1400.1 Environmental Health and Safety Policy Statement

Purpose To emphasize Rensselaer's commitment to ensure a safe and healthy working, living and learning environment for of all members of the campus community.

Policy Rensselaer is committed to providing a safe and healthy working, living and learning environment for all faculty, staff, students and members of the President's Cabinet. Rensselaer complies with all applicable requirements and regulations issued by federal, state and local agencies, including but not limited to, the federal Occupational Health and Safety Administration and the Environmental Protection Agency, and implements a site-specific safety and health program. All employees, including faculty, staff and members of the President's Cabinet, along with students who work, live and attend school at Rensselaer share the responsibility for the success of the safety and health program.

It is the policy of Rensselaer to exercise all reasonable precautions necessary to protect faculty, staff and students from all injuries and illnesses in the working, living and learning environment. Management firmly believes that all work-related injuries and illnesses are preventable.

Rensselaer is committed to programs to prevent crime and provide a safe and secure environment for all faculty, staff and students.

Rensselaer strictly forbids discrimination or retaliation against any individual for filing, testifying, assisting or participating in any manner in any investigation or proceeding involving allegations of environmental health and safety violations. Any person who violates this policy will be subject to disciplinary action, up to and including termination.

This policy applies to all employees, including faculty, staff, students and members of the President's Cabinet.

Procedure All employees are expected to take an active role in promoting workplace safety. If you witness an accident or an unsafe working situation, you must report it promptly to your manager or to the Division of Human Resources. If an immediate emergency response is required, as in the case of a fire or an injury, immediately contact the Department of Public Safety at (518) 276-6611 or call 911.

You should take note of where the fire extinguishers, first-aid kits, automated external defibrillators (AEDs) and emergency exits for your department are located. For more information on safety and

health procedures, please contact the Division of Human Resources.

Rensselaer is committed to providing all employees, including faculty, staff, students and members of the President's Cabinet, with a safe and healthy working, living and learning environment. It is the policy of this organization that all employees report unsafe conditions and do not perform tasks if the work is considered unsafe. Faculty and staff are expected to report all incidents, injuries, and unsafe conditions to their supervisors immediately. No employee making a report will face retaliation, penalty, or any other disincentive.

Faculty and staff recommendations to improve safety and health conditions are given thorough consideration by Rensselaer's management team. Management gives top priority to the correction of unsafe conditions. Similarly, management takes disciplinary action against employees that willfully or repeatedly violate safety and health rules in the work, living and learning environment. Discipline can include verbal or written reprimands and can ultimately result in termination of employment.

Senior management is actively involved with faculty and staff in establishing and maintaining an effective safety and health program. Managers participate with faculty and staff in ongoing health and safety program activities, including:

(1) promoting safety and health committee participation;

(2) providing safety and health education and training; and

(3) reviewing and updating health and safety rules in the work, living and learning environment.

While everyone in the Rensselaer community has a basic responsibility for his or her own personal safety, certain faculty and staff have an increased level of responsibility in crime prevention and safety issues. In conjunction with the Department of Public Safety, management is responsible for developing and implementing security related procedures such as office opening and closing routines, recognition of duress signals and key control. Management is responsible to promote and maintain standards for security conscious awareness and behavior, as well as maintain and disseminate to faculty and staff current information regarding Rensselaer's crime prevention and suppression programs and services.

For more information regarding personal safety and crime awareness, please refer to the Department of Public Safety brochure, "Your Safety, It's a Full Time Responsibility." This publication is available at Public Safety in the Visitor Center or on-line at http://www.rpi.edu/dept/public_safety/.

1400.2 Refusing to Work in Unsafe Conditions

Purpose To establish a process for employees to refuse to perform work in unsafe conditions.

Policy Rensselaer Polytechnic Institute is committed to ensuring that employees, including, faculty, staff, student employees or members of the President's Cabinet, do not perform work in unsafe conditions. If a work hazard cannot be eliminated, Rensselaer will take all reasonable steps to ensure that the risks associated with the hazard are effectively managed through engineering controls, administrative controls, training and/or personal protective equipment.

This policy applies to all employees, including faculty, staff, student employees and members of the President's Cabinet.

Procedure If you ever are in doubt about the safety of a given task, always discuss it with your supervisor or with the Office of Environmental Health and Safety before performing the task. Rensselaer's objective is to minimize safety risks. A safe working environment can be achieved most effectively through early identification and understanding of safety issues; close interaction among managers, faculty, staff, and safety specialists; and adherence to safety policies, requirements, and guidelines.

Federal regulations give employees the right to refuse to perform unsafe work under certain narrowly defined circumstances. Rensselaer does not punish or discriminate against faculty, staff or student employees for exercising their rights under the Occupational Safety and Health Act (OSHA), including their right to refuse to perform work or participate in academic activities that exposes them to the risk of serious injury or death.

Employees, including, faculty, staff, student employees or members of the President's Cabinet, are urged to review OSHA regulations before asserting any right to refuse unsafe work. Copies of the regulation are available through Rensselaer's Office of Environmental Health and Safety. In particular, faculty and staff should note that the regulation does not, under any circumstances, give faculty or staff the right to walk off the job because of safety concerns or potentially unsafe conditions. Faculty and staff who leave the workplace without prior permission are treated as absent without leave and can be subject to disciplinary action, up to the including termination of employment. It should be noted that emergency building or room evacuations require that faculty, staff and students congregate at designated muster points and remain on site until requested to disperse by qualified emergency responders.

1400.3 Domestic Pets on Campus

Purpose To establish the guidelines for prohibiting domestic pets on campus.

Policy In order to protect the health, safety and welfare of the Institute's faculty, staff and students, as well as Institute assets, faculty, staff, students and visitors are not permitted to bring pets into the working, living or learning environments of Rensselaer, or inside any building in which Rensselaer provides functions or services.

This policy applies to all employees, including faculty, staff, students and members of the President's Cabinet.

Procedure While Rensselaer recognizes the important role of pets in the lives of some of our faculty, staff and students, the Institute has a general duty to create and to maintain a safe and healthy working, living and learning environment for the campus community in its entirety.

Also, in accordance with the Americans with Disabilities Act (ADA), the Institute is responsible for providing reasonable accommodations for faculty, staff and students with disabilities as defined by law. These persons who have a need for the use of a service animal should refer to Human Resources Policy #1400.4, *Service Animals on Campus.*

1400.4 Service Animals on Campus

Purpose To outline the procedure for the presence of a service animal on campus.

Definition A Service Animal is an animal that performs a task or tasks for a person with a disability to help overcome limitations resulting from the disability. A service animal, typically a dog, is defined as any animal that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability. Service animals are not considered 'pets.'

Therapy Animals provide people with contact to animals, but are not limited to working with people who have disabilities. They are usually the personal pets of their handlers, and work with their handlers to provide services to others. Therapy animals are not considered service animals.

A Companion Animal is accepted as another term for a pet and is not considered a service animal.

Social/Therapy Animals are animals that did not complete service animal or service dog training due to health, disposition, trainability, or other factors, and are made available as pets for people who have disabilities. These animals are not considered service animals.

Public Accommodations refers to the requirement under the Americans with Disabilities Act (ADA) to permit service animals to accompany persons with disabilities in all areas where members of the public are allowed to go.

Policy In accordance with Federal and State laws, Rensselaer allows the use of a service animal in its working, living or learning environments as a form of reasonable accommodation for an individual with a disability.

This policy applies to all employees, including faculty, staff, students and members of the President’s Cabinet.

Procedure While Rensselaer recognizes the important role of service animals in the lives of individuals with a disability, the Institute also has a general duty to create and to maintain a safe and healthy working, living and learning environment for the campus community in its entirety.

Service animals are utilized to accommodate individuals with disabilities who have special needs and are allowed in public areas. Special needs can include, but are not limited to, guiding a person

with impaired vision, alerting a person with impaired hearing to the presence of people or sounds, or pulling a wheelchair. The term service animal does not apply to personal pets.

In accordance with the Americans with Disabilities Act (ADA), as amended, the Institute is responsible for providing reasonable accommodations for faculty, staff and students with disabilities as defined by law. Therefore, any person who wishes to use his/her service animal on campus must submit a request as follows:

1. Faculty and staff should submit his/her request to the Vice President for Human Resources. Students should submit his/her request to the Dean of Students.
2. Rensselaer reserves the right to request documentation in support of a request by a faculty or staff member for the use of a service animal in the working environment.
3. Persons submitting a request are expected to participate in the interactive process to determine the applicability and/or reasonableness of the requested accommodation.
4. Requests for an accommodation will not be unreasonably denied, unless it presents an undue hardship to the Institute, or jeopardizes the health and safety of faculty, staff and students in the working, living and learning environments of Rensselaer.

The definition of a service animal under this policy is different from the definition of an "assistance animal" under the Fair Housing Act and the broader definition of "service animal" under the Air Carrier Access Act, and do not supersede the definition of Service Animal under this Policy.

Public Accommodations

Under the ADA, State and local governments, businesses, and nonprofit organizations that serve the public generally must allow service animals to accompany people with disabilities in all areas of the facility where the public is normally allowed to go.

When it is not obvious what service an animal provides, only limited inquiries are allowed. Staff may ask two questions: (1) is the dog a service animal required because of a disability, and (2) what work or task has the dog been trained to perform. Staff cannot ask about the person's disability, require medical documentation, require a special identification card or training documentation for the dog, or ask that the dog demonstrate its ability to perform the work or task.

Service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or the Individual's disability prevents using these devices. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls.

1400.5 Minors in the Workplace

Purpose To outline the guidelines, appropriate precautions and limitations necessary to protect health and safety and to maintain regulatory compliance with regard to the visitation of minors at Rensselaer.

Definitions Minors are defined by state statutes as those under the age of 18.

Rensselaer Sponsored Event refers to an activity that is sponsored by Rensselaer and open to the general public.

Rensselaer Sponsored Program refers to an activity sponsored by Rensselaer in which the minor is under the direct supervision of Rensselaer staff or faculty for the duration of the activity.

Policy Rensselaer values family life and has worked to develop employment policies and benefits that are supportive of families. While we seek to provide an environment open to work and family issues, the Institute cannot allow the continued or reoccurring presence of minors in the workplace for the following reasons: (1) the potential for interruption of work; (2) health and safety concerns; and (3) liability to the Institute.

In order to protect the health, safety and welfare of the Institute's faculty, staff and students, as well as, Institute assets, minors are not permitted on campus as visitors except as outlined below.

This policy applies to all employees, including faculty, staff, students and members of the President's Cabinet.

Procedure Minors are welcome on campus when the purpose of their visit is to attend classes or to participate in activities specifically scheduled and designed for their benefit as part of a Rensselaer Sponsored Event or a Rensselaer Sponsored Program.

Additionally, minors may be brought to the workplace by parent employees for other exceptional times, such as before a physician's appointment if the child/minor is not contagious or a visit with the employee's spouse or children's guardian. Rensselaer expects that these visits will be limited in duration. The parent employee must supervise the child/minor on such visits and ensure that they are not disruptive to other employees in the workplace. During these visits, children/minors must not be left unattended or with other employees.

It is not appropriate for minors to be in the workplace on a regular basis, including after school or school holidays or when child care is not available. Any child/minor with an illness that prevents the child

/minor from going to a childcare facility or from attending school should not be brought to the workplace. No child/minor with an infectious disease should be brought to the workplace under any circumstances. If employees must attend to their children, and short-term childcare[1] cannot be arranged, employees should utilize Paid Time Off (PTO), as appropriate per Institute policy, to accommodate their children/minors during working hours.

Children/minors are not allowed in high-risk areas under any circumstances such as: laboratories, shops, studios, mechanical rooms, power plants, garages, food preparation areas, or any areas containing power tools or machinery with exposed moving parts.

Employees who bring minors to the workplace are responsible for all aspects of the child's behavior. The employee is responsible for the child's safety and is financially responsible for any damages caused by the child/minor. Rensselaer does not accept liability for injuries to children or visitors on University premises in violation of this policy.

The department's supervisor may direct the employee to remove the child/minor (or visitors) from the workplace at any time if the supervisor determines that this policy has been violated or that a child's presence negatively impacts Institute interests or the child is being disruptive to Institute operations.

Questions regarding bringing children/minors in the workplace must be directed to the Division of Human Resources.

[1] Faculty and staff should contact the Division of Human Resources to obtain information about temporary/short-term child care and elder care options.

1400.6 Minors Involved in Institute-Sponsored Events or Programs on Campus

Purpose To describe requirements placed on administrators, faculty, staff, students, volunteers and others working with minors – to ensure their protection, to fulfill Rensselaer's obligations as mandated by law, and to provide the best possible experience for any minor visiting Rensselaer or participating in any Rensselaer-sponsored programs, or programs held at Rensselaer and/or housed in Institute facilities at all geographic locations.

Definitions Minors are defined as those under the age of 18.

Rensselaer Sponsored Event refers to an activity sponsored by Rensselaer and open to the general public.

Rensselaer Sponsored Program refers to an activity sponsored by Rensselaer in which the child or minor is under the direct supervision of Rensselaer staff or faculty, or program staff for the duration of the activity.

Program refers to any programs and/or activities offered by various academic or administrative units of the university, or by non-university groups using Institute facilities. This includes but is not limited to workshops, sport camps, academic camps, conferences, pre-enrollment visits and similar activities.

Sponsoring Unit refers to the academic or administrative unit of the Institute which offers a program or gives approval for housing or use of facilities.

Authorized Adult and/or Program Staff refers to an individual, paid or unpaid, who interacts with, supervises, chaperones, or otherwise oversees minors in program activities, or recreational, and/or residential facilities. This includes but is not limited to faculty, staff, volunteers, graduate and undergraduate students, interns, employees of temporary employment agencies, and independent contractors/consultants. The Authorized Adults' roles may include positions as counselors, chaperones, coaches, instructors, etc. For the purposes of this policy the term "Program Staff" is also assigned this definition. This definition does not include temporary guest speakers, presenters and other individuals who have no direct contact with program participants other than short term activities supervised by program staff.

Direct Contact refers to providing care, supervision, guidance or control of minors and/or having routine interaction with minors.

One-On-One Contact refers to personal, unsupervised interaction between any authorized adult and a participant without at least one

other authorized adult, parent or legal guardian being present.

Residence Halls/University Housing refers to any facilities owned by, or under the control of, the university intended for use as housing.

Policy Rensselaer has an obligation to its faculty, staff, students and visitors to conduct its operations and maintain its facilities in a manner consistent with the goals of the Rensselaer Plan, with a tradition of service and access. Activities involving minors are integral to our mission of creating and disseminating knowledge for global reach and global impact. Ensuring the safe and appropriate treatment of minors on campus is imperative.

In order to protect the health, safety and welfare of the Institute's faculty, staff and students, as well as, Institute assets, children and minors are permitted on campus in Rensselaer-sponsored programs, or programs held at Rensselaer and/or housed in Institute facilities as outlined in the procedures below.

This policy applies to all employees, including faculty, staff, students and members of the President's Cabinet.

Procedure Rensselaer is a diverse environment of classrooms, offices, laboratories, recreation and other common areas and Rensselaer is committed to ensuring the safety and well-being of minors who are entrusted to our care or visit our campuses. However, safety is a primary concern when considering the presence of minors on campus. The majority of our facilities are not designed for occupancy by minors. Serious injuries can and have occurred to minors on university campuses. Therefore, Rensselaer has instituted the following guidelines to assist in providing a safe environment for our young visitors.

The Institute hosts a wide variety of Rensselaer-sponsored or sanctioned activities for non-enrolled minors such as: camps; clinics; workshops; conferences; and other educational activities. The aforementioned activities are located both on-campus and off-campus under university supervision. In addition, minor children or relatives of employees not involved in university sponsored/ sanctioned activities are sometimes visitors on campus. It is imperative that non-enrolled minors on campus be overseen in a fashion that is appropriate and intended to keep them healthy and safe while visiting the Institute. These procedures provide guidance related to the risk and safety of the non-enrolled minors. These procedures are intended for Institute faculty, staff and departments involved in Rensselaer-sponsored/sanctioned activities involving minors and for Institute employees who are the parents or guardians of minor children visiting Rensselaer or any of its

facilities.

All programs and activities that involve minors in their activities will fall within the scope of this Policy including: programs operated by Rensselaer or 3rd party entities; and programs taking place on campus and programs under the direction and authority of the Institute at locations off campus. This Policy applies to such programs and activities whether they are limited to daily activities or involve the housing of minors in residence halls. Exceptions to this policy include:

(1) Undergraduate and graduate academic programs in which minors are enrolled for academic credit;

(2) Events on campus which are open to the general public and which minors attend at the sole discretion and responsibility of their parents or guardians;

(3) Campus tours or visits by minors considered to be prospective students under the responsibility of the Admissions Office and accompanying parent/guardian; and

(4) Other programs that may be designated from time to time by the Provost or a Vice President in coordination with the Vice President of Human Resources in advance and in writing as exempted from this policy.

Departmental leadership is responsible for ensuring their programs and activities involving minors are compliant with this policy. Any questions regarding clarification of this policy should be directed to the Vice President for Human Resources.

<u>Guidelines for Children and Minors on Campus</u>

- Children and minors are not to be brought to campus in lieu of childcare.
- A parent or guardian must provide supervision at all times at Rensselaer-sponsored events and activities as defined below.
- Children and minors should not be left unattended or with other employees or students.
- Children and minors may not interfere with workplace, academic or research activities.

Minors are not allowed in high-risk areas at any time, even as visitors, unless part of a Rensselaer-sponsored program, as stated below. This includes the following areas:

- Laboratories[2], shops, studios, mechanical rooms, power plants, animal facilities, food preparation areas, high security areas;

[2] Minors enrolled as students may be permitted into Institute laboratories under the supervision of faculty or staff AND with required training.

- Any areas, indoors or out, containing power tools or machinery with exposed moving parts;
- Areas containing Institute vehicles, boats, aircraft, snow machines, grounds equipment, heavy duty or other motorized equipment; and
- Any other high-risk areas (no playing in stairwells or doorways, no access to rooftops, construction zones, etc.).

Rensselaer Sponsored Events

Children and minors are permitted at Rensselaer-sponsored events, in accordance with the following guidelines. Rensselaer-sponsored events, for example, include, but are not limited to the following: spectator sporting and athletic events; admissions days; and Black Family Technology Awareness Day.

- Line of sight supervision of children by the parent or guardian is required at all times.
- The parent or guardian must assure that minors are not disruptive to others.
- The parent or guardian must not leave children unattended at athletic or other Rensselaer-sponsored events.
- Minors are not allowed in the high risk areas as defined above.
- The responsible program director/supervisor for Rensselaer sponsored or hosted events is required to publish or post in writing, and provide each participant and parent/ guardian guidelines regarding children and minors on campus.
- Children and Minors will be issued name badges for events such as Admissions Day.
- Organizers of Rensselaer Sponsored events must make these guidelines clear to all participants, whether they are members of the staff, faculty, administration or students, or whether they are invited guests from the larger Rensselaer Community

Rensselaer Sponsored Programs

- Children and minors are permitted at Rensselaer-sponsored programs, in accordance with the following guidelines. Examples of Rensselaer-sponsored programs include, but are not limited to the following: "Take Our Children to Work Day" (Ground Hog Day); Admissions Science, Technology, Architecture (STAR) weekend; Dean of Students Office Pipeline Programs; Summer at Rensselaer Programs; Young Actors Guild; academic sponsored internships; Samaritan Rensselaer Summer Camp; sports camps and athletic competitions; and summer academic and sports camps sponsored by Rensselaer or hosted on the Rensselaer campus.

Programs differ from events in that the child or minor is under the direct supervision of Rensselaer staff for the duration of the activity.

- Rensselaer sponsored programs usually require an issued campus card, or a Rensselaer ID card. Children or minors attending a Rensselaer sponsored program must display their campus ID card and/or name badge at all times and present it when requested.
- Programs will be run in accordance with the guidelines set forth by the New York State Health Department (NYSHD) with trained designated Rensselaer staff, as deemed necessary. All other programs will be run in keeping with and in the spirit of those same NYSHD guidelines.
- Rensselaer program staff must always wear program issued uniform shirt and/or some visibly identifying program issued ID along with a government issued photo ID.
- Appropriate ratio supervision of children by designated Rensselaer staff is required at all times in classrooms, dining facilities, residential facilities, recreational facilities, including indoor/outdoor recreational areas, other Institute facilities, such as the Student Union, and when traveling between campus locations.
- Before being designated as a supervisor, the Rensselaer Staff member must undergo and clear a background check (see Human Resources Policy #200.12, *Reference and Background Checks*).
- The designated Rensselaer staff must assure that minors are not disruptive to others.
- The designated Rensselaer staff members must not leave children unattended at any time, including recreational times in the evenings.
- No designated Rensselaer Program Staff member shall have one-on-one contact with a child or minor in a private location for any purpose at any time. Designated Rensselaer Program Staff members escorting children or minors to restrooms must wait outside the restroom until the child is ready to go back to class or the activity. Under no circumstances may a child or minor use the same shower facilities at the same time as an adult.
- Whenever it is necessary to escort a child or minor program participant from one campus location to another, the classroom teacher, faculty member, or program leader/administrator **must** be notified of the escorts, and the anticipated arrival

and/or return time.

- Children and minors are allowed in the high risk areas noted above, only as part of a pre-scheduled program, and after appropriate safety instruction and precautions are met (for example, use of personal protective equipment, including close-toed shoes or boots, safety glasses or goggles) and under the additional guidance of professional staff overseeing the specific area.
- In the event that any child(ren) or minor(s) is(are) observed on campus not under the supervision of a parent, guardian or designated staff member, the Department of Public Safety should be called immediately at (518) 276-6656. Rensselaer staff and faculty should not offer to take students where they think they should be; they may wait with the child in a "public" place until a Department Public Safety staff person arrives.

Communication and Notification

1. The sponsoring unit shall establish an appropriate procedure for the notification of the minor's parent/legal guardian in case of an emergency, including medical or behavioral problem, natural disasters, or other significant program disruptions. Authorized adults with the program, as well as participants and their parents/legal guardians, must be advised of this procedure in writing prior to the participation of the minors in the program.
2. The sponsoring unit shall maintain a list of all program participants and a directory of program staff. This list shall include participant's name; local room assignment (if applicable); gender, age, address, and phone number(s) of parent or legal guardian, as well as emergency contact information.
3. The sponsoring unit shall provide information to the parent(s) or legal guardian(s) detailing the manner in which the participant can be contacted during the program.

Program Rules of Conduct

The program administrator shall develop and deliver to participants and their parents/guardians the rules and disciplinary measures applicable to the program before the start of a program. The signature of the student and their parent/guardian indicates their agreement to comply with the rules set forth. Program participants and staff must abide by all university regulations and may be removed from the program for non-compliance with rules. In addition, the following must be included in program materials and stressed during the program:

- The possession or use of alcohol or drugs is prohibited.
- Fireworks, firearms, guns, knives, archery equipment and other weapons are prohibited.
- The operation of motor vehicles by minors is prohibited while attending and participating in the program, unless being used for an officially sanctioned and approved instructional program.
- The parking of staff and participant vehicles must be in accordance with Institute parking regulations.
- Rules and procedures governing when and under what circumstances participants may leave university property during the program.
- No violence, including sexual harassment, sexual violence, sexual assault, will be tolerated.
- Hazing of any kind is prohibited. Bullying including verbal, physical, and cyber bullying are prohibited.
- Use of tobacco or any tobacco products, or the sale of tobacco products is prohibited in all of Rensselaer's facilities and outdoor areas.
- Misuse or damage of university property is prohibited. Charges will be assessed against those participants who are responsible for damage or misusing university property.
- The inappropriate use of cell phones, cameras, imaging, and digital devices is prohibited including use of such devices in showers, restrooms, or other areas where privacy is expected by participants.
- Downloading of copyrighted or other proprietary material is strictly prohibited.

Background Checks

All program staff, who have direct contact with minors or supervise a program with minors, are required to have a background check on record with the Institute before the adult is hired or allowed to engage with minors. This background check must be reviewed and approved by the Division of Human Resources prior to program staff being hired and/or engaged in working with minors and at least once every three (3) years thereafter. Employees that are rehired within a three year period after their original hire date do not need a background check if one is currently on file with the Division of Human Resources. Non-university entities providing adult supervisors for university-based programs are required to conduct background checks on program staff and the program director at least comparable to the standards indicated in this section.

Camps Directed by Non-University Entities

From time to time, non-university camps and other educational programs or activities will be hosted on the campus. The non-university party must secure a Rensselaer host in order to utilize campus facilities. The relationship between the non-university party and Rensselaer host must be captured in an agreement signed by both parties. The agreement must be processed through the Procurement Services Department.

Questions regarding this policy should be directed to the Vice President for Human Resources or designee.

1400.7 Workers' Compensation Program

Purpose To establish supervisory and employee rights and responsibilities under Rensselaer's Workers' Compensation Program.

Policy Rensselaer is committed to meeting its obligation under the Workers' Compensation statutes in New York, Connecticut and the District of Columbia (Washington D.C.) in order to provide medical and wage-replacement benefits to employees who sustain work-related injuries or illnesses.

This policy applies to all employees, including faculty, staff and members of the President's Cabinet.

Procedure All employees must immediately report all work-related injuries or illnesses, regardless of severity, to their supervisor. Supervisors must *immediately* notify the Division of Human Resources in the case of serious work-related injuries. Supervisors also must work with the employees to complete an Incident Injury/Illness Investigative Report, which must be filed with the Benefits Department within the Division of Human Resources as soon as possible, but in any case no later than 24 hours after the work-related incident-injury or illness occurs.

Employees, including faculty, staff and members of the President's Cabinet cannot use group health plan benefits for injuries or illnesses covered under the Workers' Compensation statutes.

Rensselaer works with its workers' compensation insurer to investigate any suspected fraudulent workers' compensation claims. Rensselaer seeks the prosecution of any employee filing fraudulent claims or engaging in other workers' compensation fraud.

Rensselaer bears the full cost of this program. For more information regarding benefits under this program, contact the Division of Human Resources.

1400.8 Return-to-Work Policy

Purpose To establish the process by which employees absent due to an injury or illness may return to work.

Policy This policy covers employees, including faculty, staff and members of the President's Cabinet, who are on leave due to an injury or illness. Because employees are our most valuable resource, Rensselaer Polytechnic Institute attempts to help employees return to work as soon as possible after their attending physician certifies their fitness to do so.

Procedure Coordination with Attending Physician

Any employee, including faculty, staff and members of the President's Cabinet, who takes a leave of absence due to an illness or injury can return to work only when Rensselaer receives the attending physician's (and third-party consultants, as necessary) written medical release authorizing such return, with or without reasonable accommodations. An employee may be provided full, or detailed partial, clearance in writing from the attending physician(s).

Return-to-Work Options

Arrangements to facilitate an employee's return to work are made in consultation with the employee's attending physician and/or other qualified medical professionals retained by Rensselaer or its insurance carrier.

- Return to Prior Position: There may be cases when an employee's return-to-work in his/her former position creates an undue hardship to the Institute. Nevertheless, Rensselaer will make all reasonable efforts to return faculty and staff to their former position.
- Transitional Duty: Any faculty or staff member who is not yet able to return to his/her former duties is offered (subject to the restrictions set out in the "Restrictions on Transitional Assignments" section of this Policy) a transitional assignment that has been approved by the faculty or staff's attending physician (and third-party consultants, as necessary). The Division of Human Resources is responsible for working with the employee's supervisor, and the employee's attending physician (and third-party consultants, as necessary) to develop and implement the transitional assignment to the extent such assignment is practical. The assignment can consist of the employee's regular job with reduced working hours and/or activities, or an alternative transitional position.

Restrictions on Transitional Assignments

The following restrictions apply to transitional assignments:

- **No Guarantee of Work:** As provided in the "Return-to-Work Options" section of this policy, Rensselaer must endeavor to return faculty or staff to gainful employment as soon as possible by exploring possible transitional assignments. However, Rensselaer does not guarantee the availability of transitional work.
- **Pay Rates and Workers' Compensation Benefits:** Faculty or staff members on transitional assignments are not guaranteed the rate of pay they received for the position they held at the time they sustained their injury or illness. The pay rate for a transitional assignment is based on the knowledge, skills, and abilities required for the job as well as general market conditions. Employees who return to work in transitional positions before they have reached maximum medical improvement are eligible for temporary partial disability benefits under your State's workers' compensation program if they earn less than they earned in the position held at the time they sustained the work-related accident or illness. Employees in transitional positions are not permitted to supplement their workers' compensation benefits by using salary continuation for faculty, and accrued Paid Time Off (PTO) or Reserved Time Off (RTO) leave for staff. Employees who return to work in transitional positions before they have reached maximum medical improvement for non-work-related illness or injury may be eligible to receive benefits under your State's short-term disability program; use accrued Reserved Time Off (RTO) leave for staff; or use salary continuation for faculty.
- **12-Week Limit:** Transitional assignments are temporary arrangements intended to complement and facilitate the healing process. Transitional assignments cannot exceed 12 weeks without the expressed written approval from Rensselaer's Vice President of Human Resources or his/her designee.

Faculty or Staff Refusal of Work/Training

In the event that a faculty or staff member refuses to return to regular or transitional position in response to a written, bona fide invitation of employment by Rensselaer sent via certified mail, the faculty or staff member is considered to have voluntarily resigned from his/her position at Rensselaer and his/her position may be filled on a regular basis. (NOTE: An exception to this rule applies in the case of faculty or staff members who have not yet exhausted their Family Medical Leave Act (FMLA) leave entitlement. See the "Coordination with FMLA" section below.)

Permanent Disabilities

When reaching maximum medical improvement, faculty or staff members can have a permanent disability that impairs the employee's ability, with or without reasonable accommodations, to return to his or her regular position. Rensselaer, in consultation with the employee's attending physician and the New York, Connecticut or District of Columbia (Washington D.C.) Workers' Compensation Department, must evaluate the following options:

- Securing vocational rehabilitation services from the New York, Connecticut or District of Columbia (Washington D.C.) Employment Department or private consultants, as appropriate. Services can include assessment and testing, counseling, and training.
- Finding a position at Rensselaer commensurate with the faculty or staff member's knowledge, skills, and abilities.

Employees with permanent disabilities are paid partial or total permanent disability benefits as required under the New York, Connecticut or District of Columbia (Washington D.C.) workers' compensation program for work-related illnesses or injuries, or long-term disability benefits for non-work-related illnesses or injuries.

Medical Information

All employee medical information is held in strict confidence in accordance with the Americans with Disabilities Act and HIPPA (Health Insurance Portability and Accountability Act). Medical inquiries are limited to those permitted under workers' compensation statutes and applicable federal law.

Coordination with FMLA

Nothing in this policy should be construed as denying employees their rights under the Family and Medical Leave Act (FMLA) or any other federal or state law.

It is Rensselaer's policy to designate an employee's leave due to a work-related or non-work-related injury or illness as an FMLA leave.

Employees who lose their Workers' Compensation benefits as a result of declining a transitional assignment are required to substitute any available paid leave, such as Paid Time Off (PTO) leave or Reserved Time Off (RTO) leave, for unpaid FMLA leave. Faculty who lose their workers' compensation benefits as a result of declining a transitional assignment are required to substitute any available paid leave for unpaid FMLA leave.

Until employees have exhausted their FMLA entitlement, they have the right to be reinstated to their original job or an equivalent job provided that they are able to perform the job's essential functions.