

# **Employee Handbook**

# Preface

All staff members of Swarthmore College are integral to the success of the institution. No matter what position you serve in, each of us contributes something important to making this a successful academic community. While our roles may vary, the basic expectations of the College remain consistent.

**It is expected that all members of the staff observe the following general guidelines:**

- Be committed to the success of the College
- Do your job enthusiastically and to the best of your abilities - hold yourself to high standards
- Treat others with courtesy, respect, and fairness
- Respect the diversity among us
- Strive to grow professionally
- Be honest in communication
- Take responsibility for raising issues and solving problems
- Be thoughtful stewards of the College and its resources
- Acknowledge others for a job well done

**As employees you can expect the following from Swarthmore College:**

- Fair and equitable treatment
- Acknowledgement for a job well done
- Help in achieving professional goals
- Objective feedback regarding performance
- A competitive compensation package, including benefits
- An environment free of discrimination and harassment
- A drug/alcohol-free working environment
- To be listened to with respect
- A response to your concerns

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# Chapter 1: New Employees/Orientation

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## Hire Date

Your hire date is the date you begin regular or limited-term (not temporary) employment with Swarthmore. It is used to determine your length of service for purposes of earning service awards. If you have worked at Swarthmore before but have had a break in service of more than six months, your hire date is the beginning date of your most recent continuous employment with Swarthmore. Special guidelines may apply to individuals who move from regular employment to temporary employment.

## Benefits Eligibility Date

Benefits eligibility is determined by date of hire or transfer into a permanent or limited term position with a .50 FTE or greater. In addition, employees who are not classified as at least a .50 FTE but work at least 1000 hours within 1 year are eligible to participate in the retirement benefit. (FTE stands for full time equivalency and refers to what percent of full time your position equals. For example, if a normal work week is 35 hours, and your job is 17.5 hours per week, your FTE is .5). If you are unsure of your FTE status, please ask your supervisor or Human Resources. If you are hired on the first day or business day of the month, benefits are effective immediately. Otherwise, benefits begin the first day of the following month.

## Identification Cards

All staff members at Swarthmore must have an ID card (One Card) made on their first day of work. Your One Card provides identification and enables you to obtain special services and to use various facilities of the College. You must always carry your One Card when you're on Swarthmore premises and any time you are on College business away from campus. ID cards and badges remain the property of Swarthmore and must be turned in to your supervisor when your employment ends. One Cards are issued through [One Card Office](#) and carry a five-year expiration date. It is recommended you call to make an appointment for ID renewal.

## Campus Parking

All staff members at Swarthmore must apply for a campus parking pass on the first day of employment via the Department of Public Safety. For more information, please visit the [campus parking webpage](#).

## **Orientation and Evaluation Period**

Your first ninety (90) days in your current position are a period of orientation and evaluation. The orientation period should be a time for you and your supervisor to determine if the position is a good match for your skills, as well as the department's needs. Orientation periods may be extended beyond 90 days, depending upon department policies and performance management needs. Please discuss the details of your orientation period with your supervisor or with the Office of Human Resources.

A new employee orientation is held quarterly, providing you an overview of the College's mission, philosophy, communication, methods of operation, important policies as well as employee resources. You will also receive an invitation to a benefit orientation session in the Human Resources Office, held twice each month.

Your orientation within your department begins on your first day. During this period you should work most closely with your supervisor to learn about your position and what is expected of you. As you learn the position requirements, your supervisor will provide you with support, guidance, and feedback.

If you are ever unsure about how to perform a certain duty, or if you feel like you need more help or feedback from your supervisor, please ask. Good communication is one of the most important parts of a successful work relationship.

Below is a useful list of items you may want your supervisor to review with you.

### **A. Tour of the Department**

- coworkers in the immediate work unit
- primary contacts in other work units
- department and campus facilities
- department's history, structure, and objectives
- organizational structure of the campus
- departmental location of any policy and procedure manuals
- departmental information security policy
- staff ID and parking sticker

### **B. Workspace**

- primary work area
- where personal belongings may be kept and College policy about access to College property
- building and/or office access and key policies
- parking access and policies
- equipment or clothing (e.g., uniforms, beepers, pagers, etc.) and responsibility for maintenance
- location of supplies
- telephones (voice-mail, call forwarding, how to handle messages for others)
- computer network (e-mail, homepage on the Web, help desk)
- campus mail and US mail processes for your department
- use of office equipment (computers, copiers, fax machines)
- no smoking policy in/around campus buildings

### **C. Job Responsibilities**

- essential duties and responsibilities, and how they fit into the work unit's objectives

- work unit expectations about attendance & work schedules
- normal work hours and possible variance
- meal and break periods
- overtime and shift expectations
- requesting scheduled time off, and limits during orientation period
- requesting unscheduled time off
- whom to notify and when to call in
- the circumstances under which doctors' statements are required
- expectations about reporting to work during inclement weather
- requesting to leave the job site during work hours
- review work unit expectations about access to and use of department resources
- phones (no personal long distance calls)
- computers (no personal business)
- equipment (tools, supplies, etc.)

#### **D. Other**

- other departmental work rules, and how-to manuals;
- resource person to whom the employee should turn for help, mentoring, or answers to questions
- orientation period and when your performance will be formally evaluated
- safety: how to handle and report on-the-job injuries/accidents, the location of emergency exits, fire extinguishers, and emergency procedures, such as what to do in case of fire

#### **E. Time Reporting and Pay**

- rates of pay for regular, overtime, and shift work as applicable
- reporting of hours worked on a timely and accurate basis, including attendance policies and appropriate reporting deadlines

### **Performance Management During the Orientation Period**

If your job performance during the orientation period is unsatisfactory, your supervisor will give you either oral or written notice of the deficiency and explain how your performance needs to improve in order to continue employment. Your supervisors may also elect to extend your orientation period, to provide additional training, or time to evaluate whether you will be able to meet expectations.

A staff member may be terminated without further notice during the orientation period if he employee fails to meet performance expectations. During the orientation period an employee does not have access to the standard resolution procedure to appeal a disciplinary action or termination, except in cases involving complaints of discrimination (see [Chapter 11](#)).

### **Transfer After Orientation**

You are eligible to apply for transfers after you have been in your position for one year. Any exceptions must be made in consultation with Human Resources. If you are interested in pursuing another position within Swarthmore College, all available positions are posted on the Human Resources website.

## **Personnel Files**

Human Resources maintains your official personnel file. These files are the property of the College. Information related to hiring, transfers, promotions, salary adjustments, disciplinary actions, and termination of employment, as well as other formal correspondence regarding employment at Swarthmore, are kept in personnel files.

Current employees may review their personnel files upon request with advance notice. If you wish to review your personnel file, please call the HR Office to schedule a convenient time. It is important to note that you may not alter or remove documents from the files. If information requires updating or correction, an HR representative will make the alteration.

Personnel files may also be reviewed by administrators in the College with a bona fide need to have access to the information contained in the files. For example, your supervisor or other administrators in your chain of authority, as well as potential new supervisors for positions for which you are applying, may review your central personnel file.

Confidential information, including such things as your reference and background clearances, insurance enrollment information, beneficiary designations, and documentation of medical conditions, as well as financial information such as wage garnishment and child support orders, are maintained separately and available only to Human Resource administrators as appropriate.

## **Releasing Information From Personnel Files**

The College releases some data in aggregate form for statistical reporting purposes, such as compliance with federal reporting requirements or participation in relevant surveys. Such information is not released for commercial purposes, and individual identities are not released in resulting reports.

Confidential information is not released to third parties such as credit bureaus or other agencies except with your written release, by court order, or where required by law.

If you hold a position in which you might be asked to provide information on other employees or students, you must comply with several College policies relating to information security. The Preservation of Privacy and Confidentiality of Records policy is available from Human Resources. The College's formal Information Security Plan was developed to be in compliance with the Gramm-Leach-Bliley Act. Please refer to [Chapter 15](#) for a synopsis; the entire policy can be viewed and downloaded from the [Information Security Committee web page](#).

## Chapter 2: Campus Resources

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### **Educational Assistance Programs**

#### **Learning for Life**

[Learning for Life](#) is a campus-based community service program that pairs Swarthmore College students with members of the College staff. The program is based on "learning partnerships" where students and staff members are paired up to work one-on-one to achieve various goals, such as learning basic computer skills, taking and developing pictures, or preparing for the GED. Full time and benefits eligible part time employees of the College are allowed up to three hours of paid work time a week to work with their student partners and all meetings take place on campus. Most learning partnerships meet for about two hours per week, at times that are tailored to the individuals' schedules. Through the program, students and staff have the opportunity to become learning partners. The Learning for Life program is supported by a Eugene M. Lang Opportunity Grant (through Swarthmore College) and a Literacy Action Network Grant (through Student Coalition for Action in Literacy Education).

#### **Taking courses at Swarthmore**

Occasionally an employee may want to take courses at Swarthmore, for example, to study a language. Any full-time or part-time benefits-eligible employee or his or her spouse or domestic partner may enroll, without charge, for one course each semester for non-degree credit or audit, depending upon the permissions of the employee's supervisor and the instructor of the course. All retired employees of Swarthmore College are also eligible for this benefit. If an individual enrolls in two or more courses for credit in a semester, normal tuition or audit fees will be charged. In cases where a College employee wants to attend an over-subscribed class, preference is normally given to degree candidates of the College. As an extension of Swarthmore's inter-institutional agreements with Bryn Mawr College and Haverford College, courses at those institutions are also available within limits under this policy. All inquiries should be directed to the Registrar's Office.



## **Cultural and Athletic Events**

Many cultural and athletic events take place on campus throughout the year. These events are announced on the College [News & Events webpage](#). Most College events are free but a College ID card may be required for admission or you may need to request tickets in advance.

## **Using Athletic Facilities**

The Matchbox is an inclusive, non-discriminatory facility designed for the use of the entire Swarthmore College community. The Matchbox is intended for use by Swarthmore College students, staff, faculty, alumni, and affiliates with appropriate Swarthmore College ID, and upon an annual completion of a waiver and a Physical Activity Readiness Questionnaire (PAR-Q). All regular full-time and part-time employees and retirees, their spouses or domestic partner, and dependent children over the age of 15 may use College athletic and recreational facilities. A Swarthmore College employee identification card will allow access to and use of the Matchbox, Mullan Tennis Center, Tarble Pavilion, and Ware Pool. Outdoor track and tennis courts are also available.

Access to the athletic facilities requires an ID card; employees may use their college ID card. Photo ID cards for dependent children, spouses and domestic partners are available from Public Safety at a cost of \$10. When presenting to Public Safety for the ID card, the family member must be accompanied by the College employee. Retirees may obtain a retiree ID card at no cost. For more information about hours of use and guest policies, please contact the Athletic Department at ext. 8218 or see the Athletic Department's Web page.

## **Cultural Activities**

### **Scott Arboretum**

The Arboretum hosts a regular schedule of events open to the public. Contact the [Scott Arboretum](#) for further information.

### **Music and Dance**

The Department of Music and Dance hosts many performances throughout the year. These are announced on the College [News & Events webpage](#). Events are in Lang Concert Hall or in the Lang Performing Arts Center and are free to the public unless otherwise indicated.

### **Art**

Each year the List Gallery mounts five or six exhibitions of both emerging and nationally-known artists. The months of April and May feature a series of senior thesis exhibitions by art majors. An Alumni Weekend exhibition takes place in June.

## **Lectures and Readings**

McCabe Library, academic departments, and many other groups on campus sponsor lectures and readings throughout the year. These are announced on the College [News & Events webpage](#) and are open to employees and the general public.

## **Black Cultural Center**

Swarthmore College's [Black Cultural Center](#) (BCC) actualizes the College's commitment to "ethical intelligence" in every aspect of its co-curricular work. This work functions primarily at four levels:

- To uphold the college's commitment to maintaining a multicultural living and learning campus
- To develop the leadership skills of students interested in making a meaningful impact upon black populations both locally and globally
- To support a thriving and inclusive black campus community
- To celebrate the breadth and depth of black traditions, practices, and experiences

## **Intercultural Center**

The [Intercultural Center](#) (IC) strives to build community among and between students of color, LGBTQIA, low-income, international, and first generation college students at Swarthmore, while also paying careful attention to their unique intellectual, cultural, social, and personal concerns.

## **Campus & Community Store**

As a staff member of the College, you receive the benefit of a 10% discount on most items in the [Community Store](#). You are also eligible for significantly discounted academic pricing on some computer supplies and software products. The Community Store carries leisure reading books, children's books, beverages, snack foods, cards, gifts, toys, school supplies, office supplies, art materials, non-prescription drug products, and many imprinted clothing and gift items. A fax service is in place for both sending and receiving faxes. Postage stamps and phone cards are also available. The Community Store is located at 4 South Chester Road, by the Swarthmore Train Station.

## **Computer Resources**

Swarthmore College has public computing areas in several places on campus that are open and available to employees. Most public areas include both Apple and Windows computers and printers. These include:

Beardsley Hall – Check with Information Technology Services for hours of operation.

McCabe Library – Check with the Library staff for hours of operation.

Cornell Library – Check with the Library staff for hours of operation.

## **Computer Loan Program**

Please contact a Human Resources Representative for more details at x8397.

## **Computer Training**

Information Technology Services offers a series of training sessions each semester designed to help faculty and employees learn how to use various programs, such as Adobe products, Google, Drupal or Excel. Contact Information Technology Services for further information. Employees should consult with supervisors about appropriate workshop scheduling.

## **Franklin Mint Federal Credit Union**

A representative from The Franklin Mint Federal Credit Union is on campus to support students, faculty, and staff with their banking needs two days each month, from January through May. The representative will assist members with new accounts, loan applications, and questions related to FMFCU's web interface.

## **Dining Facilities**

While College is in session, employees are welcome to use any of the meal facilities on campus. Employees may bring guests or family members to dine with them. Employees who wish to take meals in Sharples Dining Hall may pay at the door using their [One Card](#). Essie Mae's Snack Bar serves breakfast, lunch, and snacks at modest prices and is open year round. The Kohlberg Coffee Bar, open Mon.-Thurs. 8:00 a.m. - 10:00 p.m. and Fri. 8:00 a.m. - 4:00 p.m., offers coffee, cappuccino, chai, fruit and mocha smoothies, fresh baked goods, and light lunch items.

## **Libraries & Archives**

Employees and members of their families are welcome to borrow books, videotapes, albums, CD's, and to use the facilities of the libraries, including public computers, at Swarthmore College. The [library home page](#) lists information on hours, collections and policies.

## **Lost and Found**

The College mailroom is the official lost and found headquarters of the College. Lost items might also be found at: the circulation desk in McCabe Library, the Director of Dining Services Office in Sharples Dining Hall, the Office of the Athletic Director in the Field House, and the Department of Public Safety in the Benjamin West House, or the Business Office.

## **Facilities Rental**

Some College facilities can be rented by College employees for their personal use, such as for weddings. Facilities are not available for rent during the academic year, and long-term planning is highly recommended. For more information contact the facilities coordinator via e-mail at [space@swarthmore.edu](mailto:space@swarthmore.edu).

## **Campus Mail Service**

The College maintains a central mailroom on the ground floor of Parrish Hall. Although this office is not a substation of the United States Postal Service, it does offer common postal services such as selling stamps and weighing and mailing of small packages. However, campus mail should not be used for receiving personal shipments. Hours are: weekdays 9:30 a.m. - 12:00 noon and 1:00 p.m. - 3:45 p.m., while school is in session. The office is open from 9:30 a.m. to 11:00 a.m. on Saturdays.

## **Staff Lounge**

A staff lounge is open to employees during regular working hours. It is located in the Scott Map Building adjacent to Parrish and Lang Halls on Tarble Circle.

## **Staff Advisory Council (SAC)**

The Staff Advisory Council (SAC) serves in an advisory capacity to the president and the vice president for Human Resources. Its primary function is to serve in a listening and communicating capacity on behalf of both staff members and the College administration. SAC representatives are elected to three-year terms by their peers organized into circles. SAC meets on a monthly basis during the academic year and minutes are posted. If you have questions, or would like a copy of the by-laws or list of representatives, contact [staffsac@swarthmore.edu](mailto:staffsac@swarthmore.edu).

## **Commuter Benefit Program**

Swarthmore participates in a Commuter Benefit Program, which allows employees to have pre-tax dollars deducted from their paycheck to purchase public transportation vouchers. Information is available from Human Resources. Be reminded that this program is to be used for the employee's commuting expenses to and from work. IRS regulations do not allow employees to purchase for family members. The Payflex enrollment form is available in the main HR office, Pearson 110 and on the [HR web site](#).

## Chapter 3: Insured Benefits

Swarthmore offers an extensive range of healthcare and life insurance benefits, retirement options, educational assistance programs, and other programs and services to our staff and faculty. Because we want to attract and retain the highest quality staff, we are committed to providing a competitive benefit package. You are considered benefit eligible if you have a regular (not temporary) position of .5 FTE position or greater. (FTE stands for full time equivalency and refers to what percent of full time your position is. For example, if a normal work week is 40 hours, and your job is 20 hours per week, your FTE is .5). If you are unsure of your FTE status, please ask your supervisor or Human Resources. The Benefits Office in Human Resources is at your service if you have questions about the insured benefits mentioned in this chapter.

Swarthmore offers a wide range of benefit plans for benefit-eligible staff and their dependents, including:

- Health care coverage
- Domestic Partner Coverage
- Health Care and Dependent Care Spending Accounts
- Life Insurance
- Paid Time Off
- Salary Continuation Plan (Short Term Disability)
- Long Term Disability Plan
- Employee Assistance Program
- Retirement Plan
- Tuition Grant Program
- Tuition Reimbursement Program

All new benefit-eligible staff members should attend the regularly offered benefits orientation. It's a good opportunity for the Benefits Office to answer staff members' questions. Current supervisors or staff members who wish to "sit in" on orientation as a refresher program are encouraged to do so.

### Benefits Guidebook at Swarthmore

Human Resources publishes a guidebook entitled Benefits Guidebook at Swarthmore. It is a companion piece to this handbook and is the primary resource for common questions about the benefits program. The benefits guide summarizes each of the benefit plans, including eligibility, dependents, enrollment plan options, costs, and how to file claims. New staff members receive a

copy of the benefits guide during benefits orientation. A copy of this resource is also available from the Human Resources Office.

The benefits guide is a general overview of benefit programs. More specific information is provided in a Summary Plan Description (SPD) for each benefit program; SPDs are available upon request from Human Resources and distributed annually. The SPDs are the actual plan document for each benefit program providing the official language that prevails if questions arise.

### **Continuing Benefits If Your Employment Status Changes**

If your employment changes from a status where you have been eligible for benefits to a status where you are no longer eligible for benefits, you may be able to continue your health care coverage at your own cost under federal provisions known as COBRA. You may also be able to convert other insurance coverage to individual policies at your own cost. For more information, contact the Office of Human Resources.

## Chapter 4: Paid Leave Programs

Jump to:

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- [Holidays](#)
- [Vacation](#)
- [Sick Leave](#)
- [Salary Continuation Program](#)
- [Long Term Disability](#)
- [Additional Paid Leave Programs](#)

Swarthmore offers generous paid time off programs for benefit eligible staff members, including holidays, vacation, and sick time benefits. You're considered benefit eligible if you have a .5 FTE position or greater. If you are unsure of your FTE status, please ask your supervisor or Human Resources.

### Benefits Eligibility Date

Benefits eligibility is determined by date of hire or transfer into a permanent or limited term position with a .50 FTE or greater. If you are hired on the first day or business day of the month, benefits are effective immediately. Otherwise, benefits begin the first day of the following month.

### Holidays

The College is closed for observance of holidays on Martin Luther King Day, Independence Day, as well as Thanksgiving Day and the Friday following Thanksgiving. In addition, the College traditionally closes most offices for winter holidays during the days between and including Christmas Day and New Year's Day, typically accounting for seven holiday days. This schedule varies somewhat each year, depending on the academic calendar and on how the holidays fall during the week. In addition, the College has a floating holiday which may be used to observe Memorial Day, or another day of your choice. Since the College is open for business on Memorial Day, staff may request either Memorial Day or an alternative day off.

Some essential staff members may need to work on holidays given the nature of their work. For staff scheduled to work weekends, holidays falling on a Saturday are observed the preceding Friday; those falling on a Sunday are observed on the following Monday.

### Holiday Eligibility

Full-time non-exempt staff members with a 1.00 FTE are eligible for holiday pay even when a holiday falls on a day you are not scheduled to work as long as the holiday falls within a work week in which you are scheduled to work. That is, if a holiday falls on a Monday and you normally work Tuesday through Saturday, you will be eligible for the holiday pay.



If you are a part-time benefit eligible staff members you will receive holiday pay only if the holiday occurs on your regularly scheduled workday. Those employees that work an irregular weekly schedule (different hours/day each day of the week) you will be paid the average hours per day for the holiday. For example, if you work 7 hrs on Monday and Tuesday, but 3 hours on Friday your holiday pay would be calculated at 5.66 hrs.

To be eligible for holiday pay, you must be in active pay status on both your scheduled workday before and your scheduled work day after a holiday. Employees who are on a leave, either approved paid or unpaid, are not eligible for holiday pay. When on an approved leave, the day will be paid by the leave program.

### **Absences Preceding or Following a Holiday**

If a holiday occurs while you are on paid sick leave or paid vacation, you will be paid holiday time for that day rather than sick or vacation time. If you have an unscheduled absence the scheduled workday before or after a holiday, you may not be eligible for holiday pay. If your unscheduled absence was due to illness, you may be required to provide certification of illness from an appropriate health care provider. If your unscheduled absence was due to personal reasons, your supervisor will use his/her discretion in granting holiday pay.

### **Working on Holidays**

Some departments of the College are considered essential and remain open seven days per week, you may be required to work on a holiday. Benefits eligible non-exempt staff members who work on a College observed holiday will be paid time and a half for any hours worked.

### **Absence on a Holiday You're Scheduled to Work**

A staff member who fails to report for scheduled work on an actual or observed College holiday forfeits the holiday and is subject to disciplinary action, unless the absence is due to documented illness and the staff member has complied with departmental call-in procedures.

Administrators determine work schedules based on the operating requirements of the unit. Depending on the unit's operating needs on a given holiday, the administrator may choose to close a work unit, to operate at reduced staffing levels, or to require full staffing. Individuals may not choose to work on a holiday without the specific authorization of their supervisor.

### **Religious Holidays**

The diversity of the people who make up the College community requires recognition of and respect for individuals, including sensitivity to the celebration of religious holy days. While operating needs of departments must be met, supervisors should make reasonable accommodations in arranging work schedules for individuals who want time off for significant events.

If you wish to be off for a religious holiday, you may ask to use accrued vacation time. Your supervisor may also permit you to take time off without pay or to rearrange your schedule during the week in which the holiday occurs to make up for missed work time.

## Vacation

Swarthmore provides generous vacation benefits to allow staff members time away from work with pay. Benefits-eligible staff (.5 FTE or greater) are eligible for paid vacation time and you begin to accrue (earn) vacation immediately. You may use vacation benefits once you have completed three months of continuous employment. From then on, vacation time is earned each month for exempt staff or each pay period for non-exempt staff and is considered "available" on the first workday of the next month.

Vacation is not earned in any month in which you have not been paid. If you earn vacation while on a paid leave, it is available once you return to work in a benefits eligible position. Should you not return to work following a leave of absence, only vacation accrued for actual time worked will be paid out in your final paycheck.

You may accrue up to 240 hours of vacation. When you reach that point, accruals will stop until you fall below 240 hours. Accrued vacation time will not be paid out until your employment with the college has ended. Occasional exceptions to this cap may be approved for unusual situations, such as an extended vacation or the need to cover unplanned absences or special projects in a department. Exceptions to going over the 240 leave policy must be approved in consultation with Human Resources and your supervisor.

If you are eligible and requesting vacation time off for a reason covered under the Family & Medical Leave Act, you should give at least 30 days notice when foreseeable; if not, you must give as much notice as is possible. (See [Chapter 5](#) for FMLA requirements)

## Vacation Accrual Rates

An accrual rate is the amount of vacation hours you will earn each pay. It is determined by your FTE and the benefit designated for your length of service in a benefits eligible position. The amount of vacation available increases with the length of service to the College as shown in the chart below. This chart shows available vacation for an employee working a full-time, 12-month schedule.

NON-EXEMPT			
35 Hr Week Accrual Rates			
Year	Days/Yr	Hrs/Yr	Hrs/Pay
1st-3 <sup>rd</sup>	15 days	105 hrs	4.38 hrs
4 <sup>th</sup> -5 <sup>th</sup>	20 days	140 hrs	5.83 hrs
6 <sup>th</sup> -20 <sup>th</sup>	22 days	154 hrs	6.42 hrs

<b>21<sup>st</sup></b>	25 days	175 hrs	7.30 hrs
<b>40 Hr Week Accrual Rates</b>			
<b>Year</b>	<b>Days/Yr</b>	<b>Hrs/Yr</b>	<b>Hrs/pay</b>
<b>1<sup>st</sup>-3<sup>rd</sup></b>	15 days	120 hrs	5.00 hrs
<b>4<sup>th</sup>-5<sup>th</sup></b>	20 days	160 hrs	6.67 hr
<b>6<sup>th</sup>-20<sup>th</sup></b>	22 days	176 hrs	7.34 hrs
<b>21<sup>st</sup></b>	25 days	200 hrs	8.34 hrs
<b>EXEMPT</b>			
<b>35 Hour Week Accrual Rates</b>			
<b>Year</b>	<b>Days/Yr</b>	<b>Hours/Yr</b>	<b>Hours/Pay</b>
<b>1<sup>st</sup>-20<sup>th</sup></b>	22 days	154 hrs	12.83 hrs
<b>21<sup>st</sup></b>	25 days	175 hrs	14.58 hrs

The accrual rates for full-time, 12 month employees are calculated by dividing the annual vacation benefit in hours by 12 months for those employees paid monthly and for those employees paid bi-weekly, divide first by 12 months and again by two.

The accrual rate is linked to actual hours worked in a pay period. If you work less than your normal schedule (and do not use sick or vacation leave to make-up the difference) your accrual rate will be lower for that pay period. For part-time employees, if you work more than your regular schedule, your accrual rate will be higher for that pay period.

Part-time benefits eligible staff accrue vacation time that is prorated based on FTE status. For example, a non-exempt staff member with three years of service who works a 35 hour work week and has a .5 FTE would earn .5 times the full time the full time benefit of 105 hours per year or 52.5 hours per year. His/her accrual rate would be .5 times the full-time accrual rate of 4.38 hours or 2.19 hours.

You must request and schedule vacation time in advance with your supervisor and take it at a time that is mutually satisfactory. Department policies differ about how far in advance you should request vacation time -- be sure you know the expectations in your department. For general vacation requests, supervisors may deny requests for specific dates if the operating needs of the unit cannot accommodate your absence on those days.

Vacation may be used for any regularly scheduled work time. You may use vacation only when you have an available balance and in no case may your vacation accrual reflect a negative balance. Non-

exempt staff may use vacation in any increment of time, including fractions of hours. Exempt staff may take vacation in half or whole day increments. Vacation is available as a leave benefit only and may not be taken as pay.

You are responsible for managing your vacation leave; monitor the vacation balance available on [mySwarthmore](#). You are responsible for noting when your balance is approaching the 240 hour vacation cap (and taking appropriate action) and for scheduling vacation only when you have a leave balance available. In no case may your vacation leave reflect a negative value.

Upon termination of employment, any unused accrued vacation time will be paid in the last paycheck, although exempt employees will not be paid for hours less than one half day. Your last day worked is considered your termination date. Payout of accrued vacation time does not extend your benefits coverage beyond the last worked day.

## **Vacation Accrual When Re-hired**

If you are re-hired within six months following separation into a benefits eligible position, you will be eligible for the accrual rate you had at the time of separation. That is, if you had five years of service at the time of separation, and were re-hired four months after separation you would be eligible for the accrual rate for an employee with five years of service.

## **Sick Leave**

Sick leave benefits are designed to help benefits eligible staff members continue their income if they become ill or temporarily disabled and are unable to perform their duties. Sick leave may be used:

- when you are unable to work because of illness or injury
- to care for a family member who is ill: spouse, domestic partner, parent or child
- when you or a dependent (spouse, domestic partner, parent or child) have a scheduled medical or dental appointment

Benefit eligible staff (.5 FTE or greater) are eligible for paid sick leave. The annual sick leave benefit for full time employees is nine (9) days. Part-time staff earn sick leave that is prorated based on their FTE. You begin to accrue (earn) sick leave immediately and it is immediately available. From then on, sick leave is earned each month for exempt staff or each pay period for non-exempt staff and is considered "available" on the first workday of the next month.

Sick leave is not earned in any month in which you have not been paid. If you earn sick leave while on a paid leave, it is available once you return to work in a benefits eligible position.

You may accumulate up to 20 days of regular sick leave or 140 hours if you work in a department with a 35 hour per week schedule, and 160 hours if you work in a department with a 40 hour per week schedule. Should you become disabled for an extended period, Human Resources will calculate any additional sick time that would have been accrued above the 20 day sick leave maximum. Any sick leave accrued beyond 20 days is available as LTD (Long-Term Disability) Top-

Up funding, which is only available to supplement your LTD insurance benefits (if you are eligible). Once sick leave is calculated for the purpose of LTD Top-Up funding, it cannot be used for short-term illness.

To qualify for paid sick leave benefits when you are unable to report to work, you must follow your department guidelines for notification of your supervisor. You should give as much notice as you can for absences where you wish to schedule uses of sick leave. For scheduled absences such as doctors' appointments, you should schedule the sick leave off in advance according to your department's practices. Use only the time needed for these appointments.

Sick leave is used to replace regularly scheduled work. You may use sick leave only when you have a balance available and in no case may your sick leave accrual reflect a negative balance. You may not "save" available sick leave by taking time off without pay when you are ill. If you are absent and have exceeded your available balance of sick leave, vacation or holiday leave, if available, may be used to cover the absence. Non-exempt staff may use sick leave for any missed work time, including fractions of hours. Exempt staff may use accrued sick time in half- or full-day increments when they need to be absent for more than a few hours.

After an absence of three or more days, you may be required to provide a statement from your health care provider (or your family member's health care provider) documenting the general nature of the medical condition and the anticipated length of absence in order to determine whether your absence is covered by the Family and Medical Leave Act (FMLA). Your physician may be asked to complete the federal FMLA certification form if clarification is needed. In some instances your supervisor may require earlier documentation.

When sick leave is used for planned (non-emergency) medical events of between two and ten days you are required to give two weeks notice. Inappropriate use of sick leave may be cause for disciplinary action.

Your health care provider may require you to reduce your regular work schedule temporarily due to medical reasons, for example, during late-stage pregnancy. If so, you may supplement any missed work time with accrued sick leave.

Medical and dental appointments (whether your own or an immediate family member's) should be scheduled outside of your regular work hours if at all possible, to minimize disruption to the workplace. If this is not possible, however, you must check with your supervisor before scheduling an appointment to make sure a requested absence during the workday can be accommodated. With mutual agreement between you and your supervisor, you may request to modify your work schedule to make up for such missed time during the same work week rather than using accrued sick time.

## **Sick Leave Accrual Rates**

Your sick leave accrual rate is the amount of sick leave hours you will earn each pay. The chart below shows accrual rates for an employee with a full-time, 12-month schedule. Part-time staff earn sick leave that is prorated based on their FTE.

NON-EXEMPT					
35 Hour Week Accrual Rate			40 Hour Week Accrual Rate		
Days/Yr	Hrs/Yr	Hrs/Pay	Days/Yr	Hrs/Yr	Hrs/Pay
9 days	63 hrs	2.63 hrs	9 days	72 hrs	3.00 hrs
EXEMPT					
35 Hour Week Accrual Rate					
Days/Yr	Hours/Yr	Hours/Pay			
9 days	63 hours	5.25 hrs			

The accrual rates for full-time, 12 month employees are calculated by dividing the annual sick leave benefit in hours by 12 months for those employees paid monthly. For those employees paid bi-weekly, divide first by 12 months and again by two.

The accrual rate is linked to actual hours worked in a pay period. If you work less than your normal schedule (and do not use sick or vacation leave to make up the difference) your accrual rate will be lower for that pay period. For part-time employees, if you work more than your regular schedule, your accrual rate will be higher for that pay period.

Part-time benefits-eligible staff accrue sick leave per year based on FTE status. For example, a .5 FTE employee, working in a department with a 35 hour schedule, would accrue .5 times the full-time benefit of 63 hours or 31.5 hours/year. His/her accrual rate would be .5 times the full-time accrual rate of 2.63 hours or 1.31 hours.

You are responsible for managing your sick leave; monitor the sick leave balance which appears on your paycheck. Remember that you may use sick time only when you have a balance available.

#### Payout of Sick Leave

Because sick leave is intended to be used like short-term income coverage, unused time is not paid as a terminal benefit when an individual leaves Swarthmore or their position changes to non-benefit eligible (less than .5 FTE).

### Coordination of Sick Leave Programs

There are three types of sick leave, depending on your benefit eligibility status: regular sick leave, salary continuation program (SCP), and long-term disability (LTD). The sick leave and SCP program are available for benefit eligible employees of .5 FTE status or greater. The LTD program is available for benefit eligible employees of .75 FTE status or greater. Sick leave is generally used for absences of two weeks or less, salary continuation for absences between two weeks and 26 weeks and long-term disability for absences longer than 26 weeks.

<b>SCP COVERAGE AMOUNTS</b>	
<b>Length of service*</b>	<b>You may be eligible to receive:</b>
<b>Less than 12 months</b>	Accrued sick leave only
<b>12 months, but less than 48 months</b>	Weeks 1-2: Accrued sick leave Weeks 3-13: 75% of base pay Weeks 14-26: 60% of base pay
<b>48 months or more</b>	Weeks 1-2: Accrued sick leave pay Weeks 3-13: 100% of base Weeks 14-26: 60% of base pay

\* when your qualifying medical condition begins

Please note that SCP coverage amounts can be increased from 60% and 75% to complete 100% coverage by using accrued sick and vacation leave.

### **Limitations and Extensions of Your SCP Benefits**

- Two or more periods of absence due to the same or related medical condition will be considered one, unless they are separated by a return to work of at least 90 days.
- Benefits under SCP are not payable if you are entitled to receive Workers' Compensation benefits
- No benefits will be paid under this plan for a medical condition resulting from the commission of a crime
- No benefits will be paid under this plan for any medical condition arising as a result of an act of war or contracted during active military service
- Holiday pay is not available while on an approved SCP leave
- Following 12 weeks of leave protected by FMLA or 26 weeks, in accordance with the National Defense Authorization Act for 2008 (NDAA), within any 12 month (rolling) period, the employee must contact Human resources to explore any additional options for retaining employment. . Each case is handled individually. Depending on the disruption to the department, ease of finding competent coverage and other factors, an employee's position may be held open or may be filled.

### **Long Term Disability**

If you are unable to work for a period of 26 consecutive weeks or more due to a serious medical condition, you may be able to apply for benefits under the College's Long Term Disability (LTD) plan. The LTD plan provides eligible employees (.75 FTE status or greater) with a benefit equal to

60% of their base monthly earnings. More information on LTD is provided in your Benefits Guidebook at Swarthmore, which is available from the Human Resources Office.

When an employee leaves the College because of a disability and is approved for LTD benefits, their active status with the College is at an end. Termination of employment is effective with the date of LTD application approval. All benefits are ended with the exception of health insurance, life insurance and pension. Health insurance is continued for a transitional period. Life insurance is continued during a waiver application process. If the application is accepted, life insurance continues as part of the LTD plan benefit. Employer contributions are made to your pension plan as part of the LTD plan benefit once you have been receiving disability benefits for six months.

While on LTD, your LTD Top-Up funding may be used to supplement your LTD benefit, enabling you to receive full pay. Sick time earned in excess of 20 days is placed in your LTD Top-Up Account, which enables you to "top up" LTD from 60% of pay to 100% of pay.

## **Medical Absences When No Sick Leave is Available**

If you are medically disabled and have no accrued sick leave, you may use vacation time for a serious health condition that is covered under the Family and Medical Leave Act (FMLA), assuming you meet the FMLA eligibility requirements. (See [Chapter 5](#) for FMLA requirements).

If your medical condition is not FMLA-eligible, you may request permission to use accrued vacation time for illness if you have no sick leave. However, approval of such a request is discretionary on the part of the department. (See [Chapter 5](#) for Personal Leaves).

## **Additional Paid Leave Programs**

### **Parental Leave**

Parental leave grants new parents one month of paid time off for the care of a newborn or adopted child. Benefits-eligible employees (.5 FTE status or greater) become eligible for parental leave on the first day of the month upon or following the completion of one year of service. You must complete this service requirement prior to the child's delivery date or the date the child is placed with you.

Parental leave must be used within six months following the date of birth or placement. Employees may use parental leave as either one continuous month's absence or may opt to take the leave intermittently in four one-week increments. Parental leave benefits are in addition to any benefits you may be entitled to under the College's Salary Continuation Program and run concurrently with time off under FMLA.

Your leave schedule should be approved at least 30 days in advance by your supervisor. If the date of birth or placement does not allow 30-days notice, you must provide as much notice as practicable. You will need to complete a Parental Leave Request form, available from Human Resources and provide a copy of the birth certificate or adoption papers, naming you as a parent or legal guardian.



If you do not return to work in a benefits eligible position at the College for at least six months following your parental leave, you must reimburse the College for the salary paid as parental leave benefit. You may be granted parental leave benefits only once in any 12-month period.

## **Administrative Leave**

Administrative leave is a general leave status used for a variety of reasons and may be paid or unpaid leave.

Staff members may be placed on administrative leave, for example, because of possible exposure to a contagious disease in the workplace, because their work area or the College must be closed, because they are performing jury duty, because of some internal review or investigation, or because of the investigation of an external event such as a criminal arrest.

HR requests that managers consult with an HR staff member to determine if administrative leave is appropriate for the circumstances.

## **Bereavement Leave**

Swarthmore provides bereavement leave for staff members who have lost family members. For your immediate family defined as: spouse or domestic partner, child, parent, sister, brother, grandparent, grandchild, you may take up to five consecutive working days in order to make arrangements for, to attend the funeral of, or to observe other religious traditions. One day of paid leave is provided for other close relatives defined as: step-parent, step-sibling, mother-in-law, father-in-law, son-in-law, daughter-in-law, sister-in-law, brother-in-law, aunt, uncle, niece, and nephew. Please note that these days do not include days for which the college is closed.

You may be asked to provide certification of the death, such as a death certificate or a published death notice, before funeral leave pay will be authorized.

## **Election Day Leave**

Employees who wish to participate in non-partisan efforts on any election day either at the polling site or providing transit to/from polling locations are eligible for up to three hours of administrative leave. This leave is for working in the election and is not to be used for time off to vote.

To be eligible for the leave, you must contact your supervisor in advance for approval. You must identify where and when you will be volunteering and must coordinate your absence with departmental needs. In some cases, overwhelming demand or departmental circumstances may make it impossible for a supervisor to approve Election Day leave for all interested employees. In such cases, a supervisor must use his or her discretion in approving the leaves.

For non-exempt employees, supervisors should list time taken as "ADM" on time cards.

## **Jury Duty/Testifying**

Swarthmore recognizes your civic responsibility to serve on a jury or testify as a witness. In such instances, the College ensures you are compensated while you are away from work.

You will receive your regular Swarthmore paycheck while on approved jury duty. Checks received from the court for jury service should be endorsed to Swarthmore and turned in to the Payroll Office. If you are paid for jury duty on a scheduled day off, you are not required to turn that money in to Swarthmore.

Several counties have begun Juror Donation Programs. These programs offer jurors the opportunity to donate their jury duty service and travel compensation to a charitable organization. If you are offered this option by the clerk of the court, please inform the clerk that you work for a non-profit organization and that the donation is not an option for you or your employer.

If you are called as a juror or witness, you should let your supervisor know immediately. In some cases it may be possible to request the court to reschedule jury service if it creates a severe operating burden on your department. Subpoenaed testimony in a civil or criminal case in which you are not a litigant, will be paid at your normal rate of pay up to a maximum of three days per 12 month period within a calendar year.. This leave will not be counted towards the calculation of overtime. If you are testifying in a court case unrelated to Swarthmore, in which you are a litigant, you may be given time off from work but you will not be compensated for the missed time unless you use accrued vacation or holiday time.

If your jury obligation is less than three hours in a day, you should report for the rest of your work shift. If you work the night shift and are scheduled to report for jury duty the next morning, you will be excused from, and paid for, that shift. If you spend more than three hours in jury duty, you will be excused from your next shift if the shift occurs within 24 hours.

# Chapter 5: Unpaid Leave Programs

Jump to:

- [Family & Medical Leaves](#)
- [Personal Leaves](#)
- [Seasonal Leave](#)
- [Military Leave](#)

Swarthmore recognizes that a staff member may need to be away from work for medical or family reasons or to fulfill military service obligations. Some types of absences are affected by federal law such as the Family & Medical Leave Act, some by state laws, and some by Swarthmore policies. This chapter describes various types of leaves, who is eligible, and the conditions under which a staff member may take each type of leave.

Leaves may be paid or unpaid, depending on what type of leave you've requested and whether you have appropriate paid leave available. In general, all paid time off must be exhausted before an unpaid leave is granted. Leaves of absence begin from the first missed day of work. Individuals on an approved unpaid leave will not be compensated for time off during holidays.

## Family & Medical Leaves

The Family and Medical Leave Act (FMLA) was enacted to provide job security for individuals who need time off from work to deal with a serious illness or to care for a family member with a serious illness or to accommodate the birth, adoption, or foster care placement of a child. FMLA protects your employment for 12 weeks of leave in any 12 month (rolling) period, measured from the time the employee uses any FMLA leave. Leave time granted under FMLA will not be used in performance actions related to attendance concerns.

In accordance with the National Defense Authorization Act for 2008 and 2010 (NDAA) up to 26 weeks of FMLA leave in a 12 month period is also granted to a spouse, son, daughter, parent or next of kin for either the care of an active duty, reservist or veteran service member who has sustained a serious injury or illness in the line of duty in the Armed Forces or for a qualifying exigency arising out of their being on active duty or being called to active duty status in support of a contingency operation of the Armed Forces. For further information regarding your rights and obligations under NDAA contact the HR department at ext. 8397.

In order to be covered by FMLA, a serious health condition is defined as a physical or mental illness or injury of three consecutive calendar days that requires either:

- in patient care in a hospital, hospice, or residential care facility, or
- continuing treatment by a health care provider

A family member, as defined by FMLA is:

- the staff member's spouse or domestic partner
- the staff member's parent
- the staff member's child (biological child, adopted child, step-child, or legal ward), and less than 18 years of age, or incapable of self-care due to a mental or physical disability
- a member of the Armed Services or a veteran who is the staff member's spouse, son, daughter, parent or next of kin

To be eligible for FMLA, you must have worked for Swarthmore for at least one year and worked at least 1,250 hours in the past 12 months. You must request FMLA leave at least 30 days in advance if the reason for the leave is foreseeable. You must also provide appropriate certification of the need for such a leave.

## **Using FMLA Leave**

Time off under FMLA may be taken as a continuous leave, as an intermittent leave, or as a reduced work schedule as long as the need to do so is appropriately documented. Each type of usage is counted toward the 12 week total.

The college will make every effort to hold your position while you are on an approved leave of absence. If there is a necessity to fill your position, your department will make a comparable position available upon your return. A comparable position is defined as:

- the same rate of pay
- the same pay grade
- the same or a similar position classification
- the same or similar working hours

Supervisors can modify your specific duties or assignments and can change work schedules, including days worked to meet the operating needs of the department.

If you are granted an FMLA leave for your own or a family member's serious health condition, you must use all your accrued sick, and vacation time in that order at a rate equal to your regular weekly schedule before going onto unpaid status.

If you are granted an FMLA leave for the birth or adoption of a well child, you must use all your accrued and vacation time, and the parental leave benefit, if you're eligible, before going onto unpaid status. You may not use sick time for the care of a well child.

If you are on an approved FMLA leave, Swarthmore will continue to cover its portion of your health care costs during the period of leave, up to a total of 12 weeks, or 26 weeks for the care or support of a member of the Armed Services or veteran, in any 12-month period. You will continue to be responsible for paying your portion of the premium cost, which is deducted from your paycheck

automatically while you are being paid accrued leave. But if any part of your FMLA leave will be unpaid, you will need to make arrangements with the Human Resources Office to pay for your premium charges.

If you cannot return and are not eligible for additional leave, your employment will end on the last day of your approved FMLA leave.

## **Personal Leaves**

Staff in good standing (no formal performance action in the last year) may request personal time off for reasons such as educational, service opportunities, or to care for a family member in situations not covered under the FMLA. To be granted a personal leave, you must request the leave in writing, explaining your reasons for the request, to your supervisor at least 30 days in advance when foreseeable. Department heads, in consultation with Human Resources, will review the leave request. While the operating needs of the department must be the first consideration in granting personal leaves, also considered will be the purpose of the leave, the employee's responsibilities and length of service with the College, the potential disruptive impact of the leave and past experience with similar situations.

Personal leaves are approved only for compelling reasons and are a discretionary privilege granted by the College. A single continuous leave for personal reasons cannot exceed 25 consecutive weeks. They are not given for such things as engaging in employment outside of Swarthmore or pursuing an independent business venture.

Personal leaves are unpaid, after all paid time off has been exhausted. During any unpaid portion of the leave that extends beyond one pay cycle (either bi-weekly or monthly) the employee is responsible for the costs of his/her benefits (health care insurance and life insurance). You must make arrangements with Human Resources for payment before your leave begins.

Personal leaves of absence are granted with the understanding that a staff member will return to work at the end of the leave. While the department is not required to hold your position while you are gone, if the position you held is available at the end of your leave, you will have the opportunity to resume the position. If you don't return to work, your employment will end as a discharge unless you make arrangements in advance to resign.

## **Seasonal Leave**

Some departments may schedule staff members on a temporary or seasonal basis, in accordance with their staffing needs. Most departments for which seasonal employment is a recurring activity have established policies that are shared with staff members during the employment process.

Seasonal or temporary employment consists of schedule breaks of six months or less, by the end of which the department expects to recall the staff member to an established schedule. A scheduled break of more than six months or a layoff that is due to the elimination of a staff position with no expectation of recall or rehire is considered a permanent layoff.

During a seasonal leave, sick time is not paid out, but is available again upon return from the seasonal break(s).

When the department is ready to recall staff members from seasonal/temporary breaks, the staff members should be contacted by phone or by registered mail at least three days in advance to confirm the date when they are expected to return to work. Staff members who do not return to work within three days of recall and who do not have authorization to delay their return will be dismissed.

## **Military Leave**

Swarthmore respects your decision to serve and protect our country. If you leave your position in order to enter active duty in the Armed Forces, voluntarily or involuntarily, you are entitled to reemployment in your civilian position, or a comparable position, after your discharge or release from active duty if you meet the basic eligibility criteria of the Uniformed Services Reemployment Rights (USERRA) Act. Those criteria are:

- You are not employed in a temporary civilian position
- You ensure that your employer receives advance written or verbal notice of your service
- You have five years or less of cumulative service, with some exceptions, in the uniformed services while absent from your position with the College
- You return to work or apply for reemployment in a timely manner after conclusion of service:
  - Following 31 to 180 days of service - application within 14 days
  - Following 181 days of service - application within 30 days
- And, you have not been separated from service with a disqualifying discharge or under other than honorable conditions.

Active military duty that requires an absence of six months or less is handled as a military leave. If the active military duty will be longer than six months, your employment with Swarthmore will be ended, although you have re-employment rights under the conditions above.

While performing military service, you will accumulate seniority and retain previously accumulated benefits at Swarthmore although you will not earn vacation, holidays or sick time. You are eligible to continue your health insurance at your cost for up to 24 months while in the military. When you are reemployed, you will be reinstated in the group health insurance program without any waiting periods or exclusions except for service-related illnesses or injuries.

When you return, you will be eligible for any approved benefits or general increases that have occurred during your absence. Returning employees will also receive the College contribution to the retirement plan they would have received if employed and, because the retirement plan is a

mandatory defined contribution plan, it will be necessary for you to make appropriate, retroactive contributions.

Talk with your supervisor immediately if any of these situations arise and contact Human Resources to discuss continuation of benefits coverage, where applicable, during active duty.

# Chapter 6: Attendance & Work Schedules

Jump to:

- [Attendance](#)
- [Calling In Late Or Absent](#)
- [Department Attendance Policies](#)
- [Certification Of Illness](#)
- [Medical and Dental Appointments](#)
- [Absences Due To Serious Health Conditions](#)
- [Non Medical Absences](#)
- [Leaving The Work Place](#)
- [Severe Weather or Other Emergencies](#)
- [Being On The Premises Before Or After Work Hours](#)
- [Meal Breaks](#)
- [Break Time For Nursing Mothers](#)
- [Swarthmore Remote Work and Alternative Schedule Policy](#)

Work hours and schedules vary throughout the College, depending upon the services provided by each area. As part of your orientation, you and your supervisor should discuss your normal work schedule requirements.

Supervisors establish and inform staff members of specific work schedules, including normal start times, break times, meal schedules, and ending times. Your supervisor has the authority to adjust work schedules to meet the operating needs of your department. This might include changing the schedule, requiring overtime, or reducing work hours.

When your work schedule must be changed, your supervisor will give you as much advance notice as possible, so you can make personal arrangements to meet the new scheduling requirements. The operating requirements of the department must be the primary consideration in establishing work schedules and requiring overtime. However, supervisors are expected to consider the personal needs of staff as well in making such decisions.

Staff members at Swarthmore work a wide variety of work schedules, including evening and night shifts. Most staff members work a regular schedule, which may vary up to ten hours per day. Each department will establish their own schedules and will inform staff what days you are scheduled to work.

## Attendance

It is expected and important that you maintain a practice of reliable, consistent attendance at all times. If an eligible staff member must be absent due to a reasons covered by the Family & Medical Leave Act (FMLA), such absences may not be counted in considering disciplinary action due to excessive absenteeism.



## **Calling in Late or Absent**

If you must be late or miss work due to an unscheduled absence, call your supervisor as soon as possible. This allows time for your supervisor to adjust the department's work assignments that day to compensate for your absence.

It is expected that you will contact your supervisor as soon as possible prior to your scheduled start if you are going to be late or absent. Please reference departmental call out procedures for additional information. The only exception to this policy is in the case of unforeseeable emergencies.

As an employee, you are responsible for contacting your supervisor directly. Relatives or friends should not call on your behalf unless you are medically unable to do so yourself. You must speak directly with your supervisor rather than a coworker, unless that individual is officially authorized by your department to accept call in notices.

If you have an absence that lasts for more than one day, you should call each day, unless you make alternate arrangements in advance with your supervisor.

Failure to notify your supervisor when you will be absent or late may result in disciplinary action.

If you are absent for three consecutive scheduled workdays without notifying and receiving approval from your supervisor, the College will consider you to have abandoned your position without proper notice and will terminate your employment, effective your last day of work.

## **Department Attendance Policies**

Departments may have policies that explain the expectations about attendance and tardiness. You are responsible for knowing your department's attendance guidelines. Excessive occurrences of absence for reasons other than those covered under FMLA may be subject to disciplinary action, up to and including possible termination of employment.

A staff member who is often absent or tardy, who frequently asks to leave work early, or who displays a pattern of attendance problems, (e.g., often absent or late on Mondays and/or Fridays), or has a disproportionate pattern of "emergency" absence requests, may be subject to disciplinary action up to and including dismissal.

## **Medical Documentation**

If you have a medical related absence lasting 3 or more days, you may be required to submit a doctor's note or equivalent medical documentation before you will be paid sick time. Please check with your department regarding any specific policies related to medical documentation for time missed due to illness

Medical documentation must specifically verify that you were treated for an illness or injury and are unable to work, before the use of sick time will be authorized. The College may require a second medical opinion, if necessary.

## **Medical and Dental Appointments**

Whenever possible, medical and dental appointments should be scheduled for yourself and your family outside of your normal work schedule. If you need to miss work for a scheduled medical or dental appointment, let your supervisor know in advance. Please consult the relevant departmental policies for additional information.

## **Absences due to Serious Health Conditions**

Absences due to a serious health condition, whether the absence is continuous or intermittent, may be covered by the FMLA. Short term absences for medical reasons, such as the flu or a sprained ankle, are generally not considered to be serious health conditions and are not covered under the FMLA.

## **Non-Medical Absences**

We recognize that a staff member may need unscheduled time off for a non-medical reason. Supervisors will make every effort to accommodate such infrequent requests by allowing you to use accrued vacation time. Some absences for non-medical reasons may be covered by the Family & Medical Leave Act.

Absences due to things such as incarceration for conviction of a crime are not considered authorized time off and such an absence of three days or more may result in termination of your employment.

## **Leaving the Work Place**

Once you have begun your work shift, you should not leave your work area except for authorized reasons. If you must leave your work area for personal reasons, first get your supervisor's permission and remember to clock out or record the time away on your timesheet.

If you cannot be found by your supervisor and have not received permission to be away from the work area, it may be considered unauthorized absence, and is subject to disciplinary action. If you leave your work area and do not appropriately record the time away on your time records, it may constitute falsification of time records and be subject to disciplinary action.

## **Severe Weather or Other Emergencies**

As a residential campus, Swarthmore College does not close completely during extreme weather or other emergency situations. When our students are present, a certain level of essential services must be provided regardless of the circumstances.

When severe weather or a similar circumstance occurs, the College will attempt to maintain full service levels during both the weekday and weekend schedule. Unless the College formally cancels activities (see next section), all offices and service operations are expected to remain open with at least core staffing. In such circumstances, however, supervisors may make judgment calls about whether a specific individual's presence outweighs safety concerns (e.g., travel risks) or other

factors. If a supervisor and non-exempt employee agree that the employee need not report to campus that day, there are three options regarding pay:

- the employee may make up the time within the same work week,
- if needed the employee may use accrued vacation time,
- if available the employee may take time off without pay, if no vacation time is available

Note: Employees choosing to take a vacation day or day without pay are not eligible for administrative leave. Employees who decide to leave early before the College closes are not entitled to administrative leave.

On rare occasions it may be prudent for the College to open late or to formally cancel most public events and administrative activities for the day. In such situations, the decision will be announced to the public media as a "late opening" or a "closing," even though the College is not entirely closed and some staff will be required to report for work. Classes may be in session, even if other public or administrative activities are cancelled for the day.

Responsibility for the decision to formally cancel College activities (or open late) rests jointly with the vice president for Human Resources and the vice president for Facilities and Services. Whenever possible, the decision to "close" or "open late" will be made no later than 6:00 a.m. and be communicated via public media. You may call the Campus Emergency Hotline (610-328-8228), listen to KYW Radio (1060 AM; Swarthmore's number is 1219 and will be listed in Delaware County) or check the College's web site at <http://www.swarthmore.edu/>. Environmental Services has a separate notification process. If you are in this department, please check with your supervisor.

Determining which employees are required to report to or remain on campus when activities have been formally cancelled will depend on the specifics of the circumstances. However, it is generally expected that some (if not all) employees of Maintenance, Grounds, Public Safety, Dining, Health, and Information Technology Services will be required to work in order to ensure essential services. In addition, other employees may be required to report to campus as needed. It is the responsibility of the department head in conjunction with his/her Vice President to determine who is essential on his/her staff. Human Resources can be consulted for assistance in making this determination.

Employees who are required to report must make all necessary arrangements to do so. Failure to report when required may result in disciplinary action. For its part, the College will make efforts to facilitate and accommodate such required personnel as it deems appropriate; for example, the College may attempt to provide transportation or sleeping accommodations during weather emergencies. If you are not required to work, you should not report to work or remain on campus without agreement from your supervisor; to do so may result in disciplinary action.

If the College formally cancels activities for all or any portion of an employee's standard work shift either before or after the start of his/her work shift, the regularly scheduled work hours missed by non-exempt staff will be paid as "administrative leave" time in accordance with each employee's regular work schedule. Such paid administrative leave time does not count as hours worked for the

purpose of calculating overtime. Any such time should be reported as "Admin Leave" on time records of non-exempt employees. Exempt employees are eligible for administrative leave and this can be noted in department's attendance records but does not need to be reported with the monthly exception reports to payroll. On those occasions when the College opens late or closes early, employees who, with their supervisor's approval, choose not to report to work for their entire work shift will not receive administrative leave.

Employees who are required to work on a day when the College has formally cancelled activities will be compensated for all time worked, in accordance with current College pay policies. In addition, non-exempt employees will receive administrative leave, in accordance with the employees' regular work schedule as appropriate, calculated from the time the College officially closes. The administrative leave can either be taken within the same pay period as earned or the next one or the employee can receive administrative pay. If an employee is unable to take the administrative leave within the same pay period or the next one, the employee will be paid for the time in the following pay period. Such paid administrative leave time (or administrative pay in lieu of leave) does not count as hours worked for the purpose of calculating overtime during the week taken.

No formal adjustments are made to the pay of exempt staff for partial day absences, with the expectation that any missed work is made up during the course of the individual's subsequent schedule. Student and temporary employees are not eligible for administrative leave, compensating time off, or administrative pay.

## **Access to Offices Outside of Scheduled Work Hours**

As a community, we encourage participation in a wide variety of activities the College has to offer outside of regularly scheduled office hours. Overtime eligible (non-exempt) staff members must seek approval in advance from their supervisor to adjust their work schedules and to work overtime hours. Overtime eligible staff members must be paid for all time worked. Changing your work schedule without supervisor's approval may be grounds for disciplinary action.

## **Meal Breaks**

The College provides an unpaid meal break of no less than 30 minutes for all shifts of seven consecutive hours or more. Your supervisor will work with you to schedule the actual time and length of your meal period based on the needs of the department.

During a meal break, you are relieved of all duties and you are encouraged to leave your immediate work area. Time spent during meal breaks is unpaid. Meal breaks may not be saved or used to compensate for tardiness or for leaving early.

Non-exempt staff members who are required by their department to participate in meetings over the lunch period must be compensated for that time.

## Break Time for Nursing Mothers

Swarthmore is committed to supporting mothers with a nursing child to provide their child with all the health benefits of breastfeeding. The College must provide a private location for the purpose of expressing milk that is shielded from view and free from intrusion from coworkers and others.

Employees will be permitted a reasonable work break each time it is necessary to express milk. It is expected that the break times would not exceed the normal time allowed for breaks and lunch daily. For the non-exempt employee, the breaks will be unpaid unless they coincide with a regular paid break.

The College may provide a private office, conference room, or unused classroom as an appropriate space for nursing mothers. To make arrangements for reserving such a space, you should contact Human Resources Office at ext. 5793.

## Swarthmore Remote Work and Alternative Schedule Policy

The mission of the College is to serve the educational needs of a residential student campus and to provide continuity of administrative services in support of this mission. As such, departments may consider remote work or alternative schedule arrangements that support eligible staff members in performing their work at an alternative worksite when it is feasible, meets departmental goals, and ensures that services are available and that offices are open to the public during regular hours of business.

Except in College-mandated cases, remote and alternative work arrangements are voluntary options that may improve efficiency and productivity in some circumstances. Consideration is at the discretion of the department and supervisors in consultation with Human Resources. The College is also committed to accommodating remote or alternative work schedules to ensure a productive workplace and provide options to maintain College operations. Although remote and alternative work schedules may be viable options for some staff, they are not entitlements. Considerations for remote or alternative scheduling will be based on a number of factors. See eligibility criteria below for details. This policy applies to all regular staff members. It does not apply to:

- Temporary, on-call, or limited-term staff
- Faculty and other instructional staff

## DEFINITIONS

### Remote

- A work arrangement in which some or all of the work is performed at an off-campus work site such as the home or an office space near home. Communication may be by one or more means, including video, phone, email, and fax. Equipment may be owned and maintained by the staff member or by the College. Please review [ITS guidelines for working remotely](#).

### Alternative Schedule

- Alternative schedules may include variations in daily beginning and ending work time periods or a compressed work week, so long as the alternative schedule complies with [state and federal wage and hour laws](#). Alternative schedules should also comply with department expectations.

## PROCEDURES

Either the staff member or the department may initiate the request for remote or alternative schedule arrangement to Human Resources. In certain cases, including in cases of emergency, the College may require temporary remote working arrangements for those who are able to perform their duties remotely. In such cases, the staff member and manager will not need to formally complete the Remote Work agreement; however, both should be familiar with its expectations.

- If and when the administrative supervisor agrees to a remote or alternative schedule arrangement, the department should complete a formal, written agreement, using the [Swarthmore Remote Work and Alternative Schedule Agreement](#).
- Once all required signatures have been obtained, the staff member should be given a copy of the document and the original should be maintained by the department with a copy submitted to Human Resources.
- As questions arise, they should be directed to Human Resources.
- Periodic checks may be conducted to ensure the success of the arrangement, with advanced notice.
- Remote work and alternative schedule agreements must be reviewed and renewed regularly by the staff member and supervisor, and the [“Swarthmore Remote Work and Alternative Schedule Safety Checklist”](#) must be completed, including an ergonomic assessment, to ensure the designated workspace meets safety criteria.

## RESOURCES

Human Resources can assist staff members and supervisors in designing optimum arrangements. In the workplace, remote work is available for eligible staff at the discretion of the department and supervisors. Decisions about the suitability of remote work are made with the department and the approval of the area Vice President or designee.

## ELIGIBILITY CRITERIA

The determination of whether a position is appropriate for a remote work arrangement is made on a case-by-case basis at the department level. Departments evaluate suitability based largely on the nature of the work being performed.

Generally, requests to work remotely should be considered when:

- the staff member (including those who supervise other staff members) has demonstrated sustained high performance and the manager believes the staff member can maintain the expected quantity and quality of work while working remotely.
- the department can maintain quality of service for students, faculty, and other members of the College community.
- the remote work option is appropriate based on the nature of the job and specific responsibilities.

Generally, requests to work remotely should not be considered when:

- the job requires the staff member's physical presence or working remotely would disrupt the College or department's efficiency.
- the staff member's current assignment requires frequent supervision, direction, or input from others who are onsite or requires that the staff member provide frequent supervision, direction, or input from other staff members who are onsite.
- the staff member's performance evaluations do not indicate sustained high performance or the ability to work independently.
- the staff member's observed productivity levels are problematic or inconsistent or when tracking and confirming work hours is difficult (as in the case of non-exempt staff).
- the staff member has received disciplinary action within the past year or has a demonstrated attendance problem.

## **GENERAL EXPECTATIONS**

Remote work is not intended to permit staff to have time to work at other jobs, provide dependent care during work hours, or run their own businesses. Staff members who work remotely must comply with all policies and procedures, including safeguarding and securing any restricted or confidential information with which they work. Failure to fulfill normal work requirements, both qualitative and quantitative, may be cause for disciplinary action or termination of employment. Staff members who work remotely are expected to have regularly scheduled work hours, to be fully accessible during those hours, and to attend group meetings and functions.

Departments will determine, with information supplied by the staff member and the supervisor, the appropriate equipment needs for each remote work arrangement on a case-by-case basis. The College will maintain equipment supplied to the staff member. The College accepts no responsibility for damage or repairs to staff-owned equipment. The College reserves the right to make determinations related to appropriate equipment, and those determinations subject to change at any time. Equipment supplied by the College is to be used for business purposes only. The staff member working remotely should sign an inventory of all office property and agree to take appropriate action to protect the items from damage or theft. Upon termination of employment, all College property must be returned unless other arrangements have been made.

## **DURATION OF REMOTE WORK ARRANGEMENTS**

Remote work arrangements end at the staff member's termination from the College. A remote work arrangement may be revoked at any time if it is determined to be in the best interest of the department or College. Periodic review of the remote arrangement will be conducted by the supervisor.

## REMOTE WORK REQUIREMENTS FOR ALTERNATIVE WORKSITES

### A. Supervisor responsibilities:

Before remote work begins, ensure that staff members perform a workplace health and safety inspection of their designated workspace (refer to the [“Swarthmore Remote Work and Alternative Schedule Safety Checklist”](#)), including an ergonomic self-assessment of their computer workstation. After remote work begins, ensure that staff members perform periodic workplace health and safety inspections (as described above).

### B. Staff responsibilities:

- Before remote work begins, and on a periodic basis thereafter, perform workplace health and safety inspections of the designated workplace (using the resources described above).
- Provide completed inspection documents to the supervisor.
- Correct identified deficiencies in a timely manner.
- Maintain the alternative workspace free from health and safety hazards and inform the supervisor of any new workplace health and safety hazards needing correction.
- Immediately report to the supervisor any work-related illness or injury suffered while working remotely, and then complete required forms.
- If the staff member is working an alternative schedule, their working hours should be included as part of their email signature, whether they are working remotely or on-campus.

To ensure that a safe workplace can be maintained, the remote work and alternative schedule agreement should clarify safety-related equipment/furniture needs and maintenance (as applicable). For any workplace health and safety-related questions, contact the Environmental Health and Safety Officer at (610) 328-8564.

## REMOTE WORK AND ALTERNATIVE SCHEDULE AGREEMENT

An [agreement](#) between the staff member and the staff member’s department is required and will be placed in the staff member’s personnel file. The agreement may be modified or terminated any time, with appropriate notice. As circumstances, business needs, and job requirements evolve over time, adjustments and modifications may become necessary. At least two weeks notice should be provided whenever possible in advance of ending or changing the agreement, except in cases of emergency, where remote work or an alternative schedule may be required of certain staff members at the College’s discretion. In all cases, agreements must be renewed regularly.



# Chapter 7: Applications, Recruitment, Hiring & Background Clearances

Jump to:

- [Employment Opportunities at Swarthmore](#)
- [Applying For A Position](#)
- [Promotion Policy](#)
- [Swarthmore Students](#)
- [Qualified Applicants with Disabilities](#)
- [Employment of Family Members](#)
- [Eligibility for Transfer while on Performance Improvement Counseling/Disciplinary Action](#)
- [Volunteers](#)
- [Background Screening for Applicants and Employees](#)
- [Relocation Assistance Policy](#)

Swarthmore's goal is to attract and retain a diverse staff of exceptional quality and commitment. We strive to recruit the best possible candidates for our vacant positions and are committed to ensuring that all qualified candidates receive equitable consideration of their applications. We do not discriminate on the basis of non-position related factors.

Swarthmore also has a strong commitment to hiring from within, and internal applicants are encouraged to apply for positions that match their interests, qualifications, and experience.

## Employment Opportunities at Swarthmore

An updated listing of staff position vacancies is continuously available on the [Human Resources web site](#). The listing provides the title and a brief summary of the jobs currently available, as well as the minimum position requirements.

## Applying for a Position

If an individual wishes to apply for employment, he/she should complete an electronic Swarthmore application. The electronic application form can be accessed at the bottom of each employment opportunity listing by clicking on the application box. Completed applications and resumes are submitted directly from the web site. For those individuals without access to the internet, individual assistance is available in the Human Resources office, Pearson 110.

An individual becomes an applicant once he or she has submitted an application form (and resume as appropriate) for a specific, currently vacant position. Correspondence that does not indicate interest in a specific position is not acknowledged, retained, or considered as an application. You may apply for more than one vacant position at a time; however, you must complete a separate set of application materials for each position for which you wish to be considered.

If the individual meets both the general position requirements and the specific needs of the hiring department, the application is considered for referral to the hiring department.

The Office of Human Resources acknowledges applications upon receipt. Beyond that, candidates will be contacted only if the department wishes to request additional information or to schedule an interview.

If information is misrepresented on a resume, or misrepresented or omitted from an application form, or if misrepresentations are made by an applicant in interviews, Swarthmore reserves the right to revoke any offer of employment or to terminate employment whenever discovered.

In most cases vacancies are posted for 5 weekdays before a hiring offer is made. The 5 day period begins when the vacancy is posted by Human Resources.

## **Promotion Policy**

Promotional opportunities are most common when an employee moves from one position to another in a different pay grade. Staff who are interested in a posted position are encouraged to apply through the [Human Resources web site](#).

Occasionally, there are changes in the needs of the department, which provide an opportunity for an individual to assume higher level job responsibilities. Situations where a promotion may be warranted include:

- An individual is assigned new responsibilities outside their current job description which require higher level skills and are more complex than the responsibilities in the original position.
- A departmental reorganization occurs which results in a shift to higher-level responsibilities.
- Departmental career ladders that allow promotions based on demonstrated proficiency over time leading to an expanded scope of responsibilities.

Promotions depend on significant changes in job duties, rather than changes in an employees' skill set or length of time in position. They reflect departmental needs, not the need to recognize or reward an employee. In those cases, Human Resources will work with supervisors to find an appropriate way to recognize the individual in question.

The promotional process begins with a conversation among the supervisor or department head, the appropriate VP/Dean and the Human Resources department. After agreement is reached that a change in job duties for an individual is warranted, a new position description will be developed and a pay grade will be determined. A move is considered a promotion only if the new responsibilities place the position in a higher pay grade.

## **Swarthmore Students**

Swarthmore students may not hold staff positions at the College. Students may, however, be hired into designated student position classifications. There are guidelines for employing students, including limits that generally prohibit undergraduates from working more than 20 hours in any

week when school is in session. For more information on hiring students, contact the Student Financial Aid Office or the Student Employment Office.

## **Qualified Applicants with Disabilities**

Applicants are not required to identify themselves as having a disability; self-identification is strictly voluntary. The job related skills and experience of all applicants should be evaluated without regard to disability or any accommodations that may be necessary. The ADA defines a person with a disability as "qualified" for a position if he or she is able to perform the essential job functions with or without reasonable accommodations.

Essential job functions are the fundamental tasks of a job, reasonably defined by the employer. Accommodations are changes in facilities or policies that enable an otherwise qualified person to perform the essential job functions. An accommodation is considered reasonable and is required if it effectively allows the person to perform the essential job tasks, while not placing an undue hardship on the employer.

Decisions about accommodations or undue hardship must be made on a case by case basis. Supervisors should contact Human Resources for assistance if questions arise about an applicant with a disability.

## **Employment of Family Members**

Employment of immediate family members in situations where one family member has direct influence over the other's conditions of employment is not permitted. If you are a manager or supervisor, relatives may not be hired in any position within your span of control; i.e., in any department that reports to you, or in any position reporting to a supervisor who reports to you. Relatives may not be hired in any department within the vice-presidential area in which you report.

Immediate family for this purpose is defined as spouse, domestic partner, daughter, son, parent, grandparent, grandchild, sister, brother, mother-in-law, father-in-law, sister-in-law, brother-in-law, aunt, uncle, nieces, and nephews, including step-relations.

In some cases, a concern over conflict of interest may arise involving other relatives such as relatives by marriage. In any case where you are unsure about a potential conflict, you should fully disclose the circumstances to your supervisor.

## **Eligibility for Transfer while on Performance Improvement Counseling/Disciplinary Action**

Generally, employees who are engaged in performance improvement counseling are not eligible to seek other positions within the College. This is especially true if the counseling is for misconduct or for skills that are critical to the position being considered.

If the performance problems the staff member is experiencing are due to a mis-match of job requirements and the skills of the employee, it may be to the staff member's and the College's advantage to attempt to identify other opportunities where an individual may be more successful.

However, staff members who have demonstrated problems of performance or misconduct in the past must demonstrate they are capable of appropriately resolving the problem before transfer is appropriate. If you are interested in a position that is a better fit, please discuss the matter with the Human Resources office.

## **Volunteers**

A volunteer is someone who performs a service for civic, charitable, or humanitarian reasons, without the promise, expectation, or receipt of compensation for services rendered.

The definition and use of volunteers is covered by the federal Fair Labor Standards Act (FLSA). The FLSA protects individuals from manipulation or abuse of minimum wage or overtime requirements that might pressure them to "volunteer" time that otherwise would have to be compensated. Swarthmore employees should never feel pressured to volunteer or work for free. Therefore, to be considered a volunteer, an individual must:

- offer their services freely, and
- not be employed by Swarthmore doing the same or similar work

Generally speaking, FLSA guidelines suggest a non-exempt employee should never be allowed to volunteer for other duties related to their position responsibilities at Swarthmore.

Departments that recruit and use volunteers should have a signed statement of understanding that documents the volunteer nature of the relationship and ascertains that the volunteer is providing the services freely. Contact Human Resources for assistance.

Volunteers by definition are not compensated. Departments that coordinate the use of volunteers should not enter into any agreements about reimbursement of volunteer's incidental expenses or other exchanges of resources that might be construed as compensation without first consulting with Human Resources.

## **Background Screening Policies and Procedures for Applicants and Employees**

Swarthmore College strives to conduct its operations and maintain its facilities in a manner consistent with its purpose as a liberal arts institution of higher education, and is committed to the highest standards of responsible employment and hiring practices. The College has a responsibility to recruit individuals who are well qualified and have a strong potential to be productive in their respective positions. Furthermore, the College is committed to protecting the safety, health, and well-being of its employees, students, and all others who come into contact with our college community. In an effort to assure assignment of only qualified personnel and reduce the possibility of hiring individuals who may pose a danger to themselves or to our students, employees, visitors, and minors, Swarthmore College has adopted these policies and procedures. All staff members are covered under this policy, including full-time, part-time, temporary/limited term staff.

Additionally, consistent with the Pennsylvania Child Protective Services Law, ("CPSL" – see 23 Pa. Cons. Stat. 6301, et seq.), with limited exception, employees, volunteers, and independent

contractors in post-secondary schools who have direct contact with minors are required to obtain certain background clearances. The College requires all new and existing employees who have direct contact with minors to receive the background clearances outlined below.

### **Consent and Policies:**

All existing and prospective employees seeking employment are required to complete background screenings relevant to the position responsibilities. Placement as a volunteer with direct contact with minors also requires background screening. Prospective employees and volunteers must complete notice and consent documents to obtain information in order to be considered for employment or assignment. Screening shall be performed by designated college personnel in partnership with our third party vendor. Failure to authorize background screening, or omission or misrepresentation of information on the notice and consent form, is grounds for immediate denial and/or termination of employment or assignment.

- Background screening may include verification of information supplied on the applicant's resume, application form, and during the interview process through verification of past employment, education, and other credentials as well as reference checking. Depending on the requirements of the position, the background screening may also include motor vehicle, criminal, credit, or child abuse histories.
- The following background screening services shall be completed by Swarthmore College. These screenings may re-occur throughout the course of employment:

#### Basic Check for all employees \_

1. Past employment verification
2. References
3. Licensure/certification verification, if applicable
4. Social security number trace report
5. Sex offender registries
6. PA statewide
7. Criminal history search of federal courts
8. Criminal history search of national database
9. Criminal history of county of residences

#### Additional Searches that may be conducted based on job requirements

- **Motor Vehicle Report:** For all employees who have driving responsibilities as a requirement of their position and/or employees who may drive a College vehicle during the course of their employment.

- **Credit History Report:** For all employees who are hired into a position that can affect Swarthmore financially (i.e., working in the accounting department, handling cash, having a Swarthmore credit card, and/or have access to personal identifying information regarding employees or students).
- **Department of Public Welfare Child Abuse History Clearance:** For all employees or volunteers, including coaches, who work in direct contact with children via camps, on-campus activities, and school visits.
- **Federal Criminal History check (FBI):** For all employees who work in direct contact with children via camps, on-campus activities, and school visits. Additionally, an FBI check will be conducted for volunteers who work in direct contact with children and have not been Pennsylvania residents for 10 full years prior to the assignment.
- **Education verification:** For all positions that require an advanced degree.

All offers of employment are “conditional” based upon the receipt of background screening information and satisfactory assessment of that information by designated College personnel.

### **Notification Procedures**

- A. If there are any discrepancies or findings that, if accurate, would potentially disqualify a prospective employee, the College will send a copy of the background check report and a copy of the Summary of Consumer Rights to the employee or prospective employee.
- B. The College will inform individuals by letter that they have five (5) business days to dispute the findings of the background report by contacting the third party background check vendor directly. Anyone who disputes the report of the background check vendor must notify the College in writing; the College will place the individual’s file on hold until the vendor has completed its reinvestigation.
- C. If the individual disputes any portion of the background report, the vendor will send a written report to the College, and to the employee or prospective employee detailing the results of the reinvestigation. This should be sent within thirty (30) days of receiving notice of the individual’s dispute.
- D. If within five (5) business days the individual has not responded to the above notification and the vendor has not contacted the College regarding the information provided, a Notice of Adverse Action will be sent to the individual by Swarthmore on the sixth (6th) business day.

### **Negative Background History and Employee Disclosure Requirement**

The presence of a negative background history is not an automatic determinant in deciding whether to hire or continue employment. Rather, it leads to an assessment by designated college personnel of whether the negative history is related to the job requirements and would present an unacceptable risk to the operation of the College. The following list contains some but not all of the types of negative background results that can lead to such an assessment.

- An offense designated as a felony under “The Controlled Substance, Drug Device and Cosmetic Act.”
- Criminal acts involving violence and/or use of a weapon
- Arson
- Burglary
- Child pornography/Soliciting a minor
- Driving under the influence or other major motor vehicle violations
- Child Abuse/Endangering the welfare of children
- Extortion
- Hate crimes
- Homicide/murder/manslaughter
- Kidnapping/false imprisonment/unlawful restraint
- Negative credit accounts
- Rape/sexual assault/sexual offenses
- Stalking

Consideration will be given to the nature and gravity of the offense, the relationship between a conviction and the responsibilities of the position that would be held, the time that has passed since conviction or completion of related sentence, and any legal restrictions on employment.

Falsification of applicant materials, including failure to disclose misdemeanor or felony convictions, is grounds for non-selection of applicant or disciplinary action for employees up to and including dismissal. Employees are required to notify Human Resources in writing within 72 hours of a criminal arrest, conviction, or notification that the employee has been listed as a perpetrator in a statewide database. Upon notification, Human Resources will conduct a new background screening and assessment of the employee’s history in light of job requirements.

#### **Background Screening Records/Reports:**

Due to the sensitive nature of information obtained in the background screening process, background screening reports shall be treated as highly confidential and stored in a secure location. Background Screening reports will be retained by Human Resources for a minimum period of 60 months and will not be shared with hiring managers/supervisors.

## **Relocation Assistance Policy**

Swarthmore College recognizes that new staff selected as a result of a national, regional, or international search may have access to some reimbursement of normal moving expenses.

### **Eligibility**

Employees hired to fill regular, benefits-eligible administrative positions at Director level or above may be eligible for relocation assistance, at the discretion of the respective Vice President. Vice Presidents may determine if other positions should be considered eligible for a relocation expense allowance, particularly in cases where the position requires specialized skills.

To be eligible for tax deductions or reimbursements for moving expenses, an employee must meet both the distance and time tests. Distance Test: The employee or new hire must be relocating to a new job site that is at least 50 miles farther away from their home than their current or most recent work location. Time Test: The employee is expected to work full time at least 39 weeks during the first 12 months after relocation. (see [IRS Publication 521](#)).

The new work location must be at least 50 miles farther from the new employee's former home than the previous work location was from the former home. For example: If the previous work location was 3 miles from the former home, the new work location must be at least 53 miles from that former home. If an employee is accepting their first position or is returning to work after an absence, the place of work must be at least 50 miles from the former home. Moving expenses must be incurred within one year of the date of hire. Receipts should be submitted to the hiring manager, who should send them to Human Resources.

### **Moving Provisions and Exclusions**

In general, the College reimburses only expenses that are considered deductible expenses by the Internal Revenue Service (IRS) as outlined in [IRS Publication 521](#) with the following exclusions:

- the College will pay for the movement of belongings from only one location
- additional expenses charged for moving large or unusual items (such as, pianos, boats, works of art requiring extraordinary moving costs, etc.) will not be considered reimbursable expenses.
- Expenses are capped based on the distance of the move as follows:
  - If the new home is less than 500 miles from the former home, expenses are reimbursed up to \$2,000.00
  - If the new home is 500 to 1000 miles from the former home, expenses are reimbursed up to \$4,000.00



- If the new home is greater than 1000 miles from the former home, expenses are reimbursed up to \$6,000.00

The above-listed caps are maximum allowable expenses and do not represent an automatic allowance or eligibility. Determinations regarding amounts allowable up to the established caps are based on a number of factors, including the funds available for such expenses in the department budget. Reimbursements in excess of \$6,000 must be approved by the President of the College.

### **Process**

The moving expense reimbursement amount will be indicated in the new employee's offer letter. Receipts should be submitted to the hiring manager, who should send them to Human Resources. Moving expenses are the responsibility of the hiring department and will be charged to the hiring department's budget.

If a new employee has questions regarding the eligibility of an expense for reimbursement, that person should contact the business office for clarification prior to incurring the expense. If the employee elects to voluntarily leave the College within 12 months of relocation, the employee is expected to reimburse the College for all moving expenses paid by the College.

## **Chapter 8: Performance Evaluation and Professional Development**

Swarthmore's reputation as one of the finest liberal arts colleges in the world exists and grows because of the dedicated effort and commitment to excellence of its faculty and staff. You were chosen for your position because of your qualifications, abilities, and commitment to the high standards Swarthmore has set for itself.

### **Performance Feedback**

To assist you in meeting Swarthmore's standards, you should seek regular advice, counsel, and feedback on your performance. This feedback can come from a number of sources but most frequently it is provided by your supervisor. Your supervisor can provide both positive and corrective feedback to help you achieve excellence in your job and meet the professional goals that you and the College have set. If you ever feel that you are not clear about what's expected of you or if you're unsure about how you're doing, ask your supervisor.

### **Performance Evaluation**

Opportunities for periodic review of your job performance will be provided at least once each year, allowing time for you and your supervisor to discuss your overall performance, to review the past year, and to set goals and priorities for the next year. These discussions provide an excellent opportunity for you to confirm your ability to meet the defined expectations, to identify areas for further development, and to set objectives for the future.

Our philosophy is to foster an environment of open communication amongst all of our employees. To that end, we expect supervisors to communicate performance to you throughout the year. In turn, you are encouraged to proactively communicate any concerns you may have between formal evaluation cycles.

### **Professional Development**

Staying current in your field and keeping abreast with changes and new technology is a normal job responsibility we all have. Information and technology are constantly changing and expanding our work demands, as well as our capabilities. Needs and priorities change over time and you should be prepared to acquire new skills to help you remain competitive and successful in your current position.

Many employees will have at least one major career change in their working life. If you are interested in exploring new career options for yourself, contact the Human Resources Office.

### **Transfers and Promotions**

One of the ways that individuals broaden and deepen their career experience is through professional transitions within Swarthmore. Any transition to a position with a different position ID

number is considered a position transfer. Employees may transfer to new positions, which may include a change in pay grade or to a different position in the same pay grade. Typically, an employee must be in their current department for a minimum of one year before an application for transfer will be considered.

## **Lateral Transfers**

A lateral transfer is a move to a position with the same or similar job title in the same pay grade. Such transfers provide opportunities to work with new colleagues, to master a different range of skills, or to bring your special skills and experience to a new environment. Lateral transfers do not normally result in a change in pay.

## **Promotions**

Staff members are often interested in opportunities for professional development through promotion, either in their current department or in another area of the College. A move is considered a promotion if it places an individual in a position in a higher pay grade, a higher salary, an elevated job title, and/or an increase of responsibility.

# Chapter 9: Misconduct, Performance Improvement Counseling, and Disciplinary Action

Jump to:

- [Performance Improvement Counseling](#)
- [Oral Warning for Performance or Misconduct Problems](#)
- [Written Notice for Performance or Misconduct Problems](#)
- [Final Written Notice for Continued Serious Performance or Misconduct Problems](#)
- [Decision Making Leave](#)
- [Misconduct That Warrants Immediate Discharge](#)
- [Appealing A Disciplinary Action Or Discharge](#)
- [Eligibility for Transfer While on Performance Improvement Counseling/Disciplinary Action](#)

Swarthmore has a strong commitment to excellence in all we do, and we depend on the members of the Swarthmore community to uphold the highest professional standards. We strive for an environment of trust, unquestioned integrity, and a genuine concern for the welfare of the organization and of others in our community.

Issues of poor performance or misconduct, however, compromise both the individual and the institution. For this reason, Swarthmore expects and upholds high standards of performance and professional conduct to at all times. Performance or conduct issues that arise will be addressed through a process of performance improvement counseling and disciplinary action.

Performance improvement counseling is an extension of performance evaluation and professional development. It is a process intended to help supervisors and staff members overcome work related challenges, strengthen job performance, and maintain a successful employment relationship. Human Resources (HR) staff is available to supervisors and employees for assistance and support with performance improvement counseling and discipline process.

Disciplinary action generally occurs when performance improvement counseling has not had the desired effect or when misconduct warrants it. The disciplinary actions described below distinguish between less serious and graver actions of misconduct. Supervisors, in consultation with Human Resources, may exercise discretion as appropriate when following the schedule of counseling.

Human Resources is available for consultation at any step of the performance improvement counseling process and should always be consulted before disciplinary action or termination of employment.

## Performance Improvement Counseling

### During the Orientation Period

The orientation period for new staff members is particularly important. The department uses this time to establish guidelines and expectations, and the staff member uses the time to demonstrate

competence regarding job duties. If job performance during orientation is unsatisfactory, supervisors will give the staff member oral or written notice of the deficiency and explain how the performance needs to improve in order to continue employment. Supervisors may also elect to extend the orientation period, to provide additional training, or time to evaluate whether the individual will be able to meet expectations.

A staff member may be terminated without further notice during the orientation period if he or she fails to meet performance expectations. During the orientation period an employee does not have access to the complaint resolution procedure to appeal a disciplinary action or termination, with the exception of complaints involving discrimination (see [Chapter Eleven](#)).

## **After the Orientation Period**

### **Oral Warning for Performance or Misconduct Problems**

Problems in performance or conduct that arise after the orientation period can occur at any point in an employee's career. Sometimes they are due to new tasks or changes in work routine or are the result of personal problems an employee may be experiencing. Raising issues and exploring solutions is the responsibility of both supervisors and employees. When a supervisor notices a performance issue, it is expected that they will bring the issue to the attention of the employee in a respectful and timely manner. Discussion with the staff member should always be the first step. After the discussion, a performance counseling note or memo should be created to identify the problem and the agreed upon solution. Managers, in conjunction with Human Resources, will assess the severity of each infraction. While a progressive disciplinary system has been outlined to improve performance and conduct, some behaviors may warrant skipping disciplinary levels, including the decisions for immediate termination. The employee should sign the memo and receive a copy. A copy will also be retained by the supervisor, and in the employee's personnel file.

### **Written Notice for Performance or Misconduct Problems**

If performance concerns or misconduct persist, or are of a serious nature similar, but not limited to those listed below, a written notice should be initiated, and can be the first step in the counseling process. Managers, in conjunction with Human Resources, will assess the severity of each infraction. While a progressive disciplinary system has been outlined to improve performance and conduct, some behaviors may warrant skipping disciplinary levels, including the decisions for immediate termination. The list below offers examples of policy infractions that may result in a written warning. This is not a comprehensive list.

- Excessive occurrences of absence, tardiness, or requests to leave early that are not due to an FMLA approved health condition
- Minor neglect of, or failure to accurately complete assigned duties
- Failure to call in each day according to departmental policies when unable to report for work
- Failure to report back to work from authorized breaks in a timely fashion

- Unproductive use of work time
- Working unauthorized overtime
- Making excessive use of business phones for local personal calls
- Minor violation of the College's no-smoking policy
- Carrying unauthorized persons in College vehicles
- Failure to interact collegially, maturely, and effectively with co-workers, students, or other individuals with whom the employee comes in contact
- Failure to wear required uniforms or other work attire

As before, the supervisor should begin by initiating a discussion with the staff member. If, after discussion and any appropriate investigation, the supervisor still concludes that formal disciplinary action is appropriate, a written notice is provided to the employee. This step formalizes the discussion between a supervisor and a staff member about a behavior that is inconsistent with College or departmental policies or expectations. Below is a guide for the type of information supervisors should consider including in the written notice. Templates are available in HR to assist supervisors with drafting performance counseling documents.

- What the performance expectations are for anyone who holds this position.
- How the staff member's current performance is falling short of those expectations.
- Whether the employee has any prior counseling /disciplinary notices.
- What corrections the staff member will need to make in order to meet expectations.
- The time frames for correction in order to reach a satisfactory level of performance.
- The consequences of failure to correct the performance concern to the expectations (including action that may lead to termination of employment).

The supervisor should also indicate what, if anything, the department will do to support the needed changes. For example, offering closer mentoring or providing additional training resources. Supervisors are asked to consult with Human Resources before issuing a formal written notice.

This documentation should be provided to the staff member and the staff member should sign the notice indicating she or he has received a copy. If the staff member does not wish to sign the written notice, the supervisor may indicate on the form that the employee did not wish to sign, and the disciplinary action will proceed. Once signed, a copy should be sent to Human Resources for the staff member's central personnel file.

If performance or conduct improves to an acceptable level and does not recur for the specified time period in the performance counseling, and no other disciplinary actions are required during that time, the written notice should be considered resolved. However, the written notice remains on file

as part of the individual's historical record and a pattern of performance problems, regardless of improvement, will be considered grounds for disciplinary action, up to and including dismissal.

### **FINAL WRITTEN NOTICE FOR PERFORMANCE OR MISCONDUCT PROBLEMS**

If performance or conduct does not improve to an acceptable level within the time frames established in the written notice or there are serious performance or conduct problems similar to those listed below, a final written notice may be appropriate. Managers, in conjunction with Human Resources, will assess the severity of each infraction. While a progressive disciplinary system has been outlined to improve performance and conduct, some behaviors may warrant skipping disciplinary levels, including the decisions for immediate termination. The list below offers examples of policy infractions that may result in a final written warning. This is not a comprehensive list.

- Inappropriate, unprofessional, or abusive conduct with a co-worker, supervisor, student, or other individual with whom the employee comes in contact or conduct which disrupts the business of the College
- Neglect of duty that could result in loss or injury
- Violation of a College safety rule
- Accessing confidential information without authorization

Documentation of the performance problems should follow the format described above. Most importantly, it should clearly state the fact that failing to reach the necessary level of performance within the established time frames will end the employment relationship. As in the previous step, supervisors should consult with Human Resources before issuing a final written notice.

The staff member should receive a copy of the final written notice and should sign the departmental copy as acknowledgement of receipt. As before, if the staff member does not wish to sign the written notice, the supervisor may indicate on the form that the employee did not wish to sign, and the disciplinary action will proceed. A copy also should be sent to the staff member's central personnel file in HR, along with relevant copies of any prior written counseling. The written notice remains on file as part of the individual's historical record and a pattern of performance problems, regardless of improvement, will be considered grounds for disciplinary action, up to and including dismissal.

### **Decision Making Leave/Suspension**

As a final step before discharge, the supervisor has the option, but not the obligation, to offer the staff member the opportunity to take a one day, paid "decision making" leave. This leave may be offered at the same time a final written notice is given, or at a later date as appropriate.

The staff member will be asked:

- to think about the continued or serious performance or conduct deficiency and to decide if he or she is able to commit to correcting the concern.

If the staff member desires to correct the problem, he/she should be prepared to discuss or commit to writing:

- the actions he or she intends to take to address the concerns and achieve satisfactory performance and
- what support, if any, he or she will need from the supervisor.

If the improvement plan is accepted by the supervisor and performance improves to a fully acceptable level and does not recur for the specified period of time, and if no other performance or conduct related actions are warranted, the matter should be considered resolved. As before, a pattern of performance or conduct problem will be considered grounds for disciplinary action, up to and including termination, regardless of improvement.

If the staff member cannot present an acceptable plan or does not feel he or she can successfully meet expectations under the conditions established by the supervisor, the staff member may choose to resign or the supervisor may choose to end the employment relationship.

Alternately, the supervisor may use a suspension without pay in place of the decision making leave as a last step before termination. Supervisors must consult with Human Resources before offering an employee a decision making leave day or issuing a suspension.

### **Misconduct that Warrants Immediate Discharge**

Actions that involve dishonesty, violation of the law, or material risks to College operations or to the safety or well-being of oneself or others are grounds for immediate dismissal. Examples include, but are not limited to:

- Unauthorized removal or destruction of property belonging to others, including the College, co-workers, or students and including discarded, excess, or found property
- Unauthorized use of College resources for personal gain
- Possessing an unauthorized weapon on College time or premises
- Threatening or assaulting another person on College time or premises
- Insubordination
- Falsifying College records, including employment application and time records
- Unauthorized absence from the worksite that is not accurately reflected on time records
- Conviction of a crime or other behavior that impairs suitability for employment
- Failure to report a criminal conviction to one's supervisor or HR within five days of conviction



- Use, possession, or distribution of drugs or illicit/excessive use of alcohol on College time or reporting to work under the influence
- Gross negligence that may result in significant injury or loss
- Absence of three consecutive workdays without authorization
- Violation of the College's non-discrimination or harassment policies
- Failure to respond to official on-call responsibilities
- Disclosing information the College considers confidential
- Violation of the College's Gramm-Leach-Bliley (GLB) Information Security Plan - refer to page 15-5
- Inappropriate use of College technology
- Dishonesty that may harm others or the College

Supervisors should consult with Human Resources before discharging a staff member. Reasons for discharge should be documented in writing, with copies to (a) the staff member, (b) the departmental file, and (c) the central personnel file in Human Resources.

### **Appealing a Disciplinary Action or Discharge**

Staff members who have completed their initial orientation period and feel that a disciplinary action or discharge is not consistent with College or departmental policy or practice, or is a pretext for illegal discrimination or other actions prohibited by law, have the right to appeal the action. More information is available in [Chapter 11](#).

The complaint resolution process is not available when the staff member chooses to resign, including cases where the resignation is in lieu of discharge, as the employee has initiated the action.

### **Eligibility for Transfer while on Performance Improvement Counseling/Disciplinary Action**

Generally, employees who are engaged in performance improvement counseling are not eligible to seek other positions within the College. This is especially true if the counseling is for misconduct or for skills that are critical to the position being considered.

If the performance problems the staff member is experiencing are due to a mis-match of job requirements and the skills of the employee, it may be to the staff member's and the College's advantage to attempt to identify other opportunities where an individual may be more successful. However, staff members who have demonstrated problems of performance or misconduct in the past must demonstrate they are capable of appropriately resolving the problem before transfer is appropriate. If you are interested in a position that is a better fit, please discuss the matter with the Human Resources office.

# Chapter 10: Equal Employment Opportunity

Jump to:

- [Swarthmore's Non Discrimination Commitment](#)
- [Equal Opportunity Director](#)
- [Prohibition of Sexual and Discriminatory Harassment](#)
- [Options for Resolution](#)
- [Individuals with Disabilities](#)
- [College Practice](#)
- [Seeking Assistance](#)
- [Service Animal Policy](#)
- [Qualified Applicants with Disabilities](#)
- [Accommodating Religious Practices](#)

## Statement of Equal Opportunity

Swarthmore College is committed to the principle of equal opportunity for all qualified persons without discrimination against any person by reason of sex, race, color, ancestry, age, religion, national origin, familial status, sexual orientation, gender identity or expression, veteran status, medical condition, pregnancy, disability, use of a guide or support animals because of a disability or any other legally protected status. This policy is consistent with relevant governmental statutes and regulations, such as Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, The Age Discrimination in Employment Act, The Americans with Disabilities Act and ADA Amendments Act, The Equal Pay Act, The Uniform Services Employment and Reemployment Rights Act, The Pennsylvania Human Relations Act, and the Borough of Swarthmore Ordinance on Non-Discrimination.

In keeping with the long-standing traditions of the College and the spirit and letter of the federal and state equal opportunity laws, it is the standing policy of the College to realize equality of opportunity in education and employment; to guard against discrimination contrary to that aim; and to correct discriminatory behavior if found to exist within the College community. Consistent with maintaining an educational program of the highest quality, our standing policy includes affirmative efforts to achieve the above goals in employment and education.

The Non-Discrimination and Equal Opportunity policy has been and shall be further implemented by the President and by members of the faculty and administration designated by the President for that purpose. (Adopted by the Board of Managers 1 March 1975, with amendments 24 April 1976, 3 December 1977, 7 December 1985, and 5 March 2007.)

## Prohibition of Discrimination and Sexual Misconduct

The College seeks to create an environment in which the maximum academic potential of students and professional potential of employees can be realized. In keeping with its efforts to create such an environment, the College recognizes that all who work and learn at the College are responsible for

ensuring that the work and academic environment is free from discriminatory practices, including sexual misconduct. Further, it is the obligation of every employee to report sexual misconduct that is suspected in the college community. Community members are always encouraged to report or seek assistance for any concern related to work conditions or relationships at the college.

Prohibited discrimination relating to a protected status and sexual misconduct are inappropriate conduct and are grounds for discipline, up to dismissal, or other remedial measures depending on the circumstances as well as the severity and pervasiveness of the behavior. The inappropriate conduct does not need to qualify as unlawful for the college to take action. Because some inappropriate conduct within this policy may also be a violation of law, any individual who feels subjected to illegal conduct has the right to initiate legal proceedings in criminal or civil court in addition to or in lieu of a complaint pursuant to this policy.

Specifically, sexual misconduct represents a continuum of behaviors ranging from physical sexual assault and abuse to sexual harassment and intimidation. Anyone can be subject to and can be capable of sexual misconduct. It can occur between two people, whether or not they are in a relationship, in which one has power over the other, or are of different sexual identities. All forms of sexual misconduct are prohibited and are serious violations of the College's [policies](#). Whenever the College learns of allegations of sexual misconduct, it will take appropriate action to investigate the allegations and take prompt remedial action that is aimed at stopping and preventing sexual misconduct.

Sexual misconduct includes both sexual harassment and sexual assault. Sexual assault is a particularly serious form of sexual misconduct, which could also lead to criminal prosecution. It can range from unwanted, intentional physical contact to rape. For faculty and instructional staff, sexual assault will be considered to be a particularly serious form of unprofessional conduct.

Sexual harassment is another form of sexual misconduct that is a type of discrimination based on sex or gender. Swarthmore College also finds that harassment based on sexual orientation, gender identity, or gender expression is also a form of sexual harassment for purposes of the College's policies. There are two basic types of sexual harassment:

**A. Quid Pro Quo Harassment** is any action in which submission to conduct of a sexual nature is made either explicitly or implicitly a term or condition of an individual's education or employment, or in which submission to or rejection of such conduct is used as the basis for academic or employment decisions affecting that individual. It is not necessary for this type of harassment to be repeated in order to be deemed sexual harassment.

**B. Hostile Environment Harassment** is any unwelcome action, verbal expression, usually repeated or persistent, or a series of actions or expressions that have either the intent, or are reasonably perceived as having the effect, of creating an intimidating, hostile, or demeaning educational, employment, or living environment for a student or College employee, either by being sexual in nature or by focusing on a person's gender, sexual orientation, gender identity, or gender expression. An intimidating, hostile, or demeaning environment is defined as one that is so severe, pervasive, or objectively offensive that it unreasonably interferes with a person's ability to work,

learn, exist in living conditions, or have access and opportunity to participate in all and any aspect of academic, professional, or residential campus life.

Some specific examples of sexual harassment include, but are not limited to: unwelcome verbal or physical advances, persistent leers, and lewd comments; the persistent use of sex stereotypes or irrelevant references or remarks about a person's gender, sexuality or sexual orientation that insult or degrade; and manipulation of an authority relationship to coerce (not necessarily involving physical force) or influence another person to do something of a sexual nature that she/he would not otherwise do. Depending on the circumstances, repeated unwelcome remarks, about a person's personality or appearance might be interpreted as sexually suggestive. Such remarks are particularly objectionable when they interfere with the purposes of the relationship and reasonably result in feelings of confusion, uncertainty, or discomfort for the person who is the object of the remarks.

Examples of other forms of sexual misconduct within the college community include: indecent exposure of one's own private body parts or genitalia, dating or domestic violence, and stalking an individual based on a sexual purpose.

## **Options for Resolution**

If a situation arises in which an individual has been the victim of discrimination or other forms of non-sex/gender based misconduct by a staff member, Swarthmore's internal Procedures for Resolving Non-Sex/Gender-Based Complaints Against Staff Members, described fully in the next chapter, may be invoked to resolve the matter.

Before deciding to file a complaint via the staff process, the individual may consult informally with the Director, equal opportunity and engagement for advice or possible informal resolution of the problem, if appropriate. Depending on the circumstances, it may be necessary for the Director, equal opportunity and engagement to conduct an investigation with or without the staff member's consent.

Additional assistance and information is available from the offices listed below.

- Equal Opportunity/Human Resources Office: Director, EO & Engagement, Pearson 106, ext. 8398
- Your supervisor, department chair, or other member of management
- Provost's Office: Provost, Parrish 229, ext. 8319
- Public Safety: Ben West House, ext. 8281
- Dean of the College: Parrish 108, ext. 8365

It is important to note that discussing concerns with the Director, equal opportunity and engagement or any other resource person listed above, does not obligate a person to initiate the complaint procedures, nor do such discussions preclude a person from doing so. Regardless of whether or not options for resolution are pursued within the College system, individuals always

have the right to pursue legal action, whether criminal, civil, or regulatory, in addition to or in lieu of a complaint pursuant to this policy.

## **Equal Opportunity Director**

The College's Director, equal opportunity and engagement has responsibility for monitoring the equal employment and educational opportunity compliance of the College and assisting with application and interpretation of laws that impose special obligations on the College.

The Director, equal opportunity and engagement is available to consult with employees and students about matters they believe might involve issues of discrimination. The Director, equal opportunity and engagement also oversees investigations regarding complaints that involve questions of prohibited discrimination. The Director, equal opportunity and engagement may enlist the support of the Public Safety investigators or another trained investigator during the investigation process.

## **Individuals with Disabilities**

Swarthmore is committed to equal opportunity and access for people with disabilities. In compliance with Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act (ADA) of 1990, and the ADA Amendment Act Swarthmore does not exclude otherwise qualified persons with disabilities from participating in employment opportunities and College programs and activities.

Congress passed the ADA in 1990 in an effort to remove barriers that prevent people with disabilities from having access to goods, services, and employment opportunities. The ADA Amendment Act, passed in 2009, provided clarification of the regulations and extended protection under the law to potentially more individuals. Complying with the ADA and the ADA Amendment Act helps Swarthmore achieve its goal of offering employment opportunities to all qualified individuals and helps tap an under-utilized employee population.

The ADA and ADA Amendment Act provides protection for the person with a disability from discrimination in any employment action and requires an employer to make reasonable accommodations to aid the individual to perform the essential duties of the job.

The law defines a person as disabled if he or she:

- has a mental or physical impairment that substantially limits one of life's major activities, such as walking, hearing, etc., or
- has a record or history of such an impairment, or
- is regarded as having such impairment

In addition, a person who is associated with someone with a disability is protected from employment discrimination based on unwarranted assumptions (e.g., that the person will have to miss work to care for the disabled individual).

The law defines essential job functions as those fundamental tasks of a job, reasonably defined by the employer; and reasonable accommodations as those changes in facilities or policies that enable an otherwise qualified person to perform the essential job functions. An accommodation is considered reasonable and is required if it effectively allows the person to perform the essential job tasks, while not placing an undue hardship on the employer.

According to the ADA and the ADA Amendment Act, the employer is not required to create a new position as an accommodation or to shift duties from the person with a disability to another staff member resulting in an increased workload for that staff member.

## **College Practice**

The College's position is to provide reasonable accommodations to individuals with a disability or serious medical condition as needed to perform the essential duties of their position, provided that the accommodation does not create an undue hardship on the college. The process of determining a reasonable accommodation involves engaging in an interactive dialogue between the employee and the College to consider the appropriateness and viability of various possible accommodations. Together, the employee, the supervisor, and the Director, equal opportunity and engagement come to a decision about the most appropriate and reasonable accommodation.

Should an illness progress to a stage where an individual can no longer perform the essential functions of his/her job with accommodations, the College would work with the individual to apply for other suitable positions, if available and as appropriate.

Supervisors should contact Human Resources for assistance if questions arise about accommodations or performance assessments of essential functions.

## **Seeking Assistance**

Employees are not required to identify themselves as having a disability; self-identification is strictly voluntary. However, if an employee with a disability or serious medical condition needs to request an accommodation, the Director, equal opportunity and engagement should be contacted in Human Resources. If an accommodation is requested, the HR will arrange for an interactive process to assess the request and will also review other policies with the employee that may be pertinent to the situation, i.e., leave benefits, FMLA, confidentiality, Employee Assistance Program.

If a work related situation arises in which a staff member believes he or she may have been discriminated against in decisions or actions related to his or her disability or serious medical condition, he or she may seek review through Swarthmore's internal discrimination grievance review process, described earlier in this chapter. The employee can contact the Director, equal opportunity and engagement for assistance.

## **Service Animal Policy**

In compliance with the Americans with Disability Act (ADA) and the ADA Amendment Act, Swarthmore provides access for people with disabilities to bring their service animals into all areas of the campus that are open to the public or to students.

A service animal is defined as an animal that is individually trained to perform tasks for a person with a disability. Common tasks performed by a service animal are: guiding people who are blind, alerting people who are deaf, fetching items, alerting people with autism to distracting, repetitive movements. Most service animals are dogs, but other animals may also be service animals, as defined by the U.S. Department of Labor. An animal does not have to be licensed or certified as a service animal.

Use of a service animal must first be registered with the Director, equal opportunity and engagement in Human Resources. The Director, equal opportunity and engagement will review documentation of the disability and discuss appropriate accommodations including the assistance of the service animal.

Documentation required for the service animal includes:

- the service animal must be registered in compliance with state and/or local laws, and
- immunization records must be current and include rabies; the service animal must wear vaccination tags at all times.

## **Health, Control of and Hygiene/Cleanliness**

The health, control of and hygiene of the service animal are the responsibility of their partner/handler. The service animal must be in good health. The service animal's partner/handler will be asked to leave the campus if the service animal is found to be ill.

The service animal must be on a leash or in a harness and under the control of their partner/handler at all times. The service animal must not engage in unacceptable behavior. If an animal does so, the partner/handler is expected to use proper training techniques to correct the behavior. Repeated occurrences may result in the service animal being temporarily barred from the building(s) until significant steps (such as additional training) are taken to mitigate the behavior.

The partner/handler is responsible for keeping the service animal clean and well-groomed to keep animal odor to a minimum. Adequate flea preventions and control must be maintained. If the service animal's odor is offensive to other individuals the partner/handler will be directed to bathe the service animal prior to returning to the building(s). Repeated occurrences may result in the service animal being temporarily banned from the building(s) until steps are taken to comply with the hygiene requirements.

The partner/handler must clean up after the animal, unless he/she is unable to do so because of a disability. If a disability prevents the partner/handler from cleaning up after the service animal, this information must be provided to the Director, equal opportunity and engagement when registering the service animal.

## **Guidelines for Faculty and Staff**

It is common that some community members may want to interact with the service animal. However, this may have the effect of distracting the service animal. You are asked to follow the

simple guidelines below for the safety and well-being of the service animal and the partner/handler.

- Remember that the service animal is a working animal.
- Allow the service animal to accompany the partner/handler at all times.
- Do not pet the service animal. This will distract it from its work.
- Do not feed the service animal.
- Do not deliberately startle the service animal.
- Do not call the service animal or try to get the service animal's attention.
- Do not attempt to separate a service animal from its handler.

## **Physical Access**

Swarthmore College seeks to provide an accessible and hospitable learning and working environment for all, while ensuring full compliance with federal and state regulations. Our community welcomes and encourages persons with disabilities to participate in our programs and activities as faculty, staff, students, and as visitors to the College.

The College is developing its Physical Access Plan to address accessibility issues campus-wide. The Plan lists items to be addressed with an approximate timeline. To receive further details on any aspect of the Plan, please contact Susan Smythe, ADA Program Manager at , ext. 2063 or visit the [Accessibility web page](#).

## **Emergency Evacuation Procedure for Faculty, Staff and Students with Disabilities**

Swarthmore College is committed to providing equal access to safe egress for any visitor or member of the community including additional assistance if required, to effectively alert, evacuate, and/or shelter them during an emergency.

To be successful in providing this assistance, the Emergency Evacuation Procedures (EEP) require the cooperation of every member of the College community. Emergency protocols are explained on the Public Safety Web site. Some members of the community are specially trained to identify and assist persons who may need aid in an emergency.

This emergency evacuation plan has been reviewed by and is on file with the Swarthmore College Department of Public Safety and the Borough of Swarthmore Police Department.

## **Personal Emergency Plans (PEPs) for Persons with Disabilities**

Although the process of developing a Personal Emergency Plan is optional for students and staff, the College encourages proactive planning on the part of the entire college community for



emergency conditions. Individuals with disabilities may require additional assistance with alerting, evacuating, and sheltering in the event of an emergency.

The College offers the opportunity, through a confidential process, to develop a PEP that could include such strategies as storing extra equipment or medications, providing Public Safety with your class and personal schedule, specific evacuation procedures, sheltering procedures, volunteer rescue assistants, using an optional Personal GPS Locator, and designating means of communication in the event of an emergency. The process begins by completing an [Emergency Evacuation Referral Form](#).

## **Self-Identification with the College**

As part of the new-hire orientation process, all new faculty and staff are asked if they might need assistance in an emergency evacuation. If they answer yes, they are given an [Emergency Evacuation Referral Form](#). Once a year, an inquiry is made of all faculty and staff regarding the need for emergency evacuation assistance. Supervisors may also ask an employee who has self-identified as disabled or has a known or obvious disability if he or she will require assistance in the event of an emergency.

All employees, including faculty, other academic personnel and staff must return the Emergency Evacuation Referral Form in confidence to:

Director, equal opportunity and engagement  
Human Resources Office, Pearson Hall  
610-328-8397

## **Qualified Applicants with Disabilities**

Applicants are not required to identify themselves as having a disability; self-identification is strictly voluntary. The job related skills and experience of all applicants should be evaluated without regard to disability or any accommodations that may be necessary. The ADA and the ADA Amendment Act define a person with a disability as "qualified" for a position if he or she is able to perform the essential job functions with or without reasonable accommodations.

Decisions about accommodations or undue hardship must be made on a case by case basis. Supervisors should contact Human Resources for assistance if questions arise about an applicant with a disability.

## **Accommodating Religious Practices**

Swarthmore reasonably accommodates the religious practices of employees or prospective employees unless doing so would create undue hardship or safety hazards, and as long as such practices do not unreasonably disrupt the College's operations or interfere with coworkers or others with whom the individual comes in contact. If questions arise about the accommodation of religious practices or religious dress, supervisors should contact Human Resources.

# Chapter 11: Procedures for Resolving Non-Sex/Gender-Based Complaints Against Staff Members

Jump to:

- [Non-Retaliation Policy](#)
- [Good Faith Participation](#)
- [Support Person](#)
- [Confidentiality](#)
- [Complaint Resolution](#)

Swarthmore College is committed to establishing and maintaining a community rich in equality and free from all forms of discrimination, harassment, and misconduct. The College seeks to create an environment in which the greatest academic potential of students and professional potential of employees may be realized. In order to create and maintain such an environment, the College recognizes that all who work and learn at the College are responsible for ensuring that the community is free from all forms of discrimination, harassment, assault, and other forms of employee misconduct. These behaviors threaten our learning, living, and work environments and will not be tolerated.

The College provides methods for regular full-time and part-time staff members to seek prompt, impartial, and balanced assessment of their workplace concerns. These procedures apply to complaints against staff and may be brought by any members of the College community, including students, employees, or any individuals regularly employed, studying, living, or having any official capacity at the College. This includes regular full-time, part-time faculty and other instructional staff members of the College, whether or not appointed to regular faculty rank. Limited term employees, temporary employees, volunteers, independent contractors, visitors and employees in their orientation period do not have access to these procedures except in cases involving complaints of discrimination. The Director, Equal Opportunity and Engagement, and other staff in Human Resources are available for private initial consultations at any time.

These procedures are used to resolve concerns and complaints regarding:

- supervisory actions related to job performance, including performance evaluations, disciplinary warnings, suspensions, and/or terminations of employment for unsatisfactory performance or misconduct.
- discrimination in violation of the [College's Notice of Non-Discrimination](#) against any staff member. Complaints of discrimination will be resolved by these procedures when the person bringing the complaint has reason to believe the discrimination was based on race, color, age, religion, national or ethnic origin, pregnancy, marital status, medical condition, veteran status, disability in any decision regarding the complainant's admission to, employment, or involvement in a College program or activity. Complaints of discrimination

based on sex or gender, including sexual orientation and gender identity and expression, are resolved according to the [College's Sexual Assault and Harassment Policy](#).

- other forms of misconduct against any staff member.

The [College's Sexual Assault and Harassment Policy's](#) Procedures for Resolution of Complaints against staff and instructional staff, including faculty, is a separate College process and will be followed to resolve all complaints related to sexual misconduct of all forms, including:

- Sexual Harassment
- Sexual Assault
- Sexual Exploitation
- Indecent Exposure
- Intimate-Partner Violence, including Dating Violence and Domestic Violence
- Retaliation
- Stalking
- Other misconduct that is sex- or gender-based or in the context of an intimate partner relationship, including bullying and intimidation, physical assault, and discrimination.

These policies are consistent with relevant governmental statutes and regulations, including those pursuant to Title IX of the Federal Education Amendments of 1972 and Section 504 of the Federal Rehabilitation Act of 1973.

## **Non-Retaliation Policy**

Employees may use these procedures without fear of retaliation from supervisors or others against whom a complaint may be lodged. Retaliation against any member of the community for good faith participation in these procedures is a violation of College policy. Retaliation will not be tolerated and will be subject to College disciplinary procedures up to and including dismissal. Any violation of this policy should be reported immediately to Human Resources, the Director, Equal Opportunity and Engagement or another appropriate College resource person (e.g., Vice President of Human Resources).

## **Good Faith Participation**

The resolution process is dependent upon the willingness of all those involved to participate in good faith, whether as a complainant, respondent, witness, or support person. Accordingly, it is expected that community members will participate in an open, civil, and respectful manner aimed at productive resolution. Should a community member be found to have knowingly and intentionally brought forward a false charge, provided false witness, or in any other way knowingly and intentionally acted to thwart the resolution process, that person is subject to disciplinary action up to and including dismissal.

## **Support Person**

At any stage of this resolution process, the complainant and respondent may each have a campus support person of their choice—subject to the person’s availability—to attend meetings in order to help the complainant/respondent present their case effectively and to provide moral support. Please note that, since this is an internal campus processes, support persons must be Swarthmore College community members.

The support person is expected to be a silent and non-participating observer except to ask for a short break if the complainant/respondent requires some time for composure or to collect thoughts. The support person may communicate with the complainant/respondent during meetings in a non-disruptive manner. The support person may not delay, disrupt, or otherwise take action to interfere with the integrity of any meeting. The support person, if disruptive, may be required to leave a meeting.

## **Confidentiality**

It is important to recognize that understanding the nature of the complaint and facilitating resolution typically requires speaking with others. The Director, Equal Opportunity and Engagement will take this step only when necessary to resolve the complaint and only with those persons relevant to the resolution of the complaint.

Supervisors, managers, and facilitators of the resolution process are required to maintain the confidentiality of the proceedings, and all other participants in a complaint (i.e., complainant, respondent, interviewees, witnesses, support persons) are encouraged to maintain the confidentiality of the proceedings to ensure an unencumbered resolution.

## **Complaint Resolution**

The timeframes referred to in these procedures are guidelines and should be followed under normal circumstances. Any change in these timeframes must be authorized by the Director, Equal Opportunity and Engagement in consultation with all involved parties. These timeframes, unless otherwise specified, do not include days when the College is not open for normal operations or days when either the complainant or the respondent is unavailable due to illness or previously scheduled time away.

### **Step 1. Discussion with the Staff Member or Manager**

It is the goal of the College to resolve concerns promptly and equitably. If problems arise, when appropriate, the people closest to the situation should have the first opportunity to try to work through issues or disagreements. In many cases, concerns can be resolved through effective dialogue with the community members. The College strives for a positive workplace in which good communication helps avoid problems and promptly resolves concerns when they arise. If you are comfortable doing so, discuss your concerns with the staff member directly within 5 business days of the action giving rise to your concern.

If you believe your supervisor has inappropriately issued a performance counseling action, disciplinary warning, suspension, or termination for misconduct or unsatisfactory performance, and if you are comfortable doing so, discuss the concern with your supervisor within five business days of the action.

If you are uncomfortable approaching a staff member or your supervisor directly, or if you believe you have been subjected to discrimination in violation of College policy, you may bring your concern directly to the Director, Equal Opportunity and Engagement within five business days of the action, absent extraordinary circumstances. The Director, Equal Opportunity and Engagement will be able to help answer questions about resources, support, and your complaint resolution options.

The Director, Equal Opportunity and Engagement will take appropriate steps to assess and, in cases claiming discrimination or a College policy violation, will determine if an investigation is appropriate. Typically, an investigation is considered appropriate when the resolution may result in disciplinary action, such as in cases alleging a violation of the College's Notice of Non-Discrimination or violation of another College policy. When an investigation is appropriate, the Director will arrange a prompt, impartial, and thorough investigation of the concern. Depending on the nature of the concern and, if conducted, the outcome of the investigation, the Director may also take other appropriate steps to promptly and equitably assess the complaint, offer interim remedies, and recommend and facilitate a resolution of the concern. In cases where discrimination is found, the College will stop the discrimination, prevent its reoccurrence, and provide appropriate remedies in light of the circumstances. The Director, Equal Opportunity and Engagement will give the complainant and respondent written notice after initial attempts to resolve the concern have concluded and will share available next steps for resolution. If the matter has been resolved, this notice will include a summary of the outcome.

There could be occasions when Step 1 of the procedure may not be appropriate. In such a case, the complainant may choose to begin the complaint resolution procedures at Step 2.

## **Step 2. Review by Manager or Next Level Manager**

If Step 1 of the complaint resolution procedure does not resolve the concern, either party should complete a Request for Formal Review form within five days of the written notice concluding Step 1. If the resolution process begins at Step 2 because Step 1 was not appropriate, then the complainant should complete a Request for Formal Review form within five business days of the action giving rise to the concern. The form is available from the Director, Equal Opportunity and Engagement. The form asks for a description of the action(s) in question and why it or they are not appropriate. The form also asks what resolution is being sought. The respondent's department head and the next level manager will receive a copy of the form as notification that a request for review has been filed.

Within five business days of receiving the Request for Formal Review, the Director, Equal Opportunity and Engagement will share the Request for Formal Review with the relevant supervisor and the president's staff member. The supervisor may decide to arrange meetings with the parties to discuss the concern. In cases where the concern is against a complainant's supervisor,

the meetings will be arranged with the next level manager. The Director, Equal Opportunity and Engagement may attend each meeting to facilitate the discussion.

Within five business days following the meetings, the manager will provide the parties with a written response to the concern that describes whether any further actions or remedies are warranted to resolve the concern. If the response from the manager does not resolve the concern, either party should notify the Director, Equal Opportunity and Engagement in writing within five business days of the manager's written response to request further review under Step 3 of these resolution procedures

### **Step 3. Review and Final Decision by Vice President or Designee**

Review by the vice president or designee will be allowed only on the grounds of significant procedural error or inadequate consideration, as assessed by the vice president or designee. If the vice president or designee deems the appeal appropriate, he or she will determine the method and depth of the review. The vice president or designee will issue a written decision in a timely manner. Decisions of the vice president or designee are final.

# Chapter 12: Compensation and Payroll

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## Compensation

Swarthmore College's staff compensation program is designed to attract, retain, and motivate a highly talented and committed workforce in support of the College's mission and goals. Swarthmore, like most other employers, is subject to federal laws that govern salary and wage activity. The Fair Labor Standards Act (FLSA) sets the minimum wage rate and defines whether a position is entitled to overtime compensation. Staff positions at Swarthmore are grouped into position categories for a number of purposes, such as administering salaries and benefits and creating various information and reports. According to FLSA legal guidelines, staff positions are categorized as either "exempt" or "non-exempt" (overtime eligible).

## Exempt Staff Positions

Exempt staff positions are those that are exempt from certain provisions of the FLSA and are not entitled to overtime pay. These positions generally include administrators, managers, and professionals (including faculty). Staff members in exempt positions receive a fixed weekly salary, which is paid on a monthly basis. The work of exempt staff is evaluated and compensated on outcomes accomplished. When the occasion warrants, exempt employees work beyond the hours that offices are open for business.

## Non Exempt (Hourly) Staff Positions

For staff positions that are defined by law as non-exempt, the College is required to keep hourly time records and calculates pay on an hourly basis. Most paraprofessional, technical, clerical, administrative, skilled craft, service, and maintenance positions are classified under the FLSA as

non-exempt. Such positions are entitled to overtime pay at 1-1/2 times the employee's regular pay rate for all hours beyond 40 in a work week. Paid time off hours such as vacation, sick, holiday and compensatory time count toward the 40 hour threshold for overtime eligibility.

## **Types of Employment Status**

There are five types of staff employment status at Swarthmore: regular, temporary, limited term, seasonal and on-call employment.

### **Regular Ongoing Employment**

Regular ongoing employees are hired to work in a position on either a full-time or part-time basis, without a pre-established date of termination. This includes benefits eligible and non-benefits eligible employees.

### **Temporary Employment**

Temporary employees are hired to work in positions that will be active for less than six months and must have an end date. The form to submit a temporary hiring request can be found on the HR website at [Payroll Action Form for Temporary Employees](#). Individuals in temporary positions are typically not eligible for benefits.

### **Seasonal Employment**

Seasonal employees are hired to work on a part-time basis by departments that need extra help during a particular season, typically through the summer months. Summer job opportunities are posted near the end of the Spring semester on our [summer employment website](#). Applications are sent directly to the department hiring manager for consideration; the hire is processed through the [Payroll Action Form for Temporary Employees](#).

### **Limited Term Employment**

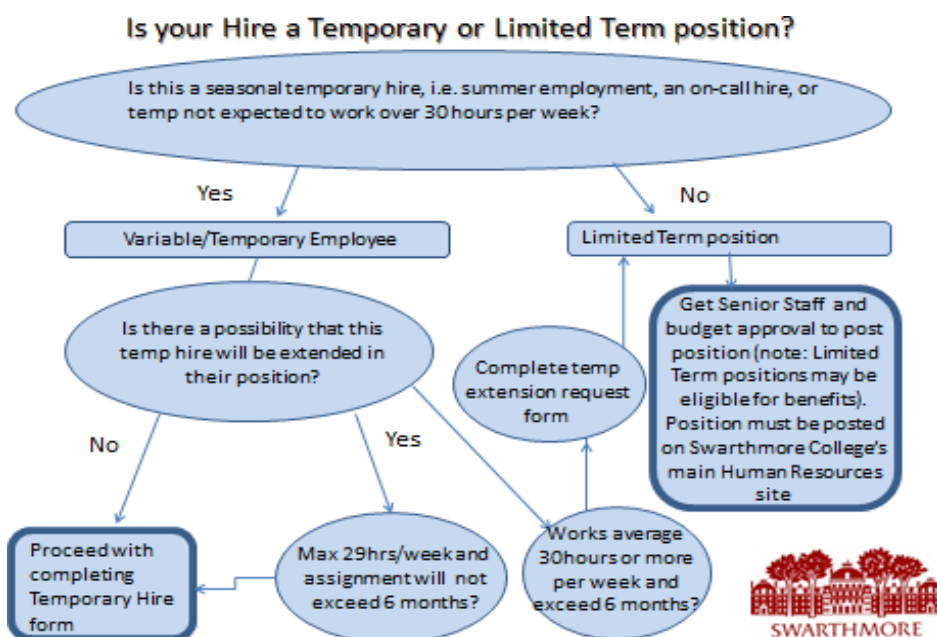
Limited Term employment is intended to meet the needs of departments that have extra work or special projects with clearly defined beginning and ending periods. Limited Term appointments must be for a minimum of six months and must have an end date. Limited Term employees receive the same health benefits as regular staff employees. At the end of their limited term appointment, they are terminated due to lack of work or lack of funds. All Limited Term positions must meet budgetary requirements and be approved by the department VP and posted on the HR website for a minimum of five days. Please contact the HR Manager, Talent Management and Retention to submit a hiring request.

### **On-Call Employment**

On-call employees may be needed during special events, peak hours, or intermittently as business needs warrant. On-call employees are on standby until called to work. These workers are typically hired as part-time or full-time staff with on-call requirements when necessary. If the on-call assignment is less than six months, the hire can be processed by submitting the [Payroll Action Form for Temporary Employees](#). If the on-call employee is working beyond six months, the job must be



approved by the department VP and posted on the HR website for a minimum of five days. Please contact the HR Manager, Talent Management and Retention to submit the hiring request.



## Full-Time and Part-Time Positions

Under any of the employment categories above, you may be employed in a full time or part time capacity. Full time staff positions are positions of .75 FTE or greater and part time staff positions are those positions of less than .75 FTE.

## Position Classifications

Swarthmore is a complex organization, with many different staff position titles. We use an evaluation system to analyze positions and to organize them into position classifications. This helps us be competitive with other employers in the labor market and be consistent within Swarthmore itself.

Positions are evaluated using a number of potential factors such as education, experience, content expertise, technological complexity, organizational impact, internal and external equity, budget responsibility, supervision of others, physical effort, and physical work environment.

## Pay Grades and Pay Ranges

Positions that are grouped into a given pay grade have a "range" of pay that is appropriate for the types of positions in that group. The pay range reflects the overall value of those positions to the College, as well as local, regional, and national salary information that is studied by Swarthmore each year. Each grade falls into a pay range with a minimum, midpoint, and a maximum. Your initial pay rate reflects a combination of the pay grade and individual qualifications.

Should your salary reach the maximum of your pay grade, annual increases (see Salary Increase Programs below) will take the form of a one-time cash award, instead of an increase to your base pay. When your salary falls below the maximum of your pay grade, you would once again be eligible for annual salary increases.

## **Salary Increase Programs**

Swarthmore is committed to rewarding high job performance, and our compensation and performance management programs have been designed in support of this principle.

Swarthmore's administration and Board of Managers makes decisions each year about adjustments to Swarthmore's annual operating budget. The budget includes compensation of faculty and staff, including salaries and benefits. Decisions about compensation levels are based on economic and market conditions and on organizational needs. Neither general increases to the budget, nor individual salary raises, are automatic. Decisions about increases take into account a number of factors, including the external marketplace within which we compete to hire and retain employees, internal equity among comparable positions within the College, and individual performance. When salary adjustments are warranted, it has been College practice to make most such adjustments with the start of its fiscal year, which is currently July 1. Employees who have been in their positions for a short period of time (less than six months) may not be eligible for July 1st increases. Please check with your supervisor or Human Resources.

## **Promotion Policy**

Promotion to a job in a higher salary grade involves taking on significantly greater responsibilities. It usually warrants a salary increase to recognize these additional responsibilities and to ensure that a staff member's salary is consistent with the salary grade. An exception may be if the staff member is already very highly paid in his/her current job.

Managers should recommend a salary within the new grade, based on the employee's skill, knowledge, experience, and performance. Since circumstances vary and each staff member has a different salary history, it is important to consider multiple factors when making pay decisions relating to advancement. These factors include:

- Degree of increase in responsibilities.
- Current level of performance compared to expectations.
- Current salary relative to the new grade.
- Salary compared to peers in the new grade with similar skills, knowledge and competencies.
- Importance (and possible scarcity) of the role and the employee's skills to Swarthmore.
- Depth and breadth of the employee's skills.

Staff who are interested in a posted position are encouraged to apply through the [Human Resources web site](#).

## **Paydays**

Swarthmore College pays all non-exempt staff on a bi-weekly basis. Your supervisor can provide you with a list of paydays and the dates time sheets are due. All exempt staff are paid on the 15th of each month for work performed between the 1st and the 30th of that month.

## **Receiving Your Paycheck**

For your convenience, paychecks are processed through Direct Deposit to your personal bank account(s) and pay records are available on [MySwarthmore](#). Under certain circumstances, if you are unable to have your check processed through direct deposit, please contact the Payroll department to make alternate arrangements.

## **Deductions from your Paycheck**

Swarthmore deducts federal, state, and local income taxes, as well as all appropriate payroll deductions for benefits. Swarthmore has the right to deduct money from your paycheck for obligations owed to the College or others, such as legally imposed levies and garnishments made against your salary. If you have any questions about garnishments and levies, contact the [Payroll Office](#). You should review each paycheck or deposit notice. If you believe there is an error, or if you have a question about your pay or deductions, bring it to your supervisor's attention immediately.

## **Awards, Prizes and Gifts**

Distributing service awards, wellness incentive program prizes and gift cards/certificates is a way for the College and managers to reward or thank employees. Any award, prize, or gift issued to an employee for above and beyond performance, or any other work related achievement are generally considered taxable under Federal Tax laws and are subject to withholding since they are made in connection with and as a result of an employment relationship. Limited exceptions are described below.

The College relies on managers and supervisors to follow the procedures below to ensure that awards, prizes, and gifts are properly accounted for and any required taxes are recorded and withheld. It is the responsibility of the manager issuing the award, gift or prize to notify the employee of the possible tax implications.

### **Cash Awards, Prizes or Gifts**

Any cash award, prize or gift is taxable and must be processed through the Payroll Office. Cash awards should be recorded on the [Request for Additional Pay Form](#) and sent to the Payroll Office. Gift cards, gift certificates, prizes and gifts must be reported on the [Award, Prize, and Gift Form](#).

Please note that occasional gifts (or prizes) of merchandise (e.g., flowers, bookstore items and apparel) that are of nominal value are not taxable and need not be reported. However, items of more than a nominal value are taxable and must be reported to the Payroll Office prior to issuance

on the [Award, Prize, and Gift Form](#). If you are unsure whether a gift or prize needs to be reported for tax purposes, please contact the Payroll Office.

Forms should be submitted before the award, prize or gift is given to the employee. Within the next payroll processing cycle the face value of the award, prize, gift or certificate will be added to the employee's paycheck and the required taxes will be withheld.

### **Length of Service or Safety Awards**

A length of service or safety achievement award may generally be excluded from federal wages if:

- It is in the form of tangible personal property (not cash).
- It is given as part of a meaningful presentation.
- It does not exceed a value of \$1,600 per employee per year.

Length of service awards must be for at least five years of service and cannot be received more often than once every five years. These awards are distributed by Human Resources.

### **Guidelines for Additional Pay (Ad Pay)**

Additional pay may be considered to compensate employees for work performed that is unrelated to the core responsibilities of the job or if they assume higher level additional duties. All requests for additional pay must be reviewed in advance with Human Resources to ensure appropriateness, internal equity, alignment with College policies and consistency with the law. The purpose of these guidelines is to create consistent practices in these situations.

Opportunities for duties outside an employee's typical responsibilities vary widely, and are not easily reduced to a common formula or a single solution. It is important to consult with Human Resources to determine if an adpay is appropriate. In those cases where it seems appropriate to recognize an employee who has stepped up to new or additional tasks in a way that has recognizable value for the institution, the following guidelines should be helpful.

- Assess each situation and consult with HR prior to discussing additional pay with the employee. In some cases, the employee may have capacity in their schedule to take on new tasks without the need for additional compensation, in others, redistributing tasks so that an employee can devote themselves to the new duties may be the best route.
- Ad pay amounts for special projects and temporary additional duties shall be set in consultation with HR. The amount of the ad pay can vary widely, depending on the level of the additional tasks and the amount of additional work.
- Additional compensation for acting duties should be determined by looking at the following variables:
  - Whether the employee will be assuming full or partial responsibilities of the open position and the current work load of the open position.

- Whether the employee's normal job duties will be redistributed.
- The differential between the employee's current salary and the salary of the position in which they are acting.

These decisions should be made jointly by the appropriate manager and Human Resources in order to ensure equity and consistency.

## **Time Records for Hourly Staff**

Your department is required by the federal Fair Labor Standards Act (FLSA) to keep accurate time records and pay you for the time you actually work. For this reason, it is extremely important that you and your department keep accurate time records, by means of a time clock or a timesheet. If you don't report your time accurately, it may lead to disciplinary action, including possible dismissal. If at any time you believe your paycheck does not correctly reflect the time you worked and reported, let your supervisor know immediately.

You may work in a department that uses a time clock with time cards or computerized records. It is your responsibility to clock in at the beginning of each shift, clock out for unpaid meal breaks and back in when the meal break is over, and clock out when you leave for the day. You must also clock out whenever you leave work before the end of your shift, such as for scheduled medical appointments.

If your department does not have time clocks, you will record the time you have worked on a timesheet electronically. Your supervisor will explain to you the procedures in your department for filling out and submitting time worked. You should record your actual work time, even if it is slightly different than your work schedule. You should always approve the timesheet to certify your record of time worked is accurate and have your supervisor approve the hours you recorded.

Failure to keep accurate daily time records may constitute falsification of College time records and subject you to disciplinary action, including immediate dismissal.

## **Overtime**

Sometimes projects and priorities may require extra work beyond your normal schedule. Your supervisor can re-arrange work schedules and can require overtime when necessary to meet the operating needs of your department.

Hourly staff (non-exempt) are paid 1-½ times their regular rate of pay for all hours worked over 40 in a work week. For purposes of overtime calculation, vacation, sick leave and holidays are considered hours worked.

If you have work that you feel needs extra time and effort, your supervisor must approve the additional time first before working beyond the end of your regular shift. If you work unauthorized overtime, you may be subject to disciplinary action.

Exempt staff are not subject to be paid overtime according to the provisions of the Fair Labor Standards Act (FLSA). They are paid on a salaried basis and do not receive additional pay for hours worked beyond 40 in a work week.

### **Compensatory ("Comp") Time**

Many non-exempt staff at Swarthmore work regular schedules of 35, rather than 40, hours. Hours beyond 35, but not exceeding 40, can be paid at straight time rates or converted to comp time. This comp time earned between 35 and 40 hours must be used by the end of the next pay period. Comp time earned which is not used within the next pay period will be paid in that pay period.

College policy requires that all hours worked over 40 must be paid as overtime hours. Compensatory time is not available.

Exempt staff do not receive overtime pay or comp time when they work additional time beyond their normal expected schedule. Exempt positions may have greater scheduling flexibility than non-exempt positions but compensatory time for hours worked beyond 40 in a week is not relevant or appropriate.

# Chapter 13: Safety, Health & Worker's Compensation

Jump to:

- [General Safety Precautions On Campus](#)
- [Department of Public Safety](#)
- [Escort Services](#)
- [Security Notices](#)
- [Vehicles On Campus](#)
- [Weapons](#)
- [Safety In The Workplace](#)
- [Accidents On The Job: Worker's Compensation Benefits](#)
- [Threatening or Violent Behavior in the Workplace](#)

The College shares with you the responsibility for promoting a safe workplace by observing occupational health and safety regulations and by practicing safe work habits. If an emergency arises involving the safety or health of a member of the Swarthmore community, please contact the Department of Public Safety immediately.

Federally mandated notices about position safety and health protection are posted for your information at various locations around the College, including the Human Resources Office and Facilities Services.

## General Safety Precautions on Campus

Your personal safety is a priority at Swarthmore. Crimes against persons can happen anywhere, anytime. Be cautious when working alone and when moving around the campus, especially after dark.

The College's most commonly reported criminal offense involves property stolen from unsecured places, so general safety precautions are strongly advised: leave expensive or irreplaceable personal items such as heirlooms at home and keep your work area or office secured at all times.

Behaviors that endanger your safety or the safety of others such as neglect, disregard for safety procedures, disorderly or unprofessional conduct, or horseplay are grounds for disciplinary action, including immediate dismissal.

## Department of Public Safety

The Swarthmore Department of Public Safety has primary responsibility for the overall security of the campus. It provides 24 hour services for the entire College and it investigates matters that might threaten safety on campus. Security officers will respond to illegal acts committed in the College community, as may officers from the Swarthmore Borough Police. Public Safety supervisors and Borough police have authority to make arrests on campus.

Each year, in accordance with the 1988 College and University Security Information Act, the Department of Public Safety publishes and distributes reports on campus crime statistics. These reports are also available upon request from the director of Public Safety.

Swarthmore has developed a number of programs to help maintain a safe environment, including:

- **Escort Services:** The Department of Public Safety will provide escort services for individuals who need to move around campus, especially after dark. Public Safety is happy to escort you to your car or to another building. For more information about the escort services, call 610-328-8281.
- **Security Notices:** If an incident occurs on campus, alerts and timely warnings are delivered to the community via email. The GARNET emergency alert system is also utilized to keep campus community members informed. Crime statistics are published and distributed on an ongoing basis.

## **Vehicles on Campus**

The roads on the Swarthmore campus are private lanes maintained by the College for the convenience of its employees, students, and visitors. The roads are used for both vehicle and pedestrian traffic, and for that reason, all vehicles must be operated at or below the posted speed limit of 15 m.p.h. at all times. Applicable Pennsylvania motor vehicle laws are enforced.

All staff, faculty, and students who wish to park at Swarthmore must register their vehicles with Public Safety. This helps manage parking and security, and the identification of vehicles with a legitimate purpose for being on the premises. Possession of a permit allows, but does not guarantee, a parking space. Lack of available or convenient space is not a valid excuse for parking violations.

To register a vehicle and receive a parking permit, employees must apply for a placard via [\*\*My Swarthmore\*\*](#). There is currently not a fee for use of the surface parking lots on campus. Parking permits must be displayed on the rear view mirror of a vehicle.

Vehicles parked on campus without parking permits or otherwise registered vehicles parked in areas for which they are not designated are subject to ticketing and towing. Contested tickets may be appealed through Public Safety.

The College assumes no responsibility for vehicles or their contents while they are operated or parked on College property. When you register your vehicle at Swarthmore or bring a vehicle on the premises, you are subject to the traffic and parking regulations of the College, including traffic fines.

## **Weapons**

College policy and state law prohibit anyone other than commissioned police officers from carrying a weapon on College premises or while on College business. Unauthorized possession of a weapon on College time or premises is grounds for immediate termination of employment.



## **Safety in the Workplace**

The Environmental Health and Safety Officer is responsible for Swarthmore's compliance with the federal Occupational Safety and Health Act (OSHA). The purpose of OSHA is to protect the health and safety of the Swarthmore community.

Departments whose staff members may be exposed to risks in their positions have departmental policies and procedures regarding safety precautions. If you are exposed to hazardous or infectious materials while at work, you must notify your supervisor immediately. If you become aware of or suspect safety hazards in your work environment, please report these to the Environmental Health and Safety officer.

If you work in an area where you are exposed to hazardous chemicals or other materials or might be exposed in a foreseeable emergency like a leak or spill, you have a right to know and to be trained in compliance with federal and state regulations. Lists of chemicals used are available in your work area and a complete listing is available by contacting the Environmental Health and Safety Officer.

Many positions require that you wear protective clothing or equipment in performing certain duties. You must comply with departmental guidelines for protective gear (e.g., hard hats, goggles, gloves, scrubs). Failure to do so may result in disciplinary action. Staff who come in routine direct contact with blood or body fluids are subject to Universal Precaution policies, available in your departmental Offices.

## **Accidents on the Job: Worker's Compensation Benefits**

If you are injured while at work, it is your responsibility to report the injury to your supervisor immediately and to call Public Safety to initiate an incident report and/or medical treatment. Under state law, you may not be eligible for workers' compensation benefits if the illness or injury is not reported in a timely manner.

If you incur a work-related injury, the College's insurance carrier will pay for medical treatment. In order to ensure that our carrier will pay for your treatment, you must be treated by one of the College's designated panel of physicians and providers.

### **Follow-up Treatment**

After 90 days, if an employee decides to receive treatment outside the panel, the employee must notify Human Resources within five (5) days or the College is relieved of its obligation to pay.

### **If You Are Injured At Work**

If an injury or sudden symptoms may be life-threatening, call ext. 8333 and Public Safety will dispatch appropriate emergency response, including off-campus services as needed (if you call 911 first, be sure to contact Public Safety immediately afterward), Medical treatment is the priority and completing reports/documentation will follow as soon as is practical.

For other less urgent injuries, Public Safety will initiate an incident report, and arrange for transportation to one of the occupational health providers on the College's panel. They will provide you with an information sheet, which you will be asked to sign, and a list of the College's panel of physicians and health care providers.

If you are injured while on College business off campus or traveling out of the area, you may secure initial assistance from a hospital, physician, or other health care provider of your choice. You must seek subsequent treatment from a panel provider for at least the first 90 days from the date of your first treatment. Upon your return, you must make a report of the injury upon returning to campus within one business day by contacting Public Safety and contact Human Resources to arrange an appointment with a panel physician.

### **Missing Work**

Missed work time on the day of injury that is spent receiving treatment is reported as regular time. You must use your accrued sick time for any follow-up visits that require you to miss work. The Occupational Health providers can often accommodate early or late appointments outside of work hours.

If you miss work due to a work related injury or illness you should call in according to established departmental policies or make alternate arrangements with your supervisor in the case of a more extended absence.

Any scheduled work days you miss during the first seven (7) consecutive calendar days following the incident must be covered by your sick or vacation leave, if available, or are unpaid. On day eight (8) of an absence, workers' compensation benefits begin, if your claim has been determined to be compensable. On day fourteen (14) of your absence, workers' compensation benefits are retroactively paid for any work days missed during the first seven (7) consecutive days following the incident.

Workers' compensation benefits are paid by the insurance carrier at the wage replacement ratio of approximately 66-2/3% and is not considered taxable income. If you wish to increase the benefit to 100% of pay, you may do so by using accrued sick or vacation leave. You must contact Human Resources to make the necessary arrangements.

### **Medical Bills**

When you file an incident report, you will be given a blue wallet card with the name and address of the College's workers' compensation insurance carrier. For verified worker's compensation injuries or illnesses, please do not send the bills or invoices for your medical treatment to the Human Resources office. Any medical expenses and any receipts for your out-of-pocket expenses should be sent directly to the College's workers' comp insurance carrier at the address listed on the blue wallet card.

## **Staying In Touch**

If you are on a workers' comp leave, it is your responsibility to remain in contact with your supervisor, Human Resources, and with the insurance carrier's coordinator. You must return their phone calls within one business day.

## **Returning To Work**

A statement from your health care provider certifying your ability to return to work will be required before you may return to your regular duties. A copy of the release should be sent to the Human Resources office.

If you are released to return to work with restrictions (e.g., lifting restrictions) that prevent you from performing the duties of your position, the Human Resources Manager will contact your supervisor to discuss the possibility of an "alternate duty" assignment. If "light duty" is not available in your department, you may be assigned to a suitable alternate position in another department temporarily until released for full duty.

## **Insurance Fraud**

The PA Workers' Compensation Act requires that Swarthmore College and injured workers direct concerns about fraud to the PA Insurance Fraud Prevention Authority at 1-888-565-IFPA. An employer commits fraud when purposefully understating your salary or job classification. An employee commits fraud when making false claims of injury, failing to report wages, or collecting benefits not due.

## **Threatening or Violent Behavior in the Workplace**

The College is committed to providing faculty, staff and students with a safe environment free from threats, intimidation and violence as described in this policy. The College relies on its managers, supervisors and employees to be alert to the existence of threatening or violent behavior by employees or non-employees (vendors, applicants, visitors, spouses, etc.) against self, others, College property, or property on campus belonging to others. The College will take prompt and appropriate action whenever a safety concern arises.

## **Threatening Behavior**

Threatening behavior is defined as an expressed or implied threat to interfere with an individual's health or safety, or with the property of the College, or property on College premises belonging to others, which causes a reasonable apprehension or fear that such harm or injury is about to occur. Examples of threatening behavior include, but are not limited to:

- Direct or indirect threats of harm or injury
- Words or gestures which create a reasonable fear of harm or injury
- Prolonged or frequent shouting which creates a reasonable fear of harm or injury
- Stalking an individual

## **Violent Behavior**

Violent behavior is defined as the use of physical force or violence to inflict harm to others, to endanger the health or safety of another person or the property of the college or property on college premises belonging to others, or restrict the freedom of action or movement of another person. Examples of violent behavior include, but are not limited to:

- Unwelcome physical contact
- Slapping, punching, striking, pushing, or otherwise physically attacking a person
- Throwing, punching, or otherwise handling objects in an aggressive manner

## **Reporting Threatening or Violent Behavior**

Any employee who experiences, observes, or has knowledge of threatening or violent behavior in the workplace should report the situation as soon as possible.

- In all cases of an actual or imminent act of violent behavior, call Public Safety immediately at ext. 8333 or, if off campus, 610-328-8333.
- Report all less urgent cases of threatening or violent behavior to your supervisor or department head and to Human Resources.

Public Safety will respond immediately to notification of an actual or imminent act of threatening or violent behavior. A Public Safety Officer(s) will be dispatched immediately and will coordinate with Swarthmore Borough Police as necessary.

Human Resources and Public Safety will coordinate the investigation of all less urgent reports of threatening or violent behavior promptly and impartially and as confidentially as possible. All employees are expected to cooperate in any investigation. A timely resolution of each report should be reached and communicated to all parties involved as soon as possible.

The College's standards of conduct prohibit violent and threatening behavior. Should an investigation determine that an employee engaged in such misconduct the employee could be subject to disciplinary action or immediate dismissal. Certain violence-related behavior is prohibited under criminal and/or civil law. A determination will be made by Human Resources and Public Safety, with legal counsel, whether to refer a case of violent-related misconduct for criminal or civil prosecution.

Any form of retaliation against any person for making a bona fide report concerning threatening or violent behavior in the workplace or non-work-related report is prohibited. Any employee who believes they have experienced such retaliation should inform Human Resources, the EO officer or another appropriate College resource person immediately (e.g., vice president of Human Resources).

## **Reporting Non-Work-Related Violence**

Employees who are victims of domestic or other threatening or violent behavior outside the workplace, or who believe they are potential victims of such behavior, and fear it may enter the workplace, are encouraged to report the situation as soon as possible. In all cases of an actual or imminent act of violent behavior, call Public Safety immediately at ext. 8333. The employee should report less urgent cases of threatening or violent behavior to his/her supervisor or department head, Human Resources and Public Safety.

**False Reporting**

If, upon investigation, it is determined that a report was falsified or made maliciously, the employee who provided the false information will be subject to disciplinary action up to and including dismissal.

**Employee Assistance**

Those who are or believe they may become a victim of threatening or violent behavior, whether in the workplace or outside the workplace, may also contact Carebridge, the College's Employee Assistance (EAP) and Work-Life Programs provider to obtain advice in dealing with the situation. Carebridge's 24-7 phone line is 1-800-437-0911.

This policy covers all College premises, and College sponsored events as well as off-campus sites should an incident occur that is shown to have an adverse impact on a community member or the College.

# **Chapter 14: The Drug Free Workplace**

## **Alcohol and Other Drugs Policy**

The unlawful possession, use, purchase, or distribution of alcohol on College property or as part of any College activity is prohibited, except on occasions when the legal consumption of alcoholic beverages in a social setting is authorized or sponsored by the College. The unlawful possession, use, purchase, or distribution of illicit drugs, controlled substances (including stimulants, depressants, narcotics, or hallucinogenic drugs), or paraphernalia - or the misuse of prescription drugs, including sharing, procuring, buying, or using in a manner different from the prescribed use, or by someone other than the person for whom it was prescribed-is prohibited on College property or as part of any College activity.

The overarching priority of the College with respect to alcohol and drugs is to help ensure the safety and well-being of Swarthmore College community members and visitors. The College is committed to providing guidance so that community members can comply with local, state, and federal laws governing alcohol consumption.

The College believes that everyone has the right to work and learn in an environment free from the effects of substance abuse. Those individuals who abuse alcohol and other drugs are a danger to themselves and others.

## **Objectives**

The objectives of these policies reflect the College's desire to create an intentional community based on principles of respect for oneself and others. The Alcohol and Other Drugs Policy has several objectives:

- to promote the safety and well-being of the Swarthmore community and its members;
- to maintain a safe campus, where students can enjoy their social lives amid a comfortable and coercion-free atmosphere;
- to provide information about alcohol and other drugs so that community members can make responsible, healthy choices;
- to provide confidential support for community members seeking treatment for alcohol- and/or drug-related problems; and
- to be in compliance with federal statutes, Pennsylvania laws, and borough ordinances that regulate the consumption of alcohol.

## **Available Assistance for Abuse Problems**

Alcohol and drugs can interfere with academics, friendships, jobs, family, and, most importantly, one's health, as well as create legal problems including warnings, citations, arrest, and jail.

A variety of resources exist for drug or alcohol counseling, treatment, or rehabilitation programs. For detailed information concerning these College and/or community resources, staff and faculty should contact the offices listed below or contact their supervisor.

- Faculty
  - Provost's Office : 610-328-8319
- Staff
  - Human Resources: 610-328-8398
  - Employee Assistance Program (for faculty and staff only): 800-437-0911
- Students
  - Dean's Office: 610-328-8365
  - Worth Health Center: 610-328-8058
  - Counseling and Psychological Services: 610-328-8059
- Community Resources
  - Alcohol & Drug Referral Hotline: 800-Alcohol (800-252-6465)
  - Alcoholics Anonymous Central Office: 215-923-7900
  - Cocaine Anonymous: 866-777-0983 ([www.ca.org](http://www.ca.org))
  - Crozer-Chester Medical Center: 610-497-7200
  - Narcotics Anonymous: 610-534-9510

## **Health Risks**

In addition to College disciplinary actions, criminal penalties, and workplace hazards, specific serious health risks are associated with the use of illicit drugs and alcohol. All drugs, including alcohol, can cause marked changes in behavior and have side effects. Their influences can affect the safety and well-being of the users as well as those around them.

Alcohol is a central nervous system depressant that is absorbed into the blood stream and transmitted to all parts of the body. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that a driver will be involved in an accident. Low to moderate doses reduce physical coordination and mental alertness, while increasing the incidence of aggressive behavior. Moderate to high doses of alcohol drastically impair an individual's ability to function, sometimes rendering them unconscious. Long-term drinking of large quantities of alcohol can increase the risk of developing liver and heart disease,

circulatory and stomach problems, various forms of cancer, and may cause irreversible brain damage.

Illicit drugs, including but not limited to stimulants, depressants, hallucinogens, narcotics, or inhalants, can interfere with important brain activities, including coordination, memory, and learning. They increase the risk of lung cancer, destroy liver cells, initiate severe weight loss, and may weaken the immune system. Users may also experience abdominal pain, nausea, vomiting, rapid heartbeat, and irregular breathing. Convulsions, coma, and death are also possible. Combining drugs can be fatal.

[See Appendix A: Controlled Substances - Uses and Effects for more information.](#)

## **Violations of the Drug Free Workplace Policy and Employment**

Violations of this policy will result in disciplinary action in accordance with College policies and procedures covering the conduct of faculty, and staff, up to and including dismissal (consistent with the local, state, and federal laws described below). As a condition of employment, all employees must abide by the terms of this policy.

Student violations of the Alcohol and Other Drugs Policies of the College will be handled in accordance with the Student Code of Conduct Rules and Regulations.

## **Local, State, and Federal Legal Sanctions**

An employee or student who violates the College's Alcohol and Other Drugs policies, including the Drug free Workplace Policy, is subject both to the College's sanctions and to criminal sanctions provided by federal, state, and local law.

## **The Drug-Free Workplace Act & The Drug-Free Schools and Communities Act**

In 1988 and in 1989, the federal government adopted the Drug-free Workplace Act and Drug-Free Schools and Communities Act, respectively. As a condition of receiving federal grants, the College must certify that it is in compliance with this law. This means that illegal drug use and underage drinking is not only a violation of state law, but also a violation of College policy and will result in disciplinary action, up to and including dismissal. The consumption of alcohol in quantities to the extent that an employee is unable to perform the duties of the job in a safe and productive manner, is also a violation of College policy and will result in disciplinary action, up to and including dismissal.

### **Alcohol**

Under Pennsylvania state law, a person less than 21 years of age may not purchase, consume, possess, or transport alcohol. Any person convicted of violating this law will have her/his driver's license suspended for ninety (90) days. A second offense will result in a one-year suspension of driving privileges and a fine up to \$500. Additionally, any person who intentionally provides alcohol to a person less than 21 years of age is guilty of a misdemeanor of the third degree, which carries a fine of at least \$1,000 for the first (1st) offense.



Pennsylvania state law allows a driver to be considered intoxicated and charged with driving under the influence (DUI) if she/he has symptoms of intoxication and a blood-alcohol content (BAC) greater than 0.08 percent. A BAC of 0.08 percent can be obtained by consuming a little less than one (1) drink per hour. A driver will be charged with DUI if her/his BAC exceeds 0.08 percent.

Additionally, Pennsylvania state law penalizes public drunkenness and defines it as: "A person is guilty of a summary offense if he/she appears in any public place manifestly under the influence of alcohol to the degree he/she may endanger himself/herself or other persons or property, or annoy persons in his/her vicinity." It is also a violation of Swarthmore Borough Ordinance 759 to be found in a drunken or intoxicated condition under circumstances tending to disturb the neighborhood or to cause a breach of the public peace. Swarthmore Borough police will enforce these laws on and off campus.

## **Drugs**

Both federal and state laws impose sanctions for the possession, use, and distribution of illegal drugs. The sanctions for any given offense depend on the type and quantity of the drug involved and whether the offense is possession, use, or distribution.

Under federal law, simple possession of a controlled substance carries a penalty of imprisonment for up to one (1) year, plus a minimum fine of \$1,000. If the controlled substance contains a cocaine base and the amount exceeds five (5) grams, the first-time offender will be imprisoned for not less than five (5) years and not more than twenty (20) years and fined. Also under federal law, any person 18 or more years old who distributes drugs to anyone under age 21 will be imprisoned or fined, or both, up to twice what is otherwise provided by law, with a minimum prison sentence of one (1) year. This same penalty applies to any person who distributes or possesses with intent to distribute drugs to anyone within 1,000 feet of a college campus.

Pennsylvania law imposes similarly strict sanctions on the unlawful use, possession, and distribution of drugs. In addition to imposing fines and imprisonment for violation of its drug laws, Pennsylvania will seize all of the violator's property that was used in committing the crime.

## **State and Federal Sanctions**

The following is a summary description of the legal sanctions under state and federal law for the unlawful possession or distribution of illicit drugs and alcohol.

**1. Drugs** - state penalties and sanctions for illegal possession, sale, or delivery of a controlled substance:

- a. The Controlled Substance, Drug, Device and Cosmetic Act, 35 P.S. § 780-101 et seq. sets up five schedules of controlled substances based on potential for abuse, dangerousness, and medical uses. The act prohibits, among other things, the manufacture, distribution, sale, or acquisition by misrepresentation or forgery of controlled substances except in accordance with the act, as well as the knowing possession of controlled substances unlawfully

acquired. Penalties for first-time violators of the act range from thirty (30) days imprisonment, a \$500 fine, or both, for possession or distribution of a small amount of marijuana or hashish, but which was not for sale, to fifteen (15) years imprisonment, a \$250,000 fine, or both, for the manufacture or delivery of a schedule I or II narcotic. Fines and terms of imprisonment may be doubled under certain circumstances, including the distribution of a controlled substance to a person under 18 years of age or a conviction for a second or subsequent offense.

- b. 18 Pa. C.S. §§ 6314, 6317. A person over 18 years of age who is convicted for violating the Controlled Substance, Drug, Device and Cosmetic Act shall be sentenced to a minimum of at least one (1) year total confinement if the delivery or possession with intent to deliver of the controlled substance was to a minor. If the offense is committed within 1,000 feet of the real property on which is located a public, private, or parochial school or a college or university or within 250 feet of the real property on which is located a recreation center or playground or on a school bus (“drug free school zones”), the person shall be sentenced to an additional minimum sentence of at least two (2) years total confinement. Such offenses not involving minors in drug-free school zones are subject to a mandatory minimum of two (2) years of total confinement.
- c. The Pharmacy Act of 1961, 63 P.S. § 390-8 prohibits, among other things, procuring or attempting to procure drugs by fraud, deceit, misrepresentation, or subterfuge or by forgery or alteration of a prescription. The first offense is a misdemeanor, with a maximum penalty of one (1) year of imprisonment, a \$5,000 fine, or both. For each subsequent offense, the maximum penalty is three (3) years of imprisonment, a \$15,000 fine, or both.
- d. The Vehicle Code, 75 Pa. C.S. § 3802 et seq. prohibits driving, operating, or being in actual physical control of the movement of a vehicle while under the influence of alcohol or a controlled substance, or both, if the driver is thereby rendered incapable of safely driving, operating, or being in actual physical control of the movement of the vehicle or if the alcohol concentration in the individual’s blood or breath exceeds the stated limits. Penalties for first-time violators of the act range from a mandatory term of six (6) months’ probation, a \$300 fine, or both, to a maximum of seventy-two (72) hours’ imprisonment, a \$5,000 fine, or both. Penalties for subsequent violations increase to a maximum of not less than one (1) year imprisonment, a \$10,000 fine, or both. In addition to the above penalties, the court has discretion to order any or all of the following: highway safety training, drug or alcohol treatment, community service, attendance at a victim-impact panel, use of an ignition interlock device, and/or suspension of operating privileges.

**2. Drugs**—federal penalties and sanctions for illegal possession or trafficking of a controlled substance:

- a. 21 U.S.C.S. § 844(a). For the first conviction: up to one (1) year of imprisonment and fine of at least \$1,000, or both. After one (1) prior drug conviction: at least fifteen (15) days’ imprisonment, not to exceed two (2) years, and fine of at least \$2,500. After two (2) or more prior drug convictions: At least ninety (90) days’ imprisonment, not to exceed three (3) years, and fine of at least \$5,000.

The special sentencing provisions for possession of flunitrazepam (the “date rape drug”) include imprisonment not to exceed three (3) years and fine of at least \$1,000.

The special sentencing provisions for possession of a mixture or substance that contains a cocaine base (i.e., crack) are: a mandatory minimum of at least five (5) years’ imprisonment, not to exceed twenty (20) years, and fine of at least \$1,000, if: (i) this is a first (1st) conviction and the amount possessed exceeds five (5) grams; (ii) this is a second (2nd) conviction and the amount possessed exceeds three (3) grams; or (iii) this is a third (3rd) or subsequent conviction and the amount possessed exceeds one (1) gram.

In addition to the above penalties, the court has discretion, upon conviction, to order a fine in the amount of the reasonable costs of the investigation and prosecution of the offense.

b.21 U.S.C.S. §§ 853(a) and 881(a). This statute allows for the forfeiture of personal and real property used, or intended to be used, to possess or to facilitate possession of a controlled substance if that offense is punishable by more than one (1) year of imprisonment (see special sentencing provisions above for cocaine-based drugs, such as crack).

Additionally, this allows for the forfeiture of money, controlled substances, drug paraphernalia, firearms, books and records, vehicles, boats, aircraft or any other conveyance used, or intended to be used, to transport or facilitate the transportation, sale, receipt, possession, or concealment of a controlled substance or any raw materials, products, or equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing, or exporting any controlled substance.

c. 20 U.S.C.S. § 1091(r). A student who has been convicted of any offense under any federal or state law involving the possession or sale of a controlled substance for conduct that occurred during a period of enrollment for which the student was receiving any grant, loan, or work assistance under federal law, shall not be eligible to receive any grant, loan, or work assistance during the period beginning on the date of such conviction and ending after the interval specified as follows. If convicted of an offense involving the possession of a controlled substance: first (1st) offense, the student is ineligible for one (1) year; second (2nd), offense, the student is ineligible for two (2) years; third (3rd) offense, the student is ineligible indefinitely. If convicted of an offense involving the sale of a controlled substance, the penalty for the first (1st) offense is an ineligibility period of two (2) years; the penalty for a second (2nd) offense is ineligibility for an indefinite period.

A student whose eligibility has been suspended under the above paragraph may resume eligibility before the end of the ineligibility period if (a) the student satisfactorily completes a drug rehabilitation program that (i) complies with such criteria as prescribed by regulations and (ii) includes two (2) unannounced drug tests; (b) the student successfully passes two (2) unannounced drug tests conducted by a drug rehabilitation program that complies with such criteria as prescribed by regulations; or (c) the conviction is reversed, set aside, or otherwise rendered not valid.

- d. 21 U.S.C.S. § 862. . The following penalties are for possession of a controlled substance. Penalties are increased for trafficking. Denial of federal benefits, such as grants, contracts, loans, and professional and commercial licenses, up to one (1) year for the first (1st) offense and up to five (5) years for the second (2nd) and subsequent offenses
- e. 18 U.S.C.S. § 922(g). Under this statute, one who is an unlawful user of, or addicted to, controlled substances is ineligible to own or possess firearms or ammunition.
- f. Miscellaneous statutes. Revocation of certain federal licenses and benefits, e.g., pilot licenses, public housing tenancy, etc., are vested within the authorities of individual federal agencies.
- g. See the chart describing Federal Trafficking Penalties attached to this handbook as Appendix B for additional information.

### **3. Alcohol**—state penalties and sanctions for illegal possession or other violations:

The Pennsylvania Liquor Code, 47 P.S. § 1-101 et seq., controls the possession and sale of alcoholic beverages within the commonwealth. The code (in conjunction with portions of the Pennsylvania statutes pertaining to crimes and offenses involving minors, 18 Pa. C.S.A. § 6307 et seq.) provides as follows:

- a. It is a summary offense for a person under the age of 21 to attempt to purchase, consume, possess, or knowingly and intentionally transport any liquor or malt or brewed beverages. The penalty for a first (1st) offense is suspension of driving privileges for ninety (90) days, a fine up to \$300, and imprisonment for up to ninety (90) days; for a second (2nd) offense, suspension of driving privileges for one (1) year, a fine up to \$500, and imprisonment for up to ninety (90) days; and for a subsequent offense, suspension of driving privileges for two (2) years, a fine up to \$500, and imprisonment for up to ninety (90) days. Multiple sentences involving suspension of driving privileges must be served consecutively.
- b. It is a crime intentionally and knowingly to sell or intentionally and knowingly to furnish or to purchase with the intent to sell or furnish, any liquor or malt or brewed beverages to any minor (under the age of 21). “Furnish” means to supply, give, or provide to, or allow a minor to possess on premises or property owned or controlled by the person charged. The minimum fine for a first (1st) violation is \$1,000; \$2,500 for each subsequent violation; and imprisonment for up to one (1) year for any violation.
- c. It is a crime for any person under 21 years of age to possess an identification card falsely identifying that person as being 21 years of age or older, or to obtain or attempt to obtain liquor or malt or brewed beverages by using a false identification card. The penalty for a first (1st) offense is suspension of driving privileges for ninety (90) days, a fine up to \$300, and imprisonment for up to ninety (90) days; for a second (2nd) offense, suspension of driving privileges for one (1) year, a fine up to \$500, and imprisonment for up to one (1) year; and for a subsequent offense, suspension of driving privileges for two (2) years, a fine up to \$500, and imprisonment for up to one (1) year.

- d. It is a crime intentionally, knowingly, or recklessly to manufacture, make, alter, sell, or attempt to sell an identification card falsely representing the identity, birth date, or age of another. The fine is up to \$2,500 for the first (1st) violation; up to \$5,000 for subsequent violations; and imprisonment for up to two (2) years for any violation.
- e. It is a crime knowingly to misrepresent one's age to obtain liquor. Penalties are as stated in (c) above.
- f. It is a crime for any person to appear in any public place manifestly under the influence of alcohol to the degree that she/he may endanger herself/ himself or other persons or property, or annoy persons in her/his vicinity. The penalty is a fine up to \$300 and imprisonment for up to ninety (90) days.
- g. It is a crime knowingly, willfully, and falsely to represent that another is of legal age to obtain liquor or malt or brewed beverages. The penalty is a minimum fine of \$300 and imprisonment for up to one (1) year.
- h. It is a crime to hire, request, or induce any minor to purchase liquor or malt or brewed beverages. The penalty is a minimum fine of \$300 and imprisonment for up to one (1) year.
- i. Sales without a license or purchases from an unlicensed source of liquor or malt beverages are prohibited.
- j. It is unlawful to possess or transport liquor or alcohol within the commonwealth unless it has been purchased from a Pennsylvania State Liquor Store or in accordance with Liquor Control Board regulations.

# Chapter 15: General Policies

Jump to:

- [Tuition Reimbursement Program for Employees](#)
- [Tuition Grant Program for The Children Of Employees](#)
- [Reporting Concerns about Inappropriate Activities](#)
- [Conflict of Interest](#)
- [Employee Recognition Program](#)
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- [Swarthmore Name, Logo, and Letterhead](#)
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- [Social Media Guidelines](#)

This chapter summarizes a number of general policies that are not covered elsewhere in this handbook. Contact the Human Resources Office for further information about these policies.

## **Tuition Reimbursement Program for Employees**

Swarthmore College provides a tuition reimbursement program for employees taking undergraduate, graduate, and vocational/technical courses. All full-time or part-time benefits-eligible employees who have completed one year of employment and are in good standing are eligible to apply for this benefit.

The benefit covers the full cost of each course to a maximum of \$4,000 per employee per calendar year tracked according to the date you receive reimbursement from the College as shown in the example below. The reimbursement is processed through payroll as an education benefit and is free of federal tax below the government limit of \$5,250 per calendar year. However, the benefit is subject to state tax.

Example: Tuition Reimbursement Received in 2016

Submit in January 2016 proof of passing Fall 2015 approved course \$2,000  
Submit in June 2016 proof of passing Spring 2016 approved course \$2,000  
Maximum reimbursement for the calendar year 2016 \$4,000  
Submit in September 2016 proof of passing Summer 2016 approved course - 0 –

Employees are not guaranteed they will be granted the benefit every time they apply. Applications are available in [Human Resources](#). You must first submit the application to your department head, chair, or supervisor. Your department head, chair, or supervisor will review the application, complete his/her portion of the application including a recommendation to Human Resources. You should then submit your application to Human Resources not later than two weeks after the start of classes. Should the number of applications exceed the funds available, the Human Resources Department makes approval decisions based on length of service and overall job performance.

To receive reimbursement, you must submit an official transcript with a passing grade or certificate of completion from the instructor and a copy of the bill for the course within 30 days following completion of the course. If the educational program is not successfully completed, you will be responsible to pay whatever is owed.

To ensure your reimbursement will be processed in the next pay cycles refer to the biweekly [payroll deadline schedule](#). If you are paid on the monthly schedule remember that the reimbursement documentation must be submitted by the end of the month to ensure the reimbursement will be processed in the following month's payroll.

## **Tuition Grant Program for the Children of Employees**

The Tuition Grant Program is offered to demonstrate Swarthmore's abiding belief in the value of higher education and the importance of choice as well as to assist Swarthmore employees in providing for their children's educational needs. The intent of the Tuition Grant Program is to form a partnership with employees that results in improved opportunities for the children of College employees to attend the college of their choice. It is not the intent of the program to pay the full cost of education but rather to pay a portion of tuition costs, regardless of the college chosen. In this way, the program achieves the goal of making it possible for students and their families to consider a wider variety of institutions than they might ordinarily consider. Paying for a percentage of costs (up to a stated limit) instead of a flat amount may result in some students receiving a larger grant than others but it also protects the intent of the program.

### **Eligibility**

Eligible children are the legally dependent children, adopted or natural, or step-children of individuals employed by Swarthmore College, as follows:

- Faculty and staff who have been regular full-time employees (defined as an FTE of at least .75000) of the College for five years at the time the son or daughter enters upon an academic year.
- Regular "benefits-eligible," part-time (defined as an FTE of .50000 - .74999) faculty and staff members whose principal employment is with Swarthmore College and who have been regular part-time employees for five years at the time the child enters upon an academic year.
- The eligible child must be attending an accredited undergraduate college, university, junior college, or technical school on a full-time basis and be in good standing at such institution.
- The same benefits will be available to dependent children of:

- A retired or permanently disabled employee who at the time of retirement or disablement had satisfied the employment requirement stated above, provided the children were in the ninth grade or beyond at the time of retirement or disablement.
- A deceased employee who dies in active service, and who at the time of death had satisfied the employment requirement stated above.
- An employee on an approved leave from Swarthmore College, who at the time of such leave was a regular full-time employee for at least five years, as described in the first bullet above.

## **Exceptions**

Regular benefits eligible faculty and staff who have been employed less than five years with the College at the time the child enters college are eligible for a modified benefit if their previous employer had a similar program and they were eligible for the program at the time they accepted employment with Swarthmore College. In these cases, the College will honor the lesser of the terms of the previous program, or Swarthmore's program until Swarthmore's five year eligibility requirement is achieved. Regular benefit eligible faculty and staff employees who have been rehired by the College who were eligible for the tuition grant program at the time they left the College are immediately eligible for the benefit.

## **Benefit**

- The grants for full-time eligible employees shall be equivalent to one-half of the stated tuition and fees of the institution attended (excluding room and board charges). The maximum amount contributed by Swarthmore College is 40% of Swarthmore's tuition and fees (excluding room and board charges) which vary from year to year. Contact Human Resources for current information.
- The grants for part-time eligible employees shall be equivalent to one-quarter of the stated tuition and fees of the institution attended (excluding room and board charges) and shall not exceed one half of the full time employee benefit. Contact Human Resources for current information.
- Swarthmore College tuition grants shall be limited to the normal four years of undergraduate work at colleges, universities, or junior colleges, i.e., eight semesters or 12 quarters per child enrolled in the program.
- Per individual employee, the grant will be equivalent to two children attending college for four years, i.e., 16 semesters or 24 quarters.
- The grants are per dependent child and no child may receive more than one grant, even if their parent(s) are eligible for more than one grant (i.e., grants may not be combined if there are fewer than two children or if both parents are employed by the College and are eligible for more than one grant). However, the grants may be spread out over more than two children, as long as the number of semesters/quarters and total dollar amount does not exceed the limit.
- Because program requirements at technical schools vary, each institution will be evaluated by Human Resources.

## **Procedures**

- Once each year, eligible employees must complete a [Tuition Grant Program Application](#), available in the Human Resources Department. If the dependent changes schools during the year, a new application is required.
- Each semester a copy of the institution's invoice must be submitted to Human Resources for processing.



- Swarthmore College tuition grants shall be transmitted by Swarthmore College to the institution to which the eligible child is enrolled to be applied against the tuition charge, in accordance with the normal billing procedure of the institution. In no case may the grant be disbursed to the student for personal use.

This program may be changed or discontinued at any time by action of the Board of Managers of Swarthmore College.

## **Reporting Concerns About Inappropriate Activities**

Swarthmore takes seriously its commitment to ensure a safe educational, living, and work environment. Our community places a high value on ethical behavior, individual responsibility, and personal integrity. We want you to know that if you encounter or become aware of behavior that is inappropriate or unethical, there are several different ways you can share your concerns.

### **Internal Contacts**

- Public Safety - For emergencies: (610) 328-8333 or other concerns: (610) 328-8281
- Human Resources - (610) 328-8397
- Dean of the College - (610) 328-8365
- VP for Finance and Treasurer - (610) 328-8316
- Provost - (610) 328-8319
- any other supervisor, manager, or senior officer of the College
- any member of the Audit and Risk Management Committee of the Board of Managers, [audit@swarthmore.edu](mailto:audit@swarthmore.edu)

Contact Public Safety directly to report suspicious or suspected criminal activity as well as emergencies that involve an immediate threat to person, property, or the College environment. You should also contact Public Safety immediately if you suspect abuse of a child that is under the care or supervision of a College program. While you are encouraged to identify yourself when calling Public Safety, you are not required to do so. For more information on making child abuse reports, please also see the [Swarthmore College Policy on Reporting Child Abuse](#).

You may also contact the Office of Human Resources, the Dean of the College, the Provost, or the Director of Equal Opportunity directly if you believe you are being subjected to inappropriate demands or conditions and would like to access the complaint processes.

### **External Hotline**

If you do not feel comfortable with any of these options, the Swarthmore College Hotline - (866) 292-7713 - is another avenue you may choose. This toll-free line is available 24/7 and there will always be someone available to speak with you. The line is managed by an outside company that will listen to your concern and direct it to the appropriate college official for prompt and corrective action. You may remain anonymous or you may choose to identify yourself. Regardless of your decision, your information will be documented and investigated.

Swarthmore prohibits retaliation against anyone who makes a good faith effort to appropriately disclose perceived wrongdoing and the College makes every effort to redress such situations. While "whistle blowing" should not be an outlet for vindictive or malicious charges, we always want to know if members of the community feel they are being subjected to unethical, illegal, or unsafe activities or become aware of such activities going on at the College. Inappropriate activity can

range from being asked to engage in a clearly illegal or unethical activity, such as falsifying research data; misdirecting College funds or resources; or requiring an employee or student to do something that is clearly not related to their role at the college (such as babysitting your children on College time or in exchange for academic favors). Suspected violations of college policy should also be reported. Examples include, but are not limited to, falsifying college records (such as applications or time records), or violations of the college's policies prohibiting discrimination, harassment, and sexual misconduct.

We value the need for, and strive to provide, a safe and ethical environment for every member of our community. Your help and support in assisting in this effort is greatly appreciated.

## **Child Abuse Reporting Policy**

Swarthmore College strives to safeguard the well-being of Minors visiting campus and/or participating in College-sponsored programs. As a result, this *Mandatory Child Abuse Reporting Policy* addresses Swarthmore College employee mandatory reporting obligations when child abuse is suspected; describes what to report; and details how to make a report.

This policy describes the mandatory child abuse reporting obligation for all College employees and this policy applies to all programs, activities or services occurring on the Swarthmore College campus, or at College-sponsored activities occurring off-campus.

For purposes of this policy, the following definitions apply

- A “*Minor*” or a “*Child*” means any individual under 18 years of age.
- An “*Employee*,” is any individual employed by the College or who provides a program, activity, or service sponsored by the College, whether paid or unpaid. These individuals include staff and instructional staff members (including faculty), independent contractors, and volunteers of the College.

## **Basic Reporting Duty**

Any Employee, who has reasonable cause to suspect that a Minor who is on College property for any reason, or is participating in a College-sponsored activity at another location, has been the victim of child abuse shall immediately report the suspected abuse consistent with this policy. This is a mandatory reporting obligation.

## **Authority**

This policy is consistent with requirements of the Pennsylvania Child Protective Services Law (CPSL), which can be found at 23 Pa. Cons. Stat. 6301, et seq.

## **What Must Be Reported**

You must report child abuse you have reasonable cause to suspect. Child abuse, according to the CPSL, means intentionally, knowingly or recklessly doing any of the following

1. Causing bodily injury to a child through any recent act or failure to act.
2. Fabricating, feigning or intentionally exaggerating or inducing a medical symptom or disease which results in a potentially harmful medical evaluation or treatment to the child through any recent act.

3. Causing or substantially contributing to serious mental injury to a child through any act or failure to act or a series of such acts or failures to act.
4. Causing sexual abuse or exploitation of a child through any act or failure to act.
5. Creating a reasonable likelihood of bodily injury to a child through any recent act or failure to act.
6. Creating a likelihood of sexual abuse or exploitation of a child through any recent act or failure to act.
7. Causing serious physical neglect of a child.
8. Engaging in any of the following recent acts
  - Kicking, biting, throwing, burning, stabbing or cutting a child in a manner that endangers the child.
  - Unreasonably restraining or confining a child, based on consideration of the method, location or the duration of the restraint or confinement.
  - Forcefully shaking a child under one year of age.
  - Forcefully slapping or otherwise striking a child under one year of age.
  - Interfering with the breathing of a child.
  - Causing a child to be present during the operation of a methamphetamine laboratory, provided that the violation is being investigated by law enforcement.
  - Leaving a child unsupervised with an individual, other than the child's parent, who the actor knows or reasonably should have known
    - is required to register as a Tier II or III sexual offender;
    - has been determined to be a sexually violent predator; or
    - has been determined to be a sexually violent delinquent child.
9. Causing the death of the child through any act or failure to act.

"Recent" is defined as any act of child abuse committed within the previous two years. Sexual abuse, serious mental injury, serious physical neglect and deaths have no time limit.

### **How to Make a Report**

In the interest of protecting the safety and welfare of a child, any uncertainty about whether reporting is required or whether abuse has actually occurred should always be resolved in favor of making a report. DO NOT investigate....DO NOT attempt to obtain proof. and DO NOT try to solicit information from the child. This responsibility lies with the Pennsylvania Department of Human Services.

*If the child you would like to report is in immediate danger, please call 911 immediately.*

Follow these steps to make an immediate and direct report of suspected child abuse to the PA Department of Human Services and to the College:

1. **SUBMIT AN ONLINE REPORT** (preferred method): to the Pennsylvania Department of Human Services at [www.compass.state.pa.us/cwis](http://www.compass.state.pa.us/cwis)

OR

CALL: Pennsylvania's Child Line at 800-932-0313 (alternative method).

*Please Note: If you call Childline, you must also submit a written report within 48 hours;*

2. **CALL:** Swarthmore College Department of Public Safety 610-328-8333 to inform Director of Public Safety Michael Hill, who serves as the College's designee for receiving reports of child abuse reports.

The Director of Public Safety will inform the appropriate College officials in order to ensure the safety of the Swarthmore College community.

### **Responsibilities of the Director of Public Safety**

Upon receiving a report made under this policy, the Director of Public Safety will assume the responsibility and have the legal obligation to ensure that a written report is made to the PA Department of Human Services and local law enforcement. The Director of Public Safety may not make an independent determination of whether to report.

The Director of Public Safety will notify the reporting employee to confirm that the College's report was made. If any additional information is required, you will be notified accordingly.

### **Confidentiality of reports**

Reports made directly to the PA Department of Human Services' Child Line and Abuse Registry can be made anonymously. In order to ensure that the College gives the suspected abuse appropriate and immediate attention, employees are also required to report suspected abuse internally as described above. Reports will be handled with discretion and in cooperation with the PA Department of Human Services and local authorities.

### **Non-Retaliation**

Any person who makes a good faith report of child abuse must not be subjected to retaliation in any form. Retaliation will be considered a violation of College policy and will result in serious disciplinary action, up to or including dismissal.

### **Immunity from Liability**

Under the Pennsylvania CPSL, any person who makes a good faith report of child abuse or who participates in a subsequent investigation in good faith will have immunity from civil and criminal liability that might otherwise result from such actions.

### **Failure To Report**

A failure by a Swarthmore College employee under this policy to report suspected child abuse is a violation of this policy and may result in disciplinary review. Also, criminal penalties exist for a mandated reporter, as defined by the Child Protective Services Law<sup>1</sup>, who willfully fails to report child abuse. The penalties can range from a misdemeanor up to a felony.

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<sup>1</sup> [1] Under the PA Child Protective Services Law (23 Pa. Cons. Stat. 6301, et seq.), the following adults are considered mandated reporters and are required to report suspected child abuse if they have reasonable cause to suspect that a child is a victim of child abuse

## Encouraged Reporters

Any individual who, for any reason, does not fall under definition of "Employee" set forth above or is not included in the list of mandated reporters, is nonetheless encouraged to make a report of suspected child abuse as per the directions above. Individuals who are encouraged to report suspected child abuse are entitled to the same privileges and protections as are afforded to Employees.

## For More Information

If you have any questions about this policy contact, Human Resources at [humanresources@swarthmore.edu](mailto:humanresources@swarthmore.edu), [\(610\) 328-8397](tel:(610)328-8397)

If you have any questions about the PA Child Protective Services Law, visit [www.KeepKidsSafe.pa.gov](http://www.KeepKidsSafe.pa.gov).

For a free, online DHS-approved training course, visit: [www.ReportAbusePA.pitt.edu](http://www.ReportAbusePA.pitt.edu).

## Conflict of Interest

We know that staff members have lives outside the College and are involved with family, friends, and other commitments such as recreation, community service, and professional development activities. Swarthmore encourages activity that contributes to a high quality of life as long as such activity is not in conflict with the duties that staff members have to the College.

- 
- A person licensed or certified to practice in any health-related field under the jurisdiction of the Department of State.
  - A medical examiner, coroner or funeral director.
  - An employee of a health care facility or provider licensed by the Department of Health, who is engaged in the admission, examination, care or treatment of individuals.
  - A school employee.
  - An employee of a child-care service who has direct contact with children in the course of employment.
  - A clergyman, priest, rabbi, minister, Christian Science practitioner, religious healer or spiritual leader of any regularly established church or other religious organization.
  - An individual paid or unpaid, who, on the basis of the individual's role as an integral part of a regularly scheduled program, activity or service, accepts responsibility for a child.
  - An employee of a social services agency who has direct contact with children in the course of employment.
  - A peace officer or law enforcement official.
  - An emergency medical services provider certified by the Department of Health.
  - An employee of a public library who has direct contact with children in the course of employment.
  - An individual supervised or managed by a person listed above, who has direct contact with children in the course of employment.
  - An independent contractor who has direct contact with children.
  - An attorney affiliated with an agency, institution, organization or other entity, including a school or regularly established religious organization that is responsible for the care, supervision, guidance or control of children.
  - A foster parent.

Simply put, we expect that staff members will not engage in activities that compromise the College's position or integrity through actions such as self-promotion, appropriation of the assets of the College, influence peddling, or abuses of confidence. Staff, who own or have an interest in an outside business, should ensure that business activities are kept entirely separate from their employment at the College. They should not solicit or conduct their business on College time or property.

Staff members may not engage in activities that interfere with fully performing their position duties and responsibilities at the College. You are expected to avoid situations in which your judgment in making decisions or taking actions on behalf of the College may be adversely affected by personal consideration or situations where your position performance, loyalty, or stewardship to the College is compromised.

For example, using College facilities or supplies for non-College purposes or holding a financial interest in a business that supplies goods or services to Swarthmore may both constitute conflicts of interest.

The following guidelines are intended to help ensure that Swarthmore receives from its staff the amount and quality of effort, judgment, and loyalty that are necessary for the College to accomplish its objectives in ways that are consistent with its standards of excellence.

You must inform your supervisor and receive written approval before engaging in any outside activities that pose the potential for conflict of interest, for example:

- Full-time employment outside of Swarthmore.
- Employment at the College as an outside vendor.
- Employment within the College in addition to your primary employment.
- Outside business, philanthropic, community, political, or other interests or activities that would significantly impact your work commitment or would involve the use of College facilities.
- The acceptance of gifts, gratuities, or favors in an amount in excess of \$25 from individuals or organizations with which the College conducts business or that are seeking association with the College or the extension of such gratuities or favors, which might reasonably be interpreted as an attempt to influence the recipients in the conduct of their duties.
- At no time should an employee of the College give or accept any gifts, gratuities, or favors from any federal, state or local government official.
- Outside business interests, your own or those of members of your family, related to suppliers of goods and services to the College.
- The use of information that the College considers privileged or confidential, for non-College purposes.
- Using the name of the College for monetary profit or acting as a private person in a way that could create the impression you are speaking for the College.

Any activities and interests that are potential conflicts of interest require advance supervisory approval. Failing to report such activity immediately, or continuing an activity if your supervisor has disapproved it, is grounds for disciplinary action, including termination of employment.

## **Service Award Program**

The College recognizes the value of employee contributions to its goals and mission and recognizes long service to the institution. Each year at the Winter Gathering held in December, those employees celebrating significant milestones in their service to the College, as well as the recent retirees for the applicable calendar year, are honored and recognized by their supervisors, President's staff, and peers.

The Office of Human Resources partners with C. A. Short Company, a well-respected leader in the field of recognition and reward programs, to administer the Service Award program. Through partnership with C. A. Short Company, honorees have access to a remarkable variety of reward selections for the College's diverse employee population.

At the Winter Gathering celebration when service award recipients are called to the stage to be recognized they are congratulated by the president and receive a presentation packet. The packet contains a certificate of appreciation, a congratulatory letter from the president and a gift selection brochure with instructions on placing a gift order.

An employee's length of service is calculated from his/her hire date with the College through December 31st of the year in which the service awards are celebrated. For those employees with a break-in-service longer than six (6) months, length of service will be calculated from his/her re-hire date. If the break-in-service is less than six (6) months, the employee's previous hire date will be used.

The 25-year award recipients have always been the centerpiece of the winter celebration. Each employee is called to the stage individually and his/her supervisor makes a presentation to the gathering about the employee's years with the College.

## **Confidential Information**

Accessing without authorization, information that the College considers privileged or confidential, releasing such privileged or confidential information, or using such information for non-College purposes, violates College policy and is grounds for disciplinary action, including dismissal.

## **Privacy and Security of Confidential Information**

Protecting personal privacy and maintaining confidentiality of personal information has always been a high priority of the College. The government, with the Gramm-Leach-Bliley Act of 2000 (GLB), mandated that financial institutions safeguard the security and confidentiality of customer information. A follow-up action by the Federal Trade Commission (FTC) ruled that GLB applies to higher education institutions.

The College's formal [Information Security Plan](#) can be viewed by following the link provided, and then selecting the *College Plan*. The Information Security Plan is designed to ensure the security, integrity, and confidentiality of non-public customer information, protecting it against anticipated threats, and guarding it against unauthorized access or use. The College's policies are reviewed annually and the designated GLB Security Program Officers for the College are the Vice President for Finance and Treasurer and the Registrar. All correspondence and inquiries about the College Information Security Plan should be directed to these Officers.

College employees are responsible for securing confidential information used in the execution of their duties and for following any additional departmental privacy and security procedures. The College's GLB Information Security Plan and departmental policies include measures to safeguard physical and electronic records and address the need for constant attention to privacy and security when using non-public information. Supervisors are expected to provide training for all staff and volunteers on the privacy and security procedures for their department.

Information that must be safeguarded includes "any record containing nonpublic information about a student, employee, alumni or any other third party engaged in a financial transaction with the College". The information to be protected may be in paper, electronic or other forms. Typical examples of protected information include financial information, academic records and employee personal information. Each department will ensure that third party service providers maintain appropriate safeguards for non-public information to which they have access. Contracts with service providers must include specific provisions to secure the privacy and security of information according to the GLB.

All confidential material should be kept in secure locations using locked filing cabinets or offices with locked doors. Employees should turn off their computers, lock offices and secure data when leaving their work area for an extended period of time. If an employee is unsure if their actions are in compliance with the College Information Security Plan, they should consult with their supervisor. An employee failing to comply with the security policies of the College could be subject to disciplinary action up to and including dismissal and legal action for personal liability.

### **Swarthmore Name, Logo, and Letterhead**

You may not use Swarthmore's name, seal, any of its authorized logo emblems, or College letterhead without authorization. Improper use for commercial, personal, organizational, or political gain is subject to performance action, including termination of employment.

### **Solicitation**

With the exception of authorized Swarthmore charitable giving campaigns such as the United Way or advancement/development activities, direct solicitation (one individual directly and actively asking another individual for a contribution or a sale) by staff members of other staff members on Swarthmore time or in work areas is prohibited. Work time is defined as any time that those soliciting, or those being solicited, are supposed to be on duty. While we recognize that there are many charitable groups and activities that staff members willingly support, directly soliciting contributions or sales can easily turn into an uncomfortable situation when some staff do not wish to support a particular effort.

Solicitation or distribution of unauthorized materials by anyone not employed by Swarthmore is prohibited at all times and in all areas of the College.



## **Charitable Giving**

Swarthmore serves the community actively through its own education, research, and community service missions. Because of our not-for-profit status and our primary role of service to the community, it is inconsistent with Swarthmore's charter and policy to use College funds to make monetary contributions to other organizations or causes, including contributions for attendance at non-Swarthmore charitable fund-raising events. These guidelines are not intended to discourage individuals from making contributions of their own funds to charitable causes of their choice.

## **Employment of Family Members**

Employment of immediate family members in situations where one family member has direct influence over the other's conditions of employment is not permitted. Immediate family for this purpose is defined as spouse, domestic partner, daughter, son, parent, grandparent, grandchild, sister, brother, mother-in-law, father-in-law, sister-in-law, brother-in-law, aunt, uncle, nieces, and nephews, including step-relations.

In some cases, a concern over conflict of interest may arise involving other relatives such as relatives by marriage. In any case where you are unsure about a potential conflict, you should fully disclose the circumstances in writing to your supervisor and Human Resources.

## **Children in the Workplace**

Swarthmore College is committed to providing a safe work environment for faculty and staff and strives to be supportive of family values. Sharing in each other's family lives helps keep us connected. However, there are health, safety, environmental, and regulatory concerns that must be addressed when considering the presence of children in the workplace. There are many imminent dangers for children and a great potential for accidents and incidents in which children either harm themselves or inadvertently create a hazard for others. Appropriate limitations and guidelines are required to protect health and safety and to maintain work productivity and regulatory compliance.

Children and minors are not allowed in the workplace on a regular basis. Rarely and with supervisory approval (in advance), an employee may bring children to work in an emergency situation. In all cases of children in the workplace, the College is not responsible for ensuring the child is safe and well supervised. Parents are fully responsible for the safety and supervision of the child for the entire visit.

Supervisors and department heads may place additional restrictions on the presence of children in the workplace consistent with the work being performed and the demands of the work area.

### **Guidelines for Children in the Workplace**

- Employees must always obtain permission in advance from their supervisor before bringing a child or minor to work.
- A parent or guardian must provide line-of-sight supervision of the child at all times.

- Children should not be left alone at any time or left with other employees.
- Children can not interrupt normal workplace activities.
- Children are not permitted to perform work of any kind at any time as required by the U.S. Department of Labor.
- Children are not allowed to ride at any time in any College owned motorized vehicle, including golf carts.
- Children are never permitted in the following high risk areas:
  - Laboratories, workshops, studios, power plant, garages, food preparation areas
  - Any area, indoors or out, containing power tools or machinery with exposed moving parts
  - Any area where College vehicles such as snow machinery, grounds equipment, heavy duty, or other motorized equipment are being used
  - Any other high risk area such as playing in a stairwell, access to rooftops, or access to construction zones
- In the unlikely event that a visiting child becomes lost on campus, the parent should contact Public Safety for assistance in locating the child.
- If there are repeated instances where the parent does not maintain supervision of the child, the College may decide that the risk of injury or harm to the child is too great to allow the employee to continue bringing the child to campus.

## **Pets in the Workplace**

As a general policy, the College does not permit pets to be in the public areas of College buildings (research animals and guide dogs excepted). The College will permit employees to have their pets inside their private office, as long as this does not present any health and safety concern to others in the building. These pets may not be allowed to wander outside the office into public areas. Employees who do bring their pets to work are wholly responsible for making sure that their offices remain clean.

Administrative offices open to the public during working hours are considered public spaces and thus animals may not be brought into these areas. Students are not permitted to have animals in their rooms in residence halls, with the exception of service animals.

## **Pets on College Grounds**

All dogs on College property, with the exception of the Crum Woods area, must be leashed. In the woods area, the Borough leash law shall apply—pets must be leashed or under voice control.

## Prohibited Relationships

Friendships and personal relationships often develop in the workplace. Staff coworkers or staff members in different departments of the College are generally not prohibited from socializing or having personal relationships as long as they do not interfere with the work performance of either individual or with the effective functioning of the workplace.

However, romantic or sexual relationships between staff members and (a) students, or (b) employees when one of the participants is in an evaluative or supervisory position over the other are prohibited and can present serious ethical concerns about issues such as the validity of consent, conflicts of interest between personal and professional concerns, and unfair treatment of others. Power imbalances between individuals holding different positions at the College complicate such relationships. These relationships have the potential for negative reverberations that affect not only the individual participants, but also third parties and the climate of the community as a whole, thus potentially undermining the trust and integrity that are essential to learning and working at the College. The primary objective of Swarthmore College in addressing the topic of consensual relations is to maintain both the integrity of the academic process and a positive work environment. At a new employee's time of hire, new hires are required to disclose all pre-existing relationships with other campus community members.

Although consensual relationships per se do not necessarily constitute sexual harassment, such relationships may give rise to claims of sexual harassment when:

- a consensual relationship creates a hostile and intimidating work or learning environment,
- a consensual relationship ends and one of the parties continues behavior that the other party has made clear is now unwelcome.

Claims that a relationship has been consensual are unlikely to protect individuals from charges of sexual harassment, nor will they guarantee a successful defense if charges are made. Faculty, instructional staff, and supervisors should keep in mind that a student or subordinate's initial consent does not preclude a charge of sexual harassment in the future. When power differentials exist, charges of sexual harassment are difficult to refute on the grounds of mutual consent.

Employees who are involved in romantic or sexual relationships are expected to remove themselves from any activity or evaluation that may reward or punish the other individual. Employees should be aware that even if they are not currently in an evaluative or supervisory position over a particular individual, they may be in such a position at a future date. Failure to respect these standards may be grounds for College action up to and including dismissal.

Romantic or sexual relationships between staff members and students are particularly susceptible to exploitation. Such a relationship may place the student in a vulnerable position and may create a problematic learning environment for the student. Even when both parties have consented to pursuing such a relationship, it is generally the case that the employee, by virtue of his or her position, will be held responsible for unprofessional behavior in the event of allegations of inappropriate behavior by either party directly involved in the relationship, as well as by third

parties who are indirectly involved and may be adversely affected. Given these general concerns, the College prohibits involvement of a staff member in a romantic or sexual relationship with a student.

### **Options for Resolution**

Complaints alleging a violation of this policy may be initiated by any individual, including either party in the prohibited relationship or a third party. The College may also initiate action on its own accord. If a complaint is raised, there will be no presumption that the relationship was welcome to the student or subordinate employee.

The College will conduct a prompt and equitable investigation and take appropriate remedial or disciplinary action. Where the complaint also involves behavior that may constitute sexual harassment, the complaint will be referred to the Title IX Coordinator for resolution under the [Sexual Assault and Harassment Policy](#). To see the Instructional Staff's (including faculty) Policy on Prohibited Relationships, visit the Provost's office site on [Handbooks and Other College Policy](#).

Assistance and information are available from the Director, Equal Opportunity and Engagement or the Vice President of Human Resources.

### **Attendance at Student Parties & Social Events**

Student parties and social events are intended for students and their invited guests. Staff should not be present unless their attendance is directly related to their role and responsibilities as an employee of the College. Inappropriate attendance will be considered misconduct and subject to disciplinary action.

### **Smoking Policy**

The smoking policy prohibits smoking in all indoor public spaces throughout the campus, including classrooms, laboratories, libraries, lounges, hallways, and stairwells. There can be no smoking in all areas of Parrish Hall and in all areas of buildings in which circulated air is used for heating and cooling; these are Lang Performing Arts Center, Pearson Hall, Kohlberg Hall, Trotter Hall, and the Science Center. **Smoking is prohibited within 25 feet of entrances to buildings as this creates a second-hand smoke zone for others entering or leaving the building.**

### **Desks and Lockers**

The College provides desks, lockers, and other storage space such as filing cabinets for many staff in the course of their work. Such storage space is the property of the College. The College reserves the right to have access to that space as needed. There should be no expectation of personal privacy of such spaces. Do not keep valuable or confidential personal items at work. The College is not responsible for your personal items. You should not lock storage space without authorization. Your supervisor also has access whenever necessary.

## Computers and Electronic Communication

Swarthmore provides many employees with access to computers, electronic mail, and cell phones which include text messaging capabilities for the purpose of conducting the College's business. While Swarthmore does not monitor the usage of these systems and equipment except for normal maintenance, such equipment, systems, and messages are the legal property of Swarthmore College. Therefore, the College can be required to provide legal authorities access to systems, equipment, and messages and is permitted to retrieve information for internal purposes. In the case of a clear institutional need, (e.g., an internal investigation or the unanticipated absence of a staff member), the college reserves the right to retrieve and review the contents of an employee's computer or electronic communications.

Computers and electronic networks are provided for business communications. Personal use should be minimal and occur during breaks and/or lunch so as not to interfere with the completion of your job responsibilities. More extensive personal use of college computers is permitted outside of working hours in public computing areas.

While the College makes reasonable efforts to protect the privacy of computers and electronic communications, the very nature of the technology makes it impossible for the College to guarantee privacy. It is possible that any communications created, sent, or retrieved, or even deleted may be retrieved and read by individuals other than the intended recipient.

Individuals with access to the Swarthmore College network have the following obligations and responsibilities:

- to respect the intellectual property of individuals and the College and
- to protect computer accounts from unauthorized use by others.

Each computer account is provided for the use of a specific individual and may not be used by another staff member without the employee's expressed permission and only for legitimate College purposes. A staff member should report unauthorized use of a computer account immediately to the appropriate supervisor. Information Technology Services should be contacted when there is a suspicion of unauthorized use so an investigation can be conducted.

Notwithstanding Swarthmore's right to read and retrieve any email, such messages should be treated as confidential by other employees and accessed only by the intended recipient or an authorized supervisor or other authorized representative of the College. Employees are not authorized to retrieve or read any email that is not sent to them. Email messages are subject to the same standards of professionalism as other types of communication and must not violate the College's policies regarding equal employment opportunity, discrimination, or harassment. For more information, see [Equal Employment Opportunity](#). The e-mail system is also subject to the College's non solicitation and confidentiality policies described in this chapter. In addition, the system may not be used to send or receive copyrighted materials.

Employees who violate these policies or who use the e-mail system for improper purposes are subject to disciplinary action, up to and including dismissal from employment.

Following a voluntary separation of employment or a lay-off, the College will end an employee's e-mail privileges on the last day worked. Alternately, the employee may request a forwarding message be placed on his/her e-mail account for a period of thirty (30) days. However, the College may decide to immediately cancel access to certain sensitive computer programs or to the computer assigned to the individual.

## **Telephones**

The College provides telephones for many staff members to use in the course of their work. While phones are intended for business use, occasional use of Swarthmore business telephones for local personal calls can generally be accommodated. Be sure you know what the expectations are in your department. Excessive use of telephones for personal local calls may be grounds for disciplinary action. Making unauthorized long-distance calls is prohibited and may result in disciplinary action.

## **College Vehicle Driving Policy**

### **General Safety Procedures**

The following are general safety procedures that must be followed when using College vehicles or personal vehicles on College business.

- Drivers are required to fully abide by local, state and federal vehicle regulations
- Drivers must possess a valid driver's license to operate vehicles
- An employee whose license has been suspended or revoked is not permitted to drive his/her personal vehicle onto campus
- The driver's license must be in the possession of the driver at all times when operating the vehicle
- The driver's license must be of the appropriate class governing the vehicle being operated
- All drivers and passengers must wear properly fastened safety belts.
- No driver may operate a vehicle while under the influence of alcohol and/or illegal drugs or substances.
- No driver may operate a vehicle while under the influence of prescription or over the-counter medication that impairs or negatively affects the driver's judgment or ability to drive
- If a driver becomes aware of a hazardous condition or a malfunction of equipment, he/she should report the incident immediately to a supervisor

### **New Employees:**

Any new employee whose job function may involve driving for the College either on a fulltime or part-time basis will have their driving record checked as part of the hiring process.

In addition, drivers must:

- Be at least 18 years of age
- Have two years of licensed U.S. driving experience
- Have a current driver's license
- Have a "clear" or "acceptable" status on the College's Motor Vehicle Report

Status based on the table below

The College Standards for Motor Vehicle Reports are as follows:

- No new driver will be hired with a "borderline" or "poor" MVR. MVR's will be graded based upon the table below.
- Driving records must remain "clear" or "acceptable" for continued employment in a position with driving duties.
- Any major violation is automatically a "poor" MVR.

### Major and Minor Motor Vehicle Violations

<b>Minor Violations</b>	<ul style="list-style-type: none"> <li>• Failure to meet motor vehicle equipment, load, or size requirement</li> <li>• Improper/failure to display license plates</li> <li>• Failure to sign or to display registration</li> <li>• Failure to have valid driver's license in possession</li> <li>• Failure to maintain an insurance verification card with vehicle</li> <li>• Any moving violation other than a major</li> </ul>
<b>Major Violations</b>	<ul style="list-style-type: none"> <li>• Driving under the influence of alcohol/drugs</li> <li>• Failure to stop/report an accident</li> <li>• Reckless driving/speeding contest</li> <li>• Driving while impaired</li> <li>• Making a false accident report</li> <li>• Homicide, manslaughter or assault arising out of the use of a vehicle</li> <li>• Driving while license is suspended/revoked</li> <li>• Careless driving</li> <li>• Attempting to elude a police officer</li> <li>• Verbal or physical assault on another vehicle operator</li> </ul>

### College Motor Vehicle Report Status

NUMBER OF MINOR VIOLATIONS (DURING LAST 3 YEARS)	NUMBER OF ACCIDENTS (DURING LAST 3 YEARS)			
	0	1	2	3
0	Clear	Acceptable	Borderline	Poor
1	Acceptable	Acceptable	Borderline	Poor
2	Acceptable	Borderline	Poor	Poor
3	Borderline	Poor	Poor	Poor
4	Poor	Poor	Poor	Poor

Drivers' records that show consistent violations and yet do not exceed the College's standards may still be deemed ineligible for employment.

### **Current Employees Driving Record Review**

The Human Resources will review the driving records of the College's authorized drivers. If your position is to drive a college vehicle this will be done on an annual basis. If your position is to drive a college vehicle as part of your job it will be done every two years.

### **Notification Responsibility**

If your position is to drive a college vehicle you must notify your supervisor within 24 hours if either of the following occurs:

- Any change in status of license (suspension, revocation, expiration)
- Any accident or moving violation involving either a college or personal vehicle If your position is to drive a college vehicle, as part of your duties you must notify your supervisor within 24 hours if either of the following occurs:
  - Any change in status of license (suspension, revocation, expiration)
  - Any major moving violation

Failure to promptly notify your supervisors of these changes to your driving record within the required 24 hour period will result in a final written notice.

If your license has been suspended or revoked you are not permitted to drive your personal vehicle onto campus.

It is the supervisor's responsibility to inform the Human Resources Department immediately upon notification from the employee.

### **The College Standards for Continued Employment**

The College standards for Motor Vehicle Reports are as follows:

- Driving records must remain "clear" or "acceptable" for continued employment in a position for which driving is a main responsibility
- Any major violation is automatically a "poor" MVR

If your position is to drive a college vehicle and the number of accidents or violations results in a MVR rating of poor, immediate termination will result. If the number of accidents or violations results in a MVR rating of borderline, you will be issued a final written warning and placed on a six- month probationary period. If your position is to drive a college vehicle as part of your duties and the number of accidents or violations results in a MVR rating of borderline or poor, you may be



subject to loss of driving privileges within your position, mandatory and random drug testing and a MVR check every 6 months. If a second major violation occurs within 2 years, your employment will be terminated.

### **Accident Procedures**

Drivers of College vehicles must report all accidents to the local police department where the accident occurred, to Public Safety, and their supervisor upon returning to campus.

### **Insurance Coverage**

The College carries comprehensive, collision and bodily injury insurance for all of its vehicles. Authorized drivers using College vehicles are covered in the event of damages to property of others, or bodily injury to themselves or third parties. The College maintains a deductible on all vehicles. In case of an accident, if the authorized driver is at fault, the department using the vehicle will be charged the deductible.

### **Insurance Coverage for Commercial Rental Vehicles**

When renting a car within the United States, employees should not purchase either Collision Damage Waiver (CDW) or liability insurance from the car rental agency as the College carries comprehensive, collision, and bodily injury insurance. If you are in an accident in a rental car while on College business, contact the Environmental Health and Safety Officer at ext. 8564 or e-mail Jinny Schiffer at <[jschiff1](mailto:jschiff1)> as soon as possible. The Environmental Health and Safety Officer will follow-up on the details of the accident. For more information on this matter, you can reference the [Business Office reimbursement and expenditure guidelines: commercial rental vehicles PDF](#).

### **Privately Owned Vehicles**

If an accident occurs while faculty or staff are using their personal vehicles for College activities, their personal insurance is the primary insurance. College insurance will start only after the personal insurance has reached its limit.

### **College Van Policy**

The passenger vans currently owned by the College must limit the number of occupants to a maximum of 10. All van drivers, including drivers of nonpassenger vans, must be at least 18 years of age and have completed the van driver training course through Public Safety.

### **Intellectual Property Policy**

Swarthmore College is a community of creative thinkers and therefore the College recognizes that intellectual property is created by individuals, or groups of individuals. Academic freedom, including the freedom to choose how to disseminate creations, has higher priority than possible financial rewards, to the individuals or to the College. Specifically, the College will not be driven in its approach to intellectual property by a desire to develop new sources of revenue.

In addition, the College does not want to claim intellectual property in cases where making that claim may stifle or put procedural roadblocks in the way of creative endeavors or the dissemination of scholarly work.

An important way for the College to encourage creation and dissemination of intellectual property is to provide various types of production and dissemination support. In return, when it provides substantial support, the College is entitled to recoup costs, be granted certain usage or ownership rights, and receive a share of any financial returns.

The College does have a claim to intellectual property in which it has an identity or functional interest. The College has an identity interest in IP that is more integral to, and reflects more directly on, the identity of the College than on the identity of the individuals who create it. In particular, it has an identity interest in items disseminated beyond the College, such as the catalog, institutional web pages, the alumni bulletin, admissions brochures, and campaign materials. (What is meant by institutional web pages is elaborated later.) The College has a functional interest in IP that is used or intended to be used to ensure the effective functioning, coordination and management of ongoing operations. For example, it has a functional interest in administrative and personnel procedures, including software, and internal handbooks and reports. (It may also have an identity interest in the latter two examples.)

Therefore, ownership of any IP produced with only normal support (see the definitions) and in which the College does not have an identity or functional interest shall default to the creator. Ownership of any IP in which the College does have an identity or functional interest shall default to the College, regardless of level of support.

The College has the right to protect its good name and therefore will have a say in the dissemination of any intellectual property that suggests endorsement, for instance, by the use of the College name or logo.

When community members working on a group project negotiate IP rights among themselves, they are under an obligation to recognize fairly each other's contributions, and the College should attempt to ensure that this obligation is met.

The College recognizes that even when IP is clearly the property of individuals, those individuals may wish to transfer rights to the College in exchange for help in developing, disseminating, and protecting their creations. The College will readily consider such requests. Such requests are especially recommended when the IP is created by a group.

Conversely, in some cases government legislation, regulations and case law dictate that IP ownership resides with the College, but the College stands willing to transfer such rights or parts of such rights back to individuals or their designees, to the extent allowed by law, if to do so is consistent with the policies herein explained.

Similarly, grant sponsors will often have positions on how IP created under their grants should be assigned. The grant applicant, along with the College, should attempt to align the grant conditions with the College policies herein explained, but the conditions specified in any grant, if accepted, shall apply.

The College expects that intellectual property policy will evolve, as its mission evolves and as the types of intellectual property evolve. As the policy evolves, consideration will be given to equalizing the traditions of intellectual policy rights in different parts of the College community.

For staff, the extent to which the College asserts ownership of the IP they produce has depended on the traditions of the staff member's specific affiliation, and these differences can generally be justified on the basis of the principle of identity or functional interest. For example, College librarians sometimes undertake professional activities of a scholarly nature, in which the College does not have a functional or identity interest. Such IP defaults to the librarians. On the other hand, in almost all cases, the College does have a functional interest in the work of ITS Staff. For instance, the College must have the rights to control the computer code produced by ITS staff in order to guarantee the smooth administrative functioning of the institution. Such IP belongs to the College. When staff works in a support role for faculty engaged in traditional faculty works, and the staff role falls within normal support for faculty, ownership of the IP produced will default to the faculty.

For information on the determination of IP rights and further matters, please refer to the complete document at the web site listed above.

## **Travel**

### **Exempt Staff**

Some staff members travel on College-related business as part of their professional responsibilities. All College-related travel must be authorized in advance by your department head. Additional travel information is provided on the Authorization for Official Travel Form, which must be completed and on file in the Business Office prior to your departure.

Authorized and documented travel carries accidental death coverage while you are conducting College business out of town, within the provisions of the coverage. You must file a Travel Expense Report within 10 days after you return from the trip. Original receipts, not copies, will be required.

For more information on travel authorization, travel advances, allowable expenses, or expense reporting, contact your supervisor or budget officer.

### **Non-Exempt Staff**

For non-exempt staff that travels on College-related business for longer than one day, special Federal Wage and Hour regulations define how the staff member is paid for travel time. The College guidelines follow explicitly the relevant regulations of the Fair Labor Standards Act.

Travel time on public transportation that occurs during the employee's normal work hours are paid at straight time even if they occur on a Saturday or Sunday. For example: if you work schedule is 8:30 to 4:30 and you travel on a Sunday between 8:00 a.m. and 11: a.m., you would be paid for 2.5 hours of travel time.

Employees will not be paid for travel time outside of their normal schedule unless requested to do so by their supervisor for legitimate business reasons. For example, if your supervisor requests that

you travel from 5:00 p.m. to 7:00 p.m. on a Saturday, you would be paid for that travel time. If you chose to travel at that time for your convenience, the time would not be paid.

All hours worked while away on College business are paid at straight time, except for hours worked in excess of forty (40) in one week. Both work and travel time are considered in the calculation of overtime.

## **Personal Automobile Use**

Occasionally staff members use their personal vehicles for travel related to their positions. All travel (local and non-local) should be authorized in advance by your department head. The College reimburses staff for their position-related vehicle expenses (gas, auto insurance, etc.) by providing a fixed-rate mileage allowance. Because the mileage allowance includes reimbursement toward your own insurance coverage, the College does not provide additional vehicle or personal insurance coverage.

## **Personal Appearance and Dress Code**

Swarthmore's commitment to excellence and our position in the community require standards of personal appearance from staff that are consistent with departmental needs and with the expectations of our customers.

Some areas of the College that have limited public contact may be very flexible in terms of dress codes and blue jeans and tee-shirts, for example, may be fine. Other areas may require more professional dress standards because of the nature of the individual's contact with others. Departments may set reasonable codes for dress that reflect departmental needs, including the wearing of standardized uniforms.

Supervisors should be sensitive to cultural differences in dress and should accommodate such diversity as long as the style of dress is neat and moderate in appearance and is not inconsistent with health or safety requirements.

Good personal hygiene is expected at all times. If a staff member reports to work with a less than satisfactory degree of personal cleanliness, the supervisor may take performance action and may relieve the staff member of duty with the requirement that the individual correct the problem before returning to work.

## **Criminal Convictions**

If you are convicted of a crime after you have made application or begun employment at Swarthmore, you must notify your supervisor within 72 hours of the conviction. Failure to do so, or conviction of a crime that makes you unsuitable for continued employment, may be grounds for immediate termination of employment.

## **Keys**

Most jobs on campus require that one or more keys to buildings and/or offices be assigned to the employee. Keys are issued by Key Central in the Facilities department and an extensive database is maintained linking each key and person to whom it is assigned. Keys are College property and may not be given or loaned to anyone. Found keys should be returned to Key Central. There is a charge for lost keys.

## **Social Media Guidelines**

The College understands that social media has become a popular way to share experiences in life, as well as opinions, with family, friends and co-workers. However, use of social media carries with it certain responsibilities. To assist employees in making responsible decisions about use of social media, as it relates to the workplace and/or your professional identity or role, the College has established the following guidelines (<http://www.swarthmore.edu/news-events/social-media-best-practices> ).

Social media includes all means of communicating or posting information or content on the Internet, including to your own or someone else's web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or chat room, whether or not associated or affiliated with the College, as well as any other form of electronic communication. This includes but is not limited to Facebook, Twitter, Instagram, Tumblr, Snapchat, Yik Yak, YouTube, and other forms of social media.

### **Know and follow the College's other policies**

Carefully review these guidelines, and ensure your postings are consistent with the College's Notice of Non-Discrimination & Statement of Equal Opportunity, Sexual Assault and Harassment , Privacy and Security of Confidential Information, Intellectual Property, FERPA, and applicable HIPAAPA policies. Inappropriate postings, including discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct, will not be tolerated and may subject the offending employee to disciplinary action up to and including termination.

### **Using social media at work**

Refrain from using social media while on work time or on equipment the College provides unless it is work-related as authorized by the manager or department. Do not use Swarthmore email addresses to register on social networks, blogs, or other online tools for personal use. Unless communicating through social media is part of your job description, don't let social media affect your job performance or distract you from meeting work expectations.

# Chapter 16: End of Employment

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## Resignation

To allow the department time to plan for such a transition with minimal disruption of service, appropriate written notice from you is expected. Non-exempt staff are expected to give at least two weeks written notice. Exempt staff are expected to give at least one month written notice. Notice of resignation is expected to be a "working" notice to allow your supervisor an opportunity to spend productive work time with you to complete projects or to have you help train whoever will be assuming your responsibilities. For that reason, it is seldom possible to allow a resignation notice to be taken as vacation time or other paid time off. However, you will be paid for any accrued, unused vacation as part of your final paycheck. There is no payout for sick time.

Failure to give appropriate written working notice may affect your consideration for future employment at Swarthmore.

## Exit Interviews

You will need to schedule an exit interview with Human Resources before your last day. The purpose of the exit interview is twofold. The first purpose is to discuss the status and disposition of your employee benefits and your rights under College policy and state and federal law. Staff members who leave employment and whose employer-sponsored benefits end as a result may be able to continue their insured benefits coverage at their own cost for a defined period, as long as they were not discharged due to gross misconduct. The second purpose is to share with Human Resources any information about your working conditions or experiences in your position that you believe would be helpful for the College to be aware of as it considers selecting your successor. Of course, significant perceived problems in the workplace can and should be brought forward at any time and should not wait until you've made a decision to leave.

## **Permanent Layoff / End of Position**

On occasion, organizational needs or changes may require existing benefit eligible staff positions to be eliminated. When it becomes necessary to eliminate regular benefit eligible staff positions Swarthmore strives to handle such layoffs in a systematic and consistent way throughout the organization and to help identify opportunities that may be available to the staff that will be affected. If another position is not secured by the individual affected, severance pay may be available.

Layoff procedures and eligibility for severance may be different for benefit eligible staff employed on a limited term basis or who are paid through grants or other externally funded resources.

When an employee is not offered severance, we expect departments to give at least as much layoff notice to staff as we expect staff to give when they resign. At minimum, non-exempt staff should be given two weeks notice of layoff or position elimination; exempt staff should be given one month. The department may offer comparable pay in lieu of notice. However, any accrued vacation should be paid as part of the final paycheck. There is no payout for sick time.

## **Discharge**

Supervisors should consult with their department head and with Human Resources before discharging a staff member for cause.

Discharge for cause either for failure to meet performance expectations or for misconduct should be documented in accordance with established College guidelines for performance improvement counseling or warnings as appropriate.

Discharge due to performance issues or misconduct may affect consideration for future employment with Swarthmore and COBRA rights.

Once discharge for cause has been established as the appropriate action according to College guidelines, the discharge is effective immediately and there is no provision for severance pay. However, any accrued vacation should be paid as part of the final paycheck. There is no payout for sick time.

Staff members who have been discharged and who believe College policy has not been followed or administered appropriately may appeal the termination through the complaint resolution process in [Chapter 11](#).

## **Resignation In Lieu of Discharge**

At departmental discretion, an individual may be given the option to resign in lieu of discharge for cause. This may be appropriate in situations where the staff member has not been able to meet performance expectations and where no misconduct was involved. In cases of serious misconduct warranting immediate discharge, a resignation option is generally not appropriate.

A staff member who accepts an opportunity to resign in lieu of discharge should do so with the understanding that the complaint resolution process is not available since that process is intended to review actions taken by a department and a decision to resign is the staff member's own action.

## **Retirement**

There is no mandatory staff retirement age. As you consider the decision to retire, you should contact Human Resources to discuss benefits related issues. Don't wait until your last few weeks of active work, since some retirement programs take time to initiate.

To be eligible for retiree benefits, you must have been employed with the College for a minimum of ten (10) years and have attained age 60 as of the time of your retirement. A retiree health benefit program is available for staff members and their spouses or domestic partners.

A retiree of the College and their spouse, domestic partner, and children over age 15 are eligible to use the College athletic facilities. Please refer to Chapter 2 for details on how to obtain an ID card.

As part of your final paycheck upon retirement, you will be paid for any accrued vacation.

## **Death of a Staff Member**

If you are a hiring supervisor and you have been notified of the death of a staff member, please contact Human Resources for assistance and to report the death for purposes of benefits administration. It will be helpful if you can provide the name, phone number, and address of a close relative or other contact since staff members sometimes have not kept beneficiary and emergency contact information updated in their central records.

In general, the estate of the individual should receive the final paycheck, which should reflect any accrued vacation.

## **Final Paychecks**

Final paychecks for staff members who are ending employment should be available at the next regular payday. If the terminating staff member has items that belong to the College or has an outstanding financial obligation to Swarthmore that was incurred in their role as a staff member of the College, the actual cash value of such items or financial obligation may be withheld from final pay, pending return of the items or payment of the obligation.

At the end of employment you will be paid for any accrued, unused vacation as part of your final paycheck. Your last day worked is considered your termination date. Payout of vacation does not extend your employment date for purposes of benefits eligibility. There is no payment for unused sick time.

## **Giving References**

Staff members who are leaving the College sometimes ask supervisors or others for work references. The Human Resources Office verifies only dates of employment and does not release or



verify any performance information, reasons for discharge, or rehire consideration, with the exception of compliance with Act 168.

Supervisors who are comfortable doing so may make positive work recommendations or give positive references about a terminating or former staff member. Supervisors who do not wish to offer reference information should direct inquiries to HR for employment verification only.

## **Discontinuation of Swarthmore Accounts**

Following a voluntary separation of employment, the College will cancel access to the One Card system, computer programs, network accounts, phone access, and the computer assigned to the individual on the employee's last day worked. The departing employee is responsible for removing any personal data from computers and/or network drives prior to the last day worked. The College will not be responsible for personal files left on College computers and/or network drives, and there is no expectation of privacy or file recovery once the departing employee has left the College.

Supervisors with a documented business need may request access to the employee accounts or files for up to 30 days after the employee's last date worked with approval from the senior manager of the department, ITS, and Human Resources. Employee access to any accounts or files must be requested (by email) by the senior staff member responsible. In addition, the departmental supervisor may request departmental access to the employee's Swarthmore email account, network folders, and computer hard drive for business-related purposes.

Prior to the employee leaving, the employee's direct supervisor should complete the [Termination Checklist](#) to ensure that all College property is collected and that HR is informed of the termination.

For involuntary separations, the College will immediately cancel access to the One Card system, computer programs, network accounts, phone access, and the computer assigned to the individual. Supervisors with a documented business need may request access to the employee accounts or files for up to 30 days after the employee's last date worked with approval from the senior manager in the department, ITS, and Human Resources. Employee access to any accounts or files must be requested (by email) by the senior staff member responsible. In addition, the departmental supervisor may request departmental access to the employee's Swarthmore email account, network folders, and computer hard drive for business-related purposes.