



# Old Dominion University Research Foundation



## Employee Handbook

Updated July, 2021

**OLD DOMINION UNIVERSITY**  
**POLICIES AND PROCEDURES GOVERNING RESEARCH**

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

**RESEARCH FOUNDATION**  
**POLICIES AND PROCEDURES**

The policies stated in this handbook are guidelines only and are intended to provide a general understanding of policies and practices at ODU Research Foundation. Additional information is available on the Research Foundation's website: <https://researchfoundation.odu.edu/handbook-and-policies-procedures/>. Policies are subject to change, at the sole discretion of the Research Foundation, as are all other policies, procedures, benefits, and other programs of the Research Foundation. From time to time, you may receive updated information concerning changes in policy. The organization must maintain flexibility in the administration of policies and procedures, and it reserves the right to change or revoke policies and procedures without notice when such action is deemed necessary by the Research Foundation. Some of the subjects described here are covered in detail in official policy documents. You should refer to those documents for specific benefit information since this Handbook only briefly summarizes those benefits. If there is a conflict between the Handbook's summary and the official policy document, the latter governs.

The handbook cannot be expected to answer every question. If you have any questions regarding any policies, please ask a member of our Research Foundation Human Resources Department for assistance.

Neither this handbook nor any provision of the handbook constitutes a contract of employment or any other type of contract. It is not a contract, expressed or implied, guaranteeing employment for any specific duration. Either you or the Research Foundation may terminate this relationship at any time, for any reason, with or without cause or notice. Please understand that no supervisor, manager, or representative of the Research Foundation has the authority to enter into any agreement with you for employment for any specified period of time or to make any promises or commitments contrary to the foregoing. This handbook supersedes any previous handbook or unwritten policies of the Old Dominion University Research Foundation (the Research Foundation).

## Welcome

We are delighted that you have chosen to join our organization. As you become familiar with our culture and mission, we hope you will take advantage of opportunities to enhance your career and further Old Dominion University Research Foundation's goals.

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

In order to embrace and fully recognize the important role the Research Foundation has in the research mission of the University, the mission statement also needed to evolve. In March 2013 the Research Foundation Board of Trustees approved the following mission statement:

*Old Dominion University Research Foundation  
collaborates with the university for the successful administration of sponsored programs by  
providing responsive and cost-effective support.*

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

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

The Research Foundation website at [www.researchfoundation.odu.edu](http://www.researchfoundation.odu.edu) contains a wealth of information about the Foundation and its policies, procedures and operating guidelines. Employees are encouraged to consult the website for the latest updates and information. The employee handbook is also reproduced in its entirety on the web for your ready reference. Please take time to review the policies contained in this handbook. If you have questions, feel free to ask your supervisor or to contact the Human Resources (HR) department.

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

# Table of Contents

<b>SECTION 1 - INTRODUCTION .....</b>	<b>1</b>
MISSION STATEMENT .....	1
CODE OF BUSINESS ETHICS .....	1
AUTHORITY .....	1
ROLE OF RESEARCH FOUNDATION HUMAN RESOURCES DEPARTMENT.....	1
<b>SECTION 2—EMPLOYMENT .....</b>	<b>2</b>
EMPLOYMENT AT WILL.....	2
EQUAL EMPLOYMENT OPPORTUNITY AND COMMITMENT TO DIVERSITY .....	2
AFFIRMATIVE ACTION PLAN .....	3
COMMITMENT TO DIVERSITY .....	3
PAY TRANSPARENCY .....	3
APPLICATION ACCURACY AND CRIMINAL BACKGROUND INVESTIGATION .....	3
EMPLOYMENT ELIGIBILITY VERIFICATION – E-Verify.....	3
CONFLICTS OF INTEREST .....	4
CONFIDENTIAL INFORMATION .....	4
EMPLOYEE ENGAGEMENT .....	4
EMPLOYEE RELATIONS.....	5
SAFETY AND SECURITY .....	5
HARASSMENT .....	5
COMPLAINT PROCEDURE.....	6
NON-RETALIATION .....	6
NONDISCRIMINATION AGAINST AND ACCOMMODATION OF INDIVIDUALS WITH DISABILITIES.....	7
PROCEDURE FOR REQUESTING AN ACCOMODATION .....	7
REASONABLE ACCOMMODATION FOR PREGNANCY, CHILDBIRTH, AND RELATED MEDICAL CONDITIONS .....	7
CIVILITY IN THE WORKPLACE .....	8
DETECTION, INVESTIGATION AND REPORTING OF FRAUD, WASTE AND ABUSE.....	9
TYPES OF EMPLOYMENT.....	9
BENEFITS GUIDE.....	11
OUTSIDE EMPLOYMENT BY RESEARCH FOUNDATION EMPLOYEES .....	12
SUPPLEMENTAL EMPLOYMENT BY RESEARCH FOUNDATION EMPLOYEES.....	12
SECONDARY EMPLOYMENT OF UNIVERSITY EMPLOYEES THROUGH THE RESEARCH FOUNDATION .	12
FACULTY EMPLOYMENT BY THE RESEARCH FOUNDATION .....	13
RECRUITMENT STRATEGY - JOB POSTING.....	13
EMPLOYMENT OF RELATIVES AND DOMESTIC PARTNERS - NEPOTISM .....	13
NEW EMPLOYEE PAPERWORK REQUIREMENTS .....	14
NEW EMPLOYEE ORIENTATION .....	14
TRANSFER / PROMOTION .....	14
REQUESTS FOR PERSONNEL INFORMATION .....	14
EMPLOYEE RECOGNITION.....	15
CHANGES TO PERSONNEL INFORMATION .....	15
WORKPLACE VIOLENCE PREVENTION.....	15
RESIGNATION / EXIT INTERVIEWS .....	15
REHIRE STATUS .....	16
REFERENCE CHECKS .....	16
SEPARATION PROCESS .....	16

<b>SECTION 3—RULES AND REGULATIONS .....</b>	<b>17</b>
GUIDELINES FOR APPROPRIATE CONDUCT.....	17
CONDUCT TOWARDS THE RESEARCH FOUNDATION AND SUPERVISORS .....	18
COUNSELING AND CORRECTIVE ACTION .....	18
SUSPENSION .....	18
COMPLAINT RESOLUTION PROCEDURE .....	18
INFORMAL RESOLUTION.....	18
MEDIATION .....	19
FORMAL RESOLUTION/GRIEVANCE .....	19
VIOLENCE IN THE WORKPLACE .....	19
SEXUAL ASSAULT.....	20
FIREARMS.....	20
PERSONAL USE OF COMPANY PROPERTY OR FUNDS .....	20
SOLICITATION, DISTRIBUTION AND TRESPASSING .....	20
SAFETY AND HEALTH.....	21
SMOKING .....	21
CELL PHONE USE/TEXTING WHILE DRIVING .....	21
DRUG AND ALCOHOL - FREE WORKPLACE.....	21
USE OF ELECTRONIC COMMUNICATIONS AND SOCIAL MEDIA .....	23
MONITORING, SEARCH AND INVESTIGATION.....	25
PERSONAL APPEARANCE AND DEMEANOR .....	25
HANDLING CONTACTS FROM THE MEDIA .....	25
WHISTLEBLOWER POLICY .....	25
STALKING POLICY .....	26
COMBATING TRAFFICKING POLICY .....	26
POLITICAL ACTIVITY .....	26
<b>SECTION 4— RESEARCH POLICIES .....</b>	<b>27</b>
RESEARCH POLICIES .....	27
INTELLECTUAL PROPERTY .....	27
CONFLICT OF INTEREST.....	27
DISCLOSURE OF INTERESTS IN ANY TRANSACTIONS .....	27
CONFIDENTIALITY .....	27
PROPRIETARY INFORMATION .....	28
EXPORT CONTROLS AND COMPLIANCE .....	28
PROCEDURES .....	29
RESEARCH REVIEW BOARDS .....	29
RESEARCH VOLUNTEERS.....	30
<b>SECTION 5—COMPENSATION .....</b>	<b>31</b>
PAY ADMINISTRATION .....	31
JOB ORGANIZATION AND SALARY STRUCTURE .....	31
PAY PRACTICES.....	31
CONFIDENTIALITY PROTECTION .....	32
CHILD SUPPORT WITHHOLDING.....	32
LIENS AND GARNISHMENTS.....	32
WORK SCHEDULE AND HOURS .....	32
DEDUCTIONS FROM PAY/REGULAR EMPLOYEES.....	33
DEBTS.....	33
ALTERNATE WORK SCHEDULES .....	33
TELEWORK-TELECOMMUTING.....	34

ELECTRONIC TIMESHEET .....	34
MEAL PERIODS .....	35
OVERTIME .....	35
INCLEMENT WEATHER / EMERGENCY CLOSINGS .....	35
HOLIDAY PAY.....	36
TIME / LEAVE REPORTING.....	36
PAY DAYS .....	37
DIRECT DEPOSIT .....	37
JOB DESCRIPTIONS AND SALARY STRUCTURE .....	37
PERFORMANCE FEEDBACK .....	37
PAY INCREASES .....	38
PAYROLL ERRORS AND OMISSIONS .....	38

**SECTION 6—BENEFITS ..... 39**

EMPLOYEE BENEFITS PROGRAMS.....	39
ELIGIBILITY TO PARTICIPATE IN BENEFITS PROGRAMS.....	39
ALL EMPLOYEE PROGRAMS AND BENEFITS .....	39
WORKERS' COMPENSATION INSURANCE, REPORTING & MEDICAL TREATMENT .....	39
RETURN TO WORK FROM ACCIDENT OR ILLNESS.....	40
UNEMPLOYMENT COMPENSATION .....	41
FICA / SOCIAL SECURITY.....	41
TAX-SHELTERED RETIREMENT PLAN (403 b).....	41
CREDIT UNION .....	41
FUNDRAISING CAMPAIGN .....	41
ADDITIONAL BENEFIT PROGRAMS FOR ELIGIBLE EMPLOYEES .....	41
QUALIFIED NONELECTIVE RETIREMENT CONTRIBUTION .....	42
CONTRIBUTION IN LIEU OF RETIREMENT .....	42
HEALTH, VISION, AND DENTAL INSURANCE .....	42
CONTINUING HEALTH, VISION, AND DENTAL COVERAGE (COBRA).....	42
LEGAL RESOURCES .....	43
EMPLOYEE ASSISTANCE PROGRAM .....	44
LIFE INSURANCE.....	44
OPTIONAL LIFE AND AD&D INSURANCE .....	44
LONG-TERM DISABILITY INSURANCE .....	45
SALARY CONTINUATION (SHORT TERM DISABILITY).....	45
SECTION 125 CAFETERIA PLAN OPTIONS.....	45
SCHOOL ASSISTANCE AND VOLUNTEER SERVICE LEAVE .....	46
TUITION ASSISTANCE PROGRAM.....	46
EDUCATIONAL RELEASE TIME .....	47
VOLUNTARY –CRITICAL ILLNESS AND WELLNESS.....	47
UNIVERSITY ID CARDS .....	48
UNIVERSITY RECREATION FACILITY USE .....	48

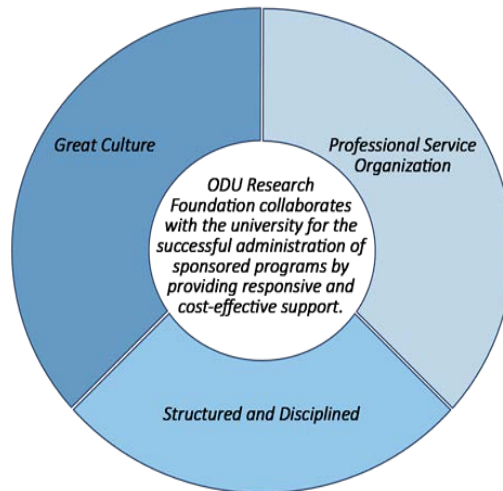
**SECTION 7—LEAVE ..... 49**

LEAVE POLICY.....	49
HOLIDAY LEAVE.....	49
PERSONAL LEAVE.....	49
RELIGIOUS HOLIDAYS.....	49
EMPLOYMENT DATE FOR BENEFITS AND LEAVE ACCRUAL .....	49
ANNUAL LEAVE .....	50
SICK LEAVE .....	50

OPTIONS FOR PREGNANCY LEAVE .....51  
 EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT .....52  
 FAMILY AND MEDICAL LEAVE ACT PROCEDURES .....54  
 DOMESTIC VIOLENCE LEAVE .....55  
 BEREAVEMENT LEAVE .....55  
 CIVIL LEAVE .....55  
 MILITARY LEAVE .....56  
 USERRA .....56  
 EMERGENCY / DISASTER / PUBLIC HEALTH EMERGENCY LEAVE .....57  
 LEAVE WITHOUT PAY .....57  
 VOLUNTARY ADMINISTRATIVE LEAVE OF ABSENCE .....58  
 LEAVE SHARE PROGRAM .....58

**SECTION 8—HANDBOOK RECEIPT ..... 59**

**Old Dominion University Research Foundation** strives to fulfill its mission by providing the highest standards of professional service, maintaining clear structure and discipline across all departments and enjoying a great team of employees who embrace a great culture.



**Professional service organization**

- We will be recognized for our knowledge and competency
- We will be highly regarded for our guidance and ethical compliance
- We will ensure good policy and adherence to regulations

**Structured and disciplined organization**

- We will establish clear objectives and responsibilities
- We will attract and retain talented employees who are empowered within clear guidelines and supported in their roles

**Great culture**

- We will encourage mutual respect and collaboration
- We will foster a genuinely happy work environment
- We will inspire loyalty and commitment to the organization, the research community and to one another
- We will maintain a sense of duty and responsibility to support the successful outcomes of the research community
- We will maintain a sense of duty and responsibility to support the successful outcomes of the research community



## SECTION 1 - INTRODUCTION

### MISSION STATEMENT

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

"Old Dominion University Research Foundation collaborates with the University for the successful administration of sponsored programs by providing responsive and cost-effective support."

### OLD DOMINION UNIVERSITY RESEARCH FOUNDATION GOALS

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

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

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

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

### CODE OF BUSINESS ETHICS

The Research Foundation values ethical conduct; we consider it our most important and basic core characteristic. Ethical conduct is first and foremost a personal responsibility, and we expect every employee to adhere to our code of ethics. We also expect you to bring to the attention of management any violations of the law or of our code of ethics. In the end, ethical conduct is not only the right thing to do- it will also strengthen our relationships with our sponsors and customers.

### AUTHORITY

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

### ROLE OF RESEARCH FOUNDATION HUMAN RESOURCES DEPARTMENT

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

Faculty, supervisors and employees are encouraged to contact the Research Foundation Human Resources Department with any questions or issues they may have or visit the Research Foundation's website, <http://researchfoundation.odu.edu/pdf/handbook.pdf>.

## **SECTION 2—EMPLOYMENT**

### **EMPLOYMENT AT WILL**

As an employee of the Research Foundation, you have the right to terminate your employment at any time with or without cause, with or without notice. The Research Foundation retains this same right, regardless of any other Research Foundation documents or oral or written statements issued by any Research Foundation representative.

Nothing in this employee handbook creates or is intended to create an employment agreement, express or implied. Nothing contained in this or any other document provided to the employee is intended to be, nor should it be, construed as a contract that employment or any benefit will be continued for any period of time. In addition, no company representative is authorized to modify this policy for any employee or to enter into any agreement, oral or written, that changes the at-will relationship.

Nothing in this statement is intended to interfere with, restrain, or prevent concerted activity as protected by the National Labor Relations Act (NLRA). Such activity includes employee communications regarding wages, hours, or other terms or conditions of employment. Old Dominion University Research Foundation employees have the right to engage in or refrain from such activities.

### **EQUAL EMPLOYMENT OPPORTUNITY AND COMMITMENT TO DIVERSITY**

It is the policy of the Research Foundation to afford equal opportunity for employment to all individuals. The Research Foundation does not discriminate based on race, color, religion, sex, pregnancy, childbirth, or related medical conditions (e.g., lactation), age, national origin, disability, genetic information, sexual orientation, gender identity, status as a parent, status as a veteran, and any other protected characteristic as established by law. In addition, the Research Foundation complies with applicable state and local laws governing nondiscrimination in employment in every location in which the Research Foundation has facilities and employs anyone who is normally assigned to such facilities. Integral to this commitment is the provision of equal employment, educational and social opportunities for all persons, without regard to race (or traits historically associated with race including hair texture, hair type, and protective hairstyles such as braids, locks, and twists), color, religion, sex or gender (including pregnancy, childbirth, or related medical conditions), national origin, gender identity or expression, age, veteran status, disability, political affiliation, sexual orientation or genetic information. Minorities, women, veterans, and individuals with disabilities are encouraged to apply to our organization.

The Research Foundation will administer recruiting, hiring, working conditions, compensation, training, opportunities for advancement, and termination of employment for all employees without discrimination on the basis of any characteristic protected by law.

The Research Foundation prohibits all forms of discrimination and harassment. Any employee who engages in this kind of conduct will be subject to corrective action up to and including discharge.

The successful implementation of a nondiscriminatory employment program requires maximum cooperation between management and employees. Therefore, since equal employment opportunity is not only the law, but is also good business sense, it is expected each employee will fully support this program. Employees are required to notify their supervisor or the Human Resources Department if they witness any violation of this policy. There will be no reprisal against any employee for making such a complaint.

This policy of Equal Employment Opportunity applies to all policies and procedures relating to recruitment and hiring, compensation, benefits, termination and all other terms and conditions of employment.

Appropriate disciplinary action may be taken against any employee who violates this policy, or who retaliates against any applicant or employee who raises a good faith question or claim under this EEO policy.

Any employees with questions or concerns about equal employment opportunities in the workplace are encouraged to bring these issues to the attention of the Human Resources Director (HR Director). The company will not allow any form of retaliation against individuals who raise issues of equal employment opportunity. Employees who feel they have been subjected to any such retaliation should bring it to the attention of the HR Director.

### **AFFIRMATIVE ACTION PLAN**

We believe the most effective work environment is one based on mutual respect and the principles of team management, allowing everyone the opportunity to participate and grow within the organization. The Research Foundation has a written plan to ensure we are complying with the EEO laws. The Affirmative Action Plan describes the Research Foundation's workforce and identifies any areas that require affirmative action due to imbalances in the workforce. Goals are set to address these areas and progress is tracked by the plan. The Research Foundation's Executive Director strongly supports its affirmative action program. The Human Resources Department is in charge of implementing the company's affirmative action activities. Any employee or applicant who exercises any right protected by Title VII of the Civil Rights Act, the Americans with Disabilities Act, Section 503 of the Rehabilitation Act, the Vietnam Era Veterans' Readjustment Assistance Act, Executive Order 11246, or their implementing regulations, will not be subjected to harassment, intimidation, threats, coercion, or discrimination because they have engaged in those activities. Protected activities include filing a complaint and assisting or participating in an investigation, compliance evaluation, hearing, or other activity related to those laws and regulations.

### **COMMITMENT TO DIVERSITY**

The Research Foundation is committed to creating and maintaining a workplace in which all employees have an opportunity to participate and contribute to the success of the organization and are valued for their skills, experience, and unique perspectives. This commitment is embodied in organization policy and the way we operate at the Research Foundation and is an important principle of business management.

### **PAY TRANSPARENCY**

The Research Foundation will not discharge or in any other manner discriminate against employees or applicants because they have inquired about, discussed, or disclosed their own pay or the pay of another employee or applicant. However, employees who have access to the compensation information of other employees or applicants as a part of their essential job functions cannot disclose the pay of other employees or applicants to individuals who do not otherwise have access to compensation information, unless the disclosure is (a) in response to a formal complaint or charge, (b) in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or (c) consistent with the contractor's legal duty to furnish information.

### **APPLICATION ACCURACY AND CRIMINAL BACKGROUND INVESTIGATION**

The application for employment requires an applicant to furnish true and complete employment and educational history. It states that any falsification of information on the application form, regardless of time of discovery, may cause termination of employment.

The Research Foundation requires a criminal background investigation to be conducted prior to employment for all regular positions. Human Resources coordinates the background check. Any applicant refusing to sign the release for a criminal background investigation will not be employed. If convictions are reported, Human Resources, in consultation with the hiring department, will determine on a case-by-case basis, if the conviction is sufficiently job-related or of such a nature to prevent the person from being employed with the Research Foundation.

### **EMPLOYMENT ELIGIBILITY VERIFICATION – E-Verify**

The Research Foundation is required as a Federal contractor to electronically verify the eligibility of employees to work in the U.S **no later than 3 days** after employment starts. In addition to completing the Immigration I-9 Form to establish work authorization for every new employee, E-Verify works by electronically comparing the information on an employee's I-9 with SSA (Social Security Administration) and DHS (Department of Homeland Security) records to verify the identity and employment eligibility of each newly hired employee.

## **CONFLICTS OF INTEREST**

The Research Foundation expects all employees to conduct themselves and organization business in a manner that reflects the highest standards of ethical conduct, and in accordance with all federal, state, and local laws and regulations. This includes avoiding real and potential conflicts of interests.

Exactly what constitutes a conflict of interest, or an unethical business practice is both a moral and a legal question. The Research Foundation recognizes and respects the individual employee's right to engage in activities outside of employment which are private in nature and do not in any way conflict with or reflect poorly on the organization.

It is not possible to define all the circumstances and relationships that might create a conflict of interest or the appearance of a conflict of interest. If a situation arises where there is a potential conflict of interest, the employee must discuss this with a manager for advice and guidance on how to proceed. The Research Foundation's Ethics Policy contains further, more specific guidance on preventing conflicts of interest, is incorporated into this Employee Handbook, and also should be reviewed and followed by employees. The list below suggests some of the types of activity that indicate improper behavior, unacceptable personal integrity, or unacceptable ethics:

- Accepting substantial gifts or excessive entertainment from an outside organization or agency.
- Misusing privileged information or revealing confidential data to outsiders or to other personnel.
- Using one's position in the organization or knowledge of its affairs for personal gains.
- Engaging in practices or procedures that violate antitrust laws, commercial bribery laws, copyright laws, discrimination laws, campaign contribution laws, security/exchange laws, or other laws regulating the conduct of organization business.

## **CONFIDENTIAL INFORMATION**

The protection of confidential business information is vital to the interests and success of the Research Foundation. Confidential information is any and all information disclosed to or known by you because of employment with the organization that is not generally known to people outside the Research Foundation about its business.

An employee who improperly uses or discloses confidential Research Foundation information will be subject to disciplinary action up to and including termination of employment and legal action, even if he or she does not actually benefit from the disclosed information.

All inquiries from the media must be referred to the Research Foundation Executive Director. This provision is not intended to, and should not be interpreted to, prohibit employees from discussing wages and other terms and conditions of employment if they so choose.

The Defend Trade Secrets Act of 2016 provides immunity from criminal and civil liability under any Federal or State trade secret law for the disclosure of a trade secret that is made in confidence to a Federal, State, or local government official, either directly or indirectly, or to an attorney, solely for the purpose of reporting or investigating a suspected violation of law; or is made in a complaint or other document filed in a lawsuit or other proceeding, if such filing is made under seal; and that an individual who files a lawsuit for retaliation by an employer for reporting a suspected violation of law may disclose the trade secret to the attorney of the individual and use the trade secret information in the court proceeding, if the individual files any document containing the trade secret under seal and does not disclose the trade secret, except pursuant to court order.

## **EMPLOYEE ENGAGEMENT**

Your ideas and suggestions can mean a lot to our success. If your suggestion or question is not getting the attention you believe it deserves from your supervisor, you are encouraged to present it to the next level of management or Human Resources.

## **EMPLOYEE RELATIONS**

The Research Foundation is committed to maintaining relationships with its people that promote maximum personal and professional development and achievement. We are dedicated to treating our employees fairly and providing good working conditions, pay and benefits. Above all, we will respect, value and develop each other. We believe in open and direct communications that permit resolution of problems in an atmosphere of mutual trust, responsive to individual circumstances.

## **SAFETY AND SECURITY**

It is Old Dominion University Research Foundation's goal to maintain a safe and secure workplace. When issues of safety and security arise, you may be requested to cooperate with an investigation. The investigation may include the following procedures to safeguard the Research Foundation and its employees: searches of personal belongings, searches of work areas, or searches of private vehicles on Research Foundation premises. Failure to cooperate with an investigation is grounds for disciplinary action, up to and including termination. Providing false information during any investigation also may lead to discipline, including termination.

Employees are expected to make use of Research Foundation facilities only for the business purposes of the Research Foundation. Accordingly, materials that appear on Research Foundation hardware or networks are presumed to be for business purposes, and all such materials are subject to review by the Research Foundation at any time without notice to the employees. Employees do not have to have any expectation of privacy with respect to any material on Research Foundation work sites or premises. The Research Foundation regularly monitors its communications systems and networks as allowed by law. Monitored activity may include voice, e-mail, and text communications, as well as Internet search and browsing history. Employees who make excessive use of the communications system for personal matters are subject to discipline, up to and including discharge. Employees are expected to keep personal communication to a minimum except when emergency situations arise.

## **HARASSMENT**

Sexual and other unlawful harassment is a violation of Title VII of the Civil Rights Act of 1964 (Title VII), as amended, as well as other federal and state laws. Harassment based on a characteristic protected by law, such as race, color, ancestry, national origin, gender, sex, sexual orientation, gender identity, marital status, religion, age, disability, veteran status, pregnancy, childbirth, or related medical conditions, or other characteristic protected by state or federal law, is prohibited. The Research Foundation will take all steps necessary to prevent and eliminate unlawful harassment and discrimination.

Harassment is verbal, written, visual, electronic, or physical conduct that denigrates or shows hostility or aversion toward an individual because of their relatives', friends', or associates', protected characteristic that has the purpose or effect of creating an intimidating, hostile or offensive work environment or interfering with an individual's work performance, or otherwise adversely affects an individual's employment opportunities.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different genders. Depending on the circumstances, these behaviors may include unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body or sexuality; leering, whistling, or touching; insulting or obscene comments or gestures; display sexually suggestive objects or pictures; and other physical, verbal, or visual conduct of a sexual nature.

Harassing conduct, including sexual, racial, and other forms of harassment, may include epithets, slurs, or negative stereotypes; threats or intimidation; jokes; and written or graphic material, symbols, slogans, or imagery that denigrates or shows hostility toward an individual, group, or gender. Employees are prohibited from posting, circulating, or displaying anywhere on the Research Foundation's premises any offensive materials, symbols, words, slogans, or imagery. Employees must cover any offensive tattoos while at work. If an employee's vehicle bears any offensive words, slogans, or images, the employee may not park or drive the vehicle on Research Foundation property or while performing work for the Research Foundation.

This policy applies to employees, applicants, contract workers, customers, vendors, and guests. It applies on Research Foundation premises, anywhere that Research Foundation business is performed, and at any Research Foundation-sponsored social events.

Any employee who witnesses or experiences any discrimination or harassment must report it to the Research Foundation immediately using the Complaint Procedure found in this Handbook.

## **COMPLAINT PROCEDURE**

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

Where appropriate, employees are encouraged to attempt an informal resolution of workplace disputes through informal discussions between the affected employees.

An employee who witnesses or experiences any discrimination or harassment must notify the Director of Human Resources immediately. If, for some reason, the employee is unable or unwilling to do so, the employee must notify the Executive Director. Any supervisor or manager who learns of an employee's complaint of perceived discrimination or harassment must immediately notify the Director of Human Resources.

The Research Foundation promptly and thoroughly investigates all such reports. The employee will be asked to provide as much detail as possible to assist in the investigation. All employees are required to cooperate in the investigation.

**Investigations will be conducted in a confidential manner, to the extent possible. However, confidentiality during the investigation cannot be absolutely guaranteed.** In situations that include an Old Dominion University employee and Research Foundation employee, the Research Foundation will determine the office to conduct the investigation and any necessary, appropriate actions. Cooperation from the complaining employee during the investigation between the two separate employers, Old Dominion University and The Research Foundation, may be required.

If the Research Foundation's investigation reveals that any discrimination or harassment did occur, the Research Foundation will take swift and effective measures to stop the discrimination or harassment and remedy any harm caused by it. These measures may include disciplinary action, up to and including termination of employment, for any employee who engaged in discrimination or harassment.

## **NON-RETALIATION**

The Research Foundation prohibits retaliation against any individual who reports discrimination or harassment in good faith or participates in an investigation of such reports. Retaliation is a form of discrimination. Employees, including supervisors and managers, must report any perceived retaliation to the Director of Human Resources or the Executive Director immediately. The Research Foundation investigates all such reports and takes corrective action where warranted just as it does in response to reports of other forms of discrimination and harassment.

Because of the Research Foundation's strong policy against retaliation, a fear of retaliation is not an excuse for failing to report any perceived discrimination or harassment. To reiterate, it is mandatory for employees to report any such conduct directly to the Director of Human Resources or the Executive Director. This policy applies to all aspects of your employment. Harassment of any other person, including, without limitation, fellow employees, contractors, visitors, or customers, whether at work or outside of work, is grounds for immediate termination.

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

The Research Foundation does not discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training, or other terms, conditions, and privileges of employment. Applicants or employees who are disabled and in need of an accommodation should notify their immediate supervisor, designated manager, or the Director of Human Resources. On receipt of your request a member of the Human Resources Department will meet with you to discuss your job requirements and disability. Human Resources may require medical documentation explaining your disability and what barriers you face to performing your duties. HR will work with you to determine whether your disability can be accommodated without an undue hardship to the Research Foundation. The Research Foundations Human Resources Department will explore possible accommodations with you in order to find a mutually agreeable and effective accommodation. It is the Research Foundation's policy to:

- ensure qualified individuals are not discriminated against on the basis of disability in the pre-employment process and are treated in a nondiscriminatory manner in all terms, conditions, and privileges of employment;
- require medical examinations of employees only when legitimate business reasons exist for requiring such examinations and as permitted under applicable state and federal law (e.g., a second medical opinion, fitness-for-duty exam, etc.);
- keep all medical-related information confidential and retain such information in separate confidential files;
- provide applicants and employees with disabilities with reasonable accommodation, except where such an accommodation would create an undue hardship on the Research Foundation or present a direct threat to the health or safety of that individual or others. Reasonable accommodation may include, but is not limited to: making existing facilities used by employees readily accessible to and usable by persons with disabilities; job restructuring, modifying work schedules, reassignment to a vacant position, acquiring equipment or devices, adjusting or modifying examinations, training materials, or policies, and providing qualified readers or interpreters. Undue hardship means an accommodation would require significant difficulty or expense;
- notify individuals with disabilities the Research Foundation provides reasonable accommodation to qualified individuals with disabilities, by including this policy in the Research Foundation's employee handbook and by posting the Equal Employment Opportunity Commission's poster on not discriminating against individuals with disabilities and other protected groups conspicuously throughout the Research Foundation's facilities.

## **PROCEDURE FOR REQUESTING AN ACCOMODATION**

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

## **REASONABLE ACCOMMODATION FOR PREGNANCY, CHILDBIRTH, AND RELATED MEDICAL CONDITIONS**

The Research Foundation shall make reasonable accommodations to the known limitations of any employee related to the employee's pregnancy, childbirth, or related medical conditions (including lactation), unless to do so would impose an undue hardship on the company. Depending on the employee's circumstances, a reasonable accommodation may include more frequent or longer bathroom breaks,

breaks to express breast milk, access to a private location other than a bathroom for the expression of breast milk, acquisition or modification of equipment or access to or modification of employee seating, a temporary transfer to a less strenuous or hazardous position, assistance with manual labor, job restructuring, a modified work schedule, light duty assignments, or leave to recover from childbirth. An employee requesting an accommodation under this policy should make the request to the Human Resources Department. Depending on the nature of the request, the Research Foundation may require the employee to submit documentation from their doctor supporting the request. The Research Foundation will engage in a timely, good faith interactive process with the employee to determine if the requested accommodation is reasonable and, if such accommodation is determined not to be reasonable, discuss alternative accommodations that may be provided.

### **Reasonable Break Time For Nursing Mothers**

Break time may be provided, for up to one year after a child's birth, each time an employee who is nursing needs to express milk.

The Research Foundation willingly complies with requests, from employees who are nursing, for the provision of a private, shielded place, other than a restroom, in which they may express breast milk.

## **CIVILITY IN THE WORKPLACE**

The Research Foundation expects civility in the workplace. Information contained in this policy provides guidance in some examples of prohibited conduct in general terms but is not intended to be all inclusive.

Disciplinary/Corrective actions to address prohibited behaviors may be taken on a progressive basis or actions may be taken upon the first occurrence, depending upon the nature and seriousness of the conduct, and other legitimate business reasons. The context of the employee behavior, nature of the relationship between the parties, frequency of associated behaviors, and the specific circumstances must be considered in determining if the behavior is prohibited. A "reasonable person" standard is applied when assessing if behavior should be considered offensive or inappropriate.

Prohibited Conduct may include, but are not limited to:

- Injuring another person physically;
- Engaging in behavior that creates a reasonable fear of injury to another person;
- Threatening to damage or vandalize or intentionally damaging or vandalizing property;
- Making threats to injure another person;
- Assaultive behavior such as pushing, shoving, grabbing, hitting, kicking, or spitting toward another person; • Cornering people or blocking egress;
- Invading personal space;
- Stalking;
- Possessing, brandishing, or using a weapon that is not required by the individual's position while on Research Foundation premises or engaged in Research Foundation business;
- Subjecting others to communication or innuendoes of a sexual nature;
- Demonstrating behavior that is rude, inappropriate, discourteous, unprofessional, unethical, or dishonest; • Behaving in a manner that displays a lack of regard for others and significantly distresses, disturbs, and/or offends others;
- Making disparaging remarks, spreading rumors, or making innuendos about others in the workplace;
- Raising one's voice inappropriately or shouting at another person;
- Swearing or using obscene language or gestures toward another person;
- Making obscene phone calls or delivering obscene messages to another person;
- Humiliating others; making public statements with the intent of embarrassing a targeted person; impugning one's reputation through gossip;
- Making unwelcome or suggestive comments or jokes;
- Displaying symbols associated with hostile/violent groups or inappropriate sexual connotations toward another person;
- Making culturally insensitive remarks; displaying culturally insensitive objects, images, or messages;
- Making demeaning/prejudicial comments/slurs or attributing certain characteristics to targeted



- persons based on the group, class, or category to which they belong;
- Retaliating against one who, in good faith, reports a violation of this policy or participates in related investigations;
- Posting or discussing sensitive, private information about someone to others;
- Pretending to be someone else online in order to make that person look bad;
- Using photo shop tools to create harassing images; posting videos to intimidate or harass someone;
- Publishing jokes or demeaning comments electronically about another person;
- Sending e-mails or using social media to convey inappropriate messages about someone.

## **DETECTION, INVESTIGATION AND REPORTING OF FRAUD, WASTE AND ABUSE**

Upon discovery of information or circumstances suggesting fraud, waste or abuse, it is the responsibility of the Research Foundation employee to immediately notify the Executive Director, Research Foundation Ethics Officer (Director of Human Resources) or send your complaint to the rfhotline@odu.edu. Referenced government publications, regulations, or hotlines can be obtained utilizing standard internet search engines.

Definitions of fraud, waste and abuse are:

- Abuse - excessive or improper use of something, or to use something in a manner contrary to the natural or legal rules for its use. Examples include the intentional destruction, diversion, manipulation, misapplication, maltreatment, personal use, or misuse of Research Foundation or client resources; or extravagant or excessive use as to the abuse of one's position or authority. Abuse can occur in financial or non-financial settings.
- Fraud - an illegal or improper act of intentional deception or misrepresentation, or of reckless disregard of the truth, used to benefit oneself or others or to cause detriment to others or the Research Foundation. Fraud includes but is not limited to false representations of material fact, false or misleading statements, or the concealment of something that should have been disclosed, which deceives and is intended to deceive.
- Waste - the thoughtless or careless or intentional expenditure, consumption, mismanagement, use, or squandering of Research Foundation or client resources to the detriment or potential detriment of the Research Foundation or the client. Waste also includes incurring unnecessary costs resulting from inefficient or ineffective practices, systems, or controls.

## **TYPES OF EMPLOYMENT**

The distinction between types of employment is made for compensation and benefit purposes. (see "Benefits Guide," below in this section)

**Exempt** - Exempt employees perform exempt duties, as defined under the Fair Labor Standards Act, are paid a fixed weekly salary, and are not eligible to receive overtime pay.

**Nonexempt.** Nonexempt employees are paid on an hourly basis and are eligible to receive overtime pay for overtime hours worked in accordance with applicable law.

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

**Part time** - Employees who are hired as interim replacements to supplement the workforce or to assist in the completion of a specific project, work may be on-going and scheduled to work less than 20 hours weekly on average. A part time position is an ongoing position that is filled by a non-student and requires competitive recruiting through the Research Foundation process. Employment beyond any initially stated period does not in any way imply a change in employment status. Part time employees receive legally required benefits, where applicable (see "Benefits Guide," below in this section). Part time employees hired beginning 2009 who attain age 21 and have completed one year of eligibility service may become eligible for non-elective retirement contributions. Part time status employees, like other employees, are employed "at will".

**Temporary** – Temporary status is appropriate where the work is intermittent or irregular (average less than 29 hours per week) and cannot be readily fulfilled through use of a student employee. Employment may

include 29 hours per week or more for less than three (3) consecutive months by the employing unit\*. Temporary positions that provide full time work (30 or more hours per week) will be terminated at 3 months or will be reclassified as regular or part time and undergo competitive recruiting through the Research Foundation process. Temporary employees receive legally required benefits, where applicable (see “Benefits Guide,” below in this section). Temporary status employees hired beginning 2009 who attain age 21 and have completed one year of eligibility service may become eligible for non-elective retirement contributions. Temporary status employees, like all employees, are employed “at will”.

## **UNIVERSITY APPOINTMENTS**

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

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

**Faculty** – A faculty member is an individual appointed by the University to engage in teaching, research, services, and other activities. Faculty can engage in sponsored programs during the academic year and summer, and on an overload basis under limited circumstances. Faculty generally perform services for the Research Foundation as the project director, PI, or co-PI of a sponsored project. Faculty receive legally required benefits, where applicable (see “Benefits Guide,” below in this section). Faculty status employees, like all employees, are employed “at will.”

**Self-Supporting Research Professionals (SSRP)** - SSRPs are individuals appointed by the University and employed by the Research Foundation generally as full-time employees. An SSRP may also have a faculty appointment at the University, if so designated through the University process. SSRPs are eligible to participate in a modified benefits program, funding permitted (see “Benefits Guide,” below in this section). The term “SSRP” does not imply continued employment by the Research Foundation. SSRP status employees, like all employees, are employed “at will,” See Faculty Handbook for Policy on Self-Supporting Research Professional Positions.

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

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

## **EMPLOYEE MISCLASSIFICATION**

Employees are encouraged to report any instances of misclassifications of employees if they act in good faith and upon a reasonable belief that the employee has been misclassified. If at any time, an employee disagrees with his/her own classification, the employee should contact the Human Resources department.

## BENEFITS GUIDE

	<b>REG</b> Full benefits	<b>PART</b> <b>TIME</b> Modified Benefits	<b>TEMP</b> Required Benefits	<b>CASUAL</b> <b>STUDENT</b> Required Benefit	<b>GRA</b> Required Benefits	<b>FACULTY</b> Required Benefits	<b>POST</b> <b>DOC</b> Modified Benefits	<b>SSRP</b> Modified Benefits
<b>GENERAL</b>								
Worker's Comp	X	X	X	X	X	X	X	X
Unemployment	X	X	X	X		X	X	X
FICA/Social Security*	X	X	X	*	*	X	X	X
ODU ID Card	X			X	X	X	X	X
403(b) Tax Sheltered Plan	X	X	X	X	X	X	X	X
Non-Elective Contribution or Contribution in Lieu of Retirement	X							
<b>INSURANCE</b>								
Health	X						X	***
Dental	X						X	***
Vision	X						X	***
Employee Assistance Program	X						X	***
Life	X						X	***
Long Term Disability	X						X	***
Critical Care Illness	X						X	***
Legal Resources	X						X	***
Salary Continuation (STD)	X						X	***
<b>CAFETERIA PLAN OPTIONS</b>								
Insured Benefits (Pre-Tax)	X						X	***
Dependent (Child Care) Reimbursement Account	X						X	***
<b>TUITION ASSISTANCE</b>								
Educational Assistance Program	X							
<b>LEAVE</b>								
Holiday	X						X	***
Annual	X						X	***
Sick	X						X	***
Family & Medical Leave Act	**	**	**	**	**	**	**	**
Bereavement	X						X	***
Civil	X						X	***
Military Reserve	X						X	**

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

\*\*Eligibility is based on requirements of federal regulations.

\*\*\*Eligibility is based on full time wage for a 1 year min and funding permissible

## **OUTSIDE EMPLOYMENT BY RESEARCH FOUNDATION EMPLOYEES**

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

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

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

## **SUPPLEMENTAL EMPLOYMENT BY RESEARCH FOUNDATION EMPLOYEES**

An employee performing supplemental services in addition to the duties and responsibilities required under the terms of their regular assignments may be authorized to receive additional compensation in limited circumstances. Work must be in addition to the work expected of the employee, performed outside of the normal work hours established for the employee, and documented on timesheets. Supplemental service employment shall be limited to no more than 20% effort annually unless specifically authorized by the Research Foundation Executive Director. An hourly rate of pay shall be established commensurate with the work to be performed. If the extra service work to be performed is similar to the work normally performed, the base rate paid for the employee's normal work shall be the basis for the base rate paid for the extra service work. Employees who are non-exempt for overtime pay will be required to be paid overtime at the rate of 1 ½ times the regular hourly rate for all work performed in excess of 40 hours worked per week. Overtime will be charged to the project requesting after hours duties. Employees who are exempt from overtime pay are not eligible for overtime rates and are paid at the regular rate established for the work performed. A Non-Faculty Supplemental Compensation form with required approval signatures must be submitted to the Human Resources Department and approved by the Executive Director or designee prior to work being authorized to begin. Guidelines and requirements from the funding agencies may additionally limit, restrict or prevent extra service employment for Research Foundation employees.

## **SECONDARY EMPLOYMENT OF UNIVERSITY EMPLOYEES THROUGH THE RESEARCH FOUNDATION**

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

## **FACULTY EMPLOYMENT BY THE RESEARCH FOUNDATION**

University faculty may be directly employed by the Research Foundation during summer months, or other off-duty periods, or may choose the option to remain under contract to the University while performing sponsored program activities during the summer under a university conversion contract as provided by the Faculty Handbook and University policies.

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

Since intra-university consulting is assumed to be undertaken as a university obligation requiring no compensation in addition to full-time base salary, the principle also applies to faculty members who function as consultants or otherwise contribute to a sponsored agreement conducted by another faculty member at the same institution. However, in unusual cases where consultation is across departmental lines or involves a separate or remote operation, and the work performed by the consultant is in addition to his regular departmental load, charges for such work representing extra compensation above the base salary are allowable provided that such consulting arrangements are specifically provided for in the agreement or approved in writing by the sponsoring agency. (Excerpted from 2 CFR 200.430)

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

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

## **RECRUITMENT STRATEGY - JOB POSTING**

Consistent with The Research Foundation's commitment to developing people, the organization has a process for posting available positions a minimum of ten days. All job openings will be posted on the Research Foundations website and with the Virginia Employment Commission, except in certain circumstances, the executive director may grant an exception. The hiring manager will be required to complete a position description and recruiting information to post a position. Applicant status forms must be completed for all applicants and returned to Human Resources for Affirmative Action tracking purposes. Selection will be based on assessment of the candidate's ability to perform successfully in the new position. Human Resources is the primary point of contact for recruitment activity.

Job openings may be posted simultaneously on the Research Foundations website and advertised outside the organization. The final decision to accept or reject a candidate usually will be made by the hiring manager. In certain circumstances, the executive director may grant an exception.

Competitive recruiting efforts for Regular (full time and part time) and Post Doc positions are processed through the Research Foundation Human Resources department.

## **EMPLOYMENT OF RELATIVES AND DOMESTIC PARTNERS - NEPOTISM**

The Research Foundation strongly discourages principal investigators and other unit managers/supervisors from employing members of their immediate family. When employing a relative, a direct reporting line

between the two relatives, *i.e.*, between the supervisor and the subordinate, may not exist. This includes but is not limited to: spouses, domestic partners, children, step-children, siblings, parents, step-parents, mothers-in-law, fathers-in-law, and any person living in the same household as the principal investigator or employing unit manager. A “domestic partnership” is generally defined as a committed relationship between two individuals who are sharing a home or living arrangements.

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

## **NEW EMPLOYEE PAPERWORK REQUIREMENTS**

All new employees are required to complete new hire paperwork **prior** to starting employment which includes an employment application, E-Verify, federal (W-4), state (VA-4) tax forms, INS *Employment Eligibility Verification Form* (I-9), direct deposit, child support, and handbook acknowledgement. Work is not authorized until these documents are complete. Other benefit forms may be needed.

U.S. citizens and permanent residents will complete paperwork at the Research Foundation. Non-resident aliens will complete paperwork at Visa & Immigration Service Advising, on campus. Returning employees are required to update paperwork which includes federal (W-4), state (VA-4) tax forms, direct deposit, child support, and handbook acknowledgement, if the absence has been two or more years, or if there have been changes in visa status, citizenship or eligibility for employment in the U.S. The Research Foundation does not discriminate against applicants or employees on the basis of citizenship or national origin.

## **NEW EMPLOYEE ORIENTATION**

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

## **TRANSFER / PROMOTION**

The Research Foundation encourages advancement for interested employees whenever possible. Information regarding regular and part time status position vacancies are available on the Research Foundation Human Resources Department Careers page. Current employees interested in applying for an internal, listed position vacancy, upon completion of six months minimally in their current position and is in overall good standing are eligible to apply for a vacancy. The employment process requires application materials to be sent to the Research Foundation Human Resources Department using a confidential link: [ODU RF Human Resources](#) or respond to position announcements listed on the Research Foundation careers [Old Dominion University Research Foundation \(odu.edu\)](#). Applications are accepted only for specific opportunities. Please specify the job number for which you are applying. Current employees who apply for a posted vacancy are considered utilizing the same screening, referral, and selection process as outside applicants. Job listings may be viewed on the website at: <https://hera.odurf.odu.edu/careers/>.

## **REQUESTS FOR PERSONNEL INFORMATION**

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

Upon receipt of a written request from a current or former employee or employee's attorney, the Research Foundation will furnish a copy of all records reflecting (i) the employee's dates of employment with the Research Foundation; (ii) the employee's wages or salary during the employment; (iii) the employee's job description and job title during the employment; and (iv) any injuries sustained by the employee during the course of the employment. Such records or papers shall be provided within 30 days of receipt of such a written request.

## **EMPLOYEE RECOGNITION**

**High Five and Employee Excellence Award** - The Research Foundation has established guidelines to recognize and reward the contributions of its employees through recognition programs. Employees may receive monetary, non-monetary and/or leave awards.

## **CHANGES TO PERSONNEL INFORMATION**

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

## **WORKPLACE VIOLENCE PREVENTION**

The Research Foundation is committed to providing a safe, violence-free workplace for our employees. Due to this commitment, we discourage employees from engaging in any physical confrontation with a violent or potentially violent individual or from behaving in a threatening or violent manner. The Research Foundation has a policy of zero tolerance for violence. If an employee displays any violence in the workplace or threatens violence in the workplace, the employee is subject to immediate suspension and/or termination. No talk of violence or joking about violence will be tolerated. The Research Foundation defines "violence" to include: physically harming another, shoving, pushing, harassment, intimidation, coercion, throwing or striking objects in anger, brandishing weapons and threats or talk of violence.

All employees bear the responsibility of keeping our work environment free from violence or potential violence. Any employees who witness or are the recipients of violent or threatening behavior, or are witnesses to any threat of violence, should promptly inform their supervisor, manager, or the Human Resources Department. If the violence is ongoing or imminent, employees should seek safe shelter immediately and call 911.

## **RESIGNATION / EXIT INTERVIEWS**

An employee resigning from employment is requested to submit a letter of resignation to their immediate supervisor and Human Resources at least two weeks prior to the effective date of resignation. Regular status employees and postdoctoral associates who are eligible for benefits must contact the Human Resources Department to schedule an exit interview prior to their last day of employment. When an employee leaves the Research Foundation, the employee should request an exit interview after the supervisor receives notice of resignation. The purpose of this interview is to review the employee's eligibility for benefit continuation, to ensure that all necessary forms are completed, to collect all company property that may be in your possession, and to provide an opportunity to share your job-related experiences. Exit interviews are conducted with all regular status employees, all postdoctoral associates, and all employees with a security clearance upon separation of employment. The exit interview is intended to provide information about arrangements for issuing the final paycheck, conversion of benefits to non-group plans, and the option to continue health, dental and cafeteria plan benefits in accordance with the Consolidated Omnibus Budget Reconciliation Act (COBRA) and for updating security clearance information. For information about the continuation of benefits under COBRA, see Continuing Health/Dental Coverage in "Section 6 - Benefits."

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

- return keys to Facilities Management or follow supervisor's instructions;
- return library materials and pay fines;
- check parking decal refunds with Parking and Transportation Services and pay parking fines;

- pay outstanding advances, debts, tuition assistance, and make final check arrangements with the Research Foundation;
- return equipment, supplies and records to supervisor.

Employees are encouraged to provide feedback about their employment experience at the Research Foundation by scheduling an exit interview with ODU Research Foundation's Human Resources department. This opportunity is provided for the employee to confidentially discuss his/her experiences as a Research Foundation employee.

### **REHIRE STATUS**

Employees returning to the Research Foundation may request consideration for re-instatement of the original employment date when the break in service does not exceed six months. The Director of Human Resources and Executive Director are authorized to review requests and determine eligibility, at the sole discretion of the Research Foundation.

### **REFERENCE CHECKS**

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

### **SEPARATION PROCESS**

An employee is responsible for providing advance notice and written notification of their intent to resign to their hiring supervisor as soon as the decision has been made to separate from Research Foundation employment. The written notification should provide an explanation for the resignation and identify the last day of work and state the effective date of separation.

Reasonable advance notice of resignation is at least two weeks for regular, part time and post-doctoral positions, and 30 days for management positions.



## SECTION 3—RULES AND REGULATIONS

### GUIDELINES FOR APPROPRIATE CONDUCT

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

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

- falsifying employment or other Research Foundation records;
- refusing to consent to criminal background investigation;
- forgery or signing official documents without authorization;
- misrepresenting actual hours worked on time sheets or percentage of effort on effort reports;
- violating Research Foundation's nondiscrimination or harassment policy;
- stalking, defined as repeatedly contacting, following or remaining in the physical presence of another person when the contacting person knows or should know that the contact is unwanted; or causes the other person reasonable expectation of harm or causes substantial impairment of the other person's ability to perform the activities of daily life;
- sexual assault, defined as non-consensual physical contact of a sexual nature;
- soliciting or accepting gratuities from customers or clients;
- establishing a pattern of excessive absenteeism or tardiness;
- engaging in excessive, unnecessary, or unauthorized use of Research Foundation or client supplies, or use of Research Foundation equipment for personal purposes;
- reporting to work intoxicated, under the influence of non-prescribed drugs, or in violation of the policy covering drug and alcohol-free workplace; illegally manufacturing, possessing, using, selling, distributing, or transporting drugs; fighting or using obscene, abusive, or threatening language or gestures;
- stealing property or funds from co-workers, customers, clients, or the Research Foundation;
- sabotage, neglect, or damage of Research Foundation or client property;
- unlawful possession, storage or use of any kind of weapons, ammunition, firearms, explosives, air rifles or air pistols on University property, or any Research Foundation work site, unless authorized by the President of the University (University Property) or Executive Director of the Research Foundation (any other work site).
- disregarding safety or security regulations;
- violating rules of conduct with respect to U.S. government officials, agencies, government regulations and/or University and Foundation policy;
- engaging in insubordination;
- failing to maintain the confidentiality of Research Foundation, customer, or client information;
- conviction of a crime relates to the Research Foundation, is a felony, is an offense involving violence, or an offense involving moral turpitude (conduct that is considered contrary to community standards of justice, honesty or good morals);
- conviction of an offense that has demonstrated a character trait in the employee which would predictably have an adverse effect on their ability to perform assignments or to deal effectively with fellow employees or members of the general public, or that otherwise damages the reputation of the University or the Research Foundation;
- unsatisfactory work performance including but not limited to failure to meet performance standards or inability to interact with supervisor, co-workers, or the public in an acceptable manner;

- inappropriate use of electronic communication and social media;
- using social media to harass or discriminate;
- utilizing false, malicious or obscene statements;
- statements threatening violence or similar unlawful conduct;
- personal use of Internet and electronic communication adversely affecting the efficient operation of business systems;
- disregarding the security of sensitive or confidential information when communicating electronically or posting information on internal or external websites including social media;
- inability to perform essential functions of the job, with reasonable accommodation as required;
- working overtime without prior approval;
- failure to report work-related injury, illness, or accident;
- Any violation of the policies in this Handbook.

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

## **CONDUCT TOWARDS THE RESEARCH FOUNDATION AND SUPERVISORS**

Employees have the right to criticize or protest the Research Foundation's policies or treatment of employees, as long as it is done on non-working time, and is done in a lawful, respectful manner.

The Research Foundation expects its employees to act professionally and courteously, at all times, in their dealings with coworkers, customers, employer business partners, and other third parties.

## **COUNSELING AND CORRECTIVE ACTION**

Inappropriate conduct will result in corrective action. The supervisor has a variety of actions available when discipline is warranted. These actions include but are not limited to counseling, verbal warning, written warning, suspension, and discharge. Please note these actions are guidelines only and may not always be followed. Management, with input from the Research Foundation Human Resources Department, will evaluate each case of unsatisfactory performance or inappropriate conduct and take whatever corrective action it considers appropriate depending on the performance problem, the overall circumstances, the type of conduct, or the nature of offense involved.

## **SUSPENSION**

Deductions from employees' pay for unpaid disciplinary suspensions, for one or more full days, for infractions of workplace conduct rules, or other disciplinary reasons, may be imposed by the Foundation on any employee, whether exempt or non-exempt, or full or part-time.

Employees are required to cooperate with the Foundation's and the University's In-House investigations. Discharge may result without any other prior warning being given, where the Research Foundation deems such action appropriate.

## **COMPLAINT RESOLUTION PROCEDURE**

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

## **INFORMAL RESOLUTION**

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

unit, or a member of the Research Foundation Human Resources Department is encouraged. These individuals will endeavor to work out a satisfactory solution to the issue.

## **MEDIATION**

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

## **FORMAL RESOLUTION/GRIEVANCE**

If the issue is not resolved through the informal resolution process, the complainant may prepare a written summary of concerns and request the matter be reviewed by the Research Foundation Director of Human Resources. In an effort to resolve the issue, the Research Foundation Director of Human Resources will meet with the complainant within 10 working days of receipt of the written summary of concerns to consider the facts. Employees are required to cooperate with the Foundation's and the University's In-House investigations. The complainant will normally receive a response regarding the issue within ten (10) working days of meeting with the Research Foundation Director of Human Resources or the conclusion of the investigation, whichever occurs later. The decision of the Director of Human Resources shall be final unless the employee filing the grievance requests a review of the facts by the Executive Director of the Research Foundation within 5 working days.

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

## **VIOLENCE IN THE WORKPLACE**

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

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

The University has established a Threat Management Team should a threat or violent incident occur in the campus workplace. The Foundation will adhere to University Threat Management Team guidance should an incident develop on university property. University guidelines for dealing with threats are detailed at [1014: Threat Assessment - Old Dominion University \(odu.edu\)](https://www.odu.edu/1014/Threat-Assessment-Old-Dominion-University)

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

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

## **SEXUAL ASSAULT**

Sexual assault is non-consensual physical contact of a sexual nature. Sexual assault can occur between acquaintances or parties unknown to each other. ODU Research Foundation will not tolerate sexual assault or abuse, such as rape (including acquaintance rape) or other forms of non-consensual sexual activity. These acts, in addition to being in most cases criminal, degrade the victims, our business community and society in general.

The Research Foundation strives to create an environment that is free of acts of violence. Alleged violations of this policy may result in disciplinary action up to and including discharge. Disciplinary action may be initiated in addition to, and separate from, consequences from the legal system against criminal behavior.

It is a violation of this policy for any employee to intentionally make a false accusation of sexual assault. The Research Foundation encourages its employees to report any sexual assaults, or other acts of violence, they observe. Reporting an attempted or perpetrated sexual assault is extremely important for the protection of the victim and the community. Reporting documents the complaint should the victim decide to go forward within the legal process in the future.

## **FIREARMS**

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

## **PERSONAL USE OF COMPANY PROPERTY OR FUNDS**

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

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

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

## **SOLICITATION, DISTRIBUTION AND TRESPASSING**

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

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

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

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

## **SAFETY AND HEALTH**

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

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

The responsibilities of all employees of the Research Foundation in this regard include:

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

## **SMOKING**

In order to ensure a safe and clean environment for our employees, the Research Foundation has prohibited smoking throughout the workplace. Smoking in all University facilities is prohibited. The policy prohibits smoking within 20 feet of the entrance to any University facility.

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

## **CELL PHONE USE/TEXTING WHILE DRIVING**

The Research Foundation prohibits employees from using cellular phones for business reasons while driving or for any reason while driving for work-related purposes, regardless of whether hands-free devices are used. The safety of employees and others while driving is important. Violations to this policy while driving that causes an accident may result in the Research Foundation denying insurance coverage for the employee responsible.

## **DRUG AND ALCOHOL - FREE WORKPLACE**

The Research Foundation shall maintain a drug and alcohol-free workplace in accordance with federal law. The unlawful manufacture, distribution, dispensation, sale, transfer, possession, purchase, or use of controlled substances or alcohol, by any employee during normal business hours, or while on Research

Foundation premises (which specifically includes all locations where work is performed in connection with any Research Foundation program), is prohibited. Employees who violate this policy will be subject to disciplinary action, up to and including termination.

**The Research Foundation recognizes substance abuse as a safety and security issue, and a major health problem. Employees concerned about substance and alcohol abuse are encouraged to use the Employee Assistance Program (EAP). The EAP offers confidential assistance, a referral service, and follow-up counseling to employees and members of their household. Also, see Section 5 – “Employee Assistance Program.”**

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

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

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

**Use of Cannabis** - The federal Drug-Free Schools and Communities Act prohibits the use or possession of cannabis on college campuses that receive federal funding, including the Research Foundation. Federal law prohibits the possession, use or distribution of cannabis on property or as part of sponsored events. Cannabis remains an illegal drug under federal law. The possession or use of cannabis while at work is not permitted.

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

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

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

When an employee has been involved in an accident resulting in property damage or bodily injury, the employee may be referred for a drug and/or alcohol test and/or a fitness for duty evaluation to determine whether the employee is sound, physically and mentally, to perform required duties safely and satisfactorily. Results of medical evaluations and drug and alcohol tests are confidential. Only supervisors with demonstrated need to know will have access to the information. Results will be maintained in a separate file.

### **Definitions**

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

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

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

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

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

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

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

## **USE OF ELECTRONIC COMMUNICATIONS AND SOCIAL MEDIA**

Research Foundation employees may be provided access to both Research Foundation and University internet and electronic communication systems to facilitate the effective and efficient conduct of business. Such employees agree, in addition, to be governed and abide by University and Commonwealth of Virginia policies on the use of the Internet and electronic communications systems. Applicable Commonwealth policies are available at <https://www.dhrm.virginia.gov/hrpolicies>.

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

**Technology Use** – Employee use of Foundation telephones, and other electronic equipment, is for the sole purpose of supporting the business of the Research Foundation. When using Foundation equipment, employees should have no expectation of Privacy. Employees should use passwords that are complex in nature and should not share their own password with other employees. The Foundation's anti-harassment and anti-discrimination policies also apply to employees' use of Foundation telephones, computers, social media, and all other use of electronic devices or means of communication.

Employees' use of cell phones while driving in the course of their employment is in violation of this policy. When absolutely required, the use of hands-free devices, memory, one-button and voice-activated dialing

are recommended when employees make calls while traveling and when they are not moving. Texting while driving is a strict violation of this policy.

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

Users should not expect privacy in any message, file, image, or data created, sent, retrieved, or received by use of the University's or Research Foundation's equipment and/or access. Monitoring may occur at any time, without notice, and without the user's permission.

In general, incidental and occasional personal use of the Research Foundation's or University's internet access or electronic communications systems is permitted; however, personal use is prohibited if it:

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

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

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

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

Employees accessing electronic communication systems encompass all forms of electronic media. Employees or individuals may not represent the Research Foundation or the University and information published on the Internet or Social Media should not violate or infringe upon the rights of others. Employees who wish to express personal opinions over the Internet and/or via social media, or to engage in concerted protected activity under the National Labor Relations Act, are free to do so. Employees simply are required to use their own personal accounts, their own personal equipment, and their non-working time to do so.

No user shall have any expectation of privacy in any message, file, image or data created, sent, retrieved, received, or posted using the Research Foundation's equipment and/or by accessing the Research Foundation's software, operating systems, social media platforms, email accounts, internet portals, or the like. The Research Foundation has a right to monitor any and all aspects of electronic communications and social media usage by its employees. Such monitoring may occur at any time, without notice, and without the user's permission.



## **MONITORING, SEARCH AND INVESTIGATION**

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

## **PERSONAL APPEARANCE AND DEMEANOR**

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

## **HANDLING CONTACTS FROM THE MEDIA**

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

Media contacts that also may involve the University should be referred to ODU Public Affairs & Media Relations to comment on questions the reporter may ask.

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

## **WHISTLEBLOWER POLICY**

A whistleblower as defined by this policy is an employee of the Research Foundation who reports an activity that he/she considers to be illegal or dishonest to one or more of the parties specified in this Policy. Examples of illegal or dishonest activities are violations of federal, state or local laws; billing for services not performed or for goods not delivered; and other fraudulent financial reporting.

If an employee has knowledge of or a concern of illegal or dishonest fraudulent activity, the employee must contact his/her immediate supervisor, the Director of Human Resources, any Research Foundation officers, managers or Trustees. The Research Foundation's Ethics hotline via email is [rfhotline@odu.edu](mailto:rfhotline@odu.edu).

Whistleblower protections are provided in two important areas -- confidentiality and against retaliation. Insofar as possible, the confidentiality of the whistleblower will be maintained. However, identity may have to be disclosed to conduct a thorough investigation, to comply with the law and to provide accused individuals their legal rights of defense. The Research Foundation will not retaliate against a whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, poor work assignments and threats of physical harm. Any whistleblower who believes he/she is being retaliated against must contact the Human Resources Director immediately. The right of a whistleblower to protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

## **STALKING POLICY**

Stalking is defined as repeatedly contacting, following or remaining in the physical presence of another person when the contacting person knows or should know that:

- The contact is unwanted; or
- The contact causes the other person reasonable expectation of imminent physical harm; or
- The contact causes substantial impairment of the other person's ability to perform the activities of daily life and/or the employee's job.

Contacting includes but is not limited to telephoning, transmitting letters or notes, or contacting through the use of electronic media.

An employee who has secured a Protective Order from a court which lists the Research Foundation and University locations as being protected areas, should make his or her supervisor aware of the existence of the order and should file a copy of the order with the Research Foundation's Human Resources Department, and the Old Dominion University Police Department.

Employees charged with a violation of the stalking policy may be disciplined up to and including termination.

## **COMBATING TRAFFICKING POLICY**

Human Trafficking is defined as the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation or the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.

The United States Government has adopted a zero-tolerance policy regarding contractors and contractor employees who engage in or support the trafficking in persons, procurement of commercial sex acts, or use of forced labor. Pursuant to federal law, the Research Foundation has implemented this policy to oppose forced labor, sex trafficking and related activities, which contribute to the phenomenon of trafficking in persons. It is the policy of the Research Foundation and its employees will neither engage in nor support such activities and no funds received from the United States Government, state or local government will be used to support such activities. This policy shall not be construed to prevent medical treatment or the provision of other medical care to any person, or to prohibit those specific activities authorized by rule, regulation, or the terms of any specific grant, award, cooperative agreement or contract. Research Foundation employees who violate this policy will be subject to appropriate action, including, but not limited to, corrective action with discipline up to and including termination.

## **POLITICAL ACTIVITY**

Employees may not campaign for themselves or for anyone else during work hours, nor may they use Research Foundation equipment or resources for political activities. Further, no employee is to be rewarded or discriminated against in any way for participating or not participating in political activities outside of the workday and workplace.

The political activities of employees that are funded in whole or in part by federal loans or grants are subject to the conditions of the Hatch Act, a federal law limiting political activities of government employees.

## **SECTION 4— RESEARCH POLICIES**

### **RESEARCH POLICIES**

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

For additional information see the University website at:

<http://www.odu.edu/ao/facultyhandbook/index.php> and at <http://www.odu.edu/ao/polnproc/>

### **INTELLECTUAL PROPERTY**

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

### **CONFLICT OF INTEREST**

Care must be exercised to avoid any conduct which would give the appearance of granting or receiving unwarranted preferential treatment or consideration to any outside firm or individual. If in the normal course of business an employee finds that he/she would be involved in a situation or circumstances that represent a conflict of interest or potential conflict of interest, either directly or indirectly, the issue must be brought to the attention of the supervisor and the Research Foundation. Questions regarding conflict of interest should be directed to the Research Foundation Human Resources Department. Professional ethical conduct is expected of all employees. Violations of this policy will be subject to disciplinary conduct up to and including termination of employment.

### **DISCLOSURE OF INTERESTS IN ANY TRANSACTIONS**

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

### **CONFIDENTIALITY**

Employees are responsible for maintaining the security and confidentiality of all the Research Foundation materials, including, but not limited to, all books, computers, software, data, files, or written information issued to them, developed or prepared by them, or in their possession or control (“company property”).

All such company property must be returned by employees to their supervisor or the Research Foundation Human Resources Department on or before their last day of work, or at any other time as requested by the Research Foundation.

The confidentiality and security of information entrusted to Research Foundation employees by the University, customers, or sponsors must be maintained, except when the disclosure is authorized or legally mandated. The confidentiality practice is not intended to interfere with protected activity or infringe upon employees' rights under the National Labor Relations Act.

## **PROPRIETARY INFORMATION**

Employees may develop, or have access to, proprietary information during the course of their employment. Proprietary information includes, but is not limited to, such items as ideas, plans, procedures, research, software, computer programs, formulas, patterns, methods, models, techniques, processes, specifications, strategies, bids or proposals, financial information, lists of customers, inventions or discoveries, projects, and drawings. All proprietary information, including that developed by an employee during the course of employment, is the sole property of the Research Foundation. Neither employees, nor former employees shall remove or destroy any proprietary information without the prior written consent of the Research Foundation Executive Director or designee. In consideration of employment with the Research Foundation, employees and former employees shall not use proprietary information of the Research Foundation to the employee's own advantage, or disclose such proprietary information to any person, unless such disclosure is necessary for the performance of the employee's duties while employed by the Research Foundation.

## **EXPORT CONTROLS AND COMPLIANCE**

### **Policy Statement**

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

### **Background**

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

### **Definitions**

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

A "Foreign National" is a natural person (or a corporation or other entity) that is neither a US Citizen nor lawful permanent resident of the United States -that is, someone who has not been issued a "green card."

"Controlled Items" means defense articles and services covered by the ITAR's U.S. Munitions List and dual use (i.e., civilian and military) goods, technology, and software, listed on the EAR's Commerce Control List.

"Controlled Information" is information about export-controlled items including that required for the design, development, production, manufacture, assembly, operation, repair, testing, maintenance or modification of controlled items and may be released through visual inspection, oral exchanges, or the application of personal knowledge or technical experience with controlled items. Controlled Information may be in the

form of blueprints, drawings, photographs, plans, instructions and documentation. Also included in this definition are intangible items such as software and algorithms listed under EAR or ITAR.

For additional info refer to: <http://www.researchfoundation.odu.edu/doc/exportcontrolchecklist.doc>.

## **PROCEDURES**

Any Research Foundation employee or member of the University community must consider whether export controls or limitations are applicable before undertaking certain activities. Amongst those activities are initiating a new funded or unfunded research effort, allowing access to current research, allowing Foreign Nationals to participate in a research activity, or receiving controlled materials from a third party. Primary responsibility for compliance with export control regulations rests with the Principal Investigator (PI), as he or she has the best understanding of technology and tools involved. When submitting a proposal for funding, the PI will indicate any export control considerations in the responses to questions on the Proposal Transmittal Form. If the response to any of the screening on the Proposal Transmittal form is "Yes" then the Principal Investigator (PI) is to complete the Export Control Checklist form. The additional information provided on the Export Control Checklist form will aid in assessing whether government approval for use of the Controlled Items or Controlled Information is required. The Executive Director and University's Assistant Vice President for Research Compliance are available to assist faculty, staff, and students in assessing activities under these regulations. After work on the project has begun, the PI should notify the Sponsored Programs Grant Administrator/Post-Award (GCA) prior to implementing any changes that may give rise to the application of export controls, such as a change in the scope of work or the addition of new staff or students to the project. If it is determined that export controls apply to the project, the PI must adhere strictly to any applicable restrictions and cooperate fully with efforts to monitor compliance. The PI and project staff, including GRAs, will be asked to sign the Technology Control Plan (TCP) and Certification Form attesting that she or he has knowledge of export control regulations and of the penalties associated with noncompliance. Research Foundation Post-Award Administrators will review research agreements for export control language and for terms or provisions that restrict access to or prohibit publication of research results, limit the participation of Foreign Nationals in the research, or otherwise render the fundamental research exclusion inapplicable. If such provisions cannot be eliminated through negotiation, and if it appears no exclusions or exemptions from the export control regulations are applicable, the Sponsored Programs Grant Administrator/Post-Award will consult with the PI to determine whether the technology or other material to be used in the research is included on the Commerce Control List or the US Munitions List. In consultation with the Assistant Vice President for Research Compliance, the Executive Director will make a final determination as to whether export control regulations apply to the project and will provide written notice of that determination to the PI, the Department Chair, the Dean, and the Vice President for Research. This notice will also outline any recommendations for compliance measures to be implemented in the research.

It is the responsibility of the PI to gain the approval of the appropriate review board(s) prior to engaging in the research activity. The Vice President for Research is authorized to issue procedures in order to assure that these research policies are implemented in compliance with applicable regulations. Information on the review board policies is available from the Office of Research.

## **RESEARCH REVIEW BOARDS**

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

Institutional Review Board - It is University policy that all projects involving risk to human subjects must be approved by the Institutional Review Board. Approval is based on established University, state and sponsoring agency guidelines for the protection of the rights and welfare of subjects at risk.

Institutional Biosafety Committee - It is University policy that all research projects involving recombinant DNA and that are considered non-exempt under the NIH "Guidelines for Research Involving Recombinant DNA Molecules" must be approved by the Institutional Biosafety Committee.

Radiation Safety Committee - It is University policy that all projects involving radioactive materials must be approved for usage and safety procedure by the Radiation Safety Committee.

Institutional Animal Care and Use Committee - It is University policy that all projects involving animals must be approved, in accordance with established University and sponsoring agency regulations, by the Institutional Animal Care and Use Committee.

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

## **RESEARCH VOLUNTEERS**

The Research Foundation does not encourage or allow uncompensated individuals to perform services directly related to the business of the Research Foundation or to support a grant or contract administered by the Research Foundation.

## SECTION 5—COMPENSATION

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

### **PAY ADMINISTRATION**

#### **JOB ORGANIZATION AND SALARY STRUCTURE**

The Research Foundation has defined job organization structure and a banded salary structure. The job organization and pay band salary structures incorporate the wide variety of work performed by employees. A market-pricing approach using salary survey data is utilized by the Foundation. Salary range structures are to be reviewed regularly to maintain a competitive environment. Employees are welcome to request a salary review and evaluation if they have questions or issues associated with their own salaries.

#### **PAY PRACTICES**

An individual's pay is influenced by factors such as external labor markets, internal equity, sustained employee performance, importance of the position to the department, and availability of financial resources.

In determining salaries, management must take the following pay determination factors into consideration:

• Best Interest of the Foundation	• Knowledge, Skills, Abilities, Competencies
• Duties and Responsibilities	• Work Experience and Education
• Work Performance	• Market Data
• Market Availability	• Budget/Funding Implications

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

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

Pay levels and ranges for faculty, SSRPs, and postdoctoral associates are established by the University based upon pay levels for the respective University department rank and discipline. Pay levels and ranges for Graduate Research Associates (GRAs) and casual student employees are based on ranges established by the University for similarly classified student employees. Pay levels for part time and temporary employees are established by the hiring unit in cooperation with the Research Foundation Human Resources Department.

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

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

## **CONFIDENTIALITY PROTECTION**

Employees have a right to discuss collectively wages, hours, and other terms and conditions of employment with fellow employees, for their mutual benefit and protection.

The Foundation will not discharge or otherwise discriminate against any applicants or employees who inquire about, discuss, or disclose their own compensation or the compensation of other applicants or employees.

## **CHILD SUPPORT WITHOLDING**

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

## **LIENS AND GARNISHMENTS**

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

## **WORK SCHEDULE AND HOURS**

All employees are expected to work their scheduled hours. Employees establish their scheduled work hours with their supervisor. The standard workweek is from Sunday 12:00 a.m. until Saturday 11:59 p.m. and generally consists of 40 work hours. Office hours are typically 8:00 a.m. to 5:00 p.m., with a 60-minute lunch break. Individual work schedules may vary depending on the needs of each department.

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

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



## **DEDUCTIONS FROM PAY/REGULAR EMPLOYEES**

The Research Foundation administers proper deductions from the salaries of employees and complies with the salary basis requirements of the Fair Labor Standards Act (FLSA). Employees classified as exempt from the overtime pay requirements of the FLSA will be notified of this classification at the time of hire or change in position.

Applicable laws govern the types of deductions that may be made from the pay of an employee. Deductions that are permitted include:

- Deductions that are required by law, e.g., income taxes/payroll taxes;
- Deductions for employee benefits when authorized by the employee;
- Offsets for amounts received as witness or jury fees, or for military pay;

Exempt employees are paid on a salary basis. The Research Foundation will pay exempt employees their full weekly salary for each workweek in which any work is performed. Where allowed by law, the Research Foundation will make deductions for full day absences for personal reasons; full day absences for illness; full day suspensions for infractions of conduct or safety rules; unworked days during the first or last week of employment; and to offset amounts the employee receives for service as a juror, witness, or in the military. In addition, the Research Foundation will deduct all taxes and other withholdings required by law and any deductions that the employee authorizes, such as premiums for benefit plans. In a week in which an exempt employee performs any work, the Research Foundation will not make deductions from an his or her salary for partial day absences (except where allowed by FMLA); absences caused by the Research Foundation's closure (e.g., for inclement weather) on the employee's scheduled work day; absences for jury duty, attendance as a witness, or military leave; or any other deductions prohibited by applicable law. Employees are required to use accrued annual leave or sick leave, as appropriate, for any absences for personal reasons or illness.

**Improper deductions.** If an employee classified as exempt believes that an improper deduction has been taken from the employee's pay, the employee should immediately report the deduction to the Payroll or HR department. The report will be promptly investigated, and if it is found that an improper deduction has been made, the Research Foundation will reimburse the employee for the improper deduction.

The Research Foundation is committed to paying wages to all employees in accordance with the law and will investigate and take prompt action on all complaints of failure to pay wages due.

## **DEBTS**

Employees are required to pay any debts owed to the Research Foundation in a timely manner. Employees are required to sign a statement authorizing the deduction from their paychecks to repay any debts to the Research Foundation. Employees who resign with unpaid debts (advances, deficits, etc.) may also have their leave payouts reduced to cover the debts. The Payroll department will notify employees if these actions are taken.

## **ALTERNATE WORK SCHEDULES**

Alternate work hours may be necessary in some instances to provide effective services to the university research community. As far as practicable, the Research Foundation also tries to provide employees with a work schedule that is flexible enough to allow an opportunity to balance work and family or personal responsibilities. Managers have the authority to approve alternate work schedules and must submit the alternative work schedule form to Human Resources for final review and approval. Once the work schedule has been approved, the employee must follow that schedule unless the supervisor approves a change.

- **Flextime:** Flextime is a range of flexible work schedules that permit employees, with advance approval from the supervisor, to choose the time they will start and stop work.
- **Compressed work weeks:** A compressed work week is a work schedule that permits a full-time employee to work the equivalent of a full pay period in fewer than ten days.

## TELEWORK-TELECOMMUTING

The Research Foundation promotes telework to achieve administrative efficiencies, maintain competitiveness for attracting talent, reduce environmental impacts associated with commuting, support continuity of operations planning, and enhance work-life balance for their employees. Daily performance measures must be initiated and communicated to telework employees and monitored by the direct supervisor on an on-going basis.

This policy permits management to designate employees to work at alternate work locations for all or part of their workweek to promote general work efficiencies.

### Definitions

**Telework** – A work arrangement in which management directs or permits employees to intermittently or consistently perform their usual job duties away from their central workplace.

**Full-Time Teleworker** – An employee who, pursuant to their supervisor's prior, written approval, teleworks his/her entire work schedule from the alternate work location(s) as documented by the supervisor.

**Hybrid Teleworker** – An employee who, pursuant to their supervisor's prior, written approval, consistently teleworks 32 hours or more per month, typically one or two days a week, from the alternate work location(s), as documented by the supervisor.

**Limited Teleworker** – An employee who, pursuant to their supervisor's prior, written approval, consistently teleworks less than 32 hours per month on a sporadic or task-driven basis in response to a specific business need.

The Foundation supervisors in conjunction with Human Resources, has the discretion to designate positions for full-time, hybrid or limited telework; designate and approve employees for telework; and deny approval for telework for field positions. Formal telework arrangements must be approved by an employee's supervisor, and approved by Human Resources, before routine implementation of telework. The supervisor has the discretion to approve, disapprove or rescind telework for any employee regardless of position eligibility.

Supervisors have the discretion to implement occasional telework for reasons such as inclement weather, major traffic congestion, or other conditions that prohibit employees from coming to work or being productive at work. Temporary telework may be implemented by supervisors, with the approval of the Director of Human Resources. Approval of employee teleworking is at the sole discretion of the Foundation.

Human Resources, in consultation with Foundation supervisors will determine which positions are eligible or ineligible for telework based on position duties and the Foundation's business needs. The department of Human Resources will maintain a list of Foundation positions along with the appropriate justification as to why the positions are either eligible or ineligible for telework. It is permissible to have two nearly identical positions have different telework eligibility based on business needs.

Employees who are permitted to telework may still be required, as requested by their supervisors, to report to the work location as needed for work-related meetings or other events. To the extent possible, supervisors will provide 24 hours or more notice when requiring an employee to report to the work location on a day ordinarily scheduled as telework.

Telework may be rescinded or modified based on Foundation business needs or employee work performance while teleworking.

## ELECTRONIC TIMESHEET

All nonexempt employees are required to complete accurate, electronic weekly time reports showing all time actually worked and sick/annual leave hours. The link to the electronic timesheet is:

<https://hera.odurf.edu.edu/TimeSheet/> or [ODU Research Foundation Portal - Home - ODU Research Foundation Portal](#). These records are required by the Research Foundation to calculate regular, and overtime pay. At the end of each biweekly pay period, non-exempt employees must complete the electronic timesheet and the supervisor must electronically approve the time sheet attesting to its

correctness before submitting it to the Payroll department. Any mistake in the time sheet may be corrected by submitting a timesheet addendum.

If the employee is scheduled to be off work when the time sheet or record is to be submitted, the employee must complete the time sheet before leaving. A supervisor's electronic approval is required prior to submitting the time sheet or record for payment. The supervisor submission acknowledges accurate record of hours worked and approval for hours to be paid.

Falsifying the employee's or another's time sheet, time record or effort reports in any way is a serious offense and may be grounds for termination.

## **MEAL PERIODS**

For full-time employees, one (1) hour is normally permitted for a meal break and is typically scheduled between 11:30 a.m. and 2:00 p.m. Individual meal period schedules are established by the employee and his/her supervisor. Full-time, non-exempt employees are expected to take a minimum 30-minute meal break each day. Meal breaks in excess of one (1) hour must be approved in advance by the employee's supervisor. Meal breaks may be spent on or off the work site and are not considered paid work time for non-exempt employees. Your meal period is your time to relax and enjoy your meal. Nonexempt employees are prohibited from performing any work on their meal break. If a nonexempt employee does perform work during his or her meal break, the employee should let his or her supervisor know immediately so that the employee's timesheet may be corrected.

## **OVERTIME**

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

Overtime work must be approved in advance by the supervisor. The organization reserves the right to require any employee to work overtime.

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

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

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

## **INCLEMENT WEATHER / EMERGENCY CLOSINGS**

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

Research Foundation campus and local area worksites will be closed when the University announces it will be closed. Absences will be authorized for all Research Foundation personnel. In the event the University announces late arrival for faculty and staff, Research Foundation personnel will be authorized to report to

work at the time established by the University. The Executive Director may authorize early departure if emergency conditions occur during the workday. On-duty staff will be notified by their supervisors.

The Old Dominion University's Web page and telephone information line provide the most up-to-date information about closings and delays, in addition to the information that is broadcast by local radio and television stations. Information on closing or delay is posted on the University's home page at <https://www.odu.edu> and is available by phone at 757-683-3000. In addition, ODU Alerts provides messages regarding campus emergencies as well as inclement weather and closures as they pertain to the entire campus community. The Research Foundation adheres to the ODU inclement weather and closures schedule.

### **Compensation during designated closings**

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

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

### **Late Arrivals**

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

### **HOLIDAY PAY**

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

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

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

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

### **TIME / LEAVE REPORTING**

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

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

After obtaining supervisor's approval, time sheets and leave request forms for both hourly and salaried employees must be submitted electronically or forwarded through email Research Foundation Timesheets [RFTimeSheets@odu.edu](mailto:RFTimeSheets@odu.edu) to the Payroll Department for processing. Pay periods, time reporting due dates, and pay dates are published annually. The payroll schedule is published on the Research Foundation website [Payroll - Research Foundation \(odu.edu\)](http://Payroll - Research Foundation (odu.edu)) or <https://researchfoundation.odu.edu/payroll/>. Falsifying a time or leave record is a breach of Research Foundation policy and is grounds for disciplinary action up to and including termination.

## **PAY DAYS**

Employees are paid biweekly, according to the posted payroll schedule. It is each employee's responsibility to ensure that hourly time sheets and leave request forms are received in accordance with the Research Foundation's payroll schedule. When an employee leaves employment at the Research Foundation, the final paycheck will be issued on the succeeding normal payday.

## **DIRECT DEPOSIT**

Employees are required to be paid by direct deposit rather than receive a paycheck by mail. By electing direct deposit employees are assured of getting their pay during periods when the Research Foundation and the University offices are closed. Direct Deposit authorization forms are available on the Research Foundation website or by contacting the Research Foundation Payroll Department. The first payroll check issued will not be direct deposit, unless utilizing Bank of America. This provides an opportunity verify the account number and for the employee to review payroll deductions.

## **JOB DESCRIPTIONS AND SALARY STRUCTURE**

Job descriptions are updated on an on-going basis. Supervisors are encouraged to review position descriptions on an annual basis, at a minimum, and when vacancies occur. If the job description is substantially different from the work being performed, employees are encouraged to contact Human Resources for a position review and evaluation. Salary bands are established to promote internal and external equity. Contact the Human Resources department if you have concerns regarding job organization or salary equity.

## **PERFORMANCE FEEDBACK**

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

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

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

Performance reviews are expected to provide an accurate assessment of work, and to encourage employee acknowledgement by signature and comments. If the evaluator's assessment differs from the employee's assessment, the employee is highly encouraged to make notes of the differences, attach the notes to the review and forward to Human Resources for evaluation and insertion to the employee's personnel file.

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

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

## **PAY INCREASES**

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

## **PAYROLL ERRORS AND OMISSIONS**

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

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

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

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

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

## SECTION 6—BENEFITS

### EMPLOYEE BENEFITS PROGRAMS

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

Please remember that Research Foundation benefits may change at any time, with or without notice, at the Research Foundation's sole discretion.

For more complete information regarding any of our benefits programs, please contact the Research Foundation Human Resources Department. Benefit plan descriptions are also published on the Research Foundation website at <https://researchfoundation.odu.edu/benefits-landing-page/> or [Benefits - Research Foundation \(odu.edu\)](#)

### ELIGIBILITY TO PARTICIPATE IN BENEFITS PROGRAMS

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

### ALL EMPLOYEE PROGRAMS AND BENEFITS

All employees are eligible for the following benefits and programs:

- **Workers' Compensation Insurance**
- **Return to Work Program**
- **Unemployment Compensation (Excludes GRA's)**
- **FICA /Social Security**
- **Tax-Sheltered Retirement Plan**
- **Credit Union**
- **Fundraising Campaigns**

### WORKERS' COMPENSATION INSURANCE, REPORTING & MEDICAL TREATMENT

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

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



### **Accident Reporting**

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

### **Emergency Medical Treatment**

An employee who is injured or becomes ill in a manner requiring emergency treatment ***should obtain immediate medical treatment from the nearest treatment facility or emergency room.*** The supervisor and the Research Foundation Human Resources Department should be notified as soon as possible the employee has been transported for medical treatment. A listing of local area treatment facilities is published under "Human Resources" on the Research Foundation website: [Accident Reporting and Treatment - Research Foundation \(odu.edu\)](#).

### **Non-emergency Medical Treatment**

An employee should report a non-emergency injury or illness to his/her supervisor and the Research Foundation Human Resources Department before being referred for medical treatment. A listing of local area treatment facilities is published under Human Resources on the Research Foundation website [Workers Compensation - Research Foundation \(odu.edu\)](#)

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

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

### **Use of Accrued Leave By Regular Status Employees and Postdoctoral Associates**

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

## **RETURN TO WORK FROM ACCIDENT OR ILLNESS**

It is the policy of the Research Foundation to offer return-to-work in a restricted, light, or modified duty capacity to employees who are not able to perform the full duties of their position, as a reasonable accommodation, unless it is an undue burden on the Research Foundation or creates a direct threat to the health and safety of the employee or others. This policy applies to both work related and not work related injuries or illnesses.

Employees who have been released by their treating health care provider to return to work after an accident or illness should contact their supervisor and provide to the Human Resources Department written



documentation from their health care provider of the release to return to work and any restrictions imposed by their treating provider(s). The Human Resources Department in conjunction with the supervisor will make a determination on the availability of restricted, light, or modified duty for the employee, in accordance with applicable law.

## **UNEMPLOYMENT COMPENSATION**

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

## **FICA / SOCIAL SECURITY**

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

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

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

## **CREDIT UNION**

Research Foundation employees are eligible to participate in the Langley Federal Credit Union which is located at 2701 Hampton Blvd., Norfolk, VA. The Credit Union offers direct deposit and employees can pay loans or deposit savings by payroll deduction. For additional information contact the Credit Union at 757-827-5328.

## **FUNDRAISING CAMPAIGN**

Employees are encouraged to participate in the Combined Charitable Campaign. An employee may voluntarily contribute by payroll deduction or directly to the campaign.

## **ADDITIONAL BENEFIT PROGRAMS FOR ELIGIBLE EMPLOYEES**

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

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

## **QUALIFIED NONELECTIVE RETIREMENT CONTRIBUTION**

Regular status employees and eligible temporary status employees hired beginning 2009 who meet eligibility criteria specified by the OLD DOMINION UNIVERSITY RESEARCH FOUNDATION TAX SHELTERED RETIREMENT PLAN (the plan) receive an 11% Qualified Nonelective Deferral Contribution. This contribution is calculated on base pay only exclusive of overtime, supplemental compensation, or other additions to base pay. This contribution is made each payroll period directly into the retirement plan. Participants may elect to make additional elective deferral contributions to the retirement plan. All funds are 100% vested. Participants may choose to put funds into a wide variety of investment options offered through the Principal Financial Group.

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

## **CONTRIBUTION IN LIEU OF RETIREMENT**

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

## **HEALTH, VISION, AND DENTAL INSURANCE**

The Research Foundation offers health, vision, and dental insurance options to all regular status employees, postdoctoral associates, and eligible dependents. Cost varies by plan and level of dependent coverage selected. Dental and vision insurance may be elected independent of participation in the health plan. Contact the Research Foundation Human Resources Department for information on rate structures and options or visit the website at <https://researchfoundation.odu.edu/benefits-landing-page/>

Coverage begins on the date of hire if hired between the first (1<sup>st</sup>) and tenth (10<sup>th</sup>) of the month. If hired after the tenth (10<sup>th</sup>) of the month, coverage becomes effective the first (1<sup>st</sup>) of the following month. Coverage under these plans normally terminates at the end of the month in which your employment with the Research Foundation terminates (see COBRA for additional information on extension of coverage options). For further details regarding health and dental coverage, consult the summary plan description Summary of Benefits and Coverage (SBC) on the website or contact the Research Foundation Human Resources Department.

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

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

## **CONTINUING HEALTH, VISION, AND DENTAL COVERAGE (COBRA)**

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

termination or reduction in hours occurs or within 60 days of these events, the employee may be entitled to continuation coverage for up to 29 months.

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

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

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

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

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

The Research Foundation Human Resources Department will contact the employee concerning these options at the time termination occurs or work hours are reduced. The Research Foundation Human Resources Department will contact the qualified beneficiaries in the event of death or enrollment for Medicare benefits. However, in the event that the employee becomes divorced or legally separated, or one of the dependents ceases to be eligible for coverage under our group health insurance plans, the employee and/or dependent is responsible for contacting the Research Foundation Human Resources Department to discuss continuation/conversion rights. The employee and qualified beneficiaries are also responsible for notifying the Research Foundation Human Resources Department within 60 days of qualifying for Social Security disability benefits.

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

## **LEGAL RESOURCES**

The legal plan protects the employee and your family from the high cost of legal fees. Whether your legal matter is for an everyday legal need or a result of an unexpected life event, employees, dependents living in the home and parents of the employee have immediate and ongoing access to a network of top-rated law firms in our area.

Coverage begins on the date of hire if hired between the first (1<sup>st</sup>) and tenth (10<sup>th</sup>) of the month. If hired after the tenth (10<sup>th</sup>) of the month, coverage becomes effective the first (1<sup>st</sup>) of the following month.

Coverage under this plan normally terminates at the end of the month in which your employment with the Research Foundation terminates or may be converted to an individual plan by contacting Legal Resources. For further details regarding legal coverage, consult the Summary of Benefits and Coverage (SBC) on the website or contact the Research Foundation Human Resources Department.

## **EMPLOYEE ASSISTANCE PROGRAM**

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

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

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

## **LIFE INSURANCE**

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

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

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

## **OPTIONAL LIFE AND AD&D INSURANCE**

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

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

## **LONG-TERM DISABILITY INSURANCE**

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

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

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

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

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

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

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

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

## **SECTION 125 CAFETERIA PLAN OPTIONS**

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

**Insured Benefits** – Participants in the plan reduce their taxable gross income by the amount of health and dental insurance premiums they contribute through payroll deduction.

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

New employees are eligible to enroll during the initial employment benefits sign-up period. Current employees may make changes during the annual open enrollment period, typically held in June of each year. Once the plan year begins, elections under the cafeteria plan cannot be changed until the next annual enrollment period or unless you have a qualifying event as specified below:

### **Changes In Status**

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

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

### **Changes Relating to HIPAA/COBRA:**

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

- A Change in Status occurs that results in entitlement to COBRA continuation coverage by employee, spouse or dependent; the Flex Plan election may be increased to pay for the COBRA coverage on a pre-tax basis
- Employee, spouse or dependent becomes entitled to Medicare or Medicaid (other than for pediatric vaccines;) an election to cancel coverage for the employee, spouse or dependent may be made
- This Plan extends benefits to a Participant's non-custodial child, as required by any qualified medical child support order (QMCSO), as defined in ERISA § 609(a). The Plan has detailed procedures for determining whether an order qualifies as a QMCSO. Participants and beneficiaries can obtain, without charge, a copy of such procedures from the Administrator.

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

### **SCHOOL ASSISTANCE AND VOLUNTEER SERVICE LEAVE**

Full-time regular employees are eligible to use up to 8 hours of paid community and school volunteer service leave per annual leave year. Approval in advance is required through submission of a leave request.

### **TUITION ASSISTANCE PROGRAM**

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

Educational assistance is provided for courses offered by approved institutions of learning, such as accredited colleges, universities, trade schools, and vocational schools. Courses must be part of a degree program, or lead to certification, or directly related to the enhancement of knowledge and skills associated with a position of the Research Foundation or for career development. Educational assistance is not

applicable to instruction of less than three (3) work days or to in-service training. Assistance is provided for one (1) course per semester up to a maximum of four (4) credit hours, following Old Dominion University's three (3) semesters in a year (fall, spring and summer) and not to exceed Old Dominion University's in-state tuition rate. Employees seeking doctoral assistance, who have successfully advanced to candidacy and only need to complete the dissertation, may be eligible for **one** hour of graduate credit every semester with passing status, until graduation, unless they are receiving full tuition exemption from the University. Institutional, lab equipment and fees are covered by the program. An employee's participation is contingent upon the employee being actively employed at the completion of the course and meeting the grade requirement. Tuition assistance shall not be provided for courses taken more than once. Cost of books, lab equipment and fees are not covered by the program. Employees who are eligible for or who are already receiving funding from other sources will not receive educational assistance from the Research Foundation. Assistance is based on the availability of funds. Courses are to be taken on the employee's own time and outside of working hours, unless alternate arrangements are approved by the appropriate supervisor or if the course is required as a condition of employment.

Employees may request reimbursement upon successful completion of the course or advanced payment may be requested. To receive an advance, an employee must complete and forward to his/her supervisor a *tuition assistance form and a tuition assistance agreement form* before the start date of the course. If approved, the employee will receive an advanced payment loan for the course. Payment of the course becomes the responsibility of the employee if the employee terminates employment during the semester, before the completion of the course and grade submission or if not successful in the class. In the event an employee must repay the education assistance advance, repayment may be obtained by personal check or through payroll deduction in no more than two deductions of equal amounts from the employee's pay or if terminating employment through annual leave pay out. If actively employed at the time of completion, the employee must submit an official grade report/transcript within 30 days of the end of the course. A grade of "C-" or better for undergraduate work and "B-" or better for graduate work is required to qualify for assistance. If the course is not completed or minimum grade requirements are not met, the employee must reimburse the Research Foundation for the full advance amount as noted above. For active employees who request reimbursement under this plan, the Research Foundation must pre-approve the course as eligible for reimbursement. The report/transcript must be received by the Human Resources department no later than 30 days after course end date.

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

## **EDUCATIONAL RELEASE TIME**

Educational release time provides for up to three hours per week for college courses for participants in the Research Foundation Tuition Assistance Program and provided when other course options are unavailable. This time is generally unpaid or may be paid when annual leave is taken.

Educational release time is at the supervisor's discretion based on business need. For more information, contact Human Resources.

## **VOLUNTARY –CRITICAL ILLNESS AND WELLNESS**

Employees eligible for health benefits have the option to buy group critical illness coverage should a covered illness be diagnosed. Employees pay 100% of the cost of any additional insurance elected through payroll deduction on a post-tax basis. Employees may also purchase critical illness insurance to cover their spouse, child or family.

Employees may elect coverage at time of hire and during open enrollment periods. For details and enrollment information contact the Research Foundation Human Resources Department or visit the website at [Voluntary Benefits - Research Foundation \(odu.edu\)](http://Voluntary Benefits - Research Foundation (odu.edu)) or <https://researchfoundation.odu.edu/voluntary-insurance/> .

**UNIVERSITY ID CARDS**

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

**UNIVERSITY RECREATION FACILITY USE**

Employees may be eligible to obtain a recreation facility membership. Faculty and staff costs apply. Recreation and Wellness strives to offer programs, facilities, and services designed to promote healthy and active lifestyles for all.



## SECTION 7—LEAVE

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

### LEAVE POLICY

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

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

### HOLIDAY LEAVE

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

The Research Foundation follows the holiday schedule approved by the University. The holiday schedule is also posted on the Research Foundation website: [Forms - Research Foundation \(odu.edu\)](https://researchfoundation.odu.edu/forms/#HR) or <https://researchfoundation.odu.edu/forms/#HR> in the FMLA & Leave section.

### PERSONAL LEAVE

In exceptional situations, a full-time employee may request unpaid personal leave when annual leave has been exhausted. The unit manager/supervisor and Human Resources will review requests for determination.

### RELIGIOUS HOLIDAYS

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

### EMPLOYMENT DATE FOR BENEFITS AND LEAVE ACCRUAL

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

## ANNUAL LEAVE

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

MONTHS OF LEAVE ELIGIBLE SERVICE	MAXIMUM HOURS EARNED PER PAY PERIOD	MAXIMUM HOURS EARNED PER YEAR	MAXIMUM CARRY-OVER IN HOURS
1 – 48 months	4.62	120	192
49 – 108 months	5.54	144	240
109 – 240 months	6.46	168	288
241 + months	7.38	192	336

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

All leave is only approved as business circumstances permit. The Research Foundation will attempt to grant all eligible employees annual leave at the time they desire to take it; however, the Research Foundation must always maintain adequate staffing of all departments. Where conflicts develop, they will be resolved as fairly as possible. Approval by the supervisor on a *leave request form* is required before taking annual leave. All leave used must be recorded on a *leave request form* and indicated on the employee's electronic time sheet, if required. Supervisors need to forward properly completed *leave request forms* by the due date published for the payroll period in which it occurred using the following link Research Foundation Timesheets [RFTimeSheets@odu.edu](mailto:RFTimeSheets@odu.edu). Leave use is recorded in hourly increments rounded to the nearest quarter hour. The minimum use is one (1) hour.

When unusual circumstances make it necessary for an employee to request annual leave time without advance notice, the employee should contact their supervisor for permission within 30 minutes of the beginning of the scheduled workday. Employees who become sick while on approved annual leave may elect to convert all or any part of their annual leave to sick leave by submitting a doctor's medical statement which substantiates the time period of the illness. Normal sick leave provisions apply. Annual leave may also be used while on an approved FMLA qualified leave as described in the FMLA policy.

Employees who change from a leave eligible type of employment (Regular and postdoctoral associate) to a non-eligible type of employment (temporary and casual) will no longer be eligible for leave accrual. Existing annual leave balances shall be cashed out or retained for use until exhausted.

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

## SICK LEAVE

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

**Sick leave may not be taken and is not available until posted each payday.** Approval by the supervisor on a *leave request form* is required. All leave used must be recorded on a *leave request form* and indicated

on the employee's time sheet, if required. Supervisors forward to the Payroll Coordinator properly completed *leave request forms* by the due date published for the payroll period in which it occurred. Leave use is recorded in hourly increments rounded to the nearest quarter hour. The minimum use is one (1) hour.

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

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

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

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

**Employees who are absent for more than three (3) consecutive work days for personal medical reasons must submit a doctor's medical release which states that they are able to return to work and specifies any medical restrictions and limitations.** A supervisor may not allow the employee's return to work without this release. It is the employee's responsibility to obtain and provide specific information from their doctor regarding any restrictions and limitations on work to be performed. Employees with medical restrictions will not be permitted to return to work until it can be determined that suitable work is available within their medical restrictions.

Employees may elect to use accrued sick leave to supplement workers' compensation (see Section 5 – "Workers' Compensation/Accident Reporting").

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

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

## **OPTIONS FOR PREGNANCY LEAVE**

For employees expecting a baby there may be paid leave options available for pregnancy leave. A combination of accrued sick leave, annual leave, benefits under the salary continuation (STD) program, or Leave Share Program may be utilized as appropriate, prior to entering a leave without pay status. Six weeks of recovery time following birth is the guideline the Research Foundation will apply to the use of paid sick leave, salary continuation, or leave share program for paid time off for pregnancy leave situations.

Each employee's situation is reviewed based on the individual's own medical condition. Some individuals can work up to time of delivery; others require medical leave prior to the delivery date. Some individuals may not be released at six weeks following birth by their treating physician and will be eligible for an extension in circumstances with extenuating and on-going medical condition persists and is documented by a doctor's re-certification of health. Please contact the Research Foundation Human Resources Department prior to your anticipated delivery date to discuss your paid time off and Family and Medical Leave Act options.

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

## **EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT**

### **Basic Leave Entitlement**

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition;
- or
- For a serious health condition that makes the employee unable to perform the employee's job.

The Research Foundation uses the rolling back method for determining leave eligibility.

### **Military Family Leave Entitlements**

*Qualifying Exigency Leave* - Eligible employees with a spouse, son, daughter, or parent who are current members of the armed forces or who are members of the Reserves, who are called to active duty in a foreign country. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

*Military Caregiver Leave* - FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a spouse, child, parent, or next of kin, who is a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list. Veterans undergoing treatment, therapy, etc. for a serious injury/illness, which was incurred or aggravated during active duty, who were discharged other than dishonorably within the five years prior to the need for the employee's care, also meet the definition of a covered service member.

This type of FMLA leave, to take care of certain family members who were injured on active duty in the military, also applies for up to 5 years after their separation from the military service and includes pre-existing serious injury or illness that was aggravated by their active-duty service in the military.

### **Benefits and Protections**

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

### **Eligibility Requirements**

Employees are eligible if they have worked for the Research Foundation for at least one year, and have actually worked at least 1,250 hours over the previous 12 months, and if at least 50 employees are employed within 75 miles of the employee's work site.

Any eligible employee who is within the Research Foundation's highest paid ten percent of employees may be designated as a "Key Employee" when they take FMLA leave. Such key Employees may not be restored to their same or an equivalent position after the conclusion of their FMLA leave, in accordance with applicable law.

### **Definition of Serious Health Condition**

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

### **Use of Leave**

Depending on the reason for the FMLA leave, an employee does not need to use FMLA leave in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary due to the serious health condition of the employee, covered family member, or covered service member (Military Caregiver Leave). Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the Research Foundation's employer's operations. Qualifying Exigency Leave may be taken on an intermittent basis, regardless of medical necessity.

### **Substitution of Paid Leave for Unpaid Leave**

Employees are required to use any available accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

### **Employee Responsibilities**

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for either type of medical military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees are required to provide a medical certification and periodic recertification supporting the need for any type of FMLA leave, and are required to provide a "fit for duty" certification upon return to work if the FMLA leave was for the employee's own serious medical condition.

### **Employer Responsibilities**

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

## **FAMILY AND MEDICAL LEAVE ACT PROCEDURES**

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

### **Additional Definitions**

**12-Month Period** - is calculated starting from the date the employee begins a FMLA-approved leave. Leave to provide care for the birth, adoption, or foster care of a child must be completed within one (1) year of the birth or placement of the child. The Research Foundation uses the rolling back method to determine eligibility.

**Eligible Employee** – see Eligibility Requirements above.

**“Covered” or “Immediate” Family Member** - the employee's child, spouse, or parent.

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

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

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

**Spouse** - the employee's husband or wife.

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

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

### **Use Of Paid Leave**

Under an approved FMLA leave, employees are required to use any available, accrued sick leave, then use any annual available, accrued annual leave before converting to leave without pay for the remainder of the 12 week period, in accordance with the Research Foundation's policies on sick and annual leave.

### **Spouses Employed By the Research Foundation**

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

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

### **Medical Certification**

The Research Foundation requires a request for leave due to a serious health condition be supported by a certification from the health care provider. This includes the employee's, family member's, or covered service member's health care provider. The certification should include the date on which the health condition began and its probable duration. The certification for a family member should include a statement from the health care provider that the employee is needed to care for the family member or covered service member. The medical certification should be provided within 15 calendar days of the request to use FMLA. Failure to provide required medical certification may result in the denial of FMLA leave. The Research

Foundation may require a second medical opinion, at its expense, if there is reason to question the original certification. The Research Foundation requires re-certification of the employee's or family member's serious medical condition every 30 days while the employee is taking FMLA leave. Upon return to work, employees must provide a "fit for duty" certification to their supervisor for personal medical leave.

### **Intermittent Leave**

For FMLA leave for the employee's or covered family or military service member's serious health condition, an employee may take leave intermittently (take a day or days periodically when needed), or use leave to reduce the work day, or work week resulting in a reduced work schedule, if intermittent leave is medically necessary.

Employees are responsible for providing proper notice to the supervisor. The Research Foundation requires medical certification to verify that the intermittent leave is medically necessary.

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

### **Benefit and Job Protection**

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

While employees are on FMLA leave, all applicable insurance premiums that employees are required to pay must be paid by the employee to the Research Foundation by the first of the month for the current month's coverage. Failure to make payment within 30 days will result in termination of coverage.

Employees who return from leave under the FMLA will be returned to their same jobs, or jobs with equivalent status and pay, unless they were designated as a Key Employee when they requested FMLA leave, or unless another exception applies.

## **DOMESTIC VIOLENCE LEAVE**

Reasonable leave from work will be provided to employees by the Foundation, upon request, for time to receive medical attention and psychological counseling in connection with domestic violence, to obtain social services, to relocate, to seek legal assistance, and to participate in legal proceedings. To take these leaves of absence, employees must first exhaust all annual or vacation leave and sick leave.

## **BEREAVEMENT LEAVE**

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

For purposes of Bereavement Leave, the "immediate family" is defined as the current husband or wife, mother, mother-in-law, father, father-in-law, brother, brother-in-law, sister, sister-in-law, son, son-in-law, daughter, daughter-in-law, grandparent, grandparents-in-law, grandchild or grandchild-in-law of the employee or the employee's spouse, or any person living in the employee's household.

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

## **CIVIL LEAVE**

Regular status employees and postdoctoral associates are granted a paid leave of absence for required jury duty or for any other required appearance before a court in regard to a matter in which they are not a party. Employees must submit a *leave request form* with a copy of the witness/jury duty summons or other

court process attached. For jury duty, employees must submit a statement of time(s) served. Supervisors forward to the Payroll Department properly completed *leave request form* by the due date published for the payroll period in which it occurred. Leave use is recorded in hourly increments rounded to the nearest quarter hour.

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

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

## **MILITARY LEAVE**

An employee is eligible for Military Leave when he or she

- Is called to required military training,
- Is called into state or federal active military service,
- Is called up by the Governor under the Code of Virginia to respond to natural or man-made disasters, or
- Voluntarily enters active service in any branch of the United States military, the Commonwealth's Militia, or the National Defense Executive Reserve

### **Military Physicals**

Employees are paid up to 8 hours per federal fiscal year for pre-induction and other physical examinations required for military service in addition to the 15 days discussed above.

Military Leave may be with pay or without pay as described within this Handbook. After exhausting the 15 days for training or active duty plus 8 hours for a physical examination, employees on military leave may remain in paid status by using all or part of their accrued annual leave.

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

Eligible employees must submit a *leave request form* with a copy of the active duty order **prior** to duty. Employees ordered to emergency duty, must supply supportive documentation upon return to work to verify the use of military leave. Supervisors forward to the Payroll Department properly completed *leave request form* by the due date published for the payroll period in which it occurred.

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

## **USERRA**

The Uniformed Services Employment and Reemployment Rights Act (USERRA) protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service. USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services. USERRA also provides for job-protected leave for employees to fulfill military service obligations. During such leave, the employee, at his or her option, may use any accrued paid leave.

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



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

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

The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations. For assistance in filing a complaint, or for any other information on USERRA, contact VETS at 1-8660-4-USA-DOL or visit its website at <https://www.dol.gov/agencies/vets/programs/userra>. An interactive online USERRA Advisor can be viewed at <https://webapps.dol.gov/elaws/vets/userra/>.

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

### **CIVIL AIR PATROL LEAVE**

Regular status employees and postdoctoral associates who are volunteer members of the Virginia Civil Air Patrol will be eligible for up to 10 workdays of unpaid leave per federal fiscal year for training for emergency missions with the Civil Air Patrol and up to 30 workdays of unpaid leave per federal fiscal year to respond to emergency missions as a Civil Air Patrol volunteer. Eligible employees are entitled to use this leave without loss of seniority, accrued leave, benefits or efficiency rating.

### **EMERGENCY / DISASTER / PUBLIC HEALTH EMERGENCY LEAVE**

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

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

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

### **LEAVE WITHOUT PAY**

Leave without pay (LWP) may be granted in emergency situations when all other leave has been exhausted or when you are not eligible for other types of leave. In exceptional circumstances, an employee may be granted leave without pay and be allowed to retain his/her earned leave balances with the approval from the Human Resources Department. If an employee takes leave without pay for personal reasons, he/she can continue to get health insurance benefits by paying the group premiums, both the employer and employee portions. The FMLA requires that eligible employees be given up to 12 weeks of job protected leave for certain reasons. If an employee takes leave that is covered by the Family and Medical Leave Act, the employee only pays his/her employee portion of the health insurance premiums. (See FMLA in this section.) Leave without pay requests must be coordinated with your supervisor and the Research

Foundation Human Resources Department. No paid leave of any type accrues during leave without pay status.

### **VOLUNTARY ADMINISTRATIVE LEAVE OF ABSENCE**

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

### **LEAVE SHARE PROGRAM**

The Research Foundation offers regular status employees and postdoctoral associates who have been continually employed by the Research Foundation for six (6) months a leave share program. The program permits one Research Foundation employee to voluntarily donate their **annual leave** to another Research Foundation employee who may need additional leave as a result of a qualifying medical emergency in four (4) hour increments. A medical emergency is defined as a major illness or medical condition of the employee or the employee's immediate family member that requires the employee's prolonged absence from work, including intermittent absences related to the same illness or condition. Immediate family members are the employee's spouse, child (including step- or foster children and children to whom the employee stands in loco parentis), or parent (including step-parents and parents-in-law).

To be eligible for donated leave, the medical condition of the employee (or a qualifying dependent) requires physician certification and approval of the Research Foundation. The program requires the employee, as a result of the medical condition be absent from duty **without pay** (the employee must exhaust all sick and annual leave) for a prolonged period of time. It is the responsibility of the employee to provide the required physician's certification and projection of the expected duration of the medical condition. Medical re-certification every 30 days is required.

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

Employees wishing to donate annual leave to a specific employee should contact the Research Foundation Human Resource Department to obtain and complete the approved *donor form*. Donors may donate any number of hours, in four (4) hour increments, until their own annual leave balance reaches zero. The donation of leave is strictly voluntary.

## SECTION 8—HANDBOOK RECEIPT

Employees of ODU Research Foundation have access to the electronic Employee Handbook and are responsible for on-going review of the Employee Handbook. Employees are to read it thoroughly, including the statements in the foreword describing the purpose and effect of the Handbook. As an employee, it is agreed that if there is any policy or provision in the Handbook that is not understood, the employee will seek clarification from the Human Resources Department. The ODU Research Foundation is an “at will” employer and as such, employment with ODU Research Foundation is not for a fixed term or definite period and may be terminated at any time, at the will of either party, with or without cause, and without prior notice. No supervisor or other representative of the Foundation (except the Executive Director, in writing) has the authority to enter into any agreement for employment for any specified period of time, or to make any agreement contrary to the above. Nothing contained in the Handbook may be construed as creating a promise of future benefits, or a binding contract with ODU Research Foundation, for benefits or for any other purpose. These policies and procedures are continually evaluated and may be amended, modified, or terminated at any time.

---

EMPLOYEE SIGNATURE

---

DATE