

Staff Handbook — New York Addendum

Editor's notes:

TITLE: Addendum to Carnegie Mellon's "Staff Handbook: A Human Resources Guide" for employees based in New York.

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1. New York Addendum

This addendum applies to staff members employed by Carnegie Mellon in New York. Except as noted below, nothing in this Addendum modifies any of the policies set forth in the [University Staff Handbook](#).

Neither the University Staff Handbook nor this Addendum constitutes a direct or implied contract of employment. Carnegie Mellon reserves the right to unilaterally change the terms of the Staff Handbook and this Addendum.

2. Affirmative Action

The following replaces Volume I Introduction, Article 2. Affirmative Action and Equal Employment Opportunity, Bullet Point 2

Carnegie Mellon is committed to prohibiting discrimination based upon a staff members' sex, race, color, religion, national origin, ancestry, disability, age, gender, marital status, military service, sexual orientation, employment status, pregnancy, gender identity, genetic information, familial status, transgender status, gender dysphoria, actual or perceived status as a victim of domestic violence, or as a victim of sex offenses or stalking, or any other characteristic protected by applicable law.

3. Lactation Support

The following is added as paragraph two to Volume II Employment Policies and Procedures, Article 19. Lactation Support

Nursing parents have the right to express breast milk at work in accordance with applicable federal, state, and local law. Staff members may use their paid meal break or rest break, as applicable, for this purpose for up to three years following child birth. To the extent necessary, reasonable unpaid break time may also be used. Make sure your supervisor is notified, or if you would rather, contact a member of the Human Resources department. The university will accommodate staff members in a private and sanitary location, that is not a bathroom, and provide a refrigerator for milk storage. The university expressly prohibits discrimination, harassment, bullying, and retaliation against any staff member who requests to take time off to express breast milk while at work.

4. Jury Duty

The following is added as paragraph three to Volume III Compensation and Benefits, Article 14. Jury Duty

Staff member time spent serving on jury duty will be unpaid, except that staff members will receive the first \$40 of their daily wages during the first three (3) days of jury service in a state or local court, and staff members who report to work during jury duty will be paid for all time actually worked. In addition, exempt staff members may be provided time off with pay when necessary to comply with state and federal wage and hour laws. Staff members may choose to use available accrued vacation in lieu of unpaid leave.

When summoned to serve on jury duty, staff members must inform their supervisors immediately so arrangements can be made to accommodate their absence. Staff members are expected to report to work, during their regular work hours, when the court schedule permits and they are not involved in active jury duty. The university may request proof of jury service issued by the Court upon return.

Retaliation against a staff member who requests leave under this policy, or who serves or is summoned to serve as a juror, is strictly prohibited.

5. Voting Leave

Carnegie Mellon encourages staff members to vote before or after work. If a staff member is a registered voter and their work schedule does not allow them a sufficient amount of time outside of working hours to vote on Election Day, the university will grant up to two hours of paid leave to New York staff members in order to vote. Staff members may be required to take voting time at the beginning or end of their workday. Staff members must give their supervisor notice of their need for time off to vote no more than 10, but no less than two, workdays in advance of the Election Day.

6. Victims of Domestic Violence and/or Sexual Assault

Carnegie Mellon will grant reasonable and necessary leave, without pay, to staff members who are victims of domestic violence and/or sexual assault. Such leave may also extend, as required by applicable law, to staff members whose child, parent, spouse, domestic partner, or civil union partner have been victims of domestic violence and/or sexual assault.

Exempt staff members may be provided time off with pay when necessary to comply with applicable federal, state, or local law.

7. Victims of Crime and Leave for Witnesses

Carnegie Mellon will grant reasonable and necessary leave, without pay, to staff members who are (i) witnesses or (ii) victims of a crime or (iii) a member of such victim's family, to attend or participate in legal proceedings, in accordance with applicable law. Staff members should give the university reasonable notice, as far in advance as is possible, of the need for such leave, but must notify the university at least one day in advance of the need for such leave.

Exempt staff members may be provided time off with pay when necessary to comply with applicable federal, state, or local law.

8. First Responder's Leave

A staff member who serves as a volunteer firefighter or volunteer ambulance personnel in the event of a declared local or state emergency is eligible to take leave to provide such volunteer service for as long as the staff member is engaged in the actual performance of emergency response duties, unless the leave would cause an undue hardship on the conduct of the university's business.

Leave under this policy will be unpaid, except exempt staff members may be provided time off with pay when necessary to comply with state and federal wage and hour laws. Staff members may choose to use available accrued paid time off in lieu of unpaid leave.

If you are requesting volunteer emergency response leave, you must give advance written documentation from the head of your volunteer fire department or ambulance service confirming your status as a volunteer emergency responder. Upon return from this leave, the university may request a notarized statement from the head of your volunteer fire department or ambulance service, certifying the period of time that you responded to the emergency.

9. New York City Paid Sick Leave

Carnegie Mellon University complies with the New York City Earned Sick Time Act. This subsection applies only to employees of Carnegie Mellon University who work at least eighty (80) hours per calendar year within the City of New York, NY. For purposes of this section, a calendar year begins on the first day of the month coinciding with or following the employee's date of employment and ending one year later.

9a. NYC Paid Time Off

Full-time staff members working within the City of New York receive Paid Time Off (PTO) in accordance with the university's [Paid Time Off Policy](#) and the [Staff Handbook \[pdf\]](#), Volume IV, Article 2.

The following additional PTO rules apply to full-time staff members who work at least 80 hours per calendar year in the City of New York.

- i. If an employee is on a leave of absence on the first day of a month, PTO accrual for that month will be calculated at the rate of 1 hour of PTO for every 30 hours worked.
- ii. When an employee's status changes from full-time to part-time, the employee's final full-time paycheck will include payment for all accrued, unused PTO days. In addition, depending on the number of accrued unused PTO days, the employee will be credited with up to 40 hours of Sick Leave under Section 3 below. The amount of Sick Leave credited to the employee at the time of transition from full-time to part-time employment will be calculated at the rate of one PTO day to 7.5 hours of Sick Leave, up to a maximum of 40 hours of Sick Leave.

9b. NYC Sick Leave

Eligibility and Accrual

Employees who are not eligible to receive PTO under the university's [Paid Time Off Policy](#) and the [Staff Handbook](#), Volume IV, Article 2 shall accumulate one hour of paid sick leave ("Sick Leave") for every 30 hours worked, up to a maximum of 40 hours of accrued Sick Leave per calendar year. Sick Leave may only be earned for hours worked within the City of New York. Hours worked outside the City of New York are not counted for purposes of calculating Sick Leave accrual.

Sick Leave shall begin to accrue on April 1, 2014 or upon the commencement of employment in New York City, whichever is later, and an employee shall be entitled to begin using Sick Leave on the 120th calendar day thereafter.

Use of Sick Leave

Sick Leave may only be used by employees who work are assigned to work in the City of New York. Sick Leave cannot be used for periods of time that an employee is assigned to work outside the City of New York.

Employees may use Sick Leave for absences from work due to: (1) such employee's mental or physical illness, injury or health condition or need for medical diagnosis, care or treatment of a mental or physical illness, injury or health condition or need for preventive medical care; (2) care of a family member who needs medical diagnosis, care

or treatment of a mental or physical illness, injury or health condition or who needs preventive medical care; or (3) closure of such employee's place of business by order of a public official due to a public health emergency or such employee's need to care for a child whose school or childcare provider has been closed by order of a public official due to a public health emergency.

Where such need is foreseeable, employees should provide reasonable advance notice of the intention to use Sick Leave, but in no event shall such notice be required more than seven days prior to the date such sick leave is expected to begin. Where such need is not foreseeable, employees are encouraged to provide notice of the need for the use of Sick Leave as soon as practicable. Employees shall, in good faith, determine how much earned Sick Leave they need to use, except that the minimum increment for the use of Sick Leave is one hour per day.

For an absence of more than three consecutive work days, the university may require reasonable documentation of the need for Sick Leave. Documentation signed by a licensed health care provider indicating the need for the amount of Sick Leave taken shall be considered reasonable documentation and, unless required or permitted by federal, state, or local law, the university shall not require that such documentation specify the nature of the employee's or the employee's family member's injury, illness, or condition.

Employees are encouraged to keep records of their Sick Leave earned and used. Supervisors or other designated persons in the department should also maintain records of Sick Leave.

Carry-Over of Sick Leave

Up to 40 hours of Sick Leave that is earned but not used may be carried over into the following calendar year.

Conversion of Sick Leave

Employees shall not be paid for unused Sick Leave upon separation from the university.

Employees who transition to a full-time staff position that is eligible for PTO will cease earning Sick Leave. In such cases, any accrued but unused Sick Leave will be converted to PTO. Sick Leave will be converted to PTO at the rate of one PTO hour for one hour of Sick Leave.

10. Reproductive Health Decisions

In compliance with the New York Reproductive Health Law, Carnegie Mellon University does not discriminate nor take any retaliatory personnel action against any employee with respect to compensation, terms, conditions, or privileges of employment because of or on the basis of the employee's or dependent's sexual or reproductive health decision making, including, but not limited to, a decision to use or access a particular drug, device or medical service. In addition, Carnegie Mellon does not require employees to sign a waiver or other document which purports to deny an employee the right to make their own reproductive health care decisions, including use of a particular drug, device, or medical service.

Carnegie Mellon shall not access an employee's personal information regarding the employee's or the employee's dependent's reproductive health decision making, including but not limited to, the decision to use or access a particular drug, device or medical service without the employee's prior informed affirmative written consent.

11. Sexual Misconduct - Legal Protections and External Remedies

Sexual harassment is not only prohibited by Carnegie Mellon's [Sexual Misconduct Policy](#) but it is also prohibited by state, federal, and, where applicable, local law.

The internal process outlined in the university's Sexual Misconduct Policy is one way for employees to report sexual harassment. Employees and covered individuals may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may also seek the legal advice of an attorney.

11a. New York State Division of Human Rights

The New York State Human Rights Law (HRL), N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State and protects employees and covered individuals, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the New York State Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints of sexual harassment filed with DHR may be submitted any time **within three years** of the harassment. If an individual does not file a complaint with DHR, they can bring a lawsuit directly in state court under the Human Rights Law, **within three years** of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to Carnegie Mellon University does not extend your time to file with DHR or in court. The three years are counted from the date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases receive a public hearing before an administrative law judge. If sexual harassment is found at the hearing, DHR has the power to award relief. Relief varies but it may include requiring your employer to take action to stop the harassment, or repair the damage caused by the harassment, including paying of monetary damages, punitive damages, attorney's fees, and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: <https://dhr.ny.gov/>.

Go to dhr.ny.gov/complaint for more information about filing a complaint with DHR. The website has a digital complaint process that can be completed on your computer or mobile device from start to finish. The website has a complaint form that can be downloaded, filled out, and mailed to DHR as well as a form that can be submitted online. The website also contains contact information for DHR's regional offices across New York State.

Call the DHR sexual harassment hotline at **1(800) HARASS3** for more information about filing a sexual harassment complaint. This hotline can also provide you with a referral to a volunteer attorney experienced in sexual harassment matters who can provide you with limited free assistance and counsel over the phone.

11b. The United States Equal Employment Opportunity Commission

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act, 42 U.S.C. § 2000e et seq. An individual can file a complaint with the EEOC anytime within 300 days from the most recent incident of harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred. If the EEOC determines that the law may have been violated, the EEOC will try to reach a voluntary settlement with the employer. If the EEOC cannot reach a settlement, the EEOC (or the Department of Justice in certain cases) will decide whether to file a lawsuit. The EEOC will issue a Notice of Right to Sue permitting workers to file a lawsuit in federal court if the EEOC closes the charge, is unable to determine if federal employment discrimination laws may have been violated, or believes that unlawful discrimination occurred but does not file a lawsuit.

Individuals may obtain relief in mediation, settlement or conciliation. In addition, federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov or via email at info@eeoc.gov.

If an individual filed an administrative complaint with the New York State Division of Human Rights, DHR will automatically file the complaint with the EEOC to preserve the right to proceed in federal court.

11c. Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment or discrimination with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of

the NYC Commission on Human Rights, 22 Reade Street, 1st Floor, New York, New York; call 311 or (212) 306-7450; or visit www.nyc.gov/html/cchr/html/home/home.shtml.

11d. Contact the Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement, or coerced sex acts, the conduct may constitute a crime. Those wishing to pursue criminal charges are encouraged to contact their local police department.