



HOBART AND WILLIAM SMITH  
COLLEGES

*BENEFITS*

*AND OTHER INFORMATION*

*FOR*

*FACULTY*

*MEMBERS*

2023

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## INTRODUCTION

### Purpose

The purpose of this publication is to give you an overview of Hobart and William Smith Colleges' benefit policies and plans and other valuable employment information. Please read and retain it for future reference.

The benefit policies and plans summarized in this handbook are guidelines only. This publication is not a contract, expressed or implied, guaranteeing any employment rights or obligations. The Colleges retain the right to supplement, modify, amend or eliminate the policies and plans. Every effort has been made to make these descriptions as brief, accurate and easy to understand as possible. Therefore, all details may not be described here. If there is a difference between the information in this publication and the official plan documents, the official plan documents will govern. For more specific information, please contact the Office of Human Resources.

### Eligibility

All *fully appointed faculty members* in tenurable or tenured positions who teach four or more courses in any academic year are eligible to participate in the Colleges' benefits programs during their term of employment. The term of appointment includes approved sabbatical leaves.

During any unpaid leaves of absence, faculty members are responsible to pay in full for any benefits they request to be continued for the term of unpaid leaves, as described in the *Faculty Handbook*.

All *temporarily appointed faculty* who teach four or more courses in any academic year are also eligible to participate in the Colleges' benefits programs, with limitations, during their term of appointment. Temporary faculty first appointed to teach in terms prior to July 1, 1996, are benefits-eligible if they teach three or more courses in a given academic year.

All *full-time faculty member* in regular 9-, 10-, 11- and 12-month positions who regularly work at least 20 hours per week or 1000 hours in any calendar year are eligible to participate in the Colleges' benefits programs during their term of employment. Participation in some benefit programs may be limited due to the number of hours worked per week. During any unpaid leaves of absence, faculty members are responsible to pay in full for any benefits continued for the term of unpaid leaves.

All faculty member who are employed in a *grant-funded position* are also eligible to participate in the Colleges' benefits programs, with limitations, only during their term of employment if the assignment term meets the required hours of work.

*Other faculty members.* Certain legally mandated and other benefits will apply to faculty members who are otherwise ineligible for the full benefit package described here. Contact the Office of Human Resources for additional information.

### Certifying Spouses, Domestic Partners, and Eligible Dependents Policy

In order for spouses, domestic partners, and dependents to participate (to the extent described above) in the health insurance, FMLA, tuition, and bereavement benefits, the faculty member must certify as to who are the designated family members.

The following definitions and criteria are used to determine eligible spouses, domestic partners, and dependents:

A **Spouse** is a person to whom the faculty member is currently married as recognized under New York State or other applicable law. A **Domestic Partner** is a same sex or opposite sex partner to whom the faculty member is not married. There must exist between the faculty member and his or her domestic

partner a responsibility for each other's financial and general welfare equivalent to that established for married couples within the statutes of the State of New York or the state whose law otherwise applies. Neither partner may be under the age of 18. Each of the partners must be mentally competent to enter into a legally binding contract. The faculty member and his or her domestic partner may not be related by blood closer than would bar marriage in the State of New York, or the state whose law otherwise applies.

A faculty member may not certify more than one spouse or domestic partner at any one time.

**Eligible dependents** are those dependents who either meet the IRS definition of dependency under Section 125 of the Internal Revenue Code or, for purposes of determining eligibility for health insurance only, are court-mandated dependents. Documentation of dependency may be required by the Colleges at any time. Acceptable documentation includes a current tax return or a copy of the relevant court order of support.

Documentation of marriage or domestic partnership may be required by the Colleges at any time. Acceptable documentation includes:

- A valid copy of the marriage certificate, or
- Copies of at least three of the following
  - A valid copy of the registration of the domestic partnership with Monroe County or any other municipal registry accepted by the Colleges
  - Evidence of joint residence. Appropriate documentation would include any of the following:
    - Evidence of joint purchase of a home
    - A copy of a lease for a residence identifying both parties as responsible for payment of rent
    - Other evidence of joint residence such as
      - The addresses on drivers' licenses
      - The addresses on voters' registrations
      - The addresses on passports
  - Evidence of a joint checking account
  - A title for a car showing joint ownership
  - Evidence of joint liability for credit cards
  - Evidence that the spouse/domestic partner is the primary beneficiary of the faculty member's 403(b) retirement account and life insurance
  - Evidence of durable powers of attorney for property or health
  - Wills specifying the spouse/domestic partner as the major recipient of the faculty member's financial assets or the administrator of the assets if the dependents, certified above, are the major recipients

If appropriate documentation, as specified above, is not provided by the faculty member within 30 days of a request for documentation by the Colleges, the spouse/domestic partner will be immediately ineligible for health insurance and other benefits.

## **LEGAL CONDITIONS RELATING TO EMPLOYMENT**

### **Employment Eligibility Verification (Form I-9)**

In accordance with the Immigration and Nationality Act (INA), the Colleges will only hire and continue to employ U.S. citizens, nationals, and aliens authorized to work for the Colleges. The INA provides that all employers, regardless of size, must verify both employment eligibility and the identity of all individuals hired after November 6, 1986.

Form I-9 (Employment Eligibility Verification Form) has been designated by the Immigration and Naturalization Service (INS) as the form to be used by employers to document compliance with the INA's verification requirements. The Colleges must ensure that a Form I-9 is properly completed for every faculty member hired after November 6, 1986. Section 1 of Form I-9 must be completed on the date of hire.

Section 2 of Form I-9 must be completed within three business days inclusive of the date of hire. Only original documents will be accepted for verification purposes. Such documents must be provided to a member of the Human Resources staff or to an individual authorized in writing by the Director of Human Resources. Please contact the Office of Human Resources for a list of approved documents.

The Colleges will not request more or different documents than are required in order to complete the Form I-9. The Colleges will honor documents tendered that on their face reasonably appear to be genuine, relate to the faculty member, and that are acceptable for meeting Form I-9 requirements.

The Colleges do not discriminate against aliens authorized to work for the Colleges when making hiring and discharge decisions on account of a protected individual's citizenship status or an individual's national origin. The Colleges will not intimidate or retaliate against any individual because that individual, in relation to the INA nondiscrimination provisions described above, (1) intends to or has filed a complaint or (2) assists with an investigation or hearing.

Hiring department chairs and/or managers should work with the Director of Human Resources to obtain appropriate visa status in cases where the candidate is a non-U.S. citizen.

## **BENEFIT PLANS**

### **Plans Available**

The Colleges have established a variety of faculty member benefit programs designed to assist you and your eligible dependent(s) in meeting the financial burdens that can result from illness, disability, and death; to help you plan for retirement, and to deal with job-related or personal problems. Effective date of coverage for these plans in most cases is the first of the month following date of hire.

We offer group medical, dental, vision, basic life and accidental death and dismemberment, short- and long-term disability insurances and retirement programs which are described more fully in the Summary Plan Description (SPD) which can be found on the Human Resources webpage at <https://www.hws.edu/offices/hr/benefits.aspx>. The exact terms and interpretation of these benefits are determined by the actual plan documents rather than by the summaries contained in this handbook.

We provide group term life and accidental death and dismemberment, workers compensation, short- and long-term disability insurances and retirement programs which are described more fully in Summary Plan Description (SPD) which can be found on the Human Resources webpage at <https://www.hws.edu/offices/hr/benefits.aspx>. Voluntary programs such as medical, dental, vision, flexible spending accounts, and supplemental life insurance are also available for purchase at the time of hire or during the annual open enrollment period for benefits. The exact terms and interpretation of these benefits and programs are determined by the actual plan documents rather than by the summaries contained in this publication.

### **Pre-Tax Payment of Certain Premium Contributions**

The Colleges has established the pre-tax payment of medical, dental and vision insurance premium contributions as a tax-saving benefit feature for its faculty members. Payment of premiums on a pre-tax basis prohibits enrollees from changing coverage at any time (see *Changing Coverage*, page 6).

Faculty members' premium contributions will be automatically withheld from pay as "pre-tax money", which means the premium amount is not subject to income, Social Security, or Medicare taxes. Premiums are collected on a pre-tax basis automatically, unless the faculty member elects to waive this treatment.

Opportunity to waive this treatment and pay premium contributions with "after-tax money" is at time of employment, Open Enrollment, or if there is a change in Family Status (see *Changing Coverage*, page 6). This will mean that the faculty member will give up the tax savings of paying with pre-tax money.

**Please note:** Faculty members who elect to cover a domestic partner under the group medical, dental and/or vision plans are not eligible for the pre-tax premium option.

### **Important Information Regarding Enrollment in Medical, Dental and Vision Insurance Plans**

A new faculty member must enroll in medical, dental and vision insurance coverage via [https://www.hws.edu/itservices/ps\\_portal.aspx](https://www.hws.edu/itservices/ps_portal.aspx) **within 30 days** of the first day of work to receive health coverage on the first of the month following the date of hire. If this deadline is missed the new faculty member must wait until the next benefits open enrollment period to enroll in health coverage. This 30 day requirement also applies to a change in family status (see “Changing Coverage” below).

### **Open Enrollment**

An *open enrollment period* is held once each year, usually early in the fall semester, during which faculty members may enroll in or change coverage(s) with no restrictions. The effective date of the change is January 1 of the next calendar year.

### **Changing Coverage**

When the faculty member’s premium contributions are withheld on a pre-tax basis, certain Internal Revenue Service (IRS) guidelines affect the faculty member’s ability to change coverage. Faculty members may elect to reduce their coverage (i.e. change from Family to Single coverage) only during open enrollment or if there is a change in *Family Status*.

*Life Qualifying Event* changes include marriage, divorce, death of a spouse or dependent, birth or adoption of a child, a change in the employment status of the faculty member or his/her spouse (including changes between part-time and full-time status), an unpaid leave of absence for the faculty member or his/her spouse, or a change in the health insurance coverage for the faculty member or his/her spouse attributable to the spouse’s employment. If there is a change in family status that entitles the faculty member to change his/her election, he/she may not reduce the elected amount for medical expense reimbursement below the amount of reimbursement already paid to the faculty member during the plan year.

### **Medical Opt-Out Program**

The Colleges has established a benefit option that permits all benefits-eligible faculty members to decline coverage in the Colleges' health insurance programs through Excellus and to instead receive a non-benefits-eligible taxable stipend. The current value of the stipend amount is \$1,000 and is distributed to faculty member soon after the benefit year starts. If you opt-out of the Colleges health insurance plan at the time of hire, a prorated stipend will be paid to you at that time.

Faculty member who waives health care coverage through the medical opt-out program will not be eligible for COBRA coverage at the time of separation for the Colleges.

### **Medical Insurance Plans**

The Colleges current medical plan is with Excellus Blue PPO Insurance. This plan features co-pays for in-network preventative services and a combined co-pay and co-insurance for in-network inpatient/outpatient services. A co-insurance applies for out of network services after a deductible is met.

Telemedicine services are also available to faculty members and their benefits eligible dependents at a \$0 co-pay. Telemedicine is a convenient way to treat non-urgent medical conditions 24 hours/day. This convenient service allows patients to connect to a doctor in real time using a smartphone, tablet, or computer. A valuable option if you or your dependent are away on travel, away at college or unable to visit the doctor's office **and** with a significant lower co-pay compared to an in-person visit.

- The current co-pay structure is \$25 for a doctor's visit, \$40 for a specialist visit, \$275/\$825 deductible with 10% coinsurance for inpatient/outpatient services in hospital setting after deductible is met and \$0 for telemedicine.

Faculty members can also participate in the health **Flexible Spending Account (FSA)** when enrolled in the Excellus Blue PPO plan. The health FSA enables you to save money on a pre-tax basis for any IRS allowed health expense not covered by your health care benefit. For example, the FSA can be used towards reimbursements of any medical and prescription co-pays and out of pocket medical/dental/vision expenses.

### **Prescription Drug Plans**

Prescription drug coverage for Excellus Blue PPO plan is provided by OptumRx. When you enroll in the PPO medical plan then you are automatically enrolled in the OptumRx prescription drug plan and you will receive a separate ID card for prescription purchases.

OptumRx specialty pharmacy provides the resources and personalized, condition-specific support you need to help you better manage your condition. Specialty medication is defined as an injectable, oral or inhaled medication that may require ongoing clinical oversight and additional education for best management; has unique storage or shipping requirements and/or may not be available at retail pharmacies.

- The current co-pay structure is \$10/\$30/\$50/\$100 (4<sup>th</sup> tier is specialty) for retail and \$20/\$60/\$100 for mail order. If interested OptumRx Specialty will assist faculty members enroll in discount programs to reduce the cost of specialty medications.

### **Dental Insurance**

The Colleges currently offer a dental plan through Guardian Dental. The plan encourages preventative care and early treatment. There is an annual deductible of \$50 per individual/\$150 per family (maximum) with both the Low and High Plans. Both plans provide a calendar year benefit of \$1,500 per covered individual.

Out-of-Network services require claims submission for reimbursement and savings are reduced when seeing an out-of-network provider.

### **Vision Insurance**

The Colleges currently offer a vision plan through Guardian with two options - Davis Vision Network and VSP Network. Significant out-of-pocket savings are available with your full feature plan by visiting one of Davis Vision's network locations including retail centers such as Empire Vision, Wal-Mart, JCPenney, Sears, Target, Sam's Club and Pearle Vision Center. VSP Network provides benefits with services provided by private optometry practices. Both plans include an Out-of-Network option in the case your existing provider does not participate with the plan.

Out-of-Network services require claims submission for reimbursement and savings are reduced when seeing an out-of-network provider.

Faculty members must enroll in ***medical, dental and/or vision insurance within 30 days*** of the date of hire or a qualifying change in family status. Coverage is effective the first of the month following the date of hire.

For further details of this plan, refer to the Summary Plan Descriptions or to the Office of Human Resources.

### **Flexible Benefits Plan**

This program enables faculty to lower state, federal and social security taxes by paying for certain kinds of expenses with money deducted from their pay on a pre-tax basis.

The program is comprised of three separate features:

- **Pre-tax Premium** - Any faculty member who contributes to the cost of a Colleges' sponsored health, dental and/or vision insurance plans will have their contribution deducted from their pay on a pre-tax basis, tax law permitting. These deductions will be automatic and begin upon enrollment or the date an faculty member contribution is required. Faculty members who wish to contribute on an after-tax basis must contact the Office of Human Resources and complete paperwork.
- **Health Spending Account** – Up to an annual maximum of \$3,050 can be contributed to this account to reimburse eligible health care expenses not covered by other insurance policies sponsored by the Colleges. Expenses like optical care, dental care, routine physicals, plan deductible and co-payments are examples of items that may be reimbursed. Expenses which are not covered by a spouse's policy are also eligible to be covered by this account. **The faculty member must fill out new flex forms each fall to qualify for the following calendar year.**
- **Dependent Care Spending Account** - Up to an annual maximum of \$5,000 can be contributed to this account to reimburse eligible dependent care expenses. Expenses for dependent children (up to age 13) or for older, disabled dependents can be covered under this plan provided the dependent is claimed as a dependent for tax purposes and the expense is necessary for the faculty member or spouse to work. **The faculty member must fill out new flex forms each fall to qualify for the following calendar year.**

Participants are encouraged to exhaust spending account balances. Services or purchases should be rendered by December 31<sup>st</sup> of each year. In the event that a participant does not spend all FSA funds, there is a grace period of 75 days following the plan year to incur expenses (for medical FSA only). Claims for reimbursements for FSA accounts must be submitted to Flexible Benefit Systems by June 15<sup>th</sup> each year.

### **Income Protection**

The Colleges provide income protection benefits for faculty members through the Sick Days, Short-Term Disability, Salary Continuance, and Long-Term Disability Plans. The Colleges pay the full cost of these benefits for eligible faculty members. Please also refer to the Faculty Classroom Leave Policy on Page 21.

- **Sick Days**

### **New York State Paid Sick Leave**

As of January 1, 2021, all faculty members, as well as student faculty member are eligible for NYS paid sick leave. Sick leave may be taken in half-hour increments. Sick leave may be carried over year to year but any unused time will not be paid out upon separation of employment from the Colleges. Sick leave does not accrue during any time period not worked. The maximum number of paid sick leave available per calendar year is 56 hours.

For faculty members, an allotment of sick time (56 hours) will be provided on a calendar year basis.

More details on the NYS Paid Sick Leave can be found at <https://www.ny.gov/new-york-paid-sick-leave/new-york-paid-sick-leave>

### **Permitted Use of HWS & NYS Paid Sick Leave**

Sick Leave may be granted,

- For mental or physical illness, injury, or health condition, regardless of whether it has been diagnosed or requires medical care at the time of the request for leave; or
- For the diagnosis, care, or treatment of a mental or physical illness, injury or health condition; or need for medical diagnosis or preventive care; or



- When the faculty member is incapacitated and unable to perform duties by sickness, injuries, or would jeopardize the health of others by his/her presence at work because of exposure to illness; or
- When the faculty member is required to give care and attendance to a member of their immediate family (as defined in the Benefits Handbook) who is sick or injured and in need of medical attention.

Sick leave may also be granted as a Safe Leave for the following reasons,

- For an absence from work when the faculty member or faculty member's family member has been the victim of domestic violence as defined by the State Human Rights Law, a family offense, sexual offense, stalking, or human trafficking due to any of the following as it relates to the domestic violence, family offense, sexual offense, stalking, or human trafficking:
  - to obtain services from a domestic violence shelter, rape crisis center, or other services program;
  - to participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the faculty member or faculty member's family members;
  - to meet with an attorney or other social services provider to obtain information and advice on, and prepare for or participate in any criminal or civil proceeding;
  - to file a complaint or domestic incident report with law enforcement;
  - to meet with a district attorney's office;
  - to enroll children in a new school; or
  - to take any other actions necessary to ensure the health or safety of the faculty member or the faculty member's family member or to protect those who associate or work with the faculty member.

For the first five consecutive days of an extended, medically certified illness or injury, which is not work related, the faculty member's regular salary is covered in full. This is a *sick day benefit*. Sick days do not vest and are not paid out at the time of termination.

- ***Short-Term Disability***

The Colleges short-term disability policy covers periods of medically certified illness or injury when the illness or injury is non-work related. The Colleges provide coverage that is consistent with, but exceeds the requirements of New York State Disability Law.

Generally, coverage is provided for any certified non-work related illness or injury lasting more than seven calendar days. Payment of benefits begins on the eighth calendar day of medically certified illness or injury and runs for up to a maximum of 26 weeks. An individual may have multiple periods of disability in a 12-month period, subject to certain restrictions, though the sum total of the periods of disability may not exceed 26 weeks in any 12-month period. Payment is 70% of average weekly wages up to a maximum benefit of \$800 per week.

- ***Salary Continuance for periods of Short-Term Disability***

The Colleges also have a salary continuance benefit policy which is comprised of two parts. The first part is a salary makeup benefit to cover the gap between a faculty member's regular salary and the insured benefits. The second part is a salary continuance benefit to cover certain disability periods which fall outside the maximum periods of short-term disability under New York State regulations. In both cases the eligibility for salary continuance ends when the faculty member becomes eligible for long-term disability benefits.

- (1) For periods of extended, medically certified illness or injury which is not work related, beginning with day eight, the Colleges provide all benefits-eligible faculty members with the equivalent of full pay. The Colleges do this by making up the difference between the short-term disability payment (described above), part-time salary within the Colleges (if any), and the faculty member's regular salary for as long as the faculty member is disabled. The maximum benefit period under

the salary continuance policy is 26 weeks in any rolling 12-month period. All periods of extended, medically certified illness or injury within the rolling 12-month period will be applied toward the 26 week maximum.

- (2) Additionally, a faculty member may have (a) multiple periods of disability caused by different illnesses and injuries exceeding the 26-week maximum benefit period in any 12-month period or (b) recurring periods of disability from the same or related illness or injury where the periods of disability are separated by more than three months and the total of the multiple periods of disability exceed the 26-week maximum benefit period in any 12-month period. In both of these two instances, the Colleges will provide salary continuance equal to the faculty member's regular full salary or the gap between the faculty members' regular full salary and the part-time salary earned during a period of disability, for the period of short-term disability in excess of the 26-week maximum.
- (3) In preparation to return to work following the disability period, the faculty member must provide Human Resources a return to work release from their attending physician and if there are also any work restrictions. If appropriate, a representative from Human Resources will then discuss potential work accommodations with the faculty member before their first day returning to work.

Though the paragraphs above are focused on full-time disability, there are also provisions for partial disability. The faculty member must first exhaust seven consecutive sick days and establish a potential long-term disability date in order to be eligible for the benefit. The Office of Human Resources would be glad to meet with anyone concerned with issues of disability to review how disability and salary continuance benefits work.

For the eligible faculty members not working during the non-academic months, the sick day, disability, and salary continuance policies continue across periods of time when classes are not in session. Under New York law, periods during which no work is performed but which are contiguous to a period of active employment and following which there is a presumption of the continuation of active employment, are deemed to be periods of employment for determining periods of disability.

In order to be eligible for any of the above benefits, an individual must file a disability claim with the Office of Human Resources *before* the scheduled procedure begins (where advance knowledge is reasonable) or as soon after the injury or onslaught of illness as possible. If claim forms are not received in a timely fashion, there may be a lag in time between the end of regular salary payments and the start of disability and salary continuance benefit payments. Further, some or all of the benefits described above may be forfeited if the claim form is delayed for too long.

- ***Long-Term Disability***

Long-term disability coverage is effective on the first date of employment. The Colleges pay the full cost of this benefit, however, if the faculty member chooses to pay taxes on the LTD premium paid for by the Colleges, the income at the time of disability would not be taxable. Faculty members need to notify the Office of Human Resources within 30 days of hire or at open enrollment regarding if they wish to pay taxes on the premium paid for by the Colleges.

Benefits start the first of the month following a six-month elimination period and continue while the faculty member is disabled, up to age 65, or, depending on age at inception of disability, until age 70. The elimination period is a period of continuous disability, though limited periods of work are allowable within the context of the definition of continuous disability. A period of trial return to work, of less than three months, is not considered a break in a period of continuous disability.

Once a faculty member is on long-term disability, the benefits available under the long-term disability policy are provided to the exclusions of any other compensation or other payments from the Colleges (unless the faculty member is due some compensation for working on a limited basis while receiving long-term disability benefits). The policy also provides a premium waiver provision of the Colleges' life insurance program which provides for a continuation of insurance coverage during periods of long-term disability.

Partial coverage under long-term disability is provided if the faculty member is able to return to the workforce on a part-time basis and are earning less than 80% of their regular salary. If the faculty member is unable to return to work and Long-Term Disability has been approved by the insurance carrier the faculty member will no longer be employed with Hobart and William Smith Colleges and is paid directly by the insurance carrier. The initial date for long term disability will be the last day of active employment status.

Tenured faculty who move into long-term disability retain tenured appointment to the Colleges' faculty and may return to their status as full members of the Colleges' faculty, if they so request and are certified by their doctors as able to do so. In that event, the individual will consult with the Dean of Faculty and Provost regarding an appropriate teaching assignment. Faculty whose doctors certify they are able to return to part-time teaching will likewise consult with the Dean of Faculty and Provost regarding an appropriate teaching assignment.

The benefit amount is 60% of base monthly wages up to a maximum benefit of \$10,000 per month. Benefits are reduced by payments received from other sources (Social Security, other Colleges' sponsored disability payments, workers' compensation). The monthly catastrophic disability benefit is 20% of your monthly earnings, but no more than \$5,000. Your benefit will not be reduced by deductible sources of income.

Because the Colleges pay the premiums for the long-term disability, the benefits are taxable to the recipient (under the current tax code) with the exception of Social Security. However, if you choose to pay taxes on the LTD premium paid for by the Colleges, the income at the time of disability would not be taxable. The combination of the untaxed social security benefits and the after-tax disability benefits begins to approximate the after-tax salary before long-term disability. Faculty members should be aware that this tax information is illustrative only and may not reflect a faculty member's specific circumstances or the status of the tax code at the point in time that benefits are received. Person-specific tax advice needs to come from an appropriate professional and cannot come from the Colleges.

The Colleges provide this benefit through coverage under a group insurance policy. For further details of this coverage, refer to the Summary Plan Description or to the Office of Human Resources <https://www.hws.edu/offices/hr/benefits.aspx>.

### **Retirement Plan**

The Colleges' retirement plan is administered through Transamerica. These are tax-deferred, federal and state, annuity plans authorized by Section 403(b) of the Internal Revenue Code. Faculty member participation in the Plan is strongly encouraged. Faculty member contributions can be made either on a before-tax or after-tax basis. Faculty members may change their contributions at any time. This plan does allow in-service withdrawals (over the age of 59 ½) or loans.

***During the first two years of employment***, the faculty member must enroll and contribute at least 5% of gross pay to the plan in order to receive a 5% matching contribution from the Colleges. Both the Colleges' and faculty members' contributions begin in the next paycheck following enrollment via [www.trsrretire.com](http://www.trsrretire.com) or by calling 800-755-5801. The individual can contribute additional monies beyond 5% to the extent allowed by law.

***After two years of continuous employment***, beginning on the first of the month following the second anniversary, and as long as the faculty member enrolled in Transamerica, the Colleges will contribute 6% of gross pay on behalf of the faculty member. Continued contributions of 5% by the faculty member after the second anniversary are not required in order to receive the 6% contribution from the Colleges.

The amount faculty members contribute to the retirement plan is subject to annual limits established by the IRS. See discussion of *Tax Law Impacts* below.

The amount faculty can contribute to the retirement plan is subject to annual limits established by the IRS.

- **How much you can contribute to the plan(s)**

Each year, the IRS permits deferrals up to certain limited amounts. In 2023, the general deferral limit is \$22,500. In addition, the tax law provides a “catch-up” provision for those 50 years of age or older (2023=\$7,500), plus there is another “catch-up” provision within the plan for faculty member with 15 years or more of service.

For example, effective January 1, 2023, the maximum amount most people are permitted to defer into one or more 403(b) plans is \$22,500 per calendar year. If you are or become 50 years old in 2023, you are permitted to defer an additional \$7,500 a calendar year into your retirement account. Finally, faculty members with over 15 years of service may be permitted to defer an additional \$3,000 a year for a period of no longer than five years. Total possible maximum contribution in 2023 for an individual could be \$33,000.

### **Life Insurance**

Life insurance gives a person peace of mind, knowing that there is financial protection for one’s family or beneficiary after his or her death. The Colleges provide faculty members with the following group term life insurance programs. Term life insurance is basically death benefit coverage only for a specified period with no cash value, loan value, or other permanent benefit under the policy.

- ***Basic Life Insurance***

The Colleges provide group term life insurance in an amount equal to each faculty member's annual salary rounded to the next thousand up to a maximum coverage of \$200,000. The cost of this coverage is paid by the Colleges.

Coverage under the basic life insurance plan is effective on the date of hire, if the faculty member is actively at work. If not, then it is effective the first day the individual is actively at work. Faculty members must enroll to be covered.

- ***Supplemental Life Insurance***

The Colleges also provide a contributory supplemental life insurance plan. Participation in this plan is voluntary. Under this plan, faculty members may purchase additional life insurance equal to one, two, three or four times their annual salary. The overall maximum sum of the supplemental life policy is \$450,000.

At the time of hire, faculty members may choose to purchase additional supplemental life insurance coverage equal to one or two times their salary up to a maximum of \$200,000, without providing evidence of insurability. Faculty members may increase their insurance at any time if they provide acceptable evidence of insurability to the carrier. Participants may decrease their coverage as of the first of any month.

- ***Spousal and Dependent Life Insurance***

The faculty member may purchase from a selection of life insurance coverage levels for his or her spouse and/or dependents. Spousal life insurance is available at \$10,000, \$25,000 or 50% of the faculty member’s total basic and supplemental life coverage not to exceed \$100,000 (may be required to provide evidence of insurability). Premiums are based on the spouse’s age and the faculty member must be enrolled for supplemental life in order to purchase.

Dependent life insurance is available at a guaranteed level of \$4,000 for dependents age 14 days to 19 years of age (23 years if full time student). Premium is a family rated monthly premium of \$.60 regardless of the number of eligible dependents covered. Faculty member must be enrolled with supplemental life in order to purchase. No evidence of insurability will be required at time of hire or during open enrollment.

The Colleges provide this benefit through coverage under a group insurance policy. For further details of this coverage, refer to the Summary Plan Description or to the Office of Human Resources.

- ***Premium Waiver Benefit***

While a faculty member is on full long-term disability, after receiving approval, the premiums for basic and supplemental life insurance are waived and coverage continues without additional payments by the Colleges or the faculty member.

### **Accidental Death and Dismemberment Coverage (AD&D)**

Accidental death and dismemberment insurance provides coverage for death resulting from accidental means. It does not provide benefits for resulting from illness or natural causes. Dismemberment benefits generally cover permanent loss of a body member or function or loss of use of a body member or function.

- ***Basic AD&D***

The Colleges provide accidental death and dismemberment coverage for all faculty members enrolled in the basic life insurance plan. Coverage is equal to the total amount of basic life insurance coverage on the faculty member.

In the case of death due to an accident, the beneficiary receives an amount equal to the faculty member's basic life insurance coverage. This payment is in addition to payment under the life insurance policy. Payment to the faculty member for dismemberment varies based on the nature of the injury.

### **Met Life Critical Injury and Illness Voluntary Insurance**

- **Accident Insurance**

Accidents can happen at any time, and treatment can knock a household budget off course. The Accident Insurance payments are paid directly to you, not your health care provider, so you can use the money however you see fit. The plan covers over 150 kinds of injuries, including fractures, 1 second- and third-degree burns, skin grafts and a ruptured disc. It also covers an array of medical services such as emergency care and transportation.

- **Critical Illness Insurance**

Critical illnesses can happen when you least expect them—and they can be costly. Critical illness insurance helps safeguard your finances by providing you with one convenient lump-sum benefit payment upon verified diagnosis. The cash can help you focus on getting back on track. Critical conditions covered include cancer<sup>3</sup>, stroke<sup>4</sup>, heart attack<sup>5</sup>, Alzheimer's disease<sup>6</sup>, major organ transplants<sup>7</sup> and more.

### **Workers' Compensation and Salary Continuance**

Mandated by New York State, workers' compensation coverage is provided for all faculty members of the Colleges, both full- and part-time. Coverage is consistent with the scope of NYS Workers' Compensation Law generally applies to injuries and illness occurring at work and in the course of one's duties. Payment is provided for lost wages once the required waiting period has been satisfied. The benefit under this policy is 2/3 of normal weekly salary or wages up to a maximum benefit of \$400 per week. There is no lifetime maximum payment or maximum duration of disability under this policy.

Individuals compensated under this policy are not eligible for New York State disability coverage for the duration of the workers' compensation claim.

In addition, the Colleges will make up the difference between the payment from workers' compensation and the regular salary for up to a maximum of 26 weeks in any rolling 12-month period. Faculty member's benefits will also continue during this period. Any medical expenses incurred as a result of the illness or injury, including examinations mandated by the Colleges, are generally covered in full. The Colleges pay the full cost of the salary continuance benefit.

**All injuries that occur while working anywhere on or off campus, while in an official capacity must be reported immediately to the Office of Human Resources.**

This applies to any programs off-campus to include the HWS Wm. Scandling, field trips, etc.

### **Tuition Assistance Programs**

Tuition assistance is available to active, benefits-eligible faculty members and, to a varying degree, their legal dependents to obtain one's first baccalaureate degree. This policy applies to faculty. For further details on this benefit, contact the Office of Human Resources.

Spouses, domestic partners, and eligible dependents are defined as those certified by the faculty member except that dependents must, in addition to certification requirements, be unmarried and under the age of 25.

In all of the tuition programs the attainment of a first baccalaureate degree or the equivalent of four years of undergraduate study (whichever occurs first) will be the maximum benefit allowable under this policy. In all cases benefits will only be approved if the dependent, spouse or domestic partner does not already possess a baccalaureate degree. The Tuition Grant benefit will be limited to a combined total of three (3) dependent children per family for Faculty hired after January 1, 1997.

Applications for state and federal financial aid must be filed and proof of aid granted supplied before benefits will be paid under any of the following programs. Benefits paid under all programs will be offset by federal/state financial aid, scholarships, grants and other awards received by the dependent child, spouse or faculty member. This provision does not include an offset for loan programs.

Approval from the Office of Human Resources must be obtained prior to the start of the period for which any kind of assistance is requested. Courses must be taken for credit in order to qualify for coverage under this policy.

- ***TUITION REMISSION:***

**Bachelor's Degree:** A spouse, domestic partner or dependent child who has been admitted as a student at Hobart and William Smith Colleges may have the full value of tuition only covered. A bachelor's degree or the equivalent of four years (eight semesters/twelve trimesters) of undergraduate study (whichever occurs first) will be the maximum coverage. Courses taken during winter or summer break would be counted as an additional semester. Faculty members who take courses at the Colleges towards their first bachelor's degree or where the course is deemed work related and who are eligible under this policy, may also have the value of tuition covered. Faculty members are limited to one full-credit course per term subject to approval of their supervisor. Time spent in class by staff during the normal workday must be made up in the same week as incurred or must be charged to vacation. Remission excludes fees for Teachers' Certification, off-campus programming and other course fees. Class enrollment limitations may apply.

**Master's Degree:** Faculty members who take courses at the Colleges towards their first master's degree or where the course is deemed work related, and who are eligible under this policy, may also have the value of tuition covered. Faculty members at the Colleges are eligible to enroll in one master's class per semester at HWS subject to the approval of their supervisor. Time spent in class by

staff during the normal workday must be made up in the same week as incurred or must be charged to vacation. Remission excludes fees for Teachers' Certification, off-campus programming and other course fees. Class enrollment limitations may apply. Graduate-level tuition remission is subject to income tax withholding Under Internal Revenue Code (IRC) §127. Faculty members enrolled in graduate courses will be exempt from income tax withholding for the first \$5,250 of the graduate tuition remission benefit per calendar year. The value of the tuition in excess of \$5,250 in one calendar year is accounted for as a taxable benefit to faculty members.

To apply, use the following link:

For faculty member: [https://hws.formstack.com/workflows/faculty\\_member\\_tuition\\_remission\\_eligibility](https://hws.formstack.com/workflows/faculty_member_tuition_remission_eligibility)

For dependent: [https://hws.formstack.com/workflows/dependent\\_tuition\\_remission](https://hws.formstack.com/workflows/dependent_tuition_remission)

- **TUITION EXCHANGE:** An eligible dependent child who attends an undergraduate institution which is faculty member of the Tuition Exchange Program and who does not possess an undergraduate degree, may have some or all the tuition costs covered under this plan.

Terms and conditions under this plan may vary significantly depending upon the specific institution and the number of spaces the Colleges has available for exchange. Tuition costs will be offset by any other grants, scholarships or awards received by the student.

The administrative faculty member should contact Hobart and William Smith's Financial Aid Office or by visiting the website [www.tuitionexchange.org](http://www.tuitionexchange.org) for a current list of eligible Tuition Exchange schools.

To apply, use the following link:

[https://hws.formstack.com/workflows/dependent\\_tuition\\_exchange\\_eligibility](https://hws.formstack.com/workflows/dependent_tuition_exchange_eligibility)

#### **IMPORTANT NOTE REGARDING APPLICATION PROCESS:**

**The HWS administrative faculty member must submit a list of potential exchange schools at least one year in advance prior to the academic year that is to be considered to the Financial Aid Office to reserve a potential tuition exchange scholarship at the desired schools. Submission of this list is not a guarantee that an offer of tuition exchange will be extended. Please contact the Office of Human Resources upon your appointment to discuss this plan in detail especially if your dependent is already enrolled in another institution or is a senior in high school.**

**TUITION GRANT:** An eligible dependent child will be able to receive a maximum grant of up to 40% of the Colleges' current tuition to attend another institution. A bachelor's degree or the equivalent, or the equivalent of four years of undergraduate study (whichever occurs first) will be the maximum coverage.

All applicants must apply to the College or University through Tuition Exchange first (above) before submitting the Tuition Grant application. If the College or University attending participates with Tuition Exchange, proof of denied Tuition Exchange application must be presented when applying for Tuition Grant. The faculty member must submit the Tuition Grant form with the copy of the official invoice and **the initial** proof of Tuition Exchange denial to Human Resources for payment each semester (you do not need to re-apply for Tuition Exchange every year if the initial submission was denied).

Payment will be a percentage of the maximum grant amount based on years of benefits-eligible service as shown in the table below. Grants are awarded on a pro-rata basis across the yearly academic calendar (1/2 maximum eligible amount per semester, 1/3 per term, or 1/4 per quarter). Courses taken during winter or summer break would be counted as an additional semester. The grant may not exceed the tuition charge of the institution attended. Tuition grant benefits may also apply to tuition

costs associated with other educational programs sponsored or approved by the Colleges but may not be used for room, board, books and other non-tuition charges.

20%	Beginning of third year of service*
40%	Beginning of fourth year of service
60%	Beginning of fifth year of service
80%	Beginning of sixth year of service
100%	Beginning of seventh year of service and continuing thereafter

In cases where both parents are administrative faculty members of the Colleges only one grant will be given per dependent child per year. The percentage calculation will be based on the parent with the longest benefits-eligible service under this policy. Tuition grants will be offset by any scholarships, grants, or other awards (excluding loans) received by the student.

To apply, use the following link:

[https://hws.formstack.com/forms/dependent\\_tuition\\_grant\\_payment\\_request\\_form](https://hws.formstack.com/forms/dependent_tuition_grant_payment_request_form)

**Faculty members are required to submit to Human Resources their dependent's tuition billing invoice(s) at the beginning of each semester or term for payment. Payments are not automatic.**

- ***TUITION REIMBURSEMENT:*** A faculty member who takes an undergraduate course or courses for credit through any other accredited institution is eligible for reimbursement of tuition costs. The Colleges will reimburse the tuition costs for any course or courses required to complete a first undergraduate degree. Individual courses that are not required as part of a degree program may be taken but they must be *job-related\*\** in order to qualify for reimbursement. Other limitations may apply in accordance with section 127 of the Internal Revenue Code. Documentation of successful completion of the course(s) and tuition costs must be provided before payment will be made. Administrative faculty members taking courses on a reimbursement basis must get approval from the Office of Human Resources prior to registering for the course(s).

**\*\* Job-related** – *courses that maintain or improve the administrative faculty member's skills required for one's present position.*

To apply, use the following link:

[https://hws.formstack.com/forms/employee\\_reimbursement\\_form](https://hws.formstack.com/forms/employee_reimbursement_form)

#### **TERMINATION OF TUITION BENEFITS**

In the event that the faculty member is no longer actively employed or loses benefits eligibility, benefits under any and all of the above programs will be continued as follows:

- **Death of the faculty member** - tuition remission benefits for eligible dependents of faculty members with more than 15 years of service will continue after the death of the faculty member until the eligible dependent reaches age 25. Eligibility will be determined according to the policies above except that dependent status will be understood as dependent status as of the time of the death of the faculty member, not the time of the request for Tuition Remission. All other eligibility requirements described above (for example, as appropriate: age, number of eligible dependents per family, marital status, educational achievement) are unchanged and are evaluated as of the time of application for tuition benefits. For dependents of faculty members with 15 or fewer years of service at the time of death, tuition remission benefits for dependents will cease as of the end of the approved tuition period (academic year, term semester, course) in which death occurs. Tuition grant and tuition exchange benefits for dependents of all faculty members cease as of the end of the approved tuition period. For spouses and domestic partners of deceased faculty members, all tuition benefits stop as of the end of the approved tuition period.



- **Voluntary termination or discharge for misconduct** - benefits will stop as of the date of termination of employment. In the case of grant or exchange benefits already paid to other institutions, the faculty member will be responsible for repaying the benefits provided from the date of termination through the end of the approved tuition period.
- **Involuntary termination or loss of benefits eligibility** - benefits will stop as of the end of the approved tuition period unless specified under a separate agreement with the Colleges.

### **Faculty member Assistance Program (EAP)**

The Colleges provide confidential referral services to benefits eligible faculty member and their eligible dependents through NexGenEAP ([www.nexgeneap.com](http://www.nexgeneap.com)) a service provided by ENI. The first three visits by an faculty member or his or her eligible dependents are covered in full by the Colleges. Thereafter, fees are based on a sliding scale or may be covered by the health insurance plan. Participants' right to privacy is fully protected by law and the Colleges' EAP policy. The faculty member may contact the EAP @ 1.800.327.2255, or the Office of Human Resources for related literature.

### **Your Rights Under ERISA**

As a participant in any of the Colleges' benefit plans described in this publication, you are entitled to certain rights and protections under the Faculty members Retirement Income Security Act of 1974 (ERISA). ERISA provides that all plan participants shall be entitled to:

- Receive information about your plan and benefits.
- Examine, without charge, at the plan administrator's office, and at other specified worksites, all plan documents — including pertinent insurance contracts, trust agreements, collective bargaining agreements, annual reports, and other documents filed with the Internal Revenue Service or the U.S. Department of Labor, and available at the Public Disclosure Room of the Pension and Welfare Benefit Administration.
- Obtain copies of all plan documents and other plan information, including insurance contracts and collective bargaining agreements, and copies of the latest annual report, and updated summary plan description, by writing to the plan administrator. The plan administrator may make a reasonable charge for copies.
- Receive a summary annual report of the plan's financial activities. The plan administrator is required by law to furnish each participant with a copy of this summary annual report.

### **Prudent Actions by Plan Fiduciaries**

In addition to creating rights for plan participants, ERISA imposes duties upon the people who are responsible for the operation of the faculty member benefit plan. The people who operate your plan, called "fiduciaries" of the plan, have a duty to do so prudently and in the interest of you and other plan participants, and beneficiaries. No one, including your employer, or any other person, may fire you, or otherwise discriminate against you in any way to prevent you from obtaining a plan benefit or exercising your rights under ERISA.

### **Enforce Your Rights**

If your claim for a plan benefit is denied or ignored, in whole or in part, you have a right to know why this was done, to obtain copies of documents relating to the decision without charge, and to appeal any denial, all within certain time schedules.

Under ERISA, there are steps you can take to enforce the above rights. For instance, if you request a copy of plan documents or the latest annual report from the plan, and do not receive them within 30 days, you may file suit in a federal court. In such a case, the court may require the plan administrator to provide the materials and pay you up to \$110 a day until you receive the materials, unless the materials were not sent because of reasons beyond the control of the plan administrator.

If you have a claim for benefits, which is denied or ignored, in whole or in part, you may file suit in a state or federal court. In addition, if you disagree with the plan's decision or lack thereof concerning the qualified status of a domestic relations order or a medical child support order, you may file suit in federal court. If it should happen that plan fiduciaries misuse the plan's money, or if you are discriminated against for asserting your rights, you may seek assistance from the U.S. Department of Labor, or you may file suit in a federal court. The court will decide who should pay court costs and legal fees. If you are successful, the court may order the person you have sued to pay these costs and fees. If you lose, the court may order you to pay these costs and fees, for example, if it finds your claim is frivolous.

### Assistance With Your Questions

If you have any questions about your plan, you should contact the plan administrator. If you have any questions about this statement or about your rights under ERISA, or if you need assistance in obtaining documents from the plan administrator, you should contact the nearest office of the Pension and Welfare Benefits Administration, U. S. Department of Labor, listed in your telephone directory, or the Division of Technical Assistance and Inquiries, Pension and Welfare Benefits Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210. You may also obtain certain publications about your rights and responsibilities under ERISA by calling the publications hotline of the Pension and Welfare Benefits Administration.

### **Benefits Continuation - For Health, Dental and Vision Insurances, and Flexible Spending Accounts**

#### **Hobart and William Smith Colleges - Notice of Continuation Coverage Rights**

Under the Federal Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA), most employers sponsoring group health plans are required to offer persons covered under the plans the opportunity for a temporary extension of health coverage (called "continuation coverage") at group rates in certain instances where coverage would otherwise end. This notice is intended to inform you, in a summary fashion, of your rights and obligations under the continuation coverage provisions of the law. You, your spouse and your dependents should take the time to read this notice carefully.

If you are covered by Hobart and William Smith Colleges Health, Dental and Vision Plan because you are benefits eligible, you have a right to choose continuation coverage if your coverage ends because of a reduction in your hours of service or termination of your service (for reasons other than gross misconduct on your part).

If you are the spouse of a person providing services to Hobart and William Smith Colleges and you are covered by the Plan, you have the right to continuation coverage for yourself if you lose regular coverage for any of the following four reasons:

- (1) the death of your spouse;
- (2) a termination of your spouse's service (for reasons other than gross misconduct) or reduction in your spouse's hours of service;
- (3) divorce or legal separation from your spouse; or
- (4) your spouse becomes entitled to Medicare benefits.

If you are the dependent child of a person providing services to Hobart and William Smith Colleges and you are covered by the Plan, you have the right to continuation coverage for yourself if you lose regular coverage for any of the following five reasons:

- (1) the death of your parent;
- (2) the termination of your parent's service (for reasons other than gross misconduct) or reduction in your parent's hours of service;
- (3) your parents' divorce or legal separation;
- (4) your parent becomes entitled to Medicare benefits; or

(5) you cease to be a “dependent child” under the Plan.

If Hobart and William Smith Colleges is the subject of bankruptcy proceedings and you are a retiree of Hobart and William Smith Colleges, or a spouse or dependent child of a retiree covered under the Plan, you also have the right to continuation coverage.

Under the law, a person providing services to Hobart and William Smith Colleges and family members have the responsibility to inform Hobart and William Smith Colleges of a divorce, legal separation, or loss of dependent status under the Plan within 60 days after the event. When Hobart and William Smith Colleges are notified that one of these events has happened, or when one of the other events listed above occurs (e.g., the faculty member’s death, termination, reduction in hours of employment, or Medicare entitlement), Hobart and William Smith Colleges will in turn notify you of your right to choose continuation coverage. Under the law, you then have at least 60 days to inform Hobart and William Smith Colleges that you want continuation coverage.

If you do not choose continuation coverage on a timely basis, your group health insurance coverage will end.

If you choose continuation coverage, Hobart and William Smith Colleges are required to give you coverage, which is identical to the coverage provided under the Plan to similarly situated faculty members or family members. The law requires that you be afforded the opportunity to maintain continuation coverage for 18 months (three years for dependents), except in the case of the bankruptcy of Hobart and William Smith Colleges and when regular coverage is lost because of termination of service or reduction in hours.

In the case of bankruptcy, a retiree must be offered continuation coverage for life if that retiree has lost his/her coverage within one year before or after the date of commencement of the bankruptcy proceeding. The spouse and dependent child of a retiree must be offered continuation coverage through the date three years after the retiree’s death.

In the case of termination of service or reduction in hours, continuation coverage must be offered for a period of 18 months unless you (or another Qualified Beneficiary) are determined to be disabled under the Social Security Act as of the date your continuation coverage begins or within the first 60 days thereafter, in which case continuation coverage must be offered for up to 29 months if you notify Hobart and William Smith Colleges of the determination of disability within the first 18 months of continuation coverage and within 60 days after the determination. (After 18 months your continuation coverage can end if you (or another Qualified Beneficiary) are no longer disabled.) In addition, if during this period of continuation coverage, another event occurs which would have entitled you to three years of continuation coverage (such as death, divorce, legal separation, or Medicare entitlement), then you will be afforded the opportunity to maintain continuation coverage for up to a total of three years after the original termination of service or reduction in hours.

The law also provides that your continuation coverage may be cut short for any of the following reasons:

- (1) Hobart and William Smith Colleges no longer provides group health coverage to any of its faculty members;
- (2) the cost of your continuation coverage is not timely paid;
- (3) you become covered under another group health plan (as a faculty member or otherwise) with no exclusions or limitations for pre-existing medical conditions which apply to you; or
- (4) you become entitled to Medicare (unless you are a retiree, or spouse or dependent of a retiree, entitled to coverage because of bankruptcy).

You do not have to provide evidence that you are in good health to choose continuation coverage. However, under the law, you will have to pay the cost of your continuation coverage. Further, under certain circumstances when coverage ends, you may be allowed to enroll in individual health coverage for an increased premium. Before coverage ends, you should contact your plan administrator or insurance carrier to ascertain if you are eligible for such coverage.

If you are the covered faculty member and you have a dependent child born to you or placed for adoption with you while you are receiving continuation coverage, you may expand the coverage to include the dependent child by notifying Hobart and William Smith Colleges and paying whatever additional premium may be required.

Please note that continuation coverage is provided subject to your eligibility for coverage. Hobart and William Smith Colleges reserves the right to terminate your continuation coverage retroactively if you are determined to be ineligible.

If you have any questions about the law, please contact Hobart and William Smith Colleges at the Office of Human Resources, 300 Pulteney Street, Geneva, New York 14456. Also, if you have changed marital status, or if your address or your spouse's address has changed or changes sometime in the future, please notify Hobart and William Smith Colleges.

## **PAYROLL INFORMATION**

### **Salary Payments and Direct Deposit**

Faculty members have academic-year appointments but are paid over a 12-month period (July 1 – June 30). Any faculty member who leaves his or her employment prior to the end of the fall semester, may be required to reimburse the Colleges for the amount of the salary prepaid to him or her during the summer (prior to the start of the academic year).

Faculty members are paid on Fridays on a bi-weekly basis or 26 pay periods during the year. In most cases, faculty member contributions for benefits are taken out of 24 paychecks per year (or two paychecks per month). Faculty member contributions for retirement savings plans, flexible spending accounts and bank savings plans are deducted from each pay.

Payroll checks can be directly deposited into the faculty member's checking or savings account on the scheduled payday. With electronic payroll processing, the Colleges can make the direct deposit to almost any domestic bank or credit union. Faculty members must provide the number of their account (including the ABA #) to initiate the direct deposit process. This process can be started or stopped any time. A maximum of two accounts can be in operation at any one time. To set up a direct deposit account faculty members must contact the Payroll Office.

### **Mandated Taxes**

- **Federal and State Taxes**

The Colleges are obligated to deduct required federal and state withholding taxes from a faculty member's wages in accordance with how the faculty member designates on the appropriate withholding forms.

- **Social Security and Medicare**

Social Security is a program sponsored by the Federal Government which provides income to retirees, disabled persons, or dependent of disabled and deceased persons. Social Security tax is subject to an annual income limit. Medicare tax is not subject to any income limits.

The Colleges are required by law to make deduction for Social Security and Medicare. In addition, the Colleges contribute funds to these programs, as required by law, i.e., for every dollar a faculty member puts into Social Security and Medicare, the Colleges match a dollar.

### **Income Tax and FICA Withholding Policy for Non-U.S. Nationals**

When individuals who are citizens of countries other than the United States are hired by the Colleges, the following process will be used:

1. The Payroll Department will apply the substantial presence test to determine if the faculty member should be taxed as a resident or non-resident of the United States.
2. If the determination is made that the foreign faculty member is to be taxed as a U.S. citizen, the faculty member will complete the proper federal and state tax withholding forms and withholding of federal and state taxes will occur accordingly.
3. If the determination is made that the foreign faculty member is to be taxed as a “non-resident alien”, the Payroll Department will follow the taxation guidelines based on the faculty member’s permanent country of residence. In some instances a tax treaty may exist between the faculty member’s country and the U.S. which may allow different federal and state withholding than for U.S. citizens. If a tax treaty does not exist, the Colleges are subject to withhold federal taxes according to the IRS regulations for non-resident faculty member.
4. FICA and Medicare taxes may or may not be withheld from the faculty member’s pay, according to their work visa status.

Faculty members who are not United States nationals are required to obtain a Social Security number for purposes of identification and record keeping. Assistance in obtaining the number is given by the Office of Human Resources.

### **Garnishments**

State and federal authorities may cause a legal summons to be served at a faculty member’s work location to garnish the faculty member’s salary to satisfy payment of taxes, delinquencies from creditors, or child support enforcement. The Colleges are obligated to make the appropriate deductions and arrange for payment to the garnishing agency until the garnishment is satisfied.

### **Form W-2**

The W-2 Form is issued by January 31<sup>st</sup> to the faculty members in the same manner that they receive their biweekly paycheck. Please make sure that your current address within Human Resources records is correct.

## **PAID TIME OFF BENEFITS**

### **Jury Duty**

Faculty members called to serve as jurors will have their regular pay continued during the period of service. A copy of the initial summons and evidence of the dates of service must be provided to the Office of Human Resources. Faculty members are asked to try to defer jury service to times, which will not conflict with the academic year.

### **Bereavement**

Time off due to the death of a close family member may be granted by your supervisor. A close family member is defined as parent, spouse, domestic partner, child, brother, sister, grandchild, grandparent, current mother/father/sister/brother-in-law, current daughter/son-in-law, and step or foster children/parents. Up to three days with pay will be given for the above situations. Requests for additional time will be addressed on an individual basis with the Dean of Faculty and Provost and the Office of Human Resources.

### **Holidays**

All benefits-eligible faculty member are granted 10 paid holidays during the calendar year. They are:

Memorial Day  
Independence Day  
Day before Thanksgiving Day  
Thanksgiving Day  
Friday after Thanksgiving  
Christmas Day  
One day in conjunction with Christmas Day  
New Year's Day  
One half day in conjunction with New Year's Day  
Two Floating Holidays

Typically, the Colleges do not completely close for holidays during academic terms. If an office, service, or program must remain open on a holiday, faculty member who are scheduled to work a holiday will be entitled to schedule a substitute day off during the same academic year. Scheduling is subject to the supervisor's approval. Such substitute days are not eligible to be carried over from academic year to year or paid upon termination of employment.

Certain offices, such as the Library, The College Store, Print Services and the Department of Campus Safety may have a different holiday schedule or holiday obligations. Faculty member in these areas will receive information regarding holiday schedules from their supervisors.

## **LEAVES OF ABSENCE**

### **Faculty Classroom Leave Policy**

In the case of a faculty member whose short- or long-term medical disability leave interferes with teaching assignments by preventing the faculty member's presence in the classroom, the following policy has been adopted:

Faculty continue to be compensated in accordance with and for the periods set forth in policy described in the workers' compensation benefits and salary continuance section, short-term disability (NYS) and salary continuance section, the longer disability coverage section, and the family medical leave policy sections of this handbook, as applicable. If a period of medical disability, such as maternity, prevents a faculty member from being in the classroom more than three consecutive weeks at the beginning or end of a term, then that professor will meet with the Dean of Faculty and Provost to make appropriate arrangements for release from their classroom responsibilities for the term. In such circumstances, once the attending physician certifies that the period of disability is over and the patient may return to work, the faculty member will return to normal academic duties other than teaching for the remainder of the term, and such return to duties will be compensated at full pay. The Dean of Faculty and Provost and the professor will prepare a written description of the nature of those duties. If, however, the faculty member opts not to return to normal academic duties other than teaching, the remainder of the term may be taken as a leave without pay. Arrangements will be structured in such a way that no more than one full-term is carried at full pay under the above procedure. This policy does not apply to non-benefits-eligible faculty members or to temporarily appointed benefits-eligible faculty in their initial year of appointment.

No faculty member is required to take a leave of absence under the provisions of this section.

### **Family and Medical Leave Policy**

The Colleges have adopted this policy pursuant to the Family and Medical Leave Act (FMLA) of 1993. The Colleges intend this policy to provide its faculty with family and medical leave benefits consistent with the final regulations issued by the United States Department of Labor, effective April 6, 1995.

The Colleges intend this policy to summarize both employer and faculty member rights and responsibilities under the FMLA. Faculty with specific questions regarding this policy should contact the Office of Human Resources.

**ELIGIBILITY REQUIREMENTS:** Faculty must meet the following criteria to qualify for FMLA leave:

- A minimum of 12 months of service as a faculty member of the Colleges and a minimum of 1,250 hours worked during the 12-month period immediately preceding the first day of leave;
- For faculty, a minimum of 12 months elapsed time of service within which an individual has completed four or more course equivalents. (This provision is intended to provide an alternate route for access to FMLA for faculty. This provision does not supersede the right to FMLA for faculty who qualify under the first bullet above.)

**REASONS FOR LEAVE:** The FMLA entitles a faculty member to unpaid leave for any of the following reasons (see the definition of terms — italicized words or phrases — in the DEFINITIONS section):

- Birth of the faculty member's *son or daughter*, or the placement with the faculty member of a son or daughter for adoption or foster care;
- To care for the faculty member's *spouse, son, daughter, or parent* who has a *serious health condition*; and
- The faculty member's *serious health condition* renders the faculty member unable to perform the functions of his or her job. Most serious health conditions also qualify as disability under the Colleges' disability policy. A faculty member's 12-week leave entitlement will run concurrently with any sick pay, disability, or workers' compensation absence due to a condition that qualifies as a *serious health condition*.

**REQUEST FOR LEAVE:** When the need for leave is foreseeable, the faculty member must provide 30 days written notice to the Office of Human Resources. If that faculty member fails to give notice of foreseeable leave, the Colleges may deny leave until 30 days from the day on which the Colleges receives notice.

If the need for leave is not foreseeable, the faculty member must provide the Colleges with as much notice as practical (usually within one or two working days of learning of the need for leave).

When scheduling medical treatment, faculty must consult with the Colleges and make a reasonable effort to schedule leave in a manner that does not unduly disrupt the Colleges' operations.

The Colleges may require periodic updates during the leave period regarding a faculty member's status and intent to return to work. Where a foreseeable change in circumstances occurs during the leave period, and the change affects the amount of leave which a faculty member will require, the faculty member must provide the Colleges with reasonable notice of the change.

**MEDICAL CERTIFICATION:** The Colleges may require a faculty member to support a request for leave due to the faculty member's serious health condition by submitting a medical certification by their health care provider.

In addition, the Colleges may also require a medical certification when a faculty member requests leave to care for a spouse, son, daughter or parent with a serious health condition. If the Colleges question the adequacy of the medical certification provided by the faculty member, the Colleges may require the faculty member to obtain a second and/or third medical certification. The Colleges will bear the expenses associated with additional medical certifications. Conflicts among medical certifications will be resolved according to the procedures detailed in the final regulations issued by the United States Department of Labor. When possible, a faculty member must submit a required medical certification before his /her leave commences. If not possible or if the faculty member's leave has already commenced, the faculty member must submit a required medical certification within 15 calendar days of the Colleges' request.

All faculty members must submit any required medical certification on a Medical Certification Form provided by the Colleges. Faculty members may obtain these forms from the Office of Human Resources.

When returning from leave due to the faculty member's serious health condition, the Colleges may require a faculty member to submit a "fitness-for-duty" medical certification pursuant to a uniform policy or practice applied to all similarly-situated faculty members.

**DURATION OF LEAVE:** The FMLA entitles a faculty member to 12 weeks of unpaid leave during any 12-month period for qualifying reasons.

A husband and wife who both work for the Colleges may only take a combined 12 weeks of leave for the birth of a son or daughter, or placement with the husband and wife of a son or daughter for adoption or foster care.

The Colleges have adopted a "rolling" 12-month period for purposes of determining the number of weeks of leave to which a faculty member is entitled. Under this method, the Colleges look at the 12-month period immediately preceding the first day of requested leave to determine the amount of leave which a faculty member has used.

When medically necessary, a faculty member may take leave intermittently or on a reduced leave schedule. The Colleges may temporarily transfer a faculty member on an intermittent or reduced leave schedule to an available alternative position, with equivalent pay and benefits, which better accommodates the leave.

When a faculty member seeks intermittent or reduced schedule leave to care for a son or daughter after birth or placement with the faculty member for adoption or foster care, the faculty member must obtain the Colleges' approval.

A faculty member's 12-week leave entitlement will run concurrently with any disability, or workers' compensation absence due to a condition that qualifies as a *serious health condition*.

**COMPENSATION DURING LEAVE:** The FMLA entitles a faculty member to 12 weeks of unpaid leave during any 12-month period. However, faculty members must use all available disability and workers' compensation time (until exhausted) concurrently with any qualified leave period.

Faculty members will not lose previously accrued benefits or position in the faculty step and sabbatic accrual systems while on leave. Time accrued toward retention and promotion decisions is as described for faculty generally, as found in the *Faculty Handbook* (Part II, B.2).

A faculty member must continue to pay any portion of their health insurance premium, which the Colleges required prior to the leave, by the 1st day of each month. The Colleges may terminate a faculty member's health insurance coverage if a faculty member's premium payment is more than 30 days late. If a faculty member's health insurance has been terminated for failure to pay premiums while on leave, the Colleges will immediately reinstate the faculty member's health insurance upon the faculty member's return to work. If the faculty member fails to return at the end of his or her leave period, the employer may, under certain circumstances, recover from the faculty member the costs incurred to maintain the faculty member's health insurance during the leave period.

**RETURN FROM LEAVE:** If the faculty member would have otherwise been employed at the time of reinstatement, the Colleges will return a faculty member to their position, or a position with equivalent pay and benefits, at the end of any qualified leave.

If the Colleges require a "fitness-for-duty" medical certification, the Colleges may deny reinstatement until the faculty member provides the certification.

A faculty member must provide the Colleges with reasonable notice of any foreseeable change in circumstances which permits the faculty member to return to work before the end of the requested leave period. Faculty should be aware that the provisions of the Faculty Course Release Policy will not necessarily apply to return from a leave under FMLA.



**REASONABLE ACCOMMODATION AND EXTENDED LEAVE:** Most serious health conditions experienced by faculty members are also disabilities for purposes of the Americans with Disabilities Act and the Colleges' disability policies.

The Colleges will, upon request, and may on their own initiative, attempt to reasonably accommodate any faculty members with a disability to enable the faculty member to continue to perform the essential functions of their job. Any such accommodation must be medically necessary and effective, and must not create an undue hardship for the Colleges.

An extended leave of absence (beyond the 12 weeks permitted under the Colleges' FMLA policy) may, in some instances, be a reasonable accommodation. A faculty member desiring such leave must consult with, and obtain approval from, the Dean of Faculty and Provost. The terms of such leave, including return from leave, will be established by the Colleges at the time when such leave is granted.

**DEFINITIONS:** The following definitions apply to the provisions of this policy.

- *Health Care Provider* - a doctor of medicine, doctor of osteopathy, podiatrist, dentist, clinical psychologist, optometrist, chiropractor, nurse practitioner, nurse-midwife, clinical social worker, Christian Science practitioner, or other health care provider accepted by the Colleges' health insurance plan, and a health care provider who is licensed in another country (only if the faculty member receives treatment in the country in which the provider is licensed).
- *Leave* - an absence from work taken for a reason described under Reasons For Leave Section of this policy.
- *Parent* - a biological parent or an individual who stands or stood *in loco parentis* to a faculty member when the faculty member was a son or daughter (does not include parents "in law").
- *Serious Health Condition* - an illness, injury, impairment, or physical or mental condition that involves:
  - (1) Inpatient care; or
  - (2) Continuing treatment by a health care provider involving:
    - (a) A period of incapacity of more than three consecutive days;
    - (b) Any period of incapacity due to pregnancy, or for prenatal care;
    - (c) Any period of incapacity due to a chronic serious health condition;
    - (d) A permanent or long-term incapacity due to a condition for which treatment may not be effective; or
    - (e) A period of absence to receive multiple treatments for restorative surgery for a condition that would likely result in incapacity of more than three days in the absence of treatment.

In addition to those serious health conditions which are covered by disability, the Family Medical Leave Act designates as serious health conditions certain illnesses or conditions which are not normally covered by disability.

- *Son or Daughter* - a biological, adopted, or foster child, a stepchild, legal ward, or a child of a person standing in loco parentis, who is either age 18 or under, or who is over age 18 *and* is incapable of self-care because of a mental or physical disability.
- *Spouse* - a husband or wife or a domestic partner as defined by the Colleges

### **Paid Family Leave**

New York's Paid Family Leave (PFL) program provides job protected leave and wage replacement to eligible Hobart and William Smith Colleges' faculty member when qualifying conditions require a leave of absence.

HWS staff who regularly work 20 or more hours per week and be employed for at least 26 consecutive workweeks preceding the first full day PFL is taken; or regularly work less than 20 hours per week and be employed for at least 175 days preceding the first full day PFL is taken.

Qualifying Leave

There are three different types of qualifying paid family leaves. The first is a Serious Health Condition - to participate in providing care, including physical or psychological care, for a staff member's spouse, child, parent, grandchild, grandparent, or domestic partner with a serious health condition.

The second is Bonding - to bond with a new child during the first 12 months after the child's birth, adoption or foster care placement with the staff member, their spouse, or their domestic partner.

The third is a Qualifying Exigency - due to a qualifying exigency for the staff member's spouse, domestic partner, child, or parent who is on active military duty or has been notified of an impending call to active duty.

Faculty member can refer to the NYS Paid family leave website to access more specific information and to access an application to apply.

<https://www.ny.gov/new-york-state-paid-family-leave/paid-family-leave-information-faculty-member>

## **IMPORTANT INFORMATION**

### **Record Keeping**

The Office of Human Resources maintains the Colleges' faculty member official personnel employment files. The information in your employment file is extremely important and it is important for you to keep beneficiary and other related personal (addresses, phone numbers, dependents) information up-to-date. Information about beneficiaries for life insurance and Transamerica is particularly important. Please keep this information up to date in Human Resources. It is important to note that subsequent beneficiary changes going to Transamerica should be made directly to Transamerica via [www.trsuretire.com](http://www.trsuretire.com) or 800-755-5801.

Faculty members may review their employment file in the presence of a human resources representative. Please contact the office to schedule an appointment. Outside of Human Resources staff, only the Dean of Faculty and Provost and others on a need-to-know basis will have access to your employment file. However, we will cooperate with and provide access to your employment file to law enforcement officials or local, state, or federal agencies in accordance with applicable law. All requests to review a faculty member's employment file should be referred to Human Resources.

### **College I.D. Cards**

As a service to faculty members, the Colleges issues faculty member photo identification (I.D.) cards. The I.D. card may be used for library borrowing privileges, College Store discounts, access to the Colleges athletic facilities, and admission to the Colleges' athletic events. At the time of your hire, Human Resources will authorize the issuance of your I.D. card through the Office of the Registrar.

### **Library**

All Colleges faculty members may use the Library services. If the faculty member separates employment with the Colleges, **all books are expected to be returned.**

### **Athletic Facilities**

All faculty members may use the athletic facilities of the Colleges without charge provided that the use does not interfere with physical education classes, intramural and intercollegiate sports and other scheduled student athletic activities. The Bristol Field House provides an inside track, basketball and tennis courts, squash and racquetball courts, a fitness center and locker room facilities. A swimming pool is located in the Bristol Gymnasium.

A College I.D. card will be required to prove use eligibility at the time of entry. Family members who wish to use the Bristol Field House and/or Gymnasium should contact the Director of the Sport and Recreation Center for fee information.

### **Parking**

All faculty member of the Colleges' community are required to register their vehicles with the Campus Safety and Security Department if they wish to park in the campus parking lots. There is no charge for faculty members to register their cars. Parking is allowed only in designated areas of the campus. Enforcement of the parking regulations will be monitored by the Campus Safety and Security Department on a regular basis. Any violator will be issued a parking ticket. If payment is not received in a timely manner, payroll deductions may be made for any individuals who have outstanding parking.

### **College Bookstore Discount**

All faculty members receive a 10 percent discount on purchases, excluding sale items, at the College Store.

### **Liberty Mutual Insurance Discount Programs**

Liberty Mutual offers discounts for eligible faculty member on home and auto insurances. You pay the full costs and these costs may be payroll deducted.

### **Lost and Found**

Items found on the campus should be turned in promptly to the Campus Safety Department.

### **New York State's 529 College Savings Program**

New York's 529 College Savings Program *Direct Plan* provides a flexible, convenient, and low-cost way to save for college. The Program features a wide range of investment choices, tax-free withdrawals when used for qualified higher-education expenses\*, and contributions that are tax-deductible (up to certain limits\*\*) for New York State residents.

You can save for a child, grandchild, friend -- or even yourself. And the Program includes a valuable opportunity to accelerate your college savings through *Upromise* rewards -- a free service that returns a percentage of your spending at hundreds of America's leading companies and can transfer that money directly to your Program account.

### **Verizon, Sprint and AT&T Faculty member Discounts**

Verizon Wireless offers discounts to Hobart and William Smith faculty member ranging from 19% off eligible plans and 25% off all accessories and great savings on phones.

AT&T and Sprint offers discounts to Hobart and William Smith faculty member ranging from 20% off on qualified charges and exclusive savings on new devices.

## **SEPARATION FROM EMPLOYMENT**

Faculty members may be separated from employment by retirement, voluntary resignation, or termination. All Colleges' property (library books, keys, corporate credit cards, equipment), in the faculty member's possession must be returned to the Dean of Faculty and Provost Office upon separation from employment.

## **Benefits at Time of Separation**

Upon resignation, retirement (as not described in the retirement program language in the *Appendix*), or termination, the Dean of Faculty and Provost office will notify Human Resources of the faculty member's departure. Relph Benefit Advisors on behalf of the Office of Human Resources will mail an informational packet shortly after the faculty member's last day of work, concerning continuation of benefits as required by the Consolidated Omnibus Budget Act of 1986 (COBRA) - see *Benefits Continuation* on page 18. Faculty members and their eligible dependents will have the option of continuing their group medical and dental insurance coverages and their health and/or dependent care spending account(s) for a period of time following their event/termination date provided that they pay the full monthly premium plus administration fees to the insurance carrier.

The faculty member's basic group term life insurance policy and voluntary supplemental life insurance programs provide portability and conversion privileges but election to continue these coverages must be made within 30 days from the separation date – this is not a COBRA continuation option. Short and long term disability insurance coverages do not provide continuation privileges.

*The purpose of this publication is to give you an overview of Hobart and William Smith Colleges' benefit policies and plans and other valuable employment information in effect as of January 1, 2015, or as otherwise indicated. Please read and retain it for future reference.*

*The benefit policies and plans summarized in this publication are guidelines only. This publication is not a contract, expressed or implied, guaranteeing any employment rights or obligations. The Colleges retain the right to supplement, modify, amend or eliminate the policies and plans. Every effort has been made to make these descriptions as brief, accurate and easy to understand as possible. Therefore, all details may not be described here. If there is a difference between the information in this publication and the official plan documents, the official plan documents will govern. For more specific information, please contact the Office of Human Resources.*