



UNIVERSITY OF HARTFORD

STAFF EMPLOYMENT MANUAL

Title: 3.0 Employment Practices

Chapter: 3.03 Compliance with Laws and Regulations

Issuance Status and Effective Date: March 2013

Compliance with all applicable government laws and regulations is a condition of employment. The legal requirements below are not all-inclusive, but only highlight commonly encountered legal requirements in employment.

1. Nondiscrimination Regulations

Title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972, prohibits discrimination against employees on the basis of race, color, religion, sex or national origin in decisions involving hiring, upgrading, promotion, salaries, fringe benefits, training and all other conditions of employment.

Title IX of the Education Amendments of 1972 prohibits discrimination against employees and students on the basis of sex, including:

- admission and recruitment of students (with some exceptions);
- denial or differential provision of any aid, benefits or services in any academic, extracurricular, research, occupational training or other education program or activity;
- sexual harassment;
- employment decisions based on, among other factors, stereotypes and/or assumptions about abilities, traits or the performance of individuals of certain racial groups;
- any term, condition or privilege of employment including hiring, upgrading, promoting, salaries, fringe benefits and training; and
- financial aid or other benefits.

The University of Hartford continues its policy of nondiscrimination in compliance with Title VII and Title IX of the Education Amendments of 1972 and applicable state laws.

In addition, consistent with state law, the University does not discriminate against employees, prospective employees, students or applicants based on race, color, sex, age, religion, national and ethnic origin, disability, marital status, sexual orientation, gender identity or expression, veteran status, genetic information or any other protected class.

The Senior Advisor to the President (860.768.4011) is the individual designated to coordinate the University's compliance with Title IX. The Executive Director of HRD (860.768.4156) or designee serves as the University's sexual harassment officer. In addition, the Vice President of Student Affairs (860.768.4165) or designee is the individual designated to investigate violations of Title VII and state nondiscrimination laws (other than sexual harassment) by students, and the Executive Director of HRD (860.768.4156) or designee is the individual designated to investigate violations of Title VII and state nondiscrimination laws by employees. Inquiries concerning the application of Title IX and Title VII may also be referred to the Regional Director, Office of Civil Rights, U.S. Department of Education, Boston, MA 02109.

2. Rehabilitation Act of 1973 and Americans with Disabilities Act of 1990, as Amended

The University of Hartford supports the language and intent of Section 504 of the Rehabilitation Act of 1973 (and to regulations issued pursuant hereto, effective June 3, 1977) and the Americans with Disabilities Act (ADA) of 1990, as amended, which prohibit discrimination of otherwise qualified persons on the basis of disability in its employment and education programs and its activities. The Vice President of Student Affairs (860.768.4165) or designee is the individual designated to coordinate the University's compliance with Section 504 and the ADA for students, and the Executive Director of HRD (860.768.4156) or designee is the individual designated to coordinate the University's compliance with the ADA for employees and others. This policy and the requirements of nondiscrimination extend to admission to, access to, and employment at the University of Hartford. Inquiries concerning the application of Section 504 may also be referred to the Regional Director, Office of Civil Rights, U.S. Department of Education, Boston, MA 02109.

3. Vietnam Era Veterans Readjustment Assistance Act of 1974

The University will assist veterans of Vietnam in readjustment to civilian career according to the Act.

4. Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA)

The University will assist veterans in readjustment to civilian career according to the Act.

5. Fair Labor Standards Act (FLSA)

The University is a covered employer under the federal FLSA and is required to meet its provisions as follows (See also **4.02, Hours, Overtime and Pay Practices**):

a. Overtime

Time and one-half is paid for hours worked in excess of 40 in the established work week, except for certain classes of employees who are exempted from this provision. Hours worked from 35 - 40 in the same work week are paid at straight time (See also **4.02, Hours, Overtime and Pay Practices**).

b. Time Records

Time records for all employees not exempt under the FLSA must be accurately maintained to document compliance with the FLSA's provisions. Supervisors are directly responsible for the accuracy of these time records. The law requires all non-exempt employees to denote all hours worked by indicating time in and time out, including unpaid breaks.

c. Exempt Status

Specific standards for a position's exemption from the FLSA's overtime provisions are written into the Act. Exemption is not at the discretion of the University, but primarily a matter of the duties and responsibilities of the position. The Executive Director of HRD or designee is responsible for the legal determination of whether a position is exempt or non-exempt.

d. Minimum Wage

The FLSA establishes a minimum wage standard. The State of Connecticut also establishes a minimum wage, which is generally higher than the federal minimum. The University is required to pay the greater of the two minimum wage standards. The applicable minimums are announced and posted on the employee communication boards, located in the Auerbach Computer and Administration Center, the Handel Performing Arts Center, the Facilities building and in the office of HRD.

6. Equal Pay Act, as Amended by the Education Amendments of 1972

The Equal Pay Act prohibits discrimination against employees on the basis of sex in the payment of wages, including fringe benefits.

7. Drug-Free Workplace Act of 1988 and Connecticut Department of Higher Education Guidelines

Employers are required to take certain measures to enforce prohibition of drug and alcohol abuse on campus. (See also **6.15, Drug-Free and Alcohol-Free Workplace.**)

8. Department of Transportation (DOT) Drug and Alcohol Testing

The DOT issued regulations mandating alcohol misuse and drug use prevention and control workplace programs. These regulations establish standards and procedures for carrying out DOT-mandated drug and alcohol testing programs. The purpose of a substance abuse-free workplace is to improve worker safety, performance and morale as well as prevent workplace accidents and injuries.

The University of Hartford complies with the Federal Motor Carrier Safety Regulations, which specify that it is the University's responsibility to comply with DOT-mandated drug and alcohol testing for operators of commercial motor vehicles. The regulations apply to any employee holding a commercial driver's license (CDL) who:

- a. operates a motor vehicle with a gross weight of more than 10,001 pounds, and/or
- b. operates a motor vehicle which is designed to transport more than 15 passengers, including the driver.

9. Nondiscriminatory Interviews

The myriad of regulations affecting what inquiry is legally permissible of an applicant for employment, promotion or transfer may be generalized by one statement: **Only questions which are relevant to the applicant's ability to perform the job are permissible.** (See also **3.01, Equal Employment Opportunity and Nondiscrimination.**) Federal and state law and/or University policy prohibits inquiry with respect to the applicant's race, color, sex, age, religion, national and ethnic origin, disability, marital status, sexual orientation, gender identity or expression, veteran status, genetic information or any other protected class under applicable law.

- a. HRD maintains current guides and checklists for interviewers and provides related instruction and training as necessary and appropriate.
- b. Polygraph examinations are not to be required of either applicants or employees.

10. Employment of Minors

The normal minimum employment age at the University is 18, but exceptions are permitted only when fully compliant with applicable law. The University does not employ minors under the age of 16.

The University employs minors under the age of 18 consistent with the following Connecticut State legal restrictions:

- a. the duties must **not** involve working with moving machinery, dangerous acids or explosives, or working where there is exposure to radiation, e.g., isotope laboratories or near x-ray equipment;
- b. placement must be cleared by HRD and the University official responsible for University safety;
- c. an employment certificate (work permit) applicable to the specific job, obtained by the minor from his/her school or the appropriate Board of Education, must be provided by the minor for his/her file;

- d. the work schedule must start no earlier than 6:00 a.m., and must end no later than 10:00 p.m.; and
- e. the minor must be instructed in all applicable safety procedures by the immediate supervisor involved.

11. Employment Authorization

Pursuant to the Immigration Reform and Control Act of 1986, **all** new hires must produce acceptable original documentation as specified by law to establish their identity and authorization for employment in the United States. Within three days of employment, all new hires must sign and verify, under oath, an Employment Eligibility Verification (Form I-9). Failure to do so will result in immediate termination, as mandated by law.

All Form I-9s are maintained in HRD for a period of one year following separation of employment. All offers of employment should include a statement that employment is contingent upon providing acceptable documentation of authorization to work.

12. Withholding Requirements

The University withholds Social Security and Income Tax, and any other payroll withholdings as required by law, in accordance with federal and/or state regulations for all employees as defined by those regulations. (See also **6.02-3, Garnishments, Wage Attachments.**)

13. Workers' Compensation Insurance

The University provides workers' compensation insurance to cover every employee in accordance with the Connecticut Worker's Compensation Act. (See also **1.01, Emergency Procedures** and **6.12, Health and Safety.**)

14. Unemployment Compensation

The University is self-insured under the Connecticut Unemployment Compensation Act. The University reimburses the state dollar-for-dollar for all payments made by the state in unemployment compensation benefits paid to former University employees.

15. U.S. Department of Education

Any person can also contact the Regional Director, U.S. Department of Education, Office of Civil Rights, 550 12th Street, SW, Washington, DC 20202-1100 regarding the institution's compliance with regulations implementing Title VII, Title IX and Section 504.