



**University  
of Dayton**

**OFFICE OF HUMAN RESOURCES**

**BENEFITS AND LEAVES OF ABSENCE HANDBOOK  
FOR EXEMPT STAFF**

**Human Resources Web Site:**

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

**December 2021**

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## PRESIDENT'S MESSAGE

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Dear Colleagues,

Welcome to the University of Dayton!

We are a pre-eminent Catholic, Marianist University with a mission to serve our region, our nation and our world by educating servant-leaders and conducting high-impact scholarship. We attract students who aspire to change the world, and it is our collective responsibility to prepare them to do so inside and outside the classroom. As graduates, our alumni use their faith, education and leadership skills to serve others and make a real difference.

As we move forward, our Catholic, Marianist values and our faith in our ability to work together to shape a more just future call us to lead in service to the common good.

I call on all of us to work together to make the University of Dayton *the* destination for students who want to be innovators and leaders; *the* destination for faculty and staff who relish forging partnerships and leading community-engaged teaching, learning, and scholarship; and *the* destination for pragmatic dreamers who see the development of community as essential in our world and are willing to work hard to achieve it.

Thank you for joining the University of Dayton community. Our work together will shape a future of tremendous promise.

Blessings and grace,

*Eric F. Spina*

Eric F. Spina

President



## **MESSAGE FROM THE VICE PRESIDENT FOR HUMAN RESOURCES**

Dear Staff Member:

This handbook is written for you as an exempt staff employee. Exempt employees are salaried employees who are not subject to the provisions of the Fair Labor Standards Act regarding hours of work and overtime.

Research technicians are also governed by the benefits and leaves of absences described in this manual. Where certain benefits and leaves of absences differ for these employees, it is so indicated.

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 staff 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,

*Troy W. Washington*

Troy W. Washington

Vice President for Human Resources

## **PREFACE**

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This employee benefits and leaves of absence handbook covers all exempt staff employees of the University of Dayton. This handbook also covers research technicians. Where certain benefits and leaves of absences differ for these employees, it is so indicated.

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.

Visit the UD Human Resources Web site: <http://www.udayton.edu/hr>

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# **INTRODUCTION**

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# SECTION 1

## **1.1 Management Prerogatives**

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.

## **1.2 Office of Human Resources**

The office of human resources, located in St. Mary's Hall Room 304, 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. The following persons are available to provide guidance and information in the indicated functional areas:

Function	Point of Contact	Room:	Phone:
Vice President for Human Resources	Troy Washington Vice President for Human Resources	307A	229-2908
Assistant to the VP of HR Employee Recognition	Kate Henry Administrative Associate	307	229-2554
Employee development and labor relations	Teshia Ligon Director, Employee Development and Labor Relations	315C	229-5382
Information systems, data management and reporting	Noyra Valentin Director, HRIS	304A	229-2526
Information systems, data management and support	Jessica Brown HRIS Manager	304B	229-3224
PAFs & ePAFs, data processing	Robin Steberl Data Support Analyst	304D	229-2543
PAFs & ePAFs, data processing	Catheryn Williams Data Support Analyst	304F	229-2546
Employee Records/I-9 E-Verify	Steve Perucca HR Records Manager	304C	229-2289
Intake of all HR related forms and assists with data processing	Megan Ventura Data Specialist	304E	229-2115
Benefits & Wellness strategy & planning and FMLA administration	Beth Schwartz Director, Benefits & Wellness Program	315E	229-2538
Benefits administration Worker's compensation	Anita Harris Benefits Coordinator	315F	229-2539
Employee wellness initiatives and administration	Maci Rutledge Wellness Coordinator	315D	229-2743
Wage and salary administration; job classifications	Tony Linz Compensation Manager	312A	229-1440
Compensation analysis and support	Kembre Thumser Compensation Analyst	312D	229-1284
Employee relations, talent, risk management	Jen Duwel Director, Employee Relations, Talent & Risk	307B	229-2722
Employment services, staff postings and onboarding process	Kailee Copeland Manager of Employment Services and Outreach	312B	229-2779
Employment processing, advertising, onboarding, temps	A'zia Garrett Coordinator, Emplment Services and Onboarding	312C	229-2779

# **GENERAL BENEFITS INFORMATION**

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# SECTION 2



## 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 active 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. For those benefits that require proof of a legal marriage for eligibility, the University is committed to providing them to its benefit-eligible employees and their spouses who are in any marriage recognized by any U.S. state, regardless of whether the marriage is recognized under federal law or by the State of Ohio.

The benefits to which an individual is entitled depend on the total hours the employee is scheduled to work during the course of a year. Eligibility for the additional benefits listed under B & C becomes effective on the date employment begins in a position in which the employee is scheduled to work the required hours as stated below. Hours worked in a part-time non-benefits eligible position or a position not eligible for full-time benefits will not be counted toward the time requirement in determining eligibility.

- A. Part time employees are eligible to participate in 403(b) tax-deferred annuity (TDA) plans. Part time employees who work at least 1,000 hours per year but not on a regularly scheduled basis are eligible to participate in the 401(a) defined contribution retirement program funded by the University of Dayton.
- B. Employees who work at least 1,000 hours per year on a regularly-scheduled basis are eligible for the following benefits, subject to any additional eligibility provisions set forth in the plan document for each benefit program, if applicable:
  - Vacation\*
  - Holidays\*
  - Salary Continuation\* [if hired before July 1, 2000]
  - Sick Leave\* [if hired on or after July 1, 2000]
  - Short Term Disability Insurance [if hired on or after July 1, 2000]
  - Health Care Insurance
  - Flexible Spending Accounts
  - Health Savings Account (if enrolled in the High Deductible Plan)

Life Insurance Supplemental

Life Insurance Dependent

Life Insurance

Accidental Death & Dismemberment Insurance

Long Term Care Insurance  
Retirement  
Tax-Deferred Annuity (TDA) plans  
Adoption Reimbursement  
Bereavement Leave\*  
Employee Assistance Program  
Wellness Program  
Bombeck Family Learning Center

\*Prorated based on actual hours worked.

- C. Employees who work at least 35 hours per week for at least 9 months per year or who work at least 1,500 hours per year on a regularly-scheduled basis, are eligible for the following benefits:

Vacation\*  
Holidays\*  
Salary Continuation\* [if hired before July 1, 2000]  
Sick Leave\* [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  
Health Savings Account (if enrolled in the High Deductible Plan)  
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/Assistance  
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 or part-time (1,000 hours per year on a regularly-scheduled basis) employment at the University of Dayton during which the employee is eligible for benefit coverage within each benefit category. Part time service will not carry forward for full time benefits. 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, or*
- *An employee's regularly scheduled working hours is reduced, voluntarily or involuntarily, to less than 1,000 hours per year for a period of one year or more.*

### **2.4 Involuntary Reduction in Hours**

If an employee is *involuntarily* reduced from full-time service, all benefits will remain in effect for as long as the number of hours charged in the previous 12-month period does not drop below 1,500. If hours charged drop below 1,500 but are at least 1,000 in the previous 12-month period, the following benefits will be discontinued:

- *Long-Term Disability Insurance*
- *Tuition Remission/Assistance and Tuition Exchange Program*
- *Athletic Ticket Discount*

All other benefits will be forfeited when the hours charged in the previous 12-month period fall below 1,000.

If an employee is involuntarily reduced from full-time service to *fewer* than 1,000 hours per year and then returns to full-time service *within* a 12-month period, University benefits will be reinstated immediately on the basis of the employee's previous effective date of full-time employment.

### **2.5 Re-employment/Reinstatement of Benefits**

If an employee voluntarily reduces from full-time service to a *minimum* of 1,000 hours per year on a regularly scheduled basis, maintains continuous service, and then returns to full-time service within a 12-month period, the employee will be eligible for University benefits in accordance with the eligibility requirements of each specific benefit plan. Benefits 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 reduction of hours worked, the employee will

receive prior service credit toward the benefit plans for which the employee was eligible during the reduced work schedule. The effective date of other University benefits (tuition remission/assistance and disability insurance) will be the same as for a newly hired employee.

If an employee is reduced from full-time service to *fewer* than 1,000 hours per year or 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 reduction of hours worked or from 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.

### **2.6 Unemployment Compensation**

State unemployment compensation laws cover all University staff 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 semesters but who expect to be employed for the next semester.

### **2.7 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. Physical damage insurance is self-insured by the University. To be covered by this insurance, employees who drive on University business must be a certified driver. To become a certified driver, training is located at [www.udayton.bioraft.com](http://www.udayton.bioraft.com). Questions and/or additional information concerning liability insurance should be directed to the Audit, Risk and Compliance Office, at 937-229-4502, or be sent to St. Mary's Hall Room 301 (+1642).

### **2.8 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 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.

After separation from employment, 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. If the account balance is less than \$5,000, the funds must be withdrawn from the plan. TIAA will contact the employee with options for the distribution. 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

Documented vacation subject to the maximum accruals outlined in this handbook, still unused at separation of service is paid in a lump sum in the final paycheck.

### Unused Sick Leave or Salary Continuation

Unused sick leave or salary continuation is not paid at separation from service.

### Tuition Remission/Assistance

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

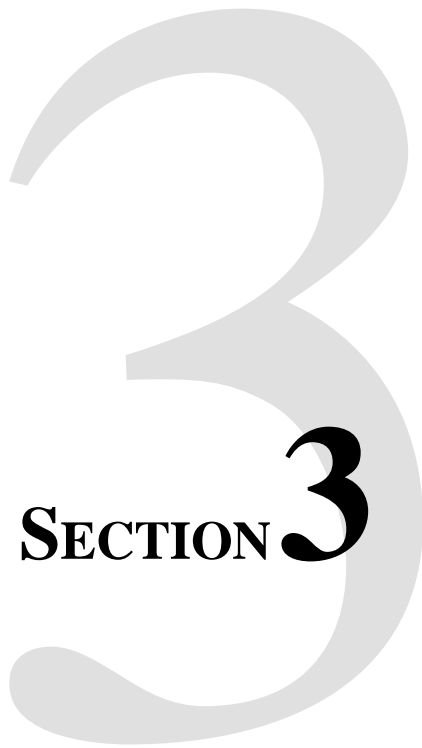
The discount will end as of the date of separation from benefit eligible service.



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## **HOLIDAYS AND VACATION**

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**SECTION 3**

### 3.1 Holidays

The University observes 17 holidays each fiscal year including the following holidays, which includes a break beginning Christmas Eve through New Year's Day. In years where an extra day is required for the Christmas break, employees on campus will work the day after Easter, and employees working at government sites will work the day after Thanksgiving.

Martin Luther King Day  
Good Friday  
Day after Easter  
Memorial Day  
Juneteenth  
Independence Day  
Feast of the Assumption  
Labor Day  
Thanksgiving Day  
Day after Thanksgiving  
Feast of the Immaculate Conception

#### 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, sick leave, or vacation) on the last scheduled workday preceding the holiday and the first scheduled workday following the holiday. Vacation cannot be charged the day before and after a holiday in order to obtain pay while on an otherwise unpaid leave of absence. If an employee receives less than their normal regular pay for either the day preceding the holiday or the first working day following the holiday or both, the holiday pay will be prorated to the percent of pay received on those days.

Holiday pay is prorated for those employees working less than full-time hours. Contact the office of human resources if assistance is needed in calculating prorated holidays.

If a full-time\* employee is required to work his/her regularly scheduled hours on a holiday, another work day which is mutually agreed upon by the employee and supervisor must be substituted for the holiday by the end of the fiscal year.\*\* When a holiday falls within the full-time\* employee's regular work week and the employee is not scheduled to work on the holiday, another work day which is mutually agreed upon by the employee and supervisor should be given by the end of the fiscal year.\*\* If an employee separates from service prior to taking this holiday, it will not be payable in the final pay check. Employees who are scheduled to work less than 12 months per year are not eligible for holidays which fall in months outside their normal work schedule.

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.

## HOLIDAYS AND VACATION

Section 3

\* Full-time for purposes of eligibility for substitute holiday pay is defined as employees who work at least 35 hours per week for at least 9 months per year or who work at least 1,500 hours per year on a regularly-scheduled basis. Substitute holidays are only available to full-time employees.

\*\* If a department is a 24/7 operation, the administration of this section of the holiday policy can be altered to meet the business needs of the department subject to approval by the Vice President of Human Resources to ensure fairness and consistency.

### 3.2 Vacation

Eligible full-time exempt employees (see section 2.2) hired prior to July 1, 1999 and employed on a continuous basis earn vacation credits according to the following schedule:  
\*

**Table 1. Vacation Eligibility for Full-Time Exempt Employees Hired Prior to July 1, 1999.**

Years of completed Service	Day(s) Per Month	Days Per Year
From 0	1.25	15
5	1.5	18
15 or more	1.75	21

\*Non-exempt employees hired prior to July 1, 1999 and promoted into an exempt position will be eligible for the "Prior to July 1, 1999" accrual schedule based on original date of hire.

Eligible full-time exempt employees hired on or after July 1, 1999 and employed on a continuous basis earn vacation credits according to the following schedule:

## HOLIDAYS AND VACATION

**Table 2. Vacation Eligibility for Full-Time Exempt Employees Hired After July 1, 1999.**

Years of completed Service		
From	Day(s) Per Month	Days Per Year
0	1	12
5	1.25	15
15 or more	1.5	18

The above amounts are prorated for those employees working less than full-time hours. Prorated vacation for employees working less than full-time is automatically calculated by the Banner HR/Payroll system.

The Banner HR/Payroll system will convert the daily accrual to hours based on the number of hours for which the employee is regularly scheduled. Vacation accrual will be calculated in hourly increments and applied to vacation balances at the end of each pay period. The maximum vacation time that an employee is permitted to accrue is the amount that could be earned during a two-year period based on the rate of accrual applicable to the employee. When the maximum vacation time has been accrued, it will be frozen at that level. When vacation time is used in a subsequent pay period, this time will be subtracted from the maximum and the new accrual will be added resulting in a new vacation balance not to exceed the maximum. Current individual vacation balances can be accessed and viewed through Banner self-service.

Vacation accrual begins the first day of employment and may be used as soon as time is accrued. Exempt employees are required to report vacation usage each pay period in hours in no less than half day increments. (Example: An exempt employee with a 35 hour per week work schedule should charge 3.5 hours for a half day). Any time less than a half day should not be reported.

If the pattern of usage is unusual or detrimental to the operation of the department, supervisors reserve the right to require vacation usage be reported in increments of less than a half day.

The monthly vacation accrual rate for Research Institute employees is the same as for other employees but the proration is calculated in tenths of the hour. Research institute employees should report all vacation in full or partial day increments through the normal time reporting system to comply with sponsored research reporting requirements.

Employees who are scheduled to work less than 12 months per year do not accrue or use vacation during the months outside their normal work schedule.

The supervisor is responsible for assuring that an employee is provided the opportunity to take accrued vacation during the year and at times that will create the least inconvenience to the normal operation of the department. The employee must submit a request to use vacation

## HOLIDAYS AND VACATION

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*Section 3*

in sufficient time to allow the supervisor time to plan workloads accordingly if the time requested is deemed to be appropriate.

When moving from a 7 hour position to an 8 hour position, the existing vacation balance will be adjusted to reflect the new 8 hour work day. Likewise, when moving from an 8 hour per day position to a 7 hour per day position, the existing balance will be adjusted to reflect the 7 hour work day.

Documented vacation still unused at separation of service is paid in a lump sum in the final paycheck.

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**PROTECTION FOR ILLNESS, DISABILITY AND  
DEATH**

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# SECTION 4



The University of Dayton medical leave policies have been established to provide employees with some form of salary continuation during periods of illness 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 in section 8.2 for more information. The following sections outline the medical leave benefits provided to exempt staff.

**4.1 Salary Continuation  
(employees hired prior to July 1, 2000)**

An eligible exempt staff member (see section 2.2) 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 exempt staff 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 exempt staff 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.
- (c) 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. This salary continuation policy is supplemented by a Long Term Disability policy that may provide benefits after salary continuation benefits are exhausted.

Salary continuation is available upon the granting of a medical leave of absence, including some absences under the Family Medical Leave Act (see section 8.1 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.

Non-exempt employees who are promoted to exempt positions, and whose original date of hire is prior to July 1, 2000 will retain any earned sick leave and continue to accrue additional time at the same rate, for the first year *only* after converting from non-exempt to exempt status. During this first year, coverage under the Short term Disability plan will

continue. After completing one year in the exempt position, the employee is eligible for one month of salary continuation and the remaining sick leave accrual from non-exempt status will be available to supplement salary continuation until the employee has been in an exempt status for six years.

**4.2 Short-Term Absences/Illness  
(employees hired prior to July 1, 2000)**

For exempt employees hired prior to July 1, 2000, short-term absences for the reasons listed below are not charged to salary continuation or vacation leave time but must be reported as sick leave usage in Banner Leave Reporting each pay period. In Banner, when an employee with salary continuation reports sick leave usage, the system will show a negative balance which reflects time taken during the fiscal year. It does not impact the salary continuation balance which continues to be calculated manually on a case by case basis by human resources when there is a need for an extended leave.

- *a.) 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. Absences of three or more days require submission of FMLA paperwork.*
- *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 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.*
- *c.) 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.*
- *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 as noted above. Any time off beyond these paid days will involve either the use of vacation days or 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.

Exempt employees are required to report sick leave usage each pay period in hours in no less than half day increments. (Example: An exempt employee with a 35 hour per week work schedule should charge 3.5 hours for a half day). Any time less than a half day should not be reported. (Example: An exempt employee has a doctor's appointment and arrives at work two hours late; no time should be reported).

Research Institute employees should record all absences in full or partial day increments through the normal time reporting system to comply with sponsored research reporting requirements.

**4.3 Sick Leave  
(employees hired on or after July 1, 2000)**

All eligible full-time exempt staff members (see section 2.2.) hired on or after July 1, 2000 will accrue one day of sick leave per month of completed service. At any point, the accumulated sick leave balance will be immediately available for the employee's use. Employees will be credited with sick leave at the end of each pay period and the accrual will be calculated by the Banner HR/Payroll system in hours based on the number of hours for which the employee is regularly scheduled. The system is set up to subtract usage first and then add the accrual to the sick leave balance up to the maximum. Sick leave accrual for regularly scheduled part-time exempt staff employees who work more than 1,000 hours per year will be automatically prorated by the Banner HR/Payroll system.

Employees who are scheduled to work less than 12 months per year are not eligible to accrue or use sick leave during months outside their normal work schedule.

An exempt eligible employee may accrue up to 90 working days of sick leave 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 sick leave, 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 either the use of vacation days or 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.

Exempt employees are required to report sick leave usage each pay period in hours in no less than half day increments. (Example: An exempt employee with a 35 hour per week work schedule should charge 3.5 hours for a half day). Any time less than a half day should not be reported. (Example: An exempt employee has a doctor's appointment and arrives at work two hours late; no time should be reported). If the pattern of usage is unusual or detrimental to the operation of the department, supervisors reserve the right to require that sick leave be reported in increments of less than a half day. Current individual sick leave balances can be accessed and viewed through Banner self-service.

The monthly accrual rate for Research Institute employees is the same as for other employees but proration is calculated in tenths of an hour. Research Institute employees should record all sick leave absences in full or partial day increments through the normal time reporting system to comply with sponsored research reporting requirements.

If the employee will be absent from employment for three or more consecutive working days, the employee must submit an Application for Leave of Absence Form and Medical Certification Form to the office of human resources. A leave taken under this policy will run concurrently with any leave that also qualifies as FMLA leave.

When a full-time employee reduces work hours to a minimum of 1000 hours per year on a regularly scheduled basis with benefit coverage, the sick leave balance may not exceed the maximum allowable sick leave accrual for that particular part-time position. Any sick leave accrual that exceeds the maximum allowable balance will no longer be available unless the employee returns to full-time status within one year.

Vacation days on which an employee is confined to a hospital or a residence because of a major illness or injury may be charged to sick leave. Unused sick leave balances at the time of separation from service are not payable to the employee.

If an employee is out on an approved leave of absence and in a paid status at the time of a University closure, sick time will not be charged for that day.

When moving from a 7 hour per day position to an 8 hour per day position the existing sick balance will be adjusted to reflect the 8 hour work day. Likewise, when moving from an 8 hour per day position to a 7 hour per day position, the existing sick balance will be adjusted to reflect the 7 hour work day.

This policy should be read in conjunction with the Medical Leave of Absence policy (section 8.2) and the Family and Medical Leave policy (section 8.1).

This Sick Leave policy is supplemented by a Short-Term Disability policy that provides benefits after Sick Leave accruals are exhausted (section 4.4).

#### **4.4 Short-Term Disability Insurance (employees hired on or after July 1, 2000)**

The University offers short-term disability coverage for all eligible exempt employees (see section 2.2) hired on or after July 1, 2000. This policy provides income replacement of 60% of covered wages. Payments begin AFTER the accrued sick leave has been exhausted or after the 7-calendar day waiting period, whichever is longer. The employee must contact the

disability insurance carrier to file a claim and be approved before benefits will begin. The contact **MUST** be made as soon as possible after determining that the medical condition will require an absence longer than the accrued Sick Leave, but not later than 14 calendar days following the first missed workday. Information on filing a claim can be found on the Human Resources website in the Disability Insurance section of the Benefits portion of the website.

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 Sick Leave 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 section 2.2) 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 staff members (see section 2.2) 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 monthly benefit is equal to 60% of covered monthly salary, reduced by any social security benefits (including dependent benefits), workers' compensation benefits, salary continuation benefits, or sick leave. The monthly benefit ranges from a minimum of \$100 to a maximum of \$15,000.

Please refer to the plan certificates, located on the HR website in the Disability section for additional details about the plan coverage.

Employees with fewer than five years of service who become disabled may 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 section 8.2). If an employee's medical leave is necessitated by a serious health condition that is also a qualifying disability under the Americans with Disabilities Act, the employee may be eligible for additional unpaid leave as an accommodation under the ADA. Employees should contact Human Resources for more information. Individuals who are terminated from the University after exhausting their leave of absence will then be offered health insurance coverage under COBRA (see section 4.7) 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 may be placed on medical retirement in accordance with the section on Medical Retirement in section 5.4.

When terminating from the University of Dayton, coverage ends on your last day of employment. You may, however, convert this group coverage to an individual policy by completing a request to convert your policy. To request the Notice of Conversion for Long Term Disability Insurance, please contact the Office of Human Resources at (937) 229-2539. This form should be completed and sent to the insurance company within 30 days of policy term date. This conversion option is not available to retirees.

**Eligibility Criteria**

New full time 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 section 2.2) 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. Consumer Driven Health Plan- CDHP**

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. Those enrolled in this plan pay 100% of allowable charges up to the deductible when the plan begins to pay based on the benefit schedule; however, the employee's premium cost is also lower.

**D. 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.

**E. Dental Insurance**

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

**F. 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.

**G. 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.

**H. 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 (CHIP) 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).*

#### **I. Cost of Health Insurance Coverage**

The employee shares in the cost of the premium. Dental insurance is available with the employee paying the full cost of the stated premium. Premiums are available in the Benefits section of the HR website at [www.udayton.edu/hr](http://www.udayton.edu/hr).

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 may 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 (IRS) 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, section 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.

When enrolling as a newly eligible employee or during a family status change, you will be provided the opportunity to select pre-tax or after-tax deductions. If this option is not selected on the form, the default will be the pre-tax option.

**J. Retiree Health Insurance (not available if hired into a benefit eligible position on January 1, 2014 or later)**

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 section 4.4G). 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.

**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 Medicare Advantage health insurance plan unless coverage is waived in writing. Dental insurance is also available to retirees and/or dependents.

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 in section 4.8.

#### **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. This only applies in a "multiple qualifying event" scenario where the covered employee (and his or her spouse and dependents) had already previously lost coverage due to such covered employee's termination of employment or reduction in hours, and then subsequently the spouse and/or dependents incurred a separation or divorce, the employee became eligible for Medicare (but only if such Medicare-eligibility would cause a loss in coverage), or the dependent ceased being a dependent.*

\*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 24). 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 section 4.6G). For contribution limits and other information on flexible spending accounts, please review the information available on the HR website in the Benefits section at [www.udayton.edu/hr](http://www.udayton.edu/hr). If you wish to participate in a flexible spending account, you must re-enroll each year. If you do not enroll 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.

**C. Health Savings Accounts (HSA)**

A health savings account is a tax-advantaged savings account you can use for eligible health care expenses. It works much like a flexible spending account (see section 4.09A), but with some important advantages like rollover from year to year of any unspent funds. You must be enrolled in the Consumer Driven Health Plan (CDHP) to be enrolled in the HSA. If you are enrolled in either Part A or Part B of Medicare, you are not eligible to make or receive contributions to this account.

**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 staff 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 60 will have life insurance equal to their base annual salary with a minimum of \$50,000. Any amounts above even thousand dollar figures will be rounded off to the next higher thousand. For employees age 60 and above, the



following reductions apply:

15% of benefit at age 60

25% of benefit at age 65

35% of benefit at age 70

50% of benefit at age 80

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.

When terminating/retiring from the University of Dayton, coverage ends at the end of the month in which the term occurs. You may, however, convert this group coverage to an individual policy by completing a request to convert your policy. To request the Notice of Conversion for Life Insurance, please contact the Office of Human Resources at (937) 229-2539. This form should be completed and sent to the life insurance carrier within 30 days of policy term date.

#### **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 coverage is also available for family members.

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.

Premium rates and additional information about the plans may be found on the Human Resources website in the Life Insurance section of the Benefits portion of the website.

#### **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.

For information about how to contact the provider for coverage options under this plan, please refer to the Benefits section of the HR website at [www.udayton.edu/hr](http://www.udayton.edu/hr).

When terminating/retiring from the University of Dayton, coverage ends at the end of the month in which employment occurs. Coverage may be converted to an individual policy at the time of separation and should be handled directly with the provider.

#### **4.13 Workers' Compensation**

All persons employed by the University are insured under state workers' compensation laws. State 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 state 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. Necessary paperwork can be found on the Human Resources website under HR Forms for reporting an injury or illness. All injuries or illnesses should be reported to the office of human resources *no later than* 48 hours following the accident/injury or onset of illness.

## A PROTECTION FOR ILLNESS, DISABILITY AND DEATH

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 or provider. 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- time faculty and benefit eligible staff members as well as 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 semesters and are distributed campus-wide. The Wellness Program is available online at

<http://www.udayton.edu/~facwell/> **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 program can give you support, advice and information on a wide range of personal issues, including:

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](http://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.

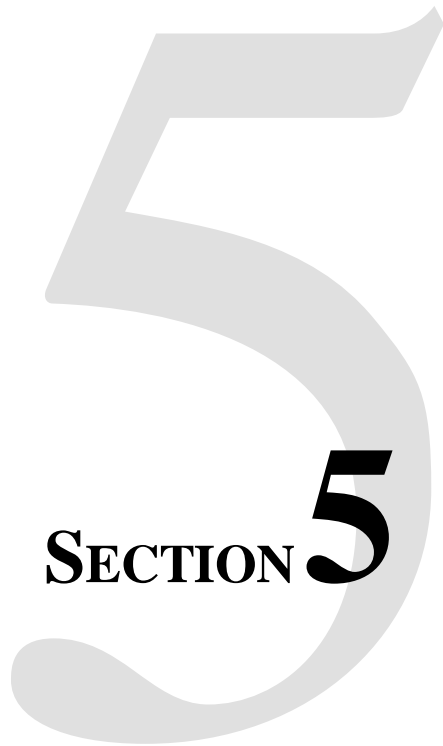
### **4.15 Travel Accident Insurance**

The University's blanket travel insurance policy covers all full and part time employees against accidental death or dismemberment while traveling on a business trip on behalf of the University, and are not insured under the travel policy sponsored by the NACDA. The value of the insurance is \$50,000. For more specific information on this insurance coverage contact the Audit, Rick and Compliance office (937-229-4502).

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# **RETIREMENT**

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**SECTION 5**



## 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.

For individual information about your actual social security benefits, please contact your local social security office.

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 Tax Deferred Annuity (TDA) Plan

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 account with Teachers Insurance and Annuity Association (TIAA). The TDA 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. Employees decide how contributions to their accounts are invested among the funds offered.

New employees in an eligible classification (see section 2.2) may participate immediately.

### A. 401(a)– University Contributions

The University contributes to a 401(a) plan on behalf of each eligible employee. The plan is written with TIAA. 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 3. 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 investment options. Payout options are subject to all applicable rules and restrictions imposed by the IRS and/or TIAA.

### **Vesting**

University contributions to the 401(a) 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.

**Table 4. 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 either pretax or Roth options.

Employee contributions can be treated as deferred income (non-taxable at present time) or as after tax (taxable at the present time) by completing a salary reduction form in the office of human resources. Employees have the opportunity to change an existing deferral election at the end of any pay period.

**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. \*This is not available to anyone hired on or after January 1, 2014.*
- *Tuition Remission/Assistance: Available at the same level as active employees.*
- *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. This includes the discounted membership at the RecPlex.*

#### **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. \*This is not available to anyone hired on or after January 1, 2014.*
- *Tuition Remission/Assistance: Available at the same level as active employees.*
- *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. This includes the discounted membership at the RecPlex.*
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#### **C. Coordination of Health Care Benefits with Medicare**

An eligible 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 Advantage 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**

Employment after retirement in either a benefit eligible or non-benefit eligible position must be approved by the vice president of human resources who will review the request in consultation with the president and/or provost.

In the event the retired person is approved for employment in any capacity, the specific period must be established, usually one year or less.

An exception to this policy will be made for retired faculty who will be allowed to teach up to two courses per term at the request of the Department and with the prior approval of the dean and provost.

**5.4 Medical Retirement**

An employee who is eligible for Long-Term Disability coverage 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 section 5.3) may 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. \*This is not available to anyone hired on or after January 1, 2014.*
- *Tuition Remission/Assistance: Available at the same level as active employees.*
- *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. This includes the discounted membership at the RecPlex.*

#### **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. \*This is not available to anyone hired on or after January 1, 2014.*
- *Tuition Remission/Assistance: Available at the same level as active employees.*
- *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. This includes the discounted membership at the RecPlex.*

#### **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.

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## **EDUCATIONAL BENEFITS**

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# 6

**SECTION 6**

**6.1 General Tuition Benefits Information – Credit Courses and Intensive English Program**

Employees, spouses and children, when admitted in accordance with University of Dayton admission standards, are eligible for tuition benefits consistent with the eligibility for benefits (see section 2.2).

**6.2 Employee Tuition Benefits – Undergraduate Courses and Intensive English Program (IEP)**

Employees are eligible immediately upon hire into a full time benefits eligible classification (see section 2.2) for 100% remission of tuition if the date of hire is within a two week period after the start of the semester. This is for up to 18 credit hours per academic year (fall, spring, and the following summer semesters). If employment terminates before the end of the second week of classes, no tuition benefits will be given.

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 or charged to vacation.

Procedure for undergraduate courses:

Tuition remission will be credited to the employee's bill automatically up to the number of credit hours per semester allowable according to University policy. The employee will receive a bill for any balance of tuition owed after the credit. Payment for the balance due on bills should be made directly to the office of student accounts.

Procedure for IEP courses:

Employees who wish to take IEP courses must contact the IEP Student Advisor and Support Specialist to take a placement exam. The IEP will submit the appropriate courses to the Registration Office. The IEP calendar can be found at <http://iep.udayton.edu/international/iep>. There are two 7 week terms each semester. For questions concerning IEP, contact the Program Director at 937-229-1510. Application is required each academic year.

**6.3 Employee Tuition Benefits – Graduate Courses**

Employees are eligible immediately upon hire into a full time benefits eligible classification (see section 2.2) for 100% remission of tuition if the date of hire is within a two week period after the start of the semester. This is for graduate courses up to 18 credit hours per academic year (fall, spring, and the following summer semesters). Tuition Benefits are not available to employees for full time Law School programs.

The value of graduate tuition remission in excess of \$5,250 per calendar year may be considered taxable income by the IRS. If the graduate degree is a specified job requirement of your current position at the University of Dayton, the amount may not be taxable. If you receive graduate tuition benefits in any calendar year you will receive a Form 1098-T from the office of student accounts the following January. This form will reflect the value of the

graduate tuition benefits that you received during the previous calendar year along with any

other financial aid that you may have received during the year. Please consult a tax advisor to determine the taxability of this benefit.

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 or charged to vacation.

Procedure:

After registering, the employee will receive a bill for any balance of tuition owed after the credit. Payment for the balance due on bills should be made directly to the office of student accounts.

### **6.4 2U Online Degree Programs**

1. There are two categories of online 2U degree programs:
  - Business@Dayton, includes the Master of Business Administration (MBA) and Master of Business Analytics (MBAN).
  - Education@Dayton, includes the Master of Science in Education in Educational Leadership (MSE), Master in Applied Behavior Analysis (ABA), and Doctor of Education in Leadership for Organizations (EdD).
2. Within each category, per calendar year, up to 10 admitted UD employees may begin receiving 100% tuition remission which will follow the student to graduation. Waitlists carry over to subsequent years.
3. The date that the Intent to Enroll (ITE) form is received will determine the first 10 selected and the ensuing waitlists. The ITE, an official form available only to admitted students, should be sent to the following:
  - Business@Dayton programs: Scott MacDonald, MBA Director, (937) 229-4618, smacdonald1@udayton.edu
  - Education@Dayton programs: Trevor Hagedorn, Director of Online Learning, (937) 229-3557, thagedorn1@udayton.edu)
4. UD employees who are already matriculated in an on-ground degree program with tuition remission and want to switch to the 2U online version should email Mr. MacDonald or Mr. Hagedorn (3. above) to confirm intent. In this case, the email will take the place of the ITE.
5. If slots open up in any cohort, they may be filled with eligible candidates from the waitlist.
6. In accordance with University policy, UD employee students are limited to 18 hours of tuition remission per year.

Students are responsible for their own tax liability associated with graduate tuition remission.

More information can be found at [irs.gov](https://www.irs.gov).

**6.5 Undergraduate Tuition Assistance and IEP for Children and Spouse\* of Current and Deceased Employees**

Individuals eligible for undergraduate tuition benefits are the employee's spouse as well as natural or adopted children or stepchildren (of a current legal spouse) 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 child turns 25 after the beginning of the academic year, such child will be eligible for tuition benefits throughout the entire academic year in which the child or stepchild reaches 25.

Employee's dependents will pay a minimum of 5% of tuition for 8 semesters consistent with the University's overall tuition plan. Dependents of employees with fewer than four years of continuous full time service will pay a percentage of tuition based on the number of years of continuous eligible service (see chart below).

If an employee's anniversary date of hire into a full time benefit eligible classification falls within a two-week period after the start of the semester, the higher level of benefit will be granted. Employees whose anniversary occurs between semesters will qualify for the higher percentage of tuition benefits the following semester. If employment terminates before the end of the second week of classes, no tuition benefits will be given.

Children and the spouse of an employee are eligible for a maximum tuition benefit of up to 175 attempted credits (including attempted IEP credits) per student or the attainment of one baccalaureate degree, whichever occurs first.

**Continued eligibility for tuition benefits is contingent upon the student achieving satisfactory academic progress toward an undergraduate degree or in the IEP, remaining in good standing with the University, and behaving in a manner congruent with the University's community standards.**

- *Children and the spouse of an employee:* Eligible for undergraduate tuition benefits according to the following schedule:



Completed Years of Continuous Service in a Full Time Benefits Eligible Classification	Percent Tuition Assistance
Less than 2 years	0% of tuition
2 but less than 3	45% of tuition
3 but less than 4	70% of tuition
4 or more	95% of tuition

\*The dollar amount an employee pays, once 95% is reached, is fixed as the dependent completes his or her degree. This is consistent with the University’s overall tuition plan.

- *Children and the spouse of a deceased employee:* Eligible for tuition benefits 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 95% for undergraduate courses.

Regardless of the number of years of service, in the event that a full-time staff member dies while his or her children or spouse are enrolled as full-time undergraduate students at the University, tuition assistance will be continued at the same 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.

Procedure for Undergraduate Tuition Benefits:

- a. Application for undergraduate tuition assistance for each child or spouse of current or deceased employee is required each academic year. Tuition benefits 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 owed after the credit.
- b. If a student receives 95 % dependent tuition benefits, this precludes the student from receiving a merit scholarship, athletic scholarship, or other university-funded scholarships/grants. For students who qualify for less than 95% tuition assistance, University funded scholarships may be awarded based on merit. In no circumstance

may the combination of a University funded scholarship and tuition benefits exceed the total educational cost. In cases where a student is eligible for 45% or 70% of the tuition benefit, other university funded scholarships/grants may be awarded in combination with the benefit but cannot exceed the 95% amount. Employees who may be eligible for governmental aid are encouraged to investigate these programs by contacting the financial aid office in Flyer Student Services, located on the 1<sup>st</sup> floor of St. Mary's Hall, (937-229-4311). Any aid received from the federal or state government or aid from private, external sources can be applied to room and board or to other educational expenditures.

- c. Travel and expenses (other than tuition) for overseas programs, study abroad or other credit work at locations away from the main campus are not covered by the tuition benefit.
- d. Dependents of employees are eligible to apply for and receive additional financial support for expenses related to participation in special programs and activities that fall outside the coverage of tuition, fees and surcharges. This includes support for off-campus programs, on-campus programs and expenses related to research and University-sponsored service and leadership activities. Dependents remain ineligible for the book scholarship and for scholarships intended for tuition, room or meals as part of a standard academic program.

### Procedure for IEP Courses:

Dependents who wish to take IEP courses must contact the IEP Student Advisor and Support Specialist to take a placement exam. Application for IEP tuition benefits for each child or spouse of current or deceased employees is required each academic year. For questions concerning the IEP, contact the IEP Student Advisor and Support Specialist at 937-229-1510.

**6.6 Graduate/Law School Tuition Assistance for Children and Spouse\* of Current and Deceased Employees**

Individuals eligible for graduate/law school tuition benefits 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 child turns 25 after the beginning of the academic year, such child will be eligible for tuition benefits throughout the entire academic year in which the child or stepchild reaches 25. Tuition benefits will be granted to dependents of an employee when the employee's anniversary date of hire into a full time benefits eligible classification (see section 2.2) falls within a two-week period after the start of the semester. If employment terminates before the end of the second week of classes, no tuition benefits will be given.

Continued eligibility for tuition assistance benefits is contingent upon the student achieving satisfactory academic progress. Graduate tuition assistance is available to degree seeking students and provides a benefit of one graduate degree per dependent. Graduate tuition benefits are also available for those courses that are required to maintain licensure and or other certification requirements.

- Hired on or after January 1, 1994: no tuition benefits for children or spouse.
- Hired on or after January 1, 1983 and before January 1, 1994:
  - Children - no tuition benefits
  - Spouse - 70% tuition benefits
- Hired before January 1, 1983:
  - Children - 70% tuition benefits
  - Spouse - 70% tuition benefits

Graduate tuition benefits for the spouse and children of an employee is considered to be taxable income by the IRS. The amount of graduate tuition benefits will be added to the employee's gross pay each applicable semester and all taxes will be withheld (based on the employee's taxation option selected upon the application for graduate tuition benefits). Taxation will continue at that level until the employee selects a new tax option. If courses are dropped, the employee will be taxed on the cost assessed to the staff benefits account.

Procedure:

- a. Application for graduate tuition benefits for each child or spouse of employee is required each academic year. Tuition benefits 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 owed after the credit is applied.
- b. Scholarships and Financial Aid –If a student received dependent tuition benefits; this precludes the student from receiving university-funded scholarships/grants. Low interest educational loans are available to all students. For more information contact the financial aid office, in Flyer Student Services, located on the 1<sup>st</sup> floor of St. Mary's Hall, (937-229-4311).

\* Spouse, for purposes of this tuition assistance program, means the individual lawfully married to the person. A couple is considered lawfully married regardless of where they reside as long as the marriage was performed in a domestic (e.g. a state) or foreign jurisdiction having the legal authority to sanction marriages.

#### **6.7 Tuition Assistance 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 benefits during the period of duty, the dependent will be given tuition benefits for a period of time equal to the length of the active duty service.

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 in a tuition assistance eligible classification and the student continues to make satisfactory academic progress.

#### **6.8 Tuition Assistance – Continuing Education**

Eligible staff members may, upon hire into a benefit eligible classification (see section 2.2), enroll in special non-credit courses offered on a space-available basis. Employees must register in the office of special programs and continuing education. This also includes one-on-one tutoring through the University's Intensive English Program. They must then contact the office of human resources prior to the beginning of each course to complete a form certifying the employee's status and benefits entitlement.

### 6.9 Fees for Testing Out of Classes

An employee who is eligible for tuition benefits 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.

### 6.10 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 ([www.tuitionexchange.org](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 full time 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 95% undergraduate tuition assistance for their children. Eligibility criteria for children will be the same as for tuition assistance 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 of 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.

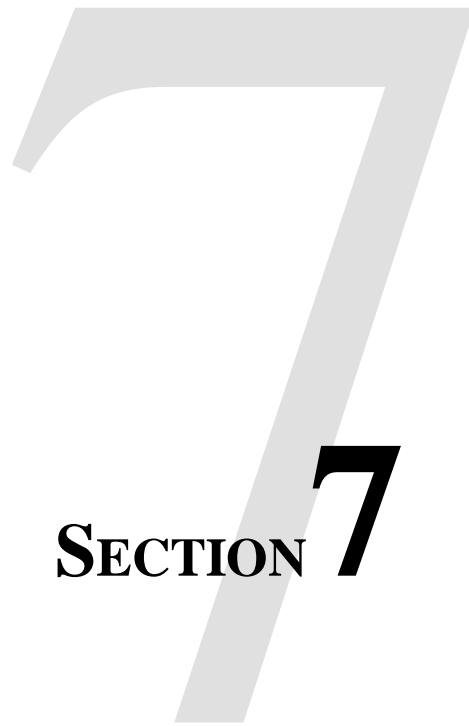
Children of UD employees may apply for the program in their first, second, third or fourth years of college and will be considered for acceptance on the same basis as other children who apply in the same year. Children who are approved for a place in the program may begin in the first or second semester 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 1 of the year prior to the start of the next academic year.

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## **SPECIAL ASSISTANCE TO EMPLOYEES**

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**SECTION 7**



**7.1 Adoption Reimbursement Policy**

The University will pay to eligible employees one-half of qualified legal adoption expenses for children under the age of 18, 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 The Bombeck Family Learning Center**

The Bombeck Family Learning Center, the University of Dayton, School of Education and Health Sciences 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.

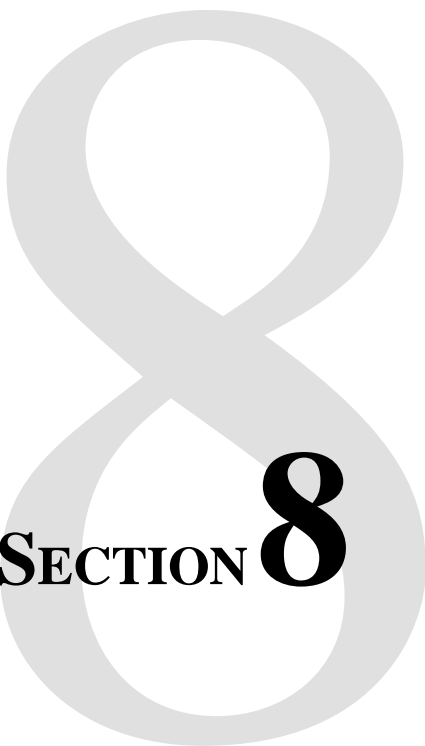
The total family discount is 15% for any benefits eligible employee with a salary not exceeding \$100,000. A 30% discount is available for benefits eligible employees with proof of total family income equal to \$65,000 or less. Application for the 30% discount is required and forms are available at the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

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

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## **LEAVES OF ABSENCE POLICIES**

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**SECTION 8**

An employee who expects to be or is absent from work for 3 or more consecutive working days or more or on a reduced schedule of leave of 3 or more consecutive working days or more for medical reasons, or for 3 or more 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 the 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 found on the HR website under Employee Resources at [www.udayton.edu/hr](http://www.udayton.edu/hr).

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 vacation accrual, sick leave 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 sick leave 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 a serious health condition *must* use all accrued sick leave and short-term disability benefits or salary continuation prior to being eligible for unpaid leave. Sick Leave 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 sick leave 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.

In the case of a maternity leave, the first 6 weeks or the time determined to be medically necessary will be covered in full without the use of sick time or salary continuation.

The University will not permit the use of accrued sick leave 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 sick leave 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 office of human resources. When requesting leave for a period of 3 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 the office of human resources *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 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, sick leave 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 may be filled as deemed necessary by the appropriate department official and the office of human resources. If an employee is unable to return to work at the expiration of the leave period, but suffers from a serious medical condition that also qualifies as a disability covered by the ADA, he or she may qualify for additional, temporary unpaid leave as an accommodation for that disability. Employees should contact the Office of Human Resources to request such an accommodation.

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. If an employee's leave is necessitated by a serious health condition that is also a qualifying disability under the Americans with Disabilities Act, the employee may be eligible for an accommodation under the ADA, including additional unpaid leave. Employees should contact Human Resources for more information.

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 on the human resources website at [https://www.udayton.edu/hr/employee\\_resources/hrforms.php](https://www.udayton.edu/hr/employee_resources/hrforms.php). The Office of Human Resources 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. When an employee is granted a medical leave of absence, the employee will be compensated based upon any available sick leave and short-term disability insurance or salary continuation. In the case of a maternity leave, the first 6 weeks or the time determined to be medically necessary will be covered in full without the use of sick time or salary continuation. The total time away from work, both compensated and unpaid, should not usually exceed six months. If an employee's leave is necessitated by a serious health condition that is also a qualifying disability under the Americans with Disabilities Act, the employee may be eligible for an accommodation under the ADA, including additional unpaid leave. Employees should contact Human Resources for more information. 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.

### **8.3 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 and must be approved by the employee's supervisor prior to being submitted to Human Resources.

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.

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.

**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 the following, in addition to other exceptions:

- 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 Sick Leave 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 sick leave 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 sick leave 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 Benefits****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 Assistance**

Dependents will continue to be eligible for tuition assistance 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 assistance during the period of duty, the dependent will be given tuition assistance 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 benefit 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 while serving as a juror. The employee will be permitted to keep any payment received from the court. Documentation of the summons may be requested by the University.

## 8.7 Subpoenas

If an employee is subpoenaed due to circumstances unrelated to University business, time off will be charged to vacation. If no vacation is available, every effort will be made to allow the employee to make up the time within the same pay period.

## 8.8 Other Leave Requests

Other leave requests such as adoption; leave needed to care for the medical condition of a spouse, child, or parent; paternity leave for the birth or adoption of a child; or extended maternity leave after the physician releases the employee to return to work 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 sick leave or salary continuation, but may choose to use accrued vacation leave 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 19). 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. If an employee's leave is necessitated by a serious health condition that is also a qualifying disability under the Americans with Disabilities Act, the employee may be eligible for an accommodation under the ADA, including additional unpaid leave. Employees should contact Human Resources for more information.

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**UNIVERSITY SERVICES AVAILABLE TO  
EMPLOYEES**

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# 9

**SECTION 9**

## 9.1 Athletic Events

Eligible employees (see section 2.2) and retirees (see section 5.3) 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>.

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 nearly 40 service and social action 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 937-229-2524.

## 9.5 Checks Cashed

An employee may cash a personal check for up to \$100 in one day at the Office of Student Accounts, cashier's window, St. Mary's Hall Room 108 upon presentation of a valid employee ID card. The Office of Student Accounts does not cash third-party checks.

If a check written for cash or for payment of goods or services is dishonored by the bank, the Office of Student Accounts will assess a service charge of \$35 or 1% of the check amount (whichever is greater). In addition, future check cashing privileges may be revoked.

## 9.6 Counseling Center

The Counseling Center offers consultation to all employees concerning student matters. For mental health/personal issues and concerns about a student, please contact the Counseling Center at 229-3141.

For personal issues related to mental health, please contact the University of Dayton sponsored Employee Assistance Program (EAP) through LifeWorks at 1-888-267-8126 or online at [www.lifeworks.com](http://www.lifeworks.com).

## 9.7 Day Air Credit Union

Day Air Credit Union membership is available to the University of Dayton faculty, staff, students, and alumni. Day Air is a full-service financial institution based in Dayton, Ohio. A branch is conveniently located in Marianist Hall & several ATMs located throughout the campus. With Day Air Credit Union, employees also have nationwide access to their money. Shared Branching & our Alliance One ATM network allow employees to travel with the freedom of branch access and surcharge free ATMs.

For more information about Day Air Credit Union & its products and services please refer to the website at [www.dayair.org](http://www.dayair.org).

## 9.8 Dining Facilities

Employees may use all UD dining facilities located on campus and Curran Place.

Dining facilities are Marycrest Dining - located in Marycrest Hall, Passports and The Grainary - located in VWK Hall, The Emporium - located in Marianist Hall, Kennedy Union Crossings - located on the lower level of Kennedy Union, Au Bon Pain - located on the first floor of Kennedy Union, Brown Street Bistro - located on the 5th floor of Fitz Hall and Riverview Cafe - located on first floor of Curran Place. Also available is Dining Services food truck - Rudy on the Run which is seasonal. Other locations are The Galley - lower level of Kennedy Union, Stu's Landing - located on the first floor of Stuart Complex, and The Chill - located on the first floor of the RecPlex.

Please check Dining Services website for hours of operation.

Employees can open a FacStaff debit account which features a 10% bonus for every \$100.00 deposited.

Also available is a declining balance account known as Flyer Express. Funds for either of these accounts can be deposited onto your card online or in person at the Campus One Card Office -

located on first floor of Kennedy Union. If you have any questions please contact Dining Services at 229-2441 or Campus One Card at 229-2456.

### **9.9 Libraries**

All University of Dayton faculty and staff may access materials, services and spaces in the University Libraries with a current University-issued ID. This includes books, journals, databases, interlibrary loan, government documents, microforms, and more than 70 million items available through the OhioLINK library consortium. Off-campus access to electronic journals, videos and books is available using a UD LDAP username and password.

Roesch Library is the main campus library. Other campus libraries include the Marian Library; University Archives and Special Collections; the Zimmerman Law Library; and the Curriculum Materials Center in the School of Education and Health Sciences.

For information about hours, services and spaces in Roesch Library, see <https://udayton.edu/libraries/>

### **9.10 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 90 days.

### **9.11 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).

### **9.12 Recreational Facilities**

#### **A. The Hangar**

The Hangar is a gathering space for students, campus partners, and guests. The Hangar is a considered a game room including lounge space, bowling, billiards, darts, and board games. Located on the ground floor of Kennedy Union, the Hangar offers four bowling lanes, six billiards tables, a projector screen television, three flat screen televisions, and a stage area. Inside the Hangar is a food and drink stand operated by Flyer Enterprises, the Galley, which offers a variety of snacks, ice cream, milkshakes, soft drinks, and coffee. Information regarding reserving the space and pricing is available through the Assistant Director of Operations at (937) 229-3333 or online at <https://udayton.edu/studev/leadership/involvement/ku/hangar/index.php>.



RecPlexStaff members wishing to use facilities in the RecPlex, including exercise rooms, handball courts, basketball courts, swimming pool, etc. are encouraged to contact the director of recreational sports at 229-2731 for fees, schedules and hours when facilities are available.

## **9.13 Faith Life on Campus**

### **A. The Office of Mission and Rector**

The University of Dayton was founded in 1850 and is guided by the Society of Mary, also known as the Marianists, a Roman Catholic religious order dedicated to education.

We at the University constantly seek truth and knowledge in our mission to improve the world. We strive to make the University a place where all are welcome, respected and supported. As a Marianist University, we are called to live and work together in community. We've built and nurtured the campus community. We invite and teach our students to do the same, and we ask each community member to learn, lead and serve.

That's the very essence of our faith and our academic pursuits. We believe that people who develop compassionate hearts and critical minds can transform the world.

At the center of the University's leadership, to enhance our Catholic and Marianist character, is the Office for Mission and Rector. Its role is simple: to form people and communities committed to our Catholic and Marianist tradition of education. The office provides a variety of programs for students, faculty and staff to educate and form leaders in our Marianist charism.

For new faculty and staff, the office plans opportunities to welcome, orient and educate in our Catholic and Marianist identity. Faculty and staff also serve as Marianist Educational Associates, mentors for Marianist student communities, participate in the mission-based staff retreat and celebrations of Marianist heritage, and foster reflection and engagement in Catholic and Marianist identity for one another through prayer, conversation, and education.

### **B. Campus Ministry**

Rooted in UD's Catholic and Marianist tradition, Campus Ministry cultivates the faith life of the campus community through transformative encounters with God. Campus Ministry fosters spiritual growth through worship, pastoral care, faith formation, service and reflection. Committed to peace and justice, all are challenged to develop their unique gifts in service to the world and to be leaders who nurture human dignity through building faith-filled communities.

In the spirit of Catholic and Marianist higher education, UD values the presence and contributions of people of different faith traditions who share the fundamental commitments of the university. As a primary agent in faith formation at UD, Campus Ministry fosters and ensures that the climate for respectful dialogue and mutual exchange consistent with the university mission is operative in religious/faith-based programs at the university.

In its efforts to animate the faith life of the campus community, the Campus Ministry team provides services, programs and pastoral care for all. Programs invite students, faculty and staff to live the Gospel in their daily lives and to nurture faith and reason through practice of their own faith traditions in the context of academic life. Campus Ministers work with both individuals and groups to respond to various needs and

to seek new methods for drawing people together. For students this is focused on the ministry of retreats; residence life ministry; Christian leadership and vocation; worship, liturgy and sacraments; Christian diversity; interfaith engagement; pastoral care; and action for service and justice through the Center for Social Concern.

Faculty, staff, and administration are welcome and encouraged to participate in Blessed Beginnings, an interfaith prayer service which opens the school year. You will also find peers and colleagues at the annual faculty/staff retreat, in worship through liturgical ministries, at speakers, events and prayer services focused on faith and life, and more. A campus minister for faculty and staff is available for pastoral accompaniment when needed and also offers a grief support program.

For more information on campus ministry events and programs consult our website, [ministry.udayton.edu](http://ministry.udayton.edu)

### **C. Places for Prayer and Worship**

As a Catholic University, we value the role that faith and prayerful reflection play in the lives of all who work here. You will find sacred spaces, both indoors and out, to cultivate your relationship with God and with those around you. Those easily accessible to faculty and staff include Serenity Pines, St. Mary's Courtyard, Curran Place reflection room, the Muslim Prayer room (Rike Center) and the Immaculate Conception Chapel.

#### *Immaculate Conception Chapel*

The Immaculate Conception Chapel is the heart of the UD community. It has welcomed and inspired faculty, staff, students, alumni, and guests since 1869 and provided a place for all to encounter our loving and faithful God. The Chapel is open daily for personal prayer and reflection. All are welcome. All campus chapels have a chapel book of intentions to record prayer intentions of the campus community. A walking tour guide is also available for visitors.

Sacramental celebrations in the chapel are governed by regulations of the Archdiocese of Cincinnati. Current faculty and staff and their immediate family members may celebrate the Sacrament of Marriage in the Immaculate Conception Chapel. Baptisms and the rite of Christian burial are more appropriately celebrated in your home parish, but may be celebrated at the University of Dayton under certain circumstances. Consult the executive director of campus ministry for more information.

### **D. Campus Worship Schedule (during the academic year)**

Faculty and staff are welcome to participate in worship on campus. Additional services are held seasonally across campus. Consult the website for current information.

#### Roman Catholic Mass

##### *Immaculate Conception Chapel*

Weekday Mass: 12:30 pm

Sunday Mass (during the academic year): 10am, Noon, 6:00pm, 8:30pm

Consult the Campus Ministry website for up to date schedules for the Sacrament of Reconciliation (also available by appointment), exposition and adoration, Liturgy of the Hours (seasonal), and holy day Mass schedules.

#### Interdenominational Christian Worship

*Marianist Hall Chapel, Sundays 4:00pm*

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# 10

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