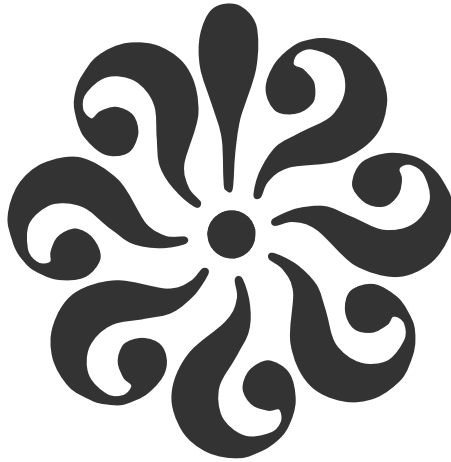


**Old Dominion
University
Research Foundation**



Employee Handbook
July 1, 2009

OLD DOMINION UNIVERSITY
POLICIES AND PROCEDURES GOVERNING RESEARCH

Research conducted under the administrative umbrella of the Research Foundation, by employees of the foundation, by members of the university faculty, and guests of the university shall be governed by the policies and procedures adopted by the Old Dominion University related to research and research administration. In addition to this handbook, employees of the research foundation, university faculty and guest researchers should consult university policies and procedures related to research and Section IV. RESEARCH POLICIES in the University Faculty Handbook. In the event the rules and regulations in this handbook conflict with governmental or university requirements, the order of precedence shall be: 1. Governmental laws or administrative regulations; 2. Policies and procedures of Old Dominion University; 3. this handbook.

RESEARCH FOUNDATION
POLICIES AND PROCEDURES

The policies stated in this handbook are guidelines only and are subject to change, at the sole discretion of the Research Foundation, as are all other policies, procedures, benefits, and other programs of the Research Foundation. From time to time, you may receive updated information concerning changes in policy. If you have any questions regarding any policies, please ask a member of our Research Foundation Human Resources Department for assistance.

This handbook is not a contract, expressed or implied, guaranteeing employment for any specific duration. Either you or the Research Foundation may terminate this relationship at any time, for any reason, with or without cause or notice. Please understand that no supervisor, manager, or representative of the Research Foundation other than the Executive Director has the authority to enter into any agreement with you for employment for any specified period of time or to make any promises or commitments contrary to the foregoing. Further, any employment agreement entered into by the Executive Director shall not be enforceable unless it is in a formal written agreement and signed by you and the Executive Director.

The Research Foundation was chartered in 1965 to "promote the educational objectives of the University by encouraging, fostering, and conducting investigation, research, and development in engineering, the physical and life sciences, the humanities, education and all other branches of learning; and utilizing, publishing, and otherwise making known the results of such investigations, research, and development..."

Our staff is extremely proud of the Research Foundation tradition of rendering quality and timely service to all researchers and sponsors. You are assuming a responsibility to uphold this tradition and to make a contribution of your own.

An interesting and challenging experience awaits you as an employee of the Research Foundation. To answer some of the questions you may have concerning the organization and its policies, we have written this handbook. Please read it thoroughly and retain it for future reference. The policies stated in this handbook are guidelines only and are subject to change at the sole discretion of the Research Foundation, as are all other policies, procedures, benefits, and other programs of the Research Foundation. From time to time, you may receive updated information concerning changes in policy. If you have any questions regarding any policies, please ask a member of our Research Foundation Human Resources Department for assistance.

The Research Foundation website at www.researchfoundation.odu.edu contains a wealth of information about the Foundation and its policies, procedures and operating guidelines. Employees are encouraged to consult the website for the latest updates and information. The employee handbook is also reproduced in its entirety on the web for your ready reference.

We wish you the best of luck and success in your position and hope that your employment with the Research Foundation will be a rewarding experience.

Ruth B. Smith
Executive Director
July 1, 2009

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SECTION 1 - INTRODUCTION

MISSION STATEMENT

The Old Dominion University Research Foundation (the “Research Foundation”) is a separate, not-for-profit corporation affiliated with Old Dominion University (“the University”).

“Old Dominion University Research Foundation supports and enhances the research mission of Old Dominion University by:

- providing highly valued administrative, fiscal and support services in the most cost effective and efficient manner;
- fostering a knowledgeable, motivated workforce, which provides superior service to its clients.

Old Dominion University Research Foundation, in close coordination with Old Dominion University, creates and develops opportunities to increase sponsored program activity and to maximize the utilization of research results.”

OLD DOMINION UNIVERSITY RESEARCH FOUNDATION GOALS

Assist Old Dominion University in enhancing and expanding research and sponsored programs;

Provide our employees with a positive and meaningful work experience and opportunities for both personal and professional growth;

Develop a full service organization with expertise in all facets of administering sponsored programs;

Render all services in a cost-effective, efficient, and courteous manner.

AUTHORITY

The Research Foundation Board of Trustees establishes the human resources policy. The Executive Director, or other formally designated official, develops, revises, and enforces appropriate rules, regulations, and procedures to implement the provisions, intent, and purpose of the human resources policy.

ROLE OF RESEARCH FOUNDATION HUMAN RESOURCES DEPARTMENT

The Research Foundation Human Resources Department serves all Research Foundation employees and their supervisors in the role of consultant on human resources issues and is responsible for the interpretation and implementation of human resources policies and procedures. Consultation on employee / supervisor relations is provided as the need arises or upon request.

Faculty, supervisors and employees are encouraged to contact the Research Foundation Human Resources Department with any questions or issues they may have.

SECTION 2—EMPLOYMENT

EMPLOYMENT AT WILL

As an employee of the Research Foundation, you have the right to terminate your employment at any time. The Research Foundation retains this same right, regardless of any other Research Foundation documents or oral or written statements issued by any Research Foundation representative, with the exception of written employment contracts signed by the Executive Director.

EQUAL EMPLOYMENT OPPORTUNITY STATEMENT

It is the policy of the Research Foundation to afford equal opportunity for employment to all individuals regardless of their race, color, religion, sex, national origin, age, disability, veteran status, political affiliation, sexual orientation, genetic information, or any other basis prohibited by law and in accordance with applicable laws, directives and regulations of Federal and State entities. In addition, the Research Foundation complies with applicable state and local laws governing nondiscrimination in employment in every location in which the Research Foundation has facilities and employs anyone who is normally assigned to such facilities.

The Research Foundation will administer recruiting, hiring, working conditions, compensation, training, opportunities for advancement, and termination of employment for all employees without discrimination because of race, color, religion, sex, national origin, age, disability, veteran status, political affiliation, sexual orientation, genetic information, or any other basis prohibited by law.

The successful implementation of a nondiscriminatory employment program requires maximum cooperation between management and employees. Therefore, since equal employment opportunity is not only the law, but is also good business sense, it is expected each employee will fully support this program. Employees are entitled to file a discrimination complaint without reprisal. If any employee has a suggestion, problem, or complaint related to equal employment, he/she should contact his/her supervisor or the Research Foundation Human Resources Department.

ADMINISTRATION OF THE DISCRIMINATION COMPLAINT PROCEDURE

The Director of Human Resources will administer the complaint procedure and will maintain all records resulting from a complainant's use of the procedure. The Director of Human Resources establishes and interprets the procedure, assures compliance with the procedure as it relates to employees, and is responsible for providing information to employees concerning the availability and operation of the procedure.

Informal Procedure - All parties to the complaint shall attempt to affect a resolution of the complaint through informal discussions. The Director of Human Resources shall encourage an employee who has a complaint of alleged discrimination to discuss the complaint with the individual who took the action, which is the basis for the complaint.

Formal Procedure - An employee who has a complaint of illegal discrimination may formally initiate the discrimination complaint procedure by submitting an oral or written statement with the Director of Human Resources. The statement normally should include the following:

- a description of the action upon which the complaint is based;
- the date of the action;
- the name of the respondent, that is, the name of the individual who took the action;
- the nature of the alleged discrimination; and
- whether the complainant has informally discussed the matter with the respondent and, if so,
- the results of those discussions.

Time for Filing a Complaint - The complaint statement must be filed with the Research Foundation as soon as possible after the alleged unlawful harassment or discrimination occurred.

Response to the Complaint - If the Director of Human Resources ("the director") determines the statement is complete and is a timely filed discrimination complaint; the Director of Human Resources will notify the supervisor of the respondent. The respondent may respond in writing to the discrimination complaint. However, the Director of Human Resources must receive the respondent's oral or written response within ten (10) days of the respondent's receipt of notice. In the response, the respondent may ask for an opportunity to resolve the complaint through discussions. If discussion is agreeable to the complainant, the director will take no action for a reasonable amount of time to allow for informal resolution.

If discussion is not agreeable or does not result in resolution acceptable to the complainant, the Director of Human Resources, or designated representative, will investigate the complaint. The investigation will commence within five (5) days of receipt of the formal complaint or the end of the agreed upon discussions as appropriate. During the investigation, the director will, at a minimum:

- provide an opportunity to both the complainant and the respondent to meet with the director and discuss the complaint;
- attempt to interview all individuals whom the parties have identified as having pertinent information;
- review all documents provided by the parties.

The director may also interview other individuals who, in the director's judgment, have pertinent information and may review also other documents which, in the director's judgment, are relevant to the investigation of the complaint. The director will conduct the investigation expeditiously and, upon conclusion of the investigation, will make a finding and recommendation. Where the director finds that there is not probable cause to believe that a violation of the Research Foundation's policy has occurred, the director shall recommend that the complaint be dismissed. Where the director finds that there is probable cause to believe that a violation of the Research Foundation's policy has occurred, the director shall recommend a remedy within the authority of the Research Foundation Board of Trustees to provide. The director may also recommend other actions to the Board, even though the director believes that no policy violation has occurred.

The findings and recommendation of the director will be forwarded to the Executive Director and Research Foundations Board of Trustees Problem Solving Committee. Copies of the findings and recommendations will be sent to the complainant and the respondent. The record of the investigation and documents received during the investigation will be provided to the Board of Trustees Problem Solving Committee with the director's decision.

The Problem Solving Committee, in consultation with the Executive Director, will make a final decision in the matter based upon review of the findings and recommendations of the director. The Executive Director will notify the complainant and respondent of the decision in writing within twenty-one (21) days of receipt of the findings and recommendations. If the Board of Trustees Problem Solving Committee disagrees with the director's findings and recommendations, the statement of decision will include a statement of reasons for the decision. If the Problem Solving Committee decides to provide a remedy to the complainant or take other action, the statement will include a description of the remedy to be provided

and/or action taken. The Board of Trustees Problem Solving Committees decision is final. When action is taken, the director will monitor implementation of that remedy.

After the Board of Trustees Problem Solving Committee makes a decision, there is no further review of the complaint by the Research Foundation.

NONDISCRIMINATION AGAINST AND ACCOMMODATION OF INDIVIDUALS WITH DISABILITIES

Title I of the Americans with Disabilities Act (ADA) prohibits private employers, state and local governments, employment agencies and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, fringe benefits, job training and other terms, conditions and privileges of employment.

The Research Foundation complies with the Americans with Disabilities Act (ADA), the ADA Amendments Act of 2008 (ADAAA) and applicable state and local laws providing for nondiscrimination in employment of qualified individuals on the basis of disability. The Research Foundation provides reasonable accommodation for individuals with disabilities in accordance with these laws. It is the Research Foundation's policy to:

- ensure qualified individuals are not discriminated against on the basis of disability in the pre-employment process and are treated in a nondiscriminatory manner in all terms, conditions, and privileges of employment;
- require medical examinations of employees only when legitimate business reasons exist for requiring such examinations and as permitted under applicable state and federal law (e.g., a second medical opinion, fitness-for-duty exam, etc.);
- keep all medical-related information confidential in accordance with the requirements of the ADA and ADAAA and retain such information in separate confidential files;
- provide applicants and employees with disabilities with reasonable accommodation, except where such an accommodation would create an undue hardship on the Research Foundation or present a direct threat to the health or safety of that individual or others. Reasonable accommodation may include, but is not limited to: making existing facilities used by employees readily accessible to and usable by persons with disabilities; job restructuring, modifying work schedules, reassignment to a vacant position, acquiring equipment or

devices, adjusting or modifying examinations, training materials, or policies, and providing qualified readers or interpreters. Undue hardship means an accommodation would require significant difficulty or expense;

- notify individuals with disabilities the Research Foundation provides reasonable accommodation to qualified individuals with disabilities, by including this policy in the Research Foundation's employee handbook and by posting the Equal Employment Opportunity Commission's poster on not discriminating against individuals with disabilities and other protected groups conspicuously throughout the Research Foundation's facilities.

Procedure For Requesting An Accommodation

Qualified individuals with disabilities make requests for reasonable accommodation to the Research Foundation's Human Resources Department. Upon receipt of an accommodation request, the human resource representative will meet with the requesting individual to discuss and identify the precise limitations resulting from the disability and the potential accommodation the Research Foundation might make to help overcome those limitations. The Research Foundation Human Resources Department, in conjunction with appropriate management representatives identified as having a need to know (e.g., the individual's supervisor/department head), will determine the feasibility of the requested accommodation, considering various factors, including, but not limited to, the nature and cost of the accommodation, the availability of tax credits and deductions, outside funding, the facility's overall financial resources and organization, and the accommodation's impact on the operation of the facility, including its impact on the ability of other employees to perform their duties and on the facility's ability to conduct business.

TYPES OF EMPLOYMENT

The distinction between types of employment is made for compensation and benefit purposes. (see “Benefits Guide,” pg. 10)

Regular – A regular status employee is scheduled to work full-time, 30 hours or more per week. Regular status employees are eligible to participate in all applicable fringe benefits programs (see “Benefits Guide,” pg. 10). The term “regular” does not imply continued employment by the Research Foundation, nor does it guarantee a term of employment for any definite period of time. Regular status employees are employed “at will”.

Temporary – temporary status is appropriate where the work is intermittent or irregular, or is ongoing and part-time (less than 30 hours per week), and cannot be readily fulfilled through use of a student employee. Employment may be full-time (30 hours per week or more) for no greater than six (6) consecutive months by the employing unit*. Temporary positions that provide full time work (30 or more hours per week) will be terminated at 6 months or will be reclassified as Regular and undergo competitive recruiting through the Research Foundation process. Temporary employees receive legally required benefits, where applicable (see “Benefits Guide,” pg. 10). Temporary status employees hired beginning 2009 who attain age 21 and have completed one year of eligibility service may become eligible for non-elective retirement contributions. Temporary status employees are employed “at will”.

UNIVERSITY APPOINTMENTS

Casual Student – A casual student is an undergraduate or graduate student of the University who is assigned to work on sponsored research or projects. Employment is part-time during the academic term, generally not to exceed 20 hours per week. Employment may be full-time during semester breaks and summer periods. The PI makes casual student appointments. Casual student employees receive legally required benefits, where applicable (see “Benefits Guide,” pg. 10). Casual students may be exempt from FICA based on academic enrollment. Casual status employees are employed “at will.”

Graduate Research Assistant (GRA) – A graduate research assistant is a full-time graduate student of the University appointed through the University process and academic department and assigned to work on sponsored research or projects. GRAs receive legally required benefits; where applicable (see “Benefits Guide,” pg. 10). GRAs may be exempt from FICA based on academic enrollment. See the student financial aid and graduate assistantship guidelines in the University catalog. GRA status employees are employed “at will.”

Faculty – A faculty appointment is a University faculty member who is employed part-time on a research overload basis during the academic year or who is employed during the summer period on sponsored research or projects. Faculty generally performs services for the Research Foundation as the project director, PI, or co-PI of a sponsored project. Faculty receive legally required benefits, where applicable (see “Benefits Guide,” pg. 10). Faculty status employees are employed “at will.”

Self Supporting Research Professionals (SSRP) - SSRPs are individuals appointed by the University and employed by the Research Foundation generally as full-time regular employees. An SSRP may also have a faculty appointment at the University, if so designated through the University process. SSRPs are eligible to participate in all applicable fringe benefits programs (see “Benefits Guide,” pg. 10 for regular status). The terms “SSRP” and “regular” do not imply continued employment by the Research Foundation. SSRP status employees are employed “at will,” See Faculty Handbook for Policy on Self-Supporting Research Professional Positions.

Postdoctoral Associates – Postdoctoral associates are employees appointed by the University who have obtained their doctoral degree and are selected for training appointments anticipated to last one to two (1-2) years. Postdoctoral associates are eligible for a modified benefits program including health, vision, and dental insurance; leave benefits, and life and disability insurance, (see “Benefits Guide,” pg. 10). Postdoctoral associate status employees are employed “at will.”

*NOTE: An “employing unit” is a PI, or group of PIs who have agreed to share employees, an enterprise, or entity for which the Research Foundation has agreed to act as employer of record for employees funded through their respective grants, contracts or other research award funding.

BENEFITS GUIDE

	<u>REG & SSRPI Full benefits</u>	<u>TEMP Required benefits</u>	<u>CASUAL STUDENT Required benefits</u>	<u>GRA Required benefits</u>	<u>FACULTY Required benefits</u>	<u>POST DOC Modified benefits</u>
GENERAL						
Workers Comp	X	X	X	X	X	X
Unemployment	X	X	X		X	X
FICA/Social Security	X	X	*	*	X	X
Savings Bond	X	X	X	X	X	X
ODU ID Card	X		X	X	X	X
403(b) Tax Sheltered Plan	X	X	X	X	X	X
Non- Elective Contribution or Contribution in Lieu of Retirement	X	After 1 year eligibility service				
INSURANCE						
Health + Vision	X					X
Dental	X					X
Employee Assistance Program	X					X
Life	X					X
Long Term Disability	X					X
Salary Continuation (STD)	X					X
CAFETERIA PLAN OPTIONS						
Insured Benefits (Pre-Tax)	X					X
Dependent (Child Care) Reimbursement Account	X					X
TUITION ASSISTANCE						
Educational Assistance Program	X					
LEAVE						
Holiday	X					X
Annual	X					X
Sick	X					X
Family & Medical Leave Act	**	**	**	**	**	**
Bereavement	X					X
Civil	X					X
Military Reserve	X					X

*ODU students may qualify for FICA exemption based on enrollment criteria

**Eligibility is based on requirements of federal regulations.

OUTSIDE EMPLOYMENT BY RESEARCH FOUNDATION EMPLOYEES

Research Foundation employees may not pursue outside full or part-time employment if such employment is, or appears to be, in conflict with the employee's assigned role or duties within the Research Foundation; or if such employment could be considered detrimental to the interests of the Research Foundation. Unauthorized secondary employment while on leave status is prohibited.

All secondary employment is subject to review and final approval by the Executive Director in consultation with a Human Resources Department designee. Employees are required to obtain written approval from the Research Foundation, in advance, before beginning any secondary employment. Upon receiving notice from an employee that he or she is either already engaged in, or is contemplating secondary employment, the employee's supervisor shall send a memo notifying the Executive Director. Upon final decision, the original notification and record of final disposition of the request, will be filed with the Research Foundation Human Resources Department.

If an employee is engaged in unauthorized secondary employment, and it is determined to be in conflict with or detrimental to the employee's assigned duties, the Research Foundation will request the employee's resignation from either the secondary employment or from the Research Foundation. Refusal will result in termination of employment.

SUPPLEMENTAL EMPLOYMENT BY RESEARCH FOUNDATION EMPLOYEES

An employee performing supplemental services in addition to the duties and responsibilities required under the terms of his or her regular assignments may be authorized to receive additional compensation in limited circumstances. Work must be in addition to the work expected of the employee, performed outside of the normal work hours established for the employee, and documented on timesheets. Supplemental service employment shall be limited to no more than 20% effort annually unless specifically authorized by the Research Foundation Executive Director. An hourly rate of pay shall be established commensurate with the work to be performed. If the extra service work to be performed is similar to the work normally performed, the base rate paid for the employee's normal work shall be the basis for the base rate paid for the extra service work.

Employees who are non-exempt for overtime pay will be required to be paid overtime at the rate of 1 ½ times the regular hourly rate for the work performed in excess of 40 hours worked per week. Overtime will be charged to the project requesting after hours duties. Employees who are exempt from overtime pay are not eligible for overtime rates and are paid at the regular rate established for the work performed. A Non-Faculty Supplemental Compensation form with required approval signatures must be submitted to the Human Resources Department and approved by the Executive Director or designee prior to work being authorized to begin. Guidelines and requirements from the funding agencies may additionally limit, restrict or prevent extra service employment for Research Foundation employees.

SECONDARY EMPLOYMENT OF UNIVERSITY EMPLOYEES THROUGH THE RESEARCH FOUNDATION

University employees are responsible for obtaining approval for outside employment by their supervisors and for submitting written documentation to the Research Foundation with their new appointment paperwork. University classified employees must submit a Non-Faculty Supplemental Compensation Authorization form with required approval signatures to both University and to the Research Foundation Human Resources Departments for approval prior to work being authorized. Hours worked for the Research Foundation must be outside normal University hours and documented on timesheets. Secondary employment at the Research Foundation shall be limited to no more than 20% effort annually unless specifically authorized by the Research Foundation and the University. Rates of pay shall be commensurate with the work to be performed. If the work to be performed for the Research Foundation is similar to the work normally performed by the employee in his or her University employment, the base rate paid at the university, exclusive of overtime, if applicable, shall be the basis for the rate paid for work at the Research Foundation. Guidelines and requirements from the funding agencies may additionally limit, restrict or prevent secondary employment by university classified employees.

FACULTY EMPLOYMENT BY THE RESEARCH FOUNDATION

University faculty may be directly employed by the Research Foundation during summer months, or other off-duty periods, or may choose the option to remain under contract to the University while

performing sponsored program activities during the summer under a university conversion contract as provided by the Faculty Handbook and University policies.

During the academic year, or whenever a faculty member is under contract to the University, overload payments from University or Research Foundation accounts may be paid to Faculty, Faculty Administrative, or Faculty Professional employees of the University based on University policies published in the Faculty Handbook and the University Policies web. If the additional compensation is to be paid from an externally funded grant or contract, the federal cost principles applicable to the University and Research Foundation require additional considerations:

Since intra-university consulting is assumed to be undertaken as a university obligation requiring no compensation in addition to full-time base salary, the principle also applies to faculty members who function as consultants or otherwise contribute to a sponsored agreement conducted by another faculty member at the same institution. However, in unusual cases where consultation is across departmental lines or involves a separate or remote operation, and the work performed by the consultant is in addition to his regular departmental load, charges for such work representing extra compensation above the base salary are allowable provided that such consulting arrangements are specifically provided for in the agreement or approved in writing by the sponsoring agency. (Excerpted from 2 CFR Appendix A to Part 220)

The audit standards to which the Research Foundation is subject do not provide for exceptions to meeting these criteria.

Faculty seeking overload payments must submit a Faculty Supplemental Compensation Authorization form with required authorizing signatures from appropriate University officials to the Research Foundation Human Resources Department for approval by the Foundation's Executive Director prior to work being authorized to begin. Secondary overload employment at the Research Foundation shall be limited to no more than 20% effort annually unless specifically authorized by Academic Affairs at Old Dominion University and by the Research Foundation Executive Director. Guidelines and requirements from particular funding agencies may additionally limit, restrict or prevent overload payments to be made to university faculty.

EMPLOYMENT OF RELATIVES - NEPOTISM

The Research Foundation strongly discourages principal investigators and other unit managers employing members of their immediate family. This includes: spouses, children, step-children, siblings, parents, step-parents, mothers-in-law, fathers-in-law, and any person living in the same household as the principal investigator or employing unit manager.

Prior to hiring a member of the immediate family, the principal investigator or unit manager must obtain approval from their immediate supervisor and the Research Foundation Executive Director. Recommendations for pay rates, pay increases and promotions, as well as performance appraisals and other personnel actions require independent review and approval by the principal investigator or unit manager's immediate supervisor and the Research Foundation's Executive Director in consultation with a designated member of the Human Resources Department.

NEW EMPLOYEE PAPERWORK REQUIREMENTS

All new employees are required to complete new hire paperwork which includes federal (W-4) and state (VA-4) tax forms, *INS Employment Eligibility Verification Form (I-9)*, and other required paperwork **prior** to starting employment. Work is not authorized until these documents are complete.

U.S. citizens and permanent residents will complete paperwork at the Research Foundation. Non-resident aliens will complete paperwork at the International Student and Scholar Services Center, on campus. Returning employees are required to complete new paperwork if the absence has been two or more years, or if there have been changes in visa status, citizenship or eligibility for employment in the U.S. The Research Foundation does not discriminate against applicants or employees on the basis of citizenship or national origin.

All new regular status employees, SSRPs and postdoctoral associates are required to go through orientation at the Research Foundation. Orientation acquaints new employees with the Research Foundation's policies, procedures, fringe benefits, and other general information about the Research Foundation. Orientation at the work site should include introducing the employee to fellow staff members, touring appropriate buildings and facilities, and providing specific details about the Research Foundation and work site procedures.

TRANSFER / PROMOTION

The Research Foundation encourages advancement for interested employees whenever possible. Information regarding regular status position vacancies is available through the Research Foundation Human Resources Department. Current employees interested in applying for a listed position vacancy should follow the normal application for employment process and forward their application materials to the Research Foundation Human Resources Department or respond via e-mail to odurfjobs@odu.edu. Applications are accepted only for specific opportunities. Please specify the job number for which you are applying. Current employees who apply for a posted vacancy are subject to the same screening, referral, and selection process as outside applicants. Job listings may be viewed on the internet at <http://www.researchfoundation.odu.edu/employopp.htm> .

REQUESTS FOR PERSONNEL INFORMATION

Former employees normally may not review or obtain copies of their own personnel file information.

Personnel records are considered confidential and the property of the Research Foundation. Any request for personnel records verification or review should be referred to the Research Foundation Human Resources Department. Access to individual records will be granted to any person in the individual's supervisory chain as well as to Research Foundation officials having a bona fide requirement for access. Protected Health Information (PHI), confidential medical and accident treatment records, security clearance, and other legally protected information shall not be available for review by persons in the individual's supervisory chain, unless there is a legitimate business reason for access by an individual in the supervisory chain.

Any active employee may have access to and review his/her personnel file in person (with proper identification) during normal business hours. Files must be reviewed in the presence of human resources personnel. One copy of documents from the employee's own personnel file may be requested by the employee at any time. If, after reviewing the employee's own personnel file, there is a disagreement about any information found in that file, removal or correction of the information may be agreed upon by the Research Foundation human resources representative and the employee. If the Research Foundation and the employee cannot agree upon removal or correction, the employee may submit a written statement explaining the employee's position. The statement will become part of the employee's permanent file and will be disclosed with the disputed information, should disclosure from the employee's personnel file be made to a third party.

CHANGES TO PERSONNEL INFORMATION

In order to ensure proper reporting for payroll and personnel purposes, employees must report changes in their name, address, phone number, marital status, number of dependents, beneficiary designations, changes in beneficiary insurance coverage, and other significant personal data to the Research Foundation Human Resources Department as soon as possible.

RESIGNATION / EXIT INTERVIEWS

An employee resigning from employment is requested to submit a letter of resignation to his or her immediate supervisor at least two weeks prior to the effective date of resignation. Regular status employees and postdoctoral associates who are eligible for benefits must contact the Research Foundation Human Resources Department to schedule a benefits exit interview prior to their last day of employment. Exit interviews are conducted with all regular status employees, all postdoctoral associates, and all employees with a security clearance upon separation of employment. The exit interview is intended to provide information about arrangements for issuing the final pay check, conversion of benefits to non-group plans, and the option to continue health, dental and cafeteria plan benefits in accordance with the Consolidated Omnibus Budget Reconciliation Act (COBRA) and for updating security clearance information. For information about the continuation of benefits under COBRA, see Continuing Health/Dental Coverage in "Section 6 - Benefits."

When an employee leaves the Research Foundation it is their responsibility to:

- return keys to Facilities Management or follow supervisor's instructions;
- return library materials and pay fines;
- check parking decal refunds with Parking and Transportation Services and pay parking fines;
- pay outstanding advances, debts, tuition assistance, and make final check arrangements with the Research Foundation;
- return equipment, supplies and records to supervisor.

Employees who wish to provide feedback about their employment experience at the Research Foundation are encouraged to do so during the exit interview. This opportunity is provided for the employee to confidentially discuss his/her experiences as a Research Foundation employee.

REFERENCE CHECKS

The Research Foundation Human Resources Department will provide employment verification on current and former employees. Verification information regarding position or job classification title(s), and dates of employment is made available on request. Requests for any other personnel information regarding salary, performance, and other employment factors will generally not be released without written authorization and waiver from the subject current or former employee. The Research Foundation is legally required to respond to law enforcement agencies, courts, and social service agencies with or without a signed authorization from the subject employee. The identity of the organization requesting information, and their legal right to receive the information, will be verified before the information is released.

SECTION 3—RULES AND REGULATIONS

GUIDELINES FOR APPROPRIATE CONDUCT

Employees are expected to accept certain responsibilities, adhere to acceptable business principles in matters of personal conduct, and exhibit a high degree of personal integrity at all times. Employees' behavior cannot have an adverse effect on the completion of the Research Foundation business, and cannot have a damaging effect on the Research Foundation's business operations, image, or reputation. Whether on or off duty, personal conduct reflects on the Research Foundation. Employees are, consequently, encouraged to observe the highest standards of professionalism at all times.

Listed below are some of the types of behavior and conduct that the Research Foundation considers inappropriate. This list should not be viewed as being all-inclusive. Exhibiting such behaviors could lead to disciplinary action up to and including termination of employment without prior warning, at the sole discretion of the Research Foundation. Examples include, but are not limited to, the following:

- falsifying employment or other Research Foundation records;
- forgery or signing official documents without authorization;
- violating Research Foundation's nondiscrimination or unlawful harassment policy;
- stalking, defined as repeatedly contacting, following or remaining in the physical presence of another person when the contacting person knows or should know that the contact is unwanted; or causes the other person reasonable expectation of harm or causes substantial impairment of the other person's ability to perform the activities of daily life;
- sexual assault, defined as non-consensual physical contact of a sexual nature;
- soliciting or accepting gratuities from customers or clients;
- establishing a pattern of excessive absenteeism or tardiness;
- engaging in excessive, unnecessary, or unauthorized use of Research Foundation's supplies, or use of Research Foundation equipment for personal purposes;
- reporting to work intoxicated, under the influence of non-prescribed drugs, or in violation of the policy covering drug and alcohol-free workplace; illegally manufacturing, possessing, using, selling, distributing, or transporting drugs;
- fighting or using obscene, abusive, or threatening language or gestures;

- stealing property or funds from co-workers, customers, clients, or the Research Foundation;
- sabotage, neglect, or damage of Research Foundation property;
- unlawful possession, storage or use of any kind of ammunition, firearms, explosives, air rifles or air pistols on University property, or any Research Foundation work site, unless authorized by the President of the University (University Property) or Executive Director of the Research Foundation (any other work site);
- disregarding safety or security regulations;
- engaging in insubordination;
- failing to maintain the confidentiality of Research Foundation, customer, or client information;
- conviction of a crime if the crime is a felony, an offense involving violence, or an offense involving moral turpitude (conduct that is considered contrary to community standards of justice, honesty or good morals);
- conviction of an offense that has demonstrated a character trait in the employee which would predictably have an adverse effect on his/her ability to perform assignments or to deal effectively with fellow employees or members of the general public, or that otherwise damages the reputation of the University or the Research Foundation;
- unsatisfactory work performance including but not limited to failure to meet performance standards or inability to interact with supervisor, co-workers, or the public in an acceptable manner;
- inability to perform essential functions of the job, with reasonable accommodation as required;
- working overtime without prior approval;
- failure to report work-related injury, illness, or accident.

If performance, work habits, or overall conduct or demeanor becomes unsatisfactory in the judgment of the Research Foundation, based on inappropriate conduct or violation of any other Research Foundation policies, rules, regulations, or generally-recognized work standards, the employee will be subject to disciplinary action, up to and including termination.

COUNSELING AND DISCIPLINE

Inappropriate conduct will result in disciplinary action. The supervisor has a variety of actions available when discipline is warranted. These actions include but are not limited to counseling, verbal warning, written warning, suspension, and discharge. Please note these actions are guidelines only and may not always be followed. Management, with input from the Research Foundation Human Resources Department, will evaluate each case of unsatisfactory performance or inappropriate conduct and take whatever disciplinary action it considers appropriate depending on the performance problem, the overall circumstances, the type of conduct, or the nature of offense involved. Discharge may result without any other prior warning being given, where the Research Foundation deems such action appropriate.

COMPLAINT RESOLUTION PROCEDURE

During the first twelve (12) months of employment in a job (due to initial hire, transfer, or promotion), disciplinary actions, up to and including termination, for anything relating to job performance are not grievable under this policy. Wage and salary decisions and the Research Foundation's application of its policy on research policies and intellectual property are not grievable under this policy at any time.

Informal Resolution

Misunderstandings or conflicts can arise in any organization. To ensure effective working relations, it is important such matters be resolved before serious problems develop. Most incidents will resolve themselves naturally; however, if a situation persists which the employee believes is detrimental to himself or to the Research Foundation, free discussion with one's immediate supervisor, the head of the employing unit, or a member of the Research Foundation Human Resources Department is encouraged. These individuals will endeavor to work out a satisfactory solution to the problem.

Mediation - In some instances at the mutual agreement of all parties involved, a third party may be engaged to provide mediation or conflict resolution services to assist the parties in reaching a settlement. Mediation is most effective when both parties are committed to the process. The Research Foundation Human Resources Department will establish and coordinate arrangements for third party services.

Formal Resolution / Grievance

If the problem is not resolved through the informal resolution process, the complainant may prepare a written summary of concerns and request the matter be reviewed by the Research Foundation Executive Director. In an effort to resolve the problem, the Research Foundation Executive Director will meet with the complainant within 10 working days of receipt of the written summary of concerns to consider the facts. The Executive Director may conduct an independent investigation, and may review the matter with a member of the Research Foundation Human Resources Department. The complainant will normally receive a response regarding the problem within ten (10) working days of meeting with the Research Foundation Executive Director or the conclusion of the investigation, whichever occurs later. The decision of the Executive Director shall be final unless the employee filing the grievance alleges the decision of the Executive Director deviates materially from the existing policies or procedures of Research Foundation or is arbitrary, capricious, unreasonable, or contrary to the facts.

In such cases, the complainant may file a written summary of his/her allegations and request that the decision of the Executive Director be reviewed.

Review by Problem Solving Committee

The president of the Research Foundation Board of Trustees shall determine if the decision of the Executive Director deviated materially from the existing policies or procedures of the Research Foundation or was arbitrary, capricious, unreasonable, or contrary to the facts and subsequently qualifies for full review by a Problem Solving Committee. The president of the Research Foundation Board of Trustees shall notify the employee whether the grievance qualifies for review by the Problem Solving Committee. This decision shall be final.

Qualified grievances shall be heard by a Problem Solving Committee within 30 working days of the president's qualification decision. This committee is composed of the president of the Research Foundation Board of Trustees or designated representative, the University vice president for research, and a third member of senior management from outside the employing unit, to be selected by the other two committee members. The committee, after a full examination of the facts (which may include a review of the written summary of the complainant's statement, discussions with all individuals concerned, and a further investigation if necessary), will normally advise the complainant of its decision within 15 working days. The decision of the committee shall be final.

VIOLENCE IN THE WORKPLACE

The Research Foundation has a policy of zero tolerance for violence. If an employee displays any violence in the workplace or threatens violence in the workplace, the employee is subject to immediate termination. No talk of violence or joking about violence will be tolerated. The Research Foundation defines "violence" to include physically harming another, shoving, pushing, harassment, intimidation, coercion, throwing or striking objects in anger, brandishing weapons and threats or talk of violence.

The first step in reducing violence in the workplace is to identify situations that hold potential for turning violent. Employees have a duty to report to their supervisors, campus security personnel, or human resources representatives, any suspicious workplace activity, situations or incidents observed or they are aware of that involve other employees, former employees, customers, or visitors and appear to violate this policy. This includes, for example, threats or acts of violence, aggressive behavior, offensive acts, threatening or offensive comments or remarks, and the like.

The University has established a Threat Management Team should a threat or violent incident occur in the campus workplace. The Foundation will adhere to University Threat Management Team guidance should an incident develop on University property. University guidelines for dealing with threats are detailed at <http://www.odu.edu/af/humanresources/policies/threats.htm> .

If it is believed the threat is serious and may result in danger to a member of the Research Foundation or University community, the individual, supervisor, or manager should contact Campus Police at (757) 683-4000 or call 911. Employee reports made pursuant to this policy will be held in confidence to the maximum possible extent. The Research Foundation will not tolerate any form of retaliation against any employee making a report under this policy.

An employee who has secured a Protective Order from a court which lists University or Foundation locations as being protected areas, should make his or her supervisor aware of the order and should file a copy of the order with the human resources department.

FIREARMS POLICY

The majority of employees of the Research Foundation perform work on University owned or operated property. The possession, storage or use of any kind of ammunition, firearms, explosives, air rifles and air pistols on University owned or operated property, or any other Research Foundation work site, is prohibited, unless authorized in writing by the president of the University (University Property) or the Executive Director of the Research Foundation (other Research Foundation work sites).

PERSONAL USE OF COMPANY PROPERTY OR FUNDS

The use of sponsored program funds or materials purchased with sponsored programs funds for personal reasons is strictly prohibited. Funding, supplies and work materials are to be used only for the conduct of sponsored program related business.

Research Foundation employees may not purchase, or accept without charge, Research Foundation supplies, equipment, tools, materials, or other company property for personal use, without approval from the Executive Director. Office supplies and work materials are to be used only for conducting official business. Employees are not to accept gifts or gratuities from any firm or person with which the Research Foundation does or may do business. Employees may not request personal work or services of any Research Foundation office, lab, or employee.

The misuse of Sponsored program funds or materials is a serious violation of our policy and can lead to termination of employment without prior warning or notice.

SOLICITATION, DISTRIBUTION AND TRESPASSING

Solicitation, distribution of literature, or trespassing by non-employees is prohibited at all Research Foundation work sites, including but not limited to, administrative offices and laboratory facilities. Fund raising or sales activities (such as the University's Dominion Fund Campus Community Campaign, the State Employee's Commonwealth of Virginia Campaign, or blood drives) sponsored by the University or Research Foundation are considered authorized activities and, therefore, are not prohibited by this policy. Meetings with authorized tax sheltered retirement program agents, health fairs and screenings, and periodic employee benefit events designed to inform employees of available fringe benefit programs are considered authorized activities.

Solicitation is an act urging, cajoling, or persuading individuals to accept a product or service for sale, a doctrine to follow, or an organization to join. Distribution of literature is the handling, passing out or any other means of transmittal of any written material to an individual who would aid or help in soliciting an individual. This policy also prohibits solicitations via the Research Foundation's e-mail and other telephonic communication systems.

Employees may solicit other employees, or distribute literature to them, when both the soliciting or distributing employee and the employee being approached are on a break or other form of free time. During work time in work areas, the employee is expected to devote the employee's time to work activities. Social solicitation activities, other solicitation activities, or distribution of literature are to take place only during break times and non-work times in areas where they will not disturb other people who are working.

The Research Foundation does not provide space for companies to solicit nor does it allow information to be placed on bulletin boards without prior approval or invitation from appropriate administrative officials. The distribution of flyers placed on Research Foundation employees' vehicle windshields is also prohibited.

SAFETY AND HEALTH

(Also see Section 6. "Workers' Compensation Insurance, Reporting and Medical Treatment")

The Research Foundation is committed to a safe and healthful working environment. In this connection, the Research Foundation makes every effort to comply with relevant federal and state occupational health and safety laws and to develop the best feasible operations, procedures, technologies, and programs conducive to such an environment. The Research Foundation's policy is aimed at minimizing the exposure of our employees, customers, and other visitors to our facilities to health or safety risks. To accomplish this objective, all Research Foundation employees are expected to work diligently to maintain safe and healthful working conditions and to adhere to proper operating practices and procedures designed to prevent injuries and illnesses. Research Foundation employees shall be governed by the formal University safety programs and safety programs which govern other worksites on which they are assigned. The responsibilities of all employees of the Research Foundation in this regard include:

- exercising maximum care and good judgment at all times to prevent accidents and injuries;
- reporting to supervisors and seeking first aid for all injuries, regardless of how minor;
- reporting unsafe conditions, equipment or practices to supervisory personnel;
- using safety equipment provided by the Research Foundation at all times;
- observing conscientiously all safety rules and regulations at all times; and
- notifying their supervisors, before the beginning of the workday, of any medication being taken that may cause drowsiness or other side effects that could lead to injury to them and their coworkers.

SMOKING

In order to ensure a safe and clean environment for our employees, the Research Foundation has prohibited smoking throughout the workplace. Smoking in all University facilities is prohibited. The policy prohibits smoking within 20 feet of the entrance to any University facility, and gives preferential consideration to nonsmokers whenever it is determined they are being exposed to smoke.

Guidelines of the University policy prohibiting smoking in all university facilities state that smoking is prohibited in all indoor and enclosed courtyard locations. Smoking is prohibited in all outdoor athletic facilities that are defined by a fence or wall and within 20 feet of a fence or wall or entrances as well as in all university provided vehicles and areas in which fire or safety hazard exists.

UNLAWFUL HARASSMENT

The Research Foundation is committed to providing a work environment free of harassment. Harassment because of race, color, religion, sex, national origin, age, disability, veteran status, political affiliation, sexual orientation, genetic information or any other basis contrary to law is prohibited. Unlawful harassment in any form, including verbal, physical and visual conduct, threats, demands, and retaliation is prohibited.

Workplace harassment is any unwelcome verbal, written or physical conduct that either denigrates or shows hostility or aversion toward a person on the basis of race, color, religion, sex, national origin, age, disability, veteran status, political affiliation, sexual orientation, genetic information or any other basis contrary to law that has the purpose or effect of creating an intimidating, hostile or offensive work environment; has the purpose or effect of unreasonably interfering with an employee's work performance; or affects an employee's employment opportunities or compensation.

Sexual harassment is any unwelcome sexual advance, request for sexual favors, or verbal, written or physical conduct of a sexual nature by a manager, supervisor, co-workers or non-employee (third party).

Employees are prohibited from engaging in any activity which results in unlawful harassment, including workplace harassment or sexual harassment, of or by a Research Foundation employee, client or visitor. Any employee, supervisory or otherwise, guilty of such conduct is subject to disciplinary action, up to and including termination.

The Research Foundation emphasizes that sexual harassment of any kind is unacceptable and will not be tolerated. All employees, contractors, vendors, visitors, or others conducting business with the Research Foundation must avoid offensive or inappropriate sexual behavior at work and are responsible for assuring the workplace is free from sexual harassment at all times. Examples of sexual harassment include, but are not limited to:

- unwelcome sexual advances such as physical contact or touching such as pinching or intentional brushing against the body;
- requests for sexual acts or favors with accompanying promises, threats, or reciprocal favors or actions;
- other verbal or physical conduct of a sexual nature made to an employee, when submission to such conduct is made either explicitly or implicitly a condition of an individual's employment; submission to or rejection of such conduct by an individual is used as the basis for employment decisions; such conduct has the purpose or effect of substantially interfering with an individual's work performance; or such conduct has the purpose or effect of creating an intimidating, hostile or offensive working environment;

- lewd or sexually suggestive comments;
- off-color language or jokes of a sexual nature;
- offensive e-mail or voice mail messages;
- slurs and other verbal, graphic, or physical conduct relating to an individual's gender;
- any display of sexually explicit pictures, greeting cards, articles, books, magazines, photos, or cartoons.

Power Differential, Consent and Sexual Harassment

Consenting romantic and sexual relationships between supervisor and employee, while not expressly forbidden, are generally deemed very unwise. A supervisor who enters into a sexual relationship with an employee where a professional power differential exists must realize if a charge of sexual harassment is subsequently lodged, and the complaint has merit, the supervisor may be transferred or disciplined, up to and including discharge. If conduct of a sexual nature has occurred, or is occurring, in an apparently consensual romantic or sexual relationship, either or both employees may be transferred, counseled, asked to leave the Research Foundation, or otherwise disciplined or discharged, depending on the circumstances.

Procedures for Enforcement of the Unlawful Harassment Policy

Unlawful harassment complaints, including complaints of workplace harassment or sexual harassment, must be filed as soon as possible. Any employee who has a complaint of unlawful harassment at work is urged to bring the matter to the attention of their supervisor, human resources representative, or a management representative so the problem may be investigated. If the employee believes it would be inappropriate to discuss the matter with his/her supervisor, he/she may bypass the supervisor and report it directly to the head of the department or to the director of the Research Foundation Human Resources Department. If the Research Foundation determines an employee has violated this policy prohibiting harassment, appropriate disciplinary action will be taken against the offending employee, up to and including termination of employment.

Informal Complaint - The complainant may elect an informal process to mediate the complaint. This process provides an opportunity for the complainant and the accused to resolve the problem in an informal manner, without the necessity of disciplinary action, or of the more formal procedures for processing a complaint.

Formal Complaint – The complainant may elect to file a formal complaint. The complainant shall explain to the appropriate supervisor/administrator, either orally or in writing, the nature of the harassment and indicate what remedy she or he seeks. A copy of the complaint shall be forwarded to the appropriate supervisor/administrator, advising him or her an investigation of charges will be conducted. The supervisor/administrator, working with the appropriate official shall conduct a prompt investigation of the complaint. During the investigation, the individual accused of unlawful harassment must be provided with an opportunity to respond, either orally or in writing, to the complaint. In determining whether the alleged conduct constitutes harassment in violation of this policy, the supervisor/administrator will look at the record as a whole, and at the totality of the circumstances, such as the nature of the conduct and the context in which the conduct occurred. Upon the completion of the investigation of the complaint, the supervisor/administrator shall submit the findings to the appropriate official. In conjunction with the appropriate official, the supervisor/administrator shall seek to secure a written agreement that satisfies all parties to the complaint. If such an agreement is reached, a copy of the agreement shall be provided to each of the parties involved. A resolution by agreement of the parties may include the imposition of a sanction upon the accused individual which the accused individual agrees to accept as a sanction. If the proposed resolution is not accepted by the accused individual, or the complainant, the appropriate official may impose a sanction or take other appropriate action to conclude the investigation. If an investigation of a complaint exceeds 30 days from the date of receipt by the supervisor/administrator, the appropriate official shall notify the parties in writing of the progressive status of the investigation and the proposed extension of time needed for completion of the investigation.

If the complaint is unresolved and the complainant desires to proceed with the charge, the record of the complaint shall be provided to the president of the Research Foundation Board of Trustees for review under procedures established for formal resolution of a grievance – review by the problem solving committee. (see SECTION 3 - “Complaint Resolution Procedure– Review by Problem Solving Committee”.)

Retaliation Prohibited - The Research Foundation prohibits any form of retaliation against any employee for filing a complaint under this policy or for assisting in a complaint investigation. Any person

who has been accused of unlawful harassment, pursuant to the terms of this policy, who retaliates against his/her accuser in any manner, shall be charged with a violation of this policy and the violation shall be treated as an independent and separate act of harassment. If after investigating any complaint of harassment, retaliation, or unlawful discrimination, the Research Foundation determines that an employee has provided false information regarding the complaint, disciplinary action may be taken against the individual who gave the false information.

DRUG AND ALCOHOL-FREE WORKPLACE

The Research Foundation shall maintain a drug and alcohol-free workplace in accordance with federal law. The unlawful manufacture, distribution, dispensation, sale, transfer, possession, purchase, or use of controlled substances or alcohol, by any employee during normal business hours, or while on Research Foundation premises (which specifically includes all locations where work is performed in connection with any Research Foundation program), is prohibited. Employees who violate this policy will be subject to disciplinary action, up to and including termination.

The Research Foundation recognizes substance abuse as a safety and security issue, and a major health problem. Employees concerned about substance and alcohol abuse are encouraged to use the Employee Assistance Program (EAP). The EAP offers confidential assistance, a referral service, and follow-up counseling to employees and members of their household. Also, see Section 6 - "Employee Assistance Program."

Convictions - An employee who is convicted or accepts a "first offender" status of a criminal drug or alcohol violation must notify the Research Foundation Human Resources Department within five (5) working days. Such employees may be disciplined, up to and including termination. Employees convicted of a drug and/or alcohol-related offense committed outside the workplace may be disciplined, up to and including termination in accordance with Section 3 - "Guidelines for Appropriate Conduct."

Right to Search - The Research Foundation reserves the right to search, without consent, all areas and property over which it maintains joint or full control with an employee. This includes but is not limited to desks, computers, closets, bookcases, file cabinets, lockers and other storage areas, with or without employee's own locks, and Research Foundation provided vehicles.

Use of Illegal Drugs - Employees are forbidden to report to work under the influence of illegal drugs and from using or being under the influence of illegal drugs during normal business hours or while on Research Foundation property or work sites.

Use of Legal Drugs - Employees are forbidden to report to work under the influence of, or from using legally-obtained drugs or alcohol during normal business hours or while on Research Foundation premises or work sites, to the extent such use or influence may adversely affect the safety of the employee, co-workers, the general public, the employee's job performance, or safe or efficient operations. Employees must report to their supervisor the use of **any** drugs or medication if a physician or other appropriate medical source indicates use may have an adverse effect on the employee's fitness for duty. Employees are responsible for determining if the medication or drug may have this affect. Supervisors who are aware of the use of drugs or medication which will have an adverse affect must assign the employee to appropriate duties, or if no such activities are available, place the employee on leave (SL, AL, LWP in priority order).

Employee Testing - Testing may be specifically applied to those employees working on Department of Defense (DoD) contracts which come under drug-free workforce regulations, and for positions requiring a Commercial Driver's License (CDL), or USCG regulated positions (vessel captains, mates, crew) as required. When there is good cause, an employee shall sign consent forms authorizing a medical facility to secure blood, urine, and/or specimens for drug and alcohol testing, evaluation for fitness for duty, and release of the results of the evaluations to the Research Foundation.

Refusal to consent to and have a drug and/or alcohol test or a fitness for duty evaluation performed is grounds for disciplinary action up to and including termination. If the individual has access to classified information, they will be removed from the project immediately. Those persons performing on projects requiring access to classified information may be requested to voluntarily waive the requirement for good cause. Persons waiving the requirement will be subject to random testing, if specifically required by the DoD activity awarding the contract. Refusal to waive the requirement for establishing good cause will be a factor in determining eligibility for access to classified information.

When an employee has been involved in an accident resulting in property damage or bodily injury, the employee may be referred for a

drug and/or alcohol test and/or a fitness for duty evaluation to determine whether the employee is sound, physically and mentally, to perform required duties safely and satisfactorily. Results of medical evaluations and drug and alcohol tests are confidential. Only supervisors with demonstrated need to know will have access to the information. Results will be maintained in a separate file.

Definitions

Controlled substances - Included, but are not limited to, marijuana, heroin, cocaine, LSD, amphetamines, and all other substances listed in Section 202, Schedules I through V, of the Federal Controlled Substances Act.

Under the influence - "Under the influence", "impaired by", or "impairment" means the employee is affected by a drug, alcohol, or combination of both in any detectable manner anytime during Research Foundation business hours and on Research Foundation property or work sites.

Legal drug - Prescription drugs and over-the-counter drugs which have been legally obtained and are being used for the purpose for which they have been prescribed or manufactured.

Illegal drug - Any drug defined by the Commonwealth of Virginia, the United States of America, or any local statute as not being legally obtainable or which is being used in a manner different from that prescribed or which is legally obtainable but has not been legally obtained.

Research Foundation property - Any property owned, leased, managed, or controlled by the Research Foundation.

Normal business hours - Assigned or approved flexible work hours between 7:30 a.m. and 6:00 p.m., Monday through Friday; assigned or approved overtime, on-call time, or other approved or assigned work hours including attendance at "official business" training or other work-related activities.

Fitness for duty evaluation - A medical evaluation to determine whether the employee is sound, physically and mentally, to perform required duties safely and satisfactorily. To be determined fit for duty the employee must, as a part of the medical evaluation, produce a negative drug and alcohol test result, when required by this policy. A negative test is one in which the results do not exceed established threshold levels which are determined by state and federal law or the National Institute of Drug Abuse (NIDA) guidelines.

USE OF INTERNET AND ELECTRONIC COMMUNICATION SYSTEMS

Research Foundation employees may be provided access to both Research Foundation and University internet and electronic communication systems to facilitate the effective and efficient conduct of business. Such employees agree, in addition, to be governed and abide by University and Commonwealth of Virginia policies on the use of the Internet and electronic communications systems. Applicable Commonwealth policies are available at http://www.dhrm.state.va.us/hrpolicy/web/pol1_75.html.

All electronic and telephonic communication systems including personal devices provided for business such as cell phones, BlackBerry devices and laptops and all communications and information transmitted by, received from, or stored in these systems (“communication systems”) are the property of the Research Foundation or the University respectively. These systems are provided for the convenience of the Research Foundation and the University to facilitate the effective and efficient conduct of business.

All users of university or Research Foundation computers and electronic communications systems are prohibited from using such equipment, including internet access, for reasons that are not related to the performance of their jobs or official purposes.

Users should not expect privacy in any message, file, image, or data created, sent, retrieved, or received by use of the University's or Research Foundation's equipment and/or access. Monitoring may occur at any time, without notice, and without the user's permission. In general, incidental and occasional personal use of the Research Foundation's or University's internet access or electronic communications systems is permitted; however, personal use is prohibited if it:

- interferes with the user's productivity or work performance, or with any other employee's productivity or work performance;
- adversely affects the efficient operation of the computer system;
- violates any provision of this policy, any supplemental policy adopted by the University or Research Foundation, or any other policy, regulation, law or guideline set forth by local, state, or federal law. (See e.g., Code of Virginia section 2.1-804-805).

When using the Internet or electronic communications, certain activities are prohibited, including but not limited to:

- accessing, downloading, printing or storing information with sexually explicit content as prohibited by law (Code of Virginia 2.1-804-805);
- downloading or transmitting fraudulent, threatening, obscene, intimidating, defamatory, harassing, discriminatory or otherwise unlawful messages or images;
- installing or downloading computer software, programs or executable files contrary to policy;
- uploading or downloading access-restricted Foundation or University information contrary to policy or in violation of University policy;
- sending e-mail using another's identity, an assumed name, or anonymously;
- permitting a non-user to use for purposes of communicating the message of some third party individual or organization;
- any other activities designated as prohibited by the Foundation or University.

Employees should make every effort to limit personal telephone calls and electronic mail messages. No communications should be created or sent which may constitute intimidating, hostile, or offensive material on the basis of race, color, religion, sex, national origin, age, disability, veteran status, political affiliation sexual orientation, genetic information, or any other basis prohibited by law. The Research Foundation policy against sexual harassment or other unlawful harassment applies fully to the telephone, computer, internet, communication and electronic mail systems. Any violation of this policy is grounds for discipline, up to and including termination.

MONITORING, SEARCH AND INVESTIGATION

The employee's work output, whether it be paperwork, computer files, products, customer calls, or customer interaction, belongs to the Research Foundation. The employee's work output is always subject to review by the Research Foundation, whether it is stored electronically, on paper, or in any other form. In addition, business equipment, including computers, desks, and lockers, with or without employee's own locks, belong to the Research Foundation and are subject to search or investigation.

PERSONAL APPEARANCE AND DEMEANOR

Discretion in style of dress and behavior is essential to the efficient operation of the Research Foundation. Employees are, therefore, required to dress in appropriate attire and to behave in a professional, businesslike manner. Please use good judgment in choice of work clothes and remember to conduct yourself at all times in a way that best represents you and the Research Foundation. Employees failing to adhere to proper Research Foundation standards with respect to appearance and demeanor are subject to disciplinary action, up to and including termination.

HANDLING CONTACTS FROM THE MEDIA

If a reporter or other representative of the media contacts an employee because of his/her job at the Research Foundation, the employee should refer the reporter to the Director of Human Resources or Executive Director to address the questions the media representative or reporter may ask. The employee should also inform his/her supervisor about the media contact. Employees shall not respond to any media inquiry related to the Research Foundation without prior authorization from the Director of Human Resources or the Executive Director.

Media contacts that also may involve the University should be referred to the University Office of Institutional Advancement to comment on questions the reporter may ask.

In the event rules and regulations published in this section of the handbook conflict with governmental or University requirements, the order of precedence shall be: 1. Governmental laws or administrative regulations; 2. Policies and procedures of Old Dominion University, including its faculty handbook; 3. This handbook.

SECTION 4— RESEARCH POLICIES

RESEARCH POLICIES

Research and other sponsored program activities engaged in by employees of the Research Foundation are conducted under the policies and regulations of the University as described in “Section IV – Research Policies” of the University faculty handbook, and to the extent they apply to research, by University Policies and Procedures. All employees of the Research Foundation agree to be bound by applicable University policies and regulations regarding research. These policies apply to all Research Foundation employees, university faculty and employees, and shall also apply to any individuals who as visitors and volunteers utilize facilities and equipment owned or otherwise made available by the University or the Research Foundation.

For additional information see the University website at: <http://www.odu.edu/ao/facultyhandbook/index.php> and at <http://www.odu.edu/ao/polnproc/>

INTELLECTUAL PROPERTY

The terms and conditions by which grants and contracts will be accepted and administered by the Research Foundation are agreed to by the University’s Board of Visitors, the president of the University through a designee, the vice president for research, and by the Board of Trustees of the Research Foundation through their designee, the Executive Director. Conditions of acceptance of grants and contracts by the Research Foundation specify the Research Foundation and the University shall cause all discoveries, improvements, inventions, and copyright materials resulting from a project to be assigned to the Research Foundation by the person(s) making such discovery, improvement, invention, or copyright. Upon termination of each project, all notes, records, and data resulting from, or collected in the course of the project shall belong to, and shall be delivered if so requested to, the Research Foundation although the University may, if it desires, retain a copy of any or all such documents.

CONFLICT OF INTEREST

Care must be exercised to avoid any conduct which would give the appearance of granting or receiving unwarranted preferential treatment or consideration to any outside firm or individual. If in the normal course of business an employee finds that he/she would be involved in a situation or circumstances that represent a conflict of

interest or potential conflict of interest, either directly or indirectly, the issue must be brought to the attention of the supervisor and the Research Foundation. Questions regarding conflict of interest should be directed to the Research Foundation Human Resources Department. Professional ethical conduct is expected of all employees. Violations of this policy will be subject to disciplinary conduct up to and including termination of employment.

DISCLOSURE OF INTERESTS IN ANY TRANSACTIONS

All Old Dominion University investigators and Research Foundation employees who have financial interests that in some manner might influence or appear to influence the conduct of projects must inform the vice president for research of this fact at the time of proposal submission and prior to acceptance of awards, and develop acceptable strategies to manage those possible conflicts. Disclosure of any employee's personal interests in any transactions by Research Foundation investigators and staff employees is required. All University Investigators are required to comply with procedures outlined in the Faculty Handbook titled Financial Interests in Sponsored Programs which shall be binding on both University and Research Foundation employees.

CONFIDENTIALITY

Employees are responsible for maintaining the security and confidentiality of all the Research Foundation materials, including, but not limited to, all books, computers, software, data, files, or written information issued to them, developed or prepared by them, or in their possession or control ("company property"). All such company property must be returned by employees to their supervisor or the Research Foundation Human Resources Department on or before their last day of work, or at any other time as requested by the Research Foundation.

PROPRIETARY INFORMATION

Employees may develop, or have access to, proprietary information during the course of their employment. Proprietary information includes, but is not limited to, such items as ideas, plans, procedures, research, software, computer programs, formulas, patterns, methods, models, techniques, processes, specifications, strategies, bids or proposals, financial information, lists of customers, inventions or discoveries, projects, and drawings. All proprietary information, including that developed by an employee during the course of

employment, is the sole property of the Research Foundation. Neither employees, nor former employees shall remove or destroy any proprietary information without the prior written consent of the Research Foundation Executive Director or designee. In consideration of employment with the Research Foundation, employees and former employees shall not use proprietary information of the Research Foundation to the employee's own advantage, or disclose such proprietary information to any person, unless such disclosure is necessary for the performance of the employee's duties while employed by the Research Foundation.

EXPORT CONTROLS AND COMPLIANCE

Policy Statement

It is the policy of the Old Dominion University Research Foundation to comply with all United States export control laws and regulations, including the US Department of Commerce's Export Administration Regulations (EAR) and the US Department of State's International Traffic in Arms Regulations (ITAR) and the US Treasury Department's Office of Foreign Assets Control (OFAC). This policy applies to all Research Foundation employees, University faculty, staff, students, and guests performing research through the Research Foundation and performing work under sponsored programs grants or agreements.

Background

The federal government has become increasingly concerned about protecting information and technology from disclosure when such information and technology is important for U.S. economic vitality or contributes to the military capabilities of international adversaries. Export laws and regulations restrict use of and access to this information and technology. All faculty, staff and students must comply with these laws and regulations. In case of violations, criminal penalties can be applied, including substantial fines and prison terms.

Definitions

The term "**Export**" is the shipment of Controlled Physical Items that require Export Licenses or the transfer of Controlled Information, including technical data, to persons or entities outside of the United States. Export involving the disclosure of controlled information, including technical data, to Foreign Nationals *in the US* is sometimes referred to as "**Deemed Export**".

A "**Foreign National**" is a natural person (or a corporation or other entity) that is not a lawful permanent resident of the United States - that is, someone who has not been issued a "green card."

"Controlled Physical Items" means dual use, i.e., civilian and military, technologies listed on the Commerce Control List at [22 CFR § 121](#) of the Export Administration Regulations (EAR) and defense articles listed on the United States Munitions List (USML) at 15 CFR § 774, Supp. 1 of the International Trafficking In Arms Regulations (ITAR).

"Controlled Information" is information about export controlled items including that required for the design, development, production, manufacture, assembly, operation, repair, testing, maintenance or modification of controlled items and may be released through visual inspection, oral exchanges, or the application of personal knowledge or technical experience with controlled items. Controlled Information may be in the form of blueprints, drawings, photographs, plans, instructions and documentation. Also included in this definition are intangible items such as software and algorithms listed under EAR or ITAR.

Please refer to the Research Foundation's Review and Documentation Checklist at

<http://www.researchfoundation.odu.edu/doc/exportcontrolchecklist.doc> for additional information and definitions of other key terms.

Procedures

Any Research Foundation employee or member of the University community must consider whether export controls are applicable before undertaking certain activities. Amongst those activities are initiating a new funded or unfunded research effort, allowing access to current research, allowing Foreign Nationals to participate in a research activity, or receiving controlled materials from a third party.

Primary responsibility for compliance with export control regulations rests with the Principal Investigator (PI), as he or she has the best understanding of technology and tools involved. When submitting a proposal for funding, the PI will indicate in the responses to questions on the Proposal Transmittal Form ("Blue Sheets") whether the project involves Foreign Nationals or foreign countries. If the response to any of the screening on the Proposal Transmittal form is "Yes" then the PI is to complete the Export Control Checklist form. The additional information provided on the Export Control Checklist form will aid in assessing whether government approval for use of the Controlled Physical Items or Controlled Information is required. The Executive Director and University's Licensing Manager are available to assist faculty, staff, and students in assessing their activities under these regulations. After work on the project has begun, the PI should

notify the Grant & Contract Administrator (GCA) prior to implementing any changes that may give rise to the application of export controls, such as a change in the scope of work or the addition of new staff or students to the project. If it is determined that export controls apply to the project, the investigator must adhere strictly to any applicable restrictions and cooperate fully with efforts to monitor compliance. The PI and project staff, including GRAs, will be asked to sign the Certification on the Handling of Export-Controlled Information form attesting that she or he has knowledge of export control regulations and of the penalties associated with noncompliance.

Research Foundation GCAs will review research agreements for export control language and for terms or provisions that restrict access to or prohibit publication of research results, limit the participation of foreign nationals in the research, or otherwise render the fundamental research exclusion inapplicable. If such provisions cannot be eliminated through negotiation, and if it appears no exclusions or exemptions from the export control regulations are applicable, the GCA will consult with the PI to determine whether the technology or other material to be used in the research is included on the Commerce Control List or the US Munitions List. In consultation with the Licensing Manager, the Executive Director will make a final determination as to whether export control regulations apply to the project and will provide written notice of that determination to the PI, the department chair, the dean, and the Vice President for Research. This notice will also outline any recommendations for compliance measures to be implemented in the research.

RESEARCH REVIEW BOARDS

The Research Foundation adheres to University rules for Research Review Boards. The University maintains the following four research review boards, which are responsible for approving research proposals involving human subjects, recombinant DNA, radiation safety, and animals.

1. Institutional Review Board - It is University policy that all projects involving risk to human subjects must be approved by the Institutional Review Board. Approval is based on established University, state and sponsoring agency guidelines for the protection of the rights and welfare of subjects at risk.
2. Institutional Biosafety Committee - It is University policy that all research projects involving recombinant DNA and that are considered non-exempt under the NIH "Guidelines for Research Involving Recombinant DNA Molecules" must be approved by the Institutional Biosafety Committee.

3. Radiation Safety Committee - It is University policy that all projects involving radioactive materials must be approved for usage and safety procedure by the Radiation Safety Committee.
4. Institutional Animal Care and Use Committee - It is University policy that all projects involving animals must be approved, in accordance with established University and sponsoring agency regulations, by the Institutional Animal Care and Use Committee.

It is the responsibility of the principal investigator to gain the approval of the appropriate review board(s) prior to the submission of a proposal to a funding agency, or, in the case of unfunded research, prior to engaging in the research activity. The vice president for research is authorized to issue procedures in order to assure that these research policies are implemented in compliance with applicable regulations. Information on the review board policies is available from the Office of Research.

SECTION 5—COMPENSATION

The Executive Director and the Research Foundation Human Resources Department are the only Research Foundation representatives with the authority to establish compensation and pay classification for any Research Foundation employee. Commitments of any kind made by any other person are not binding upon the Research Foundation.

PAY ADMINISTRATION

Total compensation at the Research Foundation consists not only of the salary paid but also includes the various benefits offered. The Research Foundation endeavors to maintain total compensation levels competitive with those paid by other employers in our industry and in relation to the local labor market in which the position is located. The Research Foundation monitors its wage scales for employees to help insure that they are kept in line with local and regional economic conditions. The Research Foundation maintains a broad band pay structure aligned with the band structure adopted by Old Dominion University. The salary structure consists of nine pay bands with open ranges (no steps). The first eight bands have an expanded range spread of approximately 105% between the minimum and maximum salaries. These pay bands have established minimum and maximum salaries. The ninth pay band is only used in agencies that have medical directors. Due to the diverse nature of work performed through the Research Foundation not all positions are classified on the pay band system.

Most regular status positions at the Research Foundation have been reviewed and assigned a salary grade or band. Each grade or band has been assigned a corresponding salary range. Periodically, the Research Foundation may revise its job descriptions and pay classifications, evaluate individual jobs to ensure they are rated and paid appropriately, and review job specifications to ensure they are job related. An individual's pay is influenced by factors such as external labor markets, internal equity concerns, sustained employee performance, importance of the position to the department, experience and education of the individual, availability of financial resources, and other legitimate business reasons of the Research Foundation.

Pay levels and ranges for faculty, SSRPs, and postdoctoral associates are established by the University based upon pay levels for the respective University department rank and discipline. Pay

levels and ranges for GRAs and casual student employees are based on ranges established by the University for similarly classified student employees. Pay levels for temporary employees are established by the hiring unit in cooperation with the Research Foundation Human Resources Department.

The Research Foundation retains the option to pay bonuses and incentive payments to employees on a periodic basis in recognition of their achievements and as an incentive for future performance. Decisions as to whether to award a bonus, the amount of such bonus, and who receives a bonus, rest entirely with the Research Foundation. Bonuses, when given, are paid only to eligible employees who are actively employed by the same employing unit at the time any such bonuses are actually paid. A written incentive or recognition program must be submitted for use by the employing unit and approved by the Human Resources Department prior to implementation.

The use of gift cards and gift certificates is prohibited except for awards to research participants

CHILD SUPPORT WITHOLDING

All new employees are required by law to disclose whether they are subject to a withholding order for child support. If an employee is subject to child support withholding, the Research Foundation is required to withhold wages according to terms of the order. All new employees must complete a child support disclosure form. Falsification or material misrepresentation on the disclosure may subject the employee to disciplinary action up to and including immediate termination.

LIENS AND GARNISHMENTS

Tax liens and garnishments must be processed in accordance with state and federal law. A garnishment or lien is the result of a legal action which requires part of the employee's pay be withheld for payment of a debt. Virginia law prohibits the termination of an employee because of a garnishment for any one debt. Garnishments for multiple debts may result in disciplinary action, up to and including discharge, depending on the circumstances and in accordance with applicable law.

WORK SCHEDULE AND HOURS

All employees are expected to work their scheduled hours. Employees establish their scheduled work hours with their supervisor. Regular status employees and postdoctoral associates are expected to work 40 hours per week unless specifically hired on a reduced schedule basis. Flexible work hours are allowable with approval of the employee's supervisor. Starting hours for full-time employees are typically scheduled between 7:30 am and 9:00 am and ending times scheduled between 4:30 p.m. and 6:00 p.m. Any work schedule acceptable to management and the employee is appropriate so long as work unit hours of service are maintained, 40 hours are worked during each the work week for full time employees, and at least a 30 minute lunch period is allowed. Alternative work hours may be required in some instances to provide effective services or when providing for reasonable accommodation for the disability or temporary medical condition of a qualified employee. Once the work schedule has been approved, the employee must follow the approved schedule unless the supervisor has approved a change.

It is the employee's responsibility to notify their supervisor when they expect to be absent or late for work. Some employing units may have unique notification guidelines. Check with your supervisor on your proper notification procedures.

TELECOMMUTING

The Research Foundation does not authorize telecommuting for its full time Regular status and postdoctoral associates. Exceptions may be made as required on an infrequent or intermittent basis, including providing reasonable accommodation for disability or temporary medical condition of the employee. Supervisors shall notify the Human Resources Department of any requests for telecommuting. Each situation will be reviewed on a case by case basis. Convenience to the employee in and of itself does not constitute sufficient justification for telecommuting approval by the Research Foundation. For questions or further information contact the Human Resources Department.

MEAL PERIODS

For full-time employees, one (1) hour is normally permitted for a meal break and is typically scheduled between 11:30 a.m. and 2:00 p.m. Individual meal period schedules are established by the employee and his/her supervisor. Full-time, non-exempt employees are expected to take a minimum 30 minute meal break each day. Meal

breaks in excess of one (1) hour must be approved in advance by the employee's supervisor. Meal breaks may be spent on or off the work site and are not considered paid work time for non-exempt employees.

OVERTIME

Eligibility for overtime is determined by the Research Foundation Human Resources Department in accordance with applicable wage and hour laws.

Salaried Employees Exempt From Overtime – Salaried employees who are exempt from overtime and are paid a fixed salary are not paid overtime, in accordance with applicable federal wage and hour laws, for work performed beyond 40 hours in a workweek. Executives, professional employees, outside sales representatives, and certain employees in administrative or computer-related positions are typically exempt. Exempt employees may be periodically required to work additional hours without additional compensation or other reward in order to adequately perform their expected duties and assigned responsibilities.

Overtime eligible employees – Non-exempt employees are required to be paid overtime at the rate of time and one half the regular rate of pay for all hours worked in excess of 40 hours in a workweek, in accordance with applicable federal wage and hour laws. Non-exempt employees are generally paid on an hourly basis. The Research Foundation's pay week begins Sunday at 12:00 a.m. and ends at 11:59 p.m. the following Saturday. Non-exempt employees who work over 40 hours in a pay week shall be paid overtime. Overtime work shall be kept to a minimum and must be authorized in advance by the employee's immediate supervisor. Unauthorized overtime worked will be paid in accordance with applicable law. However, non-exempt employees who work unauthorized overtime may be disciplined, up to and including termination.

Please direct any questions regarding your employment classification, exemption status or compensation to the Research Foundation Human Resources Department.

INCLEMENT WEATHER / EMERGENCY CLOSINGS

In the event of inclement weather or other emergencies, the workday may be suspended for the safety of Research Foundation employees.

Research Foundation campus and local area worksites will be closed when the University announces it will be closed. Absences will be authorized for all Research Foundation personnel. In the event the

University announces late arrival for faculty and staff, Research Foundation personnel will be authorized to report to work at the time established by the University. The Executive Director may authorize early departure if emergency conditions occur during the workday. On-duty staff will be notified by their supervisors.

The Old Dominion University's Web page and telephone information line provide the most up-to-date information about closings and delays, in addition to the information that is broadcast by local radio and television stations. Information on closing or delay is posted on the University's home page at <http://www/odu.edu> and is available by phone at (757) 683-3000. In addition, the Research Foundation will attempt to record a closing notice message in the general delivery mail box on the automated phone system when the Research Foundation is closed due to a suspended workday. To check the message, dial the Research Foundation main number, (757) 683-4293, and enter "0" upon hearing the automated attendant.

Compensation during designated closings-Regular status employees and postdoctoral associates who are not required to report will be paid their usual salary. Leave eligible employees on pre-approved leave during an authorized closing will not be charged leave for the closing hours and will be paid their usual salary. Regular status employees who are required to work and who are eligible for overtime pay (non-exempt), will be paid for time worked plus suspended time awarded to other employees. Regular status employees and postdoctoral associates who are not eligible for overtime (exempt) and who are required to work may be granted time off equal to the hours they worked, at the discretion of their supervisor.

Non-exempt temporary employees and casual student employees who are not required to report will not be paid for this time. Temporary employees and casual student employees who are required to work will be paid for actual hours worked, plus the suspended time they were scheduled to have worked.

Late Arrivals-Personal safety is the primary concern and employees are to use discretion to ensure their safety when en route to and from work. When road conditions and transportation difficulties cause employees to arrive late, the supervisor may determine that the tardiness was justified. In such cases, the lost time may be forgiven and not charged to the employee's leave balances or to leave without pay, depending on the circumstances.

HOLIDAY PAY

The Research Foundation adheres to the holiday schedule published by the University.

Regular status employees and postdoctoral associates are eligible for holiday pay at their normal rate provided they are at work or on authorized paid leave on both the last normal work day prior to the holiday and the first normal work day following the holiday.

Non-exempt hourly paid Research Foundation employees who are required to work must receive compensation for working on a scheduled holiday. Non-exempt Regular status employees paid on an hourly basis will receive their regular hourly rate for both the normal holiday hours and the actual hours they work on the holiday. Temporary employees and casual student employees who are required to work will be paid their regular hourly rate only for actual hours worked. Temporary and casual students are not paid holiday benefits for time that is not worked. Holiday hours paid are not considered as time worked for purposes of calculating overtime.

Stipends for Graduate Research Assistants (GRA's) are not subject for adjustments due to holidays. Schedules are established with the individual supervisors.

TIME / LEAVE REPORTING

It is the policy of the Research Foundation to comply with applicable laws that require time records to be maintained. All leave eligible employees (both hourly and salaried) are required to report leave use each pay period by submitting approved leave request forms. Non-exempt hourly paid employees are required to submit biweekly time sheets. The time sheet form accounts for each hour worked as well as any types of leave taken per day. Supervisors should reconcile copies of the leave request form with the time sheet for the pay week the leave was taken.

Exempt salaried employees are responsible for completing leave request forms for any type of leave used during the pay period.

After obtaining supervisor's approval, time sheets and leave request forms for both hourly and salaried employees must be forwarded to the Payroll Department for processing. Pay periods, time reporting due dates, and pay dates are published annually. Contact the Payroll Department for a copy of the payroll schedule. The schedule is also published under "Human Resources" on the Research Foundation website <http://www.researchfoundation.odu.edu>. Falsifying a time or leave record is a breach of Research Foundation policy and is grounds for disciplinary action up to and including termination.

PAY DAYS

Employees are paid biweekly, one week in arrears, according to the posted payroll schedule. It is each employee's responsibility to ensure that hourly time sheets and leave request forms are received in accordance with the Research Foundation's payroll schedule. When an employee leaves employment at the Research Foundation, the final paycheck will be issued on the succeeding normal payday. Payroll schedules are distributed upon hire and annually. Contact the Payroll Department for a copy of the payroll schedules. The payroll schedule is also published under "Human Resources" on the Research Foundation website <http://www.researchfoundation.odu.edu>.

DIRECT DEPOSIT

Employees are encouraged to elect to be paid by direct deposit rather than receive a paycheck by mail. By electing direct deposit employees are assured of getting their pay during periods when the Research Foundation and the University offices are closed. Issues with USPS and campus mail are also avoided. Direct Deposit authorization forms are available on the Research Foundation website or by contacting the Research Foundation Payroll Department.

PERFORMANCE FEEDBACK

Employees need and deserve to receive feedback from supervisors regarding performance, whether it takes the form of recognition for a job well done or specific suggestions for improvement.

Regular status employees and postdoctoral associates will normally receive periodic written performance reviews. Generally, reviews are conducted annually on the employee's anniversary date, or project funding renewal date, but may be conducted more frequently or less frequently, depending upon the business needs of the employing unit. Performance reviews may be conducted at any time at the request of the employee or the employee's supervisor. The purpose of periodic review is:

- to document job performance objectively;
- to provide feedback;
- to clarify future job performance expectations and goals;
- to identify training and development needs.

Temporary employees, GRAs, and casual student employees typically receive performance review through informal feedback from the supervisor. An employee or an employee's supervisor may conduct a more formal written performance review at any time. University faculty and SSRPs are evaluated through the University's policy and procedures on evaluation of faculty.

A performance review is not a contract or a commitment to provide a compensation adjustment, a bonus, or continued employment. Employees should realize that reviews are only one of several factors the Research Foundation uses in connection with compensation, bonus, promotion, discipline, and retention decisions.

PAY INCREASES

Pay for regular status employees and postdoctoral associates is normally reviewed on an annual basis. If an increase is granted, it will typically be effective for the pay period in which the employee's anniversary date occurs. Employees whose positions are directly funded from grants and contracts may follow different schedules depending on funding cycles. Increases, if given, are based on performance (merit) and are subject to availability of funding from the grants or contracts charged for the employee and may vary by employing unit. Pay increases for other types of employees are reviewed on a case-by-case basis, funding permitting.

PAYROLL ERRORS AND OMISSIONS

It is our policy to compensate employees accurately and in compliance with the Fair Labor Standards Act (FLSA) and all applicable state and federal laws. Mistakes can happen. When errors are called to our attention, we will promptly make any corrections necessary. Employees should review their pay stub each pay period and report any mistakes to the payroll coordinator.

Employees should immediately report the matter to the Director of Human Resources if they think:

- they have been subject to any improper deductions from their paychecks; or
- they are improperly classified relative to overtime under the FLSA; or
- their pay does not accurately reflect their hours worked; or pay band or salary level is improper.

Every report will be fully investigated and corrective action will be taken, as appropriate. The Research Foundation will not allow any form of retaliation against individuals who report suspected violations of this policy or who cooperate in investigations of such reports. Any form of retaliation in violation of this policy will result in disciplinary action, up to and including termination.

Set forth on the following pages is a brief description of the Research Foundation's employee benefits programs. In the event of any conflict between the information contained in this handbook and the information that appears in the master contracts of insurance between the Research Foundation and our insurance carriers or our master plan documents, the master contracts/documents shall govern in all cases. The Research Foundation reserves the right to amend or terminate any of its benefits programs or to require or increase employee premium contributions toward any benefits with or without advance notice at its discretion. This reserved right may be exercised in the absence of financial necessity. Whenever an amendment is made to any of the Research Foundation's benefits programs, the respective plan administrator will draft and submit the amendment to the Research Foundation's Executive Director for review and approval. The respective plan administrator will notify plan participants of all approved amendments or plan terminations in accordance with the requirements of applicable federal law. For more complete information regarding any of our benefits programs, please contact the Human Resources Department.

SECTION 6—BENEFITS

EMPLOYEE BENEFITS PROGRAMS

The Research Foundation has established a variety of employee benefits programs designed to assist employees and their eligible dependents in meeting the financial burdens that can result from illness, disability, and death, and to help plan for retirement, deal with job-related or personal problems, and enhance job-related skills. This section of the handbook highlights some features of benefits programs. The group health, life and long term disability insurance, 403(b) tax sheltered retirement programs, and Section 125 cafeteria plan are described more fully in summary plan description booklets and plan documents. Copies of these documents are available for the Human Resource Department. Complete descriptions of the group health insurance programs are also in the Research Foundation's master insurance contracts with insurance carriers, and are maintained in the Research Foundation Human Resources Department. Complete descriptions of the retirement-related tax sheltered annuity programs and the cafeteria plan are in the appropriate master plan documents, and are likewise maintained in the Research Foundation Human Resources Department. If information in this handbook and the summary plan descriptions contradicts information in these master contracts or master plan documents, the master contracts/documents shall govern in all cases.

For more complete information regarding any of our benefits programs, please contact the Research Foundation Human Resources Department. Benefit plan descriptions are also published on the Research Foundation website <http://www.researchfoundation.odu.edu/hr/hr.htm>.

ELIGIBILITY TO PARTICIPATE IN BENEFITS PROGRAMS

An employee's eligibility to participate in various benefits programs is determined by their type of employment status and length of service. For a summary please see Benefits Guide in Section 2 – Employment.

ALL EMPLOYEE PROGRAMS AND BENEFITS

All employees are eligible for the following benefits and programs:

- **Workers' Compensation Insurance**
- **Return to Work Program**

- **Unemployment Compensation (Excludes GRA's)**
- **FICA /Social Security**
- **Tax-Sheltered Retirement Plan**
- **Credit Union**
- **Fundraising Campaigns**

WORKERS' COMPENSATION INSURANCE, REPORTING & MEDICAL TREATMENT

Research Foundation employees are provided workers' compensation insurance in accordance with state or applicable federal law. The Research Foundation pays the cost of the insurance plan. Workers' compensation insurance covers employee injuries or illnesses arising out of, and in the course of, employment. The insurance carrier will determine whether the injury or illness is covered under provisions of applicable law and the insurance policy.

Workers' compensation insurance provides for partial salary continuation in the event of a work related accident or illness. The amount of benefits payable and the duration of payment depend on the nature of the injury or illness. Workers' compensation leave may also be used while on an approved Family Medical Leave Act (FMLA) qualified leave as described in the FMLA policy.

Accident Reporting

Any employee who is injured, or becomes ill, on the job, must immediately report such injury or illness to his/her supervisor and the Research Foundation Human Resources Department. This ensures the Research Foundation can assist in obtaining appropriate medical treatment. Failure to follow this procedure may result in the appropriate workers' compensation report not being filed in accordance with the law, which may jeopardize a claim for benefits in connection with the injury or illness. Forms for reporting injuries may be obtained in the Research Foundation Human Resources Department. If unable to fill out an injury report due to the nature of the injury, contact the Research Foundation Human Resources Department for assistance. The employee or his supervisor must notify the Research Foundation Human Resources Department of any such injury or illness by phone no later than the next scheduled workday.

Emergency Medical Treatment

An employee who is injured or becomes ill in a manner requiring emergency treatment ***should obtain immediate medical treatment from the nearest treatment facility or emergency room.*** The

supervisor and the Research Foundation Human Resources Department should be notified as soon as possible the employee has been transported for medical treatment. A listing of local area treatment facilities is published under “Human Resources” on the Research Foundation website: <http://www.researchfoundation.odu.edu>.

Non-emergency Medical Treatment

An employee should report a non-emergency injury or illness to his/her supervisor and the Research Foundation Human Resources Department before being referred for medical treatment. A listing of local area treatment facilities is published under Human Resources on the Research Foundation website <http://www.researchfoundation.odu.edu>.

Physicians - Injured employees must select a treating physician from a panel of approved physicians. Contact the Research Foundation Human Resources Department for the names and locations of approved physicians.

Prior to returning to work, the employee must obtain a medical release which specifies any restrictions.

Use of Accrued Leave By Regular Status Employees and Postdoctoral Associates

Beginning the day following a work-related injury or illness, employees who are eligible for paid leave will be paid accrued sick or vacation leave for each full work day absent during the first seven (7) calendar days not covered by workers' compensation insurance. Beginning on the eighth (8th) calendar day, the employee will be paid accrued sick or vacation leave to compensate for the difference between workers' compensation and normal take-home pay. Accrued leave will be used automatically unless an employee requests and is approved for leave without pay (LWP). When all available accrued leave is used, an employee enters leave without pay status. Under the Virginia Workers' Compensation Act, if the absence exceeds 21 calendar days, workers' compensation insurance retroactively covers the first seven (7) calendar days. If accrued leave had been used to cover this period, the employee may elect to buy back leave used. Workers' Compensation provisions will vary for injuries and occupational illnesses covered under the laws of other states and under various federal acts. Contact the Research Foundation Human Resources Department for more information.

RETURN TO WORK FROM ACCIDENT OR ILLNESS

It is the policy of the Research Foundation to offer return-to-work in a restricted, light, or modified duty capacity to employees who are not able to perform the full duties of their position. This policy applies to both work related and not work related injuries or illnesses.

Employees who have been released by their treating health care provider to return to work after an accident or illness should contact their supervisor and provide to the Human Resources Department written documentation from their health care provider of the release to return to work and any restrictions imposed by their treating provider(s). The Human Resources Department in conjunction with the supervisor will make a determination on the availability of restricted, light, or modified duty for the employee.

UNEMPLOYMENT COMPENSATION

Eligibility for unemployment compensation is governed by state law. An employee may be qualified for unemployment benefits in Virginia if out of work due to no fault of his own. Contact the nearest office of the employment service (Virginia Employment Commission) to apply for unemployment. Services performed by GRAs are not considered as "employment" for purposes of unemployment insurance in Virginia.

FICA / SOCIAL SECURITY

The employee's share of FICA taxes (Social Security) is withheld from each paycheck. University students working as casual student employees or GRAs who are enrolled in the required number of credit hours may be exempt from FICA withholdings. Non-resident alien employees on a non-immigrant visa may qualify for FICA and federal tax treaty exemptions.

TAX-SHELTERED RETIREMENT PLAN (403 b)

The Research Foundation has established a retirement investment program to assist you in your post-employment years. **All employees are eligible to participate in the Old Dominion University Research Foundation Tax-Sheltered Retirement Plan by making elective deferral contributions.** Employees may elect to make pre-tax elective deferral contributions through the designated provider, Principal Financial Group, into accounts established for their retirement. Employees are encouraged to begin planning for retirement early in their career so benefits from the federal government's social security program and income from personal investments can grow together to provide future financial security. To receive a summary plan description booklet or copy of the full plan

document describing the plan in more detail, please contact the Research Foundation Human Resources Department.

CREDIT UNION

Research Foundation employees are eligible to participate in the Old Dominion University Credit Union which is located at 2701 Hampton Blvd., Norfolk, VA. The Credit Union offers direct deposit and employees can pay loans or deposit savings by payroll deduction. For additional information contact the Credit Union at (757) 533-9308.

FUNDRAISING CAMPAIGNS

Employees are encouraged to participate in the Combined Charitable Campaign and ODU Capital Campaign. An employee may voluntarily contribute by payroll deduction or directly to the campaign(s).

ADDITIONAL BENEFIT PROGRAMS FOR ELIGIBLE EMPLOYEES

Eligibility restrictions apply to participate in the following benefits and programs:

- Qualified Nonelective Contribution or Contribution in Lieu of Retirement
- Health, Vision, and Dental Insurance
- COBRA
- COBRA Premium Reduction
- Employee Assistance Program
- Life Insurance (with AD&D)
- Optional Life and AD&D
- Long Term Disability
- Salary Continuation (STD)
- Section 125 Cafeteria Plan
- Education Assistance Plan
- University ID Card

QUALIFIED NONELECTIVE RETIREMENT CONTRIBUTION

Regular status employees and eligible temporary status employees hired beginning 2009 who meet eligibility criteria specified by the OLD DOMINION UNIVERSITY RESEARCH FOUNDATION TAX-SHELTERED RETIREMENT PLAN (the plan) receive an 11% Qualified Nonelective Deferral Contribution. This contribution is calculated on base pay only exclusive of overtime, supplemental

compensation, or other additions to base pay. This contribution is made each payroll period directly into the retirement plan. Participants may elect to make additional elective deferral contributions to the retirement plan. All funds are 100% vested. Participants may choose to put funds into a wide variety of investment options offered through the Principal Financial Group.

Temporary status employees hired beginning January 1, 2009 may become eligible for non-elective deferral contributions to the Old Dominion University Research Foundation Tax-Sheltered Retirement program by meeting eligibility criteria specified by the retirement plan document. For eligibility information contact the Human Resources Department.

CONTRIBUTION IN LIEU OF RETIREMENT

Regular status employees hired before 2009 and Highly Compensated Employees or Deemed Highly Compensated Employees hired beginning 2009 and after receive an additional 11 percent of their base pay (exclusive of overtime, supplemental compensation, or other additions to base pay) as a contribution in lieu of receiving the Qualified Nonelective Contribution from the Research Foundation. The additional salary provided by this contribution may be invested in whole or part through the OLD DOMINION UNIVERSITY RESEARCH FOUNDATION TAX-SHELTERED RETIREMENT PLAN or may be received as taxable income. Contact the Research Foundation Human Resources Department for more information.

HEALTH, VISION, AND DENTAL INSURANCE

The Research Foundation offers health, vision, and dental insurance options to all regular status employees, postdoctoral associates, and eligible dependents. Cost varies by plan and level of dependent coverage selected. An employee and qualified dependents must enroll in health coverage to receive vision insurance. Dental insurance may be elected independent of participation in the health plan. Contact the Research Foundation Human Resources Department for information on rate structures and options.

Coverage begins on the date of hire if hired between the first (1st) and tenth (10th) of the month. If hired after the tenth (10th) of the month, coverage becomes effective the first (1st) of the following month. Coverage under these plans normally terminates at the end of the month in which your employment with the Research Foundation

terminates (see COBRA for additional information on extension of coverage options). For further details regarding health and dental coverage, consult the summary plan description booklets or contact the Research Foundation Human Resources Department.

The type of coverage selected cannot be changed until the next annual open enrollment period, unless the election change is made within 30 days of a “change in status” and is consistent with the change in status. Change in status provisions are detailed in the Foundation’s Section 125 cafeteria plan. (See “Section 125 Cafeteria Plan Options” later in this section for details)

New employees eligible for benefits who do not make an election for themselves and their eligible dependents to participate within 31 days of employment must wait until the next election period or qualifying change in status to participate.

CONTINUING HEALTH / DENTAL COVERAGE (COBRA)

Employees who resign, are terminated from the Research Foundation's employ (for other than gross misconduct), or whose work hours are reduced, and this event makes the employee or dependents no longer eligible to participate in one of the group health, dental, and vision insurance plans, may have the right to continue to participate for up to 18 months at personal (or dependents') expense under COBRA provisions. If the employee is determined to be disabled under the Social Security Act at the time of termination or reduction in hours occurs or within 60 days of these events, the employee may be entitled to continuation coverage for up to 29 months.

Eligible dependents may also extend coverage, at their expense, for up to 36 months in the group health and dental insurance plans in the event of the employee's death, divorce, legal separation, or enrollment for Medicare benefits, or when a child ceases to be eligible for coverage as a dependent under the terms of the plan. The 18 month continuation coverage period provided in the event of termination or reduction in working hours may be extended to 36 months for the employee's spouse and dependent children if, within that 18 month period, the employee dies or becomes divorced or legally separated, or if a child ceases to have dependent status. In addition, if the employee enrolls for Medicare during the 18 month period, the spouse and dependent children may be entitled to extend

the continuation period to 36 months, starting on the date the employee becomes eligible for Medicare.

In addition to COBRA, medical coverage may be extended to 24 months for employees who are absent from work because of duties in the armed services of the United States as specified by the Uniformed Services Employment and Reemployment Act (USERRA).

Conversion of coverage under COBRA or USERRA is not automatic. The employee and the employee's spouse and covered dependents must make an affirmative election of coverage before coverage will begin. If the employee or eligible dependents elect to continue as members of the Research Foundation's plans, they will be charged the applicable premium charged by our carriers. The premium is subject to change if the rates being charged increase or decrease. If this election for continuation coverage is made, the employee has the right to convert this coverage to an individual policy with the insurance carriers at the end of the continuation period.

Continuation coverage may end, however, if any of the following events occur:

- failure to make timely payments of all premiums;
- assumption of coverage under another group health plan, which does not exclude or limit coverage provided to you due to a preexisting medical condition unless the preexisting condition does not apply due to the Health Insurance Portability and Accountability Act; or
- the Research Foundation's termination of its group health plans. If enrolled for Medicare, the employee will no longer be eligible for continued coverage, but, as noted earlier in this statement, the spouse and dependent children may be entitled to extend their continuation coverage.

The Research Foundation Human Resources Department will contact the employee concerning these options at the time termination occurs or work hours are reduced. The Research Foundation Human Resources Department will contact the qualified beneficiaries in the event of death or enrollment for Medicare benefits. However, in the event that the employee becomes divorced or legally separated, or one of the dependents ceases to be eligible for coverage under our group health insurance plans, the employee and/or dependent is responsible for contacting the Research Foundation Human

Resources Department to discuss continuation/conversion rights. The employee and qualified beneficiaries are also responsible for notifying the Research Foundation Human Resources Department within 60 days of qualifying for Social Security disability benefits.

For further details regarding continuing or converting group health insurance benefits, please contact the Research Foundation Human Resources Department. Employees are responsible for updating information on covered dependents with the Research Foundation Human Resources Department.

COBRA PREMIUM REDUCTION

A special program made available by the federal government in 2009, may qualify you for a reduction in your COBRA premiums. If you lost your job on or after September 1, 2008 and prior to December 31, 2009 you may be eligible for a 65 percent reduction in your COBRA premiums for up to 9 months. For more information and the latest information on premium reduction programs currently available, if any, please contact the Human Resources Department or contact the U.S. Department of Labor's Employee Benefits Security Administration at 1-866-444-3272 or visit www.dol.gov/COBRA.

EMPLOYEE ASSISTANCE PROGRAM

An Employee Assistance Program (EAP) is available to provide employees with confidential and professional assistance in dealing with a broad range of life issues. Regular status employees, postdoctoral associates, and their dependents are eligible for short-term counseling and referral services.

The Research Foundation provides the EAP at **no cost to employees**. The initial consultations and short-term counseling are free. Referrals for additional professional consultations may be made by the EAP at the expense of the individual or their health insurance depending upon coverage. The EAP is not intended to interfere with the personal lives of employees and is strictly confidential to the maximum possible extent.

The EAP is a third-party program. Brochures about the EAP program are available in the Research Foundation Human Resources Department. Information about the Employee Assistance Program (EAP) is available on the Human Resources section of the Research Foundation website at: <http://www.researchfoundation.odu.edu>.

LIFE INSURANCE

The Research Foundation provides life insurance to all regular status employees and postdoctoral associates at no cost to the employee. The amount of the coverage is equal to two times the annual base salary, excluding the 11 percent contribution in lieu of retirement or qualified nonelective deferral, if provided, rounded up to the next thousand dollars. Coverage for eligible employees will begin on the date of hire if hired between the first (1st) and the tenth (10th) of the month. If hired after the tenth (10th) of the month, coverage will become effective the first of the following month.

The cost to provide life insurance benefits is currently paid completely by the Research Foundation. Coverage under this plan terminates on the date you end employment with the Research Foundation. Life insurance may be converted to individual coverage upon termination. For further details regarding life insurance coverage, consult the summary plan description booklet or contact the Research Foundation Human Resources Department.

Changing Beneficiaries – An employee may change beneficiaries at any time and is advised to regularly check beneficiary designations and to keep them current. Insurance benefits will go to those people designated as beneficiaries. If your situation changes, such as due to marriage, divorce, or death of a beneficiary, you should check your beneficiary designations and make changes as desired. Changes may be made by filing change of beneficiary information through the Research Foundation Human Resources Department.

OPTIONAL LIFE AND AD&D INSURANCE

Employees eligible for life insurance benefits have the option to buy additional life insurance and additional accidental death and disability insurance (AD&D). Employees pay 100% of the cost of any additional insurance elected through payroll deduction. Eligible employees may purchase up to 5 times salary in increments of \$10,000 not to exceed \$500,000. Employees may also purchase insurance to cover their spouse up to the level purchased for the employee, and for eligible dependent children not to exceed \$10,000. In order to purchase life coverage for a spouse or child, the employee must purchase insurance for themselves. Eligible employees also have the option to purchase similar amounts of Accidental Death & Disability Insurance for their spouse and eligible dependents.

Evidence of Insurability may be required depending on the amount of insurance desired and the timing of the application. A guaranteed amount of issue is available at time of hire and during open enrollment periods. For details and enrollment information contact the Research Foundation Human Resources Department.

LONG-TERM DISABILITY INSURANCE

The Research Foundation provides all regular status employees and postdoctoral associates with long-term disability (LTD) insurance benefits. Coverage for eligible employees will begin on the date of hire if hired between the first (1st) and the tenth (10th) of the month. If hired after the tenth (10th) of the month, coverage will become effective the first of the following month.

Under this program eligible employees who are disabled for more than 90 days because of injury or sickness (in accordance with the definition of "disability" specified in the master insurance contract) are eligible to receive a benefit equivalent to 60 percent of their basic monthly earnings, excluding the 11 percent contribution in-lieu of retirement if provided, to a maximum benefit of \$5,000 per month (less other income benefits). Benefits continue for as long as the qualifying disability continues in accordance with the maximum benefit periods specified in our master insurance contract. Covered employees may elect to use their available paid sick and annual leave benefits in lieu of the LTD benefit program.

Long term disability insurance coverage ends on the last day of a covered employees employment. If an employee is qualified to receive long term disability benefits at time of termination, those benefits may continue as specified by the insurance plan documents.

The cost to provide long-term disability benefits is currently paid completely by the Research Foundation. For further details regarding long-term disability coverage, consult the summary plan description booklet or contact the Research Foundation Human Resources Department.

SALARY CONTINUATION (SHORT TERM DISABILITY)

The Research Foundation provides all regular status employees and postdoctoral associates with salary continuation (short-term disability - STD) benefits. Coverage for eligible employees will begin on the date of hire if hired between the first (1st) and the tenth (10th) of the month. If hired after the tenth (10th) of the month, coverage will become effective the first (1st) of the following month.

Under this program, eligible employees who are disabled for more than 30 days because of injury or sickness (in accordance with the definition of "disability" specified in the long-term disability master insurance contract) are eligible to receive a benefit equivalent to 60 percent of their basic monthly earnings (excluding the 11 percent contribution in-lieu of retirement) to a maximum benefit of \$5,000 per month (less other income benefits) upon exhaustion of available paid sick leave balance. Salary continuation benefits continue until the 90 day qualification period for LTD is satisfied in accordance with the periods specified in our master insurance contract. Covered employees may elect to use their available paid sick and annual leave benefits in lieu of the STD benefit program.

The salary continuation benefit is self funded by the Research Foundation. The costs are currently paid completely by the Research Foundation. Eligibility for this benefit program plan terminates as of the last date of employment with the Research Foundation. Any self funded salary continuation benefits being paid terminate as of the last day of employment.

SECTION 125 CAFETERIA PLAN OPTIONS

All regular employees and postdoctoral associates may participate in the Section 125 cafeteria plan. There are two parts to the Research Foundation cafeteria plan: (1) **insured benefit(s)** and (2) **the dependent (child care) reimbursement account**.

Insured Benefits – Participants in the plan are allowed to reduce their taxable gross income by the amount of health and dental insurance premiums they contribute.

Dependent (Child Care) Reimbursement Account – Participants can use pre-tax dollars to pay for dependent care expenses necessary for the employee (and if married, your spouse) to work outside the home.

New employees are eligible to enroll during the initial employment benefits sign-up period. Current employees may make changes

during the annual open enrollment period, typically held in June of each year. Once the plan year begins, elections under the cafeteria plan cannot be changed until the next annual enrollment period or unless you have a qualifying event as specified below:

Changes In Status

- Change in legal marital status, including marriage, death of spouse, divorce, legal separation or annulment
- Change in number of dependents, including a change due to birth, adoption, placement for adoption or death of a dependent
- Termination or commencement of employment by employee, spouse or dependent
- Reduction or increase in hours of employment by employee, spouse or dependent, including a switch between part-time and full-time, a strike or lockout or commencement or return from an unpaid leave of absence
- A dependent satisfying or ceasing to satisfy the requirements for coverage due to the attainment of age, student status or any similar circumstance as provided in the accident and health plan under which the employee receives coverage
- Change in residence or place of work by employee, spouse or dependent
- Revocation or modification of benefits to include significant cost increases or decreases, coverage curtailment, addition or elimination of benefit option, change in coverage or spouse or dependent under other employer's plan.

Election changes must be consistent with Status Change (the election is necessary or appropriate as a result of the Status Change) and must be made within 30 days.

Changes Relating to HIPAA/COBRA:

An election for health insurance may be revoked and a new election made if the new election corresponds with the special enrollment rights under HIPAA and COBRA.

- A Change in Status occurs that results in entitlement to COBRA continuation coverage by employee, spouse or dependent; the Flex Plan election may be increased to pay for the COBRA coverage on a pre-tax basis
- Employee, spouse or dependent becomes entitled to Medicare or Medicaid (other than for pediatric vaccines;) an election to cancel coverage for the employee, spouse or dependent may be made

- This Plan extends benefits to a Participant's non-custodial child, as required by any qualified medical child support order (QMCSO), as defined in ERISA § 609(a). The Plan has detailed procedures for determining whether an order qualifies as a QMCSO. Participants and beneficiaries can obtain, without charge, a copy of such procedures from the Administrator.

Election changes related to HIPPA/COBRA must be made within 30 days.

EDUCATION ASSISTANCE PROGRAM

The Research Foundation has established an educational assistance program to help eligible employees develop their knowledge and skills. All regular status employees are eligible to participate in the program.

Educational assistance is provided for courses offered by approved institutions of learning, such as accredited colleges, universities, trade schools, and vocational schools. Courses must be part of a degree program, or lead to certification, or in the Research Foundation's opinion be reasonably related to your present job or with a position that the Research Foundation believes can be reasonably achieved. Educational assistance is not applicable to instruction of less than three (3) work days or to in-service training. Only one (1) course per semester will be reimbursed. The program will pay for actual costs of tuition up to a maximum amount of four (4) credit hours per semester calculated at the current University in-state tuition rate. Cost of books, lab equipment and fees are not covered by the program. Employees who are eligible for or who are already receiving funding from other sources will not receive educational assistance from the Research Foundation. Assistance is based on the availability of funds. Courses are to be taken on the employee's own time and outside of working hours, unless alternate arrangements are approved by the appropriate supervisor or if the course is required as a condition of employment.

Employees may request reimbursement upon successful completion of the course or advanced payment may be requested. To receive an advance, an employee must complete and forward to his/her supervisor a *tuition advance form* and a *tuition assistance agreement form* before the deadline date of each semester. If approved, the employee will receive an advanced payment loan for the course. The employee must submit an official grade report/transcript within 30 days of the end of the course. A grade of "C" or better for

undergraduate work and "B" or better for graduate work is required to qualify for assistance. If the course is not completed or minimum grade requirements are not met, the employee must reimburse the Research Foundation for the full advance amount. For employees who request reimbursement under this plan, the Research Foundation must pre-approve the course as eligible for reimbursement.

The tax status of educational assistance is determined by federal tax regulations. Contact the Research Foundation Human Resources Department for information, if available, on how taxes will be handled.

UNIVERSITY ID CARDS

Employees may be eligible to obtain a University ID Card. ID cards are not available to temporary employees. University privileges will vary depending on type of employment. Contact the Research Foundation Human Resources Department for more information.

For states and localities such as Maryland and the District of Columbia, that have laws and ordinances governing leave and use of The Family and Medical Leave Act (FMLA) or other human resources policies, the requirements of state and local laws and ordinances shall supersede stated policies described in this handbook.

SECTION 7—LEAVE

LEAVE POLICY

Pay for time not worked is a privilege and a benefit provided to regular status employees and postdoctoral associates of the Research Foundation. Regular status employees and postdoctoral associates are eligible for the following types of paid leave: holiday, annual, sick, bereavement, civil, and military leave. Supervisors are responsible for monitoring, administering, and maintaining the integrity of the Research Foundation's leave policy. **Abuse of leave is grounds for disciplinary action, up to and including termination.**

All leave used must be recorded on a *leave request* form and indicated on the biweekly *time sheet*, as required for hourly paid employees. Time and leave reports must be submitted to the payroll coordinator by the due date for the pay period in which it incurred. Supporting documentation if required (for example: military orders, doctor's certificate, subpoena), should be attached to the *leave request form*. The payroll coordinator verifies and posts leave usage and leave accrual during the payroll process.

HOLIDAY LEAVE

Regular status employees and postdoctoral associates are eligible for paid holidays declared by the Research Foundation each year. A holiday schedule is published each calendar year indicating the specific holidays that will be observed. If a holiday falls on a Saturday, the preceding Friday will be observed; when it falls on a Sunday, the following Monday will be observed.

The Research Foundation follows the holiday schedule approved by the University. The holiday schedule is also posted on the Research Foundation website: www.researchfoundation.odu.edu

RELIGIOUS HOLIDAYS

Supervisors should make reasonable accommodations for the religious holiday needs of employees, unless the leave will result in undue hardship for the department or research foundation operations. Employees should request leave in advance. Time off for religious holidays is charged to the employee's accrued annual, or leave without pay, as appropriate.

EMPLOYMENT DATE FOR BENEFITS AND LEAVE ACCRUAL

The employment date for benefits and leave accrual is the date the employee begins regular status or postdoctoral associate status employment. This date is used to determine length of service for leave accumulation (accrual) and eligibility for health and dental benefits. If an employee's employment type changes from a non-benefited category to regular employee or postdoctoral associate status (eligible for health, vision, dental, and leave accrual benefits), the effective date of the status change will become the employment date for benefits. A special eligibility date will be established when Temporary Status employees become eligible for the Qualified Non-Elective Retirement Contribution based upon eligibility criteria established by the Old Dominion University Research Foundation Tax-Sheltered Retirement Plan.

ANNUAL LEAVE

Leave accumulation (accrual) begins the first day of regular employee or postdoctoral associate status employment. Annual leave accrual is based on the actual number of hours paid up to 80 hours per pay period. Regular status employees and postdoctoral associates are eligible for annual leave accrued according to length of leave eligible service. Maximum carry-over of annual leave at fiscal yearend (June 30) is based on completed years of service.

MONTHS OF LEAVE ELIGIBLE SERVICE	MAXIMUM HOURS EARNED PER PAY PERIOD	MAXIMUM HOURS EARNED PER YEAR	MAXIMUM CARRY-OVER IN HOURS
1 – 48 months	4.62	120	192
49 – 108 months	5.54	144	240
109 – 240 months	6.46	168	288
241 + months	7.39	192	336

The posting of annual leave to an employee's record is done at the end of each pay period. Annual leave is accrued while the employee is receiving workers' compensation. Annual leave is not accrued when an employee is on leave without pay. **Annual leave may not be taken and is not available until posted each payday.**

All leave is only approved as business circumstances permit. The Research Foundation will attempt to grant all eligible employees annual leave at the time they desire to take it. However, the Research

Foundation must maintain adequate staffing of all departments at all times. Where conflicts develop, they will be resolved as fairly as possible. Approval by the supervisor on a *leave request form* is required before taking annual leave. All leave used must be recorded on a *leave request form* and indicated on the employee's time sheet, if required. Supervisors forward to the Payroll Department properly completed *leave request forms* by the due date published for the payroll period in which it occurred. Leave use is recorded in hourly increments rounded to the nearest quarter hour. The minimum use is one (1) hour.

When unusual circumstances make it necessary for an employee to request annual leave time without advance notice, the employee should contact their supervisor for permission within 30 minutes of the beginning of the scheduled workday. Employees who become sick while on approved annual leave may elect to convert all or any part of their annual leave to sick leave by submitting a doctor's medical statement which substantiates the time period of the illness. Normal sick leave provisions apply. Annual leave may also be used while on an approved FMLA qualified leave as described in the FMLA policy. Employees who change from a leave eligible type of employment (Regular and postdoctoral associate) to a non-eligible type of employment (temporary and casual) will no longer be eligible for leave accrual. Existing annual leave balances shall be cashed out or retained for use until exhausted.

Upon termination, leave eligible employees will be paid for available annual leave hours accrued to the date of separation, up to the maximum carry-over limitations based on years of leave eligible service.

SICK LEAVE

Leave accumulation (accrual) begins the first day of regular status or postdoctoral associate status employment. Sick leave accrual is based on the actual number of hours paid, up to 80 hours per pay period. A maximum of 3.69 hours is accrued each pay period. Sick leave accrual does not increase with length of service. There is no maximum limit to the amount of sick leave that regular status and postdoctoral associates may accrue or carry-over at fiscal yearend (June 30). The posting of sick leave to an eligible employee's record is done at the end of each pay period. Sick leave is accrued while the employee is receiving workers' compensation. Sick leave is not accrued when an employee is on leave without pay.

Sick leave may not be taken and is not available until posted each payday. Approval by the supervisor on a *leave request form* is required. All leave used must be recorded on a *leave request form* and indicated on the employee's time sheet, if required. Supervisors forward to the Payroll Coordinator properly completed *leave request*

forms by the due date published for the payroll period in which it occurred. Leave use is recorded in hourly increments rounded to the nearest quarter hour. The minimum use is one (1) hour.

Sick leave may be used in cases of illness, injury, or scheduled medical or dental treatment of the employee or a member of the employee's immediate family (defined as child, spouse, parent, or any person living in the employee's household). Use of sick leave to care for an immediate family member is limited to no greater than three (3) days (24 paid hours maximum) per incident and a total of 48 paid hours per fiscal year. Sick leave may also be used while on an approved FMLA qualified leave as described in the FMLA policy. The 48 hour per year limitation is waived in case of certified FMLA leave to care for an eligible family member. Under an approved FMLA leave, employees may use up to 33 percent of their sick leave balance available at the beginning of the FMLA leave period to care for an immediate family member or up to 48 hours per year, whichever is greater.

A request for sick leave for a non-emergency medical or dental appointment during work hours must be made in advance. Medical and dental appointments should be scheduled so as to minimize disruption to the workplace and time away from work. If at all possible, employees must notify their supervisor within 30 minutes of the beginning of the scheduled work day on each day of absence.

Employees who are on sick leave for more than three (3) consecutive work days and require further treatment must contact the Research Foundation Human Resources Department. When an absence exceeds three (3) work days and extended medical treatment is required, employees should communicate with their supervisor and the Research Foundation Human Resources Department frequently about their health status and anticipated return to work date. For additional information on extended leave for medical reasons, see the FMLA policy.

If an employee becomes ill during the day, the supervisor must be notified before the employee leaves the work site. In case of injury requiring immediate medical treatment, the supervisor should be notified as soon as possible that the employee has been transported for medical treatment. Failure to follow procedures may result in the time missed being treated as unpaid time and result in disciplinary action. The supervisor may require a doctor's medical release to substantiate any use of sick leave.

Employees who are absent for more than three (3) consecutive work days for personal medical reasons must submit a doctor's medical release which states that they are able to return to work and specifies any medical restrictions and limitations. A

supervisor may not allow the employee's return to work without this release. It is the employee's responsibility to obtain and provide specific information from their doctor regarding any restrictions and limitations on work to be performed. Employees with medical restrictions will not be permitted to return to work until it can be determined that suitable work is available within their medical restrictions.

Employees may elect to use accrued sick leave to supplement workers' compensation (see Section 6 – “Workers’ Compensation/Accident Reporting”).

Employees who change from a leave eligible type of employment (Regular and postdoctoral associate) to a non-eligible type of employment (temporary and casual) will no longer be eligible for leave accrual. Existing sick leave balances may be retained for use until exhausted. Employees with over five (5) years employment in a leave eligible status may cash out sick leave based on provisions outlined below for termination.

Upon termination, an employee with over five (5) years employment in a leave eligible status will be eligible for payment of 25% of available sick leave hours accrued to the date of separation, up to \$2,500 maximum.

OPTIONS FOR PREGNANCY LEAVE

For employees expecting a baby there may be paid leave options available for pregnancy leave. A combination of accrued sick leave, annual leave, benefits under the salary continuation (STD) program, or Leave Share Program may be utilized as appropriate, prior to entering a leave without pay status. Six weeks of recovery time following birth is the guideline the Research Foundation will apply to the use of paid sick leave, salary continuation, or leave share program paid time off for most pregnancy leave situations. Each employee’s situation is reviewed based the individual’s own medical condition. Some individuals can work up to time of delivery, others require medical leave prior to the delivery date. Some individuals may not be released at six weeks following birth by their treating physician and will be eligible for an extension. Please contact the Research Foundation Human Resources Department prior to your anticipated delivery date to discuss your paid time off and Family and Medical Leave Act options.

Under federal law the Family and Medical Leave Act provides for up to 12 weeks unpaid leave time for birth, adoption, or foster placement of a child during which continued employment is guaranteed, for eligible employees.

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

Qualifying Exigency Leave - Eligible employees with a spouse, son, daughter, or parent who is on active duty or called to active duty status in the National Guard or Reserves in support of a contingency operation, or who is a retired member of the regular Armed Services, Reserves, or National Guard and called to active duty 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.

Military Caregiver Leave - 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

Depending on the reason for the FMLA 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 due to the serious health condition of the employee, covered family member, or covered service member (Military Caregiver Leave). Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Qualifying Exigency Leave may be taken on an intermittent basis, regardless of medical necessity.

Substitution of Paid Leave for Unpaid Leave

Employees may choose or employers 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 either type of medical 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 medical certification and periodic recertification supporting the need for any type of FMLA 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.

For additional information: 1-866-4US-WAGE (1-866-487-9243)
TTY: 1-877-889-5627 **WWW.WAGEHOUR.DOL.GOV** U.S.
Department of Labor | Employment Standards Administration | Wage
and Hour Division WHD Publication 1420 Revised January 2009

FAMILY AND MEDICAL LEAVE ACT PROCEDURES

The purpose of this procedure is to provide an effective means for administering the FMLA.

Additional Definitions

12-Month Period - is calculated starting from the date the employee begins a FMLA-approved leave. Leave to provide care for the birth, adoption, or foster care of a child must be completed within one (1) year of the birth or placement of the child.

Eligible Employee – see Eligibility Requirements above.

“Covered” or “Immediate” Family Member - the employee’s child, spouse, parent or any person living in the employee’s household.

Child - biological, adopted, or foster child; stepchild, legal ward, or a child for whom the employee has day-to-day responsibility. The child must be under 18 years of age or, if 18 years of age or older, be incapable of self-care.

Covered Service Member – 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 servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retirement list. (See Military Caregiver Leave.)

Eligible Employee for Military Caregiver Leave – the spouse, son, daughter, parent, or next of kin of a covered service member

Next of Kin for Military Caregiver Leave – nearest blood relative other than spouse, parent, son or daughter. Unless the servicemember has designated a blood relative in writing, relatives qualify as next of kin in the following order: blood relatives with legal custody, siblings, grandparents, aunts/uncles, first cousins.

Spouse - the employee's husband or wife.

Parent - the person who acted as the employee's parent when the employee was a child.

Serious Health Condition – see Definition of Serious Health Condition above.

Use Of Paid Leave

When caring for an immediate family member or a covered servicemember, or taking leave for a Qualifying Exigency, under an approved FMLA leave, employees may use up to 33 percent of their sick leave balance available at the beginning of the FMLA leave period. When sick leave hours are no longer available, employees are required to use all annual leave before converting to leave without pay for the remainder of the 12 week period.

When on personal medical leave for an employee's own serious health condition, FMLA eligible employees are required to use all sick leave, then use all annual leave before converting to leave without pay for the remainder of the 12 week period.

Spouses Employed By the Research Foundation

If both spouses work for the Research Foundation, they are entitled to an aggregate of 12 weeks of leave per 12 month period for the birth, adoption, or foster care of a child, or to care for a sick parent. However, if leave is for a seriously ill spouse, child, or for the employee's own serious illness, the husband and wife are each entitled to a 12 week period. In the case of care for a covered servicemember, the husband and wife are entitled to an aggregate of up to 26 weeks of leave per 12 month period.

Employee Responsibilities – See details outlined above Please note FMLA leave may be denied or delayed for employees' unjustified failure to follow notice requirements.

Medical Certification

The Research Foundation may require a request for leave due to a serious health condition be supported by a certification from the health care provider. This includes the employee's, family member's, or covered service member's health care provider. The certification should include the date on which the health condition began and its probable duration. The certification for a family member should include a statement from the health care provider that the employee is needed to care for the family member or covered service member. The medical certification should be provided within 15 calendar days of the request to use FMLA. Failure to provide required medical certification may result in disciplinary action and/or the denial of FMLA leave. The Research Foundation may require a second medical opinion, at its expense, if there is reason to question the original certification. Upon return to work, employees must provide a medical release to their supervisor for personal medical leave.

Intermittent Leave

Under some circumstances, an employee may take leave intermittently (take a day or days periodically when needed), or use leave to reduce the work day, or work week resulting in a reduced work schedule, if medically necessary. The supervisor must approve these variations if the employee is taking leave for the birth, adoption, or foster care placement of a child. The supervisor and employee should agree on work schedules during intermittent leaves or reduced schedule time periods.

For leave related to an employee's serious health condition, or to care for a covered servicemember, the supervisor's consent is not required when an employee needs to use intermittent leave that is medically necessary. Employees are responsible for providing proper notice to the supervisor. The supervisor may request medical certification to verify the actual hours or days missed were medically necessary.

Medical certification for intermittent leave should include the expected dates for, and the planned duration of the medical treatment, as well as a statement confirming the necessity for intermittent leave. The employee may be reassigned to an alternative position that could better accommodate the use of an intermittent leave schedule.

Benefit and Job Protection

The Research Foundation will continue to provide coverage under its group plans during the leave period at the same level and conditions as if the employee had continued to work. The Research Foundation will continue to pay its portion of the health, dental, vision, life and LTD premiums. Sick and annual leave do not accrue while on unpaid FMLA leave.

All applicable insurance premiums that employees are required to pay are due to the Research Foundation by the first of the month for the current month's coverage. Failure to make payment within 30 days will result in termination of coverage.

In most circumstances, an employee who returns from leave under the FMLA will be returned to their same job, or a job with equivalent status and pay, as required by applicable law.

BEREAVEMENT LEAVE

Regular status employees and postdoctoral associates are granted leave of absence with pay not to exceed three (3) working days upon death of an immediate family member.

For purposes of Bereavement Leave, the "immediate family" is defined as the current husband or wife, mother, mother-in-law, father, father-in-law, brother, brother-in-law, sister, sister-in-law, son, son-in-law, daughter, daughter-in-law, grandparent, grandparents-in-law,

grandchild or grandchild-in-law of the employee or the employee's spouse, or any person living in the employee's household.

Employees must request bereavement leave by contacting their supervisor before going on leave. The supervisor may require an employee to submit an obituary and other evidence of relationship to the deceased along with the request for bereavement leave or upon return to work. Approval by the supervisor on a *leave request form* is required. All leave used must be recorded on a *leave request form* and indicated on the employee's time sheet, if required. Supervisors are to forward to the Payroll Department properly completed *leave request form* by the due date published for the payroll period in which it occurred. Leave use is recorded in hourly increments rounded to the nearest quarter hour.

CIVIL LEAVE

Regular status employees and postdoctoral associates are granted a paid leave of absence for required jury duty or for any other required appearance before a court in regard to a matter in which they are not a party. Employees must submit a *leave request form* with a copy of the witness/jury duty summons or other court process attached. For jury duty, employees must submit a statement of time(s) served. Supervisors forward to the Payroll Department properly completed *leave request form* by the due date published for the payroll period in which it occurred. Leave use is recorded in hourly increments rounded to the nearest quarter hour.

Employees must give their supervisor advance notice of the need for time off for jury duty. If employees are dismissed from jury duty before the end of the workday, they must report to their supervisor for instructions on whether to return to work for the rest of the workday.

Regular status employees and postdoctoral associates are paid their normal salary for time spent serving on a jury or for other qualified appearances. Other employees will be on leave without pay. Employees may keep jury pay.

MILITARY LEAVE

Regular status employees and postdoctoral associates who are members of a United States military unit, the National Guard, or Armed Forces Reserves are entitled to leave of absence without loss of service credit, pay, or benefits for such time as they are in active military service or reserve duty, to a maximum of 15 work days in any one calendar year.

Eligible employees must submit a *leave request form* with a copy of the active duty order **prior** to duty. Employees ordered to emergency duty, must supply supportive documentation upon return to work to

verify the use of military leave. Supervisors forward to the Payroll Department properly completed *leave request form* by the due date published for the payroll period in which it occurred.

The employee may elect to take annual leave or leave without pay and keep their military pay; or may relinquish their military pay to the Research Foundation and receive their normal pay from the Research Foundation. Payment of an employee's share of insurance premiums will continue to be the employee's responsibility. **Employees anticipating military leave should contact the Research Foundation Human Resources Department to discuss their pay options.**

USERRA

The Uniformed Services Employment and Reemployment Rights Act (USERRA) protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service. USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services.

If you are eligible to be reemployed, you must be restored to the job and benefits you would have attained if you had not been absent due to military service, or, in some cases a comparable job, in accordance with applicable law.

You have the right to be free from discrimination and retaliation if you are a past or present member of the uniformed service; have applied for membership in the uniformed service; or are obligated to serve in the uniformed service. Then an employer may not deny you initial employment; reemployment; retention in employment; promotion or any benefit of employment because of this status. In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA rights, including testifying or making a statement in connection with a proceeding under USERRA, even if that person has no service connection.

If you leave your job to perform military service, you have the right to elect to continue your existing employer-based health plan coverage for you and your dependents for up to 24 months while in the military. Even if you don't elect to continue coverage during your military service, you have the right to be reinstated in your employer's health plan when you are reemployed, generally without any waiting periods or exclusions (e.g. pre-existing condition exclusions) except for service –connected illnesses or injuries.

The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations. For assistance in filing a complaint, or for any

other information on USERRA, contact VETS at 1-86604-USA-DOL or visit its website at <http://www.dol.gov/vets>. An interactive online USERRA Advisor can be viewed at <http://www.dol.gov/elaws/userra.htm>.

If you file a complaint with VETS and VETS is unable to resolve it, you may request that your case be referred to the Department of Justice for representation. You may also bypass the VETS process and bring a civil action against your employer for violations of USERRA.

EMERGENCY / DISASTER / PUBLIC HEALTH EMERGENCY LEAVE

Regular status employees and postdoctoral associates who are eligible for paid leave may be granted up to 80 hours of paid leave annually if they are called away from their regular jobs to provide specific kinds of emergency services during defined times of state and/or national disaster. This policy also permits up to 80 hours of paid annual leave annually to employees who are victims of disasters. This policy also provides eligible employees up to 80 hours of paid leave per year to attend to their own and immediate family member medical needs when Communicable Disease of Public Health Threat conditions as defined in Section 32.1-48.06 *et. Seq Code of Virginia* have been declared.

The Research Foundation will not pay for expenses related to providing emergency services, such as travel, food, or lodging, or pay for expenses incurred by the employee in recovering from the personal effects of a disaster, or on leave for a public health emergency.

An approved eligible employee shall continue to receive his or her normal salary and benefits for up to 80 hours while using approved Emergency/Disaster/Public Health Emergency leave. For details or to obtain required approval contact the Human Resources Department. Criteria shall be as established by the Commonwealth of Virginia Human Resource Policy 4.17 Emergency / Disaster Leave and by Policy Number 4.52 Public Health Emergency Leave. See <http://www.dhrm.state.va.us/hrpolicy/policy.html> .

LEAVE WITHOUT PAY

Leave without pay (LWP) may be granted in emergency situations when all other leave has been exhausted or when you are not eligible for other types of leave. In exceptional circumstances, an employee may be granted leave without pay and be allowed to retain his/her earned leave balances with the approval from the Human Resources Department. If an employee takes leave without pay for personal

reasons, he/she can continue to get health insurance benefits by paying the group premiums, both the employer and employee portions. The FMLA requires that eligible employees be given up to 12 weeks of job protected leave for certain reasons. If an employee takes leave that is covered by the Family and Medical Leave Act, the employee only pays his/her employee portion of the health insurance premiums. (See FMLA in this section.) Leave without pay requests must be coordinated with your supervisor and the Research Foundation Human Resources Department. No paid leave of any type accrues during leave without pay status.

VOLUNTARY ADMINISTRATIVE LEAVE OF ABSENCE

Except for a qualified FMLA situation, a voluntary administrative leave of absence without pay is an option offered only when it is determined that granting such a leave will be of significant benefit to the Research Foundation and the requesting employee. Employees should contact their supervisor to request consideration. A leave of absence without pay requires approval of the supervisor, the Research Foundation Executive Director, and the Research Foundation Human Resources Department. An employee must use all accrued annual leave prior to taking leave without pay. Sick leave balances will remain on the books. In exceptional circumstances, an employee may be granted leave without pay and be allowed to retain his/her annual leave balances with the approval from the Human Resources Department.

LEAVE SHARE PROGRAM

The Research Foundation offers regular status employees and postdoctoral associates who have been continually employed by the Research Foundation for six (6) months a leave share program. The program permits one Research Foundation employee to voluntarily donate their **annual leave** to another Research Foundation employee who may need additional leave as a result of a qualifying medical condition.

To be eligible for donated leave, the medical condition of the employee (or a qualifying dependent) requires physician certification and approval of the Research Foundation. The program requires the employee, as a result of the medical condition be absent from duty **without pay** (the employee must exhaust all sick and annual leave) for a prolonged period of time. It is the responsibility of the employee to provide the required physician's certification and projection of the expected duration of the medical condition.

Employees seeking donated leave need to initiate a formal request by contacting the Research Foundation Human Resource

Department and obtain and complete the *leave share recipient application form*. Upon receipt of a completed application form and the physician's certification, the Research Foundation will communicate an approved request to all regular employees. The Research Foundation makes no assurances that all possible donors will receive the communication nor are there any assurances that there will be employees willing to donate their annual leave.

Employees wishing to donate annual leave to a specific employee should contact the Research Foundation Human Resource Department to obtain and complete the approved *donor form*. Donors may donate any number of hours, in eight (8) hour increments, until their own annual leave balance reaches zero.

HANDBOOK ACKNOWLEDGMENT PAGE

I understand the information in the Research Foundation's handbook represents guidelines only and the Research Foundation reserves the right to modify this handbook or amend or terminate any policies, procedures, or employee benefit programs whether or not described in this handbook at any time, or to require and/or increase contributions toward these benefit programs.

I understand this handbook is not a contract of employment, expressed or implied, between me and the Research Foundation and I should not view it as such or as a guarantee of employment for any specific duration. Employment by the Research Foundation is at will, at the mutual consent of each party.

I further understand no manager or representative of the Research Foundation, other than the Executive Director has any authority to enter into any agreement guaranteeing employment for any specified period of time. I also understand any such agreement, if made, shall not be enforceable unless it is in a formal written agreement signed by both me and the Executive Director of the Research Foundation.

I understand and agree this revised version of the Research Foundation's handbook supersedes all prior versions that have been issued by the Research Foundation and that it became effective on July 1, 2009.

Employee's Signature _____

Print Name of Employee _____

Date _____

Signature of Management Witness _____

Print Name of Management Witness _____

Date _____

TYPE OF EMPLOYMENT (Check One)

Regular Faculty Casual Student Temporary

Postdoctoral Associate Graduate Research Assistant