

BENEFITS AND LEAVES OF ABSENCE HANDBOOK
FOR FACULTY

November 2009



Human Resources Web Site:

<http://www.udayton.edu/~hr/>

President's Message

Dear Faculty Member:

To those of you who are new, I welcome you to the University of Dayton family. I believe you will find that our Marianist heritage, together with the University's strong sense of community, produce an exciting environment in which to work.

Our vision is to be a national leader in Catholic higher education – recognized for distinctive graduates, connected learning and scholarship, and a strong campus community. Each employee has a vital part to play in helping the University of Dayton respond to the demands for change in higher education while strengthening our distinctive comprehensive, Catholic, and Marianist character.

It is through the combined best efforts of all that the University can realize its vision for the 21st century.

We have prepared this handbook to acquaint you with the range of our services, our benefits and our leave of absence policies. More detailed information is available in the University's human resources office.

I sincerely hope that you will find your work both pleasant and rewarding, and that your association with the University of Dayton is a satisfying one.

Sincerely,

Daniel J. Curran, PhD
President

Message from the Vice President for Human Resources

Dear Faculty Member:

This handbook is written for you as a University of Dayton faculty member. Faculty members are considered exempt employees under the Fair Labor Standards Act (FLSA). Exempt employees are not subject to the provisions of the FLSA with regard to hours of work and overtime.

This handbook provides information regarding benefits and leaves of absence policies. Our current policies and procedures have changed over time and will continue to change to meet the needs of the University community. Periodically, we will send campus-wide notices announcing these changes. We will also revise this handbook as it becomes necessary.

While some material in this handbook is provided in summary form, references are indicated as to where detailed information is available regarding specific items. Official University policies and procedures dealing with benefits and leaves of absences are held in the Office of Human Resources.

The University of Dayton strives to provide the best possible facilities, services and environment for its students and general public. As a University of Dayton faculty member, you are an important part of this effort.

I hope that your future association with the University of Dayton will be positive and personally rewarding.

Sincerely,

Joyce M. Carter
Vice President for Human Resources

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1. INTRODUCTION

1.1 Office of Human Resources

The office of human resources, located in St. Mary's Hall Room 118, is responsible for the development of personnel policies and procedures at the University. This office is responsible for administering personnel functions including the employment process, position classification, record keeping, wage and salary administration, employee benefits, training and counseling.

Visit the UD Human Resources Web site: www.udayton.edu/~hr/

The following persons are available to provide guidance and information in the indicated functional areas:

University Office of Human Resources

Function	Point of Contact / Location	Phone
Vice President for Human Resources	Joyce M. Carter Vice President for Human Resources St. Mary's Hall Rm 315 +4 Zip 1649	937-229-2554
General Personnel Concerns	Lee Morgan Employee Relations Manager St. Mary's Hall Rm 315 +4 Zip 1649	937-229-1284
General Personnel Concerns	Mary Ann Dodaro Employee Relations Manager St. Mary's Hall Rm 315 +4 Zip 1649	937-229-2289
Information Systems, Employee Records, Pay Procedures	Linda C. Nianouris HRIS Director St. Mary's Hall Rm 118 +4 Zip 1614	937-229-2526
Employee Records, Pay Procedures	Stefanie M. Rich HRIS Analyst St. Mary's Hall Rm 118 +4 Zip 1614	937-229-3224
Compensation and Benefits Administration	Kathleen J. Molnar Director of Compensation and Benefits St. Mary's Hall Rm 118 +4 Zip 1614	937-229-2062

Function	Point of Contact / Location	Phone
Benefits Administration, Worker's Compensation	Elizabeth J. Schwartz Benefits Manager St. Mary's Hall Rm 118 +4 Zip 1614	937-229-2541
Wage and Salary Administration, Job Classifications	Jean W. Perry Compensation Manager St. Mary's Hall Rm 315 +4 Zip 1649	937-229-1440
Learning and Development	Celine M. O'Neill Director, Organizational Development St. Mary's Hall Rm 315 +4 Zip 1649	937-229-4895
Staffing	Jennifer Duwel Employment Manager St. Mary's Hall Rm 118 +4 Zip 1614	937-229-2722

2. GENERAL BENEFITS INFORMATION

2.1 ERISA

The benefits described in this handbook are administered in accordance with the Employee Retirement Income Security Act (ERISA). If future rulings, decisions, etc., should result in a significant change, benefits will be reviewed and restated as necessary to ensure conformity with ERISA.

2.2 Eligibility for Benefits

There are two general classifications of benefits available to University employees. Some benefits, including Social Security, Unemployment Compensation and Workers' Compensation are required by law, and are administered in accordance with a specific law. Other benefits including retirement, health care insurance, and life insurance are made available by the University and are administered in accordance with University rules and ERISA. The University will periodically specify the nature of these benefits and requirements for eligibility. The benefits and eligibility requirements listed below are those currently offered and are subject to change. Benefit eligibility ceases as of the final date of the full time faculty contract currently in existence. Benefit eligibility is not extended by summer teaching.

The benefits to which a faculty member is entitled depend on the status of that faculty member with regard to full or part time status.

- A. Part time faculty members are eligible to participate in the tax-deferred annuity (TDA) plans.
- B. Full time contracted faculty members are eligible for the following benefits:
 - Holidays*
 - Salary Continuation* [if hired before July 1, 2000]
 - Paid Medical Time Off* [if hired on or after July 1, 2000]
 - Short Term Disability Insurance [if hired on or after July 1, 2000]
 - Long Term Disability Insurance
 - Health Care Insurance
 - Flexible Spending Accounts
 - Life Insurance
 - Supplemental Life Insurance
 - Dependent Life Insurance
 - Accidental Death & Dismemberment Insurance
 - Long-Term Care Insurance
 - Retirement

Tax-Deferred Annuity (TDA) plans
Medical Retirement
Tuition Remission
Tuition Exchange Program
Adoption Reimbursement
Bereavement Leave*
Discount on Football and Basketball Tickets
Employee Assistance Program
Wellness Program
Bombeck Family Learning Center

*Prorated based on actual hours worked.

The availability of most benefits to an employee depends on many things including eligibility for the benefit and completion of the actions required to make the benefit apply. The University periodically encourages participation in one or another of the various programs, but the employee, not the University, is responsible for any potential advantage an employee may have lost because of lack of participation in any benefit program (life insurance, health care insurance, retirement, and long term disability insurance are examples).

2.3 Continuous Service Definition

Continuous service is that period of full-time employment at the University of Dayton during which the employee is eligible for benefit coverage. Continuous service is used to compute any benefits for which the employee may be eligible. Continuous service is broken if an employee voluntarily or involuntarily separates from University service for more than one year.

2.4 Re-employment/Reinstatement of Benefits

If an employee separates from University service, either voluntarily or involuntarily, and then returns to full-time service or is rehired within a 12-month period, University benefits will be reinstated in accordance with eligibility requirements of each specific benefit plan. An adjusted service date will be computed based on the employee's previous effective date of full-time employment. If 12 months or more have elapsed from the date of separation from University service, the employee or rehire will receive prior service credit toward the retirement program only. The effective date of other University benefits will be the same as for a newly hired employee in that job category.

2.5 Unemployment Compensation

State unemployment compensation laws cover all University faculty members. To obtain benefits under the law, an individual must become unemployed through no fault of his or her

own and must register with the local employment service office and be available for work in occupational fields for which he or she is qualified. If the employee has worked the required number of weeks and earned the required amount of money, the Bureau of Unemployment Compensation will pay a weekly benefit allowance in accordance with the appropriate state law.

The law imposes a special "between terms" disqualification for college and university staff. This provision denies unemployment compensation to professional and non-professional employees who are out of work during the summer or between terms but who expect to be employed for the next term.

2.6 Liability Insurance

The University of Dayton maintains liability insurance including, but not limited to, general and qualified professional coverage each year for our property and persons working within the scope of their assigned duties for the University. Vehicle liability insurance coverage is also maintained for University-owned and leased vehicles. Collision insurance is self-insured by the University. To be covered by this insurance, employees who drive on University business must attend a driver's training class. A schedule of class times is available through the Environmental Health & Safety Office. Questions and/or additional information concerning liability insurance should be directed to the Environmental Health & Safety Office, at 937-229-4503, or sent to College Park Center Room 112.

2.7 Benefit Ending Dates Due to Separation from Benefit-eligible Service

Health and Dental Insurance

Medical and dental coverage will end as of the last day of the month in which the separation date from benefit-eligible service occurs. Continuation of this coverage is available through COBRA. Please refer to Section 4.7 for additional information.

Flexible Spending Accounts

Claims under the medical and dependent care spending accounts may be submitted for eligible expenses incurred through the date of separation from benefit-eligible service. The deadline for submitting those claims is April 15 of the following year. Continuation of this coverage is available through COBRA. Please refer to Section 4.7 for additional information.

Life Insurance

Basic, Supplemental, Dependent and Accident Death and Dismemberment coverage will end as of the last day of the month in which the separation date from benefit-eligible service occurs. All plans may be converted to individual policies if employed at least 12 months in a benefit eligible category.

Long-term Disability

Coverage under this plan will end as of the date of separation from benefit eligible service. The coverage may be converted to an individual policy for all separating employees who have been employed in a full time benefit-eligible position for a minimum of one year. Employees who will be retiring from the University are not eligible to convert the coverage.

Short-term Disability

Coverage under this plan will end as of the date of separation from benefit eligible service. Conversion to an individual policy is not available.

Long-term Care Insurance

Coverage will end as of the last day of the month in which the separation date from benefit-eligible service occurs. This plan may be converted to an individual policy.

Retirement Accounts

The University 401(a) retirement account with TIAA-CREF is subject to the vesting requirement outlined in the Retirement section 5.2A of this handbook and will be assigned to the employee based on years of benefit-eligible service.

Any contributions made by the employee to the 403(b) accounts is 100% vested and belongs to the employee to do with as he/she wishes.

All vested balances may be left within the University contracts for as long as the employee wishes to do so or may be withdrawn or transferred to another carrier. All withdrawals, transfers and distributions are subject to IRS rules and may be taxed. Please consult a tax advisor before making any decisions regarding these accounts.

Unused Vacation Accrual (Library faculty only)

Employees will be paid for any unused vacation (subject to the maximum available days), which has been accumulated as of the date of separation from benefit-eligible employment. This will be paid on the final paycheck as extra pay.

Unused Paid Medical Time Off (PMTO)

Unused PMTO is not paid at separation from service.

Tuition Remission

If the date of separation from full-time benefit-eligible service occurs more than two weeks into the start of the term, tuition remission benefits will continue for the remainder of that academic term and will end as of the start of the next term. If the separation date occurs within two weeks of the start of the term, no tuition remission will be available.

Athletic Ticket Discount

If the date of separation from full-time benefit-eligible service occurs after the start of the season, the season ticket discount will continue for the remainder of that season and will end at the end of the season. If the separation date occurs prior to the start of the season, no discount will be available.

Bombeck Center Discount

The discount will end as of the date of separation from benefit eligible service.

3. HOLIDAYS AND LIBRARY FACULTY VACATION ACCRUAL

3.1 Holidays

The University observes 15 holidays each year. The office of human resources, after reviewing the academic calendar, publishes the approved holidays prior to the beginning of each fiscal year. Listed below are holidays that may be selected to be observed:

- New Year's Day
- Day after New Year's
- Martin Luther King Day
- Presidents Day
- Good Friday
- Day after Easter
- Memorial Day
- Independence Day
- Feast of the Assumption
- Labor Day
- Columbus Day
- All Saints Day
- Thanksgiving Day
- Day after Thanksgiving
- Feast of the Immaculate Conception
- Christmas Eve
- Christmas Day
- Day after Christmas
- New Year's Eve

A. Holiday Pay

Employees are eligible for time off with pay for any holiday observed by the University if the holiday falls on a regularly-scheduled work day for that employee and the employee is in an uninterrupted pay status (i.e., the employee received remuneration from the University through working, salary continuation, or paid medical time off) on the last scheduled workday preceding the holiday and the first scheduled workday following the holiday. In the event the unit in which the employee works is closed when the remainder of the University is open (i.e. between Christmas and New Year's), the employee must be in a paid status the last scheduled workday preceding the closure and the first scheduled workday following the closure. If an employee receives less than their normal regular pay for either the day preceding the holiday or the first scheduled working day following the holiday, or both, the holiday pay will be prorated to the same percentage of pay received on those days.

Employees are eligible for pay only for those holidays that occur on days they would have otherwise been scheduled to work. If employment is terminated, the employee will not receive pay for holidays occurring after the last day worked regardless of the date of the final paycheck.

B. Library Faculty Vacation Accrual

Time will be accrued on a monthly basis according to the following schedule: Two days each for the first ten months of the fiscal year (July through April) and one day per month for May and June. The days earned for a particular month are earned by working that month and are available to the librarian on the first day of the following month, e.g., the two days earned for July are available to the librarian beginning on August 1. A month of service is defined as any calendar month during which an eligible Library Faculty member received payment for a minimum of 90% of the workdays. Librarians will accrue up to 22 days per academic year toward vacation. The maximum vacation time that a Library Faculty member is permitted to accrue is the amount that could be earned during a two-year period. (44 days)

Day(s) available on July 1 are those that have been earned in previous month(s). Librarians would be permitted to take days as they are accrued.

Library faculty members will be paid for any unused vacation (subject to the maximum available days), which has been accumulated as of the date of separation from benefits-eligible employment. This will be paid on the final paycheck as extra pay.

4. PROTECTION FOR ILLNESS, DISABILITY AND DEATH

The University of Dayton medical leave policies have been established to provide employees with some form of salary continuation during periods of illness, maternity leaves or injuries that are not work related and are for a period of 10 consecutive working days or more. Salary Continuation or sick time may be charged only for regularly scheduled work hours. Please refer to the Medical Leave of Absence Policy on page 48 for more information. The following sections outline the medical leave benefits provided to faculty members.

4.1 Salary Continuation

(Non-tenure track faculty members hired prior to July 1, 2000 and all Tenure track faculty)

An eligible faculty member (see page 3) hired prior to July 1, 2000 may receive up to six months of salary continuation when on an approved medical leave of absence based on the following criteria:

- (a) An eligible faculty member who has completed six or more years of continuous service on paid status will receive full salary for six months or for the period of the extended illness, whichever is less (subject to (c) below).
- (b) An eligible faculty member who has completed fewer than six years of full-time service will receive one month of full salary for each year of continuous service on paid status and one-half salary for the balance of months necessary to assure salary continuation for the six month period or for the period of extended illness, whichever is less. An eligible faculty member must have completed at least one full year of service on paid status to be eligible for this benefit (subject to (c) below).
- (c) Upon hire, an eligible tenure track faculty member will have six months of half pay available under the Salary Continuation Program. As the faculty member completes years of service, the half pay months will convert to full pay as stated in (b) above.
- (d) Providing at least one-year full-time service on a paid status following the medical leave of absence reinstates the salary continuation used. Example: An employee has used the full six months benefit and returns to full time service. After one year, the employee becomes ill again, at which point, the employee is eligible for one month of full salary and five months at half salary. If the employee has provided six years of full-time continuous service on paid status after returning from six months of illness, the employee is entitled to six months of full salary continuation.

In the event an employee is unable to return to work because an illness continues beyond six months, a medical leave of absence without pay may be requested for an additional six-month period.

Salary continuation is available upon the granting of a medical leave of absence, including some absences under the Family Medical Leave Act (see page 43 for information about notification requirements and medical documentation that must be submitted). At the time of separation from service, unused salary continuation benefits are not payable to the employee.

4.2 Short-Term Absences/Illness

(Non-tenure-track faculty hired prior to July 1, 2000 and all Tenure track faculty)

For eligible faculty members, short-term absences for the reasons listed below are not charged to salary continuation.

- Any medical condition of less than 10 consecutive working days duration that prevents an employee from working and can be substantiated by a certified medical statement from an attending physician.
- Medical, dental or optical examination or treatment of an employee or a member of the employee's immediate family with prior approval from the employee's supervisor – up to six total days within each half of the calendar year. Immediate family, in this context, is defined as an employee's husband, wife, mother, stepmother, father, stepfather, sister, stepsister, half sister, brother, stepbrother, half brother, child, stepchild as well as any other relative living in the same household.
- Medical emergency for immediate family (see definition of "immediate family" above) - up to three days per emergency. Medical emergency is defined as an illness or injury where the presence of the employee is necessary and where no other arrangements can reasonably be made.
- An employee who wishes to take paid time off for paternity, adoption or foster care leave may do so and use the three days allotted for medical emergency of an immediate family member as noted above. Any time off beyond these paid days will involve the use unpaid time off with the proper supervisory approvals.

4.3 Paid Medical Time Off

(Non-Tenure-track faculty hired on or after July 1, 2000)

All eligible non-tenure track faculty members (see page 3) hired on or after July 1, 2000 will accrue one day of paid medical time off (PMTO) per month of completed service. At any point, the accumulated PMTO balance will be immediately available for the employee's use. Newly hired employees will be credited with PMTO after completing one month of service. A month of service is defined as any calendar month during which an eligible employee received payment for a minimum of 90% of the workdays. (Example: an employee who works 23 days is paid for at least 21 days; 20 work days-paid for at least 18 days, etc.) For months during which an employee is paid for fewer than 90% of the days, PMTO will be accrued on a prorated basis.

An eligible non tenure-track faculty member may accrue up to 90 working days of PMTO to be used in the following circumstances:

- (a) Any medical condition that prevents an employee from working and can be substantiated by a certified medical statement from an attending physician.
- (b) Up to six days within each half of the calendar year for medical, dental or optical examinations or treatment of an employee or a member of the employee's *immediate family* with prior approval from the employee's supervisor. Immediate family, in the context of PMTO, is defined as an employee's husband, wife, mother, stepmother, father, stepfather, sister, stepsister, half sister, brother, stepbrother, half brother, child, stepchild as well as any other relative living in the same household.
- (c) Up to three days per each medical emergency for immediate family (see definition of *immediate family* above). Medical emergency is defined as an illness or injury where the presence of the employee is necessary and where no other arrangements can reasonably be made.
- (d) An employee who wishes to take paid time off for paternity, adoption, or foster care leave may do so and use the three days allotted for medical emergency of an immediate family member (see definition of *immediate family* above). Any time off beyond these paid days will involve the use of unpaid time off with the proper supervisory approvals.

For any of the above absences, a supervisor may require a certified medical statement from an attending physician or other appropriate documentation, particularly in situations where, over time, the amount and/or pattern of usage is unusual. In addition, any of the above absences of less than a full day should not be charged to PMTO. If the employee will be absent from employment for 10 consecutive working days or more, the employee must submit an Application for Leave of Absence Form and Medical Certification Form to the office of human resources. Where the employee is on a paid status on the last working day before and the first working day after the occurrence, PMTO may be used. A leave taken under this policy will run concurrently with any leave that also qualifies as FMLA leave.

Unused PMTO balances at the time of separation from service are not payable to the employee.

This policy should be read in conjunction with the Medical Leave of Absence policy (p. 48) and the Family and Medical Leave policy (p. 43).

This PMTO policy is supplemented by a Short-Term Disability policy that provides benefits after PMTO accruals are exhausted (see page 13).

4.4 Short-Term Disability Insurance (Non Tenure-track faculty hired on or after July 1, 2000)

The University offers short-term disability coverage for all eligible employees (see page 3) hired on or after July 1, 2000. This policy provides income replacement of 60% of covered wages. Payments begin AFTER the accrued paid medical time off has been exhausted or after the 7-calendar day waiting period, whichever is longer. In cases of maternity leaves, employees may retain up to 5 Paid Medical Time Off days for use after return from the maternity leave.

The employee must complete the application for benefits and be approved before benefits will begin. The complete application MUST be submitted as soon as possible after determining that the medical condition will require an absence longer than the accrued PMTO, but not later than 14 calendar days following the first missed workday. Application forms are available in the office of human resources.

Benefits under the short-term disability plan will be paid for a maximum of 90 days. This 90-day maximum period includes any days used from any PMTO accrual. If the employee is unable to return to work after the 90 days have expired, the employee may be eligible to apply for benefits under the University's long-term disability insurance plan as outlined below. As with the short-term disability plan, it is appropriate to apply for long-term disability benefits as soon as it becomes obvious that the employee will not be able to return after the 90 days of short-term disability benefits are exhausted.

The University of Dayton will pay the cost for this coverage for all eligible employees.

4.5 Long-Term Disability Insurance

The University's long-term disability insurance provides a monthly benefit to covered employees (see page 3) who were hired prior to July 1, 2000 and who become totally or partially disabled for 180 consecutive days after entering the plan. For eligible non –tenure track faculty members (see page 3) hired on or after July 1, 2000, the monthly benefit is provided to those who become totally or partially disabled for 90 consecutive days after entering the plan.

The basic monthly benefit is equal to 40% of covered monthly salary, reduced by any social security benefits (including dependent benefits), workers' compensation benefits, salary continuation benefits, or PMTO. The monthly benefit ranges from a minimum of \$100 to a maximum of \$10,000. The long-term disability insurance plan will also pay 10% of covered monthly salary to the 401(a) group retirement annuity as long as the contribution does not exceed the IRS limits. Employees have the option of paying a portion of the premium to increase the 40% basic monthly income benefit to 60%. Requests to increase or decrease the level of coverage may only be made during the annual enrollment period. Requests to increase coverage from 40% to 60% require submission of a statement of health form for approval before coverage will become effective.

The monthly income and retirement annuity benefits payable by the plan during continuous disability will be increased each year by 3% compounded annually beginning 12 months after the date long term disability benefits are first payable. For insured employees who become disabled, benefits will continue during disability to Social Security normal retirement age. The monthly retirement annuity benefits will be subject to IRS Section 415 maximum contribution limits.

Employees with fewer than five years of service who become disabled will be terminated from University service after they have exhausted their leave of absence in accordance with the University's Medical Leave of Absence Policy (see page 48). Such an individual would then be offered health insurance coverage under COBRA (see page 18) and would continue receiving long-term disability payments, if applicable.

Employees with more than five years of service who become disabled and have exhausted their medical leave of absence will be placed on medical retirement in accordance with the section on Medical Retirement on page 31.

Eligibility Criteria

New employees are eligible for Long-Term Disability Insurance on the first of the month following their date of hire into an eligible category.

4.6 Health Insurance

The University health insurance program provides for individual and family coverage. This coverage and the costs of coverage are subject to change. Eligible employees (see page 3) may choose from one of the following health insurance plans:

A. Advantage Plan - PPO

Under this program, members/subscribers may receive a higher level of benefits for services provided by health care providers (physicians, hospitals and pharmacies) in the network. Coverage extends to services provided by non-network providers, but at a lower level of benefits.

B. Core Plan - PPO

Under this program, members/subscribers may receive a higher level of benefits for services provided by health care providers (physicians, hospitals and pharmacies) in the network. Coverage extends to services provided by non-network providers, but at a lower level of benefits. Both in-network and out-of-network benefits are generally lower than benefits under the Advantage plan; however, the employee's premium cost is also lower.

C. Vision Insurance

Under this program, active employees enrolled in a University of Dayton healthcare plan receive a benefit toward the cost of glasses or contacts in each 12 month period in which they are enrolled.

D. Dental Insurance

Dental insurance is available with the employee paying the full cost of the premium for either family or single coverage.

E. Prescription Drug Program

A prescription drug program is included as part of all healthcare plan choices. Prescriptions must be purchased through a member pharmacy. This program allows an individual to purchase up to a 30-day supply. Co-payments are lower if a generic drug is purchased. To purchase prescription drugs at any approved pharmacy, simply give the pharmacist the employee's unique identification number and the date of birth of the patient.

F. Prescription Drug Program - Mail Order

A mail order prescription drug program is offered in all healthcare plan choices. This program allows an individual to purchase up to a 90-day supply of maintenance-type prescription drugs at a lesser total co-payment than under the prescription drug program. Your medication will be delivered to your home via UPS or First Class U.S. Mail within 5 to 10 days after receipt of your order. Forms are available on the Human Resources website.

G. Changes to Flexible Spending Accounts (FSAs) or Health Insurance and Dental Coverage

The above information is an outline of the University-sponsored health and dental insurance programs. For specific information regarding coverage, limitations or costs, refer to your health care or dental certificate or contact the office of human resources. Most changes or additions to health or dental insurance may be made only during the annual enrollment period, which is normally held during the month of November, with a January 1 effective date. In accordance with the Health Insurance Portability Accountability Act of 1996, special mid-year enrollments of the employee, employee's spouse, or an employee's dependent are permitted: in the event of the employee acquiring a new spouse or dependent on account of the birth, adoption or placement of adoption of a child, or marriage; or in the event of the loss of other group health or dental coverage (other than for non-payment of premiums), including COBRA coverage.

Other mid-year changes in coverage or mid-year enrollments in FSAs, health or dental insurance are permitted only on account of and consistent with certain **qualifying events** (listed below), in accordance with applicable law and regulations as interpreted by the plan administrator. Proof of such an event, acceptable to the plan administrator, must be provided to the office of human resources within 30 days of the occurrence of the event. With the exception of changes on account of the birth, adoption or adoption placement of a child, which may be made effective retroactively for up to 30 days, such changes may be made effective only prospectively. The following are qualifying events permitting mid-year changes in coverage:

Qualifying Events:

- Change in legal marital status: marriage, death of a spouse, divorce, legal separation, or annulment.
- Change in number of dependents (as defined under Section 152 of the Internal Revenue Code): the birth, death, adoption, or placement for adoption of a dependent.
- Change in employment status of employee, employee's spouse or employee's dependent: a termination or commencement of employment, a strike or lockout, a commencement of or return from an unpaid leave of absence, a change in work site, or any other change in employment status (i.e. full- to part-time and vice-versa) that causes a loss or gain of eligibility under a plan.
- Change in the dependent's ability to satisfy the requirements for coverage due to attainment of age, loss of student status, or any similar circumstances, as provided by the plan.
- Change in residence, a change in the place of residence of the employee, spouse, or dependent that causes a gain or loss of eligibility under a plan.
- Gain or loss of eligibility by employee, spouse or dependent for Medicare or Medicaid (Medical Assistance).
- Loss of eligibility by employee, spouse or dependent for a State Children's Health Insurance Program (SCHIP) coverage, the Indian Health Service or an Indian tribal health program, a state health benefits risk pool or foreign government's health plan or similar government- or institution-sponsored plan.
- If a judgment, decree or order, including a qualified medical child support order, resulting from a divorce, legal separation, annulment or change in legal custody, requires coverage or changes responsibility for coverage for the employee's dependent child. (Proof of the child's coverage by another plan must be provided to the plan administrator before coverage of a dependent child may be dropped from the University health plan.)
- If an employee commences or returns from an approved leave under the Family and Medical Leave Act or USERRA.

Qualifying events on account of changes in health or dental insurance cost or coverage.

(Note: changes due to the events listed below are permitted for **health and dental insurance only, not for the flexible spending account**):

- If the cost of coverage significantly increases or decreases, including due to premium rate increases or change in work status from full- to part-time and vice versa. The University reserves the right to automatically make changes to employees' contributions for health or dental insurance due to insignificant increases or decreases in premiums.
- If the University offers a new or significantly improved health or dental insurance benefit option.

- If health or dental insurance coverage is significantly curtailed but not lost (may elect another coverage option if available) or if health insurance coverage is so significantly curtailed that it is effectively lost (may elect another coverage option if available or drop altogether).
- If the change is on account of and consistent with a change in coverage in another employer's plan (provided the other plan has a different enrollment and coverage period, or permits election changes under its cafeteria plan).

H. Cost of Health Insurance Coverage

The employee shares in the cost of the premium. Contact the office of human resources for current rates or click on [Rates](#) to view the current rates posted on the Human Resources website. In cases where both spouses are University employees eligible for health insurance benefits, family coverage is available at no cost for any of the plans. Dental insurance is available with the employee paying the full cost of the stated premium.

All employee contributions to health care premiums may be made on either a before-tax or after-tax basis. Health care premiums taken on a before-tax basis will result in lower taxable income and lower federal, state and social security taxes. Lower social security taxes may cause a very slight reduction in the social security wage base. In accordance with Internal Revenue Service regulations, except for certain changes in "family status," the election to have a certain dollar amount withheld from salary on a before-tax basis for premium payments cannot be revoked until the beginning of the next health care plan contract year (January 1). (See the list of qualifying events, Paragraph 4.6 G above.) If a qualifying change in family status has not occurred, the University is required by IRS regulations to continue the employee's salary reduction at the same level, even if the employee wishes to drop or reduce coverage (e.g., from family to single coverage during the year). Additional information concerning the tax treatment of insurance premiums can be obtained by contacting the office of human resources.

I. Pre-Existing Condition Benefit Limitation

A **pre-existing condition** is a condition (whether physical or mental), regardless of the cause of the condition, for which medical advice, diagnosis, care, or treatment was recommended or received within the 6-month period ending on the date of enrollment in the University's health plan. If an employee, spouse or dependent has a pre-existing condition, for the first 12 months after enrollment services, supplies or other care incurred for any pre-existing conditions in existence 6 months prior to enrollment in the University's plans will not be covered for 12 months after the enrollment date. The pre-existing condition benefit limitation applies to new employees, their spouses and dependents; employees, their spouses and dependents who elect coverage for the first time during the open enrollment period; and employees, their spouses and dependents who elect coverage for the first time due to a qualifying event described in Paragraph 4.6 G. *The pre-existing condition benefit limitation does **not** apply to conditions related to pregnancy, or to newborn or adopted children (or children placed for adoption) who enroll in the plan within 30 days of birth or (placement for) adoption.*

The duration of the pre-existing condition may be reduced by one month for every month of health coverage under a prior plan where there has been no break in such coverage for more than 63 days. The employee must provide proof of prior health coverage upon request by the office of human resources or the insurance company.

J. Retiree Health Insurance

All University of Dayton retirees and their eligible dependents are eligible for coverage under the University's health insurance plans.

At the time of retirement, the retiree will be given the option to begin, change or continue coverage under the University plans. Any retiree, who elects not to carry coverage under the University's plans, must sign a Waiver of Health Insurance Benefits Form. When insurance coverage is waived, the retiree will be informed that enrollment in the University's health insurance plans will only be allowed in the event of a qualifying event (see page 15). Proof of such a qualifying event must be shown to the office of human resources within 30 days of the occurrence. Spouses and dependents may only enroll in the plan if the retiree also enrolls.

Retirees and/or dependents may be subject to pre-existing condition clauses at the time of enrollment.

NOTE: Retirees, medical retirees and/or their dependents are required to enroll in Medicare when they become eligible. Once enrolled under Medicare, they will be transferred to the Traditional Medicare Supplement health insurance plan. Dental insurance is also available to retirees and/or dependents with the Medicare supplement plan.

For information about continuation of coverage for a surviving spouse and/or dependents of a deceased retiree, see the section titled Continuation of Coverage for Surviving Spouse on page 20.

4.7 Continuation of Group Health Insurance Coverage (COBRA)

Federal law requires that individuals covered under a group health insurance plan be given the opportunity to continue their coverage at group rates for up to 18, 29 or 36 months beyond the date coverage would otherwise have ended.

University of Dayton employees and eligible dependents covered under the University health plans may choose to continue coverage for an 18-month period beyond the date coverage would normally have ended due to the following situations:

- Reduction in the employee's work hours,
- Voluntary termination of employment,
- A layoff for economic reasons,
- Involuntary termination for reasons other than gross misconduct by the employee.

The continuation period is 29 months in the following situations:

- Employees deemed to have a disability under the Social Security Act during the first 60 days of COBRA continuation coverage. The extension applies to all qualified beneficiaries. The office of human resources must be notified of the disability within 60 days of the determination and within the 18 months of initial coverage.
- Disabled dependents of employees who terminate or reduce work hours for one of the reasons described for those eligible for an 18-month extension. (In such instances the employee (who is not disabled) would be eligible for 18 months of coverage).

The continuation period is 36 months in the following situations:

- Dependents who lose eligibility because of age,
- Spouses and dependents of a deceased employee*,
- Spouses and dependents that lose eligibility due to separation, divorce or the employee's eligibility for Medicare.

*The above language reflects the provisions of federal law. For the University's policy regarding continuation of coverage for surviving spouses, which is in addition to this, see the Paragraph 4.8, [Continuation of Coverage for Surviving Spouses](#).

Persons eligible for such continuation of group coverage have 60 days from the date coverage would have ended or 60 days from the date they are notified of their option to continue coverage, whichever is later, to make an election. It is the responsibility of the employee or dependent to notify the office of human resources of a divorce, legal separation, a child losing dependent status, or Medicare eligibility. Persons entitled to Medicare benefits under Title XVIII of the Social Security Act are not eligible for COBRA coverage. The University is responsible for notifying employees or dependents of COBRA eligibility in the case of an employee's death, termination of employment, or reduction of hours.

If continuation of coverage is chosen, payment of the full monthly premium, plus the administrative fee allowed by law, will be charged to the employee, spouse, or dependent at the University's group rate. Continuation coverage may be terminated for any of the following reasons:

- The University of Dayton no longer provides group health insurance coverage to any of its employees,
- The premium for the coverage is not paid,
- The employee, spouse, or dependent begins coverage under another health plan (unless that plan has a pre-existing condition exclusion), or
- The employee, spouse, or dependent becomes eligible for Medicare.

4.8 Continuation of Coverage – Surviving Spouse/Dependents

The University invites the spouse and/or dependent children of a deceased employee, either active or retired, to enroll in the University health insurance program provided the surviving spouse and/or dependent children enroll within 30 days from date of death and pay the full premium. If the spouse and/or dependents fail to enroll within 30 days, the only time during which they may enroll in the plan will be if a qualifying event occurs (see page 15). In the event of remarriage, the surviving spouse and/or dependent children of the deceased UD employee may continue on the University health plans, however, the new spouse will not be eligible for coverage.

4.9 Flexible Spending Accounts

The University's flexible spending accounts provide employees the opportunity to pay for eligible out-of-pocket health care and dependent care expenses on a before-tax basis. In accordance with provisions established by law, monies contributed to flexible spending accounts during the plan year, are on a "use it or lose it" basis; therefore, employees should be conservative when estimating out-of-pocket expenses. Employees may enroll each year during the annual open enrollment, which is normally held in November for a January 1 effective date. Changes may be made to the flexible spending account election within 30 days of a qualifying event (see page 15). For contribution limits and other information on flexible spending accounts, contact the office of human resources. If you wish to participate in a flexible spending account, you must re-enroll each year. If you do not return a completed application during the annual open enrollment period, all contributions will be stopped for the next plan year. The maximum set each year for the Health Care Spending Account will be the total contribution permitted when both spouses are benefit eligible employees of the University. The Dependent Care maximum is determined by the IRS.

A. Health Care Spending Accounts

Although the University's health insurance offers employees and their dependents considerable protection, most families may have a number of ordinary expenses that are not covered under any benefit plan, such as medical, prescription, and dental plan deductibles and co-payments, expenses for glasses and contact lenses not covered by the vision plan (including contact lens solution), and expenses for amounts over plan maximums. It is not necessary to be covered under the University of Dayton health insurance plan to have a health care spending account. Only those expenses that are not reimbursable by any insurance plan are eligible for reimbursement under a health care spending account.

B. Dependent Care Spending Accounts

Employees and their families may need to pay for dependent care so that they can work. Eligible dependent care expenses typically include day care, elder care, care for dependents in the employee's home or someone else's home, and care for school-age children (through age 12) during the summer months. Care for dependent children or persons living with the employee such as a spouse and/or elderly parents, who the employee claims as dependents and who are physically or mentally incapable of self-care, is also eligible.

4.10 Life Insurance

The University will purchase group life insurance for each eligible employee effective the first day of the month following the date of hire. The University pays full cost for this coverage. In the event the faculty member separates from service, the insurance may be continued on an individual basis by making premium payments directly to the carrier provided the employee has been employed in a benefit eligible category for a minimum of 12 months. Each eligible employee under age 55 will have life insurance equal to 1.7 times the employee’s basic annual salary. Any amounts above even thousand dollar figures will be rounded off to the next higher thousand. For employees age 55 and above, the following reductions apply:

Table 1. Life Insurance Benefits – Age 55 and Above

Age	Life insurance as a multiple of annual base salary		Age	Life insurance as a multiple of annual base salary
55	1.65		67	1.19
56	1.60		68	1.16
57	1.55		69	1.13
58	1.51		70	1.10
59	1.47		71	1.07
60	1.43		72	1.04
61	1.39		73	1.01
62	1.35		74	.98
63	1.31		75	.96
64	1.28		76	.94
65	1.25		77	.92
66	1.22		78	.90
67	1.19		79	.88
68	1.16		80	.86

Federal law requires that the cost of any life insurance in excess of \$50,000 be treated as taxable income. The University deducts the tax on a per-pay-period basis. An employee may choose to freeze the value of the life insurance benefit at \$50,000 to avoid this tax liability by signing a Waiver of Entitlement to Group Life Insurance form. The waiver will remain in force until the employee submits written request to reinstate benefits. Evidence of insurability (possibly involving a physical examination at the employee's expense) will be required to reinstate insurance coverage. Requests to waive insurance coverage over \$50,000 and requests for reinstatement can be made only during the month of December with an effective date of January 1. For more information contact the office of human resources.

The University provides to the beneficiaries of active employees who die the option of an advance on the life insurance payment in the amount of 20% of the employee's base annual salary. The University will make this payment within two to three business days as an advance on the life insurance payment. A notice of assignment will be required when this advance is requested. The supervisor of the deceased employee may contact the office of human resources to confirm the beneficiary and, as appropriate, present this person with the necessary paperwork and the subsequent check issued by the University.

4.11 Supplemental Life, Dependent Life and Accidental Death & Dismemberment Insurance

All benefit-eligible employees have the opportunity to participate in additional life insurance options at their own expense.

Under the Supplemental Life Insurance program, benefit-eligible employees are offered the opportunity to enroll in life insurance valued at 1, 2, 3 or 4 times base annual salary up to a maximum of \$750,000. Medical evidence of insurability is required on amounts in excess of the lesser of 3 times base annual earnings or \$375,000.

Under the Dependent Life Insurance program, employees are offered the opportunity to purchase \$10,000 or \$20,000 in life insurance coverage for a spouse, and either \$2,000, \$5,000 or \$10,000 for dependent children.

Accidental Death & Dismemberment Insurance may also be purchased for the employee in increments of 1-10 times base annual salary with a maximum of \$500,000. AD&D insurance is also available for family members. The plan offers 24-hour accident protection anywhere in the world, on or off the job, on business, vacation, or at home.

Employees may enroll in or change levels of coverage at any time during the year but will be required to submit evidence of insurability at any time other than during the initial hire. Contact the office of human resources for premium rates and additional information about the plans.

4.12 Long-Term Care Insurance

Group long-term care insurance covers the cost for long-term nursing home stays and home health care visits beyond the coverage offered by health care plans and other insurance or government programs. Coverage is available to all benefit-eligible employees and their spouses, parents, parents-in-law, grandparents and grandparents-in-law up to age 80. Deductions may be withheld from employee paychecks only for the employee and the spouse's coverage. All others will be billed at home. Premiums will remain at the same level regardless of age unless a change is made to the benefits under the plan.

The plan offers three different benefit levels that equate to dollar amounts per day in a nursing facility. One half of the nursing facility benefit is available for home health care. Participants qualify for benefits under the plan by being unable to perform two of the six

activities of daily living (ADLs) required by the plan: transferring, dressing, eating, bathing, continence and toileting.

Employees may enroll in or change the level of coverage at any time during the year. Coverage is guaranteed for employees only during the first 30 days of hire. After that time, evidence of insurability will be required. Contact the office of human resources for premium rates and detailed information about the coverage available.

4.13 Workers' Compensation

All persons employed by the University are insured under state workers' compensation laws. Ohio law provides for the payment of medical costs for an injury or illness arising out of or in the course of employment with the University. Payment may also be made for lost wages in accordance with Ohio law. The University seeks to provide its employees with a safe place to work and charges all employees, particularly those in supervisory positions, with the responsibility of assisting in this effort. Unsafe practices will not be tolerated and unsafe conditions must be reported immediately to the Environmental Health & Safety Office (937-229-4503). The importance of safety should be a prime consideration in any endeavor.

If an employee is injured on the job, every reasonable effort will be made to help the individual obtain prompt medical attention. (See "Illness/Injury During Work Hours" in the Policies and Procedures handbook.)

In view of the importance of workers' compensation to both the individual and the University, all University employees have a serious obligation to complete all documents accurately and promptly report all circumstances associated with a workplace injury. Contact the office of human resources to obtain the necessary paperwork for reporting a workers' compensation claim. All claims should be reported to the office of human resources *no later than* 48 hours following the accident/injury or onset of illness. A representative of the office of human resources will assist the injured employee in filing the appropriate claim forms. One of the processing steps includes certifying the validity of the claim. If for some reason the claim cannot be certified, the forms will be processed in the usual manner and the Bureau of Workers' Compensation will determine the validity of the claim.

On January 1, 1978, the State of Ohio granted the University self-insured status. Among other things, this means that the University will pay all appropriate medical and compensation bills directly to the injured employee or a designated representative. Disputed claims are always submitted to the Bureau of Workers' Compensation for review.

4.14 Wellness Program

The University of Dayton Faculty/Staff Wellness Program promotes a healthy lifestyle through activity-based courses, lecture programs, personal fitness training, and screening programs for specific health risks.

All full- and part-time faculty and staff members and retirees are eligible to participate in all offerings. Spouses and immediate family members may also register for Wellness Program activities, but will be accommodated on a space-available basis after employee registration.

Program offerings are published in the fall, spring and summer terms and are distributed campus-wide. The Wellness Program is now on line with a Web address of <http://www.udayton.edu/~facwell/> or via electronic mail at facwell@udayton.edu. The phone number is 937-229-3662 or 937-229-4205.

4.15 Employee Assistance Program (EAP)

To help you find a healthy balance between your work and personal life, **University of Dayton** provides you and your immediate family with access to LifeWorks—a free employee resource program to help make your life a little easier.

LifeWorks is fast, easy to use, and completely confidential. It's available at no cost to you. And best of all, it's there for you any time of the day or night, wherever you are.

The *LifeWorks*[®] Program can provide information, advice and support on a wide range of issues including:

- *Everyday Issues*: moving, home repair, pet sitter/care, consumer purchases, diet, exercise
- *Work Issues*: co-worker relationships, career planning, business travel, managing change
- *Emotional Well-being*: relationship conflicts, grief and loss, depression, stress, marital concerns
- *Parenting/Child Care*: pregnancy, birth, adoption, child development, discipline, childcare options
- *Legal Matters*: divorce, real estate, family issues, credit matters, attorney selection
- *Financial Matters*: budgeting, debt management, insurance, taxes, and retirement planning
- *Disability*: independent living, accessing services, caregiver support
- *Education*: study habits, college application process, financial aid, special needs/gifted programs
- *Addiction and Recovery*: smoking, alcohol, eating disorders, treatment options
- *Resources for Seniors*: long-distance care giving, Medicare information, meals, transportation

LifeWorks offers you:

- Phone and online access to experienced, professional consultants-- real people you can talk with when you need an answer to a question
- Face-to-face sessions with consultants on specific issues

- An award-winning Web site with online articles, workshops, locators and self-assessments
- Free booklets, audio recordings, and other materials to help you get the answers you need in the format you want
- Referrals to resources, services, and support in your community

You can access LifeWorks online at www.lifeworks.com (User ID: university and Password: dayton) or by phone, toll-free, at 888-267-8126.

Consultants who speak Spanish, simultaneous translation into more than 140 other languages, and TTY/TDD 800-346-9188 are also available.

4.16 Travel Accident Insurance

The University's blanket travel insurance policy covers all employees ages 18 and over against accidental death or dismemberment while traveling on a business trip on behalf of the University. The value of the insurance is \$50,000. For more specific information on this insurance coverage contact the Environmental Health & Safety office (937-229-4503).

5. RETIREMENT

5.1 Social Security Program

The University participates as the employer in the federally mandated social security program that provides benefits to the employee and/or dependents at the time the employee attains the age of eligibility as prescribed by law. The law requires that the employer contribute a specific amount of money on a regular basis, with an equal amount contributed by the employee. Congress modifies the schedule of contributions and benefits periodically.

The base benefits available starting at age 62 up to age 65 vary depending on the overall earnings which have been subject to social security taxes throughout the employee's work career.

For persons born in 1938 or later, the normal retirement age at which a person can receive full Social Security benefits will gradually increase from age 65, eventually reaching age 67 for persons born after 1959.

The 1973 amendments to the Social Security Act included a cost of living clause in order to sustain the purchasing power of those receiving Social Security benefits. Increases in benefits and changes in contribution rates can occur no more than once per year under current amendments.

Additional information regarding supplemental benefits included under the law such as Medicare, long-term disability benefits, and survivors' benefits, is available from the office of human resources.

5.2 Retirement and TDA Plans

The University's retirement plan is established under Section 401(a) of the IRS code and is funded solely by University contributions. The University's contributions are made to an employer-funded Group Retirement Annuity (GRA) with Teachers Insurance and Annuity Association and College Retirement Equity Fund (TIAA-CREF). The TDA (Tax-Deferred Annuity) plan is established under Section 403(b) of the IRS code and is funded by employee contributions only. Contributions to both of these plans grow on a tax-deferred basis, which means that they are not taxed as long as they remain in the employee's retirement account. The University's TDA plans offer a choice of investment funds managed by TIAA/CREF, Fidelity Investments, and Lincoln National. Employees decide how contributions to their accounts are invested among the funds offered.

New employees in an eligible classification (see page 3) may participate immediately.

A. 401(a) Group Retirement Annuity Plan – University Contributions

The University contributes to a 401(a) group retirement annuity (GRA) on behalf of each eligible employee. The GRA plan is written with TIAA-CREF. Its distinguishing features

include a four-year vesting schedule, and full funding (University contributions are made every pay period. No contributions are held back).

The University’s contribution rate changes take effect on the first pay date of each quarter based upon length of service in an eligible category as of the last day of that quarter.

Table 2. Contribution Rate as a Percentage of Normal Wages.

Completed Years of Eligible Service	UD Contribution With Less Than 5% Employee Contribution	UD Contribution With At Least 5% Employee Contribution
From		
0	2.5%	5.0%
5	3.5%	7.0%
10	7.5%	7.5%
15	8.0%	8.0%
20	8.5%	8.5%
25 or more	9.0%	9.0%

During the first 10 years of service, an employee may contribute *more than* the 5% contribution necessary for the higher university contribution; however, the additional contributions will not be matched beyond the University’s scheduled percentage contribution. Similarly, after 10 years of service an employee can continue to make contributions though none are required to receive the University's contribution.

Participants have the opportunity to direct the allocation of University contributions among several variable annuities (CREF and TIAA Real Estate) and/or a fixed income annuity (TIAA Traditional). Payment options available from the 401(a) GRA plan upon separation from service include a choice of several lifetime annuity options, fixed period annuities, interest only payments (TIAA Traditional), systematic withdrawals, and full or partial cash withdrawals, including IRA rollovers, or a minimum distribution option at age 70-½. Payout options are subject to all applicable rules and restrictions imposed by the IRS and/or TIAA/CREF.

Vesting

University contributions to the 401(a) GRA plan are subject to the following vesting schedule shown below. Vesting refers to the employee’s right of ownership of the retirement account balance. Employees who are fully vested when terminating employment own 100% of the retirement contributions made by the University and the earnings from those contributions. Employees who are partially vested when terminating employment, own a percentage of both the contributions made by the University and the earnings from those

contributions according to the schedule. New faculty members are granted the same number of years of credit toward vesting that they have been granted toward tenure.

Table 3. Vesting Schedule.

Completed Years of Service	Vesting Percentage	Forfeited Percentage
Less than 1	0%	100%
1 but less than 2	25%	75%
2 but less than 3	50%	50%
3 but less than 4	75%	25%
4 or more	100%	0%

B. 403(b) Tax-Deferred Annuities (TDA) – Employee Contributions

Employee contributions are optional and may be made to any of the following 403(b) tax deferred annuity (TDA) plans:

TIAA/CREF Group Retirement Annuity

Investment options include the same choice of funds as the 401(a) group retirement annuity. Payment options available at separation from service include a choice of several lifetime annuities, fixed period annuities, interest only payments (TIAA Traditional), systematic withdrawals, and full or partial cash withdrawals, including IRA rollovers or a minimum distribution option at age 70-½.

TIAA/CREF Group Supplemental Retirement Annuity

Investment options include the same choice of funds as the 401(a) group retirement annuity. This plan also offers a loan feature as well as cash withdrawal anytime after reaching age 59-½, regardless of work status. Payment options available at separation from service include a choice of several lifetime annuities, fixed period annuities, systematic withdrawals, and full or partial cash withdrawals, including IRA rollovers or a minimum distribution option at age 70-½.

Fidelity Investments

Investment options include a variety of mutual funds including money market, common stock and bond funds. This plan also offers a loan feature. Payment options available any time after 59-½ or at separation from service include a choice of several lifetime annuities, fixed period annuities, systematic withdrawals, and full or partial cash withdrawals, including IRA rollovers or a minimum distribution option at age 70-½.

Lincoln National

Investment options include fixed accounts, money market, and common stock and bond funds. This plan offers a loan feature and cash withdrawal anytime after age 59-½. Payment

options available at separation from service include lifetime annuities, fixed period annuities, systematic withdrawals, and full or partial cash withdrawals, including IRA rollovers.

Payment options for all of the above TDA plans are subject to applicable rules and restrictions imposed by the IRS and/or individual financial providers.

Employee contributions can be treated as deferred income (non-taxable at present time) by completing a salary reduction form in the office of human resources. Federal maximum exclusion allowance limitations on contributions vary by individual circumstance and are communicated to employees in spring of each year by the office of human resources. Transferability among carriers is available, but may be subject to restrictions.

5.3 Retirement Eligibility & Benefits

A. Eligibility Criteria

A person, regardless of the position held at the University, may retire voluntarily at any time after attaining one of the following levels of service:

- Age 65 with at least 5 years of service
- Age 60 with at least 10 years of service
- Age 55 when the employee's age plus years of service total at least 75.
- An employee with fewer than 5 years of service will not be recognized as a University of Dayton retiree regardless of age at retirement.

B. Benefits

At age 60 with at least 10 years of service

AND

At age 55 when age plus years of service total at least 75

- Honored at Annual President's Recognition Dinner
- Identification Card
- Life Insurance: The retiree is eligible for \$5,000 worth of life insurance, and the University will pay the premiums until age 70. The retiree may convert to a private life insurance policy upon attaining age 70.
- Health Insurance: The University will contribute a portion of the premium for the retiree coverage. Dependents may be covered under the plan. For additional information regarding premium contributions and plan provisions, contact the office of human resources.
- Tuition Remission: Available at the same level as before retirement.

- Discounts on Football and Basketball Tickets: Football and basketball tickets are made available at the same discount rates that are available to current active employees.
- Wellness Program: retirees and their immediate family members may participate.

At age 65 with 5 years of service

- Honored at Annual President’s Recognition Dinner
- Identification card
- Life Insurance: The retiree is eligible for \$5,000 worth of life insurance and the University will pay the premiums until age 70. The retiree may convert to a private life insurance policy upon attaining age 70.
- Health Care Insurance: The retiree may purchase single and dependent coverage under the medical plans that are available to retirees; however, the retiree is responsible for the entire premium. For additional information contact the office of human resources.
- Tuition Remission: Available at the same level as before retirement.
- Discounts on Football and Basketball Tickets: Football and basketball tickets are made available at the same discount rates as are available to current active employees.
- Wellness Program: retirees and their immediate family members may participate.

C. Coordination of Health Care Benefits with Medicare

A retiree or dependent who reaches age 65 and/or qualifies for Medicare and wishes to remain covered under the University’s health care plans, is required to submit a copy of his or her Medicare card to the office of human resources. When the copy is received, the retiree will be placed on the University’s Medicare Supplemental plan as of the date Medicare coverage became effective.

D. Continuation of Retirement Benefits

The University currently intends to continue benefits for eligible retirees throughout their lifetime. However, future changes in benefit costs or other circumstances may necessitate benefit revisions. The University reserves the right to modify or eliminate benefits and the way they are paid at its discretion for any reason. The benefit program is reviewed annually to determine if any modifications are required.

The University also intends to continue the cost sharing benefits based upon the number of years in an eligible class at retirement. However, to the extent that costs increase by an amount the University deems to be excessive, the University may limit its contribution to a lesser amount and the retiree's share of the contribution may increase.

E. Employment After Retirement

Under unusual circumstances and only with the express approval of the president, an employee may be retained on a full-time basis after the date of retirement. In the event the retired person is employed full time, the specific period must be established, usually one year or less.

5.4 Medical Retirement

An employee who is eligible for Long-Term Disability coverage and who has exhausted his or her medical leave of absence, and has completed five or more years of University benefits eligible service but is not yet eligible for regular voluntary retirement will be placed on medical retirement and will remain in this classification for as long as benefits are payable under The University of Dayton sponsored Long-Term Disability Plan. An employee who has exhausted a medical leave of absence and who is otherwise eligible for voluntary retirement (see p. 29) will be given the choice of medical retirement or regular retirement. In the event a medical retiree is no longer deemed to be disabled as determined by the Long-Term Disability carrier or reaches the maximum age for payment under the plan and benefit payments from the Long-Term Disability Plan cease, employment and all benefits from the University of Dayton will also cease. If the medical retiree is re-employed at The University of Dayton in a benefits eligible position or is eligible for voluntary retirement by virtue of years of service at the onset of medical retirement and current age applicable benefits will continue.

A. Benefits – Medical Retirees With 10 or More Completed Years of Service

- Identification card.
- Life insurance: Life insurance will continue at the same level of coverage provided to active employees for as long as disability benefits through the University's Long-Term Disability plan continue. If at the time these payments cease, the retiree qualifies for voluntary retirement, the coverage will be reduced to \$5,000 and the University will pay the premium until age 70. The retiree may convert to a private life insurance policy at age 70.
- Health Insurance: The University will contribute a portion of the premium for the retiree coverage. Dependents may be covered under the plan. For additional information regarding premium contributions contact the office of human resources.
- Tuition Remission: Available at the same level and to the same family members as before the medical retirement.
- Discounts on Football and Basketball tickets: Football and basketball tickets are made available at the same discount rates as those available to current active employees.
- Wellness Program: Medical retirees and their immediate family members may participate.

B. Benefits – Medical Retirees With 5 But Less Than 10 Completed Years of Service

- Life Insurance: Life insurance will continue at the same level of coverage provided for active employees for as long as disability benefits through the University’s Long-Term Disability plan continue. If at the time these payments cease, the retiree qualifies for voluntary retirement, the coverage will be reduced to \$5,000 and the University will pay the premium until age 70. The medical retiree may convert to a private life insurance policy at age 70.
- Health Insurance: The medical retiree may purchase single or dependent coverage under the medical plan that is available to retirees; however, the medical retiree is responsible for the entire premium. For additional information contact the office of human resources.
- Wellness Program: Medical retirees and their immediate family members may participate.

C. Continuation of Medical Retirement Benefits

Future changes in benefit costs or other circumstances may necessitate benefit revisions. The University reserves the right to modify or eliminate benefits and how they are paid at its discretion for any reason. The benefit program is reviewed annually to determine if modification of the benefits is anticipated.

6. EDUCATIONAL BENEFITS

6.1 General Tuition Remission Information – Credit Courses

Faculty members, spouses and children, when admitted in accordance with University of Dayton admission standards, are eligible for tuition remission benefits consistent with the eligibility for benefits (see page 3). Tuition remission will be granted to dependents of an employee when the employee's anniversary date of hire falls within a two-week period after the start of the term. The same applies when percentage levels change due to an anniversary date. If the anniversary date occurs within the two-week period after the beginning of the term, the higher level of benefit will be given. Employees whose anniversary occurs between terms will qualify for the higher percentage of tuition remission the following term. If employment terminates before the end of the second week of classes, no tuition remission will be given.

6.2 Employee Tuition Remission – Undergraduate Courses

Employees are eligible immediately upon hire for 100% remission of tuition and University fee for undergraduate courses up to 18 credit hours per academic year (fall, spring, and the following summer terms) including not more than six hours in either the fall or spring term.

Whenever possible, employees are expected to attend classes held outside their regular working hours. Employees MUST obtain prior approval from their supervisor before registering for classes held during working hours. In the event an employee takes classes during working hours, time spent in class away from work should either be made up during the same workweek.

Procedure:

- a. Registration - Employees who wish to take undergraduate credit courses in a non-degree program (Academic Enrichment Studies) must register each term in the Registration Office. Only 18 Academic Enrichment Studies hours may be applied to a University of Dayton undergraduate degree. For questions concerning registration, contact the Registration Office at 937-229-4131. Questions involving academic advising should be directed to Julie Mitchell at 937-229-2605. Employees who are current students may register on the Web at <http://register.udayton.edu> or go to Albert Emanuel Hall, Room 240.
- b. Tuition remission will be credited to the employee's bill automatically up to the number of credit hours per term allowable according to University policy. The employee will receive a bill for any balance of tuition owed after the remission credit along with all lab and special fees. Payment for the balance due on bills should be made directly to the bursar.
- c. Employees who decide to withdraw from a course should do so as soon as possible after the beginning of the semester. Since charges are made to the tuition remission

budget on a sliding scale according to when the course is dropped an early withdrawal results in lower charges.

NOTE: Employees taking 8 or more credit hours in a fall or spring term will be charged at the applicable University rate for ¾-time or full-time students, as appropriate to their case, however the University will pay for up to a maximum of 6 credit hours per term at the (lower) hourly rate for part-time students with the student paying for the balance of the cost.

6.3 Employee Tuition Remission – Graduate Courses

Employees are eligible immediately upon hire for 100% remission of tuition and University fee for graduate courses up to 18 credit hours per academic year (fall, spring, and the following summer terms) including not more than six hours in either the fall or spring term. Tuition Remission is not available to employees for Law School.

Whenever possible, employees are expected to attend classes held outside their regular working hours. Employees MUST obtain prior approval from their supervisor before registering for classes held during their working hours. In the event an employee takes classes during work hours, time spent in class away from work should either be made up during the same workweek.

Procedure:

- a. After registering, the employee will receive a bill for any balance of tuition owed after the remission credit and for all lab and special fees. Payment for the balance due on bills should be made directly to the bursar.
- b. Employees who decide to withdraw from a course should do so as soon as possible after the beginning of the semester. Since charges are made to the tuition remission budget on a sliding scale according to when the course is dropped, an early withdrawal results in lower charges.

NOTE: Employees taking 8 or more credit hours in a fall or spring term will be charged at the applicable University rate for ¾-time or full-time students, as appropriate to their case, however the University will pay for up to a maximum of 6 credit hours per term at the (lower) hourly rate for part-time students with the student paying for the balance of the cost.

6.4 Undergraduate Tuition Remission for Children and Spouse of Current and Deceased Employees

- *Children and the spouse of an employee (see NOTE 1, p. 37):* Eligible for undergraduate tuition remission according to the following schedule:

Table 4. Schedule for Eligibility for Undergraduate Tuition Remission.

Completed Years of Continuous Service	Percent Tuition Remission
Less than 1	0%
1 but less than 2	50%
2 or more	100%

- *Children and the spouse of a deceased employee (see NOTE 2, p. 37):* Eligible for tuition remission provided that the individual died while an employee of the University and had completed at least five years of full-time active service. This benefit is 100% tuition remission for undergraduate courses.

Regardless of the number of years of service, in the event that a full-time faculty member dies while his or her children or spouse are enrolled as full-time undergraduate students at the University, tuition remission will be continued at the remission level for which the children or the spouse was eligible at the employee's death. This benefit will continue through the completion of the children's or spouse's graduation.

Children or the spouse of an employee receive no reduction of fees.

Procedure:

- a. Application for undergraduate tuition remission is required for each child or spouse of current or deceased employee under the following circumstances:

- first year undergraduate students
- any student who has interrupted status (occurs when a student does not register for consecutive terms)

No further application is required for returning students. Tuition remission will be credited to the student's bill automatically in accordance with University policy. The employee will receive a bill for each child or spouse for the balance of tuition owed after remission credit and for all lab and special fees.

- b. A student who wishes to withdraw from a course should do so as soon as possible after the beginning of the semester. Since charges are made to the tuition remission budget on a sliding scale according to when the course is dropped, an early withdrawal results in lower charges.
- c. Scholarships and Financial Aid – An individual receiving tuition remission benefits may be eligible for other forms of financial aid including merit-based scholarships, need-based grants, and educational loans. Federal grants, such as the Pell Grant, are in addition to the 100% tuition remission benefits. State grants will be applied toward tuition before any tuition remission benefits are applicable. University scholarships

may be reduced, depending on the value of the award. The maximum amount of a UD scholarship for dependents of UD employees is \$1,000 per year and may be used toward fees and room and board. Dependents who are National Merit Scholarship Finalists may receive up to \$2,500 per year from a UD scholarship and/or UD sponsored scholarship, which may be used toward fees and room and board. All families are eligible for low interest educational loans designed to cover other educational related expenses. Each employee is encouraged to investigate these programs by contacting the Scholarship and Financial Aid Office (937-229-4311).

6.5 Graduate/Law School Tuition Remission for Children and Spouse of Current and Deceased Employees

NOTE: The Law School does not offer a program for part-time students.

- Hired on or after January 1, 1994: no tuition remission for children or spouse.
- Hired on or after January 1, 1983 and before January 1, 1994:
 - Children - no tuition remission
 - Spouse – 70% (this benefit is not available to Research Institute technicians).
- Hired before January 1, 1983:
 - Children - 70% tuition remission. Children must be unmarried (natural or adopted) who are considered dependents under the provisions of the Internal Revenue Code.
 - Spouse - 70% tuition remission

Graduate tuition remission for the spouse and children of an employee is considered to be taxable income by the IRS. The amount of graduate tuition remission will be added to the employee's gross pay each applicable term and all taxes will be withheld (based on the employee's taxation option selected upon the application for graduate tuition remission). Taxation will continue at that level until the employee selects a new tax option. Forms are available in the office of human resources. Shortly after the beginning of the term, the employee will be notified in writing of the amount that will be taxed and the number of pays over which the tax will be deducted. If courses are dropped, the employee will be taxed on the cost assessed to the staff benefits account.

Children or the spouse of an employee receive no reduction of fees.

Procedure:

- a. Application for graduate tuition remission is required for each child or spouse of employee under the following circumstances:
 - registering for the first time as a graduate student
 - any student who has interrupted status (has not registered for consecutive terms).

No further application is required for returning students. Tuition remission will be credited to the student's bill automatically in accordance with University policy. The employee will receive a bill for each child or the spouse for the balance of tuition owed after remission credit and for all lab and special fees.

- b. A student who wishes to withdraw from a course should do so as soon as possible after the beginning of the semester. Since charges are made to the tuition remission budget on a sliding scale according to when the course is dropped, an early withdrawal results in lower charges.
- c. Scholarships and Financial Aid – Graduate students may be eligible for scholarships and grants in addition to the 100% tuition remission benefits. In addition, low interest educational loans are available to all students. For more information contact the Office of Scholarships and Financial Aid (937-229-4311).

NOTE 1: Individuals eligible for undergraduate tuition remission are the employee's spouse as well as natural or adopted children or stepchildren who are considered dependents for the purpose of the Internal Revenue Code and who are under age 25 at the beginning of the academic year, regardless of marital status. If the dependent turns 25 after the beginning of the academic year, such child will be eligible for tuition remission throughout the entire academic year in which the child or stepchild reaches 25.

NOTE 2: Children who are considered dependents for the purpose of the Internal Revenue Code will be eligible for tuition remission if under age 25 at the beginning of the academic year. If a dependent turns 25 after the beginning of the academic year, such child will be eligible for tuition remission throughout the entire academic year in which the child or stepchild reaches 25. Spouses of deceased employees are ineligible for tuition remission upon remarriage.

6.6 Tuition Remission Extension For Dependents Involuntarily Called to Active Duty

When an eligible employee's dependent under age 25 is involuntarily called to active duty in any of the armed forces and that dependent would otherwise have been eligible to receive tuition remission during the period of duty, the dependent should be given tuition remission benefits for a period of time equal to the length of the active duty service or up to attaining age 25, whichever occurs first.

This period of time of eligibility will begin immediately following return from active duty and continue for the period of time stated above, as long as the parent remains employed at UD or is a retiree from the University of Dayton and is in a tuition remission eligible classification.

6.7 Tuition Remission – Continuing Education

Eligible faculty members (see page 3) may, upon hire, enroll in special non-credit courses offered on a space-available basis. Employees must register in the office of special programs and continuing education. They must then contact the office of human resources prior to the

beginning of each course to complete a tuition remission form certifying the employee's status and benefits entitlement.

6.8 Fees for Testing Out of Classes

An employee who is eligible for tuition remission and has successfully tested out of classes required for admission may be reimbursed for any testing fees. The employee is responsible for paying the fees. Upon completion of the test, a paid receipt should be submitted to the office of human resources for reimbursement. Spouses and dependents are not eligible for this benefit.

6.9 Tuition Exchange Program

The University of Dayton has been a member of Tuition Exchange, Inc. since the 1999-2000 academic year. This program provides the opportunity each year for a limited number of faculty or staff dependents per year to attend one of more than 500 colleges and universities nationwide. Participants in the program receive scholarships toward tuition at the university or college to which they are accepted. Scholarship amounts are set by Tuition Exchange, Inc. and can be found on their Web site (<http://www.tuitionexchange.org/>). ***Scholarship amounts may or may not cover the full amount of the tuition at the chosen school. Employees will be responsible for any difference in tuition amounts.***

To participate in the program, dependents must be accepted into the school of their choice and must also be accepted into the Tuition Exchange Program at that school. Many schools have limited slots available under the Tuition Exchange Program, so in some instances acceptance in the program is much more competitive than acceptance into the school.

Eligibility for the University of Dayton program is based on the seniority of the faculty or staff member. Seniority will be determined by first looking at the fiscal year of hire. Anyone hired within the same fiscal year will have the same seniority. If necessary to break ties within the same year, scholarships will be awarded by a lottery system. In determining seniority, years of service will be understood to mean years of continuous benefit-eligible service.

The eligibility for children of deceased employees and retirees will be determined in the same manner as for active employees, going by years of benefit-eligible service of the deceased employee or retiree.

The benefit under this program will be undergraduate tuition only for children of active and deceased employees and retirees who are eligible for 100% undergraduate tuition remission for their children. Eligibility criteria for children will be the same as for tuition remission at the University of Dayton. Spouses are not eligible under the Tuition Exchange Program.

Eligibility will be limited to 8 semesters/12 quarters, which must be completed within five years. An appeal may be presented to the Vice President for human resources to extend the eligibility period. Applicants are encouraged to limit Tuition Exchange applications to five

institutions, increasing their chances of being considered credibly interested in the specific institutions of their choice. Applicants are also encouraged to apply for Tuition Exchange only as they make application for admission to member institutions. The University of Dayton will grant scholarship eligibility for four years except in cases where a student will become ineligible by virtue of reaching age 25 before the end of four years. In this case, the scholarship will be approved for a shorter time period. The exchange school may also accept the student under the Tuition Exchange program for less than four years, depending upon the policy of that school.

Once a child of an employee is awarded a Tuition Exchange scholarship, additional children in the same employee, deceased employee or retiree during any year in which the first child is still in the Tuition Exchange Program will be eligible for the Tuition Exchange Program only if there is space available and there are no other qualified applicants. If both parents are eligible for this benefit by virtue of working at the University, then each parent may sponsor a child with priority on the list being determined by the sponsoring parent's years of eligible service.

Children of UD employees may apply for the program in their first, second, third or fourth years of college and will be considered for acceptance on the same basis as other children who apply in the same year. Children who are approved for a place in the program may begin in the first or second semester of the year for which they are approved.

The fee assessed to UD by Tuition Exchange, Inc. will be assessed to the employee once approved for the benefit. Application deadlines are November 30 of the year prior to the start of the next academic year.

7. SPECIAL ASSISTANCE TO EMPLOYEES

7.1 Adoption Reimbursement Policy

The University will pay to eligible employees one-half of qualified legal adoption expenses, up to a maximum of \$5,000 per family per adoption. Qualified expenses include reasonable and necessary adoption fees, court costs, attorney fees and other related legal expenses. This benefit is effective once the adoption is finalized. Some or all of the reimbursement may be considered taxable income. Please check with your tax advisor.

Employees must complete the Application for Adoption Reimbursement that is available from the office of human resources, provide written proof of the finalized adoption and provide written proof of the expenses being submitted for reimbursement.

7.2 Loans for Purchase of Personal Computers

The University is willing to help full-time employees become more skilled in the use of computers by making loans available for the purchase of personal computers. Special rate loans are available to faculty or staff members to purchase a personal computer under the following conditions:

- a. Loans must be through Day Air Credit Union.
- b. Eligibility forms are available in the Comptrollers office. This form must be completed and signed by the employee and the employee's supervisor. This form indicates that there is potential benefit to the University and individual from the use of a personal computer. This form is then forwarded to the Comptrollers office for final approval before it is taken to Day Air Credit Union.
- c. The approved Eligibility form is then forwarded to Day Air Credit Union along with a receipt, purchase order, or other acceptable documentation from the vendor. An employee must be a member of Day Air Credit Union to participate in the program. Day Air Credit Union will issue a check payable to the vendor for the purchase price of the computer.
- d. Loans have a fixed interest annual percentage rate and are payable over a period not to exceed three years through payroll deduction. The rate of interest on new loans will be established quarterly on the last Tuesday of March, June, September and December. The rate will be equal to the most recently quoted prime rate from the *Wall Street Journal*. Day Air requires a UCC-1 filing fee that can be financed at the employee's request.
- e. The maximum amount available under this program is \$3,000. The minimum amount for which a loan will be processed is \$500.

- f. The computer is the property of the individual, subject to a security interest. Insurance, maintenance, software, and security are the responsibility of the individual. There is no automatic buy back by the University or Day Air Credit Union. However, the University of Dayton or Day Air Credit Union will maintain a security interest for the duration of the loan and may choose to recover the computer in the event of default.
- g. Loans issued under this program must be repaid in full at the time of termination or separation of service. Day Air Credit Union will allow the individual to apply for a standard loan to pay off any outstanding balance. These loans will be subject to Day Air's normal loan terms and underwriting criteria. If Day Air, for any reason, is unable to grant a loan to an individual at the time of termination or separation, all monies will be due from the individual at that time. *This must be done within ten working days from the individual's separation date.*
- h. Applicants are invited to consult with the UD Computer Store regarding hardware choices and software support, including any cost savings that may be available if the computer is purchased through the UD Computer Store.
- i. The University of Dayton and Day Air Credit Union reserve the right to cancel or change this program at any time.
- j. Loans issued under this program are to be repaid in full at the time of termination or separation of service from the University of Dayton. Day Air Credit Union will allow the individual to apply for a standard loan to pay off any outstanding balances. These loans will be subject to Day Air's normal loan terms and underwriting criteria. If Day Air for any reason is unable to grant a loan to an individual at the time of termination or separation, all monies will be due from the individual's separation day or Day Air will commence collection activities.

7.3 The Bombeck Family Learning Center

The Bombeck Family Learning Center, the University of Dayton, School of Education and Allied Professions' children's center, provides an Early Childhood Program based on developmentally appropriate practices. The partnership with the School of Education and Allied Professions has established the Center as an early childhood demonstration school. Accreditation by the National Association of Education of Young Children was awarded in 2003 assuring the highest quality standards are being met. Enrollment is dependent upon availability of openings, with priority given to children of University of Dayton employees. A discount may be available for benefit eligible employees based on salary level.

The total family discount is 15% for any benefits eligible employee with a salary not exceeding \$100,000. A 30% discount is available for benefits eligible employees with proof of total family income equal to \$65,000 or less. Application for the 30% discount is required and forms are available at the Bombeck Center or in Human Resources.

For further information, contact the Bombeck Center at 937-229-2158.

7.4 Personal Financial Plan Subsidy

The University will provide a partial subsidy toward the overall cost of a Personal Financial Plan prepared by an experienced staff of TIAA-CREF financial planners. The comprehensive Personal Financial Plan provides a thorough analysis essential for planning a detailed strategy, including how to provide for children's education, meeting retirement goals, and estate planning. A TIAA-CREF financial planner will review the customized financial plan and provide individual step-by-step guidance for strategy implementation. Due to funding limitations for this program, UD contributions toward the cost of a Personal Financial Plan will be on a first come, first serve basis.

8. LEAVES OF ABSENCE POLICIES

An employee who expects to be absent from work for 3 consecutive working days or more or on a reduced schedule of leave of 3 consecutive working days or more for medical reasons, or for more than 10 consecutive working days for reasons other than medical or vacation, must request and complete an Application for Leave of Absence form. In the case of a medical leave, all paperwork must be submitted directly to the office of human resources for review as soon as the need for leave is known. All other applications for leave must be submitted to the employee's department head or immediate supervisor in sufficient time prior to the date of leave requested so that appropriate consideration can be given to the request. The appropriate supervisor, dean or administrative department head, the appropriate vice president, and the office of human resources will then consider the request. In addition, an employee requesting a medical leave of absence, such as for maternity or a workers' compensation injury, must submit a Medical Certification form prior to requesting the leave or within 15 calendar days from the date of requesting the leave. The Application for Leave of Absence and the Medical Certification Form can be obtained from the office of human resources or the employee's supervisor.

University benefits will continue during an approved leave of absence provided that the employee pays normal premiums as appropriate. Employees *must* contact the office of human resources before beginning a leave of absence to ensure continued benefit coverage (e.g., health care insurance) and to make arrangements for premium payments as necessary. Certain benefits, however, such as PMTO accrual, salary continuation, paid holidays, and University retirement contributions do not continue during an approved unpaid leave of absence. Employees should contact the office of human resources for more information on benefits available during an approved unpaid leave of absence.

In accordance with the law and the existing leave policies of the University, a good faith effort will be made to return the employee to his/her former position or a similar position following a leave of absence, with similar pay, benefits and other terms and conditions of employment.

Further explanation of specific leaves of absence is contained in the following paragraphs.

8.1 Family and Medical Leave Act (FMLA)

The University of Dayton recognizes that an employee may need time away from work because of certain major life events, such as becoming a parent, experiencing a serious health condition that causes incapacity or requires continuing treatment, caring for a family member who has a serious health condition or a service member with a serious injury or illness or needing time with a family member called up for or on active duty in the Armed Forces. To balance these needs with the University's need to have employees available for work the University of Dayton has established a policy in accordance with the Family and Medical Leave Act of 1993 (FMLA). The Family and Medical Leave Act of 1993 (FMLA) is a federal law that helps employees balance work responsibilities with family and medical needs.

To comply with the provisions of the FMLA, the University has developed and established the following family and medical leave policy. This policy summarizes employees' rights and responsibilities under the University of Dayton's FMLA Policy. More details about FMLA and whether you have a qualifying situation may be obtained by contacting the Office of Human Resources.

A. Eligibility Requirements for FMLA Leave

An employee is eligible for FMLA leave if the employee has been employed by the University of Dayton for at least 12 months (52 weeks) *and* has worked at least 1,250 hours during the 12-month period immediately preceding the commencement of the FMLA leave. If an employee is on the payroll for any part of the week, the week counts as a week of employment. The employee must have actually worked or been in service during the 1,250 hours. In the case of a call to active service in the Armed Forces, the hours that the employee would have otherwise been scheduled to work during the absence for active service will be counted toward meeting the 1,250 hour requirement for eligibility under FMLA.

B. Types of Leaves Covered by FMLA

To qualify as FMLA leave under this policy, an employee must request leave for one of the following reasons:

1. the birth of a child, and to care for the newborn child;
2. the placement of a child for foster care or adoption;
3. to care for a spouse, child or parent with a serious health condition,
4. the serious health condition of the employee which makes the employee unable to perform one or more essential functions of the job,
5. to deal with any qualifying exigency that arises from a spouse's, child's or parent's active duty in the Armed Forces including an order or call to duty; or
6. to care for a spouse, child, parent or next of kin (Defined as the nearest blood relative) who are service members with serious illnesses or injuries incurred during active duty in the Armed Forces.

The term serious health condition is defined as an illness, injury, and impairment or physical or mental condition that involves a period of incapacity or treatment following *inpatient* care or, in certain circumstances, *continuing treatment* by a health care provider. Employees with questions about the FMLA policy are encouraged to contact their supervisor, the office of human resources, or the office of compliance & affirmative action.

C. Length of Leave Under FMLA

An eligible employee can take up to 12 work weeks of leave during any 12 month period for the first five qualifying reasons stated in Section B above. An eligible employee can take up to 26 work weeks of leave for the sixth qualifying reason stated in Section B above.

If taking a leave to deal with any qualifying exigency that arises from a spouse's, child's or parent's active duty in the Armed Forces (B5 above), the leave is not confined to a single 12 month period but the 12 weeks is reduced by leave for any other qualifying FMLA event during the same 12 month period.

If taking leave to care for a spouse, child, parent or next of kin who is a service member with a serious illness or injury incurred during active duty in the Armed Forces (B6 above), the leave is available only during one 12 month period and is combined with all other FMLA leaves in that same 12 month period with a maximum total leave entitlement of 26 weeks.

D. FMLA Leave Calculation Formula

The University will calculate available FMLA leave by determining the amount of leave used by an employee during the 12 months prior to the date the leave is requested and subtracting that number from the 12 work week maximum. The remaining balance is the amount of FMLA leave that the employee is entitled to take at that time. When requesting FMLA leave, the employee must review the remaining leave balance with his or her supervisor.

E. Paid and Unpaid Leave Under FMLA

Under the FMLA, eligible employees are entitled to up to 12 work weeks of unpaid leave for FMLA qualifying reasons per year. As described below, however, in some circumstances, the University requires the employee to use accrued PMTO and short-term disability benefits or salary continuation prior to using unpaid leave. Paid leave will run at the same time as any FMLA leave.

An employee who takes FMLA leave due to maternity or a personal, serious health condition *must* use all accrued PMTO and short-term disability benefits or salary continuation prior to being eligible for unpaid leave. PMTO and short-term disability benefits or salary continuation must be substituted for unpaid FMLA leave if the reason for the leave is covered by the University medical leave of absence policy.

Example: The University of Dayton medical leave of absence policy permits an exempt employee to take a leave of absence for a personal medical condition for up to six months. Under the FMLA, the employee must use accrued PMTO and short-term disability benefits or salary continuation for a personal medical condition prior to using unpaid leave and the leave will be designated as FMLA and counted toward the 12-week period.

The University will not permit the use of accrued PMTO and short-term disability benefits or salary continuation in the following circumstances: (1) serious health condition of spouse, parent or child; (2) adoption or foster care of a child; (3) leave for the birth or care of a newborn child in cases where the mother is *not* subject to medical restrictions by her physician but wishes to extend her time at home with her child. However, the University of Dayton policies provide an *exception* to the above rule by permitting employees to use accrued PMTO for either a medical emergency for an immediate family member for *up to 3 days* or medical treatment of an immediate family member with prior supervisor approval for *up to 6 days within each half of the calendar year*.

An employee *may choose* to use other paid leave (vacation) for all or part of any otherwise unpaid FMLA leave as long as the University leave policies so provide.

Example: The employee can choose to use accrued vacation leave instead of unpaid FMLA leave for the adoption or foster care of a child or the serious health condition of a spouse, parent or child. Vacation leave, for these purposes, is counted toward the 12 weeks of FMLA leave.

F. Intermittent and Reduced Schedule Leave Under FMLA

When medically necessary to address an employee's own serious health condition, to care for a family member with a serious health condition, or to care for a service member with a serious illness or injury, an employee may take FMLA leave intermittently or on a reduced schedule basis. The employee must make reasonable efforts to schedule medically necessary intermittent leave so it does not unduly disrupt the University's operations. An employee is also entitled to take reduced schedule or intermittent leave for qualifying exigencies when necessary.

Leave may be taken intermittently or on a reduced leave schedule under the following circumstances:

If the leave is taken after the birth or placement of a child for adoption or foster care, an employee may take the leave intermittently or a reduced schedule *only* with the approval of the employee's department and the office of human resources. Leave for the birth, adoption or foster care of a child must be taken within one year of the birth or placement of the child.

If the leave is taken for a serious health condition of a family member or due to the serious health condition of the employee, leave may be taken intermittently or on a reduced leave schedule *when medically necessary*. In this case, the University will require medical certification as described in the next section.

G. Procedure for Requesting FMLA Leave

All requests for family or medical leave should be initiated by contacting the employee's immediate supervisor. When requesting leave for a period of 10 or more consecutive work days or for an intermittent or reduced schedule leave period, an employee must complete the Application for Leave of Absence form and submit it to his or her immediate supervisor *prior* to the date that the leave is requested.

When requesting leave for the serious health condition of a spouse, child or parent or for the employee's own serious health condition (including maternity) the employee must also submit a completed Medical Certification form. If the employee fails to submit the completed Medical Certification form when the leave is requested, the employee has 15 calendar days to return the form to the immediate supervisor. Failure to provide the Medical Certification form may result in denial of leave. These forms are available from the employee's immediate supervisor and/or the office of human resources.

When the requested leave of absence period ends, the employee must submit a new Application for Leave of Absence form and Medical Certification form if the employee desires to continue on family and medical leave. The new form should be submitted prior to the expiration of the original leave request.

The University reserves the right to ask the employee to obtain a second opinion from an independent medical provider selected by the University, at the University's expense.

H. Notification and Reporting Requirements for FMLA Leave

If the need for family and medical leave is foreseeable, such as for the birth of a child, the employee must provide 30 days notice to the immediate supervisor before taking the leave. If an employee fails to provide 30 days notice for foreseeable leave with no reasonable excuse for delay, the leave may be denied.

If the need for family and medical leave is not foreseeable, the employee should notify the immediate supervisor as soon as the employee becomes aware of the need for leave. If an employee becomes aware of the need for leave during the work day, notice must be given to the supervisor that same day or by the start of the next business day if the employee becomes aware of a need for leave after work hours. Usual procedures for calling in to notify of the need for leave must be followed. Notice may be given by the employee's spouse, family member or other responsible party if the employee is unable to do so personally.

I. Employee Benefits During FMLA Leave

During any FMLA leave period, the University will maintain the employee's health and dental benefits and long-term disability coverage. The employee is required to pay any portion of health, dental and long-term disability insurance premiums normally deducted from the employee's paycheck. When an employee takes *paid* FMLA leave, the University will continue to take all deductions from the employee's paycheck as if the employee remained on active employment status. If the employee does not receive a paycheck due to *unpaid* FMLA leave, the office of human resources will notify the employee in writing that a monthly bill will be sent to the employee's home for any premiums that would have been deducted from the paycheck. Vacation, PMTO and salary continuation accruals and University retirement contributions will cease while an employee is on unpaid FMLA leave status.

J. Reinstatement/Return to Work

Upon return from FMLA leave, an employee will be returned to the same position or an equivalent position with equivalent benefits, pay, and other terms and conditions of employment, *unless* the employee would have been terminated in the absence of any leave (due to layoff, downsizing, termination of a temporary job).

When an employee returns to work from FMLA leave taken for a personal serious health condition, the University Dayton will *require* medical certification (a statement from a physician) that the employee is able to return to work prior to restoration to employment.

If an employee is unable to return to work at the expiration of the approved leave period, the position will be filled as deemed necessary by the appropriate department official and the office of human resources.

Questions relating to leave entitlements and/or the status of employee benefits or compensation during approved leaves should be directed to the Office of Human Resources.

Exceptions to this policy will occur, if necessary, to comply with applicable state or local laws. All exceptions to this policy must be reviewed in advance and approved by the Office of Human Resources.

8.2 Medical Leave of Absence

Under the FMLA, an eligible employee can receive up to 12 workweeks of leave for FMLA qualifying reasons. In addition to the protections provided by the FMLA, the University has adopted a Medical Leave of Absence Policy, which grants medical leave to an employee who, due to a medical condition, is unable to work. This leave may be granted for the length of the illness but normally *not to exceed six months*. In some cases, an extension may be granted for an additional six months or a total of one year. All leave taken under this policy will run at the same time as any FMLA-qualifying leave. To qualify for a medical leave of absence, the employee must submit a completed Application for Leave of Absence form and a Medical Certification form to request the leave. In all cases, the Medical Certification form must be turned in no later than 15 calendar days from the date that the leave is requested to begin. Both forms can be obtained from the office of human resources or the employee's supervisor. The department and the office of human resources in conjunction with the office of the associate provost for faculty and administrative affairs will determine whether to grant the leave and the time period of the leave.

Examples of matters covered under the Medical Leave of Absence Policy include leave for the employee's personal medical condition including workers' compensation injuries and maternity leave. See below for a description of the faculty maternity leave policy. When an employee is granted a medical leave of absence, the employee will be compensated based upon any available PMTO and short-term disability insurance or salary continuation. The total time away from work, both compensated and unpaid, should not usually exceed six months. When an employee wishes to return to work following a medical leave, the employee will be required to provide a certified medical statement indicating that the employee is able to return to work and perform the essential functions of the position.

This policy should be read together with the Family and Medical Leave Policy.

8.21 Faculty Maternity Leave

This policy provides guidelines for deans, chairs, and faculty when working together to coordinate a maternity leave for a full time tenured or tenure track faculty member. It should be used to establish an arrangement for a faculty member related to the pregnancy and the birth of a child. It is consistent with other UD policies that should also be consulted in

the Faculty Benefits Handbook at www.udayton.edu/~hr/. The Family and Medical Leave Act (FMLA) should also be read in conjunction with this policy.

The policy provides for a period of leave beyond the “medical leave” for the mother as documented by a physician. It also establishes guidelines for release from teaching duties associated with a maternity leave.

Medical Leave

Some or all of the leave for medical conditions related to pregnancy and childbirth (usually six to eight weeks), as prescribed by a physician, may be paid through Salary Continuation. During the first year of employment, a faculty member who gives birth before having accrued sufficient medical leave benefits will receive half pay during the period of the medical leave as stated in the revised Salary Continuation Policy in the Faculty Benefits Handbook, and the department will make any reasonable adjustments to support this time away from the University.

Leave Beyond the Documented Medical Needs of the Mother

For a faculty member who has accrued sufficient Salary Continuation, a maternity leave beyond the documented medical needs of the mother can be considered. The total amount of release that may be taken is equivalent to 12 weeks at full pay. If a faculty member is to be released from teaching for a full 16 week semester, an agreement for the leave will document additional “modified duties” to be performed as an equivalent workload during the time not covered by Salary Continuation.

Any need for additional medical leave will be addressed at the time that the need becomes clear. If the condition that necessitates the leave is related to either the pregnancy or complications from delivery, the leave will be considered one continuous leave. If there is a need for additional medical time off for an unrelated condition, that will be treated as a second medical leave and will no longer be covered by this Policy, but rather by the Medical Leave Policy outlined in the Faculty Handbook. In all situations, every effort will be made to work with the faculty member and her department to determine an appropriate leave, including whether an extended period of course reduction is suitable and whether accrued Salary Continuation benefits may be applied beyond the 12-week period.

One month of Salary Continuation will be calculated as the equivalent of $\frac{1}{4}$ of a semester’s workload. A faculty member with two months of accrued Salary Continuation can receive a total of eight weeks of paid leave. A faculty member with three or more months of Salary Continuation can receive a total of 12 weeks of paid leave. Since teaching is generally a 16-week commitment, it may be in the best interest of all involved for the affected faculty member to take the full 16 weeks away from the classroom, and in these cases, modified duties should be assigned for the equivalent remaining time.

The combination of Salary Continuation plus modified duties can provide for a release from teaching for an entire semester in which the due date falls. A faculty member with three months of salary continuation, for example, could take the entire semester away from

teaching, and identify the equivalent of four weeks of additional effort so that the entire 16 weeks can be with pay. Alternatively, if the due date falls in the month immediately prior to the fall or spring semester, the eligible faculty member may be released from her teaching load during that following semester.

While it is not possible to specify every possible scenario, an agreement should consider the total time away from campus with pay, deduct the amount of time covered by medical leave and Salary Continuation, and document the remaining equivalent with “modified duties.” These modified duties shall be sufficient to make up the difference in salary to continue at full pay for the remainder of the semester beyond the period covered by medical leave. This policy applies to all contracted time for a faculty member, normally August 16th through May 15th.

For a faculty member who wants to have time off beyond the medical leave and eligible Salary Continuation, and wants to do so without any additional duties assigned, the department should work to accommodate this request for an unpaid leave during the equivalent remaining time.

Plans for modified duties

An agreement between the faculty member and chair specifying any modified duties will be written in consultation with the Dean’s Office. Final approval will rest with the Office of the Provost. Some possible options may include but are not limited to the following:

1. Specific service responsibilities or other relevant projects;
2. Specific research efforts that will benefit the department and the faculty member;
3. An additional course taught as an “overload” in another term;
4. Any combination of the above or other duties agreeable to the faculty member and the chair and dean.

Options for course offerings

Many times the release from teaching will be for an entire semester, with other instructors offering the needed courses. Other options that may be in the best interest of all involved and that support the intent of this policy should also be considered:

1. Team teaching for the affected semester wherein the other teaching partner assumes the responsibility during the period of leave;
2. A partial reduction in teaching load that would accommodate the leave and still meet the departmental needs;
3. Any other option that is a reasonable adjustment for the faculty member and the department and is agreeable to the faculty member, chair, and dean.

Tenure Clock and Maternity Leave

The University’s Policy on Academic Freedom and Tenure automatically stops the tenure clock in the case of a maternity leave unless the faculty member specifically requests otherwise in writing. For complete information regarding Tenure Clock suspension, please refer to <http://applications.udayton.edu/Provost/FacultyH.nsf>.

Procedures

As soon as possible, but no later than 30 days prior to the expected due date, the faculty member should contact her department chair to make the arrangements for the leave. The leave is specifically for the time off directly related to the birth of the child, and will not be taken at some other time.

While this policy is primarily implemented to address the conflict that occurs for teaching faculty, cases for other full-time tenure track faculty should be considered with good judgment regarding equity and practicality for each individual situation.

Modified duties will be determined by the faculty member in conjunction with her department chair based upon her needs and those of the department. A description of the duties must be put in writing, signed by both the faculty member and department chair and forwarded to the dean for his or her approval. The final approved document should be sent to the Associate Provost for Faculty and Administrative Affairs and the Benefits Manager in Human Resources along with an approved Leave of Absence Form and any related paperwork to the Benefits Manager.

Arranging for coverage of the usual duties of the faculty member is the responsibility of the department chair.

While an agreement for modified duties may involve two semesters, in no circumstances may a release from teaching span two full semesters or extend beyond the duration of the faculty member's existing academic contract unless approved by the Associate Provost for Faculty and Administrative Affairs. Also, no uncontracted periods, such as summer terms, are covered by this policy.

In the case of a normal delivery and recovery period for the new mother, no more than 12 weeks (3 months) can be applied or subtracted from the Salary Continuation balance for the medical portion of the Maternity Leave.

Benefits During Maternity Leave:

During any approved leave established by the faculty member and her department chair, all benefits will continue as if the faculty member is still actively employed. The University of Dayton will continue to make its contributions where appropriate. If the faculty member is in a paid status, all appropriate premiums will continue to be deducted from her pay. If the leave moves to an unpaid status at any time, the faculty member will be billed at home for all benefit deductions that would otherwise have been deducted from her pay.

8.3 Personal Leave

Personal leaves of absence may be granted without pay on a case-by-case basis but generally will require the employee to have completed one year of service before it will be granted. This type of leave ordinarily may be granted for up to six months but in some cases an

extension may be granted for an additional six months or a total of one year. Personal leaves may be requested for reasons other than those covered by other University leave policies.

The University of Dayton reserves the right to terminate the employee if the employee receives unapproved payment for employment outside normal University employment during an approved personal leave of absence.

This policy should be read together with the Family and Medical Leave Policy.

8.4 Bereavement Leave

Bereavement leave of up to five consecutive days is granted to an employee on the death of an immediate family member. Immediate family is defined as the employee's husband, wife, mother, stepmother, father, stepfather, brother, stepbrother, half brother, sister, stepsister, half sister, child, stepchild, as well as any other relative living in the same household.

Bereavement leave of up to three consecutive days is granted, if necessary, to an employee on the death of other family members. Other family members are defined as the employee's grandparent, grandchild, uncle, aunt, nephew, niece, cousin, brother-in-law, sister-in-law, father-in-law, mother-in-law, son-in-law, daughter-in-law, or any member of the same household.

The University may require proof of such death, and relationship as a condition of payment of this leave.

This policy should be read together with the Family and Medical Leave Policy.

8.5 Military Leave

A full-time or part-time employee who enlists or is inducted into the U.S. armed services will be granted a military leave of absence and will be entitled to reinstatement of employment and benefits in accordance with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA). U.S. armed services are defined by the Act as Army, Navy, Air Force, Marines, Coast Guard, reserve units, National Guard and Commissioned Corps of Public Health Service. Protection under the Act is not extended to "state" military duty or governor call-ups of National Guard.

USERRA provides rights and benefits while on military leave, protection from discharge, reemployment rights and protection from discrimination and retaliation due to military service. The Act covers voluntary or involuntary duty, active duty, full-time National Guard duty, time off for fitness for duty determinations and funeral honors duty. This policy does not cover weekend duty.

Protection under USERRA is lost if the service member:

- A. Separates from uniformed services due to dishonorable or bad conduct

- B. Separates from uniformed services under “other than honorable” conditions which are established by each branch of the service
- C. Is dismissed as a commissioned officer in certain situations involving court martial or by order of the President in time of war
- D. Is dropped from the rolls because of absence without authority for at least three months, court martial or imprisonment in civilian court
- E. Provides notice of not returning to work at the University of Dayton

A. Notification of Required Service

In order to receive protection under USERRA, the employee being called to active service must provide verbal or written notification prior to the employee leaving work unless notice is precluded by military necessity. Regardless of the ability to provide notice prior to leaving work, the employee must provide copies of his or her written orders as soon as possible to his or her supervisor but no later than 30 days after the leave begins.

B. Reinstatement of Employment Upon Release from Active Duty

Reporting Requirement

If the employee has been on active duty for 30 days or less, he or she must report for work at the beginning of the next scheduled work period on the first full day after release plus travel time and an eight hour rest period.

If the employee has been on active duty for more than 30 but less than 180 days, he or she must notify the University of Dayton of his or her intent to return to employment within 14 days after release from service.

If the employee has been on active duty for more than 180 days, he or she must notify the University of Dayton of his or her intent to return to employment within 90 days after release from service.

If the employee is recovering from a service-related injury, the time period for application for reemployment may be extended for up to two years.

If the time frame for application for reemployment is missed due to the employee’s fault, the employee may be subject to the same disciplinary action for failure to report to work as any other employee who does not report to work.

C. Maximum Time Protected Under USERRA

There is a 5 year cumulative service limit on voluntary military leave where the employee may be protected under USERRA and retain reemployment rights. Once an employee’s voluntary military leave reaches the 5 year cumulative maximum, it will be the University of Dayton’s option to reemploy the employee based on availability of an appropriate position. This cumulative maximum does not include:

- Involuntary recall or call up to active duty
- Voluntary or involuntary active duty in support of war, national emergency or certain operational missions

- Additional training requirements determined by the Service Secretary and considered necessary for professional development or completion of skill training or retraining

D. Rights for Reinstatement to Position

Upon release from military service, an employee who has met the requirements for notification of intent to return listed above will be reinstated to the seniority and level of pay that they would have achieved had they kept the position continuously during the military service. In the case of a full-time faculty member, the faculty member may initiate a request for an extension of the time during which an institutional decision will be made regarding reappointment, tenure or promotion, and this extension will then apply upon return to the University.

If the employee has been gone for qualified military service for less than 91 days:

- The employee must be returned to the job he or she would have held had employment not been interrupted
- If not qualified for the job listed above, then the employee must be reinstated to the job that he or she held prior to the leave
- If not qualified for either job above, then the employee must be reinstated to the job that most nearly approximated the jobs above

If the employee has been gone for qualified military service for more than 90 days:

- The employee must receive the same options listed above except that the University of Dayton may substitute a “position of like seniority, status and pay.”

The University of Dayton is not required to offer reemployment if:

- Circumstances have changed so much that reemployment is “impossible or unreasonable” (e.g. a reduction in force that would have included the returning employee’s previous position)
- It would impose an undue hardship (e.g. accommodating an employee with service-connected disabilities)
- The returning individual was a temporary employee or independent contractor

E. Protection From Discharge After Reemployment

After an employee has been reemployed by the University of Dayton following a period of military service that qualifies under USERRA, the Act provides protection from discharge **except** for cause in the following circumstances:

- If the leave was greater than 180 days, the employee may not be discharged without cause for one year after reemployment
- If the leave was more than 30 days but less than 181 days, the employee may not be discharged without cause for 180 days after reemployment

F. Pay During Military Leaves

An employee who has a military obligation during a time when the employee would normally be scheduled to work will be permitted to charge the time as follows with appropriate pay provisions:

- If the employee is on an assignment that permits the accrual of vacation, the employee may charge the absence for active reserve duty to accrued vacation and be paid in accordance with established policy for vacation days and retain the full military pay.
- If the employee does not wish to charge the absence for military reserve duty to accrued vacation or does not have any accrued vacation, the employee will receive the difference between the military base pay and the regular University pay for up to six months provided that the military pay is less than the University pay. The employee's military pay will be reduced to a daily rate and the difference will apply only to those days on which the employee is actually away from the normal University assignment. A statement from the military fiscal officer, or a copy of the employee's military orders, must be submitted for these provisions to be applicable.

G. Continuation of Benefits During Military Leave

While on a military leave covered by USERRA, the employee will have the same rights to benefits as any other employee on approved leave from the University of Dayton. The employee will be required to pay the same share of any premiums as was required during active employment with the University of Dayton. The employee may choose to pre-pay for the premiums, be billed on a monthly basis during the leave or make written arrangements with the office of human resources for repayment after return from military service. Unless otherwise notified by the employee, the office of human resources will bill the employee on a monthly basis during the leave.

Military service does not entitle the service member to benefits that would not be available to that employee if he or she had remained continuously employed at the University of Dayton.

Employees on military leave that qualifies under USERRA will receive credit toward all benefits for which they were entitled prior to the start of the military leave. (i.e. credit toward vesting in the University's retirement plan)

Medical and Dental Coverage During USERRA Qualifying Military Leave

The University of Dayton will allow the employee to continue to carry coverage for himself or herself and any eligible dependents during the entire length of the leave. The employee is required to pay his or her portion of the premiums for the plan/s selected.

If the employee elects to waive the University of Dayton's coverage during the leave to enroll in the military health care coverage, Tricare, reemployment of the employee with the University of Dayton will be considered a qualifying event and will allow the returning employee to reenroll in the University's plan of their choice within 30 days of return to employment. No pre-existing conditions or waiting period will apply.

Retirement

The University will make contributions to the 401(a) retirement plan on the base salary paid to the employee according to the retirement contribution schedule listed in the Retirement Section of this Handbook.

If an employee enters a status of leave without pay, contributions to the 401(a) plan will cease. After the employee returns to active benefit eligible employment with the University of Dayton, the University will make contributions to the 401(a) retirement plan by estimating the amount of compensation that the employee would have been paid during the period of military service if they had been continuously employed, or if there is no reasonable method to determine what would have been earned due to irregular salary, the University will use an average of compensation paid to the employee during the twelve months immediately prior to the qualified military service.

University contributions will be made based on the employee contribution level. If the employee is within his or her first ten years of benefit eligible service with the University of Dayton, and is not contributing at least 5% toward the 403(b) plan, then the University will only be required to contribute the lower contribution as outlined in the Retirement section of this handbook.

The returning employee will be eligible to make up his or her contributions to the 403(b) plan for the time period that he or she was not able to do so because of not receiving pay from the University of Dayton. He or she will have three times the period of military service, not to exceed five years to make up those contributions. If those contributions are made at the level that would require the additional contribution from the University of Dayton toward the 401(a) plan, the University will make up those additional contributions as well. (e.g. If an employee with 3 years of benefit eligible service makes up 5% contributions for the preceding year, the University will contribute an extra 2.5% to the plan.)The IRS maximum will apply for each individual year that contributions are being made. No earnings will be credited to the accounts.

The employee on approved military leave will not incur any break in service with regard to either vesting or eligibility toward the contribution level.

Any outstanding loans may be suspended. Please contact the appropriate carrier to defer loan repayments.

Vacation and Paid Medical Time Off accrual

During the first six months of qualified military leave while the employee is receiving the difference in pay noted in the section above titled Pay During Military Leave, the employee will continue to accrue vacation and paid medical time off at a reduced accrual rate equal to the percentage of salary being paid to the employee. At the time that the employee reaches the end of the six month time period, all accrual of vacation and paid medical time off will cease until the employee returns to active employment at the University of Dayton. Maximum accruals will still apply. The intent of this section of the policy is to provide equitable treatment between employees called to military duty and any other employee on an approved University of Dayton leave of absence.

Employees may elect to use any accrued vacation to supplement military pay but are not required to do so.

Life Insurance

While on a USERRA qualifying leave, the life insurance policies provided to employees by the University of Dayton will continue to remain in force at the same level at which they were in place immediately prior to the start of the leave.

Disability Insurance

While on USERRA qualifying leave, both the Short and Long-term Disability plans provided by the University of Dayton will remain in force for any employee who is enrolled in the plan immediately prior to the start of the leave. The level of coverage will be the level of coverage in force immediately prior to the start of the leave.

Tuition Remission

Employee Remission

Employees will continue to be eligible for tuition remission at the same level as they were eligible for prior to the start of the leave.

Dependent Remission

Dependents will continue to be eligible for tuition remission at the same level as they were eligible for prior to the start of the leave.

When an eligible employee's dependent under age 25 is involuntarily called to active duty in any of the armed forces and that dependent would otherwise have been eligible to receive tuition remission during the period of duty, the dependent will be given tuition remission benefits for a period of time equal to the length of the active duty service or up to attaining age 25, whichever occurs first.

This period of time of eligibility will begin immediately following return from active duty and continue for the period of time stated above, as long as the parent remains employed at UD or is a retiree from the University of Dayton and is in a tuition remission eligible classification.

Athletic Ticket Discount

Employees will remain eligible to receive the discount on season football and basketball tickets at the same level as prior to the leave.

FMLA Eligibility Upon Reemployment

For purposes of determining eligibility for FMLA leave, employees returning from USERRA qualified leaves will be credited with time that would have been worked had they been continuously employed.

8.6 Jury Duty

The University encourages employees as citizens to perform jury duty when called. The employee will receive full salary for up to two months while serving as a juror. The employee will be permitted to keep any payment received from the court.

8.7 Other Leave Requests

Other leave requests such as adoption, leave needed to care for the medical condition of a spouse, child, parent or paternity leave for the birth or adoption of a child are *not* covered by the University's Medical Leave of Absence Policy but do fall within the Family and Medical Leave Policy. An employee *cannot* use available PMTO or salary continuation for these conditions. In some circumstances, paid time off (up to three days) may be available. (See Short-Term Absence/Illness, Section 4.2, page 11). In addition, the University may grant the employee up to six months of unpaid leave for these conditions. To qualify for a leave of absence under this provision, the employee must submit a completed Application for Leave of Absence form to his or her supervisor. The department and the office of human resources will determine whether to grant the leave and the time period of the leave.

The total time away from work, both compensated and uncompensated, should not usually exceed six months.

9. UNIVERSITY SERVICES AVAILABLE TO EMPLOYEES

9.1 Athletic Events

Eligible employees (see page 3) and retirees (see page 29) are able to purchase up to two season tickets for home football and basketball games at one-half price. This discount does not apply to any additional premium associated with the seating program. Individual tickets on a per-game basis are normally available, but must be purchased at full price.

Requests for tickets may be directed to the athletic ticket office located at the University of Dayton Arena (937-229-4433). Employees may be asked to show a valid UD identification card when purchasing season tickets. Basketball tickets are subject to tax on the value of the discount in excess of 20%, and the appropriate taxes will be withheld.

The Athletic Ticket Discount may continue for the spouse of an active employee who passes away if that employee has 10 or more years of service at the time of death. The tickets must be in the name of the spouse in order to continue to receive the benefit and may not be transferred to any other family member.

9.2 Automatic Teller Machines

Automatic teller machines are located in various buildings on campus.

9.3 Bookstore

The University bookstore, located in Marianist Hall, carries the many products needed and used by the University community. The store carries all required textbooks, as well as reference, technical, trade, and general books. Any books not carried in the bookstore may be special ordered. The store also offers personal items, school supplies, greeting cards, gift items, and several lines of quality clothing. It also provides such services as UPS pickup, dry cleaning, film developing, RTA bus pass and token sales, and postage stamps and phone cards. The bookstore accepts Visa, MasterCard, and Discover. For more information, visit the Bookstore Web site at: <http://bookstore.udayton.edu/bookstore/>.

The University bookstore also operates a gift shop in the lobby of Kennedy Union.

9.4 Center for Social Concern

The Center for Social Concern, an integral segment of Campus Ministry, exposes students to today's complex social problems, challenging them to connect their faith with action. The Center works with academic departments in planning justice education programs. Immersion experiences that take the students into low-income population centers in urban areas in the United States, as well as into developing countries, are organized and partially funded by the Center. Those experiences are often the basis for learning that deepens the academic learning in the classroom. Service opportunities abound in the Center, from one-time experiences to

committed community service in one of 30 service clubs run through the Center to a two-month summer program in either Dayton or an Appalachian community in Eastern Kentucky.

The Center for Social Concern provides leadership and resources to challenge students to become people of service. For further information about the programs and activities of the Center please call 937-229-2576.

9.5 Checks Cashed

An employee may cash a personal check for up to \$100 in one day at the bursar's office, cashier's window, St. Mary's Hall Room 103 upon presentation of a valid employee ID card. The bursar's office does not cash third-party checks.

If the bank dishonors a check written for cash or for payment of services, the bursar will assess a \$25 service charge. In addition, future check cashing privileges will be revoked.

9.6 Computer Store

The Computer Store is located in Miriam Hall, Room 43. Operating hours are from 10 a.m. to 4 p.m. Monday through Friday. The Computer Store is a campus resource sponsored and operated by the University of Dayton for the benefit of the institution, students, faculty, and staff. The Computer Store sells a full line of business-class PC systems, including Compaq, IBM, and clones by local vendors UCR, ISI, and DTK Computers, as well as the complete line of Apple Macintosh computers and equipment.

9.7 Counseling Center

Crisis intervention counseling and consultation is provided by the counseling center at no cost to employees. Though employees can only be seen for one session, an attempt will be made to provide guidance through the crisis, and/or to assist with an appropriate referral off-campus.

For a fee, the counseling center also offers a Personal Evaluation Program to employees and the greater Dayton community. This testing and consultation service can assist with career decisions surrounding changing jobs/careers, returning to college, or going to college for the first time. Tests are administered to measure interest, personality, values, and certain aptitudes. Employees can make an appointment by calling 937-229-3141.

9.8 Day Air Credit Union

Day Air Credit Union membership is available to the University of Dayton employees, students and alumni. Day Air is one of the Miami Valley's largest and most progressive credit unions, serving nearly 24,000 members. Day Air is a full-service financial institution that is not open to the general public.

A credit union is a not-for-profit, member-owned, full-service financial institution that exists to serve the financial needs of its member/owners. A volunteer board of directors, who are elected by the members, leads the credit union. By law only members of select groups are permitted to use credit unions. The University of Dayton has made the credit union available, however DayAir is a separate entity and any transactions you make at the credit union are completely confidential.

The National Credit Union Administration (NCUA), an agency of the federal government, insures all deposits up to \$100,000. Day Air is regulated and inspected by both the Federal Government and the State of Ohio. In addition, an extra \$250,000 private insurance is provided on each member account.

The following services and products are available:

- Direct Deposits/Payroll Deduction – direct deposit allows you to send your paycheck to your Day Air account. With payroll deduction you can designate a dollar amount be sent to your Day Air account each time you are paid. With either option, you can have the money distributed among Day Air accounts or applied to Day Air loan payments without visiting the credit union or writing a check. As an added benefit, members who direct deposit their paychecks with Day Air are eligible for FREE CHECKING.
- Checking and saving accounts, free unlimited ATM usage and investment opportunities.
- Loans – home mortgages, home equity loans, and auto loans and leases.
- Telephone Teller – check balances or get information on your account 24 hours, 7 days a week by calling 937-643-2166.

Employees can contact Day Air Credit Union as follows:

Mailing Address:	Phone: 937-643-2160 or 1-888-329-2472
Day Air Credit Union	Fax: 937-297-3436
P.O. Box 292980	Internet: www.dayair.org
Kettering OH 45429	E-mail: dacumail@erinet.com

Day Air has three convenient locations:

- University of Dayton (on campus in Marianist Hall)
- 3501 Wilmington Pike (corner of Wilmington & Marshall in Kettering).
- V.A. Medical Center (Building 305).

9.9 Dining Facilities

Employees may use dining facilities located in Kennedy Union. Facilities include the faculty and staff dining room on the first floor of Kennedy Union or any of the facilities in the food court in the lower level of Kennedy Union.

Employees can open a declining balance account known as Flyer Express to be used at the dining facilities. Contact the One Card Office at 937-229-2456 for further information.

9.10 Libraries

The University of Dayton Roesch Library houses the University libraries with its book, journal, government documents and microform collections. The library's main collections are automated and available through an on-line public access catalog. Employees may use the library with validated UD identification. The library is open 98 hours a week, provides almost continuous reference service, and offers on-line bibliographic searching.

For more information, please see:

Roesch Library: <http://www.udayton.edu/~library>

Marian Library: <http://www.udayton.edu/~mary>

Zimmerman Law Library: <http://www.udayton.edu/~lawlib>.

9.11 Lost and Found

The Lost and Found Service is located in the public safety office, College Park Center (937-229-2121). Unclaimed articles will be disposed of after two months.

9.12 Post Office

The campus post office located in Marianist Hall is a U.S. Contract Station, offering the services of a regular U.S. Post Office. Domestic money orders are issued but are not cashed. The bursar's office performs this service.

Window service is available Monday through Friday from 8:30 a.m. to 4:30 p.m. Service should not be requested prior to 8:30 a.m. These hours are subject to change.

Mail for campus distribution may be dropped inside the post office in the slot marked "Campus Mail," or after hours until 10:00 p.m. through the mail slot located by the service windows in the lobby of Marianist Hall.

All employees are assigned a zip+4 location code. This code should be used on all correspondence for internal mailings. Using this 4-digit code will speed the mail processing.

Checks may be written for purchases of \$5 or more with two IDs, (e.g., drivers license, UD identification).

9.13 Recreational Facilities

A. Kennedy Union Games Room and Bowling Lanes

Video games, pool tables and bowling lanes are located in the lower level of Kennedy Union. Information regarding leagues is available through the assistant director of Kennedy Union (937-229-3333).

B. RecPlex

Faculty and staff members wishing to use facilities in the RecPlex or outdoor facilities, including exercise rooms, handball courts, basketball courts, swimming pool, tennis courts, etc., are encouraged to contact the director of recreational sports (937-229-2731) for fees, schedules and hours when facilities are available.

9.14 Religious Activities

A. Chapel of the Immaculate Conception

Campus Ministry seeks to lead the University in fostering an active faith community among its members. This faith is manifested in personal and communal devotion to God, especially as revealed in Jesus Christ; common worship; the growing awareness of religious values and response to issues of social justice; and in service to one's community and church.

Because UD is a Catholic institution, the pastoral focus of the UD Chapel is the celebration of sacraments within the Roman Catholic faith. On Monday through Friday during the academic year, daily Mass is offered in the Chapel at 12:05 p.m. During the academic year, four Masses are scheduled in the Chapel each Sunday at 10:00 a.m., 12:00 noon, 6:00 p.m., and 8:00 p.m. Additionally, Mass in the McGinnis Center is held on most Sundays during the academic year at 9:00 p.m. A Protestant worship service is also offered in the Chapel at 3:00pm. Faculty and staff are welcome to participate in these liturgies.

The Sacrament of Reconciliation is available at designated times throughout the week in the Chapel, and also upon request with any of the priests on the Campus Ministry team (937-229-3339). Designated times for Reconciliation vary from semester to semester; visit the UD Campus Ministry web page to find out more specific details, or to contact a priests on campus to schedule confession: <http://ministry.udayton.edu/>. Communal celebrations of the Sacrament of Reconciliation are held during the seasons of Advent and Lent.

The Chapel is open daily for personal prayer and reflection. Faculty and staff members may also join the Chapel community to celebrate the sacraments of baptism, marriage, and, in some special cases, the rite of Christian burial. Archdiocesan regulations and permissions govern these celebrations. For information, please contact the Campus Ministry Office at 937-229-3339 or visit the Campus Ministry website, listed above.

B. Campus Ministry

The Campus Ministry team provides a number of services to all of the University Community. It collaborates with all segments of the University in fostering a faith

community whose members seek to live the Gospel in their daily lives. It provides opportunities for faith development, prayer, the celebration of the sacraments, retreat experiences, and pastoral counseling. The team also provides a residential life ministry program assisting the Residential Program staff to create welcoming communities where students can “learn, lead and serve.” Though specifically Roman Catholic, Campus Ministry actively cooperates with and helps foster other religious groups on campus.

The faculty, staff and administration of the University are of specific concern to Campus Ministry. Campus ministers are prepared to work with both individuals and groups, responding to their various needs and seeking new and vital methods for drawing people together. The heart of ministry at the University is directed at creating among the men and women gathered here a strong and evident community spirit that marks us as a Catholic and Marianist university.

Campus Ministry maintains an updated Web site of current activities:

<http://www.udayton.edu/~campmin/>

10. Management Prerogatives

This employee benefits and leaves of absence handbook covers all full time faculty of the University of Dayton.

While the University of Dayton has carefully considered the benefits and policies described herein, the University reserves the right to modify, suspend, revoke, terminate or change any or all of such benefits and plans in whole or in part, at any time, with or without notice. The language set forth in this handbook is not intended to create, nor is it to be construed to create, a contract of any kind between the University of Dayton and any or all of its employees. Benefit decisions are made after consultation with the Faculty Affairs Committee of the Academic Senate and the Office of the Provost.

The executives and officers of the University of Dayton have been vested with the exclusive responsibility to operate, manage and direct its assets and employees so as to legally achieve its objectives.

The right to manage, direct and control the operations of the University of Dayton and its employees remains vested exclusively with its executives and officers, notwithstanding that this handbook has been published to reflect the exercise of this exclusive management function.

The right to manage includes, but is not necessarily limited to, the right to establish or change terms and conditions of employment; plan, control and direct all of our operations; hire and transfer employees; maintain efficiency; and to determine and control the methods, processes and procedures used to meet our objectives.

In meeting its responsibilities, management need not necessarily exercise all of the rights reserved to it, or if it exercises them in a particular way, it will not be deemed a waiver of relinquishment of its right to exercise such rights from time to time in ways that differ from this handbook. From time to time in the event changes to this handbook are deemed to be in the best interest of the University of Dayton, such changes will be published as revisions to this handbook to inform and communicate such changes to all employees of the University of Dayton.

The employee understands and acknowledges that the University of Dayton, as the employer, from time to time will make changes in the terms and conditions of employment contained in the policies and procedures handbook, just as it will do so, from time to time in the area of benefits.

The employee, by accepting employment at the University of Dayton and by receiving the wages and benefits attributable to his/her position at the University of Dayton acknowledges these payments and benefits as consideration for the management prerogatives retained above and for the right inherent in the University of Dayton to make changes in this employee handbook and in the terms and conditions of employment, including the assignment of duties or the reassignment of the employee to a different position, with any

appropriate changes in compensation, in the event it deems this to be necessary. By continuing employment after such changes, the employee ratifies and consents to such changes and the payment of wages and benefits thereafter will be further consideration for such changes.

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