# ST. LAWRENCE COUNTY COMMUNITY DEVELOPMENT PROGRAM, INC.

## EMPLOYEE HANDBOOK

August 2022

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## WELCOME LETTER

Welcome to St. Lawrence County Community Development Program, Inc. We are pleased that you have chosen to work for our organization. St. Lawrence County Community Development Program, Inc. (CDP) is a private, not-for-profit Community Action Agency. CDP offers programs and services to low-income individuals and families.

This handbook briefly describes our policies, benefits and work rules and is intended to serve as written notice of what we expect from our employees. **It is not to be construed as an employment contract. In this state, the employment relationship is "at will." This means that the relationship can be ended at any time for any reason or no reason by either the employer or the employee.** Please keep this handbook as long as you are employed with us. It supersedes any handbooks and policy memoranda previously issued and may be updated and amended in the future. This handbook is designed to be a guide for you in your day-to-day interactions at CDP. After carefully reviewing this handbook, please keep it handy for future reference. If you have any questions, please ask your supervisor or the Executive Director. Upon separation from employment, we expect that any CDP property that you have been issued will be returned to CDP.

We look forward to a mutually beneficial working relationship and encourage you to bring any questions, concerns, and suggestions to our attention. Again, welcome to CDP. We are pleased to have you with us and hope you will find your work with CDP both interesting and rewarding.

## CLIENT RELATIONS – FIRST PRIORITY

Clients evaluate CDP on the basis of its employees' behavior and performance. Each employee has a personal responsibility to produce quality work, provide prompt service, and promote goodwill by exhibiting a pleasant attitude. These factors assure our clients of their importance to us and show that we appreciate their confidence.

We want our clients to know that they are welcome and appreciated, and this can be accomplished by extending a warm and friendly greeting. Treating clients as individuals and addressing them by name is a professional and personal courtesy that establishes rapport with the clients and creates confidence in CDP. Remember: You have only one chance to make a good first impression.

We are in business because of our clients. Therefore, clients and potential clients should never be made to feel they are interrupting our work. Always display a pleasant manner and helpful attitude when dealing with clients and potential clients, whether in person, by telephone, or by letter.

# POLICIES

## EQUAL EMPLOYMENT OPPORTUNITY

CDP is an equal-employment-opportunity employer and does not discriminate against any employee or applicant on the basis of race, creed, color, sex, gender identity or expression, age, sexual orientation, genetic predisposition or carrier status, marital status, disability, religion, domestic violence victim status, national origin, military service/leave, arrest/conviction record, reproductive health decision-making, familial status or any other legally protected status.

This policy applies to all employment actions including hiring, transfers, promotions, demotions, disciplinary actions, compensation and benefits administration, participation in CDP-sponsored training, education and social programs, layoffs, recalls and termination of employment.

CDP's commitment to equal employment opportunities includes prohibiting discrimination on the basis of an employee's or an employee's dependent's reproductive health decision-making (including a decision to use or access a particular drug, device, or medical service). Discrimination on the basis of an employee's or the employee's dependent's reproductive health decision-making is a violation of the law and CDP's policy.

An employee who believes that he or she has been the target of discrimination on the basis of reproductive health decision-making is encouraged to immediately notify their supervisor or the Executive Director. Retaliation against an employee who exercises any rights guaranteed under the law that prohibit reproductive health decision-making discrimination is unlawful and a violation this policy.

Aside from CDP's process, employees may also choose to pursue legal remedies by bringing a civil action alleging a violation of the law that prohibits discrimination on the basis of reproductive health decision-making. Remedies available to a target of reproductive health decision-making discrimination may include: reinstatement, back pay, front pay, compensatory damages, punitive damages, and attorneys' fees.

Employees with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of their supervisor or the Executive Director. Employees can raise concerns and make reports without fear of reprisal. Anyone engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

## HEAD START POLICY MAKING

Head Start will conform to the policies as outlined in the federally published Head Start Performance Standards. This document allows for the deep involvement in decision-making by parents about the program and in the development of activities that they deem helpful and important in meeting their particular needs and conditions. For some parents, participation may begin on a simple level and move to more complex levels such as Policy Council, where decisions regarding the approval of the grant, hiring and firing of staff, program design and implementation are made.

## REASONABLE ACCOMMODATIONS

CDP's commitment to non-discrimination includes making reasonable accommodations for individuals with disabilities or pregnancy-related conditions, victims of domestic violence, and an individual's religious beliefs, in accordance with applicable law.

To request an accommodation, notify your supervisor or the Executive Director of the need for an accommodation.

If leave is provided as a reasonable accommodation, the employee must provide CDP as much advance notice as possible, and such leave will run concurrently with any other CDP leave or statutory leave to the extent permitted by state and federal law. The employee may also be required to use any available paid time off during such leave.

Accommodations for Disabilities and Pregnancy-Related Conditions

CDP makes reasonable accommodations to persons with disabilities unless to do so would pose an undue hardship on CDP. CDP also provides reasonable accommodations to female employees related to pregnancy, childbirth, or related medical conditions, to the extent the accommodation can be made without imposing an undue hardship on CDP. Upon notifying your supervisor or the Executive Director of the need for an accommodation, you may be asked for your input concerning the type of accommodation you believe may be necessary or the functional limitations caused by your disability or pregnancy-related condition. CDP may require additional information or documentation from medical professionals.

To the full extent required by applicable law, the agency will provide a reasonable amount of break time in an appropriate location in close proximity to the employee's work area and free from intrusion to accommodate an employee for the purpose of expressing breast milk in private during the workday, for a period of up to three years following childbirth, unless a longer period of time is required by applicable law.

Accommodations for Victims of Domestic Violence

CDP makes reasonable accommodations to persons who are known to be victims of domestic violence, unless to do so would create an undue hardship on CDP. Employees

who require leave as an accommodation and must be absent from work without providing CDP reasonable advance notice are required to provide written certification verifying the need for the accommodation (e.g., police report, documentation from court, or documentation from a medical professional).

Accommodations for Religious Beliefs

CDP makes reasonable accommodations for a person's sincerely-held religious observances or practices (including, but not limited to, those related to attire, clothing, or facial hair), unless to do so would create an undue hardship on CDP.

For more information, or if you require an accommodation, please contact your supervisor or the Executive Director.

## POLICY AGAINST SEXUAL AND OTHER HARASSMENT

### Sexual Harassment

CDP is committed to maintaining a work environment that is free of discrimination and harassment. Sexual harassment is a violation of CDP's policy and a violation of federal, state and local laws.

Sexual harassment of any employee by another employee, manager, or non-employee (e.g., intern, volunteer, independent contractor, contract worker, vendor, client, customer or visitor), regardless of their sex or gender, is prohibited.[1] Sexual harassment of non-employees by our employees is also prohibited. Further, any retaliation against an individual who has complained about sexual harassment or who has cooperated with a sexual harassment investigation is also unlawful and will not be tolerated.

Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action, up to and including termination of employment.

### What is Sexual Harassment?

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and the status of being transgender.

Unwelcome sexual advances, requests for sexual favors, and other physical or verbal conduct based on an individual's sex constitutes sexual harassment when:

[1] While this policy specifically addresses sexual harassment, harassment because of and discrimination against persons of all protected classes is prohibited. In New York State, such classes include age, race, creed, color, national origin, sexual orientation, military status, sex, disability, marital status, domestic violence victim status, gender identity and criminal history.

- Submission to the conduct is an explicit or implicit term or condition of employment; or

- Submission to or rejection of the conduct is used as the basis for decisions affecting an individual's employment; or

- The conduct has the purpose or effect of creating an intimidating, hostile, or offensive working environment.

Sexual harassment is not limited to the physical workplace. It can occur while employees are traveling for business or at employer sponsored events or parties. It can occur outside work hours.

## Examples of Sexual Harassment

While it is not possible to list all acts which may constitute sexual harassment, it may include explicit sexual propositions or flirtations; sexual innuendo; suggestive comments; sexually oriented teasing; comments or jokes about gender-specific traits, sexual orientation, gender identity or gender expression; foul or obscene language or gestures; unwanted physical contact; the display or transmission of obscene, demeaning, insulting, intimidating, or sexually suggestive objects, pictures, or photographs; and hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, or the status of being transgender, such as interfering with the individual's ability to perform the job, bullying, or name-calling.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions, or privileges of employment. This is also called "quid pro quo" harassment.

Although one joke or comment may not be enough to constitute sexual harassment, a single incident of inappropriate conduct may be enough to rise to the level of sexual harassment.

## What is Retaliation?

Retaliation is any action that would keep an individual from coming forward to make or support a sexual harassment claim. The action need not be job-related or occur in the workplace to constitute unlawful retaliation.

Such retaliation is unlawful under federal, state, and (where applicable) local law. Both the New York State Human Rights Law and Title VII of the Civil Rights Act of 1964 protect individuals who engage in "protected activity." Protected activity occurs when a person has:

- made a complaint of sexual harassment, either internally or with any anti-discrimination agency;

- testified or assisted in a proceeding involving sexual harassment under Title VII, the Human Rights Law, or other anti-discrimination law;

- opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;

- reported that another employee has been sexually harassed; or

- encouraged a fellow employee to report harassment.

Retaliation against an employee who, in good faith, makes a complaint of sexual harassment will not be tolerated and will itself be subject to disciplinary action, up to and including termination of employment. Furthermore, no adverse actions will be taken against employees who report violations of this policy in good faith or participate in the investigation of such violations.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

**Reporting Sexual Harassment**

Sexual harassment is a form of employee misconduct. No employee is required to submit to, or accept, sexual harassment in order to maintain their position, promotional opportunities, benefits, or to meet any other condition of employment.

Any employee or non-employee who believes they have been a target of sexual harassment or who believes the actions of another employee or non-employee constitute sexual harassment, is encouraged to immediately notify their supervisor, Executive Director, or anyone in upper management with whom they are comfortable.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is available from the Executive Director or HR. A form will also be available online through the current employee benefits portal. Individuals reporting sexual harassment on behalf of someone else should also use the complaint form.

Employees or non-employees who believe they have been a target of sexual harassment may also seek assistance in other available forums as explained below.

All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior, become aware of sexual harassment, or for any reason suspect that sexual harassment is occurring, **are required** to report such suspected behavior to the Executive Director or HR. If the Executive Director is the subject of the complaint, contact the President of the Board of Directors. In addition to being subject to discipline if they engage in sexually harassing

conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

## Investigation of a Sexual Harassment Complaint

ALL complaints of sexual harassment will be investigated whether the information was reported in verbal or written form. An investigation of any complaint, information, or knowledge of suspected sexual harassment will be prompt and thorough. The investigation will be confidential to the extent possible. Corrective action will be taken whenever sexual harassment is found to have occurred.

All persons involved, including complainants, witnesses, and alleged perpetrators, will be accorded due process to protect their rights to a fair and impartial investigation. All employees are required to cooperate as needed in an investigation of suspected sexual harassment. Employees who participate in any investigation will not be retaliated against.

While the process may vary from case to case, investigations should be done in accordance with the following steps:

- Upon receipt of a complaint, the Executive Director (or other designated member of management) will conduct a review of the allegations, and take any interim actions, as appropriate.

- Relevant documents, electronic communications, emails, or telephone records will be reviewed.

- All parties involved, including any relevant witnesses, will be interviewed.

- Written documentation of the investigation (i.e., letter, memo, or email) will be created and kept in a secure and confidential location, which will include a list of all documents reviewed; the names of those interviewed; a timeline of events; and the basis for the decision and final resolution of the complaint, together with any corrective action(s).

Upon conclusion of the investigation any identified corrective actions will be taken. The individual(s) who complained and the individual(s) accused will be notified about the final determination.

## Legal Protections and External Remedies

Aside from CDP's internal process, employees may also choose to pursue legal remedies with several governmental entities.

The Human Rights Law ("HRL") applies to employers in New York State with regard to sexual harassment. The HRL protects employees and non-employees, regardless of

immigration status. A complaint alleging violations of the HRL may be filed either with the New York State Division of Human Rights or in New York State Supreme Court.

The United States Equal Employment Opportunity Commission ("EEOC") enforces anti-discrimination laws, including Title VII of the Civil Rights Act of 1964. Sexual harassment is unlawful under Title VII. If an employee believes s/he has been discriminated against at work, s/he can file a discrimination charge with the EEOC.

Many localities enforce laws protecting individuals from sexual harassment. An individual should contact the county, city, or town in which they live to find out if such a law exists. For example, individuals who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights.

Remedies available to a target of sexual harassment may include: reinstatement, back pay, front pay, compensatory damages, punitive damages, and attorneys' fees.

## Other Forms of Prohibited Harassment

CDP's policy to promote a productive work environment and not to tolerate verbal or physical conduct by any employee that harasses or interferes with another's work performance or that creates an intimidating, offensive, or hostile environment.

All employees are expected to maintain a productive work environment that is free from harassing or disruptive activity. In addition to prohibiting sexual harassment, CDP also prohibits harassment on the basis of other legally protected statuses, including on the basis of: race, color, creed, religion, sex, national origin, age, disability, pregnancy-related condition, marital status, citizenship, ancestry, veteran's status, military status, sexual orientation, gender identity or expression, predisposing genetic characteristics, domestic violence victim status, familial status, reproductive health decision-making, or any other protected class under federal, state, or local law.

Examples of conduct prohibited under this policy include comments, jokes, foul or obscene language or gestures, or hostile actions taken against an individual because of that individual's protected status.

All employees should understand that submission to, or acceptance of, any form of unlawful harassment is not a term or condition of employment. No employee is required to submit to, or accept, any form of unlawful harassment in order to maintain their position, promotional opportunities, benefits, or to meet any other condition of employment.

Any employee or non-employee who believes they have been a target of harassment or who believes the actions of another employee or non-employee constitutes harassment, is encouraged to immediately notify your supervisor, the Executive Director or anyone in upper management with whom they are comfortable. All supervisors and managers who receive a complaint or information about suspected harassment, observe what may be harassing behavior, become aware of harassment, or for any reason suspect that

harassment is occurring, are required to report such suspected behavior to the Executive Director, HR or, if the Executive Director is the subject of the complaint, to the President of the Board of Directors.

ALL complaints of unlawful harassment will be investigated whether the information was reported in verbal or written form. An investigation of any complaint, information, or knowledge of suspected harassment will be prompt and thorough. Corrective action will be taken whenever harassment is found to have occurred.

Retaliation against an employee who, in good faith, makes a complaint of unlawful harassment will not be tolerated and will itself be subject to disciplinary action, up to and including termination of employment. Furthermore, no adverse actions will be taken against employees who report violations of this policy in good faith or participate in the investigation of such violations.

## OPEN DOOR COMMUNICATIONS/GRIEVANCE PROCEDURE

We encourage all employees to bring any problems or complaints to our attention immediately. The procedure for doing this is as follows:

1. Discuss the situation first with your immediate supervisor.

2. If you have a problem with your immediate supervisor or if you do not receive a satisfactory response, bring it to the attention of the Executive Director. If the complaint is against the Executive Director, the complaint should be brought to HR & the President of the Board of Directors.

Your success on the job is a prime objective of CDP, and we look to you for help in carrying out CDP policies and procedures. If you have a problem or question, we trust you will give us the opportunity to resolve it in the best interest of all concerned.

No employee or member of the Board of Directors or Head Start Policy Council will interfere with, threaten, coerce, restrain, or otherwise discriminate against any employee or other person because he/she has filed an appeal or given testimony. Any such conduct will result in disciplinary action, up to and including dismissal. Employees should see the Executive Director, HR or President of the Board of Directors for more information.

## YOUR SUPERVISOR

The person you report to on the job is your immediate supervisor. In the beginning your supervisor will work closely with you to help you learn the job and understand our policies and procedures. We encourage you to ask questions and seek whatever help you need in order to succeed in your position. Your coworkers will also be available to help you, but your supervisor is the best source of accurate information and assistance.

As you become accustomed to your job and to CDP's procedures, you will probably find that you need less guidance from your supervisor. This is perfectly natural and acceptable, but keep in mind that your supervisor is there to help you. He or she should be kept informed of problems or circumstances that affect your job performance.

Should a situation arise that your supervisor is unable to resolve, or if you have a problem with your supervisor, please bring your concerns to the executive director or HR. If the situation involves the Executive Director, you may bring it to the attention of HR and the President of the Board of Directors.

## CONFLICT OF INTEREST

It is the policy of CDP that employees will not have any direct or indirect financial interest in or personal business relationships with any firm or person with which CDP does business or engage in any other activity that would conflict with the interests of CDP.

## GRATUITIES TO CUSTOMER REPRESENTATIVES

As an employee of CDP, you may not give or accept a gratuity from a customer, supplier, or a representative either in pursuance of business or in conjunction with negotiating business on behalf of CDP. Gratuities are defined as anything of value. Expenses for meals as part of a seminar, convention, or business meeting are not within the definition of gratuities for purposes of this policy.

Invitations extended by a customer or supplier to participate in any program or activity, such as a party or football game, should be referred to your manager for approval on a case-by-case basis. Any violation of this policy will constitute grounds for immediate termination of the employee.

## SUBSTANCE-FREE WORKPLACE POLICY

To help provide a safe and substance-free work environment for our employees and others who come in contact with our business, to safeguard CDP's property, and to ensure efficient operations, CDP has adopted a policy of maintaining a workplace free of illegal drugs and alcohol.

As used in this policy, the term "illegal drugs" includes all controlled substances under federal or state law not prescribed for current personal treatment by a licensed medical professional, and all other substances not prescribed for the employee by a licensed medical professional, the use of which is capable of creating adverse effects on a person's physical, emotional or mental state, including, but not limited to, all types of narcotics, hallucinogens, depressants and stimulants. "Controlled substances" are defined as those drugs listed in Schedules I through V of Section 202 of the federal Controlled Substances Act, 21 U.S.C. 812, and include but are not limited to marijuana, cocaine (including "crack" and other cocaine derivatives), morphine, codeine, phenobarbital, heroin, amphetamines, and many barbiturates.

All employees are prohibited from using, selling, purchasing, dispensing, distributing, possessing, or manufacturing alcohol or illegal drugs, or attempting to do any such act, on CDP property or customer premises, including in CDP's vehicles or during working hours, and from reporting to work or while performing an assignment with alcohol or illegal drugs in their system. Further prohibited is the use, sale, possession, distribution, dispensation, formulation, manufacture or transfer of alcohol or illegal drugs on non-working time to the extent such use impairs the employee's work performance, the safety of the employee or of others or affects CDP's reputation to the general public or threatens its integrity.

Notwithstanding the foregoing, this policy does not prohibit the legal, off-duty use of cannabis products off of CDP's premises. That said, employees are prohibited from performing work for CDP while impaired by the use of cannabis; meaning the employee manifests specific articulable symptoms while working that decrease or lessen the employee's performance of the duties or tasks of the employee's job position, or such specific articulable symptoms interfere with CDP's obligation to provide a safe and healthy workplace, free from recognized hazards, as required by state and federal occupational safety and health law. Use of cannabis during any non-working time which would result in you reporting to work impaired is a violation of this policy. In addition, CDP reserves the right to take action with respect to an employee (including disciplining the employee, up to and including termination), for otherwise legal, off-duty use of cannabis products: (i) as required by state or federal statute, regulation, ordinance, or other state or federal governmental mandate; or (ii) when not acting would cause CDP to be in violation of federal law or would result in the loss of a federal contract or federal funding.

This policy does not prohibit the possession and proper use of prescribed or over-the-counter drugs. If you are taking drugs prescribed by a physician, dentist or other licensed

practitioner which could affect your ability to safely perform your job, you should consult with a practitioner or review dosing information to determine whether the medication could have an effect on your ability to safely perform your job. Report any work restrictions to your supervisor or the Executive Director. You are not required to reveal the name of the medication or underlying medical condition. CDP will evaluate each situation on a case-by-case basis, consistent with the reasonable accommodation process. Any employee who cannot work safely and who does not advise CDP may be subject to disciplinary action.

CDP reserves the right to search CDP premises and property, including work areas and vehicles on CDP's property, at any time.

Employees who violate this policy may be subject to disciplinary action, up to and including termination of employment.

## Drug Testing

***Pre-employment:*** Applicants for employment may be given an alcohol, drug and controlled substance screening test on a post-offer basis and as a condition of initial employment depending on job positions and regulation requirements. A positive test result for alcohol, drugs or controlled substances (not including physician-prescribed drugs verifiable by a current prescription) will disqualify an applicant for employment.

***Random*:** For the added safety and health of CDP employees, as well as the direct impact on CDP's profitability, image, and reputation as a drug-free organization, all employees are subject to random, unannounced drug tests at any time CDP deems necessary to ensure a drug-free workplace.

***Reasonable Suspicion Testing:*** All employees may be asked to submit to a drug/alcohol test if the employer has reason to believe that the behavior and/or appearance, speech or body odor may indicate alcohol or drug abuse or conduct that is prohibited by this policy. Testing for reasonable suspicion must be based on specific, contemporaneous, articulable observations by a supervisor or manager. Although reasonable suspicion does not require certainty, mere "hunches" are not sufficient to meet this standard. Therefore, a reasonable suspicion test will only be conducted after careful consideration and specific behaviors are documented.

***Workplace Accident:*** Any employee involved in a work-related accident or injury may be tested for alcohol, drugs, and/or controlled substances. All drivers involved in a vehicle accident with a CDP vehicle, occurring during scheduled work hours, will be transported by another CDP employee for drug/alcohol testing.

***Refusal to Submit to Testing:*** Employees must submit to drug and alcohol testing as required by this policy. Refusal by an employee to submit to testing will result in

disciplinary action up to and including immediate suspension and/or termination of employment. Confidentiality regarding discussions and/or tests associated with an employee's use of drugs, alcohol or restricted substances will be safeguarded as much as possible.

Refusal to be tested is defined as any or all of the following actions:

a) Refusal to participate in a reasonable suspicion test.
b) Refusal to submit to a test following a workplace accident.
c) Refusal to submit to the testing facility within the required time.
d) Clearly obstructing the testing process in a manner that prevents the completion of the test as determined by the collector, which includes failure to provide breath, saliva or urine to the collector as required.

## VIOLENCE IN OUR WORKPLACE

CDP is committed to providing a workplace for our employees that is healthful and safe. CDP will not tolerate acts or threatened acts of violence by employees or non-employees in our facilities or on our property.

Employees and non-employees are prohibited from bringing guns or other weapons onto our property, including, but not limited to, weapons in vehicles in the parking lots. Violations of this policy will subject employees to discipline up to and including termination. If a non-employee enters our work place carrying a weapon the authorities will be called immediately.

Other examples of prohibited conduct include, but are not limited to, striking or attacking another employee or verbally or physically threatening an employee with bodily harm. Any employee who has been a victim of workplace violence or is aware of such conduct between other employees should immediately report it to his or her immediate supervisor.

All reports will be promptly investigated and appropriate action will be taken. Employees will not be subject to discipline or retaliation of any form by management or fellow employees for reporting actual or potentially violent situations.

## SMOKING IN THE WORKPLACE

CDP strives to provide a healthful, safe, and comfortable working environment for all employees and visitors. Tobacco Use by employees and visitors is therefore prohibited throughout all buildings and in CDP vehicles. Further, there will be no tobacco use in client homes by CDP employees. Tobacco products include vape products (with or without nicotine), electronic cigarettes, chewing tobacco, cigarettes, cigars, smokeless tobacco products, etc.

Employees and visitors at the CDP administration building who wish to use tobacco must leave the building and use only designated areas outside which have appropriate smoking waste disposal receptacles. Employees at the Neighborhood Centers must follow the rules established in this policy as well as abide by tobacco use policies at their designated locations. For instance, in some locations, tobacco use is prohibited on the property. The same applies to the Head Start Centers in the locations where they are housed. Employees are allowed to use tobacco products only during scheduled break times.

## RIGHT TO KNOW

You have the right to know about any hazardous substances that you might use or encounter on the job. Safety Data Sheets (SDS) for each potentially hazardous chemical used in our workplace can be found in each department.

If you are unable to locate a SDS for a particular substance, please ask your immediate supervisor for further information.

## SAFETY & INJURY REPORTING

Every accident or injury that occurs on the job, however minor, must be reported to your immediate supervisor at once, who then immediately reports it to the Finance office (in no event later than 24 hours following the accident or injury). The agency and the law prohibit discharging or discriminating against employees for reporting work-related injuries or illnesses.

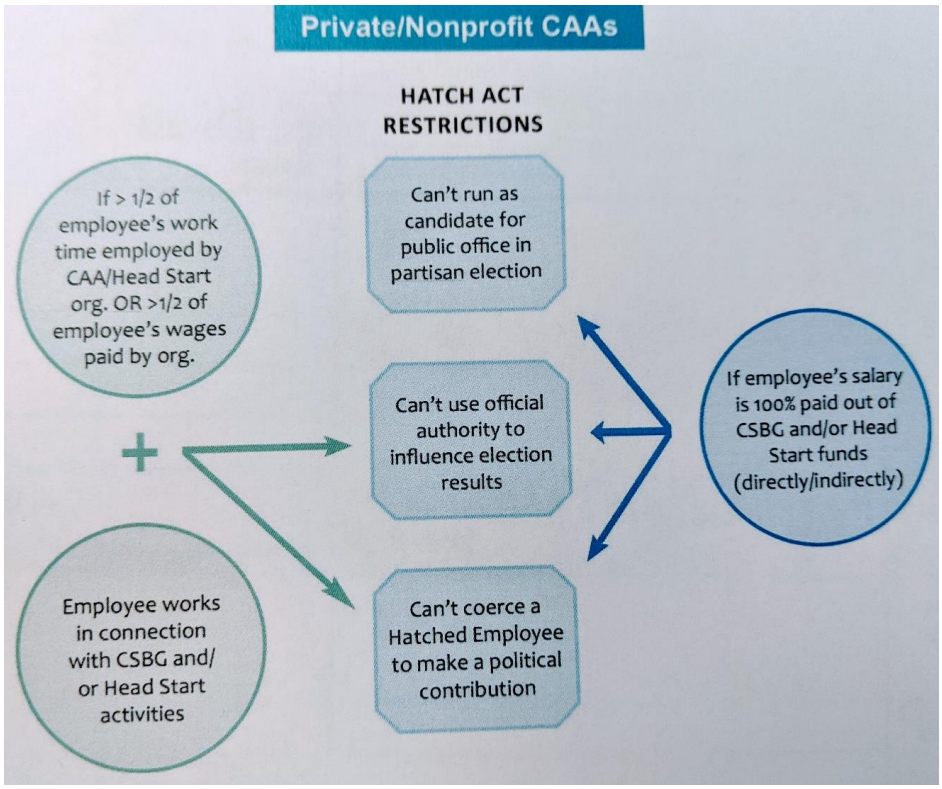
Safety is everyone's responsibility. Please take precautions to use materials and equipment with care and do your part to keep the work site free from hazards. In addition to causing personal injury, accidents result in downtime and reduced profitability.
All work areas on the job site are to be kept clear of any debris.

## HATCH ACT

As a private, not for profit organization and recipient of federal funds, CDP employees must follow certain rules concerning political activity.

Individuals associated with a CAA, such as CDP, may participate in election campaigns as private citizens, on their own time and without using CAA resources. CAA employees and board members have the same right as other individuals to contribute to political campaigns, participate in campaign activities, serve on political party committees, and endorse candidates, for example. The key is to ensure that the CAA employee or board member clearly separates his or her personal political campaign activity from the activities or statements of the CAA, and that any such personal political activity is done

on non-work time and without using CAA resources. This distinction does not mean that just because an individual is well known in the community as a CAA employee or board member, he or she may not engage in political campaign activity. It means only that in doing so, the individual should carefully distinguish his or her personal views from those of the CAA.




For further information, please speak with the Executive Director.

## NAMETAGS

Any employee issued a nametag must wear it where it is easily visible while on the job. Violations of this policy will result in disciplinary action.

If you lose your nametag, report the loss immediately for a replacement. Nametags remain the sole property of CDP, and must be returned upon separation from the agency.

## EMPLOYMENT OF RELATIVES

While we are happy to receive employment applications from relatives of employees, CDP does not permit the hiring of employees into positions where they may be directly or indirectly supervised by a relative. A relative is defined as a father, mother, brother, sister, husband, wife, son, daughter, grandfather, grandmother, grandson, or

granddaughter. It can also include other relationships established by blood, marriage, living arrangements or legal actions.

## PERSONAL PHONE CALLS

We recognize that employees must sometimes place or receive personal calls on CDP telephones. However, the telephone system is intended primarily to conduct CDP's business, and it is imperative that personal use not interfere with that purpose.

If you must make a personal call, do so during non-working hours. If you receive a personal call ask callers to keep the number and length of calls to a minimum.

## CELLULAR PHONES AND MOBILE DEVICES POLICY

This policy outlines the use of personal cell phones and other mobile devices at work, the personal use of business cell phones, and the safe use of cell phones by employees while driving.

### *Personal Mobile Devices Phones*

While at work, employees are to exercise the same discretion in using personal cellular phones and other mobile electronic devices as they do for CDP phones. Excessive personal calls or personal uses of other mobile devices during the workday, regardless of the device used, can interfere with employee productivity and be distracting to others. CDP encourages a reasonable standard of limiting personal calls, texts, and other electronic messages during work time. Employees are therefore asked to make any other personal calls or text messages on non-work time where possible and to ensure that friends and family members are aware of CDP's policy. Excessive texting on working time is prohibited. Texting while supervising children or in the presence of children is prohibited. Flexibility will be provided in circumstances demanding immediate attention.

CDP will not be liable for the loss of personal cellular or other electronic devices phones brought into the workplace.

### *Personal Use of CDP-Provided Cellular Phones*

Where job or business needs demand immediate access to an employee, CDP may issue a business cell phone to an employee for work-related communications. Such phones are to be used for business purposes only. If an employee experiences a severe personal emergency that results in the need to use CDP's cellular phone, he or she is required to report this use to his or her Supervisor within 48 hours.

Employees in possession of CDP equipment such as cellular phones are expected to protect the equipment from loss, damage or theft. Upon resignation or termination of employment or at any time upon request, the employee may be asked to produce the phone for return or inspection. Employees unable to present the phone in good working

condition within the time period requested may be expected to bear the cost of a replacement.

Employees who separate from employment with outstanding debts for equipment loss or unauthorized charges will be considered to have left employment on unsatisfactory terms and may be subject to legal action for recovery of the loss.

### *Safety Issues for Cellular Phone Use*

Employees whose job responsibilities include regular or occasional driving and who are issued a cell phone for business use are expected to refrain from using their phone while driving. Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees must pull off to the side of the road and safely stop the vehicle before placing or accepting a call. If the placing or acceptance of a call is unavoidable and pulling over is not an option, employees must use hands-free equipment, keep the call short, refrain from discussion of complicated or emotional issues and keep their eyes on the road. Special care should be taken in situations where there is traffic, inclement weather or the employee is driving in an unfamiliar area.

Employees are prohibited from texting or making use of electronic mail functions while the vehicle is in motion. This prohibition includes the time waiting for a traffic signal to change.

In situations where job responsibilities include regular driving and accepting of business calls, hands-free equipment will be provided to facilitate the provisions of this policy.

Employees whose job responsibilities do not specifically include driving as an essential function, but who are issued a cell phone for business use, are also expected to abide by the provisions above. Under no circumstances are employees allowed to place themselves at risk to fulfill business needs.

Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions.

Violations of this policy will be subject to the highest forms of discipline, including termination.

## YOUR PERSONNEL FILE

You are responsible for notifying the Finance Department of any changes in name, address, telephone number, marital status, number of dependents, or any other information in your employment records. Incomplete or outdated information may result in incorrect taxes being withheld from your paycheck, interrupted benefits for you and your family, and difficulty in notifying the appropriate person in the event of an emergency.

Personnel files are the property of CDP, and access to the information they contain is restricted. Only those officials and representatives of CDP who have a legitimate reason to review information in a file are permitted to do so. With proper notice an employee may review material in his or her file but only in CDP's offices and in the presence of the individual appointed by CDP to maintain the file.

## EMPLOYEE COMMUNICATIONS

All notices that affect employment at CDP, including information regarding safety, labor laws, and policy changes will be communicated via e-mails and memos. It is the responsibility of each employee to be aware of all notices and to stay up-to-date on policy changes and regulations as they are distributed.

# EMPLOYMENT AND PAY

## EMPLOYMENT CATEGORIES

It is CDP's intent to define employment classifications clearly so that each employee understands his/her employment status and benefit eligibility.

Every position is designated as exempt or nonexempt pursuant to federal and state wage and hour laws. Nonexempt employees are entitled to overtime pay under the specific provisions of these laws. Exempt employees are excluded from such overtime pay requirements.

CDP has established the following employment categories:

| | |
|---|---|
| Full-time: | Employees who are regularly scheduled to work at least 30 hours per week |
| Part-time: | Employees who are regularly scheduled to work fewer than 30 hours per week |
| Temporary: | Employees who may work on a full or part time basis for a specific period of time not to exceed one year |
| Substitutes: | Employees who do not have a definite schedule but work as needed |

## WORK SCHEDULES

Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week. As a result, work schedules for employees vary throughout CDP. Supervisors will advise employees of their individual work schedules. All employees are expected to be at their work stations and ready to begin work at their scheduled times and return promptly from lunches and breaks.

CDP recognizes the need for some employees to reduce the number of hours of their weekly work schedule. This will be at the discretion of the Executive Director depending upon whether the position that the employee holds can accommodate a reduction in hours.

Some of our projects require overtime work in order to meet client needs. Non-exempt will be paid for any additional hours beyond the basic work week, in accordance with laws governing labor practices of the Federal and State Labor authorities. Working overtime when required is a condition for continued employment.

We expect our employees to be ready and willing to work overtime when requested. All overtime worked must be authorized in advance by your supervisor. Any hours worked over the employee's regular hours – but less than 40 hours – must be used as flex time during the same workweek.

**Time paid for vacation, holiday, or sick/personal leave will not be considered in calculating overtime. Only actual hours worked count towards calculating overtime.**

## PAY PERIODS AND PAYCHECKS

All employees will be paid bi-weekly on Friday. If a payday falls on a holiday, employees will be paid the day prior to the holiday, whenever possible. The work week begins on Saturday and continues through Friday for all agency employees.

## WAGE DEDUCTION AND COMPLAINT POLICY

CDP is committed to complying with the Fair Labor Standards Act as well as all state wage and hour laws. CDP will, at all times, make a good-faith effort to comply with all rules and regulations prohibiting improper pay deductions. Non-exempt employees will be paid overtime in accordance with state and federal law. The salary of exempt employees, however, is intended to compensate for all hours worked.

If you feel that you have not been paid properly, or that improper deductions have been made from your pay, please report that fact to your immediate supervisor immediately. If you are uncomfortable speaking with your supervisor, please bring your concerns to the Fiscal Officer or to another member of the senior management team.

No employee will be retaliated against for making an inquiry or report of an improper payment or wage deduction.

CDP will promptly investigate your claim and, if any improper deductions have been made, will refund the deductions and take appropriate steps to ensure future compliance.

## TIME SHEETS

Employees are required to record all working time through Paylocity, by punching in when you commence work, and punching out when you stop work during meal periods and the conclusion of your shift. If you miss a punch, notify our supervisor or the Finance Department immediately. No "off the clock" work is ever permitted. Be sure to mark any absences and indicate the reason, as this is the record from which you will be paid. Time will be rounded to the nearest quarter hour.

## PROMOTIONS

It is our policy to promote from within our organization before hiring from outside when practicable. When there are openings, qualified employees who have demonstrated a willingness to improve their skills, who have a good attendance record, who cooperate with supervisors, and who have accepted responsibility will be given first consideration. Therefore, it is important that you keep CDP informed of developments in your education, training, and skills.

## PERFORMANCE EVALUATIONS

Supervisors and employees are strongly encouraged to discuss job performance and goals on an informal day-to-day basis. A formal written performance evaluation via Paylocity will be conducted at the end of approximately 90 days of employment, and additional formal performance evaluations are conducted regularly, generally in June. These evaluations provide supervisors and employees an opportunity to discuss job tasks, to identify and correct weaknesses, to recognize and develop strengths, and to discuss positive approaches for meeting assigned goals.

The written performance evaluation is conducted to assess work performance and progress and does not necessarily result in a wage or salary adjustment.

# CONDUCT AND DISCIPLINE

## DISCIPLINE

Disciplinary action will be taken when CDP policies, procedures, or work rules are violated. Such actions may include but are not limited to verbal warnings, written warnings, suspension, or immediate termination. CDP may impose an unpaid disciplinary suspension of one or more full days for serious misconduct. This practice applies to all employees, whether exempt or nonexempt. Disciplinary action will depend in part on the nature of the violation and on the employee's work record. Disciplinary action is not necessarily progressive in nature and no form of discipline is guaranteed to precede another; rather, disciplinary action is taken on a case-by-case basis in consideration of relevant circumstances.

## EMPLOYEE CONDUCT AND WORK RULES

Reasonable rules of conduct are necessary for the orderly, efficient, and safe operation of business. The list below is meant to serve as a guideline for identifying conduct that will result in disciplinary action. It should be noted that many of these standards of conduct are clarified in greater detail in the appropriate section of this employee handbook.

This list is not intended to be all inclusive. The Executive Director and the Head Start Policy Council and Board of Directors reserves the right to modify work rules and regulations or to establish different or additional rules or regulations as it deems appropriate and necessary at any time.

The following conduct may result in immediate termination:

1. Disclosing or making available to unauthorized persons any confidential or proprietary information.
2. Rude, abusive, or obscene language or conduct on CDP property.
3. Fighting or disorderly conduct.
4. Gambling on CDP premises.
5. Harassing, interfering with, or refusing to cooperate with coworkers in the performance of their duties.
6. Tampering, altering, or falsifying time records, or recording time on another employee's time sheet.
7. Acts of dishonesty or theft.
8. Damaging machinery or equipment, wasting materials, or defacing CDP property.
9. Insubordination.

10. Failure to adhere to CDP policies regarding harassment, alcohol and drug abuse, smoking, and safety.
11. Unreasonable, inappropriate, or unlawful actions that result in complaints from the community, customers, suppliers, manufacturers, or other staff and that affect CDP's reputation or business.
12. Smoking in any building operated by CDP (buildings and vehicles have been designated as smoke-free).
13. Falsifying any official document.

The following conduct will result in disciplinary action, up to and including immediate termination, depending on the seriousness of the offense under the facts and circumstances as determined by management:

1. Repeated absences or tardiness.
2. Failure to follow work rules, procedures, and Personnel Policies.
3. Failure to complete assigned work in a timely manner.
4. Wasting time, loafing, loitering.
5. Leaving the work area during working hours without permission.
6. Negligence or carelessness.
7. Unauthorized or improper use of property or machinery, including CDP telephones.
8. Abuse of break or meal period.
9. Refusal to accept assigned overtime when necessary.
10. Unsatisfactory work performance.

Depending on the nature of an offense, discussions will often be held between the supervisor and the employee in order to give the employee an opportunity to correct the situation before it becomes necessary for management to issue a written warning. These discussions will be documented and become part of the employee's record.

A written warning notice becomes part of an employee's record and will be taken into consideration when evaluating an employee's performance for purposes of promotion, transfer, future disciplinary action, and continued employment.

No form of discipline is guaranteed to precede another; rather, disciplinary action is taken on a case-by-case basis in consideration of relevant circumstances.

## CODE OF ETHICS FOR CDP EMPLOYEES

**Goal:** To establish a set of principles and practices for CDP employees that will set ethical perimeters and provide guidance and direction for the conduct of all CDP employees.

**Code:** CDP employees are committed to observing and promoting the highest standards of ethical conduct in the performance of their job and moral responsibilities. Employees will pledge to accept this code as a minimum guideline for ethical conduct and shall:

**Accountability:**

1. Faithfully abide by CDP's policies and procedures and the policies and procedures of each funding body and government.

2. Exercise reasonable care, good faith and due diligence in all work performed for CDP.

3. Fully disclose, at the earliest opportunity, information that may result in a perceived or actual conflict of interest.

4. Fully disclose at the earliest opportunity, any information that is perceived as or is actual fraud.

5. Remain accountable in every aspect of their position held with the organization.

6. Maintain a professional level of courtesy, respect and objectivity in all CDP activities.

7. Strive to uphold the highest standard of conduct.

8. Will act on behalf of the agency only with the consent and authority of the Executive Director.

**Personal Gain:**

9. Act only for the good of all members of the organization and the Program participants served by CDP.

**Equal Opportunity:**

10. Ensure the right of all consumers of services to appropriate and effective services without discrimination on the basis of race, creed, color, sex, age, sexual orientation, genetic predisposition or carrier status, marital status, disability, religion, domestic violence victim status, national origin, military service/leave, or arrest/conviction record, consistent with applicable laws and funding sources.

**Confidential Information:**

11. Respect the confidentiality of sensitive information known due to their interactions with programs at CDP.

**Collaboration and Cooperation:**

12. Respect the diversity of opinions as expressed or acted upon by other employees and program participants.

13. Promote collaboration, cooperation and partnerships among community partners, other CDP staff and program participants.

## ELECTRONIC COMMUNICATIONS POLICY

CDP believes that no information should be accumulated or used in the workplace that does not have a clear business or management purpose; that no information should be collected and maintained that is not carefully checked for accuracy; and that no information should be released to anyone without a clear need for that party to know the information.

CDP reserves the rights to enter, search, and monitor the computer files, E-mail, and voice mail of any employee, without advance notice, for business purposes such as investigating theft, disclosure of confidential business or propriety information, or personal abuse of the systems. Specifically, all telephone conversations or transmissions, electronic mail or transmissions, or internet access or usage by an employee by any agency electronic device or system, including the use of an agency computer, telephone, wire, radio or electromagnetic, photoelectronic or photo-optical system may be subject to monitoring at any time and all times and by any lawful means.

Abuse of computer facilities for personal reasons during work hours is strictly prohibited. All computer pass codes must be made available to CDP upon request.

Internet Code of Conduct

Access to CDP's Internet network has been provided to staff members for the benefit of CDP's organization and its clients. It allows staff members to connect to information sources around the world. Every staff member has a responsibility to maintain and enhance CDP's public image, and to use the Internet in a productive manner. To ensure that all staff members are responsible productive Internet users and are protecting CDP's public image, the following guidelines have been established for using the Internet.

Acceptable Uses of the Internet

Staff members accessing the CDP's Internet network are representing CDP. All communications should be for professional reasons. Staff members are responsible for seeing that the Internet is used in an effective, ethical and lawful manner. Internet Relay Chat channels may be used to conduct official Agency business, or to gain technical or analytical advice. Databases may be accessed for information as needed.

Unacceptable Uses of the Internet

The Internet should not be used for personal gain or advancement of individual views. Solicitation of non-CDP business, or any use of the Internet for personal gain is strictly prohibited. Use of the Internet must not disrupt the operation of CDP network or the networks of other users. It must not interfere with your productivity. Transmission of harassing, discriminating or objectionable e-mails or files is strictly prohibited. Access to non-business related, obscene or offensive sites is strictly prohibited.

Communications

Each staff member is responsible for the content of all text, audio or images that they place or send over CDP's Internet network. Fraudulent, harassing or obscene messages are prohibited. All messages communicated on the Internet should have your name attached. No messages will be transmitted under an assumed name. Users may not attempt to obscure the origin of any message. Information published on the Internet should not violate or infringe upon the rights of others. No abusive, profane or offensive language is to be transmitted through the system. Staff members who wish to express personal opinions on the Internet are encouraged to obtain their own usernames on other Internet systems.

Software

To prevent computer viruses from being transmitted through CDP's systems, there will be no unauthorized downloading of any software. All software downloads must be approved through management.

Copyright Issues

Copyrighted materials belonging to entities other than CDP may not be transmitted by staff members on the Internet in a manner which violates copyright laws or license agreements. One copy of copyrighted material may be downloaded for your own personal use in research. Users are not permitted to copy, transfer, rename, add or delete information or programs belonging to other users unless given express permission to do so by the owner. Failure to observe copyright or license agreements may result in disciplinary action from CDP or legal action by the copyright owner.

Security

All messages created, sent or retrieved over CDP's Internet network are the property of CDP and should be considered public information. CDP reserves the right to access and monitor all messages and files on the computer system as deemed necessary and appropriate. Internet messages are public communication and are not private. All communications including text and images can be disclosed to law enforcement or other third parties without consent of the sender or the receiver.

Harassment

Harassment of any kind is prohibited. No messages with derogatory or inflammatory remarks about an individual or group's race, religion, national origin, physical attributes, sexual preference or any other legally protected status will be transmitted.

Violations

Violations of any guidelines listed above may result in disciplinary action, up to and including termination. If necessary, CDP will advise appropriate legal officials of any illegal violations.

Interpretation

Interpretation and administration of this policy is the responsibility of the Executive Director and Program Managers.

## SOCIAL NETWORKING POLICY

CDP takes no position on your decision to start or maintain a blog or participate in other social networking activities. However, it is the right and duty of the agency to protect itself from unauthorized disclosure of information. CDP's social networking policy includes rules and guidelines for agency-authorized social networking and personal social networking and applies to all employees of CDP, including management and officers of the agency.

Blogging or other forms of social media or technology include but are not limited to video or wiki postings, sites such as Facebook and Twitter, chat rooms, personal blogs or other similar forms of online journals, diaries or personal newsletters not affiliated with CDP.

CDP respects the right of employees to write blogs and use social networking sites and does not want to discourage employees from self-publishing and self-expression. Employees are expected to follow the guidelines and policies set forth to provide a clear line between you as the individual and you as the employee.

CDP respects the right of employees to use blogs and social networking sites as a medium of self-expression and public conversation and does not discriminate against

employees who use these media for personal interests and affiliations or other lawful purposes.

Bloggers and commenters are personally responsible for their commentary on blogs and social networking sites. Bloggers and commenters can be held personally liable for commentary that is considered defamatory, obscene, proprietary or libelous by any offended party, not just CDP.

Employees cannot use agency-owned equipment, including computers, agency-licensed software or other electronic equipment, nor facilities or agency time, to conduct personal blogging or social networking activities.

Employees cannot use blogs or social networking sites to harass, threaten, discriminate or disparage against employees or anyone associated with or doing business with CDP. Harassment, bullying, discrimination, or retaliation that would not be permissible in the workplace is not permissible between co-workers online, even if it is done after hours, from home, or on home computers.

Keep in mind that any conduct online or through a social media platform that negatively impacts CDP's legitimate business interests, contributes to a hostile working environment, or otherwise violates CDP's policies, will result in disciplinary action.

If you choose to identify yourself as a CDP employee, please understand that some readers may view you as a spokesperson for the agency. Because of this possibility, we ask that you state or otherwise make clear that your views expressed in your blog or social networking area are your own and not those of the agency, nor of any person or organization affiliated or doing business with CDP.

If you have any questions relating to this policy, your personal blog or social networking, please see the Executive Director.

**Discipline for Violations**

CDP investigates and responds to *all* reports of violations of the social networking policy and other related policies. Violation of the agency's social networking policy will result in disciplinary action up to and including immediate termination. Discipline or termination will be determined based on the nature and factors of any blog or social networking post. CDP reserves the right to take legal action where necessary against employees who engage in prohibited or unlawful conduct.

This policy will not be interpreted or applied in a way that would interfere with the rights of employees to self-organize, form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, or to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, or to refrain from engaging in such activities.

## EMPLOYEE CONDUCT STATEMENT

Our reputation for quality and integrity in our dealings has been carefully built over many years. We are recognized as much for our image as we are for our services.

Employment at CDP carries with it the responsibility of representing us in just about everything you do. Your conduct outside the organization will reflect on our reputation as surely as your performance on the job.

We expect our employees to show concern and consideration for co-workers, customers, and for the community at large, and we encourage your participation in activities that bring credit to our organization. We expect that employees will treat all customers, co-workers and the community at large with respect and courtesy. We expect employees to respect and promote the unique identity of each individual and family and refrain from stereotyping on the basis of gender, race, ethnicity, culture, religion or disability.

Employees may not speak to the press or issue news releases as official spokespersons of CDP without the prior approval of the Executive Director.

Employees who engage in activities that are illegal or that otherwise negatively impact the legitimate business interests of the agency will be subject to disciplinary action up to and including immediate dismissal.

In Head Start, no child may be left alone or unsupervised while under Head Start's care. Also, positive methods of child guidance will be used. Staff may not engage in corporal punishment, emotional or physical abuse or humiliation. Methods of discipline that involve isolation, the use of food as a punishment or reward or the denial of basic needs are unacceptable.

## CONFIDENTIAL INFORMATION

In the course of your work, you may acquire information which is confidential. You are not to discuss this information with other employees or with anyone outside CDP other than as required to perform your job. Even casual conversation with other employees may be overheard and thereby violate our client's right to privacy. Be particularly careful about your conversation in eating places and other places of public gathering within CDP. Do not give personal opinions to anyone regarding a client or their personal information outside of what is required by your job. If you are questioned by anyone, you must tell them that you are not authorized to discuss the matter and tactfully explain that the person in charge will be glad to talk with them. This is inclusive of information regarding other staff members.

Confidential information under this policy means all sensitive and proprietary information relating to the agency and its affiliates, disclosed to or known by you as a

consequence of your employment with the agency (including information conceived, originated, developed or discovered by you), which is not otherwise generally known or public knowledge, including, but not limited to, the following examples:

- Information of a commercial, creative or strategic nature (e.g., marketing information, development strategies, financial information, business plans, pending projects, sources of revenue, pricing strategies); and
- Information of a private nature (including client information, Social Security Numbers, drivers' license numbers, financial account information, financial, personal or other similar sensitive information concerning clients).

## DRESS

Each employee is expected to dress appropriately for the job. Your supervisor will offer guidance as to proper attire for your job and may establish special requirements for reasons of safety or public contact. Failure to observe standards of dress will result in disciplinary action.

Your neatness, hygiene and proper attire are expected. It is expected that employees dress in professional attire in accordance with the department in which they work. Customers and visitors from our community gain a lasting impression of CDP from the appearance and decorum of our employees. All employees should be mindful of this responsibility.

If you feel that dress requirements for your department are unreasonable, you may use our Open Door Policy to communicate your feelings to management.

## ATTENDANCE AND PUNCTUALITY

In order to effectively serve our customers, it is important that you come to work on time each day. In the event that illness or injury prevents you from reporting to work as scheduled, it is your responsibility to personally notify the main office prior to your absence.

If you are going to be late, you must personally notify the main office BEFORE your scheduled starting time. State the reason for your lateness and your expected time of arrival. If you cannot reach anyone at the main office, contact your immediate supervisor directly.

Failure to call in as required is a violation of CDP policy and will result in the absence and/or tardiness being recorded as an unexcused absence and may result in disciplinary action up to and including discharge.

In the case of repeated absences or tardiness, you may be required to submit evidence verifying the reason for your absence. If requested, failure to provide substantiation of the reason for your absence will result in discharge.

Failure to provide requested substantiation of the reason for your absence will result in discharge. An absence of three (3) or more consecutive workdays without notifying CDP will be considered a voluntary quit.

## INCLEMENT WEATHER

CDP recognizes that at times there can be weather emergencies and will waive tardiness rules in such situations. Use your judgment in deciding if the weather in your area is so severe that it would be unwise to be on the roads. In the event that you are unable to get to work at all because of the weather, the call in policy should be followed. Non-exempt employees will only be paid if they have paid leave time available.

In the event that employees wish to leave early due to bad weather predictions, they should obtain management approval. In such cases, non-exempt employees will only be paid for the time not worked if they have paid leave time available.

## SOLICITATIONS OR DISTRIBUTION OF LITERATURE

In order to avoid interruption of work and protect you from unnecessary annoyance, employees may not solicit other employees during working time anywhere on CDP premises. Furthermore, employees may not distribute any written material in work areas at any time or in non-work areas (restrooms, hallways, break rooms) during working time. Non-employees may not distribute materials or solicit employees on CDP premises without prior written approval of management.

The sale of candy and raffles and solicitations for contributions to charities are subject to the same restrictions as other solicitations.

Any questions regarding these rules should be referred to your immediate supervisor.

Violation of these rules will subject non-employees to arrest. Employees will be subject to disciplinary action, up to and including termination.

# BENEFITS

## CDP BENEFITS

CDP is pleased to provide benefits to eligible employees. Our benefits package has been designed to help protect you and your family from financial loss due to illness, injury, or death, and to help you plan for your retirement. The descriptions of benefits described in this handbook are intended as summaries only. In the event of a conflict between the summaries contained in this handbook and in the official benefit plan documents, the official benefit plan documents control. CDP reserves the right to rescind or modify its benefit offerings at any time.

Please check with the Finance Department for additional information about the plans and benefits available and the conditions for your participation.

## HEALTH INSURANCE AND LIFE INSURANCE

All full-time employees and their dependents are eligible to participate in the medical insurance plan. CDP pays a portion of single coverage for those employees who are eligible as of Oct.1, 2015 for the insurance. For those employees hired prior to September 1, 2015 and were covered by the insurance at that time, CDP will pay a portion of the two person and family coverage as well. The percentage paid by CDP is determined on an annual basis by the Board of Directors. The remaining balance of the premium cost will be deducted from the employee's paycheck.

Employees participating in the health insurance account will also be enrolled in an HRA (Health Reimbursement Account). The HRA account will cover the deductible from the employee amount to the policy maximum deductible. The deductible amount is determined on an annual basis. See Finance for current deductible.

Full-time employees are also eligible for a life insurance policy which is provided as a benefit. The cost of the coverage is paid in full by CDP.

Further details regarding the health insurance plan can be found in descriptive booklets which are available through the Finance Department.

## DENTAL COVERAGE

A dental benefit plan is available to all full-time and part-time employees and their families. The employee is responsible for the entire cost of dental coverage. Please check with the Finance Department for information regarding coverage and participation.

## CONTINUATION OF COVERAGE

Federal law requires most employers who sponsor group medical plans offer employees and their families group rates for temporary extension of medical coverage (called continuation coverage or COBRA), where coverage under the plan would otherwise end.

At the time you enroll in the plan and again when coverage would normally cease, CDP will provide additional information regarding continuation coverage. If you would like additional information regarding COBRA regulations, please direct your questions to the Finance Department.

## FLEXIBLE SPENDING ACCOUNT

CDP will administer a qualified Flexible Spending Plan. Flexible Spending Plans are designed to allow an employee to set aside pre-tax dollars by payroll deduction and use them to pay for qualified medical expenses. CDP will set an annual maximum deduction. Employees are encouraged to use the FSA to help budget medical expenses such as deductibles and co-pays over the year. More information is available from the Finance Department. The enrollment period for the FSA is in November for the following calendar year.

## SHORT-TERM DISABILITY

If you are disabled for more than seven days because of an illness or injury unrelated to work, you may be eligible to receive partial replacement of lost wages. The disability must be verified by a physician and the paperwork filed in a timely manner.

While you are out on a leave of absence, it is your responsibility to make arrangements with the Finance Department to continue paying your share of the medical insurance premium.

While you are out on leave of absence, CDP will maintain its portion of your health insurance coverage for a period of 12 weeks. At the end of that time you will be given the opportunity to continue your medical insurance coverage under the COBRA regulations.

Vacation, sick and personal time will not accrue while out on leave of absence**.**

## WORKERS' COMPENSATION

You are protected by the Workers' Compensation Act of New York State. If you suffer a work-related injury or illness, you are eligible for income replacement and for payment of medical costs incurred as a result. CDP pays the full premium for this coverage as part of our employee benefits program.

While you are out on a leave of absence, it is your responsibility to make arrangements with the Finance Department to continue paying your share of the medical insurance premium.

While you are out on a leave of absence, CDP will maintain its portion of your health insurance coverage for a period of 12 weeks. At the end of that time you will be given the opportunity to continue your medical insurance coverage under the COBRA regulations.

## RETIREMENT BENEFITS

All employees who complete 1,000 hours of service with CDP are eligible to participate in the 401(k) plan. The agency makes contributions to the retirement plan, and the Board of Directors will set the agency contribution amount for the retirement benefit.

## VACATIONS

CDP recognizes that employees need the opportunity for a period of rest and relaxation. Upon the completion of a 30 days waiting period, eligible employees are granted vacations with pay according to the following guidelines.

### CDP EMPLOYEES

| Years of Employment | Time Accrued |
|---|---|
| 0 – 3 years | 1 day/month |
| 4 – 6 years | 1.25 days/month |
| 7 – 14 years | 1.75 days/month |
| 15 + years | 2 days/month |

Vacation time can only be accrued up to 30 days. Once an employee has reached the 30-day cap on accrual, no more vacation will accrue until some of the available time is used.

If a designated holiday falls during your vacation period, you will not be required to use vacation time for that holiday.

Requests for vacation or personal time should be submitted at least 7 days in advance. Time off will be scheduled with consideration to staffing requirements.

Substitute employees are not eligible for time accruals and holiday pay.

**Unused vacation time will be paid upon resignation of employment only when at least 14 days written notice is given and the entire 14 days is worked out.**

**If an employee is discharged or the employee ends employment under any circumstances other than by voluntarily resigning and providing (and working) an entire 14-day notice period, any unused vacation days will not be paid and will be forfeited.**

### HEAD START EMPLOYEES
(10 month schedule)

Head Start 10 month employees, while not eligible to receive vacation days, are afforded time off in accordance with the school's academic calendar.

## HOLIDAYS

CDP observes the following holidays:

| | |
|---|---|
| New Year's Day | Labor Day |
| Martin Luther King Day | Columbus Day |
| Presidents' Day | Veterans' Day |
| Memorial Day | Thanksgiving Day |
| Juneteenth | Day after Thanksgiving |
| July 4th | Christmas Day |

CDP also recognizes the day before or after Christmas as a holiday at management's discretion.

All eligible employees will be paid for designated holidays according to the following guidelines:

- If a holiday falls during a weekend, the holiday may be observed on the day before or the day after, at the discretion of management.

- In order to be paid for a holiday, you must be at work or on paid personal / vacation / authorized sick day, preapproved by your supervisor, on the scheduled work day before and the scheduled work day after the holiday.

Pay in lieu of holidays will not be granted.

Substitute employees are not eligible to receive holiday pay.

## SICK PAY

CDP provides paid sick time to all employees for use in the event of certain emergent matters, such as matters related to the employee's health condition, a family member's health condition, or issues related to domestic violence. Specifically, employees may use accrued sick time for absences necessitated by the following reasons:

1. for a mental or physical illness, injury, or health condition of the employee or the employee's family member, regardless of whether such illness, injury, or health condition has been diagnosed or requires medical care at the time that the employee requests such leave;
2. for the diagnosis, care, or treatment of a mental or physical illness, injury, or health condition of, or need for medical diagnosis of, or preventive care for, the employee or the employee's family member; or
3. for an absence from work due to domestic violence, a sexual offense, stalking, or human trafficking, or for the employee to avail themselves or a family member of services or assistance.

Payment

Sick time will be paid at the employee's regular rate of pay.

Carryover of Unused Sick Time

An employee may carryover any unused sick time at the end of the calendar year.

Accrual of Sick Time

Employees accrue sick time at the rate of at least 1 hour per every 30 hours worked, up to 144 hours per year.

Use of Sick Time

Sick time may be used in a minimum increment of 30 minutes. Employees may begin using sick time immediately after it is awarded. An employee may not use more than 90 days of accrued sick time in any calendar year.

Notice and Documentation

Employees who need to use sick time must notify their supervisor prior to using such sick time. CDP requests that employees provide notice as far in advance as possible. To the extent allowable by applicable law, CDP may require documentation confirming eligibility for sick time when the need for leave extends 3 or more consecutive workdays. No confidential information will be required to be disclosed on such documentation.

Sick Time Upon Separation From Employment

Accrued, unused paid sick time under this policy will not be paid at separation from employment and will be forfeited.

Concurrent Use with Other Forms of Leave

To the extent permitted by applicable law and where applicable, CDP will require employees to use paid sick time under this policy concurrently with other statutory or CDP-provided leaves of absence.

Additional Information

This policy will be interpreted in accordance with the provisions and definitions set out in the New York State Paid Sick Leave Law. Employees with questions concerning sick time should direct them to their supervisor or management.

## SICK BANK

CDP employees may voluntarily donate a portion of their accrued sick leave to another employee in cases of serious illness or injury. After notification by the administration that an employee has used all of his/her available time, the donation of sick leave may be made, in writing. The donation is subject to the approval of the employee's supervisor and the Executive Director or designee. The employee donating sick time must have, at a minimum, one month of sick leave remaining. To be eligible to receive a sick leave donation, an employee must meet the following criteria:

1. The employee must have exhausted all of his/her own accrued paid leave, including sick, personal and vacation time.

2. The employee must be on approved leave due to the employee's own health condition/injury. A doctor's statement may be requested.

3. The employee has been employed with CDP for a minimum of one year.

4. The employee must receive approval of the donation of sick time by the Executive Director.

5. The employee has not abused the sick time that they have thus far received from CDP.

6. Extenuating circumstances will be taken into consideration at the discretion of the Executive Director.

An employee may receive a maximum of 30 donated days in a rolling 12-month period, from the combination of all donor sources, or at the discretion of the Executive Director.

The employee will receive donated sick time on a dollar for dollar basis, rather than an hour for hour basis, when an employee of one wage scale donates to an employee of a different wage scale. The donation will be charged to the department of the donating employee.

## PERSONAL DAYS

Upon the completion of 30 days, eligible employees will be eligible for up to three (3) personal days annually.

Eligible employees will earn .25 day per month according to the number of hours worked normally.

Employees who maintain 30 days of sick leave, based on their regularly scheduled work hours, may earn an additional .25 day per month up to three (3) days maximum personal

days leave. The 30 days must be maintained for three (3) consecutive months and will be reviewed on a monthly basis.

Personal days should be requested at least seven (7) days in advance if possible and will be approved at the discretion of management.

**Any unused personal time will <u>not</u> be paid upon separation from employment and will be forfeited.**

## DEATH IN THE FAMILY

It is the policy of CDP to grant paid time off to eligible employees for the purpose of attending services and attending to the immediate needs of the family in the event of a death in the family.

All employees are eligible for up to three (3) days of bereavement pay upon completion of a thirty (30) day waiting period from the date of hire according to the following guidelines: If there is a death in the family and the employee has not completed the 30-day waiting period, he/she will be granted time off without pay, and such time off will not be considered in determining excessive absenteeism.

If an employee misses regularly scheduled work due to the death of an immediate relative (a spouse, child, stepchild, parent, parent-in-law, sibling or grandchild), he/she will be paid for up to three consecutive workdays including the day of the funeral.

In the event of the death of a member of the extended family (a grandparent, great-grandparent, aunt, uncle, or spouse's sibling), an employee will be paid for one day to attend the funeral.

In all cases where bereavement leave is available for the spouse or relative of a spouse of an employee, the same benefit will be provided for those employees in a committed relationship.

Employees may be required to provide evidence of the need for bereavement leave at the discretion of the Executive Director.

## JURY DUTY

Absence for the purpose of serving on a jury will be considered an excused absence and will receive regular pay for up to ten (10) business days. CDP will make up the difference between jury-duty fees and the wages you would have ordinarily received under your regular work schedule for a period not to exceed two weeks. You are required to return to work for the remainder of any part of the day that you are not required to serve. You may also be asked to show proof of your jury duty service.

## MILITARY LEAVE

Employees who serve in the uniformed services of the United States will be given time off to fulfill the obligation and will retain all of their employment rights at CDP. They may use available vacation time during their absence but are not required to do so.

You must notify your immediate supervisor of the need for a military leave as soon as the need is known. CDP benefits will continue during a military leave in the same manner that they are continued under the most generous leave of absence policy provided by CDP. At the time a leave is requested, you will be informed of your responsibilities for continuing CDP benefits during the leave. Following any continuation of health insurance provided for by CDP policy, if you leave your job to perform military service, you have the right to elect to continue your existing employer-based health plan coverage for you and your dependents for up to 24 months while in the military.

In order to apply for reemployment, you must be discharged under other than disqualifying conditions as outlined in the Uniformed Services Employment and Reemployment Rights Act, and submit a timely application. "Timely application" varies according to length of service and will be discussed with you at the time leave is requested.

The Finance Department will be happy to answer any questions you may have about your rights and obligations during and following a military leave of absence.

## FAMILY MILITARY LEAVE

CDP will provide any employee up to 10 days of unpaid leave if he/she is the spouse of a member of the armed forces of the United States, National Guard or reserves who has been deployed to a combat theater or combat zone of operations during a period of military conflict.

Leave will only be given when the employee's spouse is on leave from the armed forces, National Guard or reserves while being deployed during a period of military conflict.

Employees must work an average of 20 hours or more per week in order to be eligible for this benefit.

If you have any questions regarding this leave, please see the Finance Department.

## LEAVE OF ABSENCE

Depending on the circumstances, a leave of absence may be granted without pay. Any request for such a leave must be in writing and must state a specific start date and return

date as well as the reason for the leave. Approval of a personal leave of absence will be at the sole discretion of management.

If your request is approved, you must report to work on the return date originally designated and approved. Failure to do so may result in termination of your employment. You must also make arrangements to pay your portion of any medical insurance premium that will fall due during your absence or your insurance will be discontinued and you will be sent the appropriate COBRA notices.

## FAMILY AND MEDICAL LEAVE

CDP provides eligible employees unpaid leaves of absence in accordance with the Family and Medical Leave Act ("FMLA") and applicable state law. In order to be eligible for a FMLA leave, the employee must meet all eligibility requirements as described in the FMLA. This policy is not intended to expand or provide employees with additional rights beyond those to which they are entitled under the FMLA.

In accordance with the FMLA, employees seeking to take an FMLA leave of absence may be required to provide: (1) 30 days advance notice of the need to take FMLA leave when the need is foreseeable; (2) medical certifications or other documentation supporting the need for leave; (3) second or third medical opinions and periodic re-certification; (4) periodic reports on the employee's status and intent to return to work; and (5) a "fitness-for-duty" certification to return to work.

The agency calculates employees' entitlement to any leave of absence that is covered under FMLA by using a "rolling" twelve month period. An employee's entitlement to such a leave will be determined by a review of the twelve (12) month period immediately preceding the requested leave.

Employees must use all available paid time off (e.g. vacation time, personal and, if applicable, sick time), if any, concurrently with any leave of absence under this policy, except in the case where an employee is receiving short-term disability, workers' compensation, or paid family leave benefits during such leave, in which case, the employee has the option of using available paid time off to supplement his/her income to the full amount.

During an FMLA leave of absence, the agency maintains the employee's health coverage under its group health plan; provided, the employee continues to make his or her portion of the premium contribution. When the employee uses accrued paid time off concurrently with a leave of absence under this policy, the employee's portion of the health insurance premium is deducted as a regular payroll deduction. If the employee is on an unpaid leave, the employee must tender payment to the agency his or her portion of the health insurance premium by the first of each month. Employees who do not return from a leave of absence may be responsible for reimbursing the agency for the premiums paid during the leave of absence, in accordance with applicable law.

The effective date of a leave of absence under this policy is the first working day of absence, regardless of approval date.

While on a leave of absence under this policy, employees must keep the agency updated regarding their expected return to work date.

Further information regarding FMLA is described in the attached Appendix and is available from the Executive Director.

## NYS PAID FAMILY LEAVE

CDP provides eligible employees with paid leaves of absence for various family- and military-related reasons in accordance with the New York State Paid Family Leave Program. Such leaves of absence are referred to in this policy as "PFL."

### Eligibility

In general, an employee whose regular employment schedule is 20 or more hours per week will become eligible to receive PFL benefits after 26 weeks of employment. An employee whose regular employment schedule is less than 20 hours per week will become eligible to receive PFL benefits after 175 days worked. Eligibility for PFL does not necessarily mean an employee is eligible for leave under the Family and Medical Leave Act ("FMLA").

### Qualifying Reasons For Leave

An eligible employee may be entitled to PFL:

(1) To participate in providing care, including physical or psychological care for a family member (spouse, domestic partner, child, parent, parent-in-law, grandparent, or grandchild) of the employee made necessary by a serious health condition of the family member.
(2) To bond with the employee's child during the first 12 months after the child's birth; during the first 12 months after the placement of the child for adoption or foster care; or before the actual placement or adoption of a child if an absence from work is required for the placement for adoption or foster care to proceed.
(3) Due to any qualifying exigency (as set forth in the FMLA) arising out of active duty or an impending call or order to active duty in the Armed Forces of the United States for the spouse, domestic partner, child or parent of the employee.

### Length of Leave and Benefit Rate

The length of allowable PFL and paid benefit rate is as follows:

- up to 12 weeks during any 52 consecutive week period; and
- paid at 67% of the employee's average weekly wage, not to exceed 67% of the statewide average weekly wage.

The 52-week consecutive period is computed retroactively to the first day for which benefits are claimed. The benefit rate for the employee's period of PFL is the rate that is in effect on the first day of PFL taken.

**Paid Time Off and Other Leaves**

An employee on PFL may use available paid time off (e.g., vacation time, personal time, sick time) concurrently with PFL to supplement PFL benefits in order to receive his or her full compensation during PFL.

An employee who is eligible for both New York State short-term disability benefits and PFL benefits during the same period of 52 consecutive calendar weeks may not receive more than 26 total weeks of combined New York State short-term disability benefits and PFL benefits during that period of time. Employees may not use PFL during periods of time when the employee is receiving workers' compensation benefits for a total disability.

When an employee simultaneously qualifies for both PFL and leave pursuant to the FMLA, any other statutorily required leave of absence, or any other leave of absence under the agency's policies, the employee's PFL and other leave run concurrently to the extent allowable by applicable law.

**Requesting PFL**

When an employee's need for PFL is foreseeable, the employee is required to provide the agency 30 days advance notice of his or her intention to use PFL. If the need for PFL is not foreseeable, the employee must notify the agency as soon as practical. In providing notice of the intention to use PFL, the employee must provide information sufficient to make the agency aware of the qualifying event and the anticipated timing and duration of the leave, including identifying the type of PFL as listed above. When filing a claim for PFL, the employee must submit supporting documentation, which may include medical documentation, depending on the nature of the requested PFL. The agency's insurance carrier receives and processes the employee's claim for PFL and makes the determination as to whether the claim is granted or denied. If the leave is denied the company will require you to use your accrued time to cover the entire absence or be subject to the attendance policy.

CDP allows only one employee at a time to receive PFL to bond with the same child or care for the same family member.

### Continuation of Health Insurance

During PFL, the agency maintains the employee's health coverage under its group health plan; provided, the employee continues to make his or her portion of the premium contribution. It is the employee's responsibility to tender payment to the agency of his or her portion of the health insurance premium.

### Payroll Deductions and Waiver

Deductions are made from the employee's pay for PFL premium payments in accordance with law. In limited circumstances, employees whose regular work schedules are temporary or seasonal may opt out of PFL. Employees who complete a waiver will not contribute to PFL through payroll deductions and will not be eligible to take PFL. If the employee's schedule changes and will be expected to qualify for PFL, the waiver is automatically revoked and the employee is responsible for paying any required PFL contributions from the first day of employment.

Employees with questions concerning PFL should direct them to the Executive Director.

## WHISTLEBLOWER POLICY

A whistleblower as defined by this policy is an employee of CDP who reports an activity that he/she considers to be illegal or dishonest to one or more of the parties specified in this policy. The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures; appropriate management officials are charged with these responsibilities.

Examples of illegal or dishonest activities are violations of federal, state or local laws; billing for services not performed or for goods not delivered; and other fraudulent financial reporting.

If an employee has knowledge of, or a concern of illegal or dishonest fraudulent activity, the employee is to contact the Executive Director. If the allegation is against the Executive Director, HR and the President of the Board of Directors should be notified. The employee must exercise sound judgment to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing will be subject to discipline, up to and including termination.

Whistleblower protections are provided in two important areas -- confidentiality and against retaliation. Insofar as possible, the confidentiality of the whistleblower will be maintained. However, identity may have to be disclosed to conduct a thorough investigation, to comply with the law and to provide accused individuals their legal rights of defense. CDP will not retaliate against a whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such

as termination, compensation decreases, or poor work assignments and threats of physical harm. Any whistleblower who believes he/she is being retaliated against must contact the Executive Director immediately. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

All reports of illegal and dishonest activities will be promptly submitted to the Executive Director who is responsible for investigating and coordinating corrective action. Employees with any questions regarding this policy should contact the Executive Director.

# CONCLUSION

## SEPARATION FROM EMPLOYMENT

Should you decide to resign from CDP, we request at least 14 days written notice.

Employees who resign or are terminated will receive their final paycheck on the next scheduled payday.

## FURTHER INFORMATION

If you have a question or concern that is not addressed in this handbook, or if you would like further information, always feel free to speak with your immediate supervisor, your department head or the Executive Director as appropriate. They can best answer your questions and provide you with further information or direct you to someone who can.

Communication and understanding are an important aspect of any business. We encourage you to communicate your feelings, concerns, and ideas about our operations as we will likewise communicate with you concerning developments and changes that occur.

## RECEIPT OF EMPLOYEE HANDBOOK

I have received and read a copy of the employee handbook. I understand that the rules, policies, and benefits contained in the employee handbook may be updated, modified, or deleted at any time and that it is my responsibility to stay informed of any changes.

**I will comply with the rules and regulations of CDP. I understand that my employment and compensation are "at will," which means they can be terminated at CDP's or at my own option, with or without cause and without notice at any time.**

I also understand that neither this handbook nor any other communication by a management representative is intended in any way to create a contract of employment or to limit CDP's discretion to discipline me or terminate my employment.

_____ _____

Signature Date

_____

Print Name

# FMLA APPENDIX

# EMPLOYEE RIGHTS
## UNDER THE FAMILY AND MEDICAL LEAVE ACT

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

**LEAVE ENTITLEMENTS**

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

- The birth of a child or placement of a child for adoption or foster care;
- To bond with a child (leave must be taken within 1 year of the child's birth or placement);
- To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
- For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job;
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

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

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

Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies.

**BENEFITS & PROTECTIONS**

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

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

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

**ELIGIBILITY REQUIREMENTS**

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

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

*Special "hours of service" requirements apply to airline flight crew employees.

**REQUESTING LEAVE**

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

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

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

**EMPLOYER RESPONSIBILITIES**

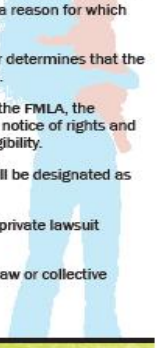
Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is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

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

**ENFORCEMENT**

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

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



For additional information or to file a complaint:

**1-866-4-USWAGE**

(1-866-487-9243) TTY: 1-877-889-5627

**www.dol.gov/whd**

U.S. Department of Labor | Wage and Hour Division

WH1420 REV 04/16