurance protection in the event of total disability. If evidence is provided for continuance of coverage, the waiting period is waived. Premium costs for long-term disability insurance are paid by Franklin College. Benefits are pursuant to the current insurance plan provisions. The Office of Human Resources will provide forms, information and guidance to employees who need to apply for this benefit.

## **-405- RETIREMENT PROGRAM**

Franklin College's retirement plan is funded through individually owned annuities issued by Teachers Insurance and Annuity Association (TIAA).

Eligible employees may participate in the Tax Deferred Annuity Retirement Plan at any time but must be at least 18 with one year of qualifying service to receive the benefit of the College's contribution.

The College shall contribute, through December 31<sup>st</sup>, 2023, an amount equal to two hundred percent (200%) of the employee's annual contribution to the Defined Contribution Plan of Franklin College of Indiana 403(b) Retirement and Tax-Deferred Annuity Plan, not to exceed five percent (5%) of the employees' annual compensation (including overload compensation and salary for reach summer school). Beginning January 1<sup>st</sup>, 2024, the College shall contribute an amount equal to a one hundred percent (100%) of the employee's annual contribution to the Defined Contribution Plan of Franklin College of Indiana 403(b) Retirement and Tax-Deferred Annuity Plan, not to exceed five percent (5%) of the employees' annual compensation (including overload compensation and salary for reach summer school), for each calendar year. These contributions are made annually, during January, for the preceding calendar year. The employee may, but is not required to, contribute additional funds, if desired but such additional funds will not receive the above match. All contributions to the plan will be fully vested and investment earnings on the account will be tax deferred until the time of withdrawal.

Eligible employees may make voluntary contributions to their retirement account on a pre- and/or post-tax basis.

The Retirement Annuity Plan is subject to the current provisions of the plan document. See the Office of Human Resources for a copy of the Summary Plan Description.

***Retirement*** – As of January 1, 1987, the Federal government mandated that no employee could be required to retire.

**-410- Retirement at Age 65** – Employees who have been employed by the College for 10 or more years of continuous service and have attained age 65 are eligible for retirement from Franklin College.

**-415- Early Retirement** – Employees who have been employed by the College for 10 or more years of continuous service and have attained age 55 are eligible for early retirement.

Certain benefits may be continued upon early retirement from the College including: the

continuation of medical, life, and dental insurance until age 65 or Medicare eligibility, whichever comes first, provided that the early retiree was enrolled at the time of retirement. Early retirees will be required to pay 100% of the premium. All other benefits terminate upon retirement.

Annuity payments under the College's TIAA retirement plan may commence upon early retirement if allowable under IRS rules. Early retirees should be aware of tax implications and penalties that may occur when retirees are under age 59 1/2.

## **-420- EMPLOYEE TUITION REMISSION BENEFITS**

Full-time employees of the College may take traditional undergraduate academic courses at the College for credit or audit and receive a 100% tuition remission grant. This benefit is limited to one 4 credit hour course per semester (Fall and Spring semesters only). Class time attended during the work day must be taken as vacation or made up during the same week as non over time hours. If employee owes any monies to the college, this benefit will be suspended until the balance is paid in full.

Winter Term courses will be included in the tuition remission benefit only if they are part of the employee's program as an undergraduate degree seeking student. Non-traditional study courses, summer school, study abroad, and private music lessons which are at a cost to the College are not included in the tuition remission benefits.

When taking a course, consideration should be given to the continuing efficient operation of one's job and departmental needs during scheduled work hours. IN addition, an employee's job performance must be at an acceptable level for an employee to be eligible for this benefit. Continued approval to take future courses is also dependent upon successful completion of the courses in which the employee is currently enrolled. Department heads and the area Vice President must approve all requests for tuition remission grants and verification for eligibility must be completed by the Manager of Human Resources. Applications for Tuition Remission Benefits are available in the Office of Human Resources and on GrizLink.

## **-425- FAMILY TUITION REMISSION BENEFITS**

The children and spouses or domestic partners of full-time employees who have completed one full year of full-time employment are eligible recipients (hereinafter referred to as "Recipients" in section 425) to receive a tuition remission grant, if accepted for admission and is pursuing an undergraduate degree at Franklin College. Application for admission must be submitted by December 1 to be eligible for tuition remission. If the employee owes any monies to the college, this benefit will be suspended until the balance is paid in full.

Recipients, under the age of 25, who enroll as a full-time student for the first time, are required to live on campus during the initial academic year of enrollment (see 425.6, 425.7). Room and board are not included in this benefit.

Recipients who are not seeking an undergraduate degree at Franklin College may be eligible for summer tuition benefits if their request for tuition remission can be accommodated at no additional cost to the institution.

Recipients may enroll in individual undergraduate courses with the tuition remission grant, so long as their enrollment does not exclude the enrollment of other degree-seeking students. The Running Start program is an included program for active employees only

Recipients of a deceased or totally disabled employee who was hired prior to July 1, 2004 and was employed by the College for five (5) continuous years (for employees hired after July 1, 2004, ten (10) years continuous service) shall receive a tuition remission grant provided they are admitted as undergraduate degree-seeking students.

Dependent children of terminated employees who were employed by Franklin College prior to July 1, 2004 and have ten (10) years of continuous full-time service receive a tuition remission grant provided they are admitted to the College as an undergraduate degree-seeking student. Tuition remission for dependent children of terminated employees will be reported as miscellaneous income on a 1099MISC.

**-425.3** - Tuition remission grants for Recipients of employees that were employed prior to July 1, 2004 will be eligible for a maximum of eight (8) semesters of undergraduate full-time enrollment or up to one hundred-sixty (160) attempted hours, whichever is greater.

**-425.5** - Recipients of employees hired after July 1, 2004 will be eligible for tuition remission grants for a maximum of eight (8) semesters of undergraduate full-time enrollment or up to one hundred sixty (160) attempted hours.

**-425.6** – Students enrolled in graduate level programs are not eligible for tuition remission grants, with the exception of courses taken while enrolled full time as an undergraduate student. Recipients enrolled in 3+2 programs (3 years of undergraduate and 2 years of graduate school) are not eligible for tuition remission once enrolled as graduate students. Non-dependent children are not eligible for tuition remission grants. Dependent children are defined as any son, stepson, daughter or stepdaughter of the employee who has been a dependent of the employee for at least ten (10) years, and who has not attained age 25. If the employee is divorced, a child (biological or adopted under age 25) will be treated as a dependent child. Dependent status is determined by current Federal Regulations (Sec. 1.132-1(b)). The tuition remission grants apply only to stated tuition costs and not to the costs of room, board or other fees. Recipients must apply for financial assistance from all appropriate state and federal programs prior to enrollment. A financial aid form (FASFA) must be filed by April 15 prior to each academic year. Monies from grants and scholarships from sources outside Franklin College will be made available to the student to meet education and living expenses other than tuition when the source allows expenditure for costs other than tuition.

**-425.7-** Recipients, under the age of 25, enrolling as full-time undergraduate students are required to reside in on-campus housing during the initial academic year of enrollment which will allow first-year students to immerse themselves fully in the total student experience. This includes traditional residence halls, approved Greek houses, and campus homes. Recipients who receive financial aid through federal, state or non-college sources may apply such grants and/or loans to the cost of room and board unless the source of that aid prohibits the use of the funds in that fashion. Students who deem the required initial year of residency is financially unfeasible may apply for a waiver through the Human Resources Office.

The following Recipients are exempt from the resident requirement:

1. Spouses and domestic partners
2. Dependent children are married
3. Dependent children that are active duty military
4. Recipients who are on approved academic programs that require residency away from campus (such as study abroad)

5. Winter term
6. Children who have earned 91 semester hours of credit (senior status)

Exceptions to this policy are rare. Requests must be submitted in writing to the manager of Human Resources. The request will be reviewed by the Dean of Students and the Vice President for Finance. Exceptions may only be granted for circumstances that are determined to be significantly unusual and merit such action. There is no appeal of their decision.

### **-430- TUITION EXCHANGE**

Franklin College participates with a number of other colleges and universities in tuition exchange programs. Children are eligible for consideration; however, the College cannot guarantee participation in all of these exchange programs. The employee should contact the Office of Human Resources for verification of eligibility and the Financial Aid Office for details regarding these programs. Once an employee is no longer employed with Franklin College, tuition exchange ends.

### **-440- PARKING**

All employees of Franklin College are required to register their vehicles and obtain a parking permit from the Office of Human Resources.

Employees may park on campus, free of charge, provided all parking policies are followed.

### **- 445- TELEPHONE USAGE**

As is true of all technical resources at Franklin College, telephones are provided to employees to support their work on behalf of the College. Generally, in non-emergency situations employees are discouraged from making and receiving personal telephone calls

during work hours. However, the College recognizes that employees occasionally need to use the phone to make personal appointments, check-in at home and the like. If you have personal calls that result in long-distance charges, these may be paid at the Business Office.

### **-450- PRE-RETIREMENT COUNSELING**

The Office of Human Resources provides information to assist an employee approaching retirement. Retirement plan participants are encouraged to directly contact TIAA (800) 842-2776 for specific information related to their 403(b) retirement accounts.

### **-455- ATHLETIC/CULTURAL EVENTS & FACILITIES**

Employees and their immediate families are invited to attend the athletic and cultural events on campus. They may also have the use of Spurlock Center, according to the guidelines issued by the Department of Athletics.

### **-460- COLLEGE LIBRARY**

The facilities of the Hamilton Library are available for employees of the College, as well as for members of their immediate family.

## **-465- BOOKSTORE AND FOOD SERVICE**

Employees of the College receive special consideration on most items sold in the Follett Bookstore and food services with Sodexo.

## **-470- PURCHASING PERSONAL COMPUTER EQUIPMENT**

The College will finance personal computer equipment purchases for employees and allow them to pay for the equipment through payroll deductions over a period of time, not to exceed 12 months. Arrangement may consist of a down payment, payroll deductions or a combination of the two.

Computer equipment will be ordered by the Information Technology Department after arrangements have been made for payment.

Employees interested in purchasing equipment should meet with an Information Technology representative to select the equipment and sign an *Authorization for Payroll Deduction* form. Information Technology will initiate a purchase order requisition and add the appropriate sales tax to the total cost of the order. The employee will be notified when the equipment arrives and the Business Office will be notified to start the payroll deductions.

## **-475- FRANKLIN COLLEGE CODE OF ETHICS**

### **GENERAL**

Franklin College (the “College”) is committed to conducting its business in accordance with the highest ethical standards and has adopted the principles set forth below as College policy. It is the College's policy that no officer or employee should place him or herself in a position where his/her actions, personal interests or the activities or interests of those for whom he/she acts is, or is likely to become, in conflict with the interests of the College.

All employees and Trustees of the College are to review this policy and agree to comply with the principles set forth herein.

### **RELATIONSHIPS WITH OUTSIDE BUSINESS INTERESTS**

Employees owe loyalty to the College. There can be no self-dealing or self-interest in any transaction involving the College.

Officers should be particularly cautious to avoid compromising their responsibilities to the College by becoming an employee of, investing in, or accepting interests in the College's customers, suppliers, or their various business interests. As a general rule, a prohibited conflict exists whenever such activity entails an account relationship in which the officer is responsible or influential in exercising control.

Employees shall not engage in the conduct of any business outside the College or have any outside employment or consulting arrangement unless such business or arrangement does not interfere with the satisfactory work performance for the College and does not have any actual or potential conflict with College business.

Employees must give prior notice to the President of the College, or to the appropriate cabinet member of his/her department, before accepting a second position of employment or

a consulting arrangement. An employee of the College should not serve as a director or officer of a financial institution without specific written approval of the President. Each employee shall disclose to the President of the College or to the appropriate cabinet member of his/her department, all existing employment and consulting arrangements with entities other than the College and shall obtain prior approval before any such future involvements.

Further disclosure must be made regarding any interest an employee or his/ her immediate family has in a non-public enterprise, or a material interest in a public enterprise if:

(1) the enterprise is a substantial competitor of the College; (2) the enterprise lends to the College; (3) the enterprise is a supplier of the College; or (4) the employee deals directly with the enterprise in its purchase, receipt of goods, services, or securities. Whenever an employee finds that he or she is inadvertently placed in a potentially compromising position due to relationships with business associates, customers, suppliers, or competitors, the employee shall report the matter immediately to the President of the College, or to the appropriate cabinet member of his/her department, and discontinue any activities associated with the entity until the matter has been resolved.

Under no circumstances shall an employee perform any role in supervising, evaluating or influencing the job evaluation, pay or benefits of any close relative.

Any transaction between the College and any entity in which an employee or trustee has a material financial interest must be described in detail, with full disclosure of any conflict, to the College's Board of Trustees. Any employee involved with, or having knowledge of, such transaction shall fully disclose his or her involvement in the transaction (if not previously disclosed) via the procedures mandated in the College's Conflict of Interest Policy.

## **PURCHASE OF COLLEGE AND FIDUCIARY ASSETS**

No employee or Trustee of the College shall purchase any assets owned by the College or in which the College has a security interest or other lien, unless prior approval has been obtained from the President of the College or his designee(s), full value is paid for the asset, and the transaction is completely and properly documented on the books of the College.

No employee or Trustee of the College and no member of the immediate family of the employee or Trustee, whether acting individually or in fiduciary capacity, shall purchase or borrow any assets from or sell any assets to any estate, trust or other fiduciary account being administered by the College except in accordance with laws and regulations governing such transactions.

## **OUTSIDE DIRECTORSHIPS, PARTNERSHIPS, SOLE PROPRIETORSHIPS**

Prior notice to the President, or to the employee's appropriate cabinet member of his/her department, is required before an employee accepts a position as officer or director of a College or corporation, becomes a member of a business partnership, or becomes sole proprietor of a business. Prior notice is not necessary for acceptance of a position as an officer or director of any entity that is for social, fraternal, professional, educational, charitable, civic or religious purposes. Participation as an individual investor in limited partnerships does not require College prior notice unless the College has another business relationship with the partnership and/or the employee holds a dominant position in the partnership. All such relationships, however, shall be reported on an annual basis to the College.



When an employee is serving on a board of directors at the request of the College, fees and other remuneration shall be turned over to the College. When serving not at the request of the College, remuneration may be kept.

## **OUTSIDE NON-BUSINESS ACTIVITIES**

Employees are encouraged and urged to participate in civic or charitable organizations in the communities they serve, provided such participation is not in conflict with the College's objectives and does not unduly interfere with regular duties. Employees who participate in such activities for civic or charitable organizations may not make or participate in decisions of the College to make contributions to any such organizations.

The College also encourages participation in business and professional organizations. If such activities involve inordinate amounts of time away from responsibilities, prior approval of the employee's supervisor must be obtained.

Supplies, material and other property belonging to the College may not be used in more than an incidental way in the performance of such activities.

## **ILLEGAL AND UNETHICAL ACTS**

The following unethical or illegal acts by employees and Trustees are prohibited:

- Theft, fraud, embezzlement, misappropriation, or any form of wrongful conversion of property belonging to the College or another employee.
- Any act of fraud or deception involving the College, a customer, a supplier or any other party.
- Any act of bribery by an employee or Trustee to:
  - (a) A government official or someone acting for the government.
  - (b) A person employed by, or acting on behalf of, a customer, supplier or other organization with which the College does business or has prospective business.
- Any dishonest or unethical act against the College.
- The destruction or alteration of College records in order to falsify, conceal or misrepresent information to:
  - (a) Avoid criticism for errors of judgment or to conceal failure to follow a supervisor's instructions.
  - (b) Show a performance record better than, or different from, performance actually achieved.
  - (c) Misrepresent the employee's performance, activities, or other transactions, or those of another employee.
- Disclosure of confidential records unless required by law.
- Any action to fraudulently influence, coerce, manipulate, or mislead an auditor engaged in

the performance of an audit for the purpose of rendering the financial statements materially misleading.

- Political contributions of money, services, or other property of the College that are in violation of the law when the contributions are made. Political contributions made consistent with the law are prohibited.
- Violations of laws, rules or regulations, including failure to disclose material information that should be described in filings the College makes with financial institutions.

## **GIFTS AND FEES**

Employees, Trustees and their families may not solicit or accept gifts, fees, bequests, services or entertainment from customers, suppliers, donors or prospective donors. A gift is regarded as any type of gratuity, favor, loan, legacy, fee, compensation, or anything of monetary value. All such gifts are prohibited except:

- Business entertainment and other courtesies such as meals, sporting events, and the like, which involve no more than ordinary amenities, and can be properly reciprocated by the employee and charged as a business expense. Lavish or extravagant entertainment, such as weekend trips, etc., should not be accepted unless reimbursement is made to the donor.
- Gifts received because of kinship, marriage, or social relationships and not because of any business relationship.
- Unsolicited advertising or promotional materials that are generally available.
- Customer or supplier paid travel or lodging where the trip has a legitimate business purpose. Any such trips must be approved in advance in writing by the President of the College. Such trips for the President must be approved by the Board of Trustees Chairman or the Audit Committee Chairman.
- Fees or other compensation received from an organization in which membership or an official position is held, subject to prior written approval and possible requirement to pay such compensation to the College.

Employees and Trustees who believe that acceptance of a permitted gift might make them feel obligated and therefore improperly influenced in the performance of their duties should not accept it, or turn it over to the College. Employees who are unsure whether a gift is violative of the law and these standards should seek guidance from the College's President. Trustees should seek guidance from the Audit Committee Chair.

All gifts received or extended which are in the categories above and are valued in excess of \$100 should be reported to the individual's supervisor, the President, or the Chair of the Audit Committee. All gifts which do not fit the above guidelines, no matter what the value, should be reported to the employee's supervisor or the President.

From time to time employees are asked to speak, testify, or consult with outside colleges or other organizations. An honorarium or gift in excess of \$100 for such outside activity shall be reported to the employee's supervisor or the President and to the Audit Committee when such activities involve the President.

Employees and Trustees may not accept from customers, suppliers or donors any fee or other form of remuneration which violates the law or the spirit of this statement. Employees, Trustees and members of their immediate families should not, except under very exceptional circumstances, accept directly or indirectly any bequest or legacy from a customer or donor of the College. If the individual learns of such a legacy in a customer's or donor's will, the individual must report all pertinent facts as soon as he or she learns of the legacy. In any event, an employee may not accept such a bequest or legacy that arises from relationships solely based upon the College's position unless approved by the President.

No employee or Trustee may accept a personal fee for arranging a loan from the College or from any other person or lending institution.

## **BORROWING**

Employees and Trustees are not to borrow from customers, donors, or suppliers of the College, except those who engage in lending in the usual course of their business and then only on terms offered to others in similar circumstances. This prohibition does not preclude borrowing from anyone related to the employee by blood or marriage.

Borrowing from the College by employees and Trustees is prohibited. The College may not directly or indirectly extend or maintain credit, arrange for the extension of credit, or renew an extension of credit, in the form of a personal loan to or for any of its employees and Trustees.

## **ACCOUNTING MATTERS**

The College's financial statements and books and records on which they are based must accurately reflect all College transactions. All receipts and disbursements of College funds shall be promptly and properly recorded on the College's books, and the College's records must disclose the nature and purpose of the transactions.

All financial officers shall cooperate fully with the independent auditors of the College and under no circumstances withhold any information from them.

The College's creditors, customers, donors, and other decision makers rely on its records and have a right to information which is timely and accurate.

A Trustee, officer or employee may not maintain the College's accounting or other records, or cause them to be maintained, in such a way that they do not reflect the true nature of transactions, account balances or other matters with clarity and completeness.

A Trustee, officer or employee may not establish for any purpose an unauthorized, undisclosed, or unrecorded fund or asset account involving College assets. A Trustee, officer or employee may not allow transactions with a supplier, agent, customer, or donor to be structured or recorded in a way not consistent with normal business practice or generally accepted accounting principles. No false or artificial entries shall be made on the books or records of the College for any reason. No payment on behalf of the College shall be made or approved with the understanding that it will or might be used for something other than the stated purposes.

The shifting of charges or costs to inappropriate accounts is prohibited by College policy.

No false, incomplete or misleading entries or records shall be created. No undisclosed or unrecorded corporate funds shall be established for any purpose, nor shall the College funds be placed in any personal or non-college account.

"Slush funds" or similar off-book accounts, where there is no accounting for receipts or expenditures on corporate books, are prohibited.

A system of internal accounting controls shall be maintained which is sufficient to provide reasonable assurances that transactions:

(a) are executed in accordance with proper authorization.

(b) are recorded in a manner that permits preparation of financial statements in conformity with generally accepted accounting principles and other applicable criteria; and

(c) are recorded so as to maintain accountability for the College's assets. No officer or employee acting on behalf of the College shall engage in any activity which circumvents the College's systems of internal controls.

## **CERTIFICATIONS**

Employees and Trustees shall be required annually to certify their understanding of and intent to comply with this Code of Ethics.

Any employee or Trustee who violates the Code of Ethics is subject to disciplinary action or termination. Any employee or Trustee who assists in, or knowingly fails to report, a violation of this code is also subject to disciplinary action, or termination. Any employee or Trustee who suspects a violation of this code (including any material transaction or relationship that gives rise to a conflict of interest which to the knowledge of such employee has not been disclosed to the appropriate persons) should inform his or her supervisor, or the College President or any member of the Audit Committee of the Board of Trustees.

Any supervisor informed of a suspected violation shall notify the College's President, any member of the Cabinet, or any member of the Audit Committee of the Board of Trustees.

## **-480- FRANKLIN COLLEGE WISTLEBLOWER POLICY**

### **Policy and Procedures for Reporting and Investigating Allegations of Suspected Improper Activities**

The Audit Committee of the Franklin College Board of Trustees (the "Audit Committee") has responsibility for: (1) the receipt, retention, and treatment of complaints received by Franklin College (the "College") regarding accounting, internal controls, auditing matters, and its Code of Ethics and (2) the submission by employees of the College on a confidential and anonymous basis of concerns regarding such matters. In accordance with these responsibilities, the Audit Committee has adopted the following:

### **GENERAL POLICY WITH RESPECT TO COMPLAINTS OR CONCERNS**

The College shall promptly forward to the Audit Committee any complaints or concerns in accordance with the procedures set forth in this policy. Complaints or concerns may relate to any accounting, auditing matters, internal controls, or the College Code of Ethics including

without limitation to the following:

- Actual, alleged, or suspected fraud or deliberate error in the preparation, evaluation, or review of any financial statements of the College.
- Actual, alleged, or suspected fraud or deliberate error in recording and maintaining financial records of the College.
- Actual, alleged, or suspected deficiencies in or noncompliance with the College's internal controls and procedures.
- Actual, alleged, or suspected misrepresentation or false statements to or by senior management, financial personnel, or internal or external auditors or accountants of the College regarding any matter contained or required to be contained in the College's financial statements or covered by its internal controls or procedures.
- Actual, alleged, or suspected deviation from or noncompliance with the College's policies and procedures with respect to its financial statements, internal controls, or full and fair reporting of the College's financial condition.
- Any other violation of the College's Code of Ethics.
- Any potential or perceived conflict of interest per the College's Conflict of Interest Policy.

Any employee of the College may submit a good faith report regarding accounting, auditing, or Code of Ethics matters to the management of the College without fear of dismissal or retaliation of any kind. The College expects all employees to carry out their responsibilities with the highest level of integrity and ethical behavior. The College is committed to achieving compliance with all applicable laws, regulations, accounting standards, accounting controls, and audit practices.

In order to facilitate the reporting of employee complaints, the Audit Committee has established the accompanying procedures for (1) the receipt, retention, and treatment of complaints regarding accounting, internal accounting controls, auditing or Code of Ethics matters ("Reports"); and (2) the confidential, anonymous submission by employees of concerns regarding questionable accounting, auditing, or Code of Ethics matters.

## **PROCEDURES FOR RECEIVING REPORTS**

- 1.) Any Report that is made directly to management, whether openly, confidentially, or anonymously, shall be promptly reported to the Audit Committee. The Project Manager for Organizational Development (PMOD) shall also be notified at that time, unless such report relates directly to the PMOD.
- 2.) Each Report forwarded to the Audit Committee by management and each Report that is made directly to the Audit Committee, whether openly, confidentially, or anonymously, shall be reviewed by the Audit Committee, who may, in its discretion, consult with any member of management who is not the subject of the allegation and who may have appropriate expertise to assist the Audit Committee. The Audit Committee shall determine whether the Audit Committee or management should investigate the Report.

- a. If the Audit Committee determines that management should investigate the Report, the Audit Committee will notify the President of the College of that conclusion in writing. The President of the College, with the assistance of management, shall thereafter promptly investigate the Report and shall report the results of the investigation, in writing, to the Audit Committee. The President of the College, with the assistance of management, shall have discretion to engage outside auditors, counsel, or other experts to assist in the investigation and in the analysis of results.
- b. If the Audit Committee determines that it should investigate the Report, the Audit Committee shall promptly determine what professional assistance, if any, it needs in order to conduct the investigation. The Audit Committee shall be free in its discretion to engage outside auditors, counsel, or other experts to assist in the investigation and in the analysis of results.

The College will not terminate, demote, suspend, threaten, harass or in any manner discriminate against any employee in the terms and conditions of employment based upon the lawful actions of such employee with respect to good faith reporting of complaints.

## **PROTECTION OF WHISTLEBLOWERS**

The Audit Committee shall not retaliate, and shall not tolerate any retaliation by management or any other person or group, directly or indirectly, against anyone who, in good faith, files a Report or provides assistance to the Audit Committee, management, or any other person or group investigating a Report. The Audit Committee shall not, unless compelled by judicial or other legal process, reveal the identity of any person who makes a Report and who asks that his or her identity as the person who made such Report remain confidential and shall not make any effort, or tolerate any effort made by any other person or group, to ascertain the identity of any person who makes a Report anonymously.

## **RECORDS**

The Project Manager for Organizational Development will maintain a log of all complaints, tracking their receipt, investigation and resolution and shall prepare a summary report thereof for the Audit Committee to be presented at its scheduled meetings.

The Audit Committee and/or management shall maintain records of all steps taken in connection with any investigation of a Report including investigation of Reports that are found to be unsubstantiated. Such records will be retained for a period of seven years.

## **PROCEDURES FOR MAKING REPORTS**

Reports can be made orally or in writing to the Chair of the Audit Committee as follows:

c/o Office of the President  
101 Branigin Blvd  
Franklin, Indiana 46131

Such Reports can also be made directly to any member of the President's Cabinet or the Project Manager for Organizational Development.

