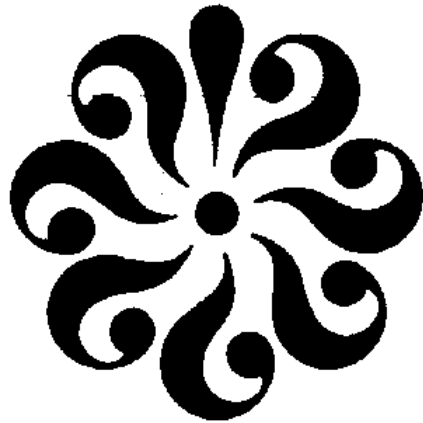


# **Old Dominion University Research Foundation**



Employee Handbook  
*Revised July 1, 2002*

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 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.

This handbook supersedes any previous handbook or unwritten policies of the Old Dominion University Research Foundation (the Research Foundation).

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 Human Resources Department for assistance.

The Research Foundation website at [www.researchfoundation.odu.edu](http://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.

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Ruth B. Smith  
Executive Director  
July 1, 2002

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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 HUMAN RESOURCES DEPARTMENT**

The 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 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 company documents or oral or written statements issued by any company representative, with the exception of written employment contracts signed by the executive director.

### **EQUAL EMPLOYMENT OPPORTUNITY / AFFIRMATIVE ACTION**

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, status as a Vietnam-era or special disabled veteran, sexual orientation, political affiliation and in accordance with applicable federal laws. 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. To ensure that this expectation is carried out, Research Foundation will:

- recruit, hire, train, and promote persons in all job classifications, without regard to race, color, religion, sex, national origin, age, disability, status as a Vietnam-era or special disabled veteran, sexual orientation, or political affiliation;
- base all employment decisions so as to further the principles of equal employment opportunity;
- ensure promotion decisions are made in accordance with equal employment opportunity principles by imposing only valid requirements for promotional opportunities;
- ensure all personnel actions, including but not limited to compensation, benefits, transfers, layoffs, recall, and other terms and conditions of employment will be administered in accordance with all applicable laws, directives, and regulations of federal and state entities.

To further the principle of equal employment opportunity (EEO) for all, the Research Foundation has developed affirmative action plans (AAP) for minorities and women, individuals with disabilities, and Vietnam-era and special disabled veterans. These plans, or relevant portions of them, are available for your inspection, upon request. Please ask a member of the Human Resources Department for information regarding these plans. The Research Foundation expressly prohibits any form of unlawful employee harassment based on race, color, religion, sex, national origin, age, disability, status as a Vietnam-era or special disabled veteran, sexual orientation, political affiliation, or status in any group protected by state or local law in every location in which the Research Foundation regularly employs individuals. Improper interference with the ability of the Research Foundation employees to perform their expected job duties is not tolerated.

Additionally, to carry out this commitment to our EEO/AAP, we have designated the director of the Human Resources Department as the Research Foundation's EEO/AAP coordinator. He/she will have the responsibility to develop and thereafter maintain the necessary programs, records, and reports to comply with all government regulations and with the goals and objectives of our EEO/AAP program. 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 Human Resources Department.

#### **Administration of the Complaint Procedure**

The director of the Human Resources Department will administer the complaint procedure and will maintain all records resulting from a complainant's use of the procedure. The director of the Human Resources Department 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** - Both parties to the complaint shall attempt to affect a resolution of the complaint through informal discussions. The director of the Human Resources Department 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 a discrimination complaint procedure by filing a written statement with the director of the Human Resources Department.

**Time for Filing a Complaint** - The written statement must be filed within 120 days of the date upon which the action described in the complaint occurred or the final decision was made after an administrative review of the action, whichever was later.

**Response to the Complaint** - If the director of the Human Resources Department determines the written statement is complete and is a timely filed discrimination complaint, the director of the Human Resources Department will notify the supervisor of the respondent. The respondent may respond in writing to the discrimination complaint. However, the director of the Human Resources Department must receive the respondent's written response within ten (10) days of the respondent's receipt of notice. In the written response, the respondent may ask for an opportunity to resolve the complaint through discussions. If the respondent should ask for an opportunity to discuss the matter, the director of the Human Resources Department will take no further action on the complaint for a period of ten (10) days from the date of the director's receipt of the written response so as to provide that opportunity.

### **NONDISCRIMINATION AGAINST AND ACCOMMODATION OF INDIVIDUALS WITH DISABILITIES**

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

- ensure qualified individuals with disabilities are treated in a nondiscriminatory manner in the pre-employment process and employees with disabilities are treated in a nondiscriminatory manner in all terms, conditions, and privileges of employment;
- administer medical examinations to employees only when justified by business necessity (e.g., a second medical opinion or a fitness-for-duty exam);
- keep all medical-related information confidential in accordance with the requirements of the ADA 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. 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 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, with the anticipated duration of employment in the position for six (6) consecutive months or more by the employing unit.\* 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 six (6) months or more. Regular status employees, as are all Research Foundation employees, are employed "at will." Competitive recruiting through Research Foundation process is required.

**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 can not 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 employees receive legally required benefits, where applicable (see "Benefits Guide," pg. 10). Competitive recruiting through Research Foundation process is required for positions exceeding 60 days in duration.

### **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.

**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.

**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 perform 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).

**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. SSRPs are employed “at will,” unless their appointments are reduced to writing in an employment agreement signed by the executive director.

**Postdoctoral Associates** - Postdoctoral associates are individuals 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 health and dental insurance, leave benefits and legally required benefits, where applicable (see “Benefits Guide,” pg. 10). Postdoctoral associates are employed “at will”, unless their appointments are reduced to writing in an employment agreement signed by the executive director. Competitive recruiting through the Research Foundation or University recruiting process is required.

**\*NOTE:** An employing unit is a PI, 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

	REG & SSRP	TEMP	CASUAL STUDENT	GRA	FACULTY	POST DOC
<b>GENERAL</b>						
Workers Comp	X	X	X	X	X	X
Unemployment	X	X	X		X	X
FICA/Social Security	X	X	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
Contribution in Lieu of Retirement	X					
<b>INSURANCE</b>						
Health	X					X
Dental	X					X
Employee Assistance Program	X					X
Life	X					
Long Term Disability	X					
Salary Continuation (STD)	X					
<b>CAFETERIA PLAN OPTIONS</b>						
Insured Benefits (Pre-Tax)	X					X
Dependent (Child Care) Reimbursement Account	X					X
<b>TUITION ASSISTANCE</b>						
Educational Assistance Program	X					
<b>LEAVE</b>						
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.

## **LIFE THREATENING OR CONTAGIOUS ILLNESSES**

The decision on whether and when to disclose the diagnosis of a life-threatening or contagious illness to others is a very personal one for the individual. The decision rests solely with the employee. However, in order to provide benefits and leave information, or to make a request for reasonable accommodation, an employee may contact the Research Foundation's Human Resources Department. The notification may include a physician's statement concerning work restrictions or accommodations required. Communication concerning an employee's life-threatening or contagious illness will be kept strictly confidential, this includes any medical, benefits, or personnel information. Employees who are concerned about potentially contagious illness in the work place are encouraged to contact the Human Resources Department for additional information.

The Research Foundation recognizes employees with a life-threatening or contagious illness may wish to continue their employment and, in fact, continued employment may be therapeutically important to their recovery process. The Research Foundation also recognizes it must satisfy its legal obligation to provide a safe work environment for all employees, customers, and other visitors to our premises. Employees may continue to work as long as they are able to maintain acceptable performance standards in accordance with Research Foundation policies and procedures, funding permitting. This is contingent upon the weight of medical evidence indicating the illness cannot be transmitted by casual workplace contact. In determining the ability of an employee with a life threatening illness to continue their employment, the Research Foundation will consider making reasonable accommodations to the employee's condition, consistent with applicable federal, state, and local laws.

## **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.

In certain instances, the Research Foundation recognizes it may be beneficial for a principal investigator or unit manager to employ members of their immediate family on a project. In these situations, the principal investigator or unit manager must obtain prior 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.

## **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 International Student and Scholar Services, Dragas International 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 Human Resources Department. Current employees interested in applying for a listed position vacancy should complete an application for employment and forward it to the Human Resources Department. Current employees who apply for a posted vacancy are subject to the same screening, referral, and selection process as outside applicants.

## **REQUESTS FOR PERSONNEL 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 Human Resources Department. Supervisors may review their employees' records. Information regarding position, job classification, and hire date is available on request. Requests for any other personnel information will require written authorization and waiver from the subject employee. Telephone inquiries and verification requests will not be honored.

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

## **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 and other significant personal data to the Human Resources Department as soon as possible.

## **EXIT INTERVIEWS**

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 5 - Benefits." Employees who wish to provide feedback about their employment experience at the Research Foundation are encouraged to do so during the exit interview.

## SECTION 3 – RULES & 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 rules and regulations of the Research Foundation. This list should not be viewed as being all-inclusive. Types of behavior and conduct that the Research Foundation considers inappropriate and which could lead to disciplinary action up to and including termination of employment without prior warning, at the sole discretion of the Research Foundation, include, but are not limited to, the following:

- falsifying employment or other Research Foundation records;
- violating Research Foundation's nondiscrimination or unlawful harassment policy;
- 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 from co-workers, customers, clients, or the Research Foundation;
- sabotage, neglect, or damage of Research Foundation property;
- possession, storage or use of any kind of ammunition, firearms, explosives, air rifles or air pistols, unless authorized by the President of the University (University Policies and Procedures, Sec. 1800);
- 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;
- 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;

- 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, overall, conduct or demeanor becomes unsatisfactory in the judgment of the Research Foundation, based on violations either of the above or 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 six (6) 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**

**Open Door-** 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 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 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 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 to consider the facts, may conduct an independent investigation, and may review the matter with a member of the 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. 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 the decision of the executive director be reviewed. 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 associate vice president of research and graduate studies, 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.

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. 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.

## **CONFLICT OF INTEREST / USE OF COMPANY PROPERTY**

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. Employees are not to accept gifts or gratuities from any firm or person with which the Research Foundation does or may do business. Care must also 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. Employees may not request personal work or services of any Research Foundation office, lab, or employee.

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 Human Resources Department on or before their last day of work, or at any other time as requested by the Research Foundation. Disclosure of any employee's personal

interests in any transactions by Research Foundation investigators and staff employees is required in accordance with the University policy on financial interests in sponsored programs.

## **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. Solicitation and distribution of literature by Research Foundation for sponsored activities such as the Combined Virginia Charitable Campaign and authorized tax sheltered annuity (TSA) agents are excluded from this rule.

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 which 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.

## **SECONDARY EMPLOYMENT**

Research Foundation employees may not pursue outside secondary 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 such employment is considered detrimental to the interests of the Research Foundation. Secondary employment with the same employer is questionable where two Research Foundation employees have a supervisor / subordinate relationship with one another at either employer. Unauthorized secondary employment while on leave status is prohibited.

All secondary employment is subject to review and final approval by the executive director. Notification of secondary employment in memorandum form must be initiated by the appropriate supervisor upon notification from the subordinate employee that he/she is either already engaged in, or is contemplating secondary employment. The memo must be sent to the executive director and will be filed with the Human Resources Department.

If secondary employment 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.

## **SAFETY AND HEALTH**

(Also see Section 5: "Workers' Compensation/Accident Reporting")

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.

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.

### **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, status as a Vietnam-era or special disabled veteran, sexual orientation, political affiliation 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.

Harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward the employee because of the employee's race, color, religion, sex, national origin, age, disability, status as a Vietnam-era or special disabled veteran, sexual orientation, political affiliation or that of the employee's relatives, friends or associates, and:

- has the purpose or effect of creating an intimidating, hostile or offensive work environment;
- has the purpose or effect of unreasonably interfering with the employee's work performance; or
- otherwise adversely affects the employee's employment opportunities.

Employees are prohibited from engaging in any activity which results in 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 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 Deferential, 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, it will be exceedingly difficult to prove a defense on grounds of mutual consent.

If conduct of a sexual nature has occurred, or is occurring, in an apparently consensual romantic or sexual relationship, and if a complaint of sexual harassment regarding such conduct is filed by the employee against the official, then sexual harassment shall be rebuttably presumed when:

- the relationship is between an employee and a Research Foundation official who is in position to supervise the employee or otherwise influence the conditions of the employee's work; and
- the relationship began after the supervisor was in such a position.

Sexual harassment is presumed under such circumstances, because the power differential existing between the supervisor and employee may restrict the employee's freedom to choose to enter into the relationship. In order to rebut the presumption of sexual harassment, the employee or official who is charged with sexual harassment as a result of conduct occurring in a consensual relationship as described above must be prepared to prove, by a preponderance of evidence, the individual claiming sexual harassment entered into the relationship freely and voluntarily.

### **Procedures for Enforcement of the Unlawful Harassment Policy**

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 Human Resources Department. The complaint will be kept confidential to the maximum extent possible. 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.

The Research Foundation prohibits any form of retaliation against any employee for filing a complaint under this policy or for assisting in a compliant investigation. Any person who has been accused of sexual 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.

**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 shall explain 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 official, the accused member, and 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 unlawful harassment, the supervisor/administrator will look at the record as a whole, and at the totality of the circumstances, such as the nature of the sexual 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.

## **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 5 – “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 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. When there is good cause, an employee shall sign consent forms authorizing a medical facility to secure blood, urine, and/or breath 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.

## **COMMUNICATION SYSTEMS AND ELECTRONIC MAIL**

All electronic and telephonic communication systems and all communications and information transmitted by, received from, or stored in these systems ("communication systems") are the property of the Research Foundation. These systems are provided for the convenience of the Research Foundation. Employees of the Research Foundation do not have any personal privacy rights in any matter created, received, or sent from electronic and telephonic systems. The Research Foundation reserves the right to monitor all its communication systems and electronic mail, and all electronic mail is subject to monitoring without notice. Further, the Research Foundation must have access to the entire system for emergencies and maintenance. All communications and electronic mail should be drafted and stored with care.

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, status as a Vietnam-era or special disabled veteran, sexual orientation, or political affiliation. The Research Foundation policy against sexual 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.

## **RESEARCH POLICIES AND INTELLECTUAL PROPERTY**

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 3 – Research" of the University faculty handbook. All employees of the Research

Foundation agree to be bound by University policies and regulations regarding research. For additional information see the University website at: [http://web.odu.edu/ao/research/IP\\_Main.htm](http://web.odu.edu/ao/research/IP_Main.htm).

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 associate vice president for research and graduate studies, 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.

### **Applicability**

This policy applies to all Research Foundation employees, University employees, and may also apply to any individuals who utilize facilities and equipment owned or otherwise made available by the University or the Research Foundation.

### **Ownership of Intellectual Property**

An invention developed by a Research Foundation or University employee shall be the exclusive property of the inventor unless the development or invention is a product of University or sponsored research, or was developed with the significant use of University or Research Foundation employee time, facilities, equipment, or funds. Rights to inventions, which are subject to the terms of an agreement approved by the Research Foundation or the University, will be governed by the terms of the agreement. Nothing contained in this policy shall be construed as prohibiting the acceptance of an agreement that requires a different disposition of patents or patent rights. In the absence of terms in a written agreement signed by the executive director of the Research Foundation governing the disposition of patents, or patent rights, this policy shall apply.

### **Release of Rights to the Inventor**

If the Research Foundation or the University elect not to file a patent application for an invention in which it has a proprietary interest, rights to the invention may be released to the inventor who may file for a patent subject only to restrictions which may be imposed by prior agreement. Such a release of rights must be in writing and signed by all interested parties. Only the executive director may sign a release of rights on behalf of the Research Foundation.

Those inventors, authors or creators subject to the provisions of this policy shall report their inventions and original works of authorship in which the Research Foundation or the University has a proprietary interest to the University designated research officer prior to any public release of the materials.

### **Protection and Commercialization of Inventions**

The Research Foundation or the University, at its discretion, through the designated research officer, may submit any disclosure of a new development or invention in which it has a proprietary interest to a patent management agent for a determination of patentability and commercialization. They may also direct negotiations, through the designated research officer, with profit, non-profit, or governmental entities, desiring to utilize and/or further develop and market an invention in which the University has a proprietary interest. An invention which is the sole property of the inventor normally will not be accepted by the Research Foundation or the University, for review or administration. The inventor, however, may request the Research Foundation or University designated research officer review his or her invention for patentability, in which case the inventor must be willing to assign the rights to his or her invention to the Research Foundation or the University as appropriate.

### **Royalty Distribution**

Where the Research Foundation or the University has a vested interest in a patent or copyright, the inventor, author, or creator and the Research Foundation and the University will share in any royalties received by or on behalf of the University, inventor, author, creator, or Research Foundation, after the deduction of expenses incurred to administer, protect, or develop the invention or copyright. Net royalty payments received by the Research Foundation or the University for intellectual property shall be distributed in accordance with the following royalty calculations, unless governed by a written agreement signed by the executive director of the Research Foundation, which states otherwise:

- Inventors, authors, creators - 50%
- Research Foundation / University - 50%

### **Transfer of intellectual property**

The Research Foundation's Board of Trustees may transfer ownership of any intellectual property in which it claims an interest. Pursuant to Va. Code Ann. § 23-4.4, the University's Board of Visitors or their designees may transfer any interest they possess in patents and copyrights or in materials in which the institution claims an interest under its patent or copyright policy. However, the Governor's prior written approval shall be required for transfers of such property developed wholly or significantly through the use of state general funds and either (i) such property was developed by an employee of the institution acting within the scope of his assigned duties, or (ii) such property is to be transferred to an entity whose purpose is to manage intellectual properties on behalf of the University, or whose purpose is to benefit the University.

### **Dispute Resolution and Right to Appeal**

Individuals covered by this policy shall have the right to appeal the application of this policy regarding ownership, equity, classification, sharing of royalties, disposition, management, or exploitation of any patent or copyright, or any procedure relating thereto, to the University Patent and Copyright Committee.

### **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. Employees shall not 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 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.

## **SECTION 4 - COMPENSATION**

The executive director and the 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**

The Research Foundation endeavors to pay salaries competitive with those paid by other employers in our industry and in the local labor market. The Research Foundation monitors its wage scales for employees to help insure that they are kept in line with local and regional economic conditions. Total compensation at the Research Foundation consists not only of the salary paid but also includes the various benefits offered.

Each regular status position at the Research Foundation has 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, evaluate individual jobs to ensure they are rated and paid appropriately, and review job specifications to ensure they are job related.

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 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.

### **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.

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.

### **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 (all non-exempt employees) is determined by the Research Foundation Human Resources Department in accordance with applicable wage and hour laws

**Overtime eligible classification** - Nonexempt 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. The Research Foundation's pay week begins Sunday at 12:00 a.m. and ends at 11:59 p.m. the following Saturday.

Nonexempt employees who work over 40 hours per 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, nonexempt employees who work unauthorized overtime may be disciplined, up to and including termination.

**Not eligible for overtime** - Exempt employees are paid a fixed salary and perform certain duties and are not required to be 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 positions are typically exempt.

**Please direct any questions regarding your employment classification or exemption status to the Human Resources Department.**

## **SUSPENDED WORKDAY**

In the event of hazardous conditions or circumstances (e.g., heavy snow), the workday may be suspended for the safety of Research Foundation employees. Personal safety is the primary concern, and employees are to use discretion to ensure their safety while en-route to or from work.

The Research Foundation 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.

Employees are responsible for monitoring local radio and TV stations for announcements regarding the University. In addition, the 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.

Regular status employees and postdoctoral associates who are not required to report will be paid their usual salary. Employees on pre-arranged leave will remain on leave for this time. Regular status employees who are required to work and who are eligible for overtime pay (nonexempt), will be paid for time worked plus suspended time awarded to other employees. Regular status employees and postdoctoral associates who are required to work and who are not eligible for overtime (exempt) may be granted time off equal to the hours they worked, at the discretion of the executive director.

Nonexempt 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.

## **TIME / LEAVE REPORTING**

It is the policy of the Research Foundation to comply with applicable laws that require time records to be maintained. Hourly paid employees are required to submit biweekly time sheets. All leave eligible employees (both hourly and salaried) are required to report leave use each pay period by submitting approved leave request forms.

After obtaining supervisor's approval, time sheets and leave request forms 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 on the Research Foundation website <http://www.researchfoundation.odu.edu>. Falsifying a time or leave record is a breach of company 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 on the Research Foundation website <http://www.researchfoundation.odu.edu>.

## **DIRECT DEPOSIT**

Employees may elect to be paid by direct deposit rather than receive a paycheck by mail. Contact the Payroll Department to apply for direct deposit.

## **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 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, casual student employees, and postdoctoral associates 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 a regular status employee 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.

## SECTION 5 – BENEFITS

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.

### 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 annuity programs, and Section 125 cafeteria plan are described more fully in summary plan description booklets, with which are provided once eligible to participate in these programs. 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 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 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 Human Resources Department.

### WORKERS' COMPENSATION / ACCIDENT REPORTING

All the 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.

#### 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 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 Human Resources Department. If unable to fill out an injury report due to the nature of the injury, contact the Human Resources Department for assistance. The employee or his supervisor must notify the Human Resources Department of any such injury or illness by phone no later than the next scheduled workday.

### **Medical Treatment**

**Emergency** - 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 Human Resources Department should be notified as soon as possible the employee has been transported for medical treatment.

**Non-emergency** - Employees should report a non-emergency injury or illness to his/her supervisor and the Human Resources Department before being referred for medical treatment.

**Physicians** - Injured employees must select a treating physician from a panel of approved physicians. Contact the 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.**

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.

### **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. 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.

### **UNEMPLOYMENT INSURANCE**

Eligibility for unemployment insurance 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) are 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.

### **SAVINGS BONDS**

All Research Foundation employees may purchase U.S. Savings Bonds through payroll deduction. Contact the Human Resources Department for more information.

### **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 Human Resources Department for more information.

## **403(b) TAX-SHELTERED ANNUITY PLAN**

The Research Foundation has established a voluntary retirement investment program to assist you in your post-employment years. **All employees are eligible to participate in the Research Foundation 403(b) tax sheltered annuity plan (TSA).** Employees may elect to make pre-tax contributions to purchase individual annuity contracts and custodial accounts through designated providers. 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 describing the plan in more detail, please contact the Human Resources Department.

## **CONTRIBUTION IN LIEU OF RETIREMENT**

Regular status employees receive an additional 11 percent of their base pay (exclusive of overtime or other additions to base pay) as a contribution in lieu of retirement. This contribution may be invested in whole or part through the Research Foundation 403(b) tax sheltered annuity plan, or may be received as taxable income. Contact the Human Resources Department for more information.

## **HEALTH AND DENTAL INSURANCE**

The Research Foundation offers health and dental insurance options to all regular status employees, postdoctoral associates, and eligible dependents. Cost varies by plan and level of dependent coverage selected. Contact the Human Resources Department for information on rate structures and options.

Coverage begins on the date of hire if hired between the first (1<sup>st</sup>) and tenth (10<sup>th</sup>) of the month. If hired after the tenth (10<sup>th</sup>) of the month, coverage becomes effective the first (1<sup>st</sup>) of the following month. Coverage expires the end of the month of termination (see COBRA for additional information). 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 that 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, 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 and dental 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.

Conversion of coverage 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 Human Resources Department will contact the employee concerning these options at the time termination occurs or work hours are reduced. The 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 Human Resources Department to discuss continuation/conversion rights. The employee and qualified beneficiaries are also responsible for notifying the 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 Human Resources Department. Employees are responsible for updating information on covered dependents with the Human Resources Department.

## **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 Human Resources Department. Information about the Employee Assistance Program (EAP) is available on the Research Foundation website at: <http://www.researchfoundation.odu.edu/EAP.htm>.

## **LIFE INSURANCE**

The Research Foundation provides life insurance to regular employees 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, 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. Life insurance may be converted to individual coverage upon termination. Contact the Human Resources Department for details.

The cost to provide life insurance benefits is currently paid completely by the Research Foundation. Coverage under this plan normally terminates on the date your employment with the Research Foundation terminates.

## **LONG-TERM DISABILITY INSURANCE**

The Research Foundation provides all regular status employees 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, 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.

The cost to provide long-term disability benefits is currently paid completely by the Research Foundation. Coverage under this plan normally terminates on the date employment with the Research Foundation terminates. If receiving long-term disability benefits at the time of termination, these benefits continue for as long as the qualifying disability continues, as previously noted. For further details regarding long-term disability coverage, consult the summary plan description booklet or contact the Human Resources Department.

## **SALARY CONTINUATION (SHORT TERM DISABILITY)**

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

The cost to provide salary continuation benefits is currently paid completely by the Research Foundation. Coverage under this plan normally terminates on the date your employment with the Research Foundation terminates.

## 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 until the participant experiences either a **family status change** or a **change in status**.

A **change in status** will allow the employee to make a change to medical and dental insurance. The change in status must result in the employee, spouse or dependent gaining or losing eligibility for coverage and the election change must be consistent with that gain or loss of coverage and must be made within 30 days.

The **change in status** provisions include:

- a change in legal marital status, including marriage, death of spouse, divorce, legal separation, or annulment;
- a change in the number of dependents, including a change due to birth, adoption, placement for adoption, or death of a dependent;
- a termination or commencement of employment by the employee, spouse, or dependent;
- a reduction or increase in hours of employment by the 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 requirement for coverage due to the attainment of age, student status, or any similar circumstances as provided in the accident and health plan under which coverage is received;
- a change in residence or place of work by the employee, spouse or dependent;
- other changes which relate to COBRA, HIPAA, Medicare or Medicaid, or a QMED (qualified medical child support order).

A **family status change** will allow a change to the dependent care election. An election must be consistent with the family status change (the election is necessary or appropriate as a result of the family status change) and must be made within 30 days.

The family status change provisions include:

- marriage;
- birth/adoption of child;
- death of spouse or dependent;
- change from full-time to part-time (or vice versa) by the employee or spouse;
- taking an unpaid leave of absence by the employee or spouse;
- divorce;
- termination or commencement of spouse's employment;

- returning from leave under the Family and Medical Leave Act (FMLA).

## **EDUCATIONAL 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 Human Resources Department for information, if available, on how taxes will be handled.

## SECTION 6 - 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.

Regular status employees and postdoctoral associates are eligible for holiday pay at their normal rate provided that 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. Regular status employees who are eligible for overtime and who are required to work on an observed holiday will be paid a their normal rate for both hours actually worked and the total observed hours for the holiday. Holiday hours are not considered as time worked for purposes of calculating overtime. The holiday schedule is also posted on the Research Foundation website: [www.researchfoundation.odu.edu](http://www.researchfoundation.odu.edu).

### EMPLOYMENT DATE FOR LEAVE ACCRUAL

The employment date for benefits 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). If an employee's employment type changes from a non-benefited category to regular employee or postdoctoral associate status (eligible for benefits), the effective date of the status change will become the employment date for benefits.

### 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 year end (June 30) is based on completed years of service.

YEARS OF LEAVE ELIGIBLE SERVICE	MAXIMUM HOURS EARNED PER PAY PERIOD	MAXIMUM HOURS EARNED PER YEAR	MAXIMUM CARRY-OVER IN HOURS
Up to 4 years	4.62	120	192
5 to 9 years	5.54	144	240
10 to 19 years	6.46	168	288
20+ years	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.

Upon termination, a 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 year end (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. Sick leave may also be used while on an approved FMLA qualified leave as described in the FMLA policy.

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 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 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 5 – "Workers' Compensation/Accident Reporting").

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.

## **FAMILY AND MEDICAL LEAVE ACT**

The Family and Medical Leave Act (FMLA) of 1993 requires the Research Foundation to give eligible employees job-protected leave for the birth, adoption, or foster care of a child; or the serious health condition of the employee or the employee's immediate family member. The purpose of this policy is to provide an effective means for administering the FMLA.

## **Leave Benefit**

Eligible employees are entitled to 12 weeks of leave, paid or unpaid, dependent upon available leave, during any 12-month period for the following circumstances:

- birth, adoption, or foster care of a child;
- serious health condition of an immediate family member;
- serious health condition of the employee.

The 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.

An employee taking leave under the FMLA has a guaranteed right to return to the same job, or a job with equivalent status and pay. Health benefits must continue during leave at the same level and conditions as if the employee had continued to work.

### **Definitions**

**Eligible Employee** - those employed for at least 12 months by the Research Foundation and who have provided at least 1,250 hours of service during the 12 month period before leave is requested.

**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.

**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** - an illness, injury, impairment, or physical or mental condition involving either in-patient care or continuing treatment by a health care provider.

### **Use Of Paid Leave**

When caring for an immediate 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. 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, 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.

### **Employee Responsibilities**

An employee must give 30 day advance notice to the supervisor of the need to take FMLA leave when it is foreseeable for the birth or placement of a child for adoption or foster care, or for planned medical treatment. When it is not possible to give 30 day notice, then the employee must notify the supervisor as early as is practicable (usually within one to two (1-2) working days of when the employee learns of the need for leave).

If an employee takes leave based on planned medical treatment for the employee or the employee's immediate family member, the employee must also make reasonable efforts to schedule the treatment to minimize disruptions to the Research Foundation's operations.

### **Medical Certification**

The Research Foundation will 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 or family 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. 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. 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**

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. 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, 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 health and dental insurance 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, 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.

An employee who returns from leave under the FMLA will be returned to their same job, or a job with equivalent status and pay.

## **BEREAVEMENT LEAVE**

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

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 Human Resources Department to discuss their pay options.**

## **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. The FMLA requires that eligible employees be given up to 12 weeks of leave for certain reasons. (See FMLA in this section.) Leave without pay requests must be coordinated with your supervisor and the 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 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.

## **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.

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.

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, 2002.

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
- Post Doctoral Associate     Graduate Research Assistant