



Personnel Manual

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Table of Contents

About this Personnel Manual	3
Our Agency	4
Mission Statement	4
1. Hiring and Employment.....	6
1.1 Employment Basics.....	6
1.2 Employment Requirements.....	11
1.3 Terminations/Separations.....	18
2. General Employment Rules.....	21
2.1 Compliance Program.....	21
2.2 HIPAA.....	28
2.3 Fraud and Abuse	28
2.4 Conflicts of Interest.....	29
2.5 Agency Property and Equipment.....	29
2.6 Substance Abuse.....	36
2.7 Attendance	38
2.8 Meal Breaks	40
2.9 Rest Breaks	41
2.10 No Smoking or Vaping.....	42
2.11 Electronic Devices	43
2.12 Dress and Appearance.....	43
2.13 Employment of Related Employees.....	45
2.14 Personal Visitors.....	45
2.15 Non-Solicitation.....	46
2.16 Neatness of Work Area	46
3. Compensation and Benefits.....	47
3.1 Employee Classes	47
3.2 Employee Worker Category.....	47

3.3	<i>Overtime Pay</i>	49
3.4	<i>Compensation</i>	50
3.5	<i>Holidays</i>	51
3.6	<i>Time Off for Full-time and Part-time Employees</i>	52
3.7	<i>Time Off for Non-Full-time and Non-Part-time Employees</i>	54
3.8	<i>Jury Duty</i>	58
3.9	<i>Blood Donation and Bone Marrow Leave</i>	58
3.10	<i>Bereavement</i>	59
3.11	<i>Inclement Weather</i>	59
3.12	<i>Other Leave Policies</i>	60
3.13	<i>Health Insurance</i>	61
3.14	<i>Other Benefits</i>	62
4.	Employee Management	64
4.1	<i>Performance Evaluations</i>	64
4.2	<i>Transfers and Promotions</i>	65
4.3	<i>Effective Resolutions</i>	65
4.4	<i>New York: HERO Act Infectious Disease Exposure Prevention Plan Addendum</i>	66
	Personnel Manual Acknowledgment	67
	Appendix A: Family and Medical Leave Policy (FMLA)	68
	Appendix B: New York State Paid Family Leave Policy	75

About this Personnel Manual

On behalf of management and your fellow employees, welcome to Human Care Services for Families & Children, Inc. (hereafter, HCS), we wish you success here and look forward to watching you grow. We believe that each employee contributes directly to HCS's growth and success, and we hope you will take pride in being a member of our team.

The purpose of the Personnel Manual is to provide information and guidance to employees about working at HCS. We encourage employees to read and become familiar with the policies of HCS and their departments.

This manual supersedes all prior versions, and the contents are subject to change at any time at the sole discretion of HCS. This manual is presented for informational purposes only and is not intended to create a contract or agreement. Nothing in this manual should be interpreted to conflict with any applicable laws, rules or regulations. Both the agency and individual departments have additional procedures and guidelines and employees are expected to be aware of the policies relevant to their job position.

Similarly, if an employee has a written employment contract and a provision of this manual conflicts with such contract, the terms of the employment contract shall govern. However, no verbal communication or written document will provide such a contract, assurance, or guarantee unless specified in writing and signed by the CEO or the Executive Director who is authorized to enter into such contract, assurance or guarantee on behalf of HCS.

Supervisors are key resources concerning policies and procedures of HCS or specific departments. If you have questions concerning this manual or a policy, consult your supervisor for clarification. It is not possible to anticipate every workplace situation or to provide information for every possible question. You are encouraged to consult with your supervisor if you have questions about the terms of your employment.

Our Agency

Established in 1997 as a small grassroots organization with the intent to bring more services to more individuals with developmental disabilities and their families, HCS has since grown to serve hundreds of individuals and families in Brooklyn. HCS provides a wide range of professional and caring services. Some of these services are case management, residential, day habilitation, and community habilitation programs. Our goal is to enhance the abilities and opportunities for disabled children and adults in our community.

Mission Statement

Our mission statement is “Supporting people to lead their best lives in the community of their choice.”

Our goal is to “...offer[s] individuals with various disabilities and/or delays person-centered services tailored to their preferences, fostering their ability to maintain a sense of dignity and independence within their community. We empower families to enhance the autonomy of their loved one(s) within a culturally sensitive environment of their choosing.

We grow on our special journey together with “pure love, no labels”, touching and being touched by incredible lives.

Our guiding principles are Compassion, Commitment, and Clear Communication.

1. Hiring and Employment

1.1 Employment Basics

- a. *Equal Employment Opportunity.* HCS is an Equal Opportunity Employer. We are a not-for-profit social service agency, which services developmentally disabled children and adults. HCS does not discriminate against employees or applicants because of actual or perceived race, religion, creed, color, national origin, age, sex, gender, gender identity, gender expressions, transgender status, marital status, status as victim of domestic violence, caregiver status, disability or handicap, sexual orientation, alienage or citizenship status, military or veteran status, predisposing genetic characteristics or any other characteristic protected by under applicable federal, state or local law. This policy applies to all terms and conditions of employment, including, but not limited to, hiring, assignment, placement, promotion, transfer, training, compensation, fringe benefits, demotion, layoff, discipline, termination, recall and leave of absence.
- b. If you have any questions or concerns about any type of inappropriate or discriminatory conduct in the workplace, you are encouraged to bring your concerns to the attention of either your supervisor or the Director of Human Resources. HCS prohibits any form of retaliation against employees for reporting in good faith concerns of discrimination, pursuing any such claim or cooperating in the investigation of such reports. Anyone found to be engaging in any type of unlawful discrimination or inappropriate conduct of a discriminatory nature, will be subject to disciplinary action, up to and including an unpaid suspension or termination of employment.
- c. *Employment At-Will.*
 - i. The policies and procedures presented in this Manual are in no way to be interpreted or construed as a contract of employment or guarantee of continued employment for any specific period of time. No verbal communication or written document will provide such a contract, assurance, or guarantee unless specified in writing and signed by the CEO or the Executive Director who is authorized to enter such contract, assurance or guarantee on behalf of HCS.

- ii. Your compensation, hours of employment, and all other terms and conditions of employment are subject to modification by HCS at its discretion, with or without notice, to the extent permitted by law.
- iii. We recognize that you have voluntarily joined HCS. Your employment at HCS is "at will", which means that you are free to discontinue your employment at any time and for any reason. HCS reserves a similar right. Therefore, both you and HCS have the right to terminate your employment at any time without cause.

d. *Immigration Reform and Control Act.*

- i. In compliance with the federal Immigration Reform and Control Act of 1986 (IRCA), as amended, and any state law requirements, if applicable, HCS is committed to employing only individuals who are authorized to work in the United States and does not unlawfully discriminate on the basis of citizenship or national origin.
- ii. Each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility.
- iii. If an employee is authorized to work in this country for a limited time period, the individual will be required to submit proof of renewed employment eligibility prior to expiration of that period, in order to remain employed by the agency.

- e. *Americans with Disabilities Act (ADA) & Disability Protections.* HCS provides equal employment opportunities to qualified individuals with disabilities in accordance with federal, state, and local law. Upon request, HCS may reasonably accommodate employees and applicants with disabilities necessitating accommodation in accordance with federal, state or local law. Employees should notify their supervisor or the Director of Human Resources of the need for any accommodation. Upon doing so, HCS may ask an employee for additional information from the employee and/or the employee's health care provider in order to evaluate the request for an accommodation. HCS will make a good faith effort to provide an effective reasonable accommodation for an otherwise qualified employee who is disabled or becomes disabled and needs assistance to perform the essential functions of the

position. All employee medical information received by HCS will be kept confidential to the extent provided by applicable law and regulation.

f. *Anti-Harassment and Discrimination Policy.*

HCS is committed to providing its employees with a work environment that is free of discrimination, harassment or inappropriate conduct that is discriminatory or harassing in nature where such conduct is based on any legally protected status. Accordingly, HCS prohibits discriminatory or harassing conduct that is based on actual or perceived race, religion, creed, color, national origin, pregnancy, age, sex, gender, marital status, disability or handicap, sexual orientation, alienage or citizenship status, military or veteran status, predisposing genetic characteristics or any other characteristic protected by applicable federal, state or local law.

i. Everyone at HCS is responsible for ensuring that our workplace is free from such discriminatory and harassing conduct and is expected to avoid and report any behavior or conduct that is or could reasonably be interpreted as being discriminatory or harassing in nature and prohibited by this policy.

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

iii. Prohibited Conduct

1. HCS prohibits discrimination and harassment, whether at the workplace, in outside work assignments or at HCS-sponsored social or non-social functions, events or programs.

2. Harassment includes unwelcome conduct, whether verbal, physical or visual, that is based upon the individual's protected status, such as actual or perceived race, religion, creed, color, national origin, pregnancy, age, sex, gender, marital status, disability or handicap, sexual orientation, alienage or citizenship status, military or veteran status, predisposing genetic characteristics or any other characteristic protected by under applicable federal, state or local law.

3. HCS will not tolerate discrimination or harassment that affects tangible job benefits, that interferes unreasonably with an individual's work performance, or that creates an intimidating, hostile or offensive working environment. Such inappropriate conduct may include, for example,

comments, threats, innuendos, jokes, materials or epithets about another person's protected status, or teasing or practical jokes directed at a person based on his or her protected status. The use of HCS' e- mail system to disseminate, duplicate or display materials in violation of this policy is prohibited.

iv. Sexual Harassment

1. HCS does not and will not permit any form of sexual harassment. It is grounds for disciplinary action, up to and including termination. Sexual Harassment may include a range of subtle and not so subtle behaviors.
2. Sexual harassment is defined to include unsolicited or unwelcome sexual advances, requests for sexual favors, and other verbal, physical or visual conduct based on sex when (1) submission to such conduct becomes an implicit or explicit term or condition of employment, (2) submission to or rejection of the conduct is used as the basis for any employment decision, or (3) the conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.
3. Sexual harassment is not limited to explicit demands for sexual favors. Inappropriate conduct of a sexual nature can include, but is not limited to, other unwelcome conduct based on sex, whether directed toward a person of the opposite or same sex, and also may include such actions as (1) sex-oriented verbal kidding, teasing or jokes; (2) repeated sexual flirtations, advances or propositions; (3) continued or repeated verbal abuse of a sexual nature; (4) graphic or degrading sexually-oriented comments about an individual or his or her appearance or sexual activity; (5) visual conduct, including leering, making sexual gestures, or the display of sexually suggestive objects or pictures, cartoons or posters; (6) pressure for sexual activity; (7) suggestive or obscene e-mails, letters, notes or invitations; or (8) offensive physical contact such as patting, touching, grabbing, pinching or brushing against another's body.

g. Complaint Procedure

- i. Employees who believe that they may have been subjected to, experienced, witnessed or have any knowledge of any harassment, sexual or otherwise,

discrimination or retaliation against an HCS employee, should immediately inform his/her supervisor or the Director of Human Resources. If the complaint involves the supervisor or if an employee is uncomfortable discussing such matters with his/her supervisor, the Director of Human Resources should be contacted immediately. Supervisors are required to immediately notify the Director of Human Resources of all complaints filed under this policy and any harassing or discriminatory conduct of which the supervisor becomes aware.

- ii. Complaints of discrimination, harassment or retaliation will be promptly and carefully investigated. Investigations will include interviews with all relevant persons, including the complaining employee, accused and other potential witnesses. Investigators will make every effort to strike a balance between the parties' desires for privacy and the need to conduct a fair and effective investigation. In the event that a violation of this policy is confirmed, appropriate corrective action will be taken, including discipline up to termination from employment.

h. Retaliation

- i. HCS prohibits retaliation against any employee for good faith reporting discriminatory, harassing or retaliatory conduct, registering a complaint pursuant to this policy, assisting in making such a complaint, participating in an investigation or hearing or filing of a discrimination or retaliation charge. Any employee who experiences or witnesses retaliatory conduct should immediately report it to their supervisor or the Director of Human Resources.
- ii. Retaliation against any party involved, the accused, accuser, witnesses, and investigators will not be tolerated. Employees who violate HCS' no-retaliation policy will be disciplined or terminated.

i. Protections for Whistle Blowers

- i. Retaliation is prohibited by federal and state laws, which provide protections for whistleblowers in order to encourage the reporting of violations. Title VII of the Civil Rights Act includes whistleblower protection that prohibits employers from taking action that would deter a reasonable person from asserting rights guaranteed by Title VII. While discharge is perhaps the ultimate form of retaliation, other actions, such as demotion, suspension, removal of responsibilities, threats, isolation from regular employee activities, or any other

manner of discrimination in the terms and conditions of the whistleblower's employment can be perceived as retaliatory action.

- ii. HCS strictly prohibits retaliatory action against employees who raise or disclose any good faith concerns about any actual or potential violations of law or dangers to the public health or safety of any patients. HCS's complete whistleblower policy is included in the Standards of Conduct. All employees are expected to read and adhere to the entire policy.
- j. Reasonable Accommodations for Pregnant Employees and Religious Accommodations. Pregnant women and those recovering from childbirth are to be protected from discrimination under the applicable laws. HCS may be obligated to grant pregnant employees reasonable accommodations that allow them to perform the essential requisites of their job.
 - i. Pregnant Employees may be entitled to:
 - 1. Bathroom breaks
 - 2. Breaks to facilitate increased water intake
 - 3. Periodic rest if you stand for long periods of time
 - 4. Assistance with manual labor
 - 5. Changes to your work environment
 - 6. Unpaid medical leave
 - ii. Any employee requiring such an accommodation, contact the Director of Human Resources so HCS can evaluate your request.
- k. Religious Accommodations. Upon request, HCS may reasonably accommodate employees and applicants with religious requirements necessitating accommodation in accordance with federal, state, or local law. Employees requiring accommodation should discuss their accommodation request with their supervisor or the Director of Human Resources.

1.2 Employment Requirements

- a. Criminal Background Check

- i. Criminal background checks will be performed in compliance with all federal, state and local laws. After a conditional offer of employment, HCS will request a criminal history record check for employees, independent contractors, or volunteers who have regular or substantial unsupervised or unrestricted physical contact with persons served.
 - ii. Should an applicant for employment, independent contractor, or volunteer, disclose to HCS or should the agency obtain knowledge of a criminal conviction following a background check, that individual, even if cleared for employment by a state agency, can only be hired with the approval of the Executive Director.
 - iii. HCS may temporarily approve a party for employment or volunteer opportunity on a provisional basis while the results of the criminal history record check are pending, so long as such party does not have unsupervised physical contact with persons receiving services, as shall be defined by HCS pursuant to regulation.
 - iv. Oversight of temporarily approved provisional employees and volunteers must be by a supervising employee whose criminal history record check has been completed or, within OPWDD programs and justice center, who has completed required training in incidents and abuse, and who was employed by the agency before April 1, 2005. Temporarily approved provisional employees and volunteers may not be assigned personal care activities which require privacy unless the supervising employee is in the same room. Temporarily approved provisional employees and volunteers may not work the overnight shift in a residence.
 - v. When HCS receives any notice from a state agency based on any result of the criminal history record check, except for a determination not to issue a denial, any temporary approval of the subject party will be revoked immediately, or as soon as reasonably possible. When temporary approval is revoked, the agency will notify the state agency, confirming the time when the notification was received and identifying the time when the temporary approval was revoked.
- b. Workplace Violence Prevention Policy
- i. HCS is committed to preventing workplace violence and to maintaining a safe work environment. Any and all acts or threats of violence by or against any HCS employee, person served, vendor, or other visitor to the HCS facilities are

strictly prohibited. This policy applies to all HCS employees whether on or off HCS property.

- ii. All employees, including supervisors and temporary employees, are to be treated with courtesy and respect at all times.
- iii. Possession or use of any and all weapons, including but not limited to, knives, handguns and martial arts weapons, regardless of licensure or concealment, is prohibited on any HCS property or site. HCS employees are prohibited from possessing or using a weapon of any type while conducting off-site business on behalf of the agency.
- iv. Employees are expected to refrain from fighting, horseplay, or other conduct that may be dangerous to others. Conduct that threatens, intimidates, or coerces another employee, person served, or a member of the public will not be tolerated. This prohibition includes all acts of harassment that is based on an individual's sex, race, age, or any characteristic protected by federal, state, or local law.
- v. All threats and acts of violence, both direct and indirect, should be reported as soon as possible to your supervisor or the Human Resources Department. This includes threats and acts of violence made by employees, as well as threats by persons served, vendors, or other members of the public. When reporting a threat or act of violence, you should be as specific and detailed as possible.
- vi. All suspicious activities should also be reported as soon as possible to your supervisor or any other member of management. **DO NOT PLACE YOURSELF IN PERIL.** If you encounter or hear a disturbance

or altercation near you, immediately report the matter to a member of management and/or contact the police if circumstances warrant.
- vii. HCS will investigate all reported threats and acts of violence, and any reported suspicious activities. The identity of the individual filing the report will be protected to the extent practical. In order to maintain workplace safety and the integrity of its investigation, HCS may suspend an employee(s) accused of making threats or committing any act of violence, either with or without pay, while an investigation is pending.

c. Confidentiality.

- i. Safeguarding HCS confidential information is essential. The law and professional ethics require that each employee maintain confidentiality when handling matters related to persons we serve and their families. "Confidential Information" is defined as HCS's confidential or proprietary information that is disclosed to an employee or known by an employee as a consequence of their employment with HCS that is not generally known outside of HCS.
- ii. Examples of Confidential Information include, but are not limited to, the following:
 1. Information about the people HCS supports, including but not limited to, clinical and health information, financial information, personal information and any other information protected from disclosure under federal, state or local law or regulations;
 2. Personal and confidential employee information, such as personal medical information and personal identifying information (such as social security numbers);
 3. Confidential financial data and business plans;
 4. Trade secrets and other intellectual property;
 5. Training techniques and materials;
 6. Information technology materials and passwords;
 7. Proprietary software;
 8. Databases;
 9. Programming and coding technology;
 10. Creative intellectual work related to Agency operations;
 11. Consultant reports and recommendations;
 12. Fundraising strategies and techniques;
 13. Contracts with third-party vendors; and

14. Information entrusted to HCS by third parties.

- iii. Employees shall not disclose, distribute, copy, or electronically transmit confidential information to anyone who is not employed by HCS, including the employee's family members, or to persons employed by HCS, who do not have a legitimate business need to know such confidential information in order to fulfill their responsibilities. Confidential information obtained as a result of employment with HCS may never be used for personal gain. Any employee who discloses, distributes, copies or electronically transmits confidential information will be subject to disciplinary action, up to and including termination, even if he or she does not actually benefit from the disclosure of such information.
- iv. Additionally, unauthorized use or disclosure of confidential information can result in civil and/or criminal penalties, for both the employee and HCS. You are expected to follow HCS' policies and procedures relating to HIPAA compliance. Failure to do so may result in disciplinary action up to and including discharge.

d. Care and Retention of Records

- i. To provide the best care for persons we serve, it is critical that we maintain accurate and current records. Records should be returned to the appropriate cabinet or shelf following documentation. Records may not be removed from agency premises for any reason. Records should be handled with care and not disfigured in any way. Falsification of records is strictly prohibited.
- ii. Occasionally, persons we serve, their parent/guardian/advocate, or other entities will request copies of agency records. All requests should be directed to the Privacy Officer.
- iii. The agency maintains document retention policies and procedures, including for retention of emails and the records of the individuals the agency supports. You must retain all work products in the manner required and for the time period required by our policy. Your supervisor will explain how the policy applies to the work that you perform. Never destroy or delete any work product unless the required retention periods have been satisfied, and without the express permission of your supervisor. Failure to comply with the agency document retention policy and procedure may result in discipline up to and including discharge.

e. Employee Safety

- i. Employees are required to be familiar with HCS safety rules and policies. These HCS safety rules and policies include, but are not limited to, any specific program safety policies and procedures, nursing protocols, blood borne pathogens exposure control plan, and emergency and disaster plans.
- ii. Employees are responsible for remaining aware of and following safe working practices and procedures. Failure to follow safety and health rules may result in disciplinary action up to and including termination.
- iii. It is the intent of HCS to comply with all applicable OSHA laws.
- iv. Employees should report to their supervisor immediately whenever an incident occurs at HCS that involves personal injury, death, damage to property or a medical or safety-related event that is not consistent with the routine care of a person served. An incident report must be completed for employees, visitors and persons served by the OSHA Officer.
- v. The safety and health of our employees continues to be a priority to our agency. Please refer to HCS's OSHA policies and procedures for more information.

f. Employee Health

- i. PPD. Due to regulatory requirements, HCS employees who work in certified sites are required to have a two-step PPD upon hire. PPD tests are provided by the agency. An employee can begin working once their first PPD is negative. Prospective employees who are able to show one PPD result within the past year require only one PPD upon hire. (This includes employees who are at the main office in any capacity, since Tuberculosis is airborne, and individuals are present in the office on a regular basis). Current employees need two PPDs on file and then do not need any additional PPDs after that unless they display symptoms of TB or are exposed to someone with TB. Employees have the option of getting an IGRA blood test from their healthcare provider if they choose not to get a two-step PPD.
- ii. If there is a medical reason you cannot have a PPD, you must provide the agency with a note from a medical provider stating the

reason you cannot have a PPD test, (such as an allergic reaction). A statement by a physician, nurse practitioner, or physician's assistant of contraindication will

be accepted as long as that includes a recommendation as to when and if testing would be appropriate at a designated point in the future, and how the employee will be evaluated for active TB in the interim. The medical provider must conduct a formal diagnostic evaluation to exclude active TB. X-rays are not required.

- iii. *Hepatitis B Vaccination.* As required by OSHA regulations, and for your protection, HCS offers at no charge the Hepatitis B vaccine to all employees who are likely or somewhat likely to be exposed to blood or body fluids on the job. This vaccine will be made available to you after you have been informed of the vaccine's effects, safety considerations, method of administration, the benefits of being vaccinated, and how likely your risk is for the position you hold. If you choose to be vaccinated, you must sign a consent form. If you choose not to be vaccinated, you must sign a form stating that you decline. The vaccine will be made available to any employee who initially declines, but later decides to accept the vaccine.
- iv. Employees are required to report to their supervisor any change in their health status that might present a potential risk to the persons served or impair their ability to safely perform their duties. Any potentially communicable disease should be reported (e.g., conjunctivitis, hepatitis, influenza, varicella, viral exanthemas, febrile illnesses, etc.).
- v. Any employee found to have an infectious illness that may jeopardize the safety or health of staff or persons served by HCS may be required to discontinue work. HCS may provide the employee with reasonable accommodations (e.g. some reasonable amount of leave), subject to applicable law.

g. Employee Files

- i. HCS maintains a personnel file on each employee. The personnel file includes such information as the employee's job application, resume, records of training, documentation of performance appraisals and salary increases, and other employment records.
- ii. Personnel files are the property of HCS, and access to the information they contain is restricted. Generally, only supervisors and management personnel of HCS who have a legitimate reason to review information in a file are allowed to

do so in the presence of the Director of Human Resources or his/her designee. Ordinarily personnel files are not to be copied or removed from the premises.

- iii. It is the sole responsibility of each employee to inform the Human Resources Department of any changes in status that may alter his/her payroll or benefits status. Such information includes, but is not limited to: name, marital status, beneficiaries, W-4 deductions, address, telephone number, emergency contact, and gain or loss of dependents. Failure to do so may result in loss of certain benefits in some employee benefit programs. If there is a name change, a copy of appropriate legal documentation must be provided to ensure that W-2s are issued correctly.
 - iv. Depending on their position, some employees are required to maintain their registrations/certifications/ documentation in order to continue employment at HCS. It is the responsibility of the employee to update and submit to the Human Resources department documentation regarding their current registration/certification status. This information is included in the employee's personnel file.
 - v. Trainings are given upon hire. Additionally, orientation training is provided within 90 days of hire. Employees are required to complete training annually. Employees who do not complete required trainings in a timely manner may not continue working at the agency.
- h. Verification of Employment
- i. HCS will respond to written inquiries to verify employment status of current and former employees made by outside requesters. Inquiries of this nature must be accompanied by an authorization signed by the employee. Responses shall be limited to name, department, position, and dates of hire/termination. Salary information will not be verified via the telephone.
 - i. Employees requiring a letter of proof of employment status and/or salary information should contact the Human Resources Department.

1.3 Terminations/Separations

- a. Job Abandonment. Three (3) consecutive days of absence without proper notification may be considered a voluntary resignation, unless extraordinary and

exceptional circumstances prevented such notification. The effective date of termination will be the last day the employee reported to work.

b. Voluntary Resignation.

- i. On-Site Staff are required to provide a minimum of fourteen (14) calendar days written notice prior to the effective date of their resignation. Administrative Staff are required to provide a minimum of twenty-eight (28) calendar days written notice prior to the effective date of their resignation. HCS may permit an employee to continue employment during their notice period or accept their resignation immediately. An employee is not permitted to use Time-Off Hours for vacation after notice has been given. If Time-Off for vacation was approved prior to the employee's notice period, she/he must cancel the Time-Off Hours or extend his/her notice period for an equivalent period.
- ii. Employees who comply with this notice provision will be paid out accrued unused Time-Off Hours up to one hundred and twenty (120) hours upon separation. Employees who resign without giving proper notice will forfeit all accrued (unused) Time-Off Hours.

c. Termination Procedures

- i. On or before the last day of work, or at HCS' request, employees are required to return all agency tools, equipment, keys, memoranda, cell phones, computers, tablets, corporate credit cards, notes, records, manuals, computer files, and/or other documents, including all copies of such items, which in any way relate to the business or affairs of HCS or any of its employees, persons served, consultants, or agents. Resigning or terminated employees will receive their final pay on the next regularly scheduled payday.
- ii. Upon termination or separation of employment, employees are prohibited from accessing, reviewing, copying, printing, disseminating, or utilizing any material created, received, downloaded, or sent through the use of the HCS's network, computer, email, or voicemail systems, and must immediately return to HCS any and all material created, received, downloaded, accessed or sent through the use of HCS's network, computer, email, or voicemail systems, which is in his/her possession, custody or control upon HCS's request.

- iii. Upon cessation of employment, for any reason, former employees are not permitted to enter any HCS facilities unless they are directly authorized to do so by the Home Manager.

2. General Employment Rules

2.1 Compliance Program

a. Standards of Conduct.

- i. HCS is committed to conducting its business affairs honestly and with integrity. This commitment applies to our relationships with persons served, families, competitors, vendors and employees. Each employee must maintain the highest standards of personal and professional ethics. These rules, practices and policies concerning conduct and behavior are instrumental to the continued success of HCS. In addition, see Standards of Conduct in the Corporate Compliance Plan Appendix IV.
- ii. An employee should not conduct business that is not in the full spirit of honest and ethical behavior, nor should an employee cause another employee, or non-employee, to act or behave in such a manner. Furthermore, an employee should not furnish HCS confidential information, as defined in its Confidentiality policy, to any individual, business, or entity without first consulting with and acquiring the approval of the Privacy Officer.
- iii. Each employee is expected to report dishonest and unethical activities by other employees to their supervisor or Compliance Officer. Failure to report such activities is considered a violation of agency standards. Knowingly submitting false information is also considered a violation of agency standards.
- iv. Initiating or encouraging reprisal action against an employee or other person who in good faith, reports known or suspected violations is prohibited.

b. Code of Conduct.

- i. We observe all laws and regulatory requirements and promptly report any violations to management.
- ii. We provide equal care and treatment to all clients in a safe and therapeutic environment.
- iii. We respect cultural values and religious beliefs of clients, family members, employees, visitors, and all other people with whom we come in contact in the course of doing our jobs.

- iv. We do not engage in discrimination, harassment, or retaliation of any kind, and provide equal employment opportunities.
 - v. We maintain all records required by law and regulation and take active steps to ensure the confidentiality and safety of all records containing client information and HCS confidential information.
 - vi. We obtain written permission from our clients to provide services.
 - vii. We create, maintain, and enhance a professional atmosphere, free of violence and non-prescribed controlled substances, in which all clients and employees are valued as individual human beings, and are treated with respect and dignity.
 - viii. We avoid conflicts of interest in all our therapeutic, referral, and business activities.
 - ix. We provide ongoing supervision, consultation, training, and evaluation of our employees and services.
 - x. We seek out competent employees, vendors, and business partners who have not been sanctioned by any regulatory agency.
 - xi. We employ managers who are sensitive and open to employee concerns, and we handle client and employee grievances without threat of retaliation for good faith reporting.
 - xii. We ensure that all records are accurate. We bill only for appropriately documented services we have provided.
 - xiii. We follow established financial and accounting principles and practices.
- c. Corporate Compliance
- i. Corporate Compliance is about detecting, preventing, and avoiding fraud, waste, and abuse. HCS maintains a written Corporate Compliance Plan that is provided to employees. In addition, all employees receive Corporate Compliance training.
 - ii. HCS conducts business in compliance with local, state, and federal laws. Applicable laws include, but are not limited to; anti-kickback statutes, labor

laws, tax code and regulations, antitrust laws, and the New York State and Federal False Claims Acts.

- iii. All employees share in the agency's responsibility for ensuring that services are documented in compliance with laws and regulations. Services must be recorded correctly to ensure proper billing. Billing will be done on the presumption that if the appropriate documentation has been provided, the service has been rendered.
- iv. An employee who suspects that false or improper documentation or billing is occurring, must report their suspicion to the agency Compliance Officer, who will investigate the matter. Under the law, a "whistleblower" is provided with protection against retaliation for reporting compliance issues. Under the law, an employee who is discriminated against, discharged, demoted, or harassed because of reporting unlawful practices may be entitled to relief. Relief may include reinstatement, double pay back, and compensation for any special damages. No employee who in good faith reports a violation of applicable laws and regulations shall suffer harassment, retaliation, or adverse employment consequence. An employee who retaliates against someone who has reported a violation of the law in good faith will be subject to discipline, up to and including termination.

d. Work Performance

- i. HCS expects employees to conduct themselves in a professional manner at all times, which includes demonstrating a positive attitude, working in a cooperative manner with co-workers and demonstrating respect for all persons served, and their property.
- ii. Insubordination in the workplace refers to an employee's intentional refusal to obey an employer's lawful and reasonable order. Such a refusal would undermine a supervisor's level of respect and ability to manage and, therefore, is often a reason for disciplinary action, up to and including termination.
- iii. The following guidelines have been developed to communicate the Standards of HCS. Each employee is expected to:

1. Report to work on time, as scheduled, which means that employees must be at their assigned work station, ready for work, at their assigned starting time;
 2. Notify the appropriate supervisor when unable to report to work, or unable to report for work on time;
 3. Actively work during all working hours;
 4. Comply with all performance/conduct and safety/security policies and procedures;
 5. Wear appropriate attire for and in accordance with the work being performed;
 6. Perform assigned tasks efficiently and correctly;
 7. Maintain work place and work area cleanliness; and
 8. Refrain from behavior or conduct deemed offensive or threatening by co-workers or persons served.
- iv. The following are examples of violations of HCS's standards of conduct for which corrective counseling or other disciplinary action may be taken. Examples include, but are not limited to:
1. Failure to report consumer abuse, neglect, or harassment;
 2. Excessive absenteeism, tardiness or failure to come to work;
 3. Failure to meet performance and work quality standards;
 4. Abusive or unauthorized use of HCS supplies and equipment;
 5. Failure to adhere to safety/security regulations, procedures and policies;
 6. Reckless driving, including speeding, while operating agency vehicles;
 7. Unauthorized use of agency vehicles;
 8. Failure to immediately report an accident or job-related injury;
 9. Reporting to work intoxicated or under the influence of alcohol or illegal drugs;
 10. Possession or use of illegal drugs on HCS property;

11. Excessive consumption of alcoholic beverages while engaged in HCS business, except where authorized;
12. Falsifying employment or any other HCS records;
13. Submitting a fraudulent injury claim;
14. Failure to maintain the confidentiality of HCS confidential information or records, including the records of persons served;
15. Discrimination;
16. Harassment, sexual or otherwise;
17. Physical Abuse - includes hitting, slamming, throwing, kicking or threatening another person, including restraining by force or blocking the path of another;
18. Fighting or otherwise physically assaulting another employee;
19. Use of obscene, abusive, or threatening language and/or gestures;
20. Theft or misappropriation of property from co-workers;
21. Misuse, abuse, or destruction of HCS property;
22. Possession, sale or use of firearms or other weapons on HCS premises or while on HCS business;
23. Refusal to follow management's directions or instructions concerning any job-related function;
24. Deliberate concealment of another employee's misconduct;
25. Embezzlement/theft of any money or property belonging to HCS;
26. Violation of or failure to adhere to the rules of operation or conduct established by HCS; and/or
27. Any behavior or practice, whether or not mentioned in this manual, inconsistent with the ordinary and reasonable conduct necessary for a productive work atmosphere.
28. Inadequate work Performance.

- v. During working time, employees are strictly prohibited from viewing, blogging, logging onto, or otherwise participating on internet networking, web journals, social messaging, chat rooms, or social interactive or networking websites, including but not limited to Facebook, Myspace, as X (formerly Twitter), Flickr, LinkedIn, and the like. Such activities are highly disruptive to efficient business operations, may be harmful to office morale and/or offensive or harassing to other employees.
 - vi. The posting of any patient information on any website is a violation of federal and state laws and strictly forbidden. Employees should use discretion when referencing HCS on publicly available sites, and if HCS is referenced, should make it clear that personal statements are the employee's opinions and not those of HCS.
 - vii. Please keep in mind that, to the extent permitted by law, HCS may seek legal remedies against those who circulate false and defamatory information that is aimed at harming HCS's reputation or business operations.
 - viii. These examples are not all inclusive. Nothing in this policy is designed to modify HCS' employment-at-will policy.
- e. Discipline.
- i. HCS will administer progressive discipline consistent with the violation. Disciplinary actions can include, but are not limited to, verbal counseling and warning, written warning, retraining, reassignment or demotion, suspension without pay, and termination of employment or contract.
 - ii. More significant disciplinary action may result if the non-compliance involved:
 1. Participation in actions that violate government laws, HCS compliance policy and procedure, or the Standards of Conduct.
 2. Failure to follow policies that govern the prevention, detection, or reporting fraud or abuse.
 3. Falsification of records
 4. Submission of false records.
 5. Failure to report a violation by a peer or subordinate.

6. Failure to cooperate in an investigation.
 7. Retaliation/intimidation against an individual for reporting a possible violation or participating in an investigation.
- iii. Disciplinary actions will be appropriately documented and will be considered during promotional evaluations. Each record of a disciplinary action will be kept in the employee's file for a period of 18 months. If an incident similar to the behavior that resulted in the disciplinary action and which record is being held for an 18-month period did not recur within the 18-month period, the disciplinary action will be archived. It will be destroyed after 10 years from the date of the disciplinary action.
 - iv. The CCO will provide a report to the compliance committee and governing body regarding disciplinary actions.
 - v. Managers and supervisors will be disciplined for failure to instruct their subordinates or for failure to detect noncompliance, if reasonable diligence would have led to earlier discovery and correction of the noncompliance.
 - vi. HCS will enforce disciplinary actions fairly and consistently with the same disciplinary action applied to all levels of personnel. Consideration will be given to the impact of the noncompliance and whether the affected individual voluntarily reported the issue and fully cooperated with the investigation and review.
 - vii. Upon a finding that the alleged behavior involved noncompliance with government laws, HCS' compliance policy and procedures, or Standards of Conduct, HCS will take care that the noncompliant behavior ceases.
 - viii. The HR director together with the CCO will review training materials and determine what additional training needs to be given to avoid recurrence of the unethical or illegal action. If any corrective action was recommended, the HR director together with the CCO will perform a post-corrective action review to determine if the corrective action effectively addressed the noncompliant behavior.

2.2 HIPAA

- a. The HIPAA Privacy Rule provides federal protections for individually identifiable health information held by entities such as HCS and gives persons served an array of rights with respect to that information. At the same time, the Privacy Rule is balanced so that it permits the disclosure of health information needed for patient care and other important operational or payment purposes.
- b. The Security Rule specifies a series of administrative, physical, and technical safeguards for covered entities and their business associates which are designed to ensure the confidentiality, integrity, and availability of electronic protected health information.
- c. HCS complies with all HIPAA regulations and expects all employees to exercise the utmost caution when handling patient information. Employees will be held accountable for any breach in patient information privacy. Employees should refer to HCS's HIPAA policies and procedures for more information. Questions and concerns can be addressed to HIPAA Officer.

2.3 Fraud and Abuse

- a. Healthcare fraud occurs when a person or business intentionally misrepresents facts to receive reimbursement for healthcare services or supplies. Fraud is a criminal offense under state and federal laws and can result in substantial fines, loss of healthcare coverage, and/or criminal penalties — including jail time.
- b. Abuse is most often defined in terms of acts that are inconsistent with sound medical or business practices.
- c. The False Claims Act (FCA), Anti-Kickback Statute, Physician Self- Referral Law (Stark Law), Criminal Healthcare Fraud Statute, and other applicable laws are all included in HCS's Fraud and Abuse policies and are addressed in detail in HCS's Standards of Conduct.
- d. All employees are expected to adhere to the highest levels of integrity and report any questionable activities to the Compliance Officer. Employees are responsible for reading and reviewing HCS's Standards of Conduct and adhering to its guidelines.

2.4 Conflicts of Interest

- a. A conflict of interest exists when an employee engages in activity that may compromise him/her, another employee, HCS, or the agency's relationship with a person served, vendor, or competitor. Potential conflicts of interest with a person served, vendor, or competitor may include soliciting business for personal gain or to benefit a relative, accepting gifts other than those of nominal value, and requesting favors, discounts, or services. Unsolicited non-monetary gifts from persons served or their families and/or unsolicited non-monetary gifts from business associates are acceptable. Such gifts may not be worth more than \$150. Employees may never accept money from persons served or their families or agency business associates or vendors.
- b. Employees are required to disclose any potential conflict of interest to the Compliance Officer. Failure to disclose a potential conflict of interest or engaging in a practice determined to be a conflict of interest may result in disciplinary action up to and including termination.
- c. Due to potential conflicts of interest, HCS employees are not permitted to provide services for entities that provide services similar to that provided by HCS. This includes employees performing services on their own (as a consultant) or working on behalf of another entity as an employee, consultant, independent contractor or in any other manner. This policy applies to all employees except Direct Care Providers. In certain circumstances, HCS may make exceptions to this, which must be in writing signed by the HR Director. Employees should contact the HR Director if they are considering providing such services outside of HCS.

2.5 Agency Property and Equipment

- a. HCS assumes no liability for any personal property, such as cell phones, electronic equipment, tools, toolboxes, vehicles, etc., brought onto agency premises or parking areas.
- b. Unless authorized by HCS, the use of HCS time, materials or facilities for purposes not directly related to HCS business or the removal or borrowing of HCS property without permission is prohibited. Examples include but are not limited to personal computers, HCS letterhead, fax and copy machines, telephones, postage and other office supplies.

- c. Employees are asked to discourage friends and relatives from calling them at work, except for urgent matters. Personal phone calls should be made during lunch or break periods. Employees must receive prior approval before making a personal long-distance call on HCS telephones. Personal long-distance calls should be collected or charged to the employee's personal credit card.
- d. All HCS employees are responsible for protecting and preventing the misuse of HCS resources, property, and other assets, including but not limited to, funds, information, intellectual property, facilities, office supplies, equipment, computers, networks, software, telephone and internet services, voicemail, and e-mail. HCS resources are reserved for HCS business and may only be used for lawful and authorized purposes.
- e. HCS property, including but not limited to, desks, lockers, computers, files, e-mail, phones, cell phones, tablets, toolboxes, vehicles, and other property owned or operated by HCS, is subject to monitoring, inspection, interception, and review. Employees and other persons have no reasonable expectation of privacy in connection of the use of these properties.
- f. HCS retains the right to conduct searches of its property at any time. These searches may include agency lockers and vehicles. A search of property is not an allegation or accusation of criminal conduct. HCS also retains the right to search any locked or secured areas on agency premises in accordance with applicable laws. This includes the use of computer pass codes, which must be available to HCS at all times. When HCS determines the safety of persons served, employees, or agency property may be at risk, HCS may, at its sole discretion, conduct unannounced searches of employee's personal property on agency premises. Employees are expected to cooperate when searches are conducted.
- g. Any and all telephone conversations or transmissions, electronic mail or transmissions, or internet access or usage by an employee by any electronic device or system, including but not limited to the use of a computer, telephone, wire, radio or electromagnetic, photoelectronic or photo-optical systems may be subject to monitoring at any and all times and by any lawful means.
- h. HCS provides specialized tools and equipment when needed. This equipment should only be used for the purpose designed and in a safe manner. Any employee abusing

agency tools and equipment will be subject to disciplinary action, up to and including termination.

- i. Employees in certain positions are issued agency cellular phones and other devices, so they may maintain contact with persons served, and co-workers. Employees are expected to take proper care of their cellular phones and use them in a safe manner. The use of cellular phones while driving without a hands-free device is prohibited. If you lose, break, or damage your cell phone, report it to your supervisor at once. An employee may incur a fee for the device if the damage is a result of their negligence.
- j. All Agency issued tools, equipment, and cell phones must be returned upon leaving our agency or upon transferring to a position that does not require an agency cell phone. An employee may incur a fee if the device is not returned.
- k. Electronic Information Systems
 - i. In the course of their responsibilities for HCS, employees may have access to HCS electronic information systems. Electronic information systems include, but are not limited to, all HCS-owned or leased computer, facsimile, voicemail and telephone equipment, personal computers, laptops, mobile phones, smart phones, tablets and the like, all associated software and hardware, all online services provided by HCS, all HCS-provided e-mail accounts, all Internet sites maintained for or by HCS and all logins, passwords, data, files, messages, communications and information transmitted by, received from, entered into, or stored in these systems. Electronic information systems are the property of HCS, and HCS has sole control over all user access. It is the responsibility of each employee to use the electronic information systems in a professional and responsible manner. Each user is also expected to adhere to all security and other guidelines established by HCS.
 - ii. Use of Systems
 - 1. All Electronic information systems, except where specifically noted, are to be used solely for job-related purposes during working time.
 - 2. Employees may not install or modify any software, or download software from the Internet on HCS' computer hardware without prior authorization in writing from their supervisor. Employees are not permitted to modify or move existing hardware or equipment or connect personal computers,

smart phones or tablets to HCS' computer network without prior authorization in writing from their manager.

3. Each employee is responsible for the content of all text, audio or images that he/she places or sends over the agency's internet and email system. No email or other electronic communications may be sent that hide the identity of the sender or represents the sender as someone else.
4. The restrictions and limitations established in this policy apply equally to any remote or off-site use of HCS electronic information systems or use of personal electronic information systems for HCS business.
5. Any attempt to gain access to restricted files by use of unauthorized codes or passwords is prohibited and will subject the employee to disciplinary action up to and including termination.
6. HCS strives to maintain a workplace free of harassment and sensitive to the diversity of its employees. Therefore, HCS prohibits the use of HCS's network, computers, e-mail, or voicemail systems in ways that are disruptive, offensive to others, or harmful to morale. Examples of forbidden transmissions include: sexually explicit images, cartoons or jokes, unwelcome propositions, ethnic or racial slurs, or any other message that can be construed to be inappropriate, harassing, or disparaging. In general, employees are urged to use their best judgment and discretion when communicating electronically with any HCS employee, customer, client or vendor, both during and after work hours.
7. Employees and others have no expectation of privacy in the employer's electronic information systems. The employer reserves the right to monitor, inspect, copy and disseminate information on its electronic information system at its discretion.

iii. Intellectual Property

1. Electronic information systems may provide access to material protected by copyright, trademark, patent, trade secrets and export law. Employees may not assume that merely because information is available on an electronic information system to which HCS has access, that it may be downloaded or further disseminated. It is the responsibility of each HCS employee to ensure that use of any material from an electronic information system will not

violate applicable law or the intellectual property rights of any third party. If an employee is unsure as to whether the downloading or use of such material violates the rights of a third party or applicable law or HCS policy, the employee should make no use of such material (including downloading it) until the employee has received appropriate approval. Likewise, no HCS proprietary information, or any material protected by copyright, trademark, patent, trade secrets and export law may be placed on an electronic information system without the express written permission of HCS.

iv. No Expectation of Privacy

1. No email or Internet browsing should be considered private or personal, including but not limited to emails accessed, sent, or received from personal password protected web-based email accounts (e.g., Gmail, Hotmail, Yahoo, and the like) through the use of HCS's computer or email systems. All email messages and other information accessed, received, and/or stored through the use of HCS's network, computer or email systems, including but not limited to those from personal password protected web-based email accounts (e.g., Gmail, Hotmail, Yahoo, and the like), may be automatically stored on HCS hard drives, and/or may be forensically retrieved and reviewed by HCS, even when users have permanently deleted such usage and/or emails.
2. Accordingly, employees shall have NO EXPECTATION OR RIGHT OF PRIVACY when using, accessing, receiving, or storing information through the use of HCS's network, computer, email, or voicemail systems.
3. All data, files, software, programs, email messages, and information accessed, received, and/or stored through the use of HCS's network, computer, mail, or voicemail systems are, and remain at all times, the property of HCS.
4. HCS reserves the right to access, review, utilize, monitor, retrieve, and/or restrict any messages, data, files, or other information accessed, received, or stored, and/or attempted to be accessed, received, or stored, through the use of HCS's network, computer, email, or voicemail systems at any time and without any notice to employees.

5. Appropriate administrative employees are granted the right to search for, look at, and otherwise utilize these documents in the course of performing HCS duties. Any employee accessing such information is expected to use such information only in the performance of his or her duties, and not share any confidential information they may have come upon in the course of the performance of their services to HCS.

v. Electronic Mail Policy

1. HCS provides internal and external e-mail facilities to certain employees in order for employees to perform their job responsibilities for HCS. All e-mail users should exercise good judgment, forethought and common sense when creating and distributing e-mail messages. Each employee will be held accountable for ensuring that his or her use of the electronic information systems does not violate HCS' policies.
2. The following are important examples of prohibited activities involving use of HCS' e-mail system. This is not intended as a complete list. Any employee engaging in these or in other inappropriate activities will be subject to disciplinary action, up to and including termination of employment.
 - Forgery (or attempted forgery) of e-mail messages is prohibited.
 - Attempts to read, copy, modify, or delete e-mail messages intended for other users is prohibited.
 - Sending harassing, threatening, sexually-explicit, obscene, discriminatory, inappropriate, or other objectionable messages via e-mail to anyone is prohibited.
 - Sending unsolicited junk mail (whether to one or multiple recipients - i.e., "spamming"), "for-profit" messages, and chain letters is prohibited.

vi. Internet Policy

1. As a user of HCS' electronic information systems, an employee may be authorized to access the Internet. Access to the Internet should include the use of good judgment, common sense, and discretion. Additionally, HCS may use Internet monitoring software to track all sites visited by its employees.

2. The following are important examples of prohibited activities involving use of HCS' Internet access. This is not intended as a complete list. Any employee engaging in these or in other inappropriate activities will be subject to corrective action, up to and including termination of employment.

- Accessing, visiting or displaying internet sites containing sexually explicit, pornographic, or other material or displays that are inappropriate in a professional office environment.
- Because of the prevalence of viruses on the Internet, downloading of programs, data or other material, except as expressly approved in writing by the employee's supervisor.
- Use of HCS' electronic information systems to attempt to gain unauthorized access to remote systems.
- Falsifying user information.

vii. Employees who violate this policy and/or engage in electronic communications (e.g., tweeting, blogging, text messaging, emailing, and leaving voice messages), which HCS determines to be in violation of its anti-harassment policy, workplace violence prevention policy, HIPAA and confidentiality policies, applicable law or any other HCS policy, may be subject to disciplinary action, up to and including immediate termination of employment.

I. Use of Agency Vehicles

- i. Agency vehicles are to be used for HCS business only. Employees using their personal vehicle for HCS business will be reimbursed for mileage and tolls. Employees who drive agency vehicles must present and maintain a valid driver's license and acceptable driving record. Drivers must be approved by the Human Resources department. Employees who will be driving agency vehicles will have their driver's license reviewed upon hire, and again periodically. Employees who will be driving agency vehicles will be required to sign a Fair Credit Reporting Act authorization form to allow HCS to review their department of motor vehicle record and license status.
- ii. Any changes in an employee's driving record when that employee drives an agency vehicle must be reported to their supervisor and the Human Resources department immediately. Any tickets incurred for moving

violations and/or parking tickets during use of agency vehicles will be the responsibility of the driver.

- iii. Smoking is prohibited in agency vehicles. The use of seat belts is mandatory for drivers and passengers. The use of cell phones without hands free devices while driving is prohibited. The driver is responsible for ensuring the safety of all passengers, including that they are seat belted and seated properly according to medical or behavioral needs. If no additional staff are present, and there is a medical or behavioral issue, the driver should pull over as soon as it is safe to do so, in order to address the situation. If additional staff are present in the vehicle, they may not be seated in the front passenger seat, but must sit in the rear of the vehicle with the individuals. The driver is responsible for ensuring that the van is properly equipped with emergency items supplied by HCS, including a First Aid Kit, disposable gloves, and seat belt cutter. A camera should be utilized to photograph the accident, once steps have been taken to ensure the immediate safety of passengers and any required medical assistance. Report any accidents involving an agency vehicle to your supervisor immediately.
- iv. Agency accident forms must be completed as per agency policy. Forms may be obtained from your supervisor.

2.6 Substance Abuse

- a. In accordance with the Drug-Free Workplace Act of 1988, HCS is a drug-free and alcohol-free workplace. The use of controlled substances and alcohol subjects employees, persons served, and visitors to unacceptable safety risks, and undermines the agency's ability to operate effectively and efficiently.
- b. In conformance with this policy, the agency has established the following guidelines:
 - i. Alcohol: Unauthorized use or possession, or being under the influence of alcohol, by an employee while at work, on HCS property, on agency business or while representing HCS is prohibited. Agency, community, or vendor sponsored activities which may include the service of alcoholic beverages are not included in this policy. However, all employees are viewed as representatives of

HCS, whether at work or participating in these events. HCS expects that such consumption will be in moderation so as not to reflect negatively on the agency's professional reputation or expose HCS to undue legal liability. An employee should never operate a motor vehicle or otherwise engage in any hazardous activity if the alcohol consumed would impair their ability to safely perform those functions.

- ii. **Illegal Drugs:** "Illegal drugs" include any drug whose sale, possession or use is unlawful. It also includes the unauthorized or improper use of otherwise legal drugs. Manufacture, possession, use, transfer, sale, purchase, or being under the influence of an illegal drug while at work, on HCS property, on HCS business, or while representing HCS is prohibited. Off-the-job illegal drug use which could adversely affect an employee's job performance or which could jeopardize the safety of other employees, individuals served by HCS, the public, or where such usage adversely affects the public's trust in the ability of HCS to carry out its responsibilities, will not be tolerated.
- iii. **Legal Drugs:** In some circumstances, an employee's use of a legal drug can pose a significant risk to the safety of the employee or others. Legal drugs include alcohol, medications prescribed by a physician, and over-the-counter medications. The use of, or being under the influence of, any legally obtained drug while at work, on HCS property, on HCS business or while representing HCS is prohibited if such use or influence may affect the safety of the employee, co-workers, individuals HCS supports, or members of the public. An employee who has reason to believe that the use of a legal drug may present such a safety risk must report this to their supervisor or Human Resources.
- iv. Violation of this policy may result in disciplinary action, up to and including termination.
- v. HCS may report information with regards to possession, sale, distribution or use of illegal drugs to law enforcement officials. Any illegal drugs found during a search of agency property or an employee's personal property on agency premises may be turned over to law enforcement officials.
- vi. In lieu of discharge, and at the agency's sole discretion, an employee violating this policy may be permitted to participate in and successfully complete an appropriate treatment, counseling, or rehabilitation program as recommended by a substance abuse professional as a condition of

continued employment, and in accordance with federal, state, or local laws. We encourage employees to seek assistance before illegal drug or alcohol abuse renders them unable to perform their job functions, or jeopardizes the health and safety of themselves or others. The agency will attempt to assist its employees through referrals to rehabilitation, appropriate leaves of absence, and other measures consistent with federal, state, or local laws.

2.7 Attendance

- a. All employees must arrive and be prepared to commence work at their scheduled start time.
- b. Employees are responsible for notifying supervisors of absences, late arrivals, or early departures. Unscheduled absences, tardiness, and unscheduled early departures, failure to provide appropriate notification, or abuse of sick leave or other paid time off may result in corrective action up to and including termination of employment.
- c. Messages left on answering machines or voicemail are not acceptable. The employee must reach the Manager directly. In the event the Manager cannot be reached, the employee must notify the Assistant Manager (if applicable) or the Director of the department so that alternative coverage can be immediately arranged.
- d. In the event of an unexpected emergency, illness or injury, the supervisor should be notified as early as possible. Calls from individuals other than the employee will not be accepted as appropriate notice, unless the employee is unable to call HCS due to an unforeseeable illness, injury or emergency or approved by management.
- e. Failure to follow the proper call-in procedure when possible or being a no-call, no-show may result in disciplinary action, including termination.
- f. **IMPORTANT:** If persons served are present, an employee may never leave their shift without first being relieved by other staff (unless they have received permission to do so from a Supervisor). Employees must remain on duty until the next shift arrives.
- g. Misuse of time-off hours and repeated lateness may result in disciplinary action, including termination of employment.

- h. Employees are required to work the hours/shifts as per agreement and as documented on the Wage Notification Form.
- i. Do not start early, finish late, work during a meal break or perform any other extra work unless you are authorized to do so, and that time is recorded on a timesheet or HCS' electronic clocking system.
- j. HCS reserves the right to schedule employees for evening or weekend shifts or change an employee's regular work schedule as necessary, even if those shifts are not listed on the employee's Wage Notification Form.
- k. Employees may request a temporary or permanent change in schedule; HCS may attempt to accommodate such requests, but cannot guarantee that requests will be satisfactorily met.
- l. Employees must receive permission from their supervisor to work more or less hours than per schedule.
- m. Employees' compensation and benefits are tracked through the use of ADP software. ADP's biometric time clock technology does not store actual fingertip images, just a mathematical representation. An employee has the right to refuse to be fingerprinted.
- n. If an employee voluntarily comes in without permission before their regular start-time or remains after their end-time, he/she may be subject to discipline.
- o. All employees are responsible for accurately document their attendance including "time in" and "time out" for all times worked for HCS. Supervisors must review and sign the timesheet prior to submission to payroll. Employees may not record time for another employee or sign in or out for another employee. Any errors in payroll records should be immediately reported to the employee's supervisor. All legitimate errors will be corrected.
 - i. For all work performed on premises, employees must utilize the clock machine to record their hours worked.
 - ii. For work performed off HCS's premises (or off-site), employees must record their hours worked on a timesheet, including the location and purpose of the work performed.
 - iii. This timesheet must be given to your supervisor for processing.

- p. Although scheduled, HCS reserves the right to notify an employee in advance that certain days their services will not be needed and will not be required to pay for those hours.
- q. Off-Site Hours.
 - i. Employees are prohibited from working at home and other off premises locations without advance approval of their supervisor.
 - ii. HCS may not compensate employees who work off-premises without proper advance approval.
 - iii. When working for HCS off-premises during normal business hours, the employee must be available by phone, and at least one person at the agency must be aware of where he or she is and when he or she is expected to be back.
 - iv. If HCS requests an employee to attend a meeting, conference, or other event offsite, HCS will reimburse hourly paid employees for the time at the conference in addition to travel time to and from the event. Employees will also be reimbursed for reasonable travel expenses.

2.8 Meal Breaks

- a. HCS complies with all applicable NYS Department of Labor laws and regulations with regards to meal breaks and provides employees with meal breaks as follows:
 - i. Employees will be provided with a paid 30-minute meal break between 11 a.m. and 2 p.m. for shifts six hours or longer that extend over that period.
 - ii. Employees will be provided an additional paid 20-minute meal break between 5 p.m. and 7 p.m. for workdays that extend from before 11 a.m. to after 7 p.m.
 - iii. Employees will be provided with a paid 45-minute meal break at the time midway between the beginning and end of the shift for all shifts of more than six hours starting between 1 p.m. and 6 a.m.
- b. Managers will determine the scheduling of employee breaks in order to ensure an acceptable level of coverage and agency operation at all times. Short paid breaks are permitted with the approval of your supervisor, subject to program needs.

- c. Hours documented on the Wage Notification Form are inclusive of meal breaks unless otherwise indicated.
- d. Employees do not have the right to waive their meal break.
- e. Employees cannot forego or postpone their meal break in order to leave work early or delay the start of their work shift. Employees who fail to comply with this policy may be subject to discipline.

2.9 Rest Breaks

- a. HCS does not offer its employees rest breaks, except for the meal breaks or as otherwise provided by law.
- b. All staff who must leave the premises during the course of work, regardless of the reason or length of leave, must notify their supervisor prior to leaving.
- c. Employees who leave the building for personal reasons must clock out at the time of departure and clock in upon their return. Exception applies to lunch breaks up to a half hour per day and/or to employees who must go from one site to another during work hours.
- d. Accommodations for Nursing Mothers. The Agency provides employees who are nursing with break time to express breast milk in accordance with applicable law. Employees will not be discriminated against or retaliated against for exercising their rights under this policy, and reasonable efforts will be made to provide a private room or location in close proximity to the work area for this purpose.
- e. Pursuant to New York City law, employees needing to express breast milk have a right to request access to a lactation room. The Agency will provide a lactation room, unless doing so would impose an undue hardship on the Agency. If doing so poses an undue hardship, the Agency will engage in a cooperative dialogue with employees to discuss reasonable alternatives in an attempt to accommodate their needs.
 - i. For purposes of this policy, the term lactation room means a sanitary place, other than a restroom, that can be used to express breast milk shielded from view and free from intrusion and that includes at minimum an electrical outlet, a chair, a surface on which to place a breast pump and other personal

items, and nearby access to running water. Unless doing so poses an undue hardship, the Agency will provide a lactation room in reasonable proximity to the employee's work area and a refrigerator suitable for breast milk storage also in reasonable proximity to the work area. If the room designated to serve as a lactation room is also used for another purpose, the sole function of the room will be as a lactation room while the employee is using the room to express breast milk. While the room is being used to express milk, notice will be provided that the room is given preference for use as a lactation room.

- ii. Employees may submit a request for a lactation room by contacting Head of Human Resources. The Agency will respond to such requests within five (5) business days.
- iii. If two (2) or more employees need to use the lactation room at the same time, they should contact the Head of Human Resources so that arrangements can be made to ensure all individuals have access to the lactation room amenities. Employees should contact the Head of Human Resources with any follow-up questions.
- iv. The Agency will provide a reasonable amount of break time each day for employees to express breast milk pursuant to section 206-c of the New York Labor Law. Please refer to the Lactation Breaks policy for more information.
- v. The Agency will not tolerate discrimination or harassment based on the request for or usage of lactation accommodations. Any discrimination, harassment, or other violations of this policy can be reported to the Head of Human Resources.
- vi. Employees can contact the Head of Human Resources with questions regarding this policy.

2.10 No Smoking or Vaping

- a. In accordance with New York State law, smoking and vaping are prohibited on the grounds of our facilities and within fifteen feet of the entrances and exits to our facilities. Additionally, no smoking or vaping should occur in the vicinity of people served.

2.11 Electronic Devices

- a. Employees may carry and occasionally use personal cell phones while at work. If an employee's use of a personal cell phone causes disruptions or loss in productivity, the employee may become subject to disciplinary action. Employees should refer to and must comply with any Department specific policies with regard to cell phone usage and restrictions during work hours and on HCS premises.
- b. Cell phones and other electronic handheld devices may not be used during work for games, social networking, taking pictures, texting, and any other nonsignificant use.
- c. Employees are expected to disclose in advance if they intend to use their cell phone or other electronic device to record conversations or take pictures with their co-workers.
- d. Persons served may never be photographed or recorded via audio or visual recording device unless authorized by HCS, as well as with the express written consent of the person or their parent/ guardian/advocate.

2.12 Dress and Appearance

- a. The personal appearance of every employee reflects directly on HCS and its overall image, therefore all employees are expected to dress in appropriate attire for the position and in such a manner as to reflect cultural sensitivity with regards to the people we serve and their families and other staff members. Furthermore, all employees are expected to dress appropriately for the employee's job title and should not dress in a manner which would interfere with his/her ability to perform his/her job duties. Any employee reporting to work wearing inappropriate attire, taking into consideration this policy and the guidelines below, will be asked to leave the workplace until properly dressed and/or groomed. Repeated failure to report to work in appropriate attire will be considered a violation of this policy, which will be subject to disciplinary action up to and including termination of employment.
- b. Employees are expected to ensure that good personal hygiene is maintained. This hygiene policy includes a restriction on odors that may be considered offensive or trigger an allergic (or similar) response. Employees are expected to use good judgment in determining how to dress in a manner so as not to offend other staff or the persons/families we serve with an emphasis on cultural sensitivity. In all

cases, employees should remember that HCS's goal is to foster a productive and sensitive work environment that conveys professionalism.

- c. For reference, following is a list of types of attire that is considered inappropriate for office work, employees providing direct care should use these rules as a general guideline. This list is intended solely as guidance and is not (nor is it intended to be) all-inclusive:
 - i. Clothing that is revealing, tight fitting, sheer, or more provocative than standard formal work clothes (e.g., Sweatshirts, T-shirts, casual shirts with slogans, strapless or thin-strapped tops or dresses, tank tops; halter tops), low-cut or bare midriff tops, and clothing that reveals bare backs or shoulders.
 - ii. V-necks, scoop necks, square necks, and boat necks or any other shirt which the neckline is not professional and conservative.
 - iii. Jeans, sweatpants, stretch pants, culottes, skorts or shorts, leggings, spandex or athletic warm up clothing (such as jogging suits);
 - iv. Skirts/dresses with lengths that are above the knees.
 - v. Clothing with holes or tears in them.
 - vi. Visible body piercings (except for earrings).
 - vii. Obvious, large tattoos and other body markings
 - viii. Bare feet or legs (socks or stockings must be worn).
 - ix. Open backed shoe gear.
 - x. Beachwear or gym wear.
- d. In addition, those providing direct care, special attention should be given to such items as hair accessories, jewelry, and fingernail lengths, so as to avoid creating safety hazards for the employee and/or persons served.
- e. If you have any questions about these standards or difficulty in meeting them, you are encouraged to discuss your concerns with your supervisor.

2.13 Employment of Related Employees

- a. The employment of relatives or employees dating each other within the same area of the agency may cause an actual or potential conflict of interest, including problems with favoritism and employee morale.
- b. Relatives of current employees may be considered for employment if the applicant meets the requirements of the position, successfully completes the application process and the hiring of the applicant will not create a conflict of interest. A supervisor may not hire or supervise an employee if that employee is a relative (defined as spouse, parent, child, sibling, niece, nephew, or any other category of relative if they reside in the same household). This would also hold true for someone with whom the supervisor has a romantic relationship.
- c. If the hiring of an employee's relative or romantic relationship creates a conflict of interest, one of the employees may be requested to transfer to another position, or to another location, if an available job exists. If no suitable vacancy exists, one of the employees may be terminated. On occasions when the familial or romantic relationship develops after commencement of employment, HCS will determine whether a conflict of interest exists. In such situations, employees may be requested to transfer to other positions, or to another location, if available jobs exist. If no suitable vacancy exists, one of the employees may be terminated.
- d. If a relative or dating relationship is established between employees after their hiring, it is the responsibility and obligation of the employees to disclose the existence of the relationship to management.
- e. Employees in a close personal relationship should refrain from public workplace displays of affection or excessive, non-work related personal conversation.

2.14 Personal Visitors

- a. HCS residential programs are the private homes of persons we serve. Visitors of employees are not permitted at residential program locations without valid reason and prior permission of your supervisor. The privacy of persons we serve, and their private living areas, particularly their bedrooms, are to be strictly respected.
- b. If an employee is expecting a personal visitor at the main office, please ask your visitor to ask for you at the reception area. The receptionist will notify you of their

arrival, so that you may come to greet them. Visitors are not to be wandering the building unless accompanied by an employee. Under no circumstances are visitors permitted in confidential or potentially hazardous areas. Please be respectful of your fellow employees and the professional environment.

2.15 Non-Solicitation

- a. In order to prevent disruption in the operation of the agency or interference with providing services, HCS has established a policy prohibiting the distribution and posting of literature on HCS property, other than in designated break rooms and during prescheduled break times.
- b. No solicitation of any kind is permitted by employees during working time and/or in working areas. Solicitation by non-HCS working or off- duty employees is not prohibited, however, it may not occur in any work area and it may not interfere with other employees who are working.
- c. Distribution of non-HCS-approved written materials of any kind, including circulars or other printed materials should not occur in any work area at any time.

2.16 Neatness of Work Area

- a. It is HCS policy to keep all areas of the business neat, clean, and professional in appearance. Each employee is responsible for keeping his/her personal work area clean and uncluttered. Inappropriate or distasteful pictures or posters are not permitted on HCS property.

3. Compensation and Benefits

3.1 Employee Classes

- a. Employee benefits may be different for different employees based on their Employee Class. These three classes are off-site, onsite and administrative, please see employee class chart to determine employee class.
- b. For the purpose of compensation and benefits as defined in this section, employees who have multiple job titles with different classifications will be designated with the higher classification.

3.2 Employee Worker Category

- a. In addition to Employee Classes, worker category defines the benefits that the employee may be eligible for as described in this Manual.
- b. The term benefits used in this Section exclude eligibility for health insurance which is described separately in this Manual.
- c. Introductory Period Status
 - i. The introductory period for all new employees ends on the first day of the month after fifty-nine days. During this time, the employee will be observed and evaluated by his/her immediate Supervisor. Employees should seek help from their supervisor in answering any questions concerning expectations, job responsibilities, training, or anything else affecting their position.
 - ii. Either the employee or HCS may end the employment relationship at any time during or after the Introductory Period, with or without cause or advance notice. Successful completion of the Introductory Period is not a guarantee or assurance of continued employment by HCS and does not change an employee's at-will employment status.
 - iii. HCS reserves the right to extend an employee's introductory period if, in its sole discretion, HCS determines that circumstances warrant an extension.
 - iv. Eligible employees will not accrue paid time-off during the introductory period. Upon successful completion of the Introductory Period (or any extension of the

introductory period), time-off will be accrued retroactive to an eligible employee's first day of employment.

- v. Eligible employees may be entitled to holiday pay during the introductory period if an HCS observed holiday falls on the employee's regularly scheduled workday.

d. Full-time Status

- i. Administrative staffs that are regularly scheduled and work thirty-five (35) or more hours per week, and have successfully completed the introductory period and any extension thereof, are considered to be full-time employees.
- ii. On-Site Staff, who are regularly scheduled and work forty (40) hours per week, and have successfully completed the introductory period and any extension thereof, are considered to be full-time employees.
- iii. Off-Site Staff regardless of how many hours worked are not eligible to attain full-time status. They are not eligible to participate or receive any benefits set forth in this manual or employee plan documents except to the extent required by law.

e. Part-time Status

- i. Administrative staff who are regularly scheduled and work less than thirty-five (35) hours but more than fourteen (14) hours per week, and who have successfully completed the introductory period and any extension thereof, are considered to be part-time employees.
- ii. On-site staff who are regularly scheduled and work less than forty (40) hours per week and have successfully completed the introductory period and any extension thereof, are considered to be part-time employees.
- iii. Off-site staff is not eligible to attain part-time status.

f. On-Call Status

- i. Administrative staff who work less than 14 hours per week, and on-site staff who work less than 16 hours a week on a day-by-day, as needed basis, and do not have any established schedule of working hours are considered to be on-call employees. On-call employees are NOT eligible for benefits, except where required by law.

g. Temporary/Seasonal Status

- i. Employees who are hired on a full or part-time basis for a prearranged period of time that is not expected to or does not exceed ninety (90) days are considered temporary/seasonal.
- ii. Temporary/seasonal employees are NOT eligible for benefits, except to the extent required by law.

h. Suspended Status

- i. The suspended status is applied to employees who are temporarily suspended from work due to acts of misconduct, deficient conduct, or work performance or in connection with an HCS investigation of a complaint or other work-related concern.
- ii. Employees may also be suspended for failure to complete or update HR related requirements such as requisite training, licensure, or certification.
- iii. HCS may suspend employees, with or without pay, in its sole discretion.

3.3 Overtime Pay

- a. Exempt (salaried) Employees are those employees who are employed in a bona fide executive, (i.e. supervisory), administrative or professional capacity, and are not entitled to receive overtime.
- b. All other employees are considered Non-Exempt Employees and are entitled to overtime pay for all hours worked in excess of forty (40) hours in a given workweek.
- c. Employees are expected to work overtime when the need arises. Although you will be given advance notice when feasible, this is not always possible. Non-exempt employees will be paid time and a half (1.5) their regular hourly rate for work that exceeds forty hours worked during a scheduled workweek. **All overtime must be approved by your supervisor in advance.** Nonexempt employees are prohibited from performing any “off-the- clock” work. “Off-the-clock” work means work you may perform but fail to record.
- d. Holidays and any other time-off hours are not considered time worked for the calculation of overtime pay. However, non-exempt employees who work on a

holiday will be paid their hourly rate as well as holiday pay for all hours worked on a holiday.

- e. Employees who fail to record or inaccurately record hours worked or work overtime without receiving prior authorization from the supervisor may be subject to disciplinary action, up to and including termination of employment.

3.4 Compensation

- a. Jobs within HCS differ in responsibility, working conditions, complexity, educational requirements and other important factors. Rates of pay that employees receive for performing their jobs reflect differences in skill levels, education, and employment history. The overall pay structure of HCS compares favorably with other agencies in our area and with other not-for-profit organizations of our size and scope. We compare pay both internally and externally and conduct annual wage and salary surveys in our efforts to be fair and competitive. HCS strives to provide employees with a competitive total compensation package that includes both take home pay and the cost of the benefit programs provided.
- b. All employees are paid on alternating Thursdays for the two week period ending on the Friday two weeks prior. If the scheduled payday is a holiday observed by HCS or the payroll processing company, payday is advanced to the preceding workday.
- c. HCS does not offer payroll advances.
- d. If an employee does not pay his/her debts, a creditor can, through legal means, order HCS to withhold a certain amount from the employee's paycheck. This process is called a garnishment. HCS complies with all legal garnishment orders, and the payroll office will notify the employee upon receipt of a court order requiring HCS to garnish the employee's pay.
- e. It is HCS's policy to accurately compensate employees and to comply with federal, state, and local law as well as HCS policy.
- f. As required by law, federal, state, local, and/or social security taxes are withheld from employee wages. Deductions are listed on your pay stub. For questions regarding deductions, contact the Payroll Department.

- g. During your employment you and the agency both contribute funds to the federal government to support the Social Security program. This program is intended to provide you with retirement benefit payments and medical coverage once you reach retirement age. The Social Security Administration and HCS require your current name and correct social security number. If you have a name change or notice an incorrect social security number, please notify both parties.
- h. Each employee is responsible for reviewing his or her paycheck and must inform the Agency promptly to identify and to report any errors. Any employee who believes that his /her compensation is inaccurate should contact the payroll department. If any deduction was improper, HCS will compensate the employee as promptly as possible.
- i. You have the option of receiving your pay in a payroll check or having your pay deposited into your bank account through our direct deposit program. To arrange for direct deposit, please contact the Director of Human Resources.

3.5 Holidays

- a. Paid holidays as described in this Section apply to full-time and part- time status employees only.
- b. Calendars of scheduled holidays will be distributed prior to the start of each secular calendar year.
- c. Holiday pay will be paid to employees based on their scheduled work hours for that day. Employees who haven't worked on the weekday of the Holiday during the three weeks preceding the holiday (i.e. the last three Mondays), regardless of whether it is scheduled, will not receive holiday pay.
- d. Hourly employees who are regularly scheduled to work and work on the Holiday receive two times their regular pay.
- e. Employees who are not scheduled to work will need to obtain prior approval from their supervisors in order to work on holidays. They will be paid only for their working hours.
- f. Salaried employees who are requested by the Agency to work on a holiday, will receive additional payment equivalent to one day pay for that day.

- g. Holidays will not be paid to employees on any type of unpaid leave of absence, such as leave taken under the Family and Medical Leave Act.
- h. Holidays will be paid to employees in lieu of any type of paid leave of absence, such as time-off or sick days.
- i. Time off without pay may be granted to employees who desire to observe a religious holiday which is not recognized by HCS, provided undue hardship is not introduced to the agency.

3.6 Time Off for Full-time and Part-time Employees

- a. The time-off policy as described in this Section is intended to comply with the New York State and New York City Paid Sick Leave Laws.
- b. Employees begin accruing time pursuant to this policy at the start of employment.
- c. Time-off benefits will be allotted as follows:
 - i. Full-time and part-time Employees in their first two years of employment will receive one hour of time-off for every seventeen and a third (17.33) paid hours, up to 120 hours per calendar year;
 - ii. Full-time and part-time employees hired prior to December 31, 2022 and who are employed for more than two years will receive one hour of time-off for every thirteen (13) paid hours, up to 160 hours per calendar year;
 - iii. Exempt employees accrue based on 40 hours in each workweek regardless of actual hours worked unless their normal workweek is less than 40 hours, in which case time off accrues based upon that normal workweek.
 - iv. For purposes of this policy, the calendar year is the consecutive 12-month period beginning January 1 and ending on December 31.
- d. For full-time and part-time employees, accrued and unused time-off benefits up to 80 hours may be carried over to the following calendar year. The maximum time a full-time or part-time employee may bank is 80 hours. If the full-time or part-time employee has 80 hours banked, no additional time will be carried over or added to the banked time.
- e. Time-off benefits may be taken in minimum 15-minute increments.

- f. Applicable Deductions to time-off Accruals:
 - i. Employees who take a leave of absence that amounts to 15 minutes or more within any workday may have their time-off benefits adjusted/deducted for their time(s) of leave.
 - g. Employees who are planning to take time off are required to submit to their supervisor a Time-Off Request Form at least two weeks prior to the start of their desired time-off period. HCS will try whenever possible to accommodate this request. In the event that an employee's request is denied based on circumstances, a Time-Off Request Form with alternate dates may be submitted.
 - h. Employees are required to ensure that their phone and email are updated with information regarding their return date to work.
 - i. Paid time-off should not exceed two consecutive weeks, unless authorized by the agency's executive director.
 - j. Time-Off pay will not be deducted on paid holidays when the employee was not scheduled to work.
 - k. Employees terminated/resigned will be reimbursed for time-off benefits accrued to the date of termination up to 120 hours. The following employees will not be paid any time-off benefits:
 - i. Employees who leave without notice; and/or
 - ii. Employees who resign before six months of employment.
 - l. Time-off for non-sick/safe time purposes may not be used during the employee's notice of impending termination and the final date of employment. In addition, if the employee has already used 56 hours of paid time during the calendar year, no more paid off will be paid during the employee's notice period. Further, to the extent an employee uses paid time during the notice period (for safe and/or sick time), it will be deducted from any paid time the employee would otherwise have been paid out on termination.
 - m. Employees may use this paid time all for all purposes covered by New York State and New York City's Paid Safe and Sick Time Laws.
 - n. Safe and sick time will be paid at the same rate as the employee earns at the time the employee uses such time, unless otherwise required by applicable law, but no

less than the applicable minimum wage. Safe and sick time will be paid no later than the payday for the next regular payroll period beginning after the safe and sick time was used. Use of paid safe and sick time is not considered hours worked for purposes of calculating overtime.

- o. Employees have the right to request and use safe and sick time and may file a complaint for alleged violations of this policy with the New York City Department of Consumer and Workforce Protection or the New York State Department of Labor. The Agency prohibits retaliation or the threat of retaliation against employees for exercising or attempting to exercise any right provided in this policy or interference with any investigation, proceeding or hearing related to or arising out of employee rights pursuant to this policy and applicable law.
- p. Employees with questions concerning this policy should contact the Head of Human Resources.

3.7 Time Off for Non-Full-time and Non-Part-time Employees

- a. Off-site Employees are defined as Time Off for Non-Full-time and Non-Part-time Employees.
- b. HCS provides paid safe and sick time to all employees.
- c. Off-site employees begin accruing paid safe and sick time pursuant to this policy at the start of employment. Eligible employees will accrue one (1) hour of safe and sick time for every 30 hours paid, up to a maximum accrual of 56 hours each calendar year. Exempt employees are assumed to work 40 hours in each workweek unless their normal workweek is less than 40 hours, in which case safe and sick time accrues based upon that normal workweek. For purposes of this policy, the calendar year is the consecutive 12-month period beginning January 1 and ending on December 31.
- d. Employees may begin using paid safe and sick time once it is accrued. Safe and sick time may be used in a minimum increment of 15 minutes, provided this is reasonable under the circumstances. Employees may not use more than 56 hours of safe and sick time in any calendar year.
- e. Employees may use paid safe and sick time for absences due to:

- i. the employee's mental or physical illness, injury or health condition or need for medical diagnosis, care or treatment of a mental or physical illness, injury or health condition or need for preventive medical care;
- ii. the care of the employee's family member who needs medical diagnosis, care or treatment of a mental or physical illness, injury or health condition or who needs preventive medical care;
- iii. closure of the employee's place of business by order of a public official due to a public health emergency or such employee's need to care for a child whose school or childcare provider has been closed by order of a public official due to a public health emergency; or
- iv. the employee or a family member being the victim of domestic violence, family offense matters, sexual offenses, stalking or human trafficking;
- v. to obtain services from a domestic violence shelter, rape crisis center or other shelter or services program for relief from domestic violence, a family offense matter, sexual offense, stalking or human trafficking;
- vi. to participate in safety planning, temporarily relocate or take other actions to increase the safety of the employee or family members from future domestic violence, family offense matters, sexual offenses, stalking or human trafficking;
- vii. to meet with a civil attorney or other social service provider to obtain information and advice on, and prepare for or participate in any criminal or civil proceeding, including but not limited to matters related to domestic violence, a family offense matter, sexual offense, stalking, human trafficking, custody, visitation, matrimonial issues, orders of protection, immigration, housing, discrimination in employment, housing or consumer credit;
- viii. to file a complaint or domestic incident report with law enforcement;
- ix. to meet with a district attorney's office;
- x. to enroll children in a new school; or
- xi. to take other actions necessary to maintain, improve or restore the physical, psychological, or economic health or safety of the employee or family member or to protect those who associate or work with the employee.
- xii. other similar need as approved by HCS

- f. For purposes of this policy, family member means a child (biological, adopted or foster child, a legal ward or a child of the employee standing in loco parentis), spouse, domestic partner, parent (biological, foster, step, adoptive, legal guardian or person who stood in loco parentis when the employee was a minor child), sibling (including half siblings, step siblings or siblings related through adoption), grandchild, grandparent, the child or parent of the employee's spouse or domestic partner, any other individual related by blood to the employee, and any other individual whose close association with the employee is the equivalent of a family relationship.
- g. Use of safe and sick time will not be conditioned upon searching for or finding a replacement worker.
- h. Unless advised otherwise, the Agency will assume, subject to applicable law, that employees want to use available safe and sick time for absences for reasons set forth above. Employees will be paid for such absences to the extent they have paid safe and sick time available.
- i. Employees will be advised of the amount of time accrued and used during a pay period and the total balance of accrued safe and sick time on the pay statement or other form of written documentation provided each pay period.
- j. Employees may make requests to the Head of Human Resources to use paid safe and sick time orally or in writing prior to using accrued safe and sick time.
- k. The Agency may require supporting documentation if employees use paid safe and sick time for more than three (3) consecutive workdays, to the maximum extent permitted by applicable law. For paid safe and sick time used for reasons #1 or #2 above, documentation signed by a licensed health care provider indicating the need for the amount of safe and sick time taken and that safe and sick time was used for a covered reason under this policy and/or applicable law will be considered reasonable documentation, and such documentation need not specify the nature of the injury, illness or condition, except as required by law. For paid safe and sick time used for reason #4 above, documentation signed by another employee, agent or volunteer of a victim services organization, an attorney, a member of the clergy or a medical or other professional service provider from whom the employee or family member has sought assistance in addressing domestic violence, family offense matters, sex offenses, stalking or human trafficking and their effects; a

police or court record; or a notarized letter from the employee explaining the need for such time will be considered reasonable documentation, and such documentation need not specify the details of the domestic violence, family offense matter, sexual offense, stalking or human trafficking. Where a health care provider charges employees a fee for providing supporting documentation, the Agency will reimburse employees for such fee. The Agency also will reimburse employees for all reasonable costs or expenses incurred for obtaining supporting documentation requested for safe and sick time used for reason #4 above.

- l. The Agency will not require the disclosure of confidential information relating to a mental or physical illness, injury or health condition or information relating to absence from work due to domestic violence, a sexual offense, stalking or human trafficking as a condition of providing safe and sick time. Moreover, the Agency cannot require that employees or a health care or service provider disclose personal health information or the details of the matter for which the employee requests safe leave under the New York City Paid Safe and Sick Leave Law. The Agency must keep information about employees or their family members obtained solely because of the Paid Safe and Sick Leave law confidential unless the employee consents to disclosure in writing or disclosure is required by law.
- m. The Agency may take disciplinary action, up to and including termination, against employees who use safe and sick time provided under this policy for purposes other than those described above, to the maximum extent permitted by applicable law.
- n. Safe and sick time will be paid at the same rate as the employee earns at the time the employee uses such time, unless otherwise required by applicable law, but no less than the applicable minimum wage. Safe and sick time will be paid no later than the payday for the next regular payroll period beginning after the safe and sick time was used. Use of paid safe and sick time is not considered hours worked for purposes of calculating overtime.
- o. Employees may carry over any unused sick and safe leave to the following calendar year. However, employees only may use up to 56 hours in each calendar year. Unused safe and sick time will not be paid at separation.
- p. Employees have the right to request and use safe and sick time and may file a complaint for alleged violations of this policy with the New York City Department of Consumer and Workforce Protection or the New York State Department of Labor.

The Agency prohibits retaliation or the threat of retaliation against employees for exercising or attempting to exercise any right provided in this policy or interference with any investigation, proceeding or hearing related to or arising out of employee rights pursuant to this policy and applicable law.

- q. Employees with questions concerning this policy should contact the Head of Human Resources.

3.8 Jury Duty

- a. Employees who are scheduled to work but are unable due to jury duty on their workday, will be paid by HCS for the first three (3) days of mandatory jury duty as follows:
 - i. For regularly scheduled hours between 6am and 6pm ("Day Shift"): at their regular rate of pay.
 - ii. For regularly scheduled hours between 6pm and 6am ("Night Shift"): \$72.00 per day.
- b. Jury duty will be considered to have occurred on the same workday for Night Shift employees if the jury duty starts or ends within eight (8) hours of the employee's shift, but in no event shall the employee receive more than \$72 lost wages per workday for three (3) shifts missed due to jury duty.
- c. In the event an Employee's regularly scheduled shift spans both Day Shift and Night Shift hours, the following procedure shall apply: the employee missing work during as a result of jury duty will receive full pay for *actual* Day Shift Hours lost as a result of jury duty or \$72.00, whichever is greater.

3.9 Blood Donation and Bone Marrow Leave

- a. Employees who work an average of twenty (20) hours or more per week may take up to twenty-four (24) hours of unpaid leave in order to donate bone marrow. The employee must provide a written note from a physician verifying the purpose and length of the leave.

- b. Employees who work an average of twenty (20) hours or more per week may take up to three (3) hours of unpaid leave per twelve (12) month calendar year in order to donate blood. Employees must give reasonable notice of their intent to take this leave for blood donation.

3.10 Bereavement

- a. In the unfortunate event of a death in the family, full-time and part-time employees will be granted paid leave for the equivalent of one work week for the death of a spouse, child, sibling, or parent within two weeks of the family member's death.
- b. In addition, full-time and part-time employees will be granted one paid work day to attend the funeral of a grandparent, grandchild, parent-in-law, child-in-law, niece, nephew, aunt or uncle. This paid leave is available for the day of the funeral only and may not be exchanged for an alternate day.
- c. A death certificate or other proof may be requested from the employee.

3.11 Inclement Weather

- a. The following conditions apply to on-site and administrative staff only.
- b. HCS will be open for business on all regularly scheduled days, regardless of weather conditions. Every attempt should be made to report to work if weather conditions permit. Employees should notify their supervisor as soon as possible if they will be absent from or late for work. Supervisors may approve late arrivals or early departures if it is determined that the employee made an effort to report to work for a full day.
- c. Time taken off due to poor weather conditions will be deducted from time-off or sick hours.
- d. If extreme weather conditions require closing of the main offices, you will be notified by your supervisor and paid for scheduled work hours.

3.12 Other Leave Policies

- a. Other than what is required by law or otherwise specified, HCS does not offer its employees any unpaid leave. In urgent situations, a waiver may be obtained with the executive director's approval.
- b. Employees have certain rights under federal law with regards to leaves because of illnesses, military caregiver leave, etc. Detailed FMLA standards are attached to this Manual (Appendix A)
- c. Employees also have a right to paid leave under the New York's Paid Family Leave Benefits Law (PFL). Detailed PFL standards are attached to this Manual (Appendix B).
- d. HCS fully complies with federal and state laws with regard to military leave. Military leave is considered unpaid leave.
- e. *Voting Leave*. HCS believes that every employee should have the opportunity to vote in any state or federal election, general primary, or special primary. Any employee whose work schedule does not provide him or her with four consecutive hours to vote while polls are open, will be granted up to two paid hours off in order to vote. Any additional time off will be without pay. HCS reserves the right to select the hours you are excused to vote either at the beginning or end of your shift. Employees must notify their supervisor of their need for voting leave two days before the election. When returning from voting leave, the employee must present a voter's receipt to their supervisor as soon as possible.
- f. Paid Prenatal Leave

Effective January 1, 2025 pregnant employees will be eligible for up to 20 hours of prenatal leave for certain healthcare services relating to their pregnancies.

Leave Use and Duration: Eligible employees can take up to 20 hours of paid prenatal leave during any 52-week period. Leave can be used for any qualifying reason in increments of one hour at a time.

Qualifying Uses: Employees can use prenatal leave for the health care services received by an employee during their pregnancy or related to such pregnancy, including physical examinations, medical procedures, monitoring and testing, and discussions with a health care provider related to the pregnancy.

Leave Pay: Prenatal leave will be paid at the employee's regular rate of pay. Unused leave is not paid out upon separation from employment or (unless otherwise required by law) carried over from year to year.

Relation to Other Leave: Prenatal leave is available in addition to, and may be taken separately from, the current statutory sick leave benefits available under New York State and New York City Law. However, the employee may be required to use other paid time off available to the employee to the extent permitted by applicable law. Where leave is also covered under other leave laws, such as the FMLA, leave will run concurrently.

3.13 Health Insurance

- a. All employees working 30 hours per week or more (or an average thereof) may become eligible to participate in HCS's medical health plan (dental and vision are not included) as it relates to this Section on the first day of the month following fifty-nine days of employment.
- b. Information about HCS's group health plan is available from the Human Resource Department. In the event of discrepancies between the information contained in this Manual and the official plan document and/or master insurance contracts, the latter will govern in all cases.
- c. HCS may in its discretion change, reduce or eliminate all or some of its employee medical, dental, vision insurance coverage benefits or any other cafeteria plan benefits.
- d. Open Enrollment. HCS will hold a group enrollment period once a year. The open enrollment will be held during the month of December. During this period, eligible employees may elect to participate or discontinue with the plans.
- g. Employees will be required to contribute either a percentage of the healthcare premiums or the full premiums as prescribed in the applicable plan documents. Information about specific plan benefits and premium contributions will be provided by the Human Resources Department.
- h. The plan administrator will provide each participant a Summary Plan Description (SPD) within 90 days of the employee's participation in the plan. The SPD is a written document containing important plan information, including the benefits available, the rights of participants and beneficiaries, and other information. Plan participants will be notified of significant changes in the plan through written Summary Material Modifications (SMM) reports. The SMM will be distributed not later than 210 days

after the end of the plan year in which the changes become effective. If the change is a material reduction in covered services or benefits, the SMM will be furnished within 60 days after the reduction is adopted. A participant or beneficiary covered under the plan may request a copy of the SPD, SMMs and any other plan information through the HR department. Written requests will be responded to within 30 days.

- i. Please consult with the Human Resources Department for details of eligibility and specific group health plan benefits.
- j. The Plan Administrator developed and maintains a Cafeteria Plan Basic Document, an Adoption Agreement, an Employee Summary and an Employee Election Form/Salary Reduction Agreement in order to qualify for pre-tax premium contribution. These documents are available from the Human Resource Department.
- k. Participating employees are responsible to pay their share of the premiums as required by the underlying benefit plans, employer practices and employee elections. If the paycheck deduction does not cover the premiums as required they may pay out of pocket or coverage will end under the terms of those plans.
- l. Health Benefits will continue under the same terms and conditions as of the time an employee commences a leave of absence under FMLA. Detailed FMLA standards are attached to this Manual.

3.14 Other Benefits

- a. HCS may offer additional benefits to employees, such as retirement plans and flexible spending accounts. These benefits are defined in separate Benefit Plans.
- b. Short Term Disability (STD) benefits are temporary cash benefits paid to an eligible employee when he/she is disabled by a non-work related injury or illness. These benefits will be provided to the employee in accordance with applicable law
- c. Workers' compensation is insurance that provides cash benefits and/or medical care for employees who are injured or become ill as a direct result of their job. Weekly cash benefits and medical care are paid by HCS's insurance carrier, as directed by the NYS Workers' Compensation Board.

- i. All employees of HCS are covered by the Workers' Compensation Insurance Law.
 - ii. Any injury, however trivial, that occurs while an employee is doing work, whether at HCS or elsewhere, must be reported immediately to HCS's OSHA officer and appropriate action will be taken.
 - iii. To be eligible for lost time under the Workers' Compensation Law, an employee must be absent from work due to injury for seven consecutive days.
 - iv. During the period of an employee's absence on workers' compensation, the employee will receive paid time-off hours from HCS until his/her accrued time-off hours are exhausted.
 - v. Employees are required to provide a copy of all Worker's Compensation payments to the Fiscal office as soon after receipt as possible.
- d. Unemployment Insurance (UI) is temporary income for eligible employees who lose their jobs through no fault of their own.
- i. Unemployment insurance is administered through the New York State Department of Labor as prescribed by the New York State Unemployment Insurance Laws. All employee inquiries should be directed to the Department of Labor.
- e. Flexible Spending Accounts (FSA). HCS offers a pre-tax benefit contribution option. This plan allows employees to make contributions towards certain eligible expenses (such as medical, dental, vision, transit commuter or daycare). Employee contributions are deducted on a "before tax" basis, rather than an "after tax" basis, which saves the employee money. Please contact the Director of Human Resources if you have any questions concerning HCS' Flexible Spending Plan.
- f. Our agency provides all eligible employees with a 401(k)-retirement plan, which is an excellent means of long-term savings for your retirement. You can obtain current information regarding the 401(k) qualified retirement plan from the Human Resources Department.

4. Employee Management

4.1 Performance Evaluations

- a. Performance evaluations are an important part of HCS' ongoing effort to encourage employees to achieve success at the agency. While HCS supervisors provide feedback and coaching throughout the year, employees will usually receive a written performance evaluation on an annual basis. The employee's immediate supervisor and/or Program Director will review the performance evaluation with the employee. The employee will then have an opportunity to comment on their performance evaluation.
- b. New employees. Supervisors and managers are responsible for completing an evaluation for each new employee between sixty (60) and ninety (90) days from the employee's start date.
- c. Supervisors or managers on an annual basis. Employees are not guaranteed any salary or wage increases in connection with periodic or annual performance evaluations.
- d. The evaluation will review the employees' work performance, attitudes toward the work and interpersonal relations. Standard forms are used throughout the agency. The employee will receive a hard copy of the report.
- e. Evaluations shall be reviewed with and signed by the employee. Signing the evaluation serves as an indication that the employee has reviewed it and does not reflect an employee's concurrence to its content.
- f. Each employee may respond/object to his/her evaluation through a written statement. This statement shall be made part of the evaluation.
- g. Signed evaluations are kept by the Human Resource Department in each employee's personnel file.
- h. Time periods and deadlines may be extended at management discretion depending upon operational needs.

4.2 Transfers and Promotions

- a. A transfer is defined as a change to another department. A promotion is a change in title and responsibility.
- b. All HCS employees may be considered for vacant positions or new job openings. Supervisors and appropriate staff will be consulted regarding proposed transfers and promotions.
- c. Employees have no right or entitlement to transfers or promotions. Determinations are made at HCS's sole discretion.

4.3 Effective Resolutions

- a. Effective Communication.
 - i. The cornerstone of effective communication is the employee- supervisor relationship. If an employee has a problem or concern, he or she should discuss it with their immediate supervisor. If an employee does not feel comfortable discussing a problem or concern with his or her supervisor, the employee may speak to the Program Director or the Director of Human resources.
 - ii. Any issues that arise in the work place will be handled fairly and professionally without the intervention of outside parties. Management personnel are not obligated to discuss with an outside party any matter or issue between HCS and an employee.
 - iii. HCS encourages employees to submit suggestions concerning quality, working conditions, procedures, services, and policies. Employees may direct their concerns to their supervisor or to the Compliance Officer.
- b. Disciplinary Actions.
 - i. HCS takes initiatives to ensure that employees are in compliance with all applicable laws and HCS policies and procedures and takes immediate and appropriate actions to address all issues in the event of employee misconduct.
 - ii. An employee's failure to follow the rules, practices, policies, guidelines in this Manual or any other HCS standards or policies not specifically mentioned in this Manual may result in disciplinary action. HCS will generally follow the following

order when issuing discipline: (1) verbal warning; (2) written warning; (3) suspension/final written warning; and (4) termination of employment.

- iii. Any disciplinary action taken will be at the sole discretion of HCS. HCS reserves the right to combine or skip steps when issuing discipline depending on the facts of each situation and the nature of the offense. The level of disciplinary intervention may also vary. Some of the factors that will be considered are whether the offense is repeated despite coaching, counseling or training, the employee's work record, the seriousness of the offense and the impact the conduct and performance issues have on the agency.
- iv. Nothing in this policy provides any contractual rights regarding employee discipline or counseling, nor should anything in this policy be read or construed as modifying or altering the employment-at-will relationship between HCS and its employees.

4.4 New York: HERO Act Infectious Disease Exposure Prevention Plan Addendum

- a. The Agency has created an Infectious Disease Exposure Prevention Plan (IDEPP), as required by the New York HERO Act, to help prevent the transmission of infectious diseases in the workplace. The Agency will implement this plan when an airborne infectious agent or disease is designated by the New York Commissioner of Health as a highly contagious communicable disease that presents a serious risk of harm to the public health.
- b. At this time, no such designation has been made, and this IDEPP is not currently in effect but is provided here to allow employees to become familiar with the IDEPP. In the event that such a highly contagious communicable disease designation is made by the New York Commissioner of Health, the Agency will review the IDEPP, make any necessary changes to address the particular contagious communicable disease and distribute and implement the updated IDEPP as required by law.
- c. A copy of the IDEPP can be requested from the Corporate Compliance Office.

Personnel Manual Acknowledgment

This Personnel Manual is an important document intended to help employees become acquainted with Human Care Services for Families and Children, Inc. This document is intended to provide guidelines and general descriptions only; it is not the final word in all cases. Individual circumstances may call for individual attention.

Because the Agency's operations may change, the contents of this personnel manual may be changed at any time, with or without notice, in an individual case or generally, at the sole discretion of management.

Please read the following statements and sign below to indicate your receipt and acknowledgment of this personnel manual.

I have received and read a copy of HCS' Personnel Manual. I understand that the policies, rules and benefits described in it are subject to change at the sole discretion of the Agency at any time.

I further understand that, pursuant to Agency policy, any and all telephone conversations or transmissions, electronic mail or transmissions, or internet access or usage by an employee by any electronic device or system, including but not limited to the use of a computer, telephone, wire, radio or electromagnetic, photoelectronic or photo-optical systems may be subject to monitoring at any and all times and by any lawful means.

I further understand that my employment is terminable at will, either by myself or the Agency, with or without cause or notice, regardless of the length of my employment or the granting of benefits of any kind.

I understand that no representative of the Agency other than the Executive Director may alter "at will" status and any such modification must be in a signed writing.

I understand that my signature below indicates that I have read and understand the above statements and that I have received a copy of the Human Care Services Personnel Manual.

Employee's Printed Name: _____

Employee's Signature: _____ Date: _____

Position: _____

Appendix A: Family and Medical Leave Policy (FMLA)

The Leave Policy:

An employee's entitlement to family and/or medical leave is provided under the Family and Medical Leave Act of 1993 (FMLA). Eligible employees may receive up to 12 weeks of unpaid leave within any 12-month period for certain qualifying family or medical reasons.

In order to be eligible, an employee must have completed 12 months of employment with the agency and have worked at least 1,250 hours in the 12 months preceding the commencement date of leave.

HCS uses a "rolling" 12-month period measured backward from the date of any FMLA leave usage to calculate eligibility for leave. Under the "rolling" 12-month period (measured backward), each time an employee takes FMLA leave the remaining leave entitlement would be any balance of the 12 weeks which has not been used during the immediately preceding 12 months. For example, if an employee used four weeks beginning February 1, 2016, four weeks beginning June 1, 2016 and four weeks beginning December 1, 2016, the employee would not be entitled to any additional leave until February 1, 2017. However, beginning February 1, 2017, the employee would again be eligible to take FMLA leave, recouping the right to take the leave in the same manner and amounts in which it was used in the previous year. Thus, the employee would recoup (and be entitled to use) one additional day for FMLA leave each day for four weeks, commencing February 1, 2017. The employee would also begin to recoup additional days beginning on June 1, 2017, and additional days beginning on December 1, 2017.

Reasons for Leave:

Under the FMLA, eligible employees may take unpaid FMLA leave for any of the following reasons:

- For incapacity due to pregnancy, prenatal medical care or childbirth (up to 12 weeks);
- To care for the employee's child after birth, or placement for adoption or foster care (up to 12 weeks);
- To care for the employee's spouse, child, or parent who has a serious health condition (up to 12 weeks);
- A serious health condition that renders the employee unable to perform their job (up to 12 weeks).

Leave to care for the employee's child after birth, or placement for adoption or foster care must be completed within the 12-month period beginning on the date of birth or placement and must be taken on a continuous leave basis. Additionally, if both spouses are employed by HCS, they are entitled together to a total of 12 weeks of leave (rather than twelve weeks each) during a 12 month period for the birth or placement of a child, or to care for a sick parent. Leave for the birth or placement of a child must take place within 12 months after the event. Leave may begin prior to birth or adoption, as circumstances dictate.

FMLA Military Family Leave:

In addition to the qualifying reasons for FMLA leave specified above, qualified employees with family members in the military may take FMLA leave under two circumstances:

- (1) Eligible employees with a spouse, son, daughter, or parent on covered active duty or called to covered active-duty status may use their 12-week leave entitlement in a 12-month period to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions and attending post-deployment reintegration briefings.
- (2) Eligible employees may take up to 26 weeks of leave to care for a covered service-member during a single 12-month period.

A covered service-member is:

- a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness*; or
- a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

* The FMLA's definition of "serious injury or illness" for current service-members and veterans is distinct from the FMLA's definition of "serious health condition."

Definitions:

For purposes of FMLA, "child" means a biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under 18 years old or a dependent adult. "Parent" means a biological, foster, or adoptive parent, a stepparent, or an individual who stood in loco parentis when the employee was a child. Parent does not include a parent-in-law.

"Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Notification and Reporting Requirements:

When the need for FMLA leave is foreseeable, meaning it can be planned for reasons such as the birth or placement of a child or scheduled medical treatment, an employee must give HCS at least 30 calendar days prior written notice. If this is not possible due to an unforeseeable need for leave, an employee must at least give notice as soon as practicable (within 1 to 2 business days of learning of the need for leave), except in extraordinary circumstances. Failure to provide such notice may be grounds for delay of leave. Additionally, if an employee is planning a medical treatment the employee must consult with HCS first and make a reasonable effort to schedule the treatment so as to not unduly disrupt HCS' operations, subject to the approval of the health care provider.

The employee will be required to report on a reasonable basis concerning his or her leave status and intention to return to work. In addition, an employee must give notice as soon as practicable (within 2 business days if foreseeable) if the dates of leave change or are extended or initially were unknown.

Employees requesting Family and Medical Leave of Absence must fill out a form called "Family Medical Leave Act - Request for Leave Form" and submit it to the Human Resources Department. They may also have to provide certain documentation as described below under "Procedure".

Medical and Other Certifications:

HCS may require that the employee provide a certification from the health care provider to support a request for leave for an employee's own serious health condition, or to care for the employee's spouse, child, or parent who has a serious health condition. HCS may also require that the employee provide a certification concerning the need for military family leave. The certification may be required for HCS to determine if the leave may qualify for FMLA protection, the anticipated timing and duration of the leave, information demonstrating that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave.

At its discretion and in accordance with the FMLA, HCS may require a second medical opinion at its own expense. If the first and second medical opinions differ, HCS, at its own expense, may require the opinion of a third health care provider, approved by both HCS and the employee. This third opinion is binding.

The A may require subsequent medical re-certification. Failure to provide requested certification within 15 days, or as soon as it is practicable under the particular facts and circumstances, may result in delay of further leave until it is provided.

Substitution of Other Paid Leave:

FMLA leave is unpaid leave, although employees may be eligible for short-term disability payments and/or workers' compensation benefits under those insurance plans. These plans are described elsewhere in the Personnel Manual. If employees are entitled to receive monies from these

sources, leave will be considered as "paid leave" for the period during which you receive those monies. If leave is "unpaid" leave, employees may elect or HCS may require that the employee receive Paid Time-off Hours during their leave to the extent permissible under applicable law.

The substitution of paid leave time for unpaid leave time does not extend the 12-week leave period. Further, in no case can the substitution of paid leave time for unpaid leave time result in receipt of more than 100% of an employee's salary. FMLA leave runs concurrently with other types of paid absences (i.e., short-term disability, workers' compensation, etc.).

Intermittent and Reduced Schedule Leave:

Eligible employees may take FMLA leave on an intermittent (in separate blocks of time due to a single qualifying reason) or reduced schedule basis (reducing the usual number of hours you work per workweek or workday) when medically necessary due to the serious health condition of a covered family member or the employee or the serious injury or illness of a covered service-member. Eligible employees may also take FMLA leave on an intermittent or reduced schedule basis when necessary because of a qualifying exigency. If an employee needs to leave intermittently or on a reduced leave schedule for planned medical treatment, then the employee must make reasonable effort to schedule the treatment so as not to disrupt unduly the employer's operations.

Salaried employees who are approved for intermittent or reduced scheduled leave will be paid for the number of hours worked per day. If available, paid time off must be used to supplement up to your normal pay.

In addition, if you require intermittent or reduced schedule leave that is foreseeable based on planned medical treatment, HCS may temporarily transfer you to an available alternative position which better accommodates your recurring leave and which has equivalent pay and benefits.

Employment Restorations:

Upon return from FMLA leave, the employee will be restored to their former or an equivalent position and retain the equivalent pay, benefits and other terms and conditions of employment that were in effect when they went on leave.

An exception to the employment restoration provisions of this policy may be made if the employee on leave is a key employee, meaning a salaried employee who is among the highest paid ten percent of the agency's employees within seventy-five miles and restoring employment of the employee would result in substantial and grievous economic injury to HCS. In this situation, employees whose job restoration is likely to be denied will be informed when they request leave. If HCS decides that reinstatement would cause economic injury after a leave commences, the key employee will be so informed in writing and will be given a reasonable opportunity to return to work at that time.

A doctor's release may be required if the employee is returning from a medical leave of more than three consecutive days.

Status of Benefits during Leave of Absence:

Any employee who is granted an approved leave of absence under FMLA may continue his or her group health insurance coverage by arranging to pay his or her portion of the premium contributions during the period of absence.

When an employee who makes contributions to the medical plan goes on FMLA Leave, that employee's medical insurance will be maintained by HCS and employee contributions therefore will be paid in advance on a monthly basis until the employee returns to work. This shall take effect when an employee is on unpaid leave. If the employee is utilizing paid leave time, contributions will continue as current deductions are now made.

Employees will be required to continue to pay their share of group health benefit costs during a period of leave under the law.

If an employee elects not to return to work upon completion of his/her FMLA leave, HCS may recover from the employee the cost of any premium paid to maintain the employee's coverage, unless the failure to return to work was because the continuation, recurrence or onset of your own serious health condition or that of a covered relation, the serious injury or illness of a covered service member or other circumstances beyond the employee's control.

Benefit entitlements based upon length of service will be calculated as of the last paid workday prior to the start of the unpaid leave of absence.

An employee on leave will not lose any employment benefits accrued prior to the leave, unless a benefit is used by the employee during the leave, such as accrued paid Time-off Hours.

An employee on leave accrues no additional seniority or employment benefits during any period of unpaid leave, such as Paid Time-off Hours.

Please note, there will be a 30-day grace period in which the employee can make contributions to premiums without his/her benefits being affected.

Procedure:

Employees must follow specific procedures to request Family and Medical Leave. For further information, please contact Human Resources.

- A. Complete the FMLA Request for Leave Form.

The employee must complete this form, sign it, make a copy of it, and return it to the Human Resources Department. If possible, the form should be submitted 30 days in advance of the effective date of the leave.

Included in this is a Premium Recovery Authorization which certifies that an employee acknowledges the agency's legal right to recover the cost of any premium paid by HCS to maintain his or her coverage in group health benefits during any period of unpaid leave except under the following conditions:

The continuation, recurrence or onset of a serious health condition that entitles the employee to leave to care for a child, parent or spouse with a serious health condition, or if the employee is unable to perform the functions of the position due to his or her own serious health condition; or,

Other conditions beyond the employee's control that prevent him or her from returning to work.

B. Employees requesting Family and Medical Leaves of absence due to a serious health condition must complete an FMLA Leave Certification Requirements Form.

To request leave for the care of a child, parent, or spouse with a serious health condition, the employee must provide certification from the health care provider who is treating the child, parent, or spouse, including the following information:

- The date on which the condition commenced;
- The probable duration of the condition;
- The appropriate medical facts regarding the condition;
- An estimate of the time needed to care for the individual involved (including any recurring medical treatment); and
- A statement that the condition warrants the health care provider's involvement

To request leave due to an employee's serious health condition, the employee must provide certification from the health care provider who is treating his or her serious health condition, regarding the following information:

- The date on which the condition commenced;
- The probable duration of the condition;
- The appropriate medical facts regarding the condition; and
- A statement that the employee is unable to perform the functions of his/ her position due to his/her condition.

To request intermittent leave or leave on a reduced leave schedule, the employee must provide the following additional information from the health care provider:

For leave for the employee, the employee must provide (1) a statement of medical necessity for his or her intermittent leave or reduced leave schedule, and the expected duration of the schedule, and (2) a listing of the dates of his or her planned medical treatment and the duration of the treatment(s).

For leave to care for a son, daughter, spouse, or parent, the employee must provide (1) a statement attesting to the necessity of intermittent leave or reduced leave for the employee to provide care or to assist in the person's recovery, and (2) an estimate of the expected duration and schedule of his or her intermittent or reduced leave.

Certifications must be returned within 15 calendar days of applying for FMLA leave.

Please note, all requests for FMLA and accompanying forms are to be submitted to the Human Resource Department. Failure to provide completed forms may result in a delay or denial of your FMLA request.

No Work While on Leave:

The taking of another job while on FMLA or any other authorized leave of absence is grounds for immediate termination.

No Retaliation or Interference:

HCS 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 U.S. Department of Labor or may bring a private lawsuit against an employer. The FMLA does not affect any federal, state or local law prohibiting discrimination, or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

Appendix B: New York State Paid Family Leave Policy

Eligibility Requirements

Employees who have a regular work schedule of 20 or more hours per week and have been employed at least 26 consecutive weeks before the date Paid Family Leave (PFL) begins (or who have a regular work schedule of less than 20 hours per week and have worked at least 175 days to the date PFL begins) are eligible for PFL. Paid time off can be counted toward the employee's eligibility determination. Employees are eligible for PFL regardless of citizenship and/or immigration status. Employees have the option to file a waiver of PFL and therefore not be subject to deductions when their regular employment schedule is:

- 20 or more hours per week but the employee will not work 26 consecutive weeks; or
- fewer than 20 hours per week and the employee will not work 175 days in a 52-consecutive-week period.

Entitlement

PFL is available to eligible employees for up to 12 weeks within any 52-consecutive-week period. PFL is available for any of the following reasons:

- to participate in providing care, including physical or psychological care, for the employee's family member (child or step-child or anyone for whom the employee has legal custody, spouse, domestic partner, parent, step-parent, parent-in-law, grandchild or grandparent) with a serious health condition;
- to bond with the employee's child during the first 12 months after the child's birth, adoption or foster care placement; or
- for qualifying exigencies, as interpreted by the Family and Medical Leave Act (FMLA), arising out of the fact that the employee's spouse, domestic partner, child or parent is on active duty (or has been notified of an impending call or order to active duty) in the armed forces of the United States.

The 52-consecutive-week period is determined retroactively with respect to each day for which PFL benefits are currently being claimed.

PFL benefits are financed solely through employee contributions via payroll deductions.

The weekly monetary benefit will be 67 percent of the employee's average weekly wage up to 67 percent of the state average weekly wage.

The Agency and the employee may agree to allow the employee to supplement PFL benefits up to their full salary with paid time off, to the maximum extent permitted by applicable law.

The employee who is eligible for both statutory short-term disability benefits and PFL during the same period of 52-consecutive-calendar weeks may not receive more than 26 total weeks of disability and PFL benefits during that period of time. Statutory short-term disability benefits and PFL benefits may not be used concurrently. If the employee is unable to work and qualifies for workers' compensation benefits, the employee may not use PFL benefits at the same time the employee is receiving workers' compensation benefits. The employee receiving reduced earnings may be eligible for PFL.

PFL may not be taken for any one of, or for a combination of, the following reasons:

- for a birth mother's pregnancy or prenatal conditions;
- for the employee's own health condition; and/or
- for the employee's own qualifying military event.

Definition of a Serious Health Condition

A serious health condition is an illness, injury, impairment or physical or mental condition that involves inpatient care in a hospital, hospice or residential health care facility, or continuing treatment or continuing supervision by a health care provider.

Use of Leave

The employee does not need to use this leave entitlement in one (1) block. Leave can be taken intermittently in daily increments. Leave taken on an intermittent basis will not result in a reduction of the total amount of leave to which the employee is entitled beyond the amount of leave actually taken.

Employee Responsibilities

The employee must provide 30 days' advance notice before the date leave is to begin if the qualifying event is foreseeable. When 30 days' notice is not practicable for reasons such as a lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency, the employee must provide notice as soon as practicable and generally must comply with the Agency's normal call-in procedures. Failure by the employee to give 30 days' advance notice of a foreseeable event may result in partial denial of the employee's benefits for a period of up to 30 days from the date notice is provided.

Employees must provide sufficient information to make the Agency aware of the qualifying event and the anticipated timing and duration of the leave. Employees

must specifically identify the type of family leave requested. Employees also must provide medical certifications and periodic recertification or other supporting documentation or certifications supporting the need for leave. The employee requesting PFL must submit a completed Request for Paid Family Leave or PFL-1 form and additional certification form(s) as follows to the Agency's insurance carrier: 1) Bonding Certification: PFL-2 Form plus documentation; 2) Health Care Provider Certification: PFL-4 Form plus Personal Health Information (PHI) Release (PFL-3 Form); or 3) Military Qualifying Event: PFL-5 Form plus documentation. These documents are available from the Head of Human Resources.

The Agency's insurance carrier is:

Hartford Life & Accident Insurance Co.

PO Box 2999

Hartford, CT. 06104

To submit a request for PFL, employees must complete the employee's portion of the insurance carrier's PFL-1 Form and submit it to the Head of Human Resources. The Agency will complete its section of the form and will return it to the employee within three (3) business days. If the Agency fails to respond, employees may submit all materials directly to the insurance carrier. Depending on the type of PFL leave employees are seeking, employees will be required to complete additional PFL forms as described in the communication that employees will receive from the insurance carrier. Employees must submit the completed PFL forms before or within 30 days after the start of their leave. The insurance carrier must pay or deny leave requests within 18 calendar days of receiving the employee's completed forms.

Job Benefits and Protection

During any PFL taken pursuant to this policy, the Agency will maintain coverage under any existing group health insurance benefits plan as if the employee had continued to work. The employee must make arrangements with Human Resources prior to taking leave to pay their portion of any applicable health insurance premiums each month.

The Agency's obligation to maintain health insurance coverage ceases if the employee's premium payment is more than 30 days late. If the employee's payment is more than 15 days late, the Agency will send a letter notifying the employee that coverage will be dropped on a specified date unless the co-payment is received before that date.

Employees who exercise their right to PFL will, upon the expiration of that leave, be entitled to be restored to the position they held when the leave commenced, or to a

comparable position with comparable benefits, pay and other terms and conditions of employment. The taking of leave covered by PFL will not result in the loss of any employment benefit accrued before the date on which the leave commenced. While on PFL, employees will not continue to accrue sick or vacation time.

Leave Concurrent with FMLA

The Agency will require the employee who is entitled to leave under both the Family & Medical Leave Act (FMLA) and PFL to take PFL concurrently with any leave taken pursuant to the FMLA. When the total hours taken for FMLA in less than full-day increments reaches the number of hours in the employee's usual workday, the Agency may deduct one (1) day of PFL from the employee's annual available PFL.

Questions and/or Complaints About PFL

If employees have any questions regarding this policy, they should contact the Head of Human Resources. For additional information concerning leave entitlements and obligations that might arise when PFL is either not available or exhausted, employees should consult the Agency's other leave policies or contact the Head of Human Resources. The Agency is committed to complying with the PFL and will interpret and apply this policy in a manner consistent with the PFL. Employees who disagree with a denial of their claim for PFL may submit their dispute to arbitration. Employees will be provided with information about how to request arbitration.

Employees are protected from discrimination and retaliation for requesting or taking PFL. If employees believe their rights have been violated and/or they have been denied job restoration as a result of requesting and/or taking PFL, they must send the Head of Human Resources a formal request for job reinstatement using the Formal Request for Reinstatement Regarding Paid Family Leave (Form PFL-DC-119), which can be found in the forms section of <https://www.ny.gov/PaidFamilyLeave>. Employees must file the completed form with the Agency and send a copy to: Paid Family Leave, P.O. Box 9030, Endicott, NY 13761-9030.

If the Agency does not comply with the employee's request for reinstatement within 30 days, the employee may file a PFL discrimination complaint with the Workers' compensation Board using the Paid Family Leave Discrimination Complaint (Form PFL-DC-120), which is also available on the New York PFL website. Once the employee's complaint is received, the Board will assemble the employee's case and schedule a preliminary hearing in front of a workers' compensation law judge.