



# Employee Handbook

*Changing Lives, Improving Our Community*





## A message from the President/CEO

Dear CEO Staff Member;

*Welcome to team!*

CEO has a rich history of delivering Community Action services throughout Rensselaer County for over 55 years. As an organization, we pride ourselves in the dedication of our individual team members, and the effectiveness of our work. We are so happy to have you join us!

Each day, we are committed to changing lives and improving our community through programs and services related to health and wellness, employment, financial stability, safe housing and early childhood education. With six Community Resource Centers in Schodack, Hoosick Falls, Rensselaer, Lansingburgh, and two on the main CEO campus, as well as many UPK partnerships in schools, and a host of other programs that extend throughout the county and beyond, the work we do is varied and as diverse as our staff.

This Employee Handbook was developed as a resource for all staff to help you become familiar with CEO's employment policies, procedures, and benefits. The Handbook is designed to address many questions you may have during your onboarding and employment with CEO. While it provides a framework in which we can all successfully work as a team, please remember that our Human Resource Department is available to support you and should be contacted with any questions.

On behalf of the administration and staff at CEO, I extend this warm welcome in honor of what is not just the beginning of a job, but the opportunity for a satisfying and rewarding career.

Sincerely,

A handwritten signature in black ink that reads 'Katherine Maciol, LCSW'. The signature is written in a cursive, flowing style.

Katherine Maciol, LCSW  
President and CEO



## Employee Handbook

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**Employee Handbook Acknowledgement**

## 100 INTRODUCTION







### 101 About CEO

As the designated Community Action Agency in Rensselaer County, CEO is a unique organization dedicated to taking action to create social and economic growth in our community. With a focus on education and skill-building, our goal is to break the cycle of poverty by targeting poverty at its root causes – removing barriers and supporting change.

CEO is guided by the following mission:

*CEO creates partnerships and develops opportunities for social and economic growth and empowerment in individuals, families and communities.*

Our approach to fulfilling our mission is simple – to engage the whole community in creating opportunities to help people succeed in achieving their greatest potential. As an agency, we are guided by the following values:

-  **Respect** for the dignity, strength and voice of each person.
-  **Continuous improvement** in our relationships, business operations and service provision.
-  **Strategic partnerships** that benefit customers, focus resources and promote innovation.
-  **Accountability** to our customers, partners, and supporters.
-  Commitment to producing **measurable outcomes**.
-  **Informed advocacy** for access to services, improved community conditions, and greater understanding of the causes and impact of poverty.

#### CEO offers services in five core areas:

Our **Early Childhood Services** programs offer educational opportunities for our youngest residents, from 6 weeks old to their transition into kindergarten.

**Employment and Education** services provide career readiness and support for individuals looking to gain and maintain financial stability.

CEO's **Community Supports** programs create support the well-being of each individual through specialized programs and community guidance.

Our **Health and Wellness** services support the well-being of each individual through health education, nutrition and pre-natal programs.

Finally, our **BEST (Building Energy Services Team) Program** helps people maintain safe, comfortable housing.

CEO's long history plays an important role in the ways in which the organization operates today.

CEO was formed in 1965 as a private, non-profit Community Action Agency. Today there are over 1,100 Community Action Agencies across the country. These agencies were created in response to the Economic Opportunity Act in 1964 signed into law by President Lyndon B. Johnson.

CEO's first program was Head Start, a federal program to support school readiness in children from families in need. From there, CEO opened a food pantry, launched its WIC and Foster Grandparent programs, and moved into housing services.

Over the past 55 years, CEO has continued to grow, both in the number of people it serves and the range of services offered. Today, we work with thousands of people throughout the Capital Region, with over 15 programs creating opportunities in our community.



## 102 *Purpose of Employee Handbook*

The purpose of this Employee Handbook is to communicate the Agency's policies to all employees. The Employee Handbook provides an overview of the Agency's policies that relate to rules, regulations, practices, compensation, and benefits that affect employment and guide daily operations. The Employee Handbook provides general guidelines regarding the Agency's policies. It is not meant to include the specific details of every Agency policy. **In addition, this Employee Handbook should not be interpreted as forming an express or implied contract. No member of management has any authority to enter into a contract of employment – express or implied – that changes or alters the at-will employment relationship. Only the President/CEO has the authority to do so and any such agreement must be in writing.** The Agency reserves the right to interpret all information presented in this Handbook and to make exceptions to these policies at its sole discretion.

Nothing in this Handbook is intended to unlawfully restrict an employee's right to engage in any of the rights guaranteed them by Section 7 of the National Labor Relations Act, including but not limited to, the right to engage in concerted protected activity for the purposes of their mutual aid and/or protection. Nothing in this Handbook will be interpreted, applied or enforced to interfere with, restrain or coerce employees in the exercise of Section 7 rights.

Not all Agency policies and procedures are set forth in this Handbook. We have summarized only some of the more important ones.

Unless otherwise stated, this Employee Handbook supersedes and replaces any and all manuals, handbooks, and/or policies previously issued by the Agency.

**Questions** - Any questions regarding any topic covered in this Handbook should be directed to the appropriate operational Director or Human Resources Department.

**Employee Responsibility** - It is the responsibility of each employee to read, understand, and comply with all provisions of this Employee Handbook and to retain it for future reference.

### 103 **Employee Handbook Revisions**

The Agency continually strives to improve and update its policies and, except for the policy of at-will employment, which can only be changed in writing signed by the President/CEO, the Agency reserves the right to revise, modify or rescind them at any time. No oral statements or representations can change the provisions of this Employee Handbook.

The Agency reserves the right to revise, delete, and add to the provisions of this Employee Handbook. All such decisions must be adopted by the Board of Directors and Policy Council. All such revisions, deletions, or additions must be in writing and must be adopted by the CEO Board of Directors and, for the Early Childhood program, the Policy Council. The most current version of the handbook is available on the CEO intranet at <http://intranet.ceo-cap.org>. By updating the Employee Handbook on the intranet, the Agency expressly revokes any and all previous policies and procedures that are inconsistent with those contained therein. The Employee Handbook posted on the intranet supersedes and replaces any and all prior handbooks, policies, or practices.

### 104 **Government Regulations**

This Handbook is written to comply with applicable federal, state and local law. In the event an applicable law or regulation conflicts with any provision contained in this Employee Handbook, the law or regulation will govern and the provision will be deemed amended to the extent necessary to comply with said regulation.

### 105 **Definitions**

For the purpose of this Employee Handbook, the following terms are defined as follows:

**CEO or the Agency** - The Commission on Economic Opportunity for the Greater Capital Region, Inc.

**Anniversary Date** - The employee's date of hire or rehire with CEO.

**CEO Board** - CEO's Board of Directors which serves as its governing board and oversees and approves policymaking and major decisions for all of the Agency's programs.

**Employee** - An individual who is employed by the Agency as a full-time, part-time, temporary, or substitute employee. An independent contractor or an individual who works for a temporary employment agency is not considered an Employee.

**Policy Council** - A group of individuals comprised of Head Start and Early Head Start parents and community representatives, which share in the governance and policymaking of the Early Childhood Services Department.

**Director** - An individual who has been designated to direct a group of Agency programs or services.

**Manager** - An individual who has been designated by the Agency to assign, direct, and check the work of a designated group of employees.

**Officer** - A Senior Management representative who has overall responsibility of an area or function that encompasses the entire organization.

## 200 EMPLOYMENT CLASSIFICATIONS

All employees are classified as Full-Time, Part-Time, Temporary, Substitute, or Provisional. Employees are notified of their employment classification at the time of hire. An employee's employment classification will remain the same unless the Agency notifies them of a change.

In addition to the employment classification, each employee is designated as exempt or non-exempt. An employee's exempt or non-exempt status may change based upon job responsibilities. The Human Resources Department will be responsible to inform employees of any status changes.

### **201**    *Full-Time Employee*

For the purposes of this handbook, the term "Full-Time Employee" will mean and refer to an employee who is regularly scheduled to work 35 or more hours per week. This classification includes Early Childhood program school year employees.

### **202**    *Part-Time Employee*

For the purposes of this handbook, the term "Part-Time Employee" will mean and refer to an employee who is regularly scheduled to work less than 35 hours per week.

### **203**    *Temporary Employee*

For the purposes of this handbook, the term "Temporary Employee" will mean and refer to an employee who is hired to temporarily supplement the workforce or to assist the Agency with a specific project or short term assignment. A temporary employee may work either full- or part-time hours and may or may not be eligible for certain benefits, depending upon available funding. Employment assignments in this category are generally not more than one year in duration. However, employment beyond any initially stated period does not in any way imply a change in employment status nor does the Agency guarantee employment for any set period of time.

### **204**    *Substitute Employee*

For the purposes of this handbook, the term "Substitute Employee" will mean and refer to an employee who fills in for a regular full- or part-time employee during a period of absence. Employment assignments in this category are not eligible for most employee benefits. Employment beyond any initially stated period does not in any way imply a change in employment status nor does the Agency guarantee employment for any set period of time.

**205 Provisional Employees**

For the purposes of this manual, the term “Provisional Employee” will mean an employee who has begun employment but has not yet completed required pre-employment screenings. They will be re-classified as a Full-Time, Part-Time, Temporary or Substitute Employee and begin their introductory period once the hiring process is complete (i.e., drug screen results are received).

**206 Exempt**

For the purposes of this manual, the term “Exempt” will mean and refer to employees in a position that qualifies for an exemption from federal and state minimum wage and overtime provisions. Exempt employees are compensated on a salary basis and are not eligible for overtime pay. The salary paid to employees classified as exempt is intended to pay for all hours worked during each work week, regardless of the employee’s scheduled or reported hours.

**207 Non-Exempt**

For the purposes of this manual, the term “Non-Exempt” will mean and refer to employees in a position that is subject to federal and state minimum wage and overtime provisions. In accordance with such regulations, a non-exempt employee is paid not less than the applicable minimum wage per hour worked and receives overtime compensation when more than 40 hours are worked during a workweek.

## 300 EMPLOYMENT MATTERS

### 301 *Employment-at-Will*

CEO employees are *employed at-will*. Either the employee or the Agency may terminate employment at any time for any reason with or without notice. Nothing in this Employee Handbook alters the at-will nature of the employment relationship or creates a contract, implied or expressed.

**Employment Contract** - No manager has the authority to enter into a verbal or written employment contract with an applicant or employee. Only the President/CEO and the Chairperson of the CEO Board have the authority to enter into such an agreement and any such agreement must be in writing and signed by the President/CEO, the Board member, and the employee. No other oral or written statements or representations can alter the at-will nature of the employment relationship.

### 302 *Employee Hiring*

**Selection Process** - The Agency selects and hires individuals on the basis of many factors including, but not limited to, their ability, education, professional experience, skills, and cooperative spirit. The selection process includes electronic applications, personal interviews, personal and professional reference checks and drug tests. When applicable, additional pre-employment exams may include, but are not limited to: driver screening, Statewide Central Registry database check for Child Abuse and Maltreatment (SCR), sex offender registry, criminal background check, and/or physical and TB exams.

The Head Start Policy Council is responsible for approving program personnel policies and procedures relating to the employment of program staff primarily funded by the Office of Head Start. The Head Start Policy Council has delegated the authority for determining all employment decisions to the Agency's President/CEO.

**Employment Application** - All applicants complete an *Employment Application*, which is available online via the agency career center. Applicants must provide the Agency with complete, truthful, and accurate information regarding their qualifications. Misrepresentations or omissions on an application form may remove applicants from consideration for employment or termination of employment if discovered at any time following employment, regardless of the timing or circumstances of discovery.

**Criminal Convictions and Background Checks** - The Agency recognizes the importance of maintaining a safe workplace with employees who are honest, trustworthy, qualified, reliable and nonviolent, and do not present a risk of serious harm to their coworkers or others. For purposes of furthering these concerns and interests, as a precondition of employment and when permitted by applicable law, applicants will be required to complete a conviction statement that discloses any prior criminal convictions, and the Agency may investigate an applicant or employee's criminal history record, if any. The Agency may also conduct background checks for current employees to determine eligibility for promotion or reassignment, including any staff assigned to a licensed childcare center. In the event that a criminal background check is conducted, the Agency will comply with federal and state laws, including providing the job applicant or employee with any required notices and forms. Consistent with these practices, job applicants or employees may be asked to sign certain authorization and release forms as a condition of employment. The background check must be deemed clear or acceptable by CEO and the associated funding source for employment and/or continued employment with CEO. All information is kept confidential and are only viewed by those with a need to know.

The Agency will not deny employment or act adversely in relation to employment based upon an individual's criminal conviction, except when permitted by applicable law. The Agency will not deny employment or act adversely in relation to employment based upon an individual's criminal conviction, unless: a) there is a direct relationship between a criminal offense and the position sought or held by the applicant/employee; or b) granting or continuing employment would involve an unreasonable risk to property or the safety or welfare of the Agency, its customers, employees, visitors or the general public. In making this determination, the Agency will consider the following factors: the public policy of this state to encourage the employment of persons previously convicted of one or more criminal offenses; the specific duties and responsibilities necessarily related to employment sought or held; the bearing, if any, the criminal offense or offenses for which the person was previously convicted will have on his fitness or ability to perform one or more such duties or responsibilities; the time which has elapsed since the occurrence of the criminal offense or offenses; the age of the person at the time of occurrence of the criminal offense or offenses; the seriousness of the offense or offenses; any information produced by the person, or produced on his behalf, in regard to their rehabilitation and good conduct; the Agency's legitimate interest in protecting its property, safety and welfare and those of its customers, employees, visitors and the general public.

Any prospective employee or current employee whose responsibilities include the potential for regular and substantial contact with children who are cared for or serviced within a licensed childcare center must agree to a State Central Registry Check (SCR) for child abuse and maltreatment. An employee accused of child abuse while in the employ of CEO may be suspended until the matter is resolved. An employee with an indicated or "founded" case of child abuse or maltreatment may be terminated from employment based upon the circumstances of the case, provided that if the Agency's licensing authority advises the Agency that any person should not be employed, the Agency will be bound by that decision.

Any prospective employee or current employee whose responsibilities include the potential for regular and substantial contact with children who are cared for or serviced within a licensed childcare center must agree to a check of the Staff Exclusion List (SEL) by the Justice Center. An employee with a substantiated category one offense will result in denial or termination of

employment.

**Driver Screenings** - All employees authorized to drive Agency-owned or leased vehicles or to rent vehicles for use in conducting Agency business must possess a current, valid driver's license and an acceptable driving record. The Agency will check Motor Vehicle records of applicants for and employees in such positions following a conditional offer of employment and annually thereafter. Any change in license status or driving record must be reported to Human Resources immediately. All requests for information regarding an applicant's or employee's motor vehicle record or background will comply with the requirements of the Fair Credit Reporting Act ("FCRA"), Drivers Privacy Protection Act ("DPPA") and other applicable laws. Employment in jobs requiring regular driving is contingent upon the applicant's or employee's ability to meet the Agency's driver approval standards. In the event that the license status or driving record of any employee whose job responsibilities include driving becomes unacceptable to the Agency or the Agency's insurance carrier, that employee may be restricted from driving, reassigned, suspended, or discharged, at the Agency's discretion.

**Physical Examinations and Drug Testing** - After a conditional offer of employment, the Agency requires applicants being considered for regular positions to complete a drug test, which serves to establish whether the applicant can perform the job(s) for which they have applied without endangering the health and safety of themselves or others. A verified, positive drug test will result in withdrawal of the employment offer. Applicants will not however be screened out solely as a result of the lawful, certified medical use of marijuana. Drug testing will be coordinated by the Human Resource Department. Information or results obtained or developed as part of pre-employment drug testing will be held in the strictest confidence, will only be disclosed to those having a business need to know and will be used only in serving the valid interests of the Agency in properly administering this policy.

Employees assigned to work in an Early Childhood center or as required by specific funding sources will also be required to obtain or submit verification of a recent physical and tuberculosis exam. Initial physical and TB exams will be coordinated by the Human Resources Department.

A periodic medical reexamination will also be required. Continued employment is contingent upon the satisfactory results of the examination. Failure to comply with this requirement may result in corrective action up to and including termination from employment.

**Required Training** - All employees in Early Childhood positions must complete a minimum of 15 hours of required training in the first six months of employment. A minimum of 30 hours of training is required within a licensing period. Details of required training are available from the Director of Early Childhood Services.

**Rehire of Former Employees** - Former employees may be considered for re-employment. Each request for re-employment is reviewed based upon the circumstances of the past separation (e.g., basis for separation, whether appropriate notice of resignation was provided) and the Agency's current needs. The eligibility of a re-employed former employee for participation in the Agency's benefits plans will be determined in accordance with the terms of the applicable plans.

**Employment of Relatives** – The Agency will generally make all hiring and employment decisions without regard to whether a candidate or employee's family member is also employed by the Agency. An applicant may not be hired, transferred or promoted, however, if the employment would:

- 1) Create either a direct or indirect manager/subordinate relationship with an immediate family member of the applicant; or
- 2) Create either an actual conflict of interest or the appearance of a conflict of interest.

These criteria will also be considered when assigning, transferring, and promoting an employee.

For the purposes of this policy, an immediate family member includes the employee's spouse, parent, stepparent, mother/father-in-law, child, stepchild, daughter/son-in-law, sibling, grandparent, grandchild, or domestic partner.

### **303** *Introductory Period*

All new employees and employees who transfer or are promoted into new positions will be required to complete a 90-day introductory period. The introductory period gives employees the opportunity to become familiar with the specific duties and responsibilities of their new position. Employees also have the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. CEO uses this period to evaluate the employee's job performance, work habits, attendance, cooperation, and potential development in the position. The introductory period is mandatory for all employees. At the end of the introductory period, the employee's performance will be evaluated.

*The introductory period is not a contract of employment for any set period of time. Similarly, completion of the introductory period does not guarantee continued employment and does not change the at-will nature of the employment relationship.* If the Agency determines an employee is not suited for a position, it is understood that the Agency may reassign or terminate the employee at any time during or after the introductory period. In addition, either the employee or the Agency may terminate employment at any time for any reason with or without notice.



**Extensions** - The Agency reserves the right to extend the introductory period at its sole discretion.

### **304** *Performance Appraisals*

The purpose of performance appraisals is to evaluate employee job performance. The performance appraisal takes into consideration the quality of the employee's work, job knowledge, initiative, attendance, punctuality, teamwork, conduct, communication skills, and such other criteria that properly reflects the employee's job performance. Performance appraisals also provide an opportunity for managers and employees to discuss job duties, identify areas needing improvement, encourage and recognize strengths, and establish goals for the next review period. The appraisals will also be used to ensure that proper training has been provided and that the employee has the basic skills needed to perform the duties of their position. A positive performance appraisal does not guarantee an increase in salary, a promotion, or continued employment.

**Frequency** - All new employees will be evaluated three months after their date of hire or promotion date. The purpose of this evaluation is to provide the new employee with feedback on their appropriateness for the position. After successful completion of an introductory period evaluation, the employee will be evaluated on an annual basis on a schedule established by the Agency.

The annual evaluation, compensation and benefits of all senior leadership staff reporting directly to the President/CEO is delegated to the President/CEO. The annual evaluation, compensation and benefits of the President/CEO are completed by the Chairman of the Board in collaboration with the Executive Committee.

**Leaves of Absence** - Performance appraisals are generally based on 12 months of active service. If, for whatever reason, an employee is on a leave of absence during the period performance appraisals are completed, the performance appraisal may be delayed until the employee returns to work.

### **305** *Promotions and Transfers*

CEO encourages the career development and growth of its employees by considering employees for promotions and transfers to other positions within the Agency.

**Job Vacancies** - When there is a job opening, the Agency, in its discretion, may post the position internally and/or externally. All job postings can be found on the agency career center.

**Eligibility Requirements** - To be eligible to apply for a promotion or transfer, an employee must meet the following eligibility requirements:

- Possession of the minimum education and experience requirements for the open position, as well as the ability to meet the physical demands as outlined to successfully perform the essential functions of the job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.
- Possession of a satisfactory work record. Employees who have received a Performance Improvement Plan within six months of the job announcement and those who have received any formal corrective action within 60 days of the job announcement may not be eligible to apply.

***Application Procedure - An employee who is interested in applying for a promotion or transfer must apply via the agency career center.***

### **306 Separation from Employment**

**Notice of Resignation/Retirement** - All employees who intend to resign or retire from the Agency are expected to provide the Human Resources Department with appropriate notice before the resignation/retirement is to be effective. Appropriate notice is ten business days for nonexempt employees and fifteen business days for exempt employees and neither include the date of notification. The Agency reserves the right to release the employee from employment prior to completion of the notice period.

All notices of resignation/retirement should be provided in writing by the employee, though the Agency may confirm a resignation in writing if the employee fails to timely do so. Providing appropriate notice is noted favorably should a former employee choose to apply for re-employment with CEO at a future date and is required for the payout of any unused PTO.

**Involuntary Separations** - While the decision to commence employment is consensual, the same is not always true when the time comes to end the employment relationship. As an at-will employer, the Agency reserves the right to end the employment relationship at any time, with or without cause or notice. The President/CEO or designee has the delegated authority from the Board of Directors and the Head Start Policy Council to terminate agency staff.

**Unused Paid Time Off (PTO)** - Payment for unused PTO upon separation from employment is addressed in 905 Paid Time Off.

**Exit Interviews** - Exit interviews are normally conducted by the Human Resource Department. The exit interview provides an opportunity to discuss employee benefits, COBRA eligibility, and/or return of Agency property. During the exit interview, employees are encouraged to provide suggestions, concerns, and constructive recommendations.

**Return of Agency Property** - Employees must return all building keys and any other Agency property, no later than the last day of employment. If an employee fails to return Agency property they will forfeit the amount of unused PTO necessary to reimburse the Agency for unreturned property.

**Final Paycheck** - Employees who separate from employment will receive their final paycheck on

the next regularly scheduled payday. Upon request by the employee, their final paycheck may be sent via mail.

### **307** *Reductions in Workforce*

While CEO hopes to continue growing and providing employment opportunities, economic conditions, funding sources, emergency closures and other factors are unpredictable. Changes or downturns in any of these or other areas could create a need to restructure or reduce the number of people employed. In light of these uncertainties, please be advised that it may become necessary to conduct reductions in force at some point in the future with or without notice. In the event that CEO determines to reduce the size of its workforce, CEO retains full discretion to select which employee(s) will be laid off or furloughed. Whenever possible, employees whose employment is to be terminated as a result of a reduction in workforce will generally be provided with at least 10 business days' notice.

## 400 PERSONNEL ADMINISTRATION

Employees must complete any employment-related forms required by government regulations and/or necessary for efficient Agency operations. The Agency maintains confidential personnel files containing each employee's original employment records. All material contained in an employee's personnel file will be retained in accordance with federal and state retention regulations.

**Disclosure of Employment Information** - Employees are responsible for ensuring that the Agency receives the necessary information to maintain up-to-date personnel records. Employees should notify the Human Resource Department in writing of a change in name. Changes to address, telephone number, emergency contact, insurance beneficiary, insurance enrollment changes, tax withholding status, marital status and dependent status should be made via the Agency's associated electronic record keeping resource. This list is not all-inclusive. Notification should be made no later than 30 days following the change in status. A delay may jeopardize any required change(s) to benefit enrollment status (e.g., adding a newborn to health insurance coverage). The Agency is not responsible for errors resulting from an employee's failure to update changes in this information.

**Medical Information** - Employee medical information is confidential and is maintained separately in a restricted area within the employees' electronic personnel file. The Human Resource Department is responsible to take steps to ensure the security of employee medical information.

**Immigration Forms** - The Agency requires documentation of each employee's identity and eligibility to work in the United States upon hire. Employees (including rehired employees) must complete an *Immigration and Naturalization Service I-9 Form* and present documentation establishing identity and employment authorization prior to beginning work. Failure to provide the required documentation in a timely manner will result in termination of employment. Employee I-9 information is confidential and is maintained separately in a restricted area within the employees' electronic personnel file.

**Location and Review of Personnel Files** - The Human Resource Department maintains personnel files. Only authorized managers who have a legitimate business reason to do so may review an employee's personnel file, restricted to necessary documents.

Current employees may review their personnel file in the presence of a Human Resource representative and may request access by making a verbal or written request to the Human Resource Department. Employees will not be provided access to confidential portions of their personnel file (e.g., pre-employment references).

**Disclosure of Employment Information** - All requests for reference information on current or former employees must be referred to the Human Resource Department, agency managers or co-workers are prohibited from providing professional references on behalf of current or former employees. The Human Resource Department will respond to inquiries for reference information. Upon voluntary resignation, an employee may sign a written authorization to permit the disclosure of limited performance information. In such cases, the Human Resource Department will respond to related inquiries providing only that information within the scope of the written authorization. Responses to inquiries about employees who were involuntarily terminated or who did not sign a waiver will be limited to dates of employment and last position held.

Any questions regarding the accuracy of information contained therein must be referred to the Human Resource Department. No employee shall remove, destroy or add any item from their personnel file. Additions may be submitted by the employee through the Human Resource Department.

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## 500 COMPLIANCE POLICIES

### 501 *Equal Employment Opportunity*

CEO is an Equal Opportunity Employer. The Agency does not unlawfully discriminate on the basis of a person's race (including traits historically associated with race), religion, color, sex, age, national origin, citizenship, marital status, familial status, pregnancy, military status, arrest/conviction record, disability (including pregnancy-related conditions), genetic information, predisposition or carrier status, reproductive health decision making (including the decision to use or access a particular drug, device, or medical service), sexual orientation, gender identity or expression, the status of being transgender, the status of being a victim of domestic violence victim status, military or veteran status, known relationship or association with any member of a protected class, or any other class or status protected by applicable law. Likewise, the Agency prohibits employees, vendors, suppliers, visitors, customers, and any other non-employee from discriminating against CEO employees based on these protected characteristics. This policy applies to all terms and conditions of employment including, but not limited to, recruiting, hiring, placement, promotion, termination, layoff, transfer, leave of absence, compensation, benefits, training, and social and recreational programs.

**Employee Responsibilities** - The Agency expects employees to act professionally at all times and to treat others with fairness, dignity, and respect. Offensive, discriminating, or harassing behavior of any kind by an employee, vendor, supplier, visitor, customer, or any other non-employee is not tolerated.

**Reporting Policy Violations** - An employee who believes that the actions or words of a manager, coworker, vendor, supplier, visitor, customer, or any other non-employee have violated this policy are expected to promptly report the behavior to the Vice President. In the event the employee is unable to discuss this matter with the Vice President, the report should be made to the President/CEO.

**Investigation of Complaint** - Prompt and appropriate action will be taken in response to reported violations of this policy, which may include an investigation. All such investigations will be conducted promptly, discreetly, and thoroughly and in as impartial a manner as possible. An investigation generally entails talking with the parties involved as well as any witnesses. All employees are required to cooperate in an investigation.

**Corrective Action** - Any employee or manager who violates this policy will be subject to disciplinary action, up to and including termination. Any vendor, supplier, visitor, customer, or other non-employee who violates this policy will be subject to remedial action, as determined by management.

**Retaliation** - The Agency will not engage in or tolerate retaliation of any kind against anyone who opposes a discriminatory practice, makes a good faith report about discrimination or participates in an investigation of such a report. See Policy 505.

## 502 *Accommodation of Known Disabilities*

It is the policy of the Agency to fully comply with the provisions and spirit of the Americans with Disabilities Act (“ADA”) and New York State Human Rights Law and to ensure equal employment opportunity for all qualified persons with disabilities (including those with pregnancy-related conditions). All employment practices, such as recruitment, hiring, promotion, transfer, compensation, job assignments, job classifications, paid or unpaid leave, fringe benefits, training, employer-sponsored activities, including recreational or social programs, will be conducted so as not to discriminate unlawfully against persons with disabilities. This also extends to prohibit discrimination based on a person’s relationship or association with a disabled individual.

**Reasonable Accommodation** - Reasonable accommodation is available to all qualified employees and applicants with disabilities, unless it imposes an undue hardship on the Agency. An employee who believes an accommodation is needed to perform the essential functions of the employee's job should contact Human Resources and suggest appropriate methods of reasonable accommodation. All information concerning disabilities will be considered confidential and will be released only in accordance with applicable legal requirements.

**Notification of Policy Violations** - Employees are expected to promptly report any violations of this policy to the Vice President. In the event the employee is unable to discuss this matter with the Vice President, the report should be reported to the President/CEO. Prompt and appropriate action will be taken in response to reports, which may include an investigation. In the event such an investigation occurs, it will be conducted discreetly, promptly and thoroughly.

**Corrective Action** - Any employee or manager, who is found to have violated this policy, will be subject to appropriate disciplinary action; up to and including termination of employment.

**Retaliation** - The Agency will not engage in or tolerate retaliation of any kind against anyone who opposes a discriminatory practice, makes a good faith report about discrimination or participates in an investigation of such a report. See Policy 505.

## 503 *Sexual and Other Prohibited Harassment*

The Agency is committed to insuring its workplace is free of harassment and prohibits harassment of any kind, including harassment based on race (including traits historically associated with race), religion, color, sex, age, national origin, citizenship, marital status, familial status, pregnancy, military status, arrest/conviction record, disability (including pregnancy-related conditions), genetic information, predisposition or carrier status, reproductive health decision making (including the decision to use or access a particular drug, device, or medical service), sexual orientation, gender identity or expression, the status of being transgender, the status of being a victim of domestic violence victim status, military or veteran status, known relationship or association with any member of a protected class, or any other class or status protected by applicable law. Conduct creating an intimidating, hostile, offensive, or threatening working environment through unwelcome words, actions, or physical contact constitutes misconduct and will not be tolerated. Those violating this practice may be subject to disciplinary action up to and including immediate termination of employment.

In furtherance of its commitment to maintain a harassment free workplace, the Agency will provide this policy to all employees and new hires, distribute it as part of annual training, and post it prominently in all work locations (to the extent practicable).

**Scope** - This policy applies to all employees, applicants for employment, interns, contractors, subcontractors, vendors, consultants or other person providing services in the workplace pursuant to a contract. Harassment of or by non-employees providing services in the workplace pursuant to a contract is prohibited.

Conduct prohibited by this policy is unacceptable in the workplace, at customer locations, at Agency functions whether on or off Agency premises, and each and every situation that may impact the work environment, including business trips, business meetings, and business-related social events. Similarly, prohibited conduct is unacceptable when it occurs on calls, texts, emails, and social media, even if it occurs away from the workplace, on personal devices, or during non-work hours.

This policy prohibits not only behavior that constitutes unlawful harassment, but also other inappropriate or unprofessional behavior that may reasonably be considered offensive or otherwise objectionable.

**Definition of Sexual Harassment** - Sexual harassment includes harassment on the basis of sex and sexual orientation and can occur between any individuals, regardless of their sex or gender. Sexual harassment is a form of sex discrimination and is prohibited by federal, state and (where applicable) local law) and includes unwelcome sexual advances, requests for sexual favors, and/or other gender-based verbal or physical conduct. Such conduct is unlawful when any of the following conditions exist:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual;



- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment; or
- Such conduct has the purpose or effect of subjecting an individual to inferior terms, conditions or privileges of employment.

CEO has a responsibility to maintain a workplace free from any form of sexual harassment. The Agency does not tolerate actions by managerial staff that threaten or insinuate, either explicitly or implicitly, that an employee's refusal to submit to sexual advances will adversely affect any condition of employment or career development.

The responsibility for maintaining a workplace free of any form of sexual harassment is not limited to managers. All employees, vendors, suppliers, visitors, and customers of the Agency are prohibited from engaging in conduct including, but not limited to:

- Insulting, lewd, or sexually oriented comments, jokes, innuendoes, or stories. This includes verbal harassment as well as written, voice mail, and e-mail messages;
- Demeaning, insulting, or sexually suggestive comments used to describe an individual or the individual's appearance or body;
- Leering, ogling, obscene gestures, or whistling;
- Unwelcome sexual flirtations, advances, or propositions;
- Unwelcome physical contact, including touching, groping, grabbing, hugging, massaging, fondling, or intentionally rubbing up against a person's body;
- Written conduct of a sexual nature or use of sexually degrading or sexually vulgar words to describe an individual, such as threatening or sexual suggestive or obscene letters or correspondence (including e-mails, text messages and social media posts);
- Hostile actions taken against an individual because of that individual's sex or sexual orientation, such as bullying, yelling, or name calling, and sabotaging or otherwise interfering with an individual's work;
- Sex stereotyping which involves treating an individual differently because their conduct or personality traits do not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look;
- Viewing, displaying, storing, or transmitting sexually oriented or pornographic materials;
- A manager threatening or implying that a subordinate's acceptance or refusal of the manager's sexual advances will affect the subordinate's terms or conditions of employment (e.g., promotion, demotion, pay increase, termination); and
- Retaliation for reporting harassment or threatening to report harassment

Sexual harassment can occur between any individuals, regardless of their sex or gender.

In investigating reports of sexual harassment, the Agency will ensure due process for all parties, as outlined below.

**Other Prohibited Harassment** - Prohibited harassment on the basis of race (including traits historically associated with race), religion, color, age, national origin, citizenship, marital status, familial status, pregnancy, military status, arrest/conviction record, disability (including pregnancy-related conditions), genetic information, predisposition or carrier status, reproductive health decision making (including the decision to use or access a particular drug, device, or medical service), gender identity or expression, the status of being transgender, the status of being a victim of domestic violence victim status, military or veteran status, known relationship or association with any member of a protected class, or any other class or status protected by applicable law, includes behavior similar to sexual harassment, such as:

- Verbal conduct such as threats, epithets, derogatory comments, or slurs;
- Visual conduct such as derogatory posters, photographs, cartoons, drawings, or gestures;
- Physical conduct such as assault, unwanted touching or blocking normal movement;
- Written conduct such as authoring threatening, derogatory or offensive letters or correspondence (including e-mails, text messages and social media posts);
- Hostile actions taken against an individual because of that individual's protected status, such as bullying, yelling, or name calling, and sabotaging or otherwise interfering with an individual's work; and
- Retaliation for reporting harassment or threatening to report harassment.

**Reporting Procedure** - Any individual who has been subjected to or has witnessed or otherwise become aware of conduct that violates this policy should immediately report such to the Vice President, either verbally or in writing. If the individual is unable to report the matter to the Vice President, the report should be directed to the President/CEO, or any other member of management, as soon as possible. An employee who is assigned to work before or after normal business hours may report a violation of this policy by accessing the emergency call list to reach the appropriate individual.

In the event an individual has a harassment or retaliation concern that directly or indirectly involving the President/CEO or otherwise reasonably believes that a report cannot be made to any of the above-referenced management representatives, the individual shall report such to the Chair of the Agency's Board of Directors.

**Manager Responsibility** - All managers are responsible for ensuring the work environment is free from unsolicited, unwelcome, and intimidating behavior, including behavior of a sexual nature. As soon as a member of management is made or becomes aware of a violation of this policy they must immediately notify the Vice President or, if the concern involves the Vice President, the President/CEO. Any manager who fails to report suspected violations of this policy or otherwise knowingly allows policy violations to continue will be subject to corrective action up

to and including termination, as well as personal liability.

**Investigation of Complaint** - All reports of suspected violations of this policy will be investigated. All involved parties are required to cooperate with the Agency's investigation. Investigations will be prompt and thorough, commenced immediately and completed as soon as possible and will generally include: an immediate review of the allegations and, where appropriate, interim actions; obtaining, reviewing and preserving relevant documentation; interviewing all parties involved, including relevant witnesses; and documenting the investigation and its resolution and preserving such.

Once a determination regarding the reported behavior is made, it will be communicated to the individual(s) who reported the conduct and the individual(s) who were subjected to the conduct (if different), though the Agency may not disclose all details of the action(s) taken. If it is determined that a violation of the policy has occurred, the Agency will take effective remedial action commensurate with the circumstances. Appropriate action will also be taken to deter any future harassment.

If an individual reports a suspected violation of this policy and the person to whom the report is made does not respond in a manner the individual deems satisfactory or consistent with this policy, the reporting individual is required to report the situation to another member of management, other than the alleged wrongdoer.

**Confidentiality** - An employee's confidentiality will be protected to the greatest extent possible, consistent with conducting a full investigation. However, the Agency cannot guarantee complete confidentiality.

**Retaliation** - The Agency will not engage in or tolerate retaliation of any kind against anyone who opposes a discriminatory practice, makes a good faith complaint about discrimination or participates in an investigation of such a complaint. See Policy 505.

**Corrective Action** - The Agency considers discrimination, harassment, retaliation and other violations of this policy to be misconduct that will not be tolerated. Any employee or manager who is found to have engaged in harassment, retaliation, or other violation of this policy will be subject to disciplinary action, up to and including termination. Similarly, if it is concluded that a non-employee has violated this policy, prompt and effective action will be taken to stop the prohibited conduct and to deter any future policy violations.

**Legal Protections and External Remedies** - Harassment is not only prohibited by CEO it is also prohibited by state, federal, and, where applicable, local law. Aside from the internal process described in this policy, individuals may also choose to pursue legal remedies with the following governmental entities at any time.

The New York State Division of Human Rights (DHR) enforces the Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., which applies to employers in New York State and protects employees, paid or unpaid interns and non-employees providing services in the workplace pursuant to a contract, regardless of immigration status. A complaint alleging a violation of the HRL may be filed either with DHR, subject to a one-year statute of limitations (three years in cases of sexual harassment), or in New York State Supreme Court, subject to a three-year statute of limitations. Complaining internally to your employer does not extend the

time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment. An attorney is not needed to file a complaint with DHR, and there is no cost to file with DHR. The DHR will investigate the complaint to determine if unlawful harassment occurred. If unlawful harassment is found after a hearing, the DHR or the court may award relief, which may include requiring your employer to take action to stop the harassment, and redress the damage caused by paying monetary damages, attorney's fees and civil fines. DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458, (718) 741-8400 [www.dhr.ny.gov](http://www.dhr.ny.gov). The DHR can be contacted at (888) 392-3644. More information about filing a complaint is available at [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint). The website has a complaint form and contact information for DHR's regional offices across New York State.

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An employee must file a charge with the EEOC within 300 days from the conduct giving rise to the complaint. There is no cost to file a complaint with the EEOC. The EEOC also investigates complaints but does not hold hearings or award relief. The EEOC may take other action including pursuing cases in federal court on behalf of complaining parties or issuing a Right to Sue Letter that allows an individual to pursue his/her claims in federal court. Federal courts may award remedies if discrimination is found to have occurred. The EEOC can be contacted at 1-800-669-4000 (1-800-669-6820 (TTY)), via email at [info@eeoc.gov](mailto:info@eeoc.gov), or by visiting their website at [www.eeoc.gov](http://www.eeoc.gov). If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

Many localities enforce laws protecting individuals from harassment and discrimination. An individual may contact the county, city or town in which they live to find out if such a law exists.

#### 504 ***Diversity and Fair Treatment***

**Policy Statement** - CEO recognizes the rich diversity of its employees and the varying cultures, backgrounds, and experiences they each bring to the workplace. The Agency is committed to maintaining and promoting a work environment where employees' and customers' similarities and differences are respected and valued.

CEO's commitment extends beyond simply reducing or preventing discrimination. Diversity means inclusion and respect of all people, regardless of their cultures, backgrounds, and experiences or the responsibilities they may have within the Agency. It is because of each person's differences that the Agency gains different points of view and new ideas that can improve service to customers, increase productivity, and save money.

Unfair treatment in the form of harassment or discrimination of *any* kind in the workplace is intolerable. This includes behavior prohibited by the Agency's policies on Equal Employment Opportunity, Sexual and Other Prohibited Harassment, Prohibition of Discrimination Based on Reproductive Health Decision Making, Gender Identity and Sexual Orientation Non-Discrimination, as well as unfair treatment based on any other characteristic.

**Notification of Policy Violations** - Employees who believe they have encountered unfair treatment in the workplace by a manager, coworker, vendor, supplier, visitor, or customer should immediately notify the Vice President. In the event the employee is unable to discuss this matter

with the Vice President, the complaint should be reported to the President/CEO. The Agency will make a timely and discreet investigation into the allegations. Employees shall not suffer adverse job consequences as a result of filing a complaint of unfair treatment.

**Corrective Action** - Any employee or manager who is found to have violated this policy will be subject to disciplinary action, up to and including termination. Any vendor, supplier, visitor, customer, or other non-employee who, after investigation, is found to have engaged in unfair treatment of an Agency employee will be subject to appropriate remedial action, as determined by management.

#### **505 *Prohibition of Discrimination Based on Reproductive Health Decision Making***

The Agency will not access an employee's personal information regarding the employee's or the employee's dependent's reproductive health decision making, discriminate or take any retaliatory action against any employee with respect to compensation, terms, conditions, or privileges of employment because of or on the basis of the employee's or their dependent's reproductive health decision making, or require an employee to sign a waiver or other document which purports to deny an employee the right to make their own reproductive health care decisions. For purposes of this policy "reproductive health decision making" includes, but is not limited to, a decision to use or access a particular drug, device, or medical service. In addition to reporting any alleged violations of this policy to the Agency, employees may also choose to pursue legal remedies by initiating a civil action in court for damages, injunctive relief, reinstatement, and/or liquidated damages.

No employee will be subject to retaliation or discipline by the Agency as a result of making or threatening to make a complaint to the Agency, a co-worker, or a public body, that rights guaranteed under applicable law have been violated; causing to be instituted any proceeding alleging violations of applicable law; or providing information to, or testifying before, any public body conducting an investigation, hearing, or inquiry into any alleged violation by the Agency of applicable law, rule, or regulation.

Any employee who believes that he or she has been subject to discriminatory or retaliatory behavior in violation of this policy should report it immediately to Human Resources.

#### **506 *Gender Identity and Sexual Orientation Non-Discrimination Policy***

Discrimination and harassment on the basis of gender identity or expression are prohibited under state and federal laws and are also prohibited by the Agency under this and other policies.

For purposes of this policy, "gender identity or expression" is defined as a person's actual or perceived gender-related identity, appearance, behavior, expression, or other gender-related characteristic regardless of the sex assigned to that person at birth, including, but not limited to, the status of being transgender.

**Non-Discrimination and Confidentiality** - The Agency does not discriminate in any way on the basis of sex, sexual orientation, transgender status, gender identity, or gender expression. This policy is designed to create a safe and productive workplace environment for all employees. This policy sets forth guidelines to address the needs of transgender and gender non-conforming

employees and clarifies how the law should be implemented in situations where questions may arise about how to protect the legal rights or safety of such employees.

However, this policy does not anticipate every situation that might occur with respect to transgender or gender non-conforming employees, and the needs of each transgender or gender non-conforming employee must be assessed on a case-by-case basis. In all cases, the goal is to ensure the safety, comfort, and healthy development of transgender or gender non-conforming employees while maximizing the employee's workplace integration and minimizing stigmatization of the employee.

The Agency strives to create a workplace where employees of all sexual orientations, employees who are transgender, and employees of all gender identities can be their full selves without fear of discrimination, harassment, or retaliation. The Agency is supportive of transgender or non-gender conforming employees who are considering or undergoing gender transition. Any discriminatory, harassing, or retaliatory actions taken against employees based on their gender identity, gender expression, gender transition, or sexual orientation are considered violations of the Agency's EEO policy and are subject to discipline, up to and including termination.

The Agency also recognizes that some employees may wish to keep information about their gender and/or sexual orientation private. The Agency honors employees' preferences regarding when and with whom to share such information. The Agency only shares information about employees' gender identity or sexual orientation as needed to implement changes they request, or to comply with the law, investigate complaints.

**Policy on Use of Names and Pronouns** - Many employees going through a gender transition choose to use a name that better reflects their gender identity, and/or may legally change their first and/or last names. We expect all coworkers to use the employees' correct names once they are advised of them, regardless of whether or not legal name changes have taken place. Similarly, we expect all coworkers to use the pronouns the employees have requested be used, or to not use pronouns at all and instead use their first names. At first, an occasional slipup in the use of the new name or correct pronouns may happen. That is understandable. However, if slipups continue or are purposeful, this will be deemed harassing behavior and considered prohibited under this policy.

**Official Records** - The Agency will change an employee's official record to reflect a change in name or gender upon request from the employee. Certain types of records, like those relating to payroll and retirement accounts, may require a legal name change before the person's name can be changed. Most records, however, can be changed to reflect a person's correct name without proof of a legal name change. A transgender or gender-non-conforming employee has the right to be addressed by the name and pronoun corresponding to the employee's gender identity. Official records will also be changed to reflect the employee's new name and gender upon the employee's request, to the extent possible.

**Dress Code** - Transgender and gender non-conforming employees have the right to comply with the Agency's dress codes in a manner consistent with their gender identity or gender expression.

**Gender and Restroom Facilities** - Employees shall have access to the restroom corresponding to their gender identity. Any employee who has a need or desire for increased privacy, regardless of the underlying reason, will be provided access to a single-stall restroom, when available. No employee, however, shall be required to use such a restroom. All employees have a right to safe and appropriate restroom facilities, including the right to use a restroom that corresponds to the

employee's gender identity.

If an employee has questions or concerns regarding the restroom policy, they should contact Human Resources.

## **507 Retaliation**

The Agency will not tolerate retaliation of any kind against anyone who engages in protected activity. For purposes of this policy, "protected activity" includes opposing a discriminatory practice, making or encouraging another to make a good faith report about discrimination or harassment, and participating in an investigation of such a complaint. Retaliation includes any conduct, whether or not workplace or employment-related, directed at someone because they engaged in protected activity, which might deter a reasonable worker from making or supporting a charge of harassment or discrimination. All parties involved in an investigation will be reminded of this during the investigation. Any employee who feels that he or she has been subject to retaliation or who witnesses or otherwise becomes aware of such, should report it to their Director or Vice President immediately.

Retaliation is unlawful and will not be tolerated. Any individual found to have engaged in retaliation will be subject to disciplinary action, up to and including termination of employment.

## **508 Health Insurance Portability and Accountability Act (HIPAA)**

### **Policy Statement – Privacy of Health Information**

Because CEO maintains one or more group health plans for the benefit of its employees, certain CEO employees may have access to confidential health information that is protected under the privacy rules of the Health Insurance Portability and Accountability Act of 1996 ("HIPAA") in connection with the payment of benefits under the group health plan, or as part of plan administration. CEO and its employees will safeguard the privacy of the confidential health information it receives in the manner required by the HIPAA privacy rules.

Employees who have access to protected health information must agree to access and use only the minimum amount of protected health information necessary to perform their duties in connection with the group health plan

CEO will not use protected health information for employment-related decisions or for purposes of any other benefit offered by CEO. Employees who access or use protected health information in a manner that violates the HIPAA privacy rules will be subject to disciplinary action, which may include termination.

CEO complies with all regulations pertaining to the Health Insurance Portability and Accountability Act (HIPAA), both in its role as an employer and as a plan sponsor. The Agency provides benefits to eligible employees through a fully-insured health insurance plan.

**Plan Sponsor Responsibilities** - As a plan sponsor, the Agency ensures that the insurance carriers

and third party administrators it contracts with are in compliance with the HIPAA regulations.

**Retaliation** - The Agency will not retaliate against any employee for exercising the employee's rights under the HIPAA regulations.

**Confidential Communications** - An employee may request that all medical-related communications with the Agency be handled in a certain way or at a certain location by notifying the Vice President. Reasonable requests will be accommodated to the extent consistent with applicable law and the Agency administrative requirements.

## **509 Open Door Policy**

CEO believes that good communication is essential for the success of the Agency. CEO recognizes that occasionally the working environment may not always be completely satisfactory to the employee. To assist with the timely resolution of such situations, CEO employs an "Open Door Policy." Pursuant to this policy, if an employee has a question, concern, complaint or dispute, or if they feel they have been treated unfairly, the Agency encourages the employee to bring the problem to the attention of their manager. If the employee is not satisfied with the manager's response, the employee is encouraged to follow their chain of command including but not limited to the Human Resources Manager or Vice President. If the situation has still not been resolved to the employee's satisfaction, he/she should consult with the President/CEO.

Information concerning an employee concern, complaint or dispute will be kept confidential to the greatest extent possible. Members of management who receive a concern, complaint or dispute or who are involved in the investigation of same may discuss it only with those individuals who have a need to know or who are needed to supply necessary information.

Our policy is to assure all employees that they can raise a concern without fear of retaliation, recrimination or any other action that will affect their security or potential advancement. The Agency believes that all concerns and problems should be handled as they arise as a matter of day-to-day supervision. This should make for a more pleasant work environment for all concerned.

**Note:** If the complaint involves any of the Agency's compliance policies, such as Equal Employment Opportunity, Accommodations of Disabilities, Prohibited Harassment, or Retaliation, the employee should utilize the specific reporting procedures for notification of policy violations are outlined in Section 500 of this Employee Handbook.



## 600 OPERATIONAL POLICIES

### 601 *Work Schedules*

**Normal Work Schedules** - Employee workdays and hours vary depending on the position. However, the workweek is normally Monday through Friday. Managers establish each employee's scheduled days and hours of work based upon program needs. Unless supervisory approval is obtained, nonexempt employees may not start work before the schedule start of their shift or continue working after the scheduled end of their shift. Any employee who routinely fails to begin and end work in accordance with their schedule may be subject to disciplinary action, up to and including termination of employment.

**Changes in Work Schedules** - The Agency reserves the right to revise normal work schedules, including program options, starting/ending times and the total number of hours worked per day and/or per week. Employees will be notified in advance of any changes in work schedules.

### 602 *Meal and Break Periods*

**Meal Periods** - Meal periods vary by location and program, depending on the particular needs and requirements of that program.

An employee who is scheduled to work a shift of more than six hours receives a 30-minute unpaid meal period, normally between the hours of 11:00 AM and 2:00 PM. Employees in certain departments or programs may receive up to a 60-minute unpaid meal period.

Meal periods are scheduled by the employee's manager.

Any employee who does not receive their meal period on any given day should immediately advise their supervisor or Director.

It is the responsibility of all employees to record the start and end time of their meal periods. This is necessary to comply with federal and state laws and to ensure that employees are properly compensated. Failure to comply with this policy may result in disciplinary action. If you realize you inadvertently forgot to record your meal period, you are expected to promptly notify your supervisor so that appropriate time entries may be made.

### 603 *Emergency Closings*

It is CEO's policy to remain open during all normally scheduled work hours. At times, however, inclement weather, power failure, or other emergencies may disrupt Agency operations. In extreme cases, these circumstances may require an office or worksite to close.

In the event of inclement weather, unless otherwise instructed, employees are expected report to as scheduled and are expected to build appropriate travel time into their schedule to ensure they arrive at work on-time.

**Site Closings** - When the Agency officially closes early due to emergency conditions, employees who have reported to work that day and are working at the time of closure will receive their regular straight-time wages for the remainder of their scheduled work shift. If the Agency chooses not to open one or more work sites for business due to emergency conditions, employees may use administrative leave (when authorized by the President/CEO or designee) or, if not administrative leave is not authorized, employees may use PTO time or take the time unpaid if they have no PTO available.

Non-work time paid due to an emergency will not count as hours worked for the purposes of computing overtime.

If possible, notification of Agency or site closings due to inclement weather or emergency situation will be listed on the Agency website. All employees will be required to contact their immediate supervisor if website access is not available.

**Extended Shutdown** - This policy is intended for use when an emergency causes a temporary worksite shutdown and is not to be construed as wage continuation protection for extended worksite shutdown. For extended worksite closings, each situation will be evaluated on its own merit and the President/CEO, in coordination with the CEO Board and funding source guidance, will make a determination regarding payment of wage or alternative worksites.

## 604 *Timekeeping*

Federal and state regulations require CEO to maintain accurate records of time worked by employees in order to calculate pay for time worked and/or authorized paid leave taken in a given workweek. Time worked includes all time actually spent performing assigned duties.

**Procedures** - *Non-exempt employees* must use the agencies electronic record keeping resource to accurately record each time they begin and end work, including any time worked before or after their scheduled hours of work and time worked remotely (both of which must be authorized in advance). This includes recording the start and end of each meal period and when they leave and return to Agency premises for non-work related reasons. *Time worked should be recorded on a daily basis, not at the end of the pay period.*

Non-exempt employees are not permitted to perform any kind of work prior to their scheduled starting time nor after their scheduled ending time, except as authorized and approved by their manager. This includes unauthorized work performed remotely, including, without limitation,

remote access of the Agency's computer network and use of mobile devices to access email during outside scheduled hours of work.

Exempt employees must always account for authorized paid leave taken by completing a time sheet indicating such.

**Travel Time** – For information concerning how non-exempt employees will be paid for time spent traveling contact the Human Resources Department.

**Submission of Time Records** – Each non-exempt employee is responsible for confirming that their time record accurately reflects all hours worked. Time sheets should be verified and signed by the employee and the employee's manager at the end of each pay period. The manager must complete an electronic review of all timecards no later than the designated date and time that precedes the end of the pay period.

**Correction of Errors** – Employees should bring any errors on their time record to the attention of their manager immediately.

**Falsification of Time Records** - Altering, falsifying, or tampering with an employee's own time sheet or another employee's time sheet is prohibited and may result in disciplinary action, up to and including termination of employment for both employees. Employees who fail to comply with the sign in/out procedures or who fail to work their assigned schedule and misrepresent time on their timesheet are also subject to disciplinary action; up to and including termination.

#### **Safe Harbor policy for Exempt Employees**

CEO is committed to providing accurate compensation to all employees and complying with all applicable state and federal wage and hour laws. CEO is also committed to complying with the salary basis requirements of the Fair Labor Standards Act for exempt employees and protecting employees against improper salary deductions. CEO prohibits all managers and supervisors from making any improper deductions from the salaries of exempt employees. To ensure that employees are paid properly for all time worked and that no improper deductions are made, employees should review their pay stub to make sure it is correct and immediately report any identified discrepancies to the Human Resources Department. If it is determined that an improper deduction has occurred, the employee will be reimbursed promptly for any improper deduction made.

#### **605 Travel Expenses**

CEO reimburses employees for authorized expenses incurred while traveling for Agency business. These expenses include, but are not limited to, meals, lodging, parking, mileage, and supplies. For additional information see Travel Expenses.

**Out-of-Town Travel** - Cash advances for out-of-area travel are granted under normal circumstances provided an *Out of Area Travel* form is completed and submitted to the appropriate Director for approval at least two weeks prior to the anticipated date(s) of travel. Once approved by the Director, the form will be forwarded to the Fiscal Office for processing. If approved, the Agency will provide a pre-determined per diem travel allowance to the employee. Within two workdays of completing travel, the employee must provide written verification to the Fiscal Office that the requested travel was completed as outlined.

Meals shall be reimbursed at the rate approved by the President/CEO. Receipts are not required. Meal allowance for out-of-area travel that is less than twenty-four hours or more than 50 miles

away shall be at the approved individual meal rate broken down to amounts for breakfast, lunch, and dinner. The determination of which meal(s) will be reimbursed is based on the time of departure and return. Refer to the following charts.

Departure	Breakfast	Lunch	Dinner
Before 6:30 a.m.	Yes	Yes	Yes
After 6:31 a.m. and before 11:30 a.m.	No	Yes	Yes
After 11:31 a.m.	No	No	Yes

Return	Breakfast	Lunch	Dinner
After 8:00 a.m. and before 12:00 p.m.	Yes	No	No
After 12:01 p.m. and before 6:00 p.m.	Yes	Yes	No
After 6:01 p.m.	Yes	Yes	Yes

**Use of Agency Vehicles** - It is CEO's policy that Agency vehicles, if available, must be used for business-related travel. An employee should always check with their Manager or Director regarding vehicle availability before using their personal vehicle. If an employee fails to check vehicle availability and uses their personal vehicle when an Agency vehicle was otherwise available, the Agency may deny mileage reimbursement to that employee.

**Local Travel and Procedures for Mileage Reimbursement** - A completed and signed *Mileage Reimbursement* form must be submitted to the employee's immediate manager for approval of all mileage expenses incurred. The approved *Mileage Reimbursement* form must be submitted to the Fiscal Office bi-weekly (with the employee's timesheet), for the current period of travel. Mileage reimbursement will be equal to the current mileage reimbursement rate as approved by the President/CEO. Approved reimbursements will be processed with the biweekly payroll for the current period of travel.

**Falsification of Expenses** - Falsification of expenses may result in disciplinary action, up to and including termination.

## 700 ABSENCE POLICIES

In order to maintain a productive work environment, employees are expected to report to work on time and as scheduled and be in position to begin work at the scheduled start of their workday. Absenteeism and tardiness place a burden on the Agency and other employees. An employee's unexcused absence or tardiness or without proper notification is taken as an indication of indifference to CEO's mission and to the employee's job. Absenteeism is recorded and becomes a part of the employee's work record.

### 701 *Tardiness*

**Notification of Tardiness** - An employee is expected to be at the employee's work location ready to begin work at the time the employee's work shift begins. An employee who is going to be late arriving at work must personally notify their manager or manager's designee before the scheduled start of the employee's shift so that appropriate coverage can be arranged. The reason for tardiness and the expected time of arrival must be indicated to the manager.

Any employee who has a record of tardiness or who develops a pattern of tardiness, even if excused, may be subject to disciplinary action, up to and including termination.

### 702 *Notification of Absence*

**Scheduled Time Off** - Employees are encouraged to schedule personal appointments either before or after the workday or on scheduled days off whenever possible. Requests for scheduled time off from work must be made in advance to the employee's manager following the established Paid time off (PTO) procedure outlined in section 905. All requests for time off are subject to approval by the employee's manager on a case-by-case basis.

**Unscheduled Time Off** - Employees must directly contact their manager or manager's designee prior to their scheduled start time if they are unable to report to work due to an unscheduled reason, such as illness or emergency. The employee must also comply with the absence notification policy established by their manager or designee. Failure to comply with the established procedure may result in disciplinary action up to and including termination of employment.

*Asking a relative, friend, or another person to call in on the employee's behalf is not permitted unless the employee is unable to contact the manager due to a medical emergency.*

Notification of an absence to the manager does not automatically mean the absence is approved. Further, the existence of PTO does not automatically mean that the absence will be paid. Any time off from work that is without permission of the manager is considered unapproved and may be unpaid. An employee, who has frequent absences, regardless of reason, unless protected by applicable law, may be subject to disciplinary up to and including termination of employment.

An employee who has an unscheduled absence for more than one workday must notify his or her manager each day of the absence, unless otherwise approved.

**Early Departure** - If an employee needs to leave work before the scheduled end of their shift, the absence must be authorized by the employee's manager before the employee leaves their work site. Non-exempt employees leaving the work site must record the time on their timesheet and any other established sign in/out systems in their work site. Leaving work without authorization before the schedule end of an employee's shift may result in disciplinary action, up to and including termination.

**Time Off Without Pay** - The use of unpaid time off is discouraged and will generally not be granted if PTO is available. Unpaid time off may be approved if PTO is not yet available or other extenuating circumstances exist (e.g., a medical leave of absence protected by applicable law).

**Excessive Absence or Tardiness** - Unscheduled, unauthorized, or excessive absences, including late arrivals and/or early departures, may result in disciplinary action, up to and including termination. Any employee who does not follow the Agency's notification policy or who does not report to work as scheduled may also be subject to disciplinary action.

When an attendance problem arises, the manager will generally verbally counsel the employee regarding the importance of good attendance and warn that excessive tardiness or absences will lead to discipline, up to and including termination.

While regular attendance and promptness are considered part of employee's essential job functions, individuals with disabilities and known victims of domestic violence may be granted reasonable accommodation in complying with these policies if such accommodation does not impose an undue hardship on the program. Employees in need of an accommodation are expected to contact Human Resources and provide sufficient information to enable it to make a determination.

Excused absences from work that are due to an approved leave of absence or are otherwise protected by the FMLA, PFL, the Americans with Disabilities Act, the New York Human Rights Law, or other applicable law will not be considered when determining acceptable attendance patterns. Employees approved for FMLA, PFL or reasonable accommodations remain accountable for all aspects of this policy not directly impacted by the FMLA, PFL or accommodation. When an employee is absent from work but his/her PFL claim is not fully submitted to or approved by the PFL carrier, related absences will be subject to this policy (unless the absence is otherwise covered by PTO).

**Failure to Report to Work** - Any failure by an employee to properly notify the Agency regarding their absence may result in disciplinary action, up to and including termination. An employee who does not report for work or call in for three consecutive workdays will be deemed to have abandoned their position and will be terminated for misconduct.

### 703 *Jury Duty*

Employees are encouraged to fulfill their civic responsibilities, including participation in jury duty.

**Notification of Jury Duty** - A copy of the summons must be provided to the employee's manager as soon as it is received.

**Payment** – All full time and part time employees receive their regular base pay, in addition to any jury duty pay if applicable, provided the employee is scheduled to work for the Agency on those days. Paid jury duty time will not be counted as hours worked for the purpose of computing overtime. Employees must provide written verification from the applicable court noting date and time served in order to receive payment.

**Return to Work** - An employee who is excused from court for the entire day must report to work unless they are released after 1pm in which case they are expected to report at the start of the next scheduled workday.

**Rescheduling of Jury Duty** - The Agency reserves the right to request that employees seek permission from the court to have their jury duty rescheduled.

#### **704 *Witness at Hearings or Trials***

Employees will receive their regular base pay for time off to testify in a criminal or civil hearing or trial related to the employee's work for the Agency. The employee is required to return promptly to work following their appearance as a witness.

Employees who are victims of a crime or who are subpoenaed as a witness in a criminal proceeding will be given the necessary time off without pay to consult with the district attorney and attend or participate in a court proceeding in accordance with state law. Employees must notify their manager of the need to take witness leave as far in advance as is possible and no later than the day prior to the absence. Exempt employees will not incur any reduction in pay for a partial week of absence due to witness duty. Employees will not be disciplined or discharged for crime victim/witness related absences.

#### **705 *Military & Military Spouse Leave***

CEO recognizes the importance of military service and complies with all regulations relating to military leaves and reserve leaves of absence. In accordance with applicable law, the Agency shall grant an employee time off for active duty in the armed forces of the United States or to attend training duty in the National Guard or military reserves in accordance with federal and state law. See Military & Military Spouse Leave for additional information.

**Notification** - An employee should give their manager as much advance notice of active duty (i.e., non-reserve) military leave or military reserve leave as possible. Employees may be required to provide a copy of the notice sent by the military unit.

**Compensation for Employees** – When on military leave, full-time and part-time employees will be paid the difference between their regular pay and their service pay for up to 10 workdays per calendar year. Exempt employees who are on military leave for periods of less than a workweek are paid their regular salary, minus any service pay received for those workweeks. No extra time will be paid for any holiday that occurs during any military duty period.

**Benefits during Military Leave** - During a qualifying military leave of absence, an employee may retain and accrue any Agency-sponsored benefits that are tied to length of service, in accordance with the Uniformed Services Employment and Re-Employment Rights Act of 1994 (“USERRA”). The employee may also be allowed to participate in the health insurance plan and other Agency-sponsored benefits that are not determined by length of service to the same extent as an employee who is granted a leave of absence (see Section 707). The employee must meet the eligibility requirements of each benefit plan in order to participate in the benefit.

**Return from Military Leave** - In accordance with USERRA, an employee retains certain rights relating to reinstatement, length of service, status, promotions, and compensation upon return from military duty. An employee returning from a leave of absence of greater than 30 days may be required to document re-employment eligibility. If an employee is separated from uniformed service with a dishonorable discharge or bad conduct discharge, their rights to reemployment and other protections under USERRA end.

**Military Spouse Leave** - Employees who are married to a member of the military and who regularly work 20 or more hours per week may be entitled to up to 10 days of unpaid military spouse leave if: (1) the employee’s spouse is a member of the armed forces of the United States, National Guard or Reserves; and (2) the employee’s spouse is on leave from deployment during a period of military conflict. Eligible employees may be entitled to additional leave under the FMLA and/or PFL.

## 706 ***New York Paid Family Leave (PFL) and Family and Medical Leave Act (FMLA)***

### **Paid Family Leave (PFL)**

In accordance with the New York State Paid Family Leave Benefits Law, CEO provides eligible employees with time off to care for family members under certain circumstances. See Paid Family Leave (PFL) for additional information.

Employees on paid family leave (PFL) will receive partial pay through an insurance policy funded by a small weekly post-tax payroll deduction (set in accordance with state law). Payroll deductions begin on the employee’s first day of employment. Pursuant to state law, participation in the PFL program is mandatory for all employees, except for those eligible for a waiver, as explained in the [Waiver](#) section below.

In some instances, leave will qualify and be counted as both FMLA and PFL. In these cases, the employee will be required to comply with notice and application procedures under both policies. Please refer to the Family Medical Leave Act policy for additional information.

### **Eligibility**

A full-time employee (regularly scheduled for at least 20 hours per week) is eligible to take PFL after they have been employed by the Agency for 26 weeks.

A part-time employee (regularly scheduled for less than 20 hours per week) is eligible to take PFL after working 175 days.

Time spent on Agency paid time off will be counted towards eligibility, provided deductions were



taken during that paid time. However, time spent on short-term disability or unpaid leave is not counted.

### **Amount of Leave Available**

The amount of PFL available will be phased in over several years. The maximum amount of leave available in a 52-week period is 10 weeks in 2020 and will increase to 12 weeks effective January 2021.

The 52-week period is counted by measuring backwards from each day for which PFL is taken. PFL may be taken in weekly or daily increments. In the event an employee also collects Short Term Disability benefits for their own disability (DBL), the maximum amount of time that can be taken under state law for both DBL and PFL is 26 weeks in a 52-week period.

No more than one related employee may use PFL to care for the same family member at the same time. For example, if both spouses work for CEO, CEO may deny PFL to one spouse if both have requested the same period of time off to bond with the same child. However, spouses could take PFL to bond with the child at different time periods.

### **Benefit Levels**

Employees do not continue to receive their full pay from the Agency during PFL. Rather, after filing a claim with the Agency's PFL carrier, employees will receive a partial wage replacement benefit directly from the PFL carrier. See [Applying for Leave Benefits](#) below. Benefit levels are set by state law as a percentage of the employee's weekly income, subject to a statewide cap set by the state each fall and effective January 1.

If a continuous PFL leave spans across calendar years, the employee's benefit amount is set at the start of the leave and does not increase during the leave.

### **Qualifying Reasons for PFL**

Once eligible, employees can apply to take PFL for the following reasons:

- To provide care for a child (regardless of age), parent (including parent-in-law), grandparent, grandchild, spouse and/or domestic partner with a "serious health condition." Providing care includes necessary physical care, emotional support, visitation, assistance in treatment, transportation, arranging for a change in care, assistance with essential daily living matters, and personal attendant services. During the leave, the employee must be in close physical proximity to the care recipient. Serious health condition means an illness, injury, impairment or physical or mental condition, including transplantation preparation and recovery from surgery related to organ or tissue donation, that involves either inpatient care or continuing treatment or supervision by a health care provider. This includes preparation for and recovery from surgery related to organ or tissue donation. For further detail as to whether a particular condition qualifies as a serious health condition, please consult with Human Resources.

Please note that ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomach, minor ulcers, headaches other than migraine, routine dental or

orthodontia problems, periodontal disease, etc., do not constitute a serious health condition.

- To bond with a new child following the birth, adoption or placement in foster care. In the case of adoption or placement, leave may be taken prior to the adoption or placement if the employee's absence is necessary for the placement or adoption to proceed. The total leave must be taken within one year of the first day of leave, or within one year of the adoption/placement, whichever is earlier. In the case of a birth, the leave must be taken within the first year following the child's birth.
- To attend to a qualifying exigency arising out of the fact that the employee's spouse, domestic partner, child or parent is on or has been called to military active duty. If you have questions regarding the definition of qualifying exigency, please consult with Human Resources. Or the definition of qualifying exigency can be found in the Company's FMLA policy. PFL is not intended, nor available for the employee's own disability or serious health condition. Disability and/or FMLA may be available in those circumstances. Please see the Agency's New York State Disability Benefits and FMLA policies for further information. PFL will run concurrently with leave under the FMLA policy where the leave qualifies under both laws. If an employee whose absence qualifies for both PFL and FMLA declines to apply for PFL benefits (despite being notified they are also taking leave for a PFL-qualifying reason), such time will nevertheless count against the employee's PFL allotment.

### **Intermittent Leave**

PFL can be taken intermittently (in separate blocks of time) in full-day increments. If an employee is taking intermittent FMLA leave in partial-day increments for a PFL-qualifying reason, and the employee is paid for working part of a day, The Agency will track the hours taken as FMLA. When the total hours taken reaches the number of hours in the employee's usual workday, the Agency will deduct one day of PFL benefits from the employee's annual available PFL benefit.

### **Employee Notice Requirements**

Employees must provide the Agency with notice prior to the start of any family leave by contacting their supervisor or Human Resources.

- If the need for leave is foreseeable, such as for planned medical treatment or appointments, or to bond with a child, the employee must provide at least 30 days' advance notice, or as soon as the need for the leave is known.
- If an employee fails to give 30 days' notice of a foreseeable PFL leave with no reasonable excuse for the delay, the Agency's PFL carrier may partially deny the leave claim for a period of up to 30 days from the date the notice is given.
- If the need for leave is not foreseeable, such as in the case of a medical emergency, change in circumstances, or lack of advance knowledge, employees are expected to adhere to the Agency's normal and customary call-in procedure, which requires employees to notify their Supervisor/Manager no later than their scheduled starting time of their inability to

report for work as scheduled.

- If the leave is taken on an intermittent basis, the employee must provide notice to the Agency as soon as they are aware of the need for leave before each day of leave, unless their supervisor/manager is aware the employee will be absent for a specified number of consecutive days.

Whenever possible, the employee is expected to schedule PFL time in a manner that minimizes disruptions to the department and operations of the Agency.

### **Applying for Leave Benefits**

In addition to notifying Human Resources of the need for leave, in order to receive income replacement benefits while on PFL, the employee must submit a claim using the Request for Paid Family Leave form (PFL-1) to the Agency's PFL carrier, as well as the appropriate certification form (PFL-2, PFL-3, PFL-4, and/or PFL-5) and supporting documentation.

The claim forms provide details regarding the documentation that will be required to support the request for PFL benefits. Claim forms are available from Human Resources.

Prior to submitting the Request for Paid Family Leave form to the carrier, the employee must provide the form to Human Resources for completion of the employer section. The Agency will return the completed form to the employee who is responsible for timely filing the PFL claim with the carrier. Human Resources will not file a claim on an employee's behalf, but is available to answer questions. An employee will not receive benefit payments until the claim is fully submitted and approved. The carrier will pay or deny the claim within 18 days of the submission. A copy of the full policy and claim forms can be obtained in the Human Resources office.

If an employee is seeking payment for a previously taken time off (e.g., an absence due to an unforeseeable emergency), the claim must be filed with the PFL carrier within 30 days of the leave. However, employees are encouraged to file claims as quickly as possible to ensure prompt payment of benefits for qualifying leaves.

The Agency's PFL carrier will make the final determination of whether the employee is eligible for PFL, whether the reason for the leave qualifies under the law, and whether the employee has provided sufficient documentation to support the need for leave. The determination is not made by CEO.

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

CEO complies with the provisions of the Family and Medical Leave Act ("FMLA") and provides eligible employees with leave for qualifying reasons.

FMLA entitles an eligible employee to a maximum of 12 workweeks (defined by the employee's regularly scheduled workweek) of job-protected, unpaid leave in a 12-month period for certain family and medical reasons. Additionally, eligible employees may take up to 26 weeks of unpaid leave for "military caregiver" leave. For additional information, see Family and Medical Leave Act (FMLA).

For the purposes of this FMLA policy, the 12-month period is a rolling period measured backward from the last date an employee used FMLA leave. Under the rolling 12-month period, each time FMLA leave is taken the remaining FMLA leave is the balance of the 12 weeks which have not been

used during the immediately preceding 12 months. When leave is taken to care for a military service member, the 12-month period is measured from the first day the eligible employee takes such leave.

In some instances, leaves that qualify as FMLA may also qualify under the New York Paid Family Leave (PFL) policy. Leaves under this policy and the PFL policy will run concurrently, provided the leave qualifies under both policies. Please refer to the PFL policy for further information.

**Eligibility** - To be eligible to take unpaid leave under FMLA, an employee must meet the following requirements:

The employee must have been employed by CEO for at least 12 months, which need not be consecutive;

The employee must have worked for CEO for at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave; and

The employee must work at, or report to, a work site which has 50 or more employees or is within 75 miles of work sites that taken together have a total of 50 or more employees.

**Entitlement for Leave** - An eligible employee will receive up to twelve (12) weeks of unpaid leave under the FMLA for the following reasons:

Inability of the employee to perform one or more of the essential functions of the employee's job due to the employee's own serious health condition;

Upon the birth of the employee's child and to care for the newborn child;

Upon the placement of a child with the employee for adoption or foster care;

To care for the employee's spouse, child, or parent who has a serious health condition; or

Address certain qualifying exigencies when a spouse, son, daughter, or parent is on active duty or called to active duty in the Armed Forces, National Guard or Reserves in support of a contingency operation. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial or legal arrangements, attending certain counseling sessions; or attending post-deployment reintegration briefings.

Spouses who both work for CEO are allowed a combined maximum of 12 weeks of leave within a 12-month period for the birth or care of a newborn child, adoption or foster care of a child and to care for such newly placed child, or to care for a parent (but not parent "in law") with a serious health condition. Each spouse is entitled to 12 weeks of leave in a 12-month period to care for the employee's spouse, son or daughter, who has a serious health condition, or for a serious health condition that makes the employee's spouse unable to perform their job duties. However, the parents may be eligible for separate periods of leave under the New York Paid Family Leave (PFL) policy.

In addition, eligible employees may take up to 26 weeks of unpaid leave under the FMLA in a single 12-month period to care for a covered service member ("military caregiver leave"). A "covered service member" is a spouse, son, daughter, parent, or next of kin who:

serves as a current member of the Armed Forces, including a member of the National Guard or Reserves, and  
who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties and for which the service member is undergoing medical treatment, recuperation, or therapy, is in outpatient status, or is on the temporary disability retiredlist.

During this 12-month period, an eligible employee's FMLA leave entitlement is limited to a combined total of 26 weeks for any FMLA-qualifying condition.

To Intermittent and Reduced Leave Schedules A leave related to the serious health condition of an employee or an employee's immediate family member and leave necessitated by a qualifying exigency may be scheduled on an intermittent or reduced schedule basis when medically necessary. For intermittent or reduced hours leave necessitated by planned medical treatment for the employee, a family member or a covered service member, CEO may require a temporary transfer of the employee to accommodate the leave. The employee will receive equivalent pay and benefits.

In cases where an employee is taking intermittent FMLA leave in partial-day increments for a PFL-qualifying reason, and the employee is paid for working part of a day, CEO will track the hours taken as FMLA. When the total hours taken reaches the number of hours in the employee's usual workday, CEO will deduct one day of PFL benefits from the employee's available PFL benefit.

Definitions The following terms are fully defined in the federal regulations pertaining to the FMLA. For the purposes of this policy, the following definitions will apply:

Serious Health Condition will mean an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility, including any period of incapacity (as contained in the federal regulations), or any subsequent treatment in connection with such inpatient care; or continuing treatment by a healthcare provider, including, but not limited to:

A period of incapacity of more than three consecutive, full calendar days and:  
treatment two or more times, within 30 days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, by a nurse under direct supervision of a health care provider, or by a provider of health care services; or  
treatment by a health care provider on at least one occasion, which results in a regimen of continuing treatment under the supervision of the health care provider;

Any period of incapacity due to pregnancy or prenatal care;

A period of incapacity or treatment for such incapacity due to a chronic serious health condition;

A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective; or

A period of absence to receive multiple treatments, including any period of recovery, by a healthcare provider or by a provider of healthcare services under orders of or on referral by a healthcare provider, for restorative surgery after an accident or other injury or for a condition that would likely result in a period of incapacity of more than three consecutive full calendar days in the absence of medical intervention or treatment.

## Notification Requirements

If the need for leave is foreseeable, the employee must submit written notice to the Human Resources Department least 30 calendar days prior to the commencement date of the unpaid leave. Failure to give 30 days' notice of foreseeable leave with no reasonable excuse for the delay may result in the FMLA leave being delayed until 30 days from the date of notice. When the need for leave is not foreseeable or if 30 days' notice is not practicable, verbal notice given to the employee's manager as soon as practicable (at least within 1 or 2 business days of when the need for leave becomes known) will be sufficient. Employees must continue to comply with CEO's call-in procedures.

Notification should include the date leave will begin, justification, qualification for the leave and approximate length of the leave. A failure to comply with these notice rules may result in a denial or postponement of the requested leave until the employee complies with these rules. However, if the need for a FMLA leave results from an emergency or is otherwise unforeseeable, the leave will not be denied simply because an employee fails to provide advance notice.

An employee undergoing planned medical treatment and in need of intermittent or reduced schedule leave for that purpose is required to make a reasonable effort to schedule the treatment to minimize disruptions to the Agency's operations. To that end, the employee is required to consult with the Agency when arranging the date(s) of treatment to identify dates on which absences will not unduly disrupt operations, subject to the approval of the health care provider.

While on leave for their own serious health condition, employees are required to report periodically to the company regarding the status of the medical condition, and their intent to return to work.

## **Certification**

An employee may be required to submit medical certification from a health care provider to support a request for leave for the employee's or a family member's serious health condition. When leave is requested because of a qualifying exigency arising out of the active duty or call to active duty status of a covered military member, the Agency may require the employee to provide a copy of the covered military member's active duty orders or other documentation issued by the military which indicates that the covered military member is on active duty or call to active duty status in support of a contingency operation and the dates of the covered military member's active duty status. When military caregiver leave is requested, the Agency may require an employee to obtain a certification completed by an authorized health care provider of the covered service member. The Human Resources Department will provide you with the applicable medical certification form upon notification of your need for leave.

It is the employee's responsibility to provide complete and sufficient certifications in a timely manner (generally within 15 days of receipt of the Eligibility and Rights and Responsibilities Notices). If the Agency has reason to doubt the initial certification, the Agency may: (i) with the employee's permission, contact the employee's health care provider in an effort to clarify or authenticate the initial certification; and/or (ii) require the employee to obtain a second opinion by an independent Agency-designated provider at the Agency's expense. If the initial and second certifications differ, the Agency may, at its expense, require the employee to obtain a third, final and binding certification from a jointly selected health care provider.

During FMLA leave, the Agency may request that the employee provide recertification of a serious health condition at intervals in accordance with the FMLA and to provide periodic reports regarding the employee's status and intent to return to work. Before the employee returns to work from FMLA leave for the employee's own serious health condition, the employee may be required to submit a fitness for duty certification from the employee's health care provider.

Failure to submit required certification may result in denial of FMLA leave. Employees who are unable to work for seven or more days due to a non-work related injury or illness are also responsible for completing the required disability insurance forms.

FMLA certification forms are available from the Human Resource Department.

**Leave for the Birth, Adoption, or Foster Care Placement of a Child** - Leave for the birth of a child or the placement of a child for adoption or foster care must be taken within 12 months from the date of the birth or placement of the child or the commencement of leave, whichever is earlier.

Provided the leave also qualifies as PFL, employees may also take leave for the birth, adoption, or foster care of a child intermittently - in one day increments. If the employee is eligible for FMLA only and not PFL, leave for the birth, adoption or foster care may only be taken intermittently or on a reduced schedule if the employee and the Agency mutually agree to such.

**Interaction with New York Paid Family Leave (PFL)** -- Certain approved FMLA leaves (i.e., bonding, caring for a family member, military qualifying exigencies.) will also qualify for partial wage replacement under the Agency's New York Paid Family Leave (PFL) policy. An employee applying for FMLA leave for reasons that also qualify for PFL will be notified by CEO. Upon such notification, the employee will be responsible for filing a claim with CEO's PFL carrier, in order to receive PFL wage replacement benefits. If the employee is PFL-eligible, yet declines to file a PFL claim, the leave period will still count against the employee's PFL entitlement (as well as the FMLA entitlement.)

**Benefits during an FMLA Leave of Absence** - For the purpose of this policy, the following will apply:

**Use of PTO**– While on FMLA leave, employees are required to use accrued, unused PTO or sick leave reserve that is available for use, except for those employees receiving workers' compensation or disability benefits, in which case, said employees may elect to use accrued, unused paid time off to bring to bring them to no more than 100% of compensation while receiving workers' compensation or disability benefits.

The substitution of PTO for unpaid FMLA leave does not extend the 12-week period. At an employee's request, a maximum of 5 PTO days may be left unused during an approved FMLA absence.

**Holidays/PTO** - An employee shall not be paid for holidays during a leave of absence, except during any period of the leave in which earned paid leave was being used. A new allocation of PTO benefits will resume, if applicable, upon the employee's return to work based on the number of months left in the year.

**Group Benefits Continuation** – For employees enrolled at the time of leave, an employee's eligibility status for health insurance coverage will continue under the same conditions as if the employee had continued to work, for up to the maximum number of weeks as permitted under FMLA. Contributions will be at the same level as if the employee was working. While on unpaid leave or on concurrent PFL receiving only wage replacement benefits from CEO's PFL carrier, the employee must continue to make this payment, in person by mail. All employee contributions must be paid by the 1<sup>st</sup> day of each month in order to maintain the continuous coverage of benefits. Coverage will cease if payments are not made within a 30 calendar day grace period of the due date. CEO will provide 15 days' notification prior to the employee's loss of coverage. Premium payments or policy coverage are subject to change.

If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, the Employer may require the employee to reimburse the company the amount it paid for the employee's health insurance premium during the leave period.

**Statutory Benefits** - Leave taken while receiving New York State Disability or Workers' Compensation law will run concurrently with FMLA leave provided the employee is eligible and the reason for the absence is due to an FMLA-qualifying serious illness or injury. All employees eligible for NYS Disability or Worker's Compensation are required to submit the appropriate forms to Human Resources.



**New York Paid Family Leave (PFL)** - As set forth above, certain leaves will count as both FMLA and PFL time for the employee. (See Interaction with New York Paid Family Leave, above.) If an employee is taking PFL and FMLA concurrently and is receiving PFL wage replacement benefit, the employee may elect, but is not required, to supplement his/her PFL wage replacement benefit with available paid time off. In no event can the combination of PFL benefits and paid time off result in the receipt of more than 100% of an employee's regular wages.

**Employment Restrictions During Leave of Absence** - While on an approved leave, the employee may not be employed by another employer during the same hours that the employee was normally scheduled to work for CEO, unless the employee receives prior, written authorization from the President/CEO or Designee.

**Return to Work** - Employees returning from FMLA leave will be restored to their original job or to an equal/equivalent job with equal benefits and other employment terms/conditions. The following conditions for returning to work will apply:

**Medical Statement** - Before resuming employment, an employee who took leave because of their own serious health condition must provide a fitness-for-duty certification from the employee's healthcare provider indicating that the employee is able to return to work. Employees who are returning from FMLA leave taken for their own serious health condition, but who are unable to perform the essential functions of their job because of a disability may request an accommodation by contacting the Human Resources Department. Please see the Americans with Disabilities Act section of this handbook for more information.

**Early Return** - An employee who intends to return to work earlier than anticipated must notify the Human Resources Department at least two business days prior to the date the employee is able to return.

**Extension of Unpaid Leave of Absence** - An employee who would like an extension of the leave previously approved must request such from the Human Resources Department at least two business days from the date the change occurred which necessitates the change in leave time.

**Failure to Return** - Employees who otherwise fail to return to work following the conclusion of an approved FMLA leave will be considered to have abandoned their position and their employment will be terminated.

CEO is committed to complying with the Family and Medical Leave Act and will not interfere with, restrain, or deny the exercise of any right provided under FMLA or discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA. An employee may file a complaint with the US Department of Labor or may bring a private lawsuit against an employer for violations of FMLA. FMLA does not affect any federal or state law prohibiting discrimination or

supersede any state or local law or collective bargaining agreement providing greater family or medical leave rights.

## 707 **Medical Leave of Absence / Leave of Absence**

An employee who is not eligible for leave under the Family Medical Leave Act or has exhausted their leave entitlement under the Act and who is unable to return to work due to their own serious health condition or the serious health condition of a family member may request a Medical leave of absence or Leave of Absence under certain circumstances by contacting the Human Resources Department. **Except where such leave is protected by applicable law, the granting of an authorized leave of absence under this policy does not guarantee continued employment.**

During any approved medical leave, the employee is required to keep the Agency informed of any changes in the employee's condition. Employees on any approved leave must keep the Agency informed of their intent to return to work.

**Benefits during a Medical Leave of Absence or Leave of Absence** - For the purpose of this policy, the following will apply:

- **Use of PTO** - For leaves taken due to the employee's own serious health condition, the employee must use any available PTO or sick leave reserve.

For leaves taken to care for the employee's spouse, child, or parent who has a serious health condition, an employee must first use any available PTO or sick leave. The substitution of PTO for unpaid medical leave does not extend the maximum leave period of 12 weeks.

Sick Leave may not be used for absences that are not covered by the policy.

Once an employee exhausts their available paid time off, the remainder of the leave will be unpaid.

- **PTO** - An employee who is out on a leave of absence at the start of the benefit year will not receive their annual PTO allotment until they return to work. Upon return to work, the employee will receive their prorated PTO allowance based on the number of months left in the current benefit year.
- **Holidays** - An employee will only be eligible to receive holiday pay for holidays that occur while utilizing PTO.
- **Group Benefits Continuation** - The employee must pay the entire cost of medical/dental insurance(s) for the duration of the leave. All employee contributions must be paid on a timely basis in order to maintain the continuous coverage of benefits. Coverage will cease if payments are not made within a 30 calendar day grace period of the due date. Premium payments or policy coverage are subject to change.

**Workers' Compensation and Disability** - An employee who is eligible to receive Workers' Compensation or New York State disability benefits will have their benefits supplemented with available PTO. In no case may the total of State benefits and paid leave exceed 100% of the

employee's base wages.

The substitution of PTO for unpaid medical leave does not extend the maximum leave period.

**Employment Restrictions During Leave of Absence** - While on any approved leave, including medical leave, the employee may not be employed by another employer during the same hours that the employee was normally scheduled to work for CEO.

**Failure to return to work**- An employee who does not return to work at the conclusion of the approved leave and who fails to obtain approval from the Agency for additional leave will be deemed to have abandoned their position and their employment may be terminated.

**708 *Blood Donation Leave***

Employees who work an average of at least twenty (20) hours per week are entitled to three (3) hours of unpaid leave per calendar year for the purpose of donating blood. Employees are permitted to use PTO in order to receive pay for these hours. Employees must provide three (3) working days' notice of the need for blood donation leave. Employees may be required to show sufficient proof of blood donations.

**709 *Bone Marrow Donation Leave***

The Agency will grant employees who work an average of at least twenty (20) hours per week up to twenty-four (24) work hours of leave to undergo a medical procedure to donate bone marrow. The Agency may require a physician to verify the purpose and length of each leave requested by the employee for bone marrow donation. The Agency will not retaliate against an employee for requesting or obtaining a leave of absence for the purpose of undergoing a medical procedure to donate bone marrow.

**710 *Time Off to Vote***

Employees who do not have sufficient time outside their working hours to vote may take up to two (2) hours off, at either the beginning or end of their shift, with pay, to allow time to vote. The Agency may specify whether the time be taken at the beginning or end of the shift. "Sufficient time" is defined as at least four consecutive hours either between the opening of the polls and the beginning of the employee's shift OR between the end of the employee's shift and the closing of the polls. Employees must notify their supervisor no more than ten (10) and not less than two (2) days before the election that they will take that time. No employee will be penalized or retaliated against for requested time off to vote.

**711 *Rights of Nursing Mothers***

Employees who are returning to work following the birth of a child are entitled to take reasonable unpaid break time or use paid break time each day for the purpose of expressing breast milk. The Agency will make available a location where an employee may express breast milk in privacy. This location will not be a restroom. Generally, these breaks should be twenty to thirty minutes in

duration, once every three hours. An employee may require a different break schedule and, if so, she should notify her manager, who will work with her to accommodate her needs. If appropriate coverage is unavailable, an employee may be required to postpone a scheduled breast milk expression break for up to thirty minutes. Any employee who is nursing is eligible for unpaid break time for the expression of breast milk for up to three (3) years following the birth of a child. Employees wishing to express milk in the workplace must provide advance notice so that proper arrangements may be made. Such notice is expected to be provided prior to the employee's return to work following the birth of the child.

Employees may not be retaliated or discriminated against if she chooses to express breast milk pursuant to this policy. Any employee who believes she has experienced discrimination or retaliation should notify the Vice President.

## **712 *Emergency Responder***

Employees who serve as members of volunteer fire departments and volunteer ambulance service will be permitted to take time off from work when the Governor declares a state of emergency, unless granting such leave would impose an undue hardship on the Agency's operations. In general, the leave will be unpaid, but employees may choose to use any form of accrued paid leave.

To be eligible for leave, (1) the employee must have previously provided written documentation of their service as a volunteer firefighter or member of a volunteer ambulance service; and (2) the employee's duties as a volunteer firefighter or member of a volunteer ambulance service must be related to the declared emergency.

Following an employee's return from such leave, the Agency may request a notarized statement from the head of the volunteer fire department or volunteer ambulance service, certifying the period of time(s) that the employee responded to an emergency.

## 800 COMPENSATION

### 801 *Pay Rates*

CEO's goal is to compensate all employees in a manner that is nondiscriminatory, internally equitable (i.e., consistent with job duties and responsibilities) and externally competitive with the current market. In addition, all compensation policy decisions take into consideration the Agency's overall financial condition.

#### **Raise Schedule**

If approved, employees are generally eligible to receive a raise annually following a schedule established by the Agency. Any employee transferred or promoted to a new position may go on a new raise schedule consistent with the dates of their new position, unless otherwise approved by the President/CEO. Details on the current pay raise schedule can be obtained from the Human Resources Department. Periodic adjustments to the established pay scale may alter an employee's regularly scheduled raise.

**Retroactive Pay Rate Changes** - In the event a retroactive increase is given, only employees employed as of the date the retroactive payment is made will be eligible for payment.

**Incentive Compensation** - For exemplary services performed by an employee above and beyond the job description or at the discretion of the President/CEO, incentive compensation may be approved. Incentive compensation payments are not part of the base salary in future years.

### 802 *Overtime*

To meet the operational needs of the Agency and fulfill the responsibilities of their position, an employee may be asked or required to work beyond the employee's normally scheduled work hours.

**Authorization** - It is the Agency's policy to authorize overtime work for non-exempt employees only when necessary to meet operational requirements. All non-exempt employees must receive prior approval from their supervisor to work beyond their normally scheduled hours, unless there is an emergency. In such event, the approval of the extra hours or overtime for the emergency must be sought within 24 hours of the emergency. Working overtime without prior authorization will result in discipline, up to and including termination. The Agency makes every effort to give employees as much advance notice of required overtime as possible. The Agency will attempt to allocate and distribute overtime hours as fairly as possible.

**Overtime Pay** - Non-exempt employees receive overtime compensation for all hours worked in excess of 40 during a workweek. Overtime pay is calculated at 1½ times the employee's regular rate of pay. Only actual hours worked are used in determining an employee's overtime hours. Any holidays, PTO, jury duty, military leave and other paid non-worked time, are not considered time worked for the purpose of determining overtime hours.

**Exempt Employees** - The salary paid to employees classified as exempt is intended to pay for all hours worked during each work week, regardless of the employee's scheduled or reported hours. Accordingly, and in accordance with federal and state regulations, an exempt employee is

not eligible to receive overtime or additional compensation for any hours worked in excess of the employee's normal workday or workweek.

#### **804 Pay Period and Payday**

**Pay Period** – For all employees, the payroll period begins at 12:01 am on Saturday and ends 14 calendar days later at 12:00 midnight on Friday.

**Direct Deposit** - Employees may have their paycheck deposited directly into the employee's account at their designated financial institution each payday. Employees must submit a signed, written authorization for direct deposit to the Agency, and are responsible for providing accurate deposit information. The Agency is not responsible for any errors or delays resulting from inaccurate account information. Employees who elect direct deposit receive an itemized statement of their wages each payday.

**Payday** - Employees are paid on Friday for the previous pay period, which ended seven days earlier.

**Davis Bacon** - Any funded positions required to comply with the provisions of Davis Bacon Act will be paid in accordance with the Davis Bacon Act.

**Holidays** - If a regularly scheduled payday falls on a holiday, paychecks are generally issued the preceding scheduled workday.

**Final Paychecks** - Employees who separate from employment will receive their final paycheck on the next regularly scheduled payday. Upon request by the employee, a final paycheck may be sent via mail.

#### **805 Payroll Deductions and Corrections**

In compliance with government regulations, CEO deducts the required portion of each employee's wages for federal, state, and social security taxes. In addition, eligible employees may voluntarily authorize deductions from their paycheck to cover the cost of participation in the insurance plans and/or other employee benefit plans. All payroll deductions are indicated on the employee's pay stub. Employees must authorize all deductions from wages in writing.

**Corrections** - The Agency takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck. In the unlikely event that there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of their manager so that a correction can be made as quickly as possible.

**Garnishments** - If the Agency is required to deduct any garnishments from an employee's wages, Human Resources will notify the employee as soon as possible. It is the sole responsibility of the employee to legally appeal to the appropriate court(s) any such wage attachment(s) or garnishment(s).

**Questions** - Questions concerning paycheck deductions or how they were calculated should be directed to the Human Resource Department.

## 900 EMPLOYEE BENEFITS

### 901 *Disclosure of Benefits*

CEO offers employees a comprehensive benefits package. Eligibility for benefits is dependent upon a variety of factors, including employment classification and length of service. This section of the Handbook contains only brief descriptions of the various benefits provided to eligible employees. For the actual description of the benefit available, reference must be made to the summary plan description for each plan, if applicable. Where benefits are governed by formal plan documents or policies, the terms of those plans or policies will govern. While it is the intent of the Agency to continue its current benefit plans, it reserves the right to modify, amend or terminate, at any time, any benefits currently in effect, or to require or increase employee contributions toward any benefit at its sole discretion.

**Medical Insurance-** Medical insurance coverage is a benefit provided by the Agency. Full and part-time employees scheduled to work 20 or more hours per week will be eligible for medical insurance coverage under the Agency's policy. Employees interested in health coverage should contact the Human Resources Manager for complete information about eligibility and the details of the Agency's medical insurance plan. Copies of the Plan Document and Summary Plan Description are available in the Human Resources Department.

**Waiver of Benefits** - Eligible employees who elect not to enroll in an insurance benefit plan must sign a waiver declining such coverage.

**Enrollment Information** - Specific information about each benefit and enrollment forms are available from the Human Resource Department. Employees must complete the appropriate insurance forms and payroll deduction authorizations in order to receive benefits.

**Changes in Status** - An employee whose employment classification changes will be notified of any changes to his/her Agency benefits. This notification includes all legally mandated information regarding COBRA health insurance continuation, if applicable.

### 902 *Section 125 Plan*

**Eligibility** - Full-time employees, and part-time employees regularly scheduled to work 20 or more hours per week, are eligible to participate in the Section 125 Plan on the first of the month following thirty days of continuous service. Other part-time, temporary and substitute employees are not eligible for this benefit.

**Pre-Tax Insurance Premiums** - An employee will be responsible to pay the employee's contribution towards the health and dental insurance premiums with pre-tax dollars, which means deductions, are taken from the employee's paycheck before federal, state, and social security taxes are calculated.

**Flexible Spending Accounts** - An employee may elect to have a pre-determined amount, subject to certain maximums, deducted from the employee's paycheck on a pre-tax basis each payroll

period to be placed in a medical and/or dependent care flexible spending account (“FSA”). Money set aside in an employee's medical savings account may be used to cover certain health, dental, and vision care expenses that are not reimbursable through the employee's insurance plan(s). Money set aside in an employee's dependent care savings account may be used to cover eligible childcare expenses for eligible dependents. To receive reimbursement from an employee's FSA account, a claim for reimbursement and proof that the expense was incurred must be submitted to the Agency's FSA plan administrator.

**Cafeteria Plan** - To meet the varying needs of employees, the Agency offers a cafeteria plan, which allows eligible employees to annually choose their benefits from a variety of options. The employee is given a flat dollar amount, to be determined annually by the Agency which can be used towards the cost of any of the following benefits: health insurance, dental insurance, vision coverage cash option and/or flexible spending accounts. If the cost of the benefits the employee elects is more than the Agency's contribution, the employee is responsible for paying the difference through salary deduction. An employee, who does not use all of the Agency's contribution to purchase medical benefits, will have the remaining balance issued as an *after-tax cash* option in their normal bi-weekly payroll.

The details of the options available under the Agency's Cafeteria Plan are detailed in a packet available from the Human Resource Department.

**Election Changes** - Eligible employees may enroll or dis-enroll from the plan during the annual open enrollment period. Changes must be submitted by the annually established deadline and will become effective on the first date of the benefit year. Once a pre-tax election is made, the deduction amount must remain in effect for the entire plan year unless they have a qualifying change in family or employment status, as defined by the Internal Revenue Service. Some examples of qualifying changes include the birth or adoption of a child, marriage, divorce, death of a dependent, termination or commencement of spouse's employment and a change from full-time to part-time employment or from part-time to full-time employment by the employee of the employee's spouse, or loss of other health insurance coverage.

For any qualifying change in family or employment status, the employee must make the appropriate change in coverage within 31 days of the date of the qualifying event. For example, the employee must enroll a newborn child within 31 days of the child's date of birth. Annually the employee will be informed of any change in premiums resulting from their benefit elections.

### 903 **Continuation of Insurance Benefits (COBRA)**

**Policy Statement** - The Consolidated Omnibus Budget Reconciliation Act of 1985, or COBRA, allows employees, their spouses, and dependents, who would otherwise lose their health, dental, vision and/or Section 125 medical reimbursement account (“health FSA”) coverage due to a “qualifying event”, the option to continue existing coverage at group rates under certain qualifying conditions.

**Eligibility** - An individual is a “qualified beneficiary” and eligible for COBRA insurance continuation if the individual is covered under the plan on the day before a qualifying event as either a covered employee, the spouse of a covered employee, or a dependent child of a covered employee. A child who is born to, or placed for adoption with, the covered employee during a period of COBRA



coverage is also a qualified beneficiary.

**Cost** - A qualified beneficiary who elects COBRA is responsible for the entire cost of coverage. The Agency may also add a 2% administrative fee.

**Qualifying Events** - A qualified beneficiary has the option to elect COBRA coverage at the individual's own expense for a limited period of time as described below:

- An 18-month continuation is available if a covered employee separates from employment for any reason except gross misconduct, or the covered employee is no longer eligible to participate in the insurance plan due to a reduction in work hours. Under NYS Insurance Law, these events result in a maximum continuation period of 36 months for health insurance. A 29-month continuation is available to a qualified beneficiary who is disabled, per a determination under the Social Security Act, or becomes disabled within the first 60 days of COBRA coverage. Family members on the plan are also allowed the 11-month extension; or
- A 36-month continuation is available in the event of any one of the following:
  - \* A covered employee's death;
  - \* Divorce or legal separation from a covered employee;
  - \* A covered dependent's loss of eligibility to participate due to the covered employee becoming covered by Medicare as a result of total disability or choosing Medicare in place of the insurance plan at age 65; or
  - \* A covered dependent ceases to be a "dependent child" as defined by the insurance plan or health FSA.

**Change in Status** - In accordance with the COBRA regulations, an employee must notify the Plan Administrator as soon as possible but within 60 calendar days of a legal separation or divorce or when a dependent is no longer eligible to participate in the insurance plan due to the policy's age limitations or educational status requirements. The Agency is not responsible for errors in coverage that result due to an employee's failure to provide timely notification to the Agency of such an event. You must also notify the Plan Administrator of any Social Security disability determination within 60 days of receipt (but not later than the last day of the initial COBRA continuation period) or, if the Social Security Administration's determination was received before the COBRA continuation period started, during your first 60 days of COBRA coverage.

### 903 **Optional Supplemental Insurance**

CEO offers a variety of voluntary supplemental insurance programs, via payroll deduction.

An employee may contact the Human Resource Department for eligibility and coverage details, and enrollment information. The availability of these insurance programs and premium payments are subject to change, depending upon participation and other plan requirements.

### 904 **Holidays**

Upon hire, full- and part-time employees will be eligible to be paid for Agency-observed holidays that fall on days the employee would otherwise be scheduled to work. The Agency will provide a schedule of all observed holidays annually on the employee intranet. Substitute employees are not eligible to receive compensation for Agency-observed holidays.

**Leave of Absence** - Employees who are on an unpaid leave of absence are not eligible for paid holidays that occur during the leave.

**Holiday Occurs During Paid Leave** - If an Agency-observed holiday falls during an employee's authorized paid leave, the day is considered a paid holiday and is not charged against an employee's applicable PTO or Sick Leave balance.

**Holiday Observance** - If a scheduled holiday falls on a Saturday, employees are normally given the preceding Friday off. If a scheduled holiday falls on a Sunday, the holiday is normally observed on Monday. This is however subject to change. Refer to the Agency's annual schedule of holidays which will govern.

**Holidays Not Designated by the Agency** - Employees who are interested in observing religious holidays or periods of worship that are not included in the above list of Agency-observed holidays may request time off for such observance. Requests should be submitted in writing to the applicable Division Director at least two weeks in advance. CEO will generally grant such time off if it does not unduly disrupt the Agency's business. PTO must be used, if available. Employees who have don't have PTO may be granted time off without pay

### 905 **Paid Time Off (PTO)**

CEO believes that time away from the work environment is important to maintain a necessary degree of well-being, enthusiasm and morale. For that purpose, the Agency grants Paid Time Off (PTO) benefits to eligible employees.

The amount of PTO granted will vary based on years of service, specific program options and/or program shut down schedules. Paid time that is not covered by the PTO policy and for which separate guidelines and policies exist include but are not limited to sick leave, holidays, bereavement time, military leave, jury duty, and other statutorily required leave time.

**Eligibility** - Full-time employees, and part-time employees who are regularly scheduled to work 20 or more hours per week, are eligible for paid time off as defined in "Allowance" below. Other part-time, temporary and substitute employees are not eligible for PTO.

**Allowance:**

School Year employee – Will receive a specified number of PTO days annually based on the established class of years of service and will additionally be paid 3 shut down periods identified by the program.

**School Year Employees (staff working a 10-month schedule)**

Years of Service (YOS)	PTO Days	Sick Leave Days	Shut Down Days -(week in Feb, April and Dec)	Total Paid Days Off
0 to 5	5	8	14	27
6 to 10	8	8	14	30
11 to 15	9	8	14	31
16 to 20+	10	8	14	32

**Early Childhood Services (ECS) Full Year employees-** Will receive a specified number of PTO days annually based on the established class of years of service and will additionally be paid 3 shut down periods identified by the program

**ECS- Full Year Employees (staff working 11 and 12 months)**

Years of Service (YOS)	PTO days	Sick Leave days	Shut down days-(week in Feb, April and Dec)	Total Paid Days Off
0 to 5	7	8	14	29
6 to 10	10	8	14	32
11 to 15	11	8	14	33
16 to 20+	12	8	14	34

**\*\*The PTO will be issued as 5 frontloaded days and the remaining days will be accrued bi-weekly.**

**Full year employees-** Will receive PTO days annually based on the established class of years of service and will additionally be paid 1 shut down week in December identified by the agency.

**Full-Year Staff PTO (Non- ECS)**

Years of Service	New PTO days	New Sick Leave days	December Shut down days	Total days off
0-5	12	8	4	24
6 to 10	19	8	4	31
11 to 15	25	10	4	39
16 to 20+	30	10	4	44

The PTO will be issued as 5 frontloaded days and the remaining days will be accrued bi-weekly.

**\*A year of service credit to increase PTO will be awarded at the beginning of the following benefit year for all program options.**

**Shut down weeks-** The agency has designated certain weeks throughout the year as shut down weeks (i.e. February, April and December) based on their designated program option. Employees who are actively working or utilizing paid leave will be eligible to be paid for the shutdown week. Employees who are on an unpaid leave of absence during the shutdown week will be ineligible for pay, including any holidays that occur during the shutdown period. Designated shutdown weeks may include agency observed holidays as part of the shutdown week. Employees who are in their resignation period may not count the shutdown days towards their required notice period.

A shut down week may include some CEO observed holidays.

A program calendar is provided to each employee at the beginning of each program year identifying their specified shut down weeks.

The Agency reserves the right to designate when some or all of PTO is taken. Some Agency programs may require an additional mandatory shut down week and all staff impacted will be required to utilize PTO to cover the leave time off.

**New employees** - Will be eligible to receive a prorated number of PTO days during the payroll following the successful completion of their introductory period. The amount of PTO awarded will be based on the total number of months left in their benefit year. The employee will become eligible for the full PTO allotment at the beginning of their benefit year following their date of hire. Employees whose introductory period is extended due to attendance concerns will not be eligible to receive PTO until they have passed their introductory period. Employees who are rehired will not be eligible for Years of Service Credit resulting from prior employment for the purposes of PTO classes.

Although discouraged, if approved during the hiring process, the Agency may permit a new hire to take an unpaid absence for personal reasons prior to earning sufficient PTO.

### Benefit Year

Program Option	Beginning	Ending
School Year	September 1 <sup>st</sup>	June 30 <sup>th</sup>
ECS Full Year	September 1 <sup>st</sup>	August 31 <sup>st</sup> .
Full year employees	January 1 <sup>st</sup>	December 31 <sup>st</sup> .

**Scheduling Request-** Any request to use PTO must have supervisory approval to be paid. All employees are required to follow the absence notification procedure established by their supervisor or Director. All requests for time off will be categorized as Scheduled or Unscheduled.

### Scheduled Request

Requests for one or two days of PTO must be requested at least two full business day in advance and must be approved by the Manager or Director.

All requests to utilize PTO for an absence of three or more consecutive days must be submitted 5 days in advance and approved by the Manager or Director.

### Unscheduled Request

Any unscheduled PTO request must be made with as much notice as possible, but no later than the employee's established start time. Unscheduled requests to use PTO should be limited to legitimate unforeseeable circumstances such as illness, or personal or family emergencies.

Any PTO request of less than 2 days' notice will be considered unscheduled.

Unless otherwise protected by applicable law, an employee who establishes a pattern of requesting unscheduled PTO use, regardless of necessity, may be subject to disciplinary action, up to and including termination of employment.

**Use of PTO while on FMLA/PFL** – In accordance with the FMLA and New York Paid Family Leave (PFL) policies, an employee can elect to use and may in some instances be required to use available PTO to receive full pay while on an approved FMLA and/or PFL absence. In addition, an employee who is absent and whose claim for PFL benefits for the absence is not fully submitted to or approved by the PFL carrier will be required to use any available PTO for the period of absence. Refer to the FMLA and New York Paid Family Leave policies for additional information.

**Carry over**- an employee may carry forward a limited number of PTO days from one program year to the next based on the program option and benefit year. The procedures for PTO carry over and Sick leave rollover can be obtained from the Human Resources Department. Any unused PTO in excess of the approved carry over limits will be immediately forfeited. Employees will not be paid cash in lieu of unused PTO at the end of the benefit year.

**PTO During Leave of Absence** - An employee who is out on an approved leave of absence at the start of the benefit year will not receive his/her annual PTO allotment until he/she returns to work. Upon return to work, the employee will receive their prorated PTO allowance based on the number of months left in the current benefit year.

**PTO payout upon Separation from Employment** – Employees who fail to provide appropriate notice (as defined in 306 Separation from Employment) of their resignation or retirement may forfeit any unused PTO. Employees who are involuntarily terminated by the Agency also forfeit unused PTO.

Regardless of the circumstances of separation, any employee who fails to return Agency property will forfeit unused PTO equal to the value of the property owed.

Employees will not be eligible to be paid out for any front loaded PTO during their first year of employment or within the first 30 days of any program year. Accrued time in excess of the front loaded days issued will be eligible for payout.

**PTO usage during a resignation period** - An employee may **only** be approved to utilize PTO during their resignation period if the time is deemed eligible for PTO payout as outlined above.

## 907 **Bereavement Leave**

**Eligibility** – In the event of a death in the employee’s family, full-time employees and part-time employees assigned to a regularly scheduled shift, are eligible for up to three (3) workdays off with pay for bereavement. Employees become eligible for paid bereavement leave upon hire. Substitute or temporary employees are not eligible for paid bereavement leave. However, any available sick or unpaid leave may be utilized, subject to Supervisor’s approval.

The Agency reserves the right to request verification of the need for bereavement leave.

**Family** - For purposes of this policy, family includes the following:

- Spouse/Domestic partner
- Parent/Stepparent
- Child/Legal Stepchild
- Sibling/in-law
- Grandchild
- Grandparent
- Mother/Father-in-law
- Daughter/Son-in-law
- Domestic Partner's immediate family members as outline above.

For purposes of this policy, Domestic Partner refers to those who are financially and emotionally interdependent in a manner commonly presumed of spouses.

**Additional Time Off** - An employee may use additional PTO or Sick Leave to extend bereavement leave, with the prior approval of the supervisor.

## 908 Sick Leave

Sick Leave benefits are provided to eligible employees for the purpose of providing protection against financial loss in the event of an employee's illness or injury. Sick leave time may also be used in the event of an illness or injury in the **employee's immediate family, defined as an employee's spouse, child, parent, domestic partner or person in legal custody of the employee and permanently residing in the employee's household.** The Agency reserves the right to request verification of the need for sick leave.

**Eligibility** - Full-time and part-time employees regularly scheduled to work 20 or more hours per week, are eligible to receive sick leave hours following the established Sick leave policy based on years of service. Other part-time, temporary and substitute employees are eligible for accrued sick leave sick following NYS Executive Orders.

**Accumulation** - Employees may accumulate sick leave up to a maximum of 1040 hours, including any days that were converted from PTO or are issued but unused as of the last day of the program year. Employees hired prior to 10/1/1993 may accumulate sick leave up to 1440 hours. Any sick leave accrual above the maximum allowed is immediately forfeited. Employees are not eligible to be paid cash in lieu of unused sick leave credits.

Employees may use sick leave in increments of 15 minutes. Any employee who is on an approved FMLA or medical leave of absence may be required to use accumulated sick leave prior to taking any unpaid leave of absence (*see Sections 706 and 707*). Exempt employees who are required to use accumulated sick leave while on an approved FMLA or medical leave of absence may use sick leave in less than one day increments when warranted by the nature of the leave and to supplement Workers' Compensation or New York State disability benefits.

The Agency reserves the right to request verification of the need for any usage of sick leave. However, medical certification will always be required when the use of sick leave reaches three consecutive workdays, or when a pattern of sick leave usage develops (e.g.: using time immediately before or after a weekend or holiday, using time immediately upon being earned). For the purposes of this policy, "medical certification" is a doctor's statement listing medical facts pertaining to the disability and the expected date of return to work. In the event the use of sick leave exceeds seven calendar days, the employee must also complete the required disability forms as requested by the

Agency or insurance carrier.

**Funding-** Each Employee's Sick Leave Account will include the previous balance available in their Sick Leave Reserve as of the end of their program year in 2020 and the annual accumulated sick leave. On an annual basis, employees eligible to earn PTO will have the option to "rollover" up to 12 PTO days from their PTO balance into their Sick Leave Account to be used at a future date for sick leave purposes or to fund their Health Reimbursement Account (HRA) upon retirement. Employees hired prior to 10/1/1993 may deposit an additional 6 PTO days in the sick leave reserve account.

Employees who are rehired will not be eligible for years of service Credit resulting from prior employment for the purposes of sick leave classes.

**Certification:** Employees utilizing Sick Leave may be required to provide medical documentation to substantiate the necessity for sick leave.

**Coordination with the Family Medical Leave Act/Paid Family Leave** – Sick Leave Reserve time will run concurrently with any approved FMLA/PFL time.

**Separation from Employment** – Any Sick Leave time not utilized prior to separation of employment for any reason other than retirement will be forfeited. An employee who meets the definition of retirement per CEO's pension plan document will be eligible to utilize the Sick Leave Reserve benefits to fund their Health Reimbursement Account (HRA) established for any retiree with a sick leave reserve balance.

**Health Reimbursement Account (HRA).** An employee, who retires from the Agency, will be eligible to apply accumulated sick leave credits to their HRA account. This account will provide reimbursement for health insurance premiums or medical expenses, subject to availability of Agency funds and in compliance with federal and state regulations upon retirement

## 909 *Disability Coverage*

### NEW YORK STATE DISABILITY BENEFITS

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*The Agency provides statutory short-term disability insurance for full and part-time employees. Employees are eligible following four weeks of consecutive employment.*

*This is solely a monetary benefit and not a leave of absence. Employees who miss work as a result of a disability may also be eligible for leave under the Family and Medical Leave Act or as an accommodation. See the Family and Medical Leave Act and Reasonable Accommodation sections of this handbook for more information.*

*An employee who collects both DBL benefits and New York Paid Family Leave benefits is limited to a combined maximum of 26 weeks between the two benefits in a rolling 12-month period, measured backwards from the date of the leave.*

**Return to Work** - Employees are expected to keep the Agency informed of their status on a regular basis and to notify the Agency when they are able to return to work. A doctor's statement



indicating whether the employee can return to work with or without restrictions is required. In the event that work restrictions are indicated, the Agency reserves the right to evaluate if the restrictions can be reasonably accommodated (see Section 502). A physical examination by a physician of the Agency's choice may also be required, at the Agency's expense, prior to returning to work.

## **LONG-TERM DISABILITY BENEFITS**

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**Eligibility** - Exempt employees are eligible for coverage upon the completion of the waiting period established by the plan contract. Non-exempt employees are not eligible for this benefit.

**Coverage** - The determination of whether an employee is eligible for disability benefits is made by the insurance carrier. If all qualifying conditions are met, insurance benefits begin after the 180th day of disability.

**Premium Payment** - The Agency pays the full cost of the premium for long-term disability insurance.

### **910 Workers' Compensation**

*On-the-job injuries are covered by our Workers' Compensation Insurance Policy, which is provided at no cost. If employees are injured on the job, no matter how slightly, they should report the incident immediately to their Supervisor and the Human Resources Department. Failure to follow Agency procedures may affect the ability of the employee to receive Workers Compensation benefits.*

*Workers' compensation is solely a monetary benefit and not a leave of absence entitlement. Employees who need to miss work due to a workplace injury may also be eligible for leave under the Family Medical Leave Act or as an accommodation. See the Family and Medical Leave of Absence and Reasonable Accommodation of Disabilities sections of this handbook for more information*

**Return to Work** - Employees are expected to keep the Agency informed of their status on a regular basis and to notify the Agency when they are able to return to work. A doctor's statement indicating whether the employee can return to work with or without restrictions is required. In the event that work restrictions are indicated, the Agency reserves the right to evaluate if the restrictions can be reasonably accommodated (see Section 502). A physical examination by a physician of the Agency's choice may also be required, at the Agency's expense, prior to returning to work.

### **911 Profit Sharing Plan**

CEO administers a 401(a) Retirement Savings Plan, which provides employees with additional funds for retirement. The plan is funded 100% by the Agency. Employees do not make contributions to the Plan.

**Eligibility** - Full-time employees, and part-time employees regularly scheduled to work 20 or more

hours per week, will be enrolled in the 401(a) Plan upon meeting eligibility. Eligibility factors include hours, service dates and age.

**Contributions** - Each year, the CEO Board of Directors determines whether a contribution is to be made to the Plan based upon the financial stability of the Agency.

**Vesting** - Vesting means that the employee has a non-forfeitable right to the benefit they have earned (if any) under the plan. Employees are vested in all Agency contributions according to the following schedule:

<b>YEARS OF SERVICE</b>	<b>PERCENTAGE VESTED</b>
Less Than 2 Years	0%
2 Years	20%
3 Years	40%
4 Years	60%
5 Years	80%
6 Years	100%

Summary Plan Description - Employees should refer to the Summary Plan Description, available from the Human Resource Department, for specific details, various rules and restrictions regarding the Plan.

**912 Unemployment Insurance**

According to state law, employees may be covered by unemployment insurance, which is intended to provide short-term financial protection for individuals who are out of work through no fault of their own. Coverage is available to those individuals who are ruled eligible for benefits by the State Department of Labor.

**913 Social Security**

Social security benefits are available for retirement, survivor's benefits, and medical costs under qualifying conditions as determined by the Federal Social Security Administration. The Agency matches employee contributions to Social Security (FICA). For more information, employees may contact the Social Security Administration at 1-800-772-1213 or visit [www.ssa.gov](http://www.ssa.gov).

**914 Seminars/Educational Assistance**

**SEMINARS, TRAINING, AND CONFERENCES**

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CEO recognizes that the skills and knowledge of its employees are critical to the success of the Agency's mission. Employee training and development programs are provided on either an individual or group basis and are designed to improve the performance of employees in their present jobs or prepare them for increased responsibilities. Managers will encourage attendance at appropriate training programs for those who lack the skills or knowledge to fully qualify them for a specific position. In addition to any mandatory training that may be required, certain job-related seminars, training, and conferences will be considered for reimbursement.

**Eligibility** – Full and Part-time employees may request or be required to attend job-related seminars, training, and conferences.

**Authorization** - All seminars and training are subject to the advance approval of the Director based on available funding. Employees are reimbursed for all reasonable pre-approved training-related expenses.

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## 1000 PERSONAL CONDUCT

### 1001 *Personal Appearance*

It is the policy of the Agency that each employee presents a neat, clean and reasonably professional appearance appropriate to the work situation.

**Standards** - An employee must maintain a personal appearance in a manner that presents a positive image to the public. In recognition of the various job functions and activities, each Agency program has adopted specific standards of appearance appropriate to the nature of work and requirement of positions. Employees are to obtain this information from their manager.

Generally, business casual attire is permitted, except where circumstances require professional business attire.

The Agency will not discriminate against an employee because of their hair texture or protective hairstyles (including braids, locks and twists) and does not prohibit the wearing of attire, clothing or facial hair in accordance with the requirements of an employee's religion. The Agency will reasonably accommodate employees' disabilities and religious requirements, unless the required accommodation creates an undue hardship. Employees requesting an accommodation related to this policy should contact or be referred to Human Resources.

Appropriate personal appearance is an ongoing requirement of employment with the Agency. CEO reserves the right to require employees to conform to the Agency's standards of personal presentation and appearance. Employees may be sent home if they report to work inappropriately dressed, and will be required to use available PTO or, if none is available, they will not be paid until they return to work. Employees may also be subject to disciplinary action.

A copy of the dress code may be obtained from Human Resources or the employee intranet.

**Safety Clothing and Equipment** - An employee may be required to wear safety clothing and/or equipment as directed by the employee's manager. If such is the case, the employee must comply with all clothing and safety requirements.

### 1002 *Misrepresentation*

Misrepresentations of any type by an employee is considered an extremely serious matter and is strictly prohibited. Misrepresentation includes, but is not limited to, falsification of information, documentation of customer eligibility for services, failure to provide complete information or providing misleading information on an employment application, related forms or records, or any Agency business document or to a customer concerning CEO's services and unauthorized or personal use of Agency letterhead or business forms. Misrepresentation may result in disciplinary action, up to and including termination and/or legal action.

### 1003 *Confidentiality*

It is important that confidential Agency and customer information be treated with discretion and confidentiality. "Confidential Information" includes but is not limited to information relating to the business and affairs of the Agency, its services, systems, processes, funding, accounting records,

business plans and strategies, negotiations, and contracts and its customers, vendors, contractors, consultants and employees, that is or is intended by the Agency to be of a confidential nature including, without limitation, any and all knowledge and information relating to its services, accounting, finances, costs, operating procedures, financial information and measures, customer lists, computer programs and software, databases and data processing, and customer related information. Information obtained as a result of employment with the Agency and/or contact with customers is considered proprietary and can only be used in the course of employment with CEO. Confidential Information does not include any information that is in the public domain. This policy applies to internal documents and records as well as any information concerning customers, vendors, or suppliers. *See also* Policy 1307 Media Relations.

Unauthorized disclosure or misuse of Confidential Information is strictly prohibited. Employees of CEO shall not discuss, photocopy, duplicate, disseminate or reveal Confidential Information except when doing so in the course of their employment. Employees may not, under any circumstances without the express written consent of the Agency, cause or allow Confidential Information to be saved and/or stored on a computer, drive, device, server, or other digital and cloud based means of data storage (expressly including without limitation Dropbox, OneDrive, Google Drive and Box) other than those in which the Agency maintains, controls and provides employees secured access.

Any violations of this policy may result in immediate dismissal from employment and/or other legal action. Nothing in this Policy is intended to, or will, limit or infringe on the exercise of the right to engage in protected, concerted activity under Section 7 of the National Labor Relations Act ("NLRA").

#### **1004 Substance Free Workplace**

It is the Agency's desire to provide a drug- and alcohol-free, healthy, and safe workplace. To promote this goal, employees are required to report to work in an appropriate mental and physical condition to perform their jobs in a satisfactory manner.

**Prohibited Behavior** - Any employee who possesses, uses, sells, stores, distributes, or who is found to have illegal drugs, controlled substances, narcotics or alcoholic beverages present in their system when reporting to work, at work, or during working hours (including meal periods) will be subject to disciplinary action, up to and including termination from employment. Drug paraphernalia including, but not limited to, pipes and needles are prohibited on Agency premises, at work sites, and in Agency and personal vehicles being used for Agency business. In addition, the Agency prohibits off-premises abuse of alcohol and controlled substances, as well as the possession, use or sale of illegal drugs, when these activities adversely affect job performance, job safety, or the Agency's reputation in the community.

**Drug-Free Workplace Act** - As a federal grant recipient, all Agency employees are subject to the requirements of the Drug-Free Workplace Act. Employees must report any criminal conviction for manufacturing, distributing, dispensing, possessing, or using controlled substances in the workplace or while conducting Agency business to the Vice President within five days of the conviction

**Prescription and Over the Counter Medication** - The use of prescription (and some over the counter) drugs may affect the ability of an employee to work safely. Accordingly, employees who

are taking prescription or over-the-counter medication must ascertain if doing so will affect their ability to perform the essential functions of their position and create a risk of harm (e.g., drowsiness or impaired reflexes or reaction time). Such employees should disclose their use of medication to Human Resources and the possible effects such medication may have on job performance, as well as the expected duration of use. Employees need not identify the medication they are taking or the underlying medical condition necessitating medication. If the medication poses a significant risk of substantial harm, the employee may be temporarily assigned different duties or provided an alternate accommodation.

Employees have a responsibility to report to their manager, Director or the Vice President any observation or knowledge of another employee who:

- 1) Is in a condition which impairs that employee's ability to perform their job duties;
- 2) Presents a hazard to the safety and welfare of others; or

Appears to otherwise be in violation of the Agency's substance free workplace policy.

**Screening for Drug or Alcohol Use** - After making a conditional offer of employment, the Agency requires all applicants to complete a drug test as a pre-qualifying condition of employment (see Section 302). Applicants will be informed in advance and in writing of this requirement. A negative drug test result is required for all employees. Applicants who refuse to submit to testing, who do not provide a non-diluted specimen, or who test positive, will have their conditional offer of employment rescinded.

**All current employees** may be tested where a reasonable suspicion that abuse, impairment or violation of this policy exists. Testing will be conducted in accordance with applicable federal, state or municipal law. Employees must sign a consent form authorizing the test, disclosure of the test results to the Agency and the Agency's use of the test results for purposes of administering its discipline policy. It is a violation of this policy to refuse to consent to the test, to falsify a test, to fail to provide a non-diluted specimen, or to test positive for alcohol or illegal drugs. Policy violations will result in disciplinary action, up to and including termination of employment. Tests are paid for by the Agency and are the property of the Agency. The examination and test records will be treated as confidential and held in separate medical files. However, records of specified examinations if required by law or regulation, will be made available to the employee, persons designated and authorized by the employee, public agencies, relevant insurance companies, or the employee's doctor.

**Testing Positive** - Any current employee who tests positive in a confirmed test for alcohol or illegal drug use will be subject to disciplinary action; up to and including termination of employment.

The Agency will not take disciplinary action against employees solely for the certified medical use of marijuana. However, like all other employees, employees who are certified patients may be subject to disciplinary action if they are under the influence of a controlled substance on working time.

**Reasonable Accommodation** - The Agency will attempt to reasonably accommodate employees with chemical dependencies (alcohol or drugs). An employee who acknowledges that they have a drug or alcohol problem prior to violating this or any other Agency policy or

before being asked to submit to a drug or alcohol test, may be referred to the Agency's Employee Assistance Program ("EAP") or other treatment/rehabilitation programs. Admission into the EAP or an approved treatment/ rehabilitation program (collectively referred to as an "approved program") can be at the employee's voluntary request, or upon referral from a supervisor or manager. Employees desiring that assistance should contact of Human Resources or a member of management. However, a voluntary request for assistance will not protect an employee from discipline, including termination, where that employee has violated this or any other Agency policy.

**Drug Awareness Program** – Alcohol and substance abuse are serious problems facing the workforce today. It diminishes the quality of services and increases costs. At the same time, the personal toll to individuals, families and our communities is staggering. Substance abuse in the workplace can lead to lowered productivity, physical injuries and fatalities. Furthermore, the likelihood for workplace accidents skyrockets when employees are under the influence. Drinking on the job can also lead to aggravated assault and sexual battery charges. Other side effects of addiction and drug abuse at work can include:

- Withdrawal symptoms affecting job performance;
- Inability to focus or concentrate while under the influence;
- Needless risk-taking affecting the workplace; and
- Illegal sales of drugs to coworkers and other illicit activities

Those who abuse drugs are not the only ones affected in the workplace, and friends, family members and coworkers report mental stress at work as well.

To help ensure the safety and wellbeing of staff, the Agency will, to the extent feasible, provide continuing awareness programs about the harmful effects of drug and alcohol abuse, posting signs where other employment related information is posted, in addition to providing this information in the Employee Handbook.

**Questions** - Employees who have questions regarding this policy or issues related to drug or alcohol use in the workplace should raise their concerns with the Human Resources Manager.

## **1005 Outside Employment and Conflict of Interest**

The Agency generally permits outside employment as long as it does not interfere with the employee's job performance, pose an actual or potential conflict of interest, or compromise the interests of the Agency. Outside employment that does or may constitute a conflict of interest is prohibited.

**Restrictions** - An employee is prohibited from soliciting, performing any work for another employer, for the employee's own personal business, or for any other personal gain during working hours for the Agency. Employees are also prohibited from using Agency resources of another employer, the employee's own personal business or for any other personal gain.

**Job Interference** - Any second job held should not interfere with an employee's work hours at the Agency, including overtime hours. An employee must meet all scheduling requirements of the Agency and shall not receive authorization to report to work late or to leave work early in order to accommodate a second job.

## 1006 *Driving for Agency Business*

Employees in certain positions may be required to drive Agency or personal vehicles to conduct business on behalf of CEO. Employees must operate vehicles in a safe and responsible manner, and in compliance with all applicable traffic laws. For additional information, see *Driving for Agency Business*.

**Driver's License** - Any employee who drives an Agency or personal vehicle to conduct Agency business must possess a valid driver's license free from major infractions and acceptable to the Agency and its insurance carrier at the time of hire and throughout employment. The Agency will also conduct a motor vehicle records ("MVR") check for all applicants and current employees whose positions require regular use of a vehicle to perform their job duties. The MVR check will occur on an annual basis, or more or less frequently based on the business needs of the Agency. All requests for information regarding an applicant's or employee's motor vehicle record or background will comply with the requirements of the Fair Credit Reporting Act ("FCRA"), Drivers Privacy Protection Act ("DPPA"), and applicable state law. Employees who drive in the course of performing their jobs are required to notify the Agency of any change in license status, including without limitation, license suspension or revocation, or driving record. An employee's driving privilege may be suspended for receiving an excessive amount of traffic citations, whether the citations were received while driving an Agency vehicle or not. If an employee's Agency driving privilege is suspended and that employee's position required regular use of a vehicle in order to perform their job, the employee may be restricted from driving, reassigned, suspended, or discharged, at management's discretion.

**Use of Agency Vehicles** - Only authorized employees are allowed to drive Agency vehicles. Agency vehicles should be used for authorized Agency business only, and may not be used for personal or non-Agency related reasons, unless the express permission of the Agency has been obtained by the President/CEO or designee.

**Mileage Review** - The employee must maintain adequate records or sufficient evidence to support the business use of any Agency vehicles. Adequate records include maintaining a log, statement of expense, trip sheets or other similar record prepared at or near the time of an expenditure or use. The Fiscal Department will instruct supervisors regarding the tracking method required for their department or program.

**Vehicle Maintenance** - Agency vehicles should be kept in a neat and clean condition at all times. Employees should remove any paper or trash from the vehicle at the end of each trip. Vehicles should be maintained in a safe and secure condition when not in use. Doors should be locked and/or under direct observation. **Smoking is prohibited in all Agency vehicles.**

It is the employee's responsibility to notify their supervisor of any needed maintenance or repair work on an Agency vehicle.

**Traffic Violation** - Employees are responsible for paying any traffic tickets, parking violations, or moving violations received while driving Agency or personal vehicles for business use.

**Accidents** - Employees must immediately notify their Supervisor and Administration of any accident, theft, or damage involving an Agency vehicle or personal vehicle being used for Agency



business, regardless of the severity of the damage. Notification must be made as soon as practical, but no later than 48 hours following the incident. A law enforcement officer should be immediately summoned to the scene of any accident involving an Agency employee or vehicle used for Agency business. The employee must cooperate with law enforcement officers who are investigating an accident. *No statements or information should be shared with anyone other than the law enforcement officers.*

**Distracted Driving** - The primary function of a motor vehicle operator is to drive the vehicle safely. Accordingly, activities that compromise an employee's ability to operate a vehicle safely must be avoided or minimized. Any activity that distracts the driver's attention from operating the vehicle safely should be minimized or avoided to the extent possible. Examples of such activities include, but are not limited to, paying extended attention to events occurring outside the vehicle, adjusting the stereo, interacting with others in the vehicle, adjusting the climate or other vehicle controls, eating, drinking, reading directions, writing, and smoking. Whenever the operator of a vehicle is called upon to engage in any activity that may inhibit the safe operation of the vehicle, the activity should be handled by a passenger or the vehicle should be stopped in a safe location before undertaking the activity.

Employees are required to comply with all NYS regulations while operating a vehicle during worktime. This includes, but is not limited to usage of personal or agency issued cell phones, texting, etc. If acceptance of a call or text message is an absolute necessity while the employee is driving, the employee must use a hands free device to accept or transmit a call or proceed off the road to a safe location and safely stop the vehicle before placing or accepting a call or text message.

**Use of Personal Vehicle for Agency Business** - There may be times when an employee is asked to use their personal vehicle for Agency business purposes. Employees who use their personal vehicle for Agency business must have liability insurance (for both bodily injury and property damage) on their personal vehicle; and will be responsible for notifying their insurance carrier of any driving responsibilities associated with their employment. The Agency does not assume any liability for injury to members of the public caused by the negligence of an employee driving a personally owned vehicle in the course of Agency business. The Agency is also not responsible for any damage to any employee's vehicle, or loss or damage to personal property contained within the employee's vehicle. In the event an employee is involved in an automobile accident in the course of their employment with the Agency, and a personal injury lawsuit is subsequently commenced against the Agency as a result, the employee understands and agrees that their automobile insurance will provide primary insurance for the employee and the Agency and the Agency's insurance will be secondary in nature.

The employee will be reimbursed for their expenses for the miles driven for Agency business purposes. The reimbursement rate will be equal to the reimbursement rate approved annually by the President/CEO. This rate is all-inclusive, encompassing reimbursement for gas, maintenance and insurance. The employee must complete a *Mileage Reimbursement form* in order to receive reimbursement. Completed mileage Reimbursement forms are due each pay period with the submission of timesheets.

## 1007 Corrective Action

The conduct of employees while on the job is a major factor affecting the Agency's customers, the quality of services provided, and teamwork among employees. The disciplinary procedure is intended to promote employee understanding of acceptable conduct and encourage corrective action where required. In most circumstances, CEO endorses a policy of progressive discipline to promote the quality of services, safety, and good employee relations. It does, however, retain the right to utilize any form of discipline, including immediate termination when warranted by the circumstances. This policy does not alter or limit the Agency's policy of employment at will. Either you or the Agency may terminate the employment relationship at any time for any reason, with or without cause or notice.

**Forms of Discipline** - Disciplinary action may include verbal warnings, written warnings, suspension, termination of employment, a combination thereof, or other disciplinary measures, depending on the circumstances. The decision to suspend (up to five days, with or without pay) or terminate an employee will be made by the appropriate Director in consultation with the President/CEO or Vice President. *The Agency reserves the right to utilize some all or none of the foregoing forms of discipline, including immediate termination, separately or in combination, in any order, regardless of whether the performance or conduct giving rise to the disciplinary action is related to prior discipline.*

**Communication of Violations** - Open and candid communications with all employees is an important aspect of CEO's ongoing employee relations. When a rule, policy, or procedure is violated, the employee's manager or other designated manager will generally review the specific nature of the violation with the employee. After such a review, corrective action may be discussed with the employee and the management involved.

Employees who receive a written warning are given the opportunity to agree or disagree with the warning and write a brief statement on the corrective discipline notice and submit it to the Human Resources Manager within five business days of receipt of the warning. However, as a condition of employment, employees are required to sign the corrective discipline notice to indicate that they have received it. Refusal to sign the corrective discipline notice is a violation of Agency policy and may result in further disciplinary action, up to and including termination. Employees receive a copy of any written disciplinary notice issued by the Agency.

**Prohibited Conduct** - In addition to violating any of the policies or procedures specifically mentioned in this Employee Handbook or otherwise established by the Agency, or violating any law or applicable regulation, disciplinary action, up to and including termination, may be imposed if an employee engages in any form of prohibited conduct, including but not limited to, the following:

- Using foul or abusive language, including racial slurs and epithets;
- Harassing, threatening, intimidating, or failing to show courtesy to employees, customers, vendors, guests, or visitors for any reason;
- Willful disobedience, insubordination, or intentional failure to carry out any reasonable instructions given by authorized management;

- Improper performance of job duties or repeated failure to perform assigned duties and responsibilities, or failure to render services as described in the employee's job description;
- Interfering or refusing to cooperate with a coworker or other employee in the performance of their job duties;
- Provoking a fight or fighting in the workplace or on Agency business;
- Willful or deliberate abuse, destruction, defacement, sabotage, careless damage, or theft of property belonging to the Agency, another employee, or a customer;
- Unauthorized expenditure of Agency funds or improper handling of expense accounts;
- Unauthorized removal or borrowing of use of Agency property for personal or other inappropriate purposes (e.g. e-mail, Internet access, cell phones, computers, etc.);
- Unauthorized installation of software on any CEO computer;
- Improper disclosure of Agency information and/or breach of Agency confidentiality policies;
- Possession of weapons or firearms on Agency premises or in Agency vehicles;
- Violation of CEO's substance free workplace policy;
- Violation of health, safety, or operational policies or practices;
- Gambling while on duty;
- Making or accepting excessive personal telephone calls during working hours;
- Failure to adhere to the assigned workschedule;
- Working overtime without authorization or refusing to work assigned overtime;
- Failing to notify the appropriate Manager when unable to report to work;
- Failing to obtain permission to leave work for any reason during normal working hours;
- Recording the work time of another employee, allowing any other employee to record your work time, or allowing falsification of any time card, whether your own or another employee's;
- Falsifying employment records, time records, employment information or other records
- Sleeping or malingering on the job;
- Intentional misrepresentation or disregard of customer eligibility for services;
- Taking long or excessive meal periods or breaks;

- Providing an untrue reason or explanation for an absence or tardiness;
- Excessive or habitual absenteeism or tardiness;
- Larceny, theft, embezzlement, fraud, forgery, falsification, misappropriation, bribery, or any other dishonest or fraudulent act or omission;
- Engaging in criminal conduct whether or not related to job performance;
- Failure by management personnel to report at once discovery of any of the above acts to their immediate manager; and
- Any other acts or conduct that violates program policy and/or is deemed unacceptable by CEO.

Where appropriate, the employee may also be subject to prosecution to the fullest extent of the law. This statement of prohibited conduct does not alter or limit Agency's policy of employment at will.

#### **1008 Code of Conduct:**

CEO expects all employees to maintain the highest standards of professionalism and integrity in the performance of their job duties and while representing the Agency. All work must be performed in an ethical manner and in accordance with government regulations and Agency policy.

**Prohibited Conduct** – In the course of performing their duties, employees must refrain from any illegal, unethical or dishonest business activity. In addition, employees are prohibited from engaging in any activity that could have the potential to conflict with the interests of the Agency, coworkers, or customers or that could be viewed unfavorably by customers or the public. Examples of prohibited conduct include, but are not limited to:

- Inappropriate or personal use of donations to the Agency;
- Directly or indirectly soliciting a bribe, kickback, loan, gift, service, or entertainment from a current or prospective vendor, supplier, or customer for the employee's personal gain in return for being influenced in connection with Agency business;
- Directly or indirectly giving a bribe, kickback, loan, gift, service, or entertainment to a current or prospective vendor, supplier, or customer in return for influencing that individual or organization in connection with Agency business; and
- Having a direct or indirect financial interest or a personal business relationship with any vendor, supplier, or customer, unless fully disclosed and approved in advance by the President/CEO and/or the CEO Board.

Violations of this policy may result in disciplinary action, up to and including termination.

**CEO Board Involvement** - No CEO employee may serve as a voting member of the CEO Board, or

any neighborhood councils which may be established by CEO, or with any major policy advisory body of the Agency.

No former CEO employee shall be a member of the CEO Board, Early Childhood Policy Council, or other CEO advisory committee for at least three years from the end of their employment with the Agency.

**Nominal Gifts** - Employees must notify their manager of any gift, money, service, travel, entertainment, or other special consideration, **valued at over \$50**, that is received from any current or prospective customer/parent, vendor, or supplier. A determination of whether the employee will be allowed to accept the gift will be made on a case-by-case basis.

**Political or Lobbying Activities**- While on duty, agency employees are prohibited from engaging in political or lobbying activities.

**Professional Boundaries**- Employees will act in a professional capacity providing the highest quality service to the best of their ability and will be expected to comply with all provisions of the agency's code of conduct. All employees must comply with all provisions of the conflict of interest and professional conduct policies and procedures.

**Employee Guidance** - It is impossible for the Agency to list every example of conduct that may be unethical, unprofessional, or illegal. An employee should therefore use good judgment and seek guidance and assistance from the President/CEO or CEO Board, if needed.

#### **1009 Fraternization**

Courteous and professional rapport between Agency employees and customers must be maintained at all times and is particularly important in Agency programs involving children. Inappropriate displays of affection, flirting and similar types of behavior involving Agency employees and/or customers are prohibited.

In addition, in order to avoid actual or perceived conflicts of interest, the Agency strongly discourages dating between any manager and an employee and prohibits dating between a manager and an employee if the employee directly reports to that manager. If a romantic or sexual relationship between a manager and employee (regardless of whether a reporting relationship exists) should develop, both the manager and the employee are required to promptly disclose the existence of the relationship to the Vice President. Failure to do so may result in disciplinary action, up to and including termination. Upon being informed or learning of the existence of such a relationship, the Agency may take all steps that it, in its discretion, deems appropriate. This policy is considered when assigning, transferring, or promoting an employee.

# 1100 AGENCY PREMISES AND WORK AREAS

## 1101 *Agency Property*

The purpose of all CEO property is for the smooth and efficient operations of the Agency. All equipment must be used appropriately, handled carefully, and maintained in good condition. All operating and maintenance instructions must be followed. Supplies should be used efficiently and not wasted in order to save money and resources.

An employee is responsible for any items the Agency issues the employee or other Agency property in the employee's possession and/or control, such as, but not limited to: equipment, desks, computer(s), cellular phones laptops, iPads, keys, vehicles. Employees should not deliberately destruct, deface, or misuse Agency property. In addition, the theft, unauthorized removal, or unauthorized possession of Agency property is prohibited. The borrowing or removal of Agency property from the premises is strictly prohibited unless it is part of the employee's normal job duties. Employees must immediately report any damaged, defective, or malfunctioning Agency property to their manager or Director.

Agency materials and supplies, such as postage, paper, envelopes, and similar items, may not be used for an employee's personal use. Employees and third parties are prohibited from conducting any type of sporting, entertainment, or non-business-related activity on Agency premises, without the express permission of the President/CEO or designee.

## **1102 *Records Retention***

All records developed by an employee while employed at CEO are the sole property of CEO. The law requires CEO to maintain certain types of Agency records, usually for a specified period of time. To ensure the adequate protection and maintenance of Agency records and to aid employees in understanding their obligations to retain documents, including electronic documents, CEO has promulgated a Record Retention and Destruction Policy. CEO expects all employees to fully comply with the Record Retention and Destruction Policy at all times, unless CEO informs the employee otherwise. Failure to comply with the Record Retention and Destruction Policy may result in disciplinary action, up to and including termination of employment. For additional information, see Record Retention and Destruction Property. Questions about the Record Retention and Destruction Policy should be referred to the appropriate Director or Chief Financial Officer, who is responsible for administering, enforcing and updating the Policy.

## **1103 *Personal Belongings***

CEO is not responsible for the personal belongings of employees. Any employee, who brings personal belongings to work, including any items in Agency or personal vehicles, does so at their own risk and must take full responsibility for such belongings. The Agency's insurance policy does not cover the loss, theft, or damage of these items.

**Return of Personal Property** - Any personal property that is found on Agency premises should be returned to the owner, if known, or to the employee's manager.

## **1104 *Housekeeping***

The Agency is dedicated to providing a neat, clean, and pleasant work environment for all employees. It is the responsibility of all employees to assist in keeping work areas clean at all times.

## **1105 *Parking***

**Designated Parking** - Employees should park only in locations that have been designated for employee parking. Employees should not park in designated handicapped (unless lawfully authorized to do so), customer, reserved, or visitor parking areas. When at a customer's home or customer work site, employees must follow the parking guidelines established by the customer.

**Damage to Vehicles** - CEO is not responsible for the security of or damage to employees' vehicles or their contents while parked on the premises or while on Agency business.

## **1106 *Smoking Policy***

CEO is dedicated to providing a healthy, comfortable, and productive work environment for all employees. The Agency will maintain a smoke-free workplace environment that is responsive to the needs of all employees and customers and is in compliance with state and local regulations.

**CEO Locations** - The smoking or use of tobacco products is prohibited in all Agency buildings, at work sites, customer locations, and Agency vehicles. Smoking or use of tobacco products is allowed only on non-working time, including scheduled meal periods and break times, and off Agency property. In addition, employees may not smoke or use tobacco products on school property or within 100 feet of any childcare worksite.

Employees who smoke in “no smoking” areas are in violation of Agency policy and New York State law and will be subject to disciplinary action.

**Agency Visitors** - All employees are authorized and encouraged to communicate this smoking policy to others with courtesy and diplomacy, especially with regard to visitors to any Agency worksite.

### **1107 Solicitation/Distribution**

CEO is supportive of charitable causes in the community. However, solicitation and distribution of written materials on Agency premises during working hours interferes with the efficiency and productivity of the Agency. It is our policy to prohibit individuals not employed by CEO from soliciting, distributing literature, selling merchandise/services, or engaging in any other similar activity on Agency premises at any time. Solicitation and distribution of written materials by CEO employees is restricted as follows:

- No merchandise may be sold on Agency premises;
- Employees may not engage in solicitation of another employee (including without limitation, raffles, AVON, Tupperware, candy, etc.) during their working time, or during the working time of the employee at whom the solicitation is directed;
- No employee shall distribute or circulate any non-Agency written or printed material on working time or in work areas at any time.
- Any fund drive to benefit an Agency program must be approved by the President/CEO or designee and must be conducted as not to interfere with Agency operations;
- Employees are prohibited from conducting personal solicitations of customers, vendors, or visitors at any time. However, employee solicitations of customers, vendors or visitors on the Agency’s behalf are permitted with prior authorization from the President/CEO or designee.

For purposes of this policy, “working time” includes all time for which an employee is paid and/or is scheduled to be performing services for the Agency; it does not include breaks and meal periods. “Work areas” do not include any identified staff break rooms or spaces.

All charitable solicitations are completely voluntary; employees are not required to participate in any charitable solicitation or function asked of them by a coworker. Employees are expected to be respectful of coworkers who choose not to participate in a charitable solicitation.

and other items of interest.



## 1108 *Workplace Investigations and Searches*

CEO may occasionally find it necessary to investigate current employees, where behavior or other relevant circumstances raise questions concerning, for example, work performance, reliability, honesty, trustworthiness, theft or potential threat to the safety of customers, coworkers or others. Employees are required to cooperate with the Agency's lawful efforts to obtain relevant information and may be disciplined up to and including termination for refusal or failure to do so.

CEO reserves the right, at all times and without prior notice, to inspect and search any and all Agency property and personal belongings brought onto Agency premises and work sites. This includes, but is not limited to, Agency and personal vehicles, packages, briefcases, desks, and file cabinets.

These inspections may be conducted during or after business hours and in the presence or absence of the employee.

**Failure to Comply** - An employee's refusal to cooperate in these procedures will constitute insubordinate and may result in disciplinary action up to and including termination.

# 1200 SAFETY AND SECURITY

## 1201 *Safety Procedures and Standards*

CEO is committed to providing a safe and healthy workplace for all employees and our customers. The Agency complies with all safety regulations that pertain to our organization and every reasonable effort is made to provide a safe working environment. To be successful, a safety program must have awareness toward injury and illness prevention on the part of all employees. It also requires cooperation in all safety and health matters. Only through such a cooperative effort can a safety program be administered. CEO's objective is to reduce the number of work-related injuries and illnesses to zero.

**Operation of Equipment** - Employees are trained in proper equipment use and maintenance procedures by their managers. It is Agency policy that employees are prohibited from operating any equipment until they fully understand the correct operation and possible hazards involved. Employees are responsible for informing their managers if they are not fully trained or if they have questions regarding training or any safety issue.

**Violation of Safety Standards** - Employees who violate safety standards, who cause hazardous or dangerous situations, or who fail to report or, where appropriate, remedy such situations, may be subject to disciplinary action, up to and including termination of employment.

**OSHA Regulations** - The Occupational Safety and Health Act ("OSHA") is designed to provide a safe work environment and to eliminate unsafe conditions. Employees must follow all OSHA directives, as applicable to their work location.

**Safety Hazards** - Any suspected safety hazard should be brought to the attention of the manager or Director immediately.

**Injury and illness reporting** - Any employee who has a work-related illness or injury must report it immediately to their Supervisor or Director. Employees are free to report work-related injuries or illnesses, and will not be retaliated against for doing so.

## 1202 *Building Security*

**Safety Precautions** - In order to secure employee safety, prevent theft, and reduce accidents, any employee who is in any Agency building at times other than normal business hours must lock all exterior doors. No unauthorized persons are allowed to enter agency buildings or premises before or after normal business hours.

Employees must receive authorization from their manager to be at work after their normal working hours.

## 1203 *Visitors*

**Normal Business Hours** - At applicable work locations, visitors should report to the receptionist or worksite manager upon entering the building and must sign the visitor's log. Visitors must be accompanied by an employee at all times while on Agency premises. Employees are not allowed to have personal visitors at any work location unless manager approval is received.

For safety reasons and to prevent disruptions to Agency operations, employees are not permitted to visit CEO work locations for personal reasons during non-working hours.

## 1204 *Workplace Violence*

CEO considers the safety of its employees, customers, vendors, visitors, and the general public to be of paramount importance. The Agency will not tolerate any employee or individual on Agency property who threatens, intimidates, or infers violence against any person or property associated with the Agency. The Agency considers any threat of violence or potential violence as legitimate, and takes immediate appropriate action, including the involvement of law enforcement.

**Notification of Threatening Behavior** - An employee who witnesses or becomes aware of any threats or acts of violence, or observes any suspicious individuals or activity, should inform the employee's manager immediately.

**Prohibited Conduct** - Workplace violence is any intentional conduct that is sufficiently severe, offensive or intimidating to cause an individual to reasonably fear for his or her personal safety or the safety of his or her family, friends, and/or property such that employment conditions are altered or a hostile, abusive or intimidating work environment is created. Specific examples of conduct that may constitute threats or acts of violence under this policy include, but are not limited to, the following:

- Provoking a fight, fighting, or horseplay while on Agency property or at any location while representing the Agency;
- Threats or acts of physical or aggressive harm directed toward another individual or his or her family, friends, associates or property;
- The intentional destruction or threat of destruction of Agency property or another employee's property;
- Harassing or threatening phone calls;
- Surveillance or stalking; and
- Veiled threats of physical harm or similar intimidation.

Workplace violence may involve any threats or acts of violence occurring on Agency premises, regardless of the relationship between the Agency and the parties involved. Threats or acts of violation occurring off Agency premises that involve employees, agents, or individuals acting as a representative of the Agency may also constitute workplace violence.

Any person who engages in a threat or violent action in violation of this policy may be removed from Agency property and may be required to remain off Agency property pending the outcome of an investigation of the incident. Any employee who violates this policy is subject to discipline, up to and including immediate termination.

**Firearms and Weapons** - Employees are prohibited from possessing firearms or weapons of any kind while on Agency premises; in Agency vehicles at any time or in personal vehicles while conducting business for CEO; or at work sites, customer locations, or any other location during working hours or while representing the Agency.

**Policy Violation** - Violations of this policy will result in disciplinary action, up to and including termination and/or legal action.

### **1206 Reporting Arrests and Convictions**

Employees who are arrested, convicted, or incarcerated for any reason while employed by the Agency, on or off work hours or Agency property, are required to notify the Director or Vice President within 24 hours. The employee is expected to speak to the Director or Vice President directly and provide details as requested. Failure to do so may result in disciplinary action up to and including termination. Following a notification, the Agency will, acting in accordance with applicable law, make a determination about how to best handle the employee's situation. The Agency will not unlawfully discriminate against applicants or employees with past criminal convictions and shall adhere to Article 23-A of the New York Corrections Law when evaluating an applicant or employee's criminal conviction history.

## 1300 COMMUNICATION PROCEDURES

### 1302 *Employee Communication:*

The agency website and intranet is used to communicate information to employees about Agency-related matters upcoming events and other items of interest.

**Bulletin Boards** - The Agency provides bulletin boards to communicate important information to employees about Agency-related matters. Only Agency-related material such as employee notices or practice notices will be posted and no employee may post on an Agency bulletin board without the prior approval of President or Designee. Unapproved items will be removed from bulletin boards without any notice. Please check the bulletin boards on a regular basis to keep informed of upcoming events

### 1303 *Use of Communications Systems*

The purpose of CEO's communications systems and equipment is to promote efficient operations. All communications systems and equipment, including but not limited to, telephones, voice mail, fax machines, incoming/outgoing mail, computers, e-mail, on-line services, computer files, and cellular telephones are the sole property of the Agency. In addition, the messages created, transmitted, and stored on the communications systems and equipment remains the sole property of the Agency. **Use of CEO's communications systems and equipment constitutes consent by the user to all of the terms and conditions of this policy, as well as consent to CEO's accessing, intercepting, monitoring, and disclosure of employee use of CEO's communications systems and equipment.** No employee should have any expectation of privacy as to his or her use of CEO's communications systems and equipment, and the Agency reserves the right to access, intercept, monitor and disclose all matters disseminated or stored thereon. Employees are asked to consider cost and efficiency needs when selecting the appropriate method for business communications.

Employees are prohibited from installing any unauthorized or illegal computer software onto any of the Agency's computer systems. Employees may not install any computer software onto any Agency computer without the prior written permission of the IT Department. All computer disks, as well as downloaded or transferred files or software, must be scanned by the Agency's anti-virus software prior to being used on the Agency's computers.

Employees authorized to access on-line services and the Internet are expected to limit their use to work-related activities, Employees may not download or duplicate from the Internet or from e-mail any software or materials that are copyrighted or otherwise identified as intellectual property without express permission from the owner of the material.

Downloading music, videos or any other non-work related content is prohibited. Accessing, sharing and downloading content from peer to peer file sharing sites, is prohibited. Connecting to and streaming audio via Internet Radio Sites or with programs such as Microsoft Media Player or WinAmp is prohibited.

The Agency prohibits discriminatory e-mail, voicemail, file transfers of any type, and any other discriminatory use of its communications systems. Any use of the Internet to harass or discriminate is unlawful and prohibited by the Agency's Equal Employment Opportunity and Prohibited Harassment policies.

Employees are prohibited from copying, transferring, downloading, modifying, reproducing, or

sharing the Agency's licensed or non-licensed computer software with any business or for the employee's personal use without prior written authorization from the IT Department.

The Agency's computer and communications systems are reserved for business purposes. During working time, personal use of Agency e-mail is prohibited. CEO's computer and communication systems and equipment may not be used for personal gain and the advancement of individual views or solicitation not related to Agency business is prohibited. Employees are expressly prohibited from using CEO's communication systems and equipment to access personal websites, weblogs and/or podcasts.

Employees must only access the libraries, files, data, programs, and directories that are related to their work duties. Unauthorized access, review, duplication, dissemination, removal, installation, damage, or alteration of files, passwords, computer systems or programs, or other unauthorized access of CEO's communication systems and the information they contain, or improper use of information obtained by unauthorized means, is prohibited. Employees should not access, or attempt to obtain access to, a coworker's electronic communications without appropriate authorization from the President or designee.

Employees must disclose all passwords used to access the Agency's electronic communications to the Agency and their manager or Director but shall not share passwords with other employees.

### **1304 Personal Use of Communications Systems**

**Telephone** - Employees are asked to limit the use of Agency telephones for both incoming and outgoing personal calls. Occasional personal calls in local calling areas are acceptable when necessary. The Agency's cellular phones are provided for business purposes and employees are expected to ensure usage does not exceed the approved plan minutes and does not interfere with conducting normal business. Employees must also limit the use of

If an employee's personal calls become excessive and/or interfere with the employee's productivity, the privilege of using Agency telephones for personal use will be revoked.

#### ***Use of Personal cellphones***

While at work, employees are expected to exercise discretion in using personal cellphones. Cellphones should be turned off or set to silent or vibrate mode during meetings, conferences and in any circumstance where incoming calls may be disruptive. Excessive personal calls during the workday can interfere with employee productivity and be distracting to others. Employees are encouraged to make any personal calls during non-work time when possible and to ensure that friends and family members are aware of the Agency's policy.

The Agency will not be liable for the loss of personal cellphones brought into the workplace.

**Mail** - Personal outgoing correspondence may be placed in the receptacle for the Agency's outgoing mail for delivery to the post office. Employees must use their own postage. An employee may not receive personal mail at the workplace. Receipt of personal mail at work constitutes the employee's consent to the Agency's opening his/her mail.

### **1305 Adverse Correspondence/Legal Proceedings**

All legal notices, summons, etc. should be given to the Director or the President/CEO immediately. When an employee becomes aware of an actual or threatened action, proceeding, complaint, claim, or demand against CEO initiated by a customer, client, vendor or supplier, whether in court or before an administrative agency, the employee must immediately inform their Director, the Vice President and/or President/CEO.

### **1306 Employee Suggestions**

CEO values the suggestions and ideas of employees. Giving and receiving feedback is encouraged in order to promote a positive, productive, and cooperative atmosphere. Employees are strongly encouraged to inform their manager, Director, or President/CEO of any suggestions that may be valuable to the Agency's mission and success. Suggestions may be made anonymously if an employee chooses.

### **1307 Media Relations**

Employees should not speak on behalf of the Agency to the media (e.g., television, radio, and newspaper). All media requests for statements from the Agency must be referred to the Chief Planning Officer or designee. All press releases, publications, articles, and any other documents for release to the media must be approved in advance by the Chief Planning Officer or designee.

### **1308 Whistleblower**

A whistleblower as defined by this policy as any CEO board member, employee or volunteer who reports to a designated individual an activity that he/she considers to be illegal or dishonest. 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 are violations of federal, state or local laws; billing for services not performed or for goods not delivered; and other fraudulent financial reporting.

If any employee has knowledge of or a good faith suspicion of illegal or dishonest fraudulent activity, the employee is to contact his/her immediate supervisor, the Vice President, or President/CEO. In the event of any substantiated complaints, the President/CEO will be responsible to notify the Chair of the Finance/Audit committee of the Board of Directors.

The reporting employee is expected to exercise good faith and sound judgment to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing may be subject to discipline up to and including termination.

Whistleblower protections are provided in two important areas -- confidentiality and protection from harassment and/or retaliation. Insofar as possible, the confidentiality of the whistleblower will be maintained. However, the whistleblower's identity may have to be disclosed to conduct a thorough investigation, to comply with the law or to provide accused individual(s) their legal rights of defense. CEO will not retaliate against a whistleblower. 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 contact the Vice President or the President/CEO immediately. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated. All reports of illegal and dishonest activities will be promptly submitted to the President/CEO or other appropriate management personnel who is responsible for investigating and coordinating corrective action.

*Confirmed violations will be met with appropriate remedial and disciplinary action, including but not limited to the possibility of termination of employment, restitution or criminal prosecution.*

*Employees with any questions regarding this policy should contact the Vice President.*

Note: If the complaint involves any of the Agency's compliance policies, such as Equal Employment Opportunity, Accommodations of Disabilities, Prohibited Harassment, or Retaliation, the specific procedures for notification of policy violations are outlined in Section 500 of this Employee Handbook.

### **1309 Social Media**

CEO's social media policy is designed to protect CEO from the unauthorized disclosure of information and to otherwise protect the company, its employees, and customers from any harm that might result through employee misuse of social media.

Employees are expected to act in accordance with the following guidelines:

Social Media activities should not interfere with work commitments. Employees may not access Social Media and social networking sites during any paid work time or on CEO's computer and communications systems, unless authorized by the President/CEO as part of an employee's work duties, per the Marketing and Communication procedures manual.

- If employees choose to identify themselves as an employee of CEO on their website, a social networking site, weblog or other Social Media, they are expected to also make clear that they are not authorized to speak on behalf of CEO, that the views you express are their alone and do not necessarily reflect CEO's views.
- Special requirements apply to publishing promotional content online. Promotional content includes any statements designed to endorse, promote, sell, advertise, or otherwise support CEO's services. Accordingly, in accordance with Federal Trade Commission regulations, should an employee discuss CEO's services while social networking, they must disclose that they are an employee of CEO.
- Employees should be respectful and not post or display comments or content about their coworkers or supervisors, or CEO's services, customers, vendors, suppliers and competitors that are obscene, vulgar, threatening, intimidating, or harassing manner or in a way that would otherwise violate CEO's policies against discrimination, harassment, or hostility on account of age, race, religion, sex, ethnicity, nationality, disability, or other protected class, status, or characteristics. Nothing in this provision should be read to limit or interfere with an employee's NLRA Section 7 rights to express or discuss their opinions regarding the terms and conditions of employment with co-workers and/or



third parties.

- Employees should maintain the confidentiality of CEO's intellectual property and the private or confidential information of CEO and those it serves, including information about CEO's customers, suppliers and vendors. Intellectual property may include information regarding the development of systems, processes, products, know-how and technology. Employees will not post internal reports, policies, procedures or other internal business-related confidential communications. To protect confidential and proprietary information of CEO and its clients, suppliers and vendors, do not publicly discuss CEO suppliers, vendors, or members, whether confidential or not, outside agency-authorized communications.

Employees may not provide references for other current or former CEO employees on Social Media (e.g., LinkedIn). In accordance with CEO's policy on employment verification and references, only Human Resources may verify employment or provide references for a current or former employee.

- Employees are cautioned that they should have no expectation of privacy while using Social Media as postings may be viewed by anyone, including CEO.
- Employees who see unfavorable opinions, negative comments or criticism about CEO's services posted by third parties, should not try to have the post removed or send/post a written reply. Instead, forward this information to Vice President who will pursue appropriate action.
- Employees should always abide by all applicable CEO policies, including, but not limited to policies concerning harassment, confidentiality and disclosure of proprietary information, use of technology and code of conduct. Nothing in this provision should be read to limit or interfere with an employee's National Labor Relations Act ("NLRA") Section 7 rights to discuss terms and conditions of employment with co-workers and third parties.

Violation of this policy will be subject to disciplinary action, up to and including possible termination. Note, however, that nothing in this policy will be interpreted to limit or interfere with your rights under Section 7 of the National Labor Relations Act or other applicable labor laws or regulations.



## Employee Handbook Acknowledgement

I acknowledge that I have been provided electronic access to CEO's Employee Handbook (which is available to me on the intranet under HR Resources at <http://intranet.ceo-cap.org/resources/hr> and is also available to me in hard copy upon request) and understand it sets forth the terms and conditions of my employment as well as the duties, responsibilities and obligations of employment with CEO.

I understand and agree that as a CEO employee, it is my responsibility to read the Handbook and abide by the rules, policies, and standards set forth therein and any revisions made to it. I also understand that if I have any questions concerning the content of the Employee Handbook, it is my responsibility to address them with my Supervisor or Human Resources.

I understand that the policies in the Employee Handbook supersede, modify, or eliminate benefits, policies, procedures, rules and regulations previously issued by the Agency.

I understand that CEO reserves the right to interpret, add, modify, or revoke any provision in the Employee Handbook with or without notice. I understand that noncompliance with policy expectations may result in disciplinary action and failing to remain current on the content of the Employee Handbook will not excuse noncompliance.

I understand and acknowledge that I will have continual electronic access to the Employee Handbook and the most current version of the Employee Handbook will be on CEO's intranet which I can access whenever I choose. Revisions, deletions, or additions will be made to the electronic version of the Employee Handbook that is available on CEO's intranet. I understand that no oral statements or representations change the provisions of the Employee Handbook and that by updating the Employee Handbook on the intranet, the Agency expressly revokes any and all previous policies and procedures that are inconsistent with those contained therein. I understand that the Employee Handbook on the intranet supersedes any and all prior practices, oral or written representations, or inconsistent statements.

Employment at CEO is employment-at-will and either CEO or I may terminate the employment relationship at any time, with or without cause or notice. Accordingly, this Employee Handbook is not intended to be a contract of employment, a warranty of benefits, or a limitation on the Agency's ability to terminate employees. I understand that acknowledge that no oral statements or representations regarding my employment can alter the foregoing and the Agency's policy of at-will employment may be revised, deleted or superseded only by a written employment agreement signed by the President.

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EMPLOYEE NAME (PLEASE PRINT)

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EMPLOYEE SIGNATURE and Date