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Policy Name: Management Confidential Employees Employment and Handbook

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Functional Area(s) Responsible: Human Resources

Owner(s) of Policy: Human Resources

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Policy Statement:

Finger Lakes Community College employs management confidential employees as defined by the New York Civil Service Law who perform specific managerial and confidential functions on behalf of the College.

Finger Lakes Community College shall maintain a Management Confidential Employee Handbook for management confidential employees to provide consistent information regarding the terms of employment and fringe benefits. The FLCC Management Confidential Employee Handbook shall be reviewed annually and updated as necessary.

The employment relationship between the College and its management confidential employees shall be voluntary. Accordingly, employment is subject to termination by either the employee or the College at will, with or without cause, and with or without notice, at any time and for any reason or no reason at all. Nothing in this policy statement, or in any other policy, employee handbook, offer letter, or any other statement whatsoever, whether oral or written, shall be interpreted to be in conflict with or to eliminate or modify in any way the employment-at-will status of employment with the College, or relinquish any of the College's rights in that regard, or to create any contract of employment for a fixed duration.

Management confidential employees shall be covered by all College policies as may be applicable. The Office of Human Resources shall maintain a current list of management confidential employees, as defined by New York State Civil Service Law.

Reason(s) for Policy:

This policy shall ensure that terms of employment are clearly and consistently communicated and available to all College administrative and management confidential employees.

Applicability of Policy:

All FLCC administrative and management confidential employees should be familiar with this policy.

Definitions:

None

Related Documents:

- NYS Civil Service Law

Procedures:

None

Forms/Online Processes:

None

Appendix:

- FLCC Non-Unit Employee Handbook



MANAGEMENT CONFIDENTIAL EMPLOYEE HANDBOOK

EFFECTIVE DATE: SEPTEMBER 1, 2022

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APPOINTMENT, EVALUATION AND REAPPOINTMENT

Appointments and reappointments of management confidential employees are made by the President on an annual basis and are subject to the review and approval of the College's Board of Trustees. However, the employment relationship between the College and management confidential employees is voluntary at all times. Accordingly, employment is subject to termination by either the employee or the College at will, with or without cause, and with or without notice, at any time and for any reason or no reason at all. Nothing in this employee handbook, or in any policy, offer letter, or any other statement whatsoever, whether oral or written, shall be interpreted to be in conflict with or to eliminate or modify in any way the employment-at-will status of employment with the College, or relinquish any of the College's rights in that regard, or to create any contract of employment for a fixed duration.

Formal evaluations are conducted annually in or about the month of June of each year as a means of assessing job performance and recognizing the employee's contributions to the mission and strategic priorities of the College. Subject to certain exceptions, each management confidential employee shall be advised of his/her intended reappointment for the next academic year, or non-renewal, by August 15th. As a general rule, the Board of Trustees will be presented with a resolution for approval of the reappointments at the Board's regular August meeting.

FRINGE BENEFITS

Direct Deposit

Salary payments for all management confidential employees are made through direct deposit to any bank or credit union account.

Employee Assistance Program (EAP)

The College provides an Employee Assistance Program (EAP), which offers free confidential assistance in a private, non-judgmental setting to assist in finding a solution for your or a family member's problem. Eligible family members include spouses, partners, children, parents and any other dependent members of the household. The EAP can help to overcome emotional problems, manage stress, minimize marital and/or family conflict, find treatment for substance abuse, plan a recovery from financial difficulties, handle the grieving process, address job/career concerns, and work through other personal matters.

Employee Wellness Program (WIN)

Programming includes activities such as yoga, mindful meditation, walking groups, lunch n learns, flu shot clinic and biometric screenings.

Flexible Spending Program

A Flexible Spending Account (FSA) is available for medical/dental and child/dependent care reimbursement. This plan allows management confidential employees to have money deducted from their pay on a tax-free basis to spend on such expenses as insurance premiums for group health insurance plans, out-of-pocket medical expenses not covered by insurance, and dependent care expenses. Changes to FSA elections can be made during the open enrollment period. Enrollment is required annually.

SUNY Voluntary Savings Plan

SUNY's 403(b) program offers both pre-tax and post-tax savings options. If you choose the pre-tax option, the contributions and earnings are not taxed until they are withdrawn at a future date. If you choose the post-tax option, federal and state income taxes apply to the contributions at the time they are made and withdrawals of contributions and earnings are tax free.

By law, there is a maximum exclusion allowance based upon salary, participation in one of the retirement systems and IRS regulations. The State University of New York Board of Trustees and the Finger Lakes Community College Board of Trustees designate companies to act as insurers.

The employer will match management confidential employee contributions to any of the approved tax deferred savings programs, dollar for dollar up to 2% of the employee's base salary as of September 1st of each fiscal year. The employer reserves the right to establish reasonable rules for the administration of this benefit.

FLCC Tuition Reimbursement

Tuition reimbursement is available for 75% of credit courses, programs, or degrees up to \$5000 annually for six years cumulatively at colleges other than FLCC.

FLCC Tuition Waiver

Tuition waivers are available for any credit or non-credit courses offered by FLCC provided space exists and attendance does not interfere with official duties. This waiver also covers dependent children and spouses. Employee is responsible for paying any fees.

SUNY Tuition Waiver

When available, SUNY offers funding for Community College employees to enroll in SUNY four-year colleges. This waiver is in addition to the \$5,000 offered by FLCC's tuition reimbursement benefit below.

INSURANCES

Health Insurance

Effective May 1, 2017, the College will pay 90% of the HealthyBlue Plan premium.

The College provides single, employee plus spouse, employee plus children, or family coverage with one of following plans under Excellus:

HealthyBlue: \$40/\$60 co-pay including the three tier prescription plan (\$5, \$35, \$70)

Blue Point Option: \$15 Co-pay including the three tier prescription plan (\$5, \$20, \$35). Each employee contributes the difference between the employer contribution to HealthyBlue Plan and the premium of the Blue Point Low Plan only available to employees hired prior to 9/1/12 and who opted to stay in this plan.

Signature High Deductible Health Plan: \$1,500 single / \$3,000 family deductible, 20% coinsurance

Coverage is effective on the first day of the month following the date of employment, providing the required application form has been completed and returned to the Human Resources Office. The only time you can make a change to your health and dental coverage, outside of open enrollment, is for a qualifying event. A qualifying event is a specific occurrence due to change in status, marriage, divorce, birth or adoption of a child, rate change or loss of coverage. Your request must be received within 30 days of the event date.

If an employee wishes to waive coverage of medical insurance they would be eligible for a taxable benefit of 50% of the premium costs for the least expensive single contract in effect at that time.

A management confidential employee who is on an unpaid leave of absence or has exhausted paid leave but whose employment has not been terminated is eligible for the above coverage if he/she remits the full cost to the FLCC Office of Human Resources. This is not applicable to employees on designated protected FMLA. In addition, the management confidential employee who retires is eligible to continue the above coverage by remitting the full cost of the health plan to the FLCC Office of Human Resources.

Health Insurance Cash Allowance

The College shall provide each employee enrolled in health insurance through FLCC, an annual cash allowance of \$450 paid bi-weekly through the payroll as follows:

Dental Insurance

Single dental coverage is provided without charge to each management confidential employee. The management confidential employee has the option to purchase family coverage through payroll deduction.

Term Life Insurance

Term life insurance coverage is provided in an amount equal to one times an individual’s annual base salary rounded up to the nearest \$1000. The coverage is available for active management confidential employees or management confidential employees on a paid leave of absence. There is also an accidental loss of life and dismemberment benefit under this plan.

Long-Term Disability Insurance

Long-term disability insurance coverage is provided for active management confidential employees or management confidential employees on paid leave of absence. The plan provides disability benefits which begin on the first of the month following six consecutive months of disability.

LEAVE TIME

Annual Leave

Management confidential employees accrue twenty-one working days as paid annual leave per year, earned at the rate of 1.75 days per month. Additional leave days are added annually for years of service based on the following schedule:

<u>Years of Service</u>	<u>Days</u>
1-9	21 (equivalent of 157.5 hours)
<u>Years of Service</u>	<u>Additional Days</u>
10	5 (equivalent of 37.5 hours)
25	5 (equivalent of 37.5 hours)

Annual leave must be preapproved by the direct supervisor. Annual leave time can only be taken in ½ or whole day segments. Annual leave time cannot accumulate to more than thirty-five working days. Twenty-one days of leave time can be carried over from one budget year to the next. The President may approve written requests to carry over up to thirty working days.

In the event of retirement, resignation, or termination, a management confidential employee will be paid for all earned annual leave that has not been taken.

Annual Leave Exchange Program

Management confidential employees may relinquish up to five whole day segments of annual leave, once per fiscal year, on the calendar quarter according to the following terms:

1. Leave balances shall be as of the beginning of the first payroll in each calendar quarter according to College records.
2. The annual Leave Exchange Payment Request form must be completed, and leave time is relinquished one week before the beginning of the first payroll in each calendar quarter.
3. Time relinquished is payable at the rate effective at the beginning of the first payroll calendar quarter, and is not returnable.
4. Payments will be made on the first payroll in the calendar quarter, except in the case of separation of service, in which case employees will be paid in the normal manner.

5. To qualify for the program, management confidential employees must have had no periods of unpaid leave in the twelve-month period immediately preceding the application.

Bereavement Leave

In the event of the death of one of the following members of a management confidential employee's family - spouse, child, foster child, step-child, parent including foster or step-parent, brother, sister, or any member of the employee's household - the employee is paid for the day of the funeral, and up to four additional days, if needed, provided that all such days were regularly scheduled work days.

In the event of the death of a management confidential employee's grandparent, grandchild, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law or daughter-in-law, the employee is paid to attend the funeral and two additional days, if needed, provided that all such days were regularly scheduled work days.

Family and Medical Leave

Management confidential employees are eligible to take up to twelve weeks of unpaid leave during any twelve-month period for the birth of a child, adoption, placement of a child for foster care (first twelve months following the date of birth or placement), to care for spouse, child or parent with a serious health condition or the employee's own serious health condition which makes him or her unable to perform their job duties. FMLA will be designated by the appropriate College official when applicable. FMLA time runs concurrent with paid (annual and sick leave) and unpaid leave.

Paid Parental Leave

When a management confidential employee has been approved for FMLA for the birth or adoption of a child, the employee shall be eligible to receive ten (10) days of paid parental leave, to be used within one year following the date of birth or adoption.

Holidays

Management confidential employees receive 12.5 paid holidays annually. Christmas, New Year's Day, Martin Luther King, Jr. Day, Memorial Day, Independence Day, Labor Day, and Thanksgiving are observed on their traditional days, and the remainder will be determined by the College calendar. If a designated holiday falls on a Saturday or a Sunday and is not observed on an alternative day, the employee will receive a floating holiday in its place that does not rollover and must be used annually.

Jury Duty

A management confidential employee selected for jury duty or subpoenaed for a court proceeding to which he/she is not a party receives paid leave when attendance is required on a scheduled workday. Management confidential employees on such leave remit to the College all remunerations received for jury duty, with the exception of money paid for the reimbursement of travel and parking. Management confidential employees requesting payment for jury duty must notify the appropriate College Officer immediately upon receipt of a subpoena for jury duty. The management confidential employee will request a deferral of jury duty if such a request is deemed necessary by the President of the College.

Military Leave

Management confidential employees are granted leave for military service in accordance with the existing provisions of State and Federal law. The management confidential employee must notify the appropriate College Officer of her/his required military assignment as far in advance as possible. A copy of the military orders must also be submitted. The management confidential employee will request a deferral of military duty if such a request is deemed necessary by the President of the College.

Sick Leave

Management confidential employees receive one sick day per month for a total of twelve sick days per year. These accumulate to a maximum of one hundred and eighty days. Sick leave days are not earned during unpaid leaves of absence. Sick leave can only be taken in 1/2 or whole day segments.

Sickness for the use of this benefit is defined as employee being sick and unable to work due to illness or injury on a regularly scheduled workday. Sick leave may also be used for medical appointments and illness of family and household members.

In cases where there is medical documentation that an illness or non-work-related injury prevents a management confidential employee from returning to work after using all his/her available sick and vacation leave, the President may grant extended paid sick leave for a period of up to six months.

Sick Leave Buyout

A management confidential employee who was employed on or before August 31, 1992 and has at least ten years of service will be paid sixty percent of the amount of the final day's salary as of August 31, 1992 times the number of days of unused sick leave, as of August 31, 1992. The final day's salary shall be determined by dividing the final base salary as of August 31, 1992 by 260. The sick days accumulated as of August 31, 1992 will be frozen. A management confidential employee may use these frozen days as sick days.

Study Leave

Upon recommendation of the President, the FLCC Board of Trustees may consider approval of funds and/or staff time for undertaking study leave. The decision will be based on the following factors: purpose of study as related to member; current or projected position needs; impact on college operations; duration of study; potential; benefit to the individual, other staff members, and to the institution; and availability of funds.

Unpaid Leave

A management confidential employee may apply for an unpaid leave of absence for a period not to exceed one calendar year. A written request outlining the purpose of the leave is submitted to the President for recommendation to the FLCC Board of Trustees, whose decision is final. Management confidential employees on an unpaid leave of absence do not accrue salary or fringe benefits. Employees are allowed to continue coverage in benefit programs that allow for individual payment.

Unpaid leave time is not considered as time worked in any decision where years of service are a factor. When the management confidential employee returns to work, he/she will receive compensation at the rate of pay he/she would have received had he/she not taken a leave.

MERIT PAY

Management confidential employees shall be eligible to receive one-time merit stipend on an annual basis, not to be added to base salary. A total fund of \$30,000 annually will be available for distribution by the President to those management confidential exempt employees who have, in that year, met and exceeded their annual goals and contributed in exemplary ways to the achievement of the college's strategic plan.

RETIREMENT

The College provides a choice of retirement memberships in New York State Teachers' Retirement System (TRS) if the position is reportable, New York State Employees Retirement System (ERS), or the SUNY Optional Retirement Program (ORP).

The Public Retirement Systems (TRS and ERS) are both "defined benefit" retirement programs. The benefits that the management confidential employee receives at retirement will be determined based on a benefit formula, using a specific formula factor, final average salary, age and years of service.

The Optional Retirement Program is a "defined contribution" retirement program. The amount of benefits received at retirement will be based on the amount of funds contributed to the management confidential employee's account, the investment earnings on those funds, the employee's age when he/she takes income and the benefits option selected.

TEACHING POLICY

A request for a teaching assignment must be approved by the immediate supervisor, Cabinet Officer, and Provost. A Cabinet member's request for a teaching assignment must be approved by the College President. Requests must be approved prior to the start of the semester in which the course will be taught. Requests that conflict with an individual's normal work schedule must have a written explanation of how the time will be made up. Compensation for teaching courses will be paid according to the Teaching Faculty overload schedule.

WORK SCHEDULE

The basic work week is 37.5 hours per week, scheduled in a manner to reasonably accommodate the needs of the office, department, or division. Management confidential employee participation at Commencement is required. When the College closes for an emergency, a management confidential employee may be required by his/her supervisor to report to work depending on the needs of the college.

MANAGEMENT CONFIDENTIAL NON-EXEMPT POSITIONS

Non-Exempt Status

Certain positions that fall under the management confidential group are categorized as non-exempt staff due to the nature of their work. As such, employees in these positions are entitled to overtime for all hours worked after 40 hours per work week, under the Fair Labor Standards Act. Overtime must be preapproved by the supervisor. Public employees who are overtime eligible may accrue up to a total of 240 hours of compensatory time in lieu of overtime, and be permitted to use accrued compensatory time when requested subject to their immediate supervisor's approval. Compensatory time above 40 hours per work week will be earned at a rate of 1 and ½ times. For all hours worked between 37.5 and 40 hours per week, non-exempt management confidential employees will be paid at straight time, or receive compensatory time on a one to one basis.

The following positions are currently identified as management confidential non-exempt:

- Assistant to the Provost
- Executive Secretary to the President
- Principal Account Clerk
- Human Resources Generalist

Other positions may be identified in the future based upon job descriptions approved by the Board of Trustees.

Salary Step Increases

Each management confidential non-exempt employee having attained a minimum of one year of service will receive a salary increment of \$1,900 annually until they reach the maximum of salary grade 3. Salary increments are awarded at the beginning of the fiscal year. New employees whose effective date is on or before March 1 shall have the entire year counted as year one of their service for the purpose of determining future increments.

Longevity Pay

Management Confidential Non-Exempt employees shall receive longevity pay based on the following in relation to their years of service:

10-14 years of service	\$250
15-19 years of service	\$500
20-25 years of service	\$750
25 years or more	\$1000

This longevity pay shall be paid to eligible employees as a lump sum at the beginning of the fiscal year following the attainment of the service level and shall not be included in calculating the annual percentage increases in salary.