



# **EMPLOYEE GUIDELINES**

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## **Introduction**

Welcome to *the National Bureau of Economic Research (the NBER)*. We wish you every success here.

Our organization's success depends heavily on your contribution toward achieving our goals. That involves working well together, communicating with one another and creatively solving problems as they arise.

Whether you are new to us or have been a part of the NBER for many years, we believe that each person contributes directly to our collective mission. We hope you will take pride in being a part of the NBER.

This document was developed to outline the policies, practices and benefits available to eligible employees and to describe some of our expectations for our employees. You should familiarize yourself with the contents of this document as soon as possible. It will answer many questions about employment with the NBER.

We welcome you with the hope that you will find your work to be both challenging and rewarding.

## **Purpose of this Document**

This document is intended to provide you with a general understanding of our personnel policies and practices. However, this document cannot anticipate every situation or answer every question about your employment. The NBER, at its sole discretion, retains the right to decide, on a case-by-case basis, any issues not covered in the document.

The NBER adheres to the "employment at will" doctrine. Either you or the NBER is free to end the employment relationship at any time, for any reason, with or without prior notice.

This document is not an employment contract nor is it intended to create contractual obligations of any kind.

In order to retain necessary flexibility in the administration of policies and practices, the NBER reserves the right to change, revise or eliminate any of the policies and/or benefits described in this document at any time, with or without notice at its sole discretion.

This document outlines the employee policies and practices of the NBER. Any oral or written statements to the contrary by anyone at the NBER are unauthorized, disavowed and should not be relied upon. Any deviations from the stated policies must be authorized and approved in writing by the Director of Human Resources and/or the President.

The policies and practices contained in this document are designed to comply with all applicable local, state and federal laws and regulations. In the event of any conflict between the contents of this document and the law, the law will govern.

The policies and practices contained in this document may contain summaries of benefit plans. In the event of a conflict between the contents of this document and the Plan Documents, the Plan Documents will govern. The NBER reserves the right to add to, modify or eliminate these benefits plans at any time, at its sole discretion.

# EMPLOYMENT POLICIES

## 1. Employee Classifications

*Rationale: To ensure compliance with the Fair Labor Standards Act (FLSA) the following employment classifications have been established.*

NBER employees are divided into the following classifications:

**Casual variable hourly employees** usually work a varied schedule and receive an hourly rate of pay. They are required to submit biweekly Time Sheets to the Payroll Department. These must be approved by their supervisor. These records are required by government regulation and are used to calculate paychecks. Hourly employees are not allowed to work more than 40 hours per week. Employees in California may not work more than 8 hours per day. They are not eligible for most company benefits. An employee is a variable hour employee if, based on the facts and circumstances at the date the employee begins providing services to the NBER (the start date), it cannot be determined that the employee is reasonably expected to work on average at least 24 hours per week.

**Hourly employees with health insurance** are employees working an average of more than 24 hours per week. Newly hired hourly employees reasonably expected to work more than 24 hours per week over an initial measurement period of 12 months are eligible for inclusion in the NBER health plan beginning the first day of the month after the date of hire. After such employees have been employed for one full standard measurement period, their future eligibility will be determined under the NBER's look-back measurement rules.

The NBER will utilize a standard measurement period from October 15 of one year, through October 14 of the following year, to determine whether ongoing hourly employees are eligible for the NBER health plan. For example, to be eligible for the period January 1, 2015 - December 31, 2015, an employee must have worked on average more than 24 hours per week during the period October 15, 2013 - October 14, 2014. Eligible employees will be eligible for NBER health plan coverage for the entirety of the NBER's "stability period," January 1 through December 31, so long as they remain employed at the NBER and regardless of their hours worked during the stability period.

### **Salaried Employees**

**Regular salaried employees** fall into two categories: exempt and non-exempt. The terms "exempt" and "non-exempt" refer to whether or not an employee is exempt from the Fair Labor Standards Act, which is the federal wage and hour law. The standard work week for salaried employees is 35 hours. Salaried employees are eligible for medical, dental, vision, life and short- and long-term disability insurance coverage at the beginning of the month following their date of hire, and for the pension plan at the first quarterly entry date following 2 years of continuous service. Salaried employees are required to submit biweekly Time Reports.

Non-exempt regular salaried employees are entitled to overtime pay at the rate of 1.5 times their normal hourly salary rate for all hours worked in a week over 40 hours. Non-exempt employees include administrative assistants.

Exempt regular salaried employees include professional and administrative personnel. Exempt employees are not entitled to overtime pay. This classification includes managers, department heads, supervisors, accountants, and administrative and executive assistants.

**Term employees** are salaried employees hired for a definite period of time, generally at least twelve months and no longer than twenty-four months. Term employees are hired to work on a specific research project. The standard work week for term employees is 35 hours per week. Term employees are eligible for medical, dental, and vision coverage, life insurance, and short-and long-term disability coverage at the beginning of the month following their date of hire. Term employees are required to submit biweekly Time Reports.

**Part-time salaried employees** regularly work fixed schedules of less than 35 hours per week. These employees are required to submit biweekly Time Reports. They are eligible for earned time in proportion to the percentage of a normal week (35 hours) that they work. They are eligible for medical, dental, vision, life, and short- and long-term disability insurance at the beginning of the month following their date of hire if they work 24 hours or more per week. Finally, these employees are eligible for the NBER's pension plan at the first quarterly entry date following two years of service and for holiday pay based on their normal work schedule.

**Independent Contractors** (including employment agency-provided temporaries) are persons engaged by the NBER to perform services on a commission or fee basis, but are not considered to be employees of the NBER and are not eligible for NBER benefits.

## **2. Benefits**

*Rationale: In recognition of the importance of the efforts and cooperation of all employees at the NBER, and in the interest of the welfare of each employee, certain benefit programs have been established.*

A brief description of the employee benefit programs follows. In the event that any conflict between this summary and the terms of the various insurance booklets, summary plan descriptions or plan documents, the booklets, descriptions or documents will be controlling. For a complete description of the benefits provided, please consult the booklets, descriptions, and plan documents. These documents are all available for download from the NBER ADP portal.

### **Long Term Disability**

All full-time and part-time salaried employees who regularly work a minimum of 24 hours per week are eligible for long-term disability (LTD) coverage at the beginning of the month following date of hire. The NBER pays the total premium for the insurance. The employee can choose whether to pay the taxes on the premium. Very briefly, the LTD plan pays monthly benefits equal to 60% of an employee's monthly salary after the employee has been totally disabled for 90 consecutive days. The LTD benefit is reduced by any amounts received from Social Security.

### **Short Term Disability**

All full-time and part-time salaried employees who regularly work a minimum of 24 hours per week are covered by short-term disability insurance at the beginning of the next month following date of hire. The premiums are paid in full by the NBER. The employee can choose whether to pay the taxes on the premium. Basically, after 7 days of total disability, benefits are paid at the rate of 70% of salary, for up to 90 days out of a 52 week period.

California and New York employees are covered by separate plans that meet state requirements. Please seek guidance from HR if you have questions regarding California and New York benefits.

## **Group Life Insurance**

All full-time and part-time salaried employees who work at least 24 hours per week are covered under the NBER's life insurance plan at the beginning of the next month following date of hire. The death benefit equals two years' salary for employees under 65 years of age, 65% of that amount for employees 65 years of age or older. The benefit is equal to two times an employee's salary up to a maximum benefit of \$300,000. The NBER pays the entire premium for life insurance. The premium for the portion of this coverage that exceeds \$50,000 is taxable under federal law, and is reported on the employee's W-2 form.

## **Group Health Insurance**

Group Health Insurance is available on a voluntary basis to all salaried full-time, part-time and term employees who work at least 24 hours per week. Coverage may begin the 1st of the month following the date of hire. Medical coverage is also available to the spouses and dependent children of employees. Hourly employees with health insurance are also eligible as per above.

We currently offer three health plans:

- HMO Blue NE Value Plan is available to New England residents only.
- HMO Blue NE \$1,000 deductible plan is available to New England residents only.
- Blue Cross Blue Care Elect Preferred (PPO) is available only to eligible employees located outside New England.

## **Mandatory Continuation of Health Plan Coverage (COBRA)**

In keeping with the Federal COBRA regulations, the NBER offers the right to continue under the group plan for 18 to 36 months at the employee's cost to the following people:

(1) Employees and their spouses or dependents who become ineligible under the plan as a result of the employee's (voluntary or involuntary) termination of employment or reduction in work hours. However continuation of coverage is not required if the employee was terminated for "gross misconduct";

(2) Spouses, ex-spouses, and dependents of a participating employee who become ineligible as a result of the employee's death, or the spouse's divorce or legal separation from the employee, or because the employee becomes entitled to Medicare.

The NBER must notify individuals who become eligible for such coverage within 14 days of receiving formal notice of one of the "qualifying events" described in paragraphs (1) or (2) above. The HR Department should be advised as promptly as possible of the occurrence of any of the above events. NBER COBRA is administered by Health Equity through ADP. Individuals who are eligible for COBRA will be notified by mail by Health Equity within 14 days of one of the "qualifying events" described in paragraphs (1) and (2) above.

## **Medical Reimbursement Account Plan and Dependent Care Assistance Account Plan**

Salaried employees and hourly employees who work at least 24 hours per week are eligible to participate in both a medical reimbursement account plan and a dependent care assistance account plan. Under this

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program, money may be deducted from an employee's salary which in turn reduces his or her taxable income. With that money, the employee is reimbursed for certain uninsured medical expenses incurred by the employee, his or her spouse, or eligible children, or for qualified dependent care expenses. The employee pays in full for this benefit, and any excess deductions at the end of the year are not returned to the employee.

### **Dental Insurance**

Salaried full-time and part-time employees who work at least 24 hours per week are eligible to participate in a dental insurance plan. Dental insurance is provided under Blue Cross Blue Shield. Currently, the NBER pays the entire premium for this coverage. Briefly, preventive care is covered at 100%, up to certain maximums set by BCBS. Basic and major restorative care is covered at 80% and 50% respectively, with a \$50 individual deductible, and an annual coverage maximum (\$1,000 per individual). Coverage begins on the first of the month following date of hire. Please see plan summary for current information on coverage.

### **Vision Plan**

Salaried full-time and part-time employees who work at least 24 hours per week are eligible to participate in a vision plan. Vision insurance is provided under Blue Cross Blue Shield. Currently, the NBER pays 50% of the premium for this coverage. Coverage begins on the first of the month following date of hire. Please see plan summary for current information on coverage.

### **Money Purchase Pension Plan**

All salaried full and part-time employees are eligible for the Money Purchase Pension Plan at the first quarterly entry date after two years of service. Under this plan, the NBER contributes an amount equal to 20% of an employee's salary to a 401(a) account. These contributions are invested according to the employee's election to either TIAA/CREF annuity contracts or to a trust which is invested in the Vanguard Group of Investment Companies (Mutual Funds).

### **Supplemental Retirement Annuity (403(b) Plan)**

Under this Tax-Deferred Annuity Plan (amounts are not deferred from Massachusetts income tax), an employee may enter into a salary reduction agreement with the NBER. In accordance with the employee's investment election, the amount of the salary reduction is applied as premiums to a TIAA/CREF annuity contract or as payments to a custodial account in the Vanguard Group of Investment Companies (Mutual Funds). The employee's taxable income is thereby reduced and the earnings from the investment are tax deferred until the employee withdraws the investment. All employees are eligible for this plan.

## **3. Earned Time**

*Rationale: The NBER believes that adequate time must be provided annually to employees for rest and relaxation. Earned time is accrued on a monthly basis, and is to be used for both scheduled vacation time and unexpected absences due to illness.*

### **Accrual of Earned Time for Regular Staff and Term Employees**

The earned time schedule for full-time salaried employees and term employees who are regularly scheduled to work 35 hours per week is as follows:

## Number of Paid Earned Time Hours

<u>Length of Service</u>	<u>Accrued Hours per Month</u>	<u>Annual Rate (hours)</u>	<u>Annual Rate (days)</u>
0 - 12 months	7.583	91.00	13 days
13 - 24 months	11.083	133.00	19 days
25 - 84 months	15.750	189.00	27 days
85 or more months	18.667	224.00	32 days

Part-time employees who are regularly scheduled to work at least 24 but less than 35 hours per week accrue earned time on a pro-rated basis, based on their regular work schedule.

Employees accrue earned time in hourly increments on a monthly basis effective the last day of the month. Employees who do not work a full month during either their first or last month or employment will earn a pro-rated percentage of the month's accrual.

### **Carryover of Earned Time and Payout of Certain Earned Time**

Employees may carry over a maximum of 10 days (70 hours) of unused accrued earned time into the following calendar year, up to a total accumulated earned time balance of 45 days (315 hours).

If an employee has an unused accrued earned time balance of 315 hours (45 days) as of January 1 of any calendar year, he or she may continue to accrue earned time during that year. If the employee is unable to take all of his or her annual earned time due to business needs, subject to prior approval, the employee may request to be paid for up to 10 days of unused accrued earned time in excess of 315 hours (45 days) at the end of the calendar year. A request to be paid for unused earned time must be submitted by October 15 by the employee and approved by the employee's supervisor and by the Director of Research and Grants Management no later than November 1.

The limitations on both the maximum carryover and maximum payout are prorated for employees working more than 24 hours but less than 35 hours per week. For example, employees regularly working 28 hours per week may carry over up to 8 days (56 hours) of earned time per year, up to a total accumulation of 36 days, and may be paid for up to 8 days per year if their carryover limit has been reached.

### **Checking Earned Time Balances**

You can check your earned time balances in PSA, the system used to submit time sheets.

Log into PSA, go to Reports, Earned Time Statement, Employee: choose your name from the drop down list. Choose correct Statement Year, then press Submit. An earned time report will pop up in a new window in pdf format.

### **Requests for Vacation Time and Other Time Off**

All plans to take vacation time must be approved by the employee's supervisor in advance. In general, preference will be given on a seniority basis when scheduling vacation days. No vacation leave may be taken

during the first three months of employment. When planning earned time in advance the employee emails their supervisor for approval and then notifies HR of their upcoming time off.

Earned time is to be used if an employee or their qualified family member is absent from work due to illness, injury or medical appointment. The leave may be taken in full days or fractions thereof. The employee's supervisor may require a physician's statement if the employee is absent for more than five consecutive days. Employees are required to call in or email by 9:00 a.m. each day to their immediate supervisor or, if that person is unavailable, to a co-worker who can notify the supervisor that they will be out sick and using earned time.

Upon termination of employment, and after submission and acceptance of a final time report, an employee will be paid for any accrued but unused earned time.

The NBER does not permit employees to take earned time that has not yet been accrued. If an employee has a negative earned time balance, he or she has the option of electing to have the deficit deducted from the next paycheck, or the employee may agree to repay these days with future monthly earned time accrual. Until these days are re-paid, the employee is not eligible to use any additional earned time. If the employee must take time off for any reason, the employee or his or her supervisor will notify the NBER payroll office and HR immediately so that the employee's pay may be adjusted. Both the dates on which unpaid leave is taken, and the amount of time per day must be included in the notification. The employee will also report the unpaid time appropriately in an "UL" coded line on their biweekly electronic timesheet.

### **Scheduled Holidays and Floating Holidays**

The NBER has 12 scheduled holidays and 2 floating holidays per year. The NBER follows the holiday calendar established by the Office of Personnel Management for federal employees. Part-time salaried employees are eligible for holiday pay commensurate they are normally scheduled to work on a holiday. The floating holidays are to be used at the employee's discretion (with approval of the supervisor) to celebrate holidays that are not officially observed by the NBER. Floating holidays are not carried over from one year to the next if they are not used. During the first year of employment, employees whose start dates occur prior to April 1 are eligible for 2 floating holidays; employees whose starting date is after April 1, but before September 30 are eligible for one floating holiday. Employees whose start dates occur after October 1 will receive no floating holidays for that calendar year.

In the same respect, terminating employees will be eligible for no floating holidays if they leave prior to March 31. If the employee's termination date is between April 1 and September 30, the employee is eligible for one floating holiday. If the termination date is after September 30, the employee is entitled to two floating holidays. Unused floating holidays are not paid out upon termination.

Hourly employees are not eligible for holiday pay.

### **Paid Sick Leave**

Hourly employees, Program and Working Group Directors, and investigators on grants are eligible for paid sick leave if they work in a state or locality that has instituted Paid Sick Leave policies. More information about these policies can be found at <https://back.nber.org/forms/sickpay/>. Salaried employees eligible for earned time are not also eligible for paid sick leave.

The NBER's accounting system calculates and tracks paid sick leave accruals for eligible located in states and localities that have instituted Paid Sick Leave policies. On each NBER pay date, you will receive a paid sick leave statement by e-mail. The statement is in html format. If you use a text based email client, the statement will be attached to rather than in the body of the email. You can submit a request to use your accrued paid sick leave through the NBER's online time sheet system. Instructions for adding paid sick leave to your time sheet are available here: <http://www.nber.org/psatimesheetsoverview/HourlyPaidSickLeaveOverview.pdf>

You may use your paid sick leave for time increments of less than one day, but not of less than one-quarter hour.

### **Time Reports**

Salaried full-time, part-time and term employees must record time worked and time away from the job because of vacation, sick leave, floating holidays, and time taken without pay. These reports are required by the government agencies that fund some of our activity and are also needed to maintain earned time records. Time Reports will be completed on a biweekly basis through our online PSA time reporting system. System email notifications will tell employees when it is time to complete their biweekly reports. After the reporting period is closed, supervisors will approve submitted reports in the system.

If an employee has not submitted his or her Time Report by the end of the following pay period, pay will be withheld until the Time Report is filed with the Human Resources Department.

When earned time is taken on a day when the office closes early or opens late, such as before Christmas and New Year, or on a snow day, only the hours the employee would have worked that day will be taken as earned time.

Hourly employees must file biweekly Time Reports with the Payroll Department. Time Reports will be completed on a biweekly basis through our online PSA time reporting system <https://psaweb.acct.nber.org/team/>. System email notifications will tell employees when it is time to complete their biweekly reports. After the reporting period is closed, supervisors will approve submitted reports in the system.

### **Tardiness**

The Bureau expects employees to be present and ready to begin work at the normal starting time and, with the exception of lunch period, to remain for their normal hours of work.

## **4. Leaves of Absence**

*Rationale: From time to time situations may arise which may prevent an employee from coming to work. This policy is designed to define the terms and conditions of such occurrences.*

There are several types of Leave of Absence:

- Family and Medical Leave Act (FMLA)
- Massachusetts Paid Family and Medical Leave (PFML)
- Massachusetts Parental Leave
- Personal Leave

- Military Leave
- Jury Duty
- Bereavement Leave
- Massachusetts Domestic Violence Leave
- Small Necessities Leave

## **Family and Medical Leave Act (FMLA) Leave**

### **Leave Entitlements**

Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:

- The birth of a child or placement of a child for adoption or foster care;
- To bond with a child (leave must be taken within one year of the child's birth or placement);
- To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
- For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job;
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

An eligible employee who is a covered service member's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the service member with a serious injury or illness.

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.

The NBER requires the use of accrued paid leave while taking FMLA leave.

### **Benefits & Protections**

While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave.

Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions.

An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

### **Eligibility Requirements**

An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must:

- Have worked for the employer for at least 12 months;
- Have at least 1,250 hours of service in the 12 months before taking leave;\* and
- Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.

### **Requesting Leave**

To request FMLA leave, please contact Human Resources. Generally, employees must give 30-days' advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify the employer as soon as possible and, generally, follow the employer's usual procedures.

Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing an employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified.

Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what additional information is required.

### **Employer Responsibilities**

Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility.

Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

### **Enforcement**

Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against an employer.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

### **Massachusetts Parental Leave**

The Massachusetts Parental Leave law allows for employees who have been employed for at least 3 months to take up to eight (8) weeks of unpaid leave for the purpose of giving birth or adopting a child. If both parents work for the same employer, they shall only be entitled to 8 weeks of leave in the aggregate for the birth or adoption of the same child.

Requests for Parental Leave should be made to the NBER in writing as far in advance of the leave as possible.

### **Massachusetts Paid Family and Medical Leave (PFML)**

Beginning in January 2021, most Massachusetts workers will be eligible for paid family and medical leave under the Paid Family and Medical Leave (PFML) Act. As of October 1, 2019 employers are required to deduct payroll contributions from employees' pay to fund PFML benefits. An amount equal to 0.334% of your earnings will be deducted from your pay.

As an employee, under the new law you will be able to apply for up to 20 weeks of paid medical leave starting January 1, 2021, and for up to 12 weeks of paid family leave starting July 1, 2021. You can find additional

information from the Massachusetts Department of Family and Medical Leave at <https://www.mass.gov/orgs/departments-of-family-and-medical-leave>.

### **Massachusetts Paid Family and Medical Leave**

Under the Massachusetts Paid Family and Medical Leave Law, (MA PFML), eligible employees are entitled to a leave of absence to care for a family member with a serious health condition or their own serious health condition, bond with a new child, or assist with obligations that arise when a family member is called into active military service.

This policy applies to Massachusetts-based employees including full-time, part-time, and seasonal workers. Employees must also meet the financial eligibility requirements and any other eligibility requirements determined by the Department of Family and Medical Leave. Participation in the program is not optional.

### ***Contributions and Wage Benefit***

MA PFML benefits are funded by both the NBER and employee. Employee contributions are made through payroll deductions, and the amount of the contribution depends on the employee's average weekly wage. The maximum deduction amount will be adjusted periodically by the Massachusetts Department of Family and Medical Leave (Department). Deduction amounts will be reflected on an employee's pay stub.

Eligible employees will receive wage replacement benefits based on the employee's earnings, up to a maximum benefit of the state average weekly wage. MA PFML benefits are administered by the Department. There is a 7-day waiting period after an application for a MA PFML benefit is approved before benefit payments begin.

### **Qualifying Conditions**

If you are an eligible employee, you are entitled to take a job-protected leave of absence with partial wage replacement for one or more of the following qualifying conditions:

- Up to a maximum of 20 weeks of paid medical leave to attend to your own serious medical needs, but not more than 26 weeks, in the aggregate, of family and medical leave in the same benefit year.
- Up to a maximum of 26 weeks of paid family leave to care for a family member who is a covered service member undergoing medical treatment or otherwise addressing consequences of a serious health condition related to the family member's military service.
- Up to a maximum of 12 weeks of paid family leave to care for a family member with a serious health condition.
- Up to a maximum of 12 weeks of paid family leave: (1) for the birth, adoption, or foster care placement of a child; or (2) to attend to obligations arising because a family member is on active duty or has been notified of an impending call to active duty in the United States Armed Forces.

A covered employee is eligible for a combined maximum of 26 weeks of paid leave in a benefit year, which is calculated as 52 weeks beginning on the Sunday immediately preceding the first day of a leave.

### ***Health Coverage***

During an approved MA PFML leave, your health coverage will remain in force if you continue paying your share of the cost on time. In some cases, your payment may need to be made by your personal check or other means to maintain the coverage without interruption. You will make arrangements with Human Resources on how premium payments shall be made.

### ***Intermittent and Reduced Schedule Leave***

Under some circumstances, employees can take MA PFML on an intermittent or on a reduced schedule basis to care for their own or a family member's serious health condition or to care for a family member who is covered service member.

#### Definitions

**Reduced Schedule Leave:** This is when you are working a reduced work schedule that is still consistent week-to-week. For example, you normally work 8am-5pm, Monday through Friday, and you need to attend to your dependent child's weekly doctor appointments on Tuesdays and Thursdays, so you may want to work Mondays, Wednesdays, and Fridays. This is a predictable reduced weekly schedule for the length of the approved PFML leave.

**Intermittent Leave:** This is when you need to take time off here and there, sometimes in unpredictable increments. This type of leave may also be if you or your family member has a chronic condition that can flare up without warning, requiring time off from work. For example, you may need a certain number of hours off each week for a medical or family need, for unpredictable doctor appointments or physical therapy sessions, for a set period of time.

In order for PFML to be taken on an intermittent or reduced schedule for medical or family reasons, a health care provider must determine it is medically necessary. If an employee requests intermittent or reduced schedule leave for their own serious health condition, the organization may request additional information and will work with the employee to identify a schedule that meets the employee's needs without unduly interrupting business operations (subject to the approval of the employee's healthcare provider).

#### ***Bonding Leave***

In the case of leave for the birth, adoption, or foster care placement of a child, the NBER will consider requests to take leave on a reduced schedule, on a case-by-case basis. A reduced schedule leave is a predictable weekly schedule that does not change during the length of the approved leave. Intermittent bonding leave is not permissible.

#### Other Guidelines

Taking leave intermittently or on a reduced leave schedule will result in a proportionate reduction in the employee's available allotment of leave. Employees cannot apply for payment of benefits for intermittent PFML leave until they have accumulated 8 hours of leave time or until 30 calendar days following the first use of intermittent leave, whichever comes first.

Employees who are approved for and use intermittent leave and fail to work during in accordance with an agreed-upon schedule may be subject to discipline. If an employee's use of intermittent PFML leave is inconsistent with the Department's approval, the Company may also request additional information in support of the need for leave.

#### ***Applying for Benefits***

Employees must file claims for benefits directly with the Department:

The Massachusetts Department of Family and Medical Leave

Charles F. Hurley Building

19 Staniford Street, 1st Floor

Boston, MA 02214

617. 626. 6565

<https://paidleave.mass.gov/create-account>



Employees must provide at least 30 days advanced written notice to Human Resources and specify the anticipated starting date of the leave, the anticipated length of the leave, and the expected date of return. If the employee is unable to provide 30 days' notice due to circumstances beyond his or her control, the employee must provide notice as soon as practicable. Failure to provide timely notice may result in a partial denial or delay in an employee's receipt of MA PFML. A request for an extension must be filed 14 calendar days prior to the expiration of the original approved leave, unless good cause for the delay is shown. The Department will not accept an application for benefits if proper notice is not made to the Company as described above.

### ***Return to Work***

An eligible employee who takes leave under MA PFML and returns to work on or before the approved leave end date will be entitled to return to their former job or to an equivalent job with the same or substantially similar duties and responsibilities and with equivalent benefits, pay, and working conditions, as determined by the Company. Taking family leave will not result in the loss of any employment benefit accrued prior to the date the leave began. The Company may deny restoration to any employee if other employees of equal length of service credit in the same or equivalent positions have been laid off due to economic conditions or a change in operating conditions or the contract for employment for which the employee was hired has concluded and the Company would not have otherwise continued to employ the employee.

### ***Coordination with Other Leaves***

Leave taken under the PFML will run concurrently with leave taken under the Massachusetts Parental Leave Act and the federal Family and Medical Leave Act when the leave is for the same qualifying reason. Any paid leave provided under an employer policy and paid at the same or a higher rate than paid leave under the PFML shall count against the allotment leave benefits available under this law. In no case will the combined pay an eligible employee receives through any wage replacement benefit exceed the employee's weekly wage. All wage replacement benefits will be fully integrated to avoid duplication of benefits, to the fullest extent permitted by law.

Employees may not receive paid family or medical leave benefits and use accrued paid time off at the same time. If employee chooses to use accrued paid leave while taking MA PFML, the amount of days that their claim has been approved for may be reduced in order to offset benefits.

Employees who fraudulently obtain MA PFML shall not receive the protections and benefits provided by the law and may be required to repay the Trust Fund for any benefits received and in addition may be subject to disciplinary action up to and including termination.

The Company will not interfere with, restrain, or deny the exercise of any right protected under the MA PFML. The Company will not discriminate or retaliate against any individual because of the use of leave in accordance with this policy.

### ***Personal Leave of Absence***

Requests for Personal Leaves of Absence will be considered on a case-by-case basis, taking into account multiple factors including the reason for the request, the person's work performance, business commitments, the person's length of service, their overall attendance record and the likelihood of the person returning to work.

A Personal Leave of Absence may or may not be granted at the sole discretion of the NBER, however, it is the general practice of the NBER to discourage Leaves of Absence except as required by law.

In any event, if such leave is granted, the NBER makes no guarantee, promise or reassurance whatsoever of reinstatement to a similar or to any position at the end of the leave period.

If you are enrolled in NBER-sponsored health insurance at the time the Leave begins, such coverage will continue until the last day of the calendar month in which the Leave begins. After that time, you will be able to continue your coverage, at your own expense under COBRA regulations. The NBER may continue the NBER-sponsored health insurance for short-term leaves.

Requests for personal leave should be made in writing to the Human Resources department.

If such a leave is granted and the employee fails to return to work on or before the expiration of such leave, they will be considered to have voluntarily resigned from the NBER.

### **Military Leave**

The NBER proudly supports the National Guard and Reserve and abides by the Uniformed Services Employment and Re-employment Rights Act (USERRA). The NBER will allow time off work without pay for employees in the National Guard or military reserves who take approved leave for training purposes or call to duty. Employees may also receive pay for any accrued vacation time for this period if they choose. Refer to the USERRA for specific details.

The Company abides by all military leave requirements in accordance with applicable state or local laws per the jurisdiction where the employee works.

### **Jury Duty Leave**

The NBER encourages employees to fulfill their civic responsibilities by serving as jurors when required and complies with all appropriate county, state and federal regulations with regard to jury duty and pay for time off to serve on a jury as required by the specific Court or jurisdiction.

Employees must show the jury duty summons to the NBER as soon as possible so that the NBER may make arrangements to accommodate their absence. Of course, employees are expected to report for work whenever the court schedule permits.

The NBER will continue to contribute towards the cost of health insurance benefits for the first 30 calendar days of jury duty if the employee was enrolled in the voluntary health insurance plan at the time they received notice of jury service.

When you receive your juror service form in the mail, please send it to the HR Administrator.

### **Bereavement Leave**

Employees are allowed up to three (3) days with pay for bereavement of the death of a member of their "immediate family." "Immediate family" members are defined as spouse, partner, parent, child, or sibling of the employee.

Employees are allowed one (1) day for the death of any "other relative." "Other relatives" are defined as the employee's aunt, uncle, in-law, grandparent, cousin, grandchild, niece or nephew. Employees may be required to provide supporting documents of the death.

Employees must promptly notify their manager of the need to take time off due to the death of an immediate family member or other relative. Employees may, with their manager's approval, use any available earned time for additional time off, if necessary.

### **Massachusetts Domestic Violence Leave**

In accordance with the Massachusetts Domestic Violence Leave Law, the National Bureau of Economic Research (NBER) has created this Policy to notify employees as to their rights and to memorialize our policy for addressing leave for employees who are, or whose family members are, victims of domestic violence. Leave under this Policy applies to all employees, who will be permitted to take a total of 15 days of leave in a 'rolling' twelve (12) month period. This period is measured backward from the date an employee uses any leave under this Policy.

#### Qualifications for Leave

In order to qualify for leave under this Policy, the employee or the employee's close family member must be a victim of abusive behavior and the leave must be taken to address issues directly related to the abusive behavior, such as seeking medical or counseling services, securing housing, meeting with law enforcement, or attending court proceedings. Covered family members include an employee's spouse, domestic partner with whom the employee resides, an individual with whom the employee has a child in common, parent, co-parent, step parent, child, step child, sibling, grandparent, grandchild, or individual with whom the employee shares a guardian relationship.

Abusive behavior includes domestic violence, sexual assault, stalking and kidnapping. Domestic violence is defined as any abuse perpetrated against the employee or the employee's family member by (i) a current or former spouse of the employee or the employee's family member; (ii) a person with whom the employee or the employee's family member shares a child in common; (iii) a person who is cohabitating with or has cohabitated with the employee or the employee's family member; (iv) a person who is related by blood or marriage to the employee; or (v) a person with whom the employee or employee's family member has or had a dating or engagement relationship.

No employee who is a perpetrator of the abusive behavior will be entitled to leave under this Policy.

#### Notice

Requests for leave under this Policy must be made in advance, unless there is a threat of imminent danger to the victim (i.e., the employee or family member). In the case of unscheduled leave, an employee or an employee's family member or a professional working with the employee to address the abusive behavior must notify the NBER Human Resources department within three (3) work days that the leave was taken or is being taken to address issues directly related to abusive behavior.

#### Needed Documentation

The NBER will require that the employee provide documentation of the abusive behavior. This may be in the form of: a protective order or other court documentation, a signed letter from and under the letterhead of a district attorney's office, police department, or district, probate or superior court judge, clerk magistrate, or clerk, a police report, a record of the abuser's conviction, guilty plea or adjudication of delinquency, medical documentation of treatment for the abuse, or a sworn statement, signed under the pains and penalties of perjury, from a professional who has assisted the employee or the employee's

family member in addressing the abusive behavior, or from the employee themselves.

The required documentation must be provided within 10 days of the leave request, or, when the leave was unscheduled, within 30 days of the last day of the unscheduled leave taken.

#### Unpaid Leave

Leave under this Policy is unpaid. However, employees will be required to exhaust all available sick or earned time before using unpaid leave under this Policy.

#### Benefits and Job Protected Leave

Employees will retain their employment benefits accrued prior to their leave, and will be entitled to return to their same position or an equivalent position upon their timely return from leave.

The NBER will not discriminate or retaliate against an employee for exercising their rights under this Policy. In addition, information and documentation related to the leave will be kept confidential so as to respect the employee's right to privacy.

#### **Small Necessities Leave**

The NBER will grant unpaid leaves of absence as dictated by the laws of the various states where the employees are located, including the Massachusetts Small Necessities Leave Act (SNLA), which allows workers to take up to 24 hours per year off from work to go to their child's education-related school activities, or to accompany a child or elderly relative to medical or dental appointments. Employees are required to use accrued earned time to cover such absences, unless they have no earned time balance. In those cases, the time off will be taken as unpaid leave.

### **5. Weather Emergencies or other Disruptions to Business**

*Rationale: The NBER plans to stay open for business as usual unless a closure announcement has been made by the Office of the President.*

A closure announcement will be made by email, by text message, on the NBER website and on the Office Manager's voice mail, 617-588-0344. For salaried employees the time off will be recorded as paid leave using the code "Weather Close" in the PSA system.

If the office remains open, but conditions make it unsafe for you to report for work, please do not do so, and contact the office. Employees may use available earned time to cover this type of absence if they choose to do so. Otherwise the time off is without pay.

### **6. Salary Reviews and Performance Evaluations**

On an annual basis, all staff members complete a self-evaluation. All supervisors also complete an evaluation of each employee they supervise, and then meet with the employees to discuss performance and goals. Supervisors make salary recommendations to the Office of the President in advance of the start of each fiscal year.

## **7. Changes in Personal Information**

*Rationale: The NBER is required to keep accurate records related to its employees. Each employee is responsible for notifying the NBER of any personal changes that may affect their personnel records.*

Examples of such information include, but are not limited to:

- Change of name, address or telephone number
- Persons to be notified in the event of an emergency
- Any allergic or medical conditions or the use of any medications that may affect the health and safety of the employee or those working around them
- Changes in marital status
- Change in gender
- Changes in the number of dependents
- Changes in insurance beneficiaries

Any such changes should be reported to the HR Administrator as necessary. Most changes can also be entered by the employee directly into the ADP system.

Final

## **8. Access to Personnel Records and Privacy of Information**

*Rationale: Information that is contained in individual personnel files is the property of the NBER and is considered to be confidential. Access to these files is restricted to NBER officials who have a legitimate business reason to review information in a personnel file.*

Employees are entitled to review the contents of their personnel files by making a request to do so. Employees are also entitled to a copy of any document contained in their personnel file. Such copies will be supplied upon written request within 5 business days.

In all cases, personnel files will be reviewed only in NBER offices.

- The collection of employee information will be limited to that which the NBER needs for business and legal purposes.
- The confidentiality of all personal information in our records will be protected.
- All in-house employees involved in record keeping will be required to adhere to these policies and practices. Violations of this policy will result in disciplinary action, up to and including termination of employment.
- Internal access to employee records will be limited to those employees having an authorized, business-related need-to-know. Access may also be given to third parties, including government agencies, pursuant to court order or subpoena.
- The NBER will refuse to release personal information to outside sources without the employee's written approval, unless legally required to do so.
- Employees are permitted to see the personal information maintained about them in the NBER records. They may correct inaccurate factual information or submit written comments in disagreement with any material contained in their NBER records.

## **9. HIPAA Compliance**

*Rationale: Under the terms of the Health Insurance Portability and Accountability Act (HIPAA), the confidentiality of each employee's personal medical information is of utmost importance to the NBER.*

The NBER will make every attempt to maintain such confidentiality at all times.

Any and all medical information with regard to an employee is deemed to be **STRICTLY CONFIDENTIAL** and will be disclosed only when absolutely necessary (Worker's Compensation, Health Insurance, etc.) and in full compliance with the provisions of HIPAA.

All medical information is kept in confidential files with access strictly limited to management staff members who have a legitimate business reason to access such information.

## **10. Ethics and Conduct**

*Rationale: The successful operation and reputation of the NBER is built upon the principles of fair dealing and ethical conduct of our employees. Our reputation for integrity and excellence requires careful observance of the spirit and letter of all applicable laws and regulations, as well as a scrupulous regard for the highest standards of conduct and personal integrity.*

The NBER will comply with all applicable laws and regulations and expects its directors, officers, and employees to conduct business in accordance with the letter, spirit, and intent of all relevant laws and to refrain from any illegal, dishonest, or unethical conduct.

In general, the use of good judgment, based on high ethical principles, will guide you with respect to lines of acceptable conduct. If a situation arises where it is difficult to determine the proper course of action, the matter should be discussed openly with your immediate supervisor.

Compliance with the NBER's ethics and conduct policy is the responsibility of every NBER employee. Disregarding or failing to comply with this standard of business ethics and conduct could lead to disciplinary action, up to, and including, termination of employment.

## **11. Conflicts of Interest**

*Rationale: Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest.*

These guidelines provide general direction so that employees can seek further clarification on issues related to the subject of acceptable standards of operation. Please contact the Corporate Secretary for more information or questions about conflicts of interest.

Transactions with outside firms must be conducted within a framework established and controlled by the executive level of the NBER. Business dealings with outside firms should not result in unusual gains for those firms. Unusual gain refers to bribes, product bonuses, special fringe benefits, unusual price breaks, and other windfalls designed to ultimately benefit either the employer, the employee, or both. Promotional plans that could be interpreted to involve unusual gain require specific executive-level approval.

An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative in an NBER business dealing. For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the

employee is similar to that of persons who are related by blood or marriage.

No "presumption of guilt" is created by the mere existence of a relationship with outside firms. However, if employees have any influence on transactions involving purchases, contracts, or leases and/or hiring it is imperative that they disclose to the NBER as soon as possible the existence of any actual other potential conflict of interest so that safeguards can be established to protect all parties.

Personal gain may result not only in cases where an employee or relative has a significant ownership in a firm with which NBER does business, but also when an employee or relative receives any kickback, bribe, substantial gift, or special consideration as a result of any transaction or business dealings involving the NBER.

## **12. Confidentiality and Non-Disclosure**

Financial, operational or employee information about the NBER is considered to be confidential and proprietary and is not to be disclosed to anyone, for any reason, by any employee of NBER without the expressed permission of senior management.

Examples of Confidential and NBER Proprietary information include, but are not limited to:

- **Financial information** including, but not limited to, administrative procedures, Profit and Loss statements and all other financial data of the NBER.
- **Operational information** including, but not limited to, operating procedures, capabilities and processes.
- **Employee information** including, but not limited to, employee names, addresses, email addresses, telephone numbers, Employee Guidelines, wage rates and benefits.

In addition, NBER is also a frequent target of random solicitations and requests for information of a general nature (for example, the number of employees, the nature of our business, etc.) about its business operations. Please do not respond to such solicitations and requests unless you are familiar with the caller, the information sought is for a specific purpose related to the NBER's business and the subject matter of the request is within your area of responsibility. Otherwise, such solicitations or requests should be referred to your supervisor.

## **13. Employment of Relatives and Non-Fraternization**

*Rationale: The employment of relatives or individuals involved in a romantic/sexual relationship in the same area of an organization may cause serious conflicts and problems with favoritism and employee morale. This policy provides the framework for managing such situations.*

In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried over into day-to-day working relationships.

For purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage. A dating relationship is defined as a relationship that may be reasonably expected to lead to the formation of a consensual "romantic" or sexual relationship.

Relatives of current employees may not occupy a position that will involve working directly for or supervising their relative. Individuals involved in a dating relationship with a current employee may also not occupy a position that will entail working directly for or supervising the employee with whom they are involved in a dating

relationship. The NBER also reserves the right to take prompt action if an actual or potential conflict of interest arises involving relatives or individuals involved in a dating relationship who occupy positions at any level (higher or lower) in the same line of authority that may affect the review of employment decisions.

If a relative relationship or dating relationship is established after employment between employees who are in a reporting situation described above, it is the responsibility and obligation of the supervisor involved in the relationship to disclose the existence of the relationship to management.

In other cases where a conflict or the potential for conflict arises because of the relationship between employees, even if there is no line of authority or reporting involved, the employees may be separated by reassignment or terminated from employment. Employees in a close personal relationship should refrain from public workplace displays of affection or excessive personal conversation.

Hiring of family members must be approved by the Corporate Secretary or the President.

#### **14. Outside Employment**

Employees may hold outside jobs as long as they meet the performance standards of their job with the NBER. All employees will be judged by the same performance standards and will be subject to NBER's scheduling demands, regardless of any existing outside work requirements.

If the NBER determines that an employee's outside work (including consulting) interferes with performance or the ability to meet the requirements of the NBER as they are modified from time to time, or creates a conflict of interest, the employee may be asked to terminate the outside employment or consulting work if he or she wishes to remain with the NBER.

#### **15. Coaching and Discipline**

*Rationale: The purpose of any coaching and/or disciplinary action is not to punish a person, but rather to make them aware that their behavior is inconsistent with the expectations of the NBER.*

Warnings, whether verbal or written, remain in effect for one year following the date of issue. Multiple warnings, even if they are for different circumstances, are cumulative and may result in suspension or termination of employment.

Nothing in this section restricts NBER's ability to end a person's employment without following this procedure if it is deemed that the offense is of such a nature that immediate termination is warranted at the sole discretion of the NBER under the "at will employment" doctrine.

#### **16. Appropriate Use of Technology and Electronic Communications**

*Rationale: To accommodate the diverse range of research projects that are pursued by NBER-affiliated researchers and to facilitate a flexible and productive work environment, the NBER's appropriate use policy places relatively few restrictions on the manner in which NBER computing resources may be used. At the same time, the NBER seeks to prevent behavior that might violate federal and/or state laws, place NBER computers and/or networks at risk, overburden the NBER network, interfere with the work of others, or in any way place the reputation of the NBER and its affiliated staff and researchers at risk.*



## **Technology Provided by the NBER**

The NBER provides its employees with access to a variety of electronic communication and storage systems for use in connection with the performance of their duties. The following sets forth the NBER's policy on the use and monitoring of its electronic and telephonic communications systems, including the phones, e-mail, voice mail, Internet access, fax and computer systems. Violations of this policy are subject to disciplinary action, up to and including termination from employment. All electronic and telephonic communication systems and all communications and stored information sent, received, created on or contained in the information systems are property of the NBER and as such are to be used primarily for job-related purposes. Employees should not consider any material on these systems to be private.

## **Access by the NBER**

The NBER has access to and reserves the right to retrieve and review information on the system, including information that the employee has protected by a password. Erased or deleted material may remain available for retrieval and review. Consequently, employees should not assume that any information or messages they place on NBER systems or equipment is private or confidential. The NBER may monitor the use of its systems, at its sole discretion, at anytime, with or without notice and reserves the right to look at, listen to or use anything on its systems, and to by-pass any pass code.

## **Employee Use**

Employees are prohibited from using the NBER systems or equipment in a manner that violates any NBER policies, including the anti-harassment policy. Any breach of this prohibition will subject an employee to disciplinary action, up to and including termination.

There are a number of activities that are **explicitly prohibited** when NBER computers and systems are involved. In particular, NBER staff, researchers and visitors **may not**:

- Use NBER computers, networks or systems to download, store or transmit illegally obtained or "pirated" media such as copyrighted music, movies, television programs or unlicensed software;
- Use peer-to-peer filesharing networks using Bittorrent, Gnutella, iMesh, eMule/eDonkey or any and all similar protocols;
- Download, store or transmit pornographic, hateful or otherwise offensive materials of any kind or form;
- Use NBER computing resources to facilitate illegal activities, to commit fraud, to gain unauthorized access to other computer networks or systems, to send "spam", to steal or transmit stolen passwords, to steal or transmit personal or financial data without permission, to distribute malicious software or to send threatening or harassing communications as defined in the NBER Policy Against Harassment.

Violation of this policy may subject an individual to sanctions that may include, but are not limited to, loss of access to NBER computing resources, deletion of the user's network account, loss of physical access to NBER offices, or termination.

NBER staff, researchers and visitors may use NBER computing resources for incidental personal use provided that such personal use does not violate any of the aforementioned prohibitions, does not compromise the integrity and functionality of the NBER computing resources, and does not pose an operational risk to NBER or anyone affiliated with it.

Questions regarding this policy should be directed to the Director of IT or Systems Support.

## 17. Confidentiality and Proprietary Rights

### Information Security Policy

The NBER has developed and implemented a detailed Personal Information Security Policy in order to meet the standards of the Massachusetts Standards for the Protection of Personal Information of Residents of the Commonwealth, 201 CMR 17.00, et seq. and Massachusetts General Law, c. 93H (the “Security Regulations”). Under these regulations and the law, the NBER is required to maintain a secure environment as it relates to the protection and confidentiality of Personal Information in its possession. Please read the full policy for specific guidance.

“Personal Information” means the name of a Massachusetts resident (either first and last name, or first initial and last name) in combination with one or more of the following: (a) Social Security number, (b) driver’s license number or state identification card number, (c) financial account number, bank account number or credit card number or (d) biometric indicator. Personal Information may be stored or fixed in a variety of different forms, including paper documents, faxes, electronic files, e-mails, photographs, videos, voice-mails and audio recordings, computers, mobile devices and electronic storage media such as hard disks, flash drives, CDs, or DVDs.

All employees with access to Personal Information, either written or electronic, are required to continually assess the security and confidentiality of information that is handled at NBER and apply reasonable safeguards to protect that information from unauthorized access. This policy also applies broadly to anyone that has access to NBER’s office, systems and documents that may contain Personal Information including temporary employees, independent contractors, third-party service providers, vendors, consultants, suppliers or agents retained by NBER.

The NBER has adopted the following general guidelines for the handling of Personal Information.

- Access to Personal Information. Physical access to Personal Information and the NBER’s offices, files and computer systems is restricted to authorized individuals. NBER maintains a number of physical security precautions to ensure that physical access to Personal Information is limited to authorized individuals, including computer passwords, data encryption, and locks.
- Maintaining a Confidential Work Environment. Be attuned to the Personal Information in your environment. Take reasonable steps to keep Personal Information secure and confidential. Everyone should continually assess the way they handle Personal Information and select reasonable methods to secure it against loss, theft or unauthorized access. NBER’s policy outlines a number of specific steps to follow, but you should always exercise common sense and good judgment.
- Avoid discussing Personal Information where it can be overheard by unauthorized individuals, such as in the lunch room, office lobby or other public areas. Papers, documents, computers and storage devices containing Personal Information should not be left unattended in public areas, including at open work areas, in conference rooms, at copying machines, in automobiles, or at locations outside of the office. When you will be away from your work area for an extended period of time, Personal Information should be stored in locked cabinets, drawers or containers and you should log-off or use screen locking on your computer.
- Storage and Retention of Personal Information. The NBER can minimize potential threats to Personal Information by reducing, where possible, the amount of Personal Information it keeps.

Personal Information should be retained only so long as there is a legitimate business reason for doing so and in compliance with legal document retention requirements. Avoid collecting Personal Information when it would serve no legitimate business purpose.

- Do not transport or send Personal Information outside of NBER without express written permission of your supervisor and the NBER Personal Information Security Office and then taking appropriate security precautions to protect it against loss, theft or unauthorized access.
- Visitors. All visitors must follow NBER's building procedures for gaining access to the NBER's offices. All visitors who are provided access to NBER computer systems or sensitive areas, such as the NBER's data centers or files containing Personal Information, must be supervised by authorized personnel at all times.
- Secure Disposal of Personal Information. Securely dispose of Personal Information when retaining it no longer serves a legitimate business purpose or is required by law. Personal Information cannot simply be thrown away. It must be destroyed so that it cannot be read or reconstructed later by someone who obtains access to the NBER's trash or to discarded computers or storage devices.
- When disposing of Personal Information, physical documents must be redacted or shredded so that the Personal Information cannot be practicably read or recovered. Similarly, electronic files and any disk or device containing Personal Information must be securely disposed of to prevent recovery of the Personal Information. If you become aware of a potential breach of security or the loss or theft of Personal Information, report it immediately to the Corporate Secretary.
- Departing Employees, Consultants & Service Providers. All employees, consultants and service providers must return and, upon request, destroy all Personal Information provided by NBER before their departure or earlier.
- Violations. Any violations of this Policy, including careless, accidental or intentional disclosures of Personal Information, may result in disciplinary action, up to and including immediate termination of employment or all existing business relationships with the NBER. Violators may also be subject to civil or criminal liability. NBER evaluates the appropriate disciplinary measures and legal actions on a case by case basis.

### **Workplace Monitoring**

Workplace monitoring may be conducted by NBER to ensure quality control, employee safety and security.

While on NBER's premises, employees have no expectation of privacy in the non-private workplace areas which include, but are not limited to, offices, cubicles, work locations, Company provided or designated parking areas, desks, computers, rest or eating areas, or vehicles engaged in Company operations.

Computers furnished to employees are the property of NBER. As such, computer usage and files, including e-mail usage and related files, may be monitored or accessed.

Because the NBER is sensitive to the legitimate privacy rights of employees, every effort will be made to conduct workplace monitoring in an ethical and respectful manner.

### **Security Inspections**

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The NBER wishes to maintain a work environment that is free of illegal drugs, alcohol, firearms, explosives, or other improper materials. To this end, the NBER prohibits the possession, transfer, sale, or use of such materials on its premises. The NBER requires the cooperation of all employees in administering this policy.

While on NBER premises, employees have no expectation of privacy in workplace areas which include, but are not limited to, offices, cubicles, work locations, Company provided or designated parking areas, desks, computers, file cabinets, rest or eating areas, or vehicles engaged in Company operations.

Desks, file cabinets, and other storage devices may be provided for the convenience of employees but remains the sole property of NBER. Accordingly, they can be inspected by any agent or representative of the NBER at any time, either with or without prior notice.

### **Social Networking & Blogging Policy**

In general, the NBER views websites, web logs and other information published on mediums accessible by the public by its employees positively, and it respects the right of employees to use them as a medium of self-expression. If you choose to identify yourself as an NBER employee or to discuss matters related to our business, please bear in mind that although the information you publish will generally be viewed as a medium of personal expression, some readers may nonetheless view you as a de facto spokesperson for the NBER. In light of this possibility the following guidelines must be followed:

- You must make it clear to your readers that the views expressed by you are yours alone and do not represent the views of the NBER.
- If you blog or otherwise publish information about the NBER, you must clearly and conspicuously disclose your relationship with the NBER to your readers.
- Understand that you assume full responsibility and liability for your public statements.
- You are not permitted to disclose confidential information. You must at all times abide by all non-disclosure and confidentiality policies.
- Company policies governing the use of corporate logos and other branding and identity apply, and only individuals officially designated have the authority to speak on the company's behalf. Therefore, you are not permitted to use any company logo or graphics without first obtaining permission.
- You are prohibited from making discriminatory, defamatory, libelous or slanderous comments when discussing the NBER, and/or your supervisors, co-workers, customers, clients and/or competitors.
- You must always comply with all other employment policies, including the Harassment Policy.

Since the information you publish is accessible by the general public, the NBER hopes your comments will be truthful and respectful to NBER, its employees, customers, partners, affiliates and others. If you are going to criticize individual employees, consider discussing the criticism personally before making it public. The NBER will not tolerate statements about it or its employees that are defamatory, obscene, threatening or harassing.

Please be aware that the NBER may request, in its sole and absolute discretion, that you temporarily confine your website, web log or other commentary to topics unrelated to the Company if it believes this is necessary or advisable to ensure compliance with laws or regulations.

Failure to comply with these requests may lead to discipline up to and including termination, and if appropriate, the NBER will pursue all available legal remedies.

## **Social Security Number Privacy**

Officers and employees are permitted to access and use certain personal information, such as Social Security numbers, only as necessary and appropriate for such persons to carry out their assigned tasks for the NBER and in accordance with NBER policy.

The unauthorized access, viewing, use, disclosure, or the intentional public display of such information and the unauthorized removal of documents from NBER's premises that contain Social Security number information is prohibited and can result in discipline up to and including termination of employment.

If you come into contact with Social Security numbers or other sensitive personal information without authorization from the NBER or under circumstances outside of your assigned tasks, you may not use or disclose the information further, but must contact your supervisor and turn over to him or her all copies of the information in whatever form.

When necessary, documents containing Social Security information will be properly destroyed through shredding or other means prior to disposal to ensure confidential Social Security information is not disclosed.

## **Inquiries**

Questions about this Policy should be directed to the Corporate Secretary.

## **18. Gifts and Entertainment Policy**

*Rationale: It is essential to the NBER that all private business and personal activities should be conducted in a manner which avoids conflicts with the interests of the NBER. This policy defines the expectations of the NBER. (Please also refer to Sections 10 & 11 noted above).*

### **No Conflict of Interest**

The possibility of a conflict of interest exists whenever any officer, director, trustee or employee, including any immediate family member thereof, has an interest in any entity or matter which is susceptible to influence by the decision of judgment made in the course of their responsibilities or that may be perceived by the public as a conflict.

### **Prohibition on Payments and Gifts to Others**

Payments or offers of cash or anything of economic value directly or through any intermediary to or for the direct or indirect benefit of an officer or employee of customer to obtain business for the NBER or to a government official or employee to obtain concessions or favorable rulings for the NBER or for any other improper purpose is prohibited.

This prohibition includes the provision of entertainment and gifts, except to the extent customary and reasonable in amount in the case of entertainment and nominal in amount in the case of gifts, and not for the purpose of or resulting in any unethical action by or on behalf of the recipient.

### **Prohibition on Gifts, Entertainment, and Other Payments**

No employee or member of their immediate family is permitted to accept gifts for personal use or consumption from any customer, supplier, or potential supplier. A gift is regarded as any type of gratuity, favor, service, discount or price concession, loan, legacy, fee, compensation, or anything of monetary value. All such gifts are prohibited, except:

- Gifts of nominal value and not for personal use. Nominal value is considered to be mean value which is appropriate under the circumstances of the gift.
- Gifts received because of kinship, marriage or social relationships entirely beyond and apart from any business relationship.
- Promotional materials that are generally available.
- Travel or lodging which involves formal representation of the NBER, as at a meeting or conference.
- Fees or other compensation received from an organization in which membership or an official position is held as approved by the NBER.

Employees are prohibited from accepting a permitted gift for personal use or consumption. In addition, employees are prohibited from accepting a permitted gift if, in so doing, they are or are believed to be obligated or in any way improperly influenced in the performance of their duties. All prohibited gifts received or extended should be disclosed immediately to management.

Senior management will determine the appropriate action to be taken. All questions concerning this policy or the acceptance of particular gifts should be addressed to senior management.

## **19. Smoking and Tobacco Use**

*Rationale: Smoking is not permitted inside any office or public building at any time as required by Massachusetts State Law.*

In keeping with the NBER's intent to provide a safe and healthful work environment, smoking in the workplace is prohibited except in those locations that have been specifically designated as smoking areas. In situations where the preferences of smokers and nonsmokers are in direct conflict, the preferences of nonsmokers will prevail. In addition, for sanitary reasons, the use of any form of tobacco or tobacco-based product is not permitted in our workplace.

## **20. Equal Employment Opportunity Policy**

*Rationale: Providing equal employment opportunities for all members of the NBER is a primary value of the organization.*

The National Bureau recognizes and accepts the responsibility to assure all employees equal opportunity in all aspects of employment and at all levels. The NBER will make reasonable accommodation for any disabled applicant, and will provide assistance to disabled applicants as needed during the application process. The NBER will not knowingly deal with any organization that engages in discriminatory employment practices.

We therefore reaffirm that it is the established policy of the NBER to:

- Recruit, hire, train and promote persons to all jobs without regard to race, age, color, gender, sexual orientation, marital status, religion, national origin, handicap, genetics and/or veteran status.
- Make all employment decisions so as to further the principle of equal opportunity.

- Ensure that all employment decisions, such as compensation, benefits, layoffs, NBER sponsored training, social and/or recreational programs will be administered without regard to race, color, sexual orientation, marital status, religion, gender, age, national origin, handicap, genetics and/or veteran status.

We are counting on everyone, individually and collectively, to give this policy positive, enlightened and constructive support at all NBER locations.

## **21. Open Posting**

*Rationale: To ensure that all employees of the NBER have equal access to consideration for available positions, the NBER has developed the following policy.*

The NBER posts notices of job openings on the NBER website employment page at <https://www.nber.org/career-resources/staff-positions-nber>. Current employees are encouraged to apply for any openings. These notices contain the following information:

Job Title  
Department or Location  
Brief Job Description  
Job Specifications (required skills and abilities)

The NBER will conduct criminal background checks on all proposed new hires for administrative positions.

## **22. Employment Verification**

*Rationale: This Policy has been adopted to ensure the confidentiality of employment records with the NBER.*

Any inquiries which are received either by telephone or in writing regarding a present or past employee are to be referred to the Human Resources Department.

The policy in this matter is that the NBER will state only that the person is or was employed with the NBER, the dates of employment and the employee's title or position unless we are legally required to provide additional information.

Only if an employee submits a request in writing will additional information be released. This pertains to both past and present employees.

## **23. Americans with Disabilities Act (ADA) Compliance**

*Rationale: The NBER is committed to complying fully with the Americans with Disabilities Act (ADA) and applicable state law, and to ensure equal opportunity in employment for qualified persons with disabilities.*

All employment practices and activities are conducted on a non-discriminatory basis.

Hiring procedures are designed to provide meaningful employment opportunities to persons with disabilities. Pre-employment inquiries are made only regarding an applicant's ability to perform the duties of the position.

Reasonable accommodations for qualified individuals with known disabilities will be made unless to do so would be an undue hardship. All employment decisions are based on the merits of the situation in accordance with defined criteria, not the disability of the individual.

Qualified individuals with disabilities are entitled to equal pay and to equality in other forms of compensation (or changes in compensation), in job assignments, classifications, organizational structures, position descriptions, lines of progression and seniority lists. Leave of all types will be available to all employees on an equal basis.

The NBER is also committed to not discriminating against any qualified employees or applicants because they are related to or associated with a person with a disability.

## **24. Immigration Law Compliance**

*Rationale: As required by law, the NBER is committed to employing only United States citizens and aliens who are legally authorized to work in the United States. The NBER does not unlawfully discriminate on the basis of citizenship or national origin.*

In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed an I-9 with the NBER within the past three years, or if their previous I-9 is no longer retained or valid.

Employees may raise questions or complaints about immigration law compliance without fear of reprisal.

## **25. Sexual Harassment Prevention**

*Rationale: Respect for the individual dignity of everyone at the NBER is of utmost importance. The NBER is committed to providing a work environment that is free from all forms of discrimination and conduct that can be considered harassing, coercive or disruptive, including sexual harassment and/or abusive behavior.*

The NBER is committed to maintaining a workplace free from sexual harassment. The [NBER Sexual Harassment Prevention Policy](#) is one component of NBER's commitment to a discrimination-free work environment. Sexual harassment is against the law and all employees have a legal right to a workplace free from sexual harassment. Employees are urged to report sexual harassment by filing a complaint internally with NBER. Employees can also file a complaint with a government agency or in court under federal, state or local anti-discrimination laws.

## **26. Workplace Violence Prevention**

*Rationale: The NBER is fully committed to preventing workplace violence and to maintaining a safe work environment.*

Given the increasing violence in society in general, the NBER has adopted the following guidelines to deal with intimidation, harassment, or other threats of (or actual) violence that may occur during business hours or on its premises.

All employees, including supervisors and temporary employees, should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay," or other conduct that may be dangerous to others. Firearms, weapons, and other dangerous or hazardous devices or substances are prohibited from the premises of the NBER without proper authorization from management.



Conduct that threatens, intimidates, or coerces another employee, a customer, or a member of the public at any time, including off-duty periods, will not be tolerated. This prohibition includes all acts of harassment, including harassment that is based on an individual's sex, race, age, or any characteristic protected by federal, state, or local law.

All threats of (or actual) violence, both direct and indirect, should be reported as soon as possible to your immediate supervisor or any other member of management. This includes threats by employees, as well as threats by customers, vendors, solicitors, or other members of the public. When reporting a threat of violence, you should be as specific and detailed as possible.

All suspicious individuals or activities should also be reported as soon as possible to the Office Manager or the Office of the President. Do not place yourself in peril. If you see or hear a commotion or disturbance near your work area, do not try to intercede or see what is happening.

The NBER will promptly and thoroughly investigate all reports of threats of (or actual) violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as is practical. In order to maintain workplace safety and the integrity of its investigation, the NBER may suspend employees, either with or without pay, pending investigation.

Anyone determined to be responsible for threats of (or actual) violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment.

## **27. Drug-Free Workplace Policy**

*Rationale: As a Federal Contractor, the NBER is required to abide by The Drug-Free Workplace Act of 1988 and to certify that it maintains a drug-free working environment.*

The NBER prohibits the unlawful use, manufacture, distribution, dispensation, sale, or possession of a controlled substance in the workplace. The workplace includes all the NBER offices or any location where an employee is performing work for the NBER.

Federal law requires that all employees engaging in the performance of work supported by a federal grant or contract must, as a condition of employment, notify the NBER of any conviction for a violation of a criminal drug statute occurring in the workplace in writing within five calendar days of such a conviction.

The NBER, in turn, is obligated to inform the appropriate funding agency in the event of an employee's conviction of a drug violation in the workplace. Such notification will be made within ten days of the employee's conviction, or within ten days of the NBER's actual knowledge of the conviction.

The dangers of drug abuse in the workplace are well known. In recognition that drug abuse is dangerous to the health and safety of NBER personnel, the NBER has contracted with an Employee Assistance Program provider to conduct periodic educational workshops and to provide counseling as necessary. The NBER will also make an effort to display informational posters and will periodically distribute information on the dangers of drug abuse.

Employees are also encouraged to make use of any services or programs provided by health insurance coverage. Any employee who wishes to participate in a drug-free awareness program should contact the Human Resources Administrator or the Employee Assistance Program.

NBER Resources

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#### External Resources

Substance Abuse Treatment Locator	(800) 662-HELP	<a href="http://www.findtreatment.samhsa.gov">www.findtreatment.samhsa.gov</a>
Alcoholics Anonymous	(617) 426-9444	<a href="http://www.aa.org/">www.aa.org/</a>
Al-Anon/Children of Alcoholics	(508) 366-0556	<a href="http://www.ma-al-anon-alateen.org/">www.ma-al-anon-alateen.org/</a>
Women for Sobriety	(215) 536-8026	<a href="http://www.womenforsobriety.org/">www.womenforsobriety.org/</a>
Smart Recovery Self-Help Network	(781) 891-7574	<a href="http://www.smartrecovery.org/">www.smartrecovery.org/</a>
Narcotics Anonymous	(866) 624-3578	<a href="http://www.na.org/">www.na.org/</a>
Cocaine Anonymous	(781) 551-6677	<a href="http://www.ca.org/">www.ca.org/</a>

1. The possession of, use of, sale and/or distribution of, reporting to work under the influence of or being under the influence while at work of intoxicating alcoholic beverages, liquor, narcotics, marijuana or any and all other mind altering drugs or controlled substances on NBER premises, when operating NBER vehicles or when on NBER business while not on NBER premises at any time is specifically prohibited and will not be tolerated. (In this policy the term “drugs” will be used to include all substances noted in this section).

2. Legal drugs prescribed by a licensed physician to that employee are allowed, as long as the drugs do not affect the person in such a way as to make them a danger to themselves or others.

Anyone found to be in violation of items (1) or (2) noted above may be subject to immediate termination.

Requesting assistance for drug or alcohol dependency does NOT allow an employee to use drugs and/or alcohol on the NBER premises or on the NBER business at any time. Being under the influence of drugs and/or alcohol at any time on the NBER property or while conducting NBER business is strictly prohibited.

For purposes of this policy the term “under the influence of drugs or alcohol” means the presence of any drugs or alcohol in the employee’s system, regardless of the percentage amount, as determined by a breathalyzer test, urinalysis or other appropriate means of testing for the presence of drugs or alcohol in a person’s system.

#### **Testing for the presence of drugs or alcohol**

The NBER may require an employee to undergo a test to detect the presence of drugs or alcohol, at NBER’s expense and on NBER’s time, under the following circumstances:

1. When the NBER has a reasonable and objective reason to suspect that a person is under the influence of drugs or alcohol, due to the observation of the employee’s behavior, odor of alcohol on the person, eyewitness report of drug or alcohol use by an individual and/or any other indication of impaired behavior obvious to a reasonable person.
2. When an employee is involved in a vehicular accident (no matter how minor and regardless of the fact that no one may have been injured) involving a NBER vehicle or in a non-NBER vehicle while on NBER business.
3. As a condition of continued employment for an employee who has been found to be in violation of this policy and has agreed to submit to periodic testing as a condition of continued employment under NBER’s disciplinary system.

Submitting to drug and alcohol testing when required to do so as noted above, is considered to be a condition of employment. Because it is a condition of employment, refusal by an employee to submit to such a test will be considered to be an immediate voluntary resignation from employment with the NBER.

## **The NBER's Right to Search**

When on the premises of NBER, an employee should have no expectation of a right to privacy. The NBER retains the right to search, when there is reason to do so, any desk, file cabinet or any and all other property on its premises whether owned, rented, leased or borrowed by the NBER, otherwise made available by the NBER for use by an employee or owned and/or utilized by an employee. Submitting to such a search is considered to be a condition of employment. Because it is a condition of employment, refusal by an employee to submit to such a search will be considered to be an immediate voluntary resignation from employment with the NBER.

## **28. Whistleblower Policy**

*Rationale: A whistleblower as defined by this policy is a director, officer, employee, contractor, volunteer or agent of the NBER who reports an activity or suspected activity that he/she reasonably and in good faith considers to be illegal, fraudulent, dishonest, or in violation of any adopted policy of the NBER to one or more of the parties specified in this policy. This policy sets forth the procedures applicable in these circumstances.*

### **Whistleblower responsibilities**

If an individual covered by this policy has knowledge of, or a concern of, illegal, fraudulent, or dishonest activity, or activity that is in violation of any adopted policy of the NBER, the individual should contact the Director of Research and Grants Management. If the complaint pertains to the Director of Research and Grants Management, it should be registered with the NBER President. If the complaint pertains to the President, it should be registered with a designated member of the NBER Board of Directors, currently John Lipsky. His contact information is noted below. In all cases, the individual must exercise sound judgment to avoid baseless allegations. An individual who intentionally or in bad faith files a false report of wrongdoing will be subject to discipline up to and including termination. Good faith reports of illegal, fraudulent, or dishonest activity, or activity that is in violation of any adopted policy of the NBER may be made anonymously.

Additionally the NBER maintains an Anti-Harassment Policy that encourages the reporting of unlawful or inappropriate harassment. Employees are encouraged to report potential problems as soon as they come to their attention. The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures; appropriate management officials are charged with these responsibilities. Examples of illegal or dishonest activities include violations of federal, state or local laws, billing for services not performed or for goods not delivered, and fraudulent financial reporting.

### **Whistleblower protections**

The NBER will protect the whistleblower in two important respects. First, insofar as possible, the confidentiality of the whistleblower will be maintained. However, in some cases identity may have to be disclosed to conduct a thorough investigation, or to comply with the law. Second, the NBER will protect the whistleblower from intimidation, harassment, discrimination or other retaliation. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, or poor work assignments and threats of physical harm. Any whistleblower who believes he/she is being retaliated against must immediately contact the Director of Research and Grants Management, or, to the extent the Director of Research and Grants Management is the alleged retaliator, should refer to the alternative options for reporting as identified above. A whistleblower's right to protection against retaliation does not include immunity for any personal wrongdoing of the whistleblower that is alleged and investigated.

### **Investigations**

The Director of Research and Grants Management is responsible for investigating and coordinating corrective action, except when the complaint relates to that person, in which case responsibility shall rest with the President. In the case of complaints relating to the President, responsibility for investigation and coordination of corrective action shall rest with the designated the NBER Board Member. Those responsible for investigation and coordination of corrective action shall report to the board. To the extent the board determines that such action is appropriate, complainants may be referred to independent third parties, including outside auditors or counsel, for investigation. If a whistleblower has concerns about the handling of his or her complaint, he or she may choose to contact either the President or the designated NBER Board Member directly.

This policy shall be distributed to all directors, officers, employees and volunteers who provide substantial services to the NBER.

Individuals with any questions regarding this policy should contact the Director of Research and Grants Management.

The designated external contact for whistleblowers is:

John Lipsky  
Director at Large of the NBER Board of Directors  
E-mail: john\_lipsky@nber.org

## **29. MA Pregnant Workers Fairness Act**

Under the Massachusetts Pregnant Workers Fairness Act (PWFA), M.C.L. c. 151B, § 4(1E), the NBER will provide reasonable accommodation for an employee's pregnancy, or any condition related to the employee's pregnancy, including, but not limited to, lactation or the need to express breast milk for a nursing child. This law provides for accommodations for pregnant employees, even if the employee is not experiencing a pregnancy-related disability.

The law provides that reasonable accommodations include, but are not limited to:

- More frequent or longer paid or unpaid breaks;
- Time off to attend to a pregnancy complication or recover from childbirth, with or without pay;
- Acquisition or modification of equipment or seating;
- A temporary transfer to a less strenuous or hazardous position, including light duty;
- Job restructuring;
- Private non-bathroom space for expressing breast milk;
- Assistance with manual labor; and
- Modification of work schedule.

Requests for accommodation should be directed to Human Resources, at which time the NBER will engage in an interactive process with the pregnant employee to determine a proper accommodation. The accommodation will be provided unless it creates an undue hardship. The NBER will not take a retaliatory action against an employee who requests or receives an accommodation under this law. Under the PWFA, employees have the right to be free from discrimination in relation to pregnancy or a condition related to the employee's pregnancy, including but not limited to lactation or the need to express breast milk for a nursing child, as well as rights to

reasonable accommodations as identified above, and a right not to be retaliated against for exercising their rights under the PWFA.

### **30. Employment Termination**

*Rationale: The end of employment is an inevitable part of personnel activity within any organization. This policy sets the guidelines for managing employment terminations, either voluntarily or involuntarily.*

Below are examples of some of the most common circumstances under which employment is terminated:

- **Resignation**
  - voluntary employment termination initiated by an employee.
- **Abandonment**
  - voluntary termination occurs when an employee fails to appear for work or to call to inform the NBER of their absence for three consecutive workdays.
- **Termination**
  - involuntary employment termination initiated by the NBER, with or without cause or prior notice.
- **Layoff**
  - Involuntary employment termination initiated by the NBER for non-disciplinary reasons, primarily due to the end of a funded grant or project.
- **Retirement**
  - voluntary employment termination initiated by the employee, typically at the end of their active career.

Since employment with the NBER is “at will” and based on mutual consent, both the employee and the NBER have the right to terminate employment at will, with or without cause, at any time, for any reason. Employees will receive their final pay in accordance with applicable state law.

At the time of termination, employees are required to return any NBER property to include, but not limited to, keys, equipment, electronic devices, intellectual property of the NBER (both in hard copy and saved electronically) and/or any and all other items of any kind in their possession that is the property of the NBER. Where permitted by law, the NBER may withhold from the employee’s final paycheck the cost of any items that are not returned when required. The NBER may take any legal action deemed appropriate to recover or protect its property, both physical and intellectual.

When a person’s employment ends for any reason, some benefits may be continued at the employee’s expense for a period of time if the employee so chooses. The employee will be notified of the benefits that may be continued and of the terms, conditions, and limitations of such continuance at the time of employment termination.



## **New York Employee Addendum**

### **Paid Family Leave**

In accordance with the New York Paid Family Leave Benefits Law (“PFLBL”), eligible employees are entitled to a leave of absence to care for a family member with a serious health condition, bond with a new child, or assist with obligations that arise when a spouse, domestic partner, child or parent is called into active military service. Employees are also eligible to receive partial wage replacement benefits during the leave through a state-mandated Paid Family Leave Benefits program.

**Employee Eligibility:** New York employees who work 20 hours or more per week for 26 weeks are eligible for Paid Family Leave (PFL) under the PFLBL. Employees who work fewer than 20 hours per week are eligible for PFL after completing 175 days of employment.

**Length of Paid Family Leave:** Employees will be eligible for up to a maximum of 12 weeks of PFL in a consecutive 52-week period. Employees are limited to the maximum amount of PFL in a consecutive 52-week period, even if they begin employment with a different covered employer during that 52-week period.

**Qualifying Reasons for Leave:** PFL may be taken for the following reasons:

- To provide physical or psychological care (including, for example, emotional support, visitation, assistance in treatment, transportation, arranging for a change in care, assistance with essential daily living matters and personal attendant services) for a family member because of the family member’s serious health condition;
- To bond with the employee’s child during the first 12 months after the child’s birth, or during the first 12 months after placement of the child for adoption or foster care; or
- For a “qualifying exigency,” as defined under the federal Family and Medical Leave Act (“FMLA”), arising from the active-duty military service (or notification of an impending call to active duty) of an employee’s spouse, domestic partner, child or parent.

For purposes of this policy, a “family member” includes a child, parent, grandparent, grandchild, spouse or domestic partner. A “child” includes a biological, adopted or foster child, stepchild, the child of a domestic partner, a legal ward or someone to whom the eligible employee stands *in loco parentis*, meaning in the place of a parent. A “parent” includes a biological parent, foster parent, adoptive parent, stepparent, parent-in-law, parent of a domestic partner, legal guardian of the employee or an individual who stood *in loco parentis* to the employee when the employee was a child.

PFL may not be taken for the employee’s own disability or health condition. Employees taking PFL to provide care to a family member with a serious health condition must be present at the same location as the family member or engaged in reasonable travel related to providing care during the majority of the employment period for which the employee takes leave.

***Intermittent Leave:*** Employees can take PFL on an intermittent basis. Employees seeking intermittent leave must notify the Company and UNUM of the schedule for intermittent leave. Employees taking PFL in weekly increments will be eligible for the maximum number of weeks of leave in any 52 consecutive week period. Employees can take PFL in daily increments.

***Wage Replacement Benefits:*** Eligible employees can receive wage replacement benefits through a state mandated PFL benefits program for PFL. PFL benefits are administered by UNUM. The PFL benefit amount is a percentage of the employee's average weekly wage or the State's average weekly rate, whichever is lower. The State's average weekly wage is determined and periodically adjusted by the State of New York. An employee cannot receive both New York state disability benefits and PFL benefits for the same period of time. An eligible employee may opt to receive both disability and PFL benefits during a post-partum/baby bonding period but may not receive both benefits at the same time. In addition, an employee who is eligible for both disability and PFL benefits during the same 52-week period cannot receive more than 26 total weeks of disability and PFL benefits combined during that time period.

***Requesting Leave:*** Employees seeking PFL must provide at least 30 days advance notice to the Company when the need for leave is foreseeable. If the need for leave is unforeseeable, employees must provide notice as soon as practicable. The notice should include the timing and duration of the leave and identify the type of family leave needed. Failure to provide timely notice may result in a partial denial or delay in an employee's receipt of PFL. Employees must advise the Company as soon as practicable if the dates of a scheduled leave change or are extended.

***Benefits:*** The Company will continue making contributions to employee group health benefits during the leave on the same terms as if the employee had continued to actively work. This means that if employees want their benefits coverage to continue during the PFL, they must also continue to make the same premium payments that they are now required to make for themselves or their dependents. Failure to make timely payments may result in termination of health insurance coverage.

***Effect on Other Rights and Paid Leave:*** When leave qualifies as protected family leave under both the PFLBL and the FMLA, leave entitlements under both laws will run concurrently. Employees will not receive more than the maximum family leave available under either the PFLBL or the FMLA, as applicable. Where time off qualifies as both PFL and FMLA leave, employees are required to use available vacation, paid sick time and other available paid time off in accordance with the provisions of the FMLA and the Company's FMLA policy. When PFL does not qualify as FMLA leave, employees can choose, but are not required, to use available vacation, paid sick leave or other paid time off to receive full salary or wages during some or all of the PFL.

***Return from Leave:*** Under most circumstances, employees who return to work as scheduled at the end of PFL will be reinstated to the same position they held at the time of the leave or to a comparable position with comparable benefits, pay and other terms and conditions of employment. Employees are not entitled under the



PFLBL to accrue employment benefits or obtain seniority during any period of PFL, nor are they entitled to any right, benefit or position to which they would have been entitled absent the PFL.

Employees who fraudulently obtain PFL from the Company are not protected by the PFL's job restoration or maintenance of health benefits provisions and may be subject to disciplinary action, up to and including termination of employment.

The Company takes its PFL obligations very seriously and will not interfere, restrain or deny the exercise of any right protected under the PFLBL. The Company will not terminate or otherwise discriminate against any individual because that person uses or attempts to use PFL. If an employee believes that his or her PFLBL rights have been violated in any way, they should immediately report the matter to Human Resources.

### **Reproductive Health Decision Making**

The Company will not discriminate or retaliate against an employee because of the employee's or a dependent of the employee's reproductive health decision making, including the use of particular drugs, devices or medical services. The Company also will not, without prior informed written consent, access personal information regarding the reproductive health decision making of employees or their dependents, and will not require an employee to sign any document or waiver that purports to deny that employee the right to make their own reproductive health decisions.

Employees who feel they have been subjected to discrimination or retaliation on the basis of their reproductive health decision making or that of a dependent, or to any other violation of this policy, should contact Human Resources.