

To: MHLS Board of Trustees

From: Barry Ramage, Chair, MHLS Personnel & Planning Committee

Date: March 3, 2022

RE: Proposed Personnel Policy Amendments

At our March meeting you will be presented with a comprehensive update of the MHLS Personnel Policy that addresses:

1. Recommendations made by the [Personnel Committee in 2021](#) that had been awaiting review by our attorney. This includes:
  - a. Clarifying language related to vacation time accrual;
  - b. Notice timeline for resignations;
  - c. Adjustments to the Pandemic Policy to better match our understanding of the conditions under which the system would be operating in compared to our understanding in March 2020;
  - d. A more complete definition and procedure for “voluntary termination”; and
  - e. Updated policies related to emergency closings and suspension of services as well as cancellation of events.
2. Items addressed in the new contract with CSEA as per the Memo of Agreement the Board approved at their January 2022 meeting. This includes:
  - a. Clarification of the use of personal time off including sick time, flex time, comp time, vacation time, and personal time;
  - b. The addition of a new paid holiday, Juneteenth;
  - c. The increase to the health plan buy-out amount for full time employees; and
  - d. Clarification of the grievance procedure in the area of disciplinary action.
3. Compliance with a new state law regarding [Workplace Monitoring and Surveillance](#)



# Employee Handbook

*Updated: ~~November 2020~~[DATE]*

## **Welcome to the Mid-Hudson Library System!**

You are an integral part of this organization and our success and the success of the libraries depends on each of us. We hope you will take pride in being a member of our team.

This handbook was developed to acquaint you with the policies, procedures, and philosophy of the Mid-Hudson Library System and to provide you with information about our employment practices, benefits, and other general information. Employees should familiarize themselves with the contents of the employee handbook as soon as possible, for it will answer many questions about employment with MHLS.

Where there is any conflict between these policies the following will take precedence: Federal law, State law or the CSEA Union Contract.

We hope that your experience here will be challenging, enjoyable, and rewarding. Again, welcome!

Sincerely,

Executive Director

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## Organization Description

The Mid-Hudson Library System is one of 23 public library systems in New York State. We provide resources, support, and consultation to 66 public libraries in Columbia, Dutchess, Greene, Putnam, and Ulster counties.

MHLS was sanctioned by the Commissioner of Education of New York State, and is principally financed by New York State Aid under Chapter 917 of the State Education Law. MHLS is a member of the Southeastern New York Library Resources Council, New York Library Association, and the American Library Association.

### Our Mission

The Mid-Hudson Library System acts to ensure the public's right to free access, facilitate economical resource sharing, and promote professional library services while working in partnerships with the independent and free association libraries in the designated region.

### Our Philosophy

We hope to provide a working environment that fosters growth, opportunity and job satisfaction. Sometimes issues arise when employees are unaware that their behavior in the workplace may be disruptive or annoying to others. Many of these day-to-day issues can be addressed by politely talking with a co-worker to bring the perceived problem to his or her attention. In most cases, common sense will dictate an appropriate resolution. MHLS encourages all employees to keep an open mind and graciously accept constructive feedback or a request to change behavior that may be affecting another employee's ability to concentrate and be productive.

The following guidelines are not necessarily intended to be hard and fast rules with disciplinary consequences. They are simply suggestions for appropriate workplace behavior to help everyone be more conscientious and considerate of co-workers and the work environment.

- Respect the individual dignity of others
- Communicate with each other in positive ways
- Maintain a professional attitude
- Be courteous and flexible
- Be conscious of how your voice travels, and try to lower the volume of your voice when talking on the phone or to others in open areas
- Express dissatisfaction through appropriate channels
- Remember that our member libraries are the reason we are here and attempt to provide prompt, courteous responses to their requests.

## **Introduction**

This handbook is designed to help employees get acquainted with Mid-Hudson Library System, hereinafter referred to as "MHLS". It describes some of our philosophies and beliefs, and the basic terms and conditions of employment with MHLS. Employees are expected to read this handbook carefully, and to know and understand its contents.

MHLS reserves the right to make changes to this handbook. Employees are responsible for knowing about and understanding those changes once they have been disseminated. MHLS also reserves the right to interpret the provisions of this handbook. For this reason, employees should check with the Personnel Officer to obtain information regarding specific employment guidelines, practices, policies, or procedures.

Employees should not interpret anything in this handbook as creating a contract or guarantee of continued employment. In addition, this handbook is not intended to cover all possible situations that may arise in your employment relationship with MHLS.

This handbook is the property of MHLS, and it is intended for the personal use and reference by employees of MHLS.

## **Handbook Revisions**

MHLS reserves the right to make changes to this handbook and to any employment policy, practice, work rule, or benefit, at any time without prior notice. Employees' at-will employment can only be changed as stated in the separate Employment At-Will Policy contained in this handbook. Any other change to this handbook or any employment policy, practice, work rule, or benefit is effective only if it is in writing, and is signed or authorized by the Board of Trustees. Except as otherwise provided in this handbook, no one has the authority to make any promise or commitment contrary to what is in this handbook.

This handbook replaces all earlier handbooks and supersedes all prior inconsistent policies, practices, and procedures.

## **Handbook Acknowledgement**

Employees should sign the acknowledgement form at the back of this handbook, tear it out, and return it to the Personnel Officer. This will provide MHLS with a record that each employee has received this handbook.

## **Employment At-Will**

All employment at MHLS is "at-will." This means that both employees and MHLS have the right to terminate employment at any time, with or without advance notice, and with or without cause. Employees also may be demoted or disciplined, and the terms of their employment may be altered at any time, with or without cause, at the discretion of MHLS. No one other than the Board of Trustees of MHLS has the authority to alter this arrangement, to enter into an agreement for employment for a specified period of time, or to make any agreement contrary to this at-will status. Any such agreement

must be in writing, must be signed by an officer of the Board of Trustees of MHLS, and must express a clear and unambiguous intent to alter the at-will nature of the employment relationship.

### **Equal Employment Opportunity**

It is MHLS's policy to provide equal employment opportunity for all applicants and employees. MHLS does not unlawfully discriminate on the basis of race, color, religion, religious creed (including religious dress and religious grooming), sex (including pregnancy, perceived pregnancy, childbirth, breastfeeding, or related medical conditions), gender, gender identity (including transgender identity and transitioning), gender expression and sex stereotyping, national origin, ancestry, citizenship, age, physical or mental disability, legally protected medical condition or information (including genetic information), family care or medical leave status, military caregiver status, military status, veteran status, marital status, domestic partner status, sexual orientation, status as a victim of domestic violence, sexual assault or stalking, enrollment in a public assistance program, engaging in protected communications regarding employee wages, requesting a reasonable accommodation on the basis of disability or bona fide religious belief or practice, or any other basis protected by local, state, or federal laws. Consistent with the law, MHLS also makes reasonable accommodations for disabled applicants and employees; for pregnant employees who request an accommodation with the advice of their health care providers, for pregnancy, childbirth, or related medical conditions; for employees who are victims of domestic violence, sexual assault, or stalking; and for applicants and employees based on their religious beliefs and practices.

MHLS prohibits sexual harassment and the harassment of any individual on any of the other bases listed above. For information about the types of conduct that constitute impermissible harassment and MHLS's internal procedures for addressing complaints of harassment, please refer to MHLS's Policy Against Harassment and Discrimination in this Handbook.

This policy applies to all areas of employment including recruitment, hiring, training, promotion, compensation, benefits, transfer, disciplinary action, and social and recreational programs. It is the responsibility of every manager and employee to conscientiously follow this policy. Any employee having any questions regarding this policy should discuss them with the Personnel Officer.

### **Confidentiality Statement**

All MHLS member libraries, and staff information is confidential and cannot be discussed with any person or persons outside MHLS. Copying, removing, allowing unauthorized access to MHLS or patron documents, information, files or mailing lists, or any form of distribution of patron information is prohibited. Any breach of this confidentiality requirement is grounds for discipline, up to and including termination.

### **MHLS Property; Confidential and Personal Information**

The security of MHLS property is of vital importance to MHLS. MHLS property includes not only tangible property, like desks and computers, but also intangible property such as confidential information. It is critical for MHLS to preserve and protect its confidential information, as well as the confidential

information of member libraries, suppliers, and third parties. All employees are responsible for ensuring that proper security is maintained at all times.

Nothing in this policy or in related policies is intended to interfere with an employee's right to discuss working conditions within the organization or with members of the public nor is there any restriction on an employee's right to labor organize.

## I. Confidential and Personal Information

"Confidential Information" means all information, not generally known, belonging to, or otherwise relating to the business of MHLS or its clients, customers, suppliers, vendors, affiliates or partners, regardless of the media or manner in which it is stored or conveyed, that MHLS has taken reasonable steps to protect from unauthorized use or disclosure. Confidential Information includes but is not limited to proprietary knowledge, information, and know-how; non-public intellectual property rights, including business plans and strategies; manufacturing techniques; formulae; processes; designs; drawings; discoveries; improvements; ideas; conceptions; test data; compilations of data; and developments, whether or not patentable and whether or not copyrightable.

"Personal Identification Information" includes individually identifiable information about employees, member libraries, consultants, or other individuals, such as Social Security numbers, background information, credit card or banking information, health information, or other non-public information entrusted to MHLS regarding an individual's personal identity. There are laws in New York State, the United States and other countries that protect certain types of Personal Identification Information, and employees should not disclose such protected Personal Identification Information about other individuals to any third party or from one country to another without prior managerial approval.

Given the nature of MHLS's business, protecting Confidential Information and Personal Identification Information is of vital concern to MHLS. This information is one of MHLS's most important assets. It enhances MHLS's opportunities for future growth, and indirectly adds to the job security of all employees.

Failure to take reasonable measures to protect MHLS's Confidential Information may jeopardize its status as the business of MHLS. While employed by MHLS, employees must not use or disclose any Confidential Information or Personal Identification Information that they produce or obtain during employment with MHLS, except to the extent such use or disclosure is required in connection with performing their jobs. Employees may not use or disclose Confidential Information or Personal Identification Information for any reason after the employment relationship with MHLS ends. Misuse or unauthorized disclosure of Confidential Information or Personal Identification Information may result in immediate termination, as well as potential personal and criminal liability. Nothing in this Guideline restricts an employee from discussing his or her wages or other terms and conditions of employment with coworkers or others, to the extent protected by law.

## II. Obligations on Termination

On termination of employment, whether voluntary or involuntary, all MHLS documents, computer records, and other tangible MHLS property in the employee's possession or control must be returned to MHLS immediately. MHLS considers refusal to return MHLS property to be theft and reserves the right to contact local law enforcement if MHLS property is not returned at the time of termination.

### III. Security

To avoid loss of MHLS property, the Facilities Manager maintains and promulgates security procedures, which include maintaining control of entrances, exits, restricted areas, document control, and record keeping. Specific procedures regarding the protection of MHLS property, traffic throughout the facilities, and designation of restricted areas are issued by the Facilities Manager and emailed to all staff when the necessity occurs. In addition, employees are expected to comply with MHLS policies regarding the authorized and secure use of MHLS's computer technology, as described in the Technology Use and security guideline of this Manual. Employees are expected to abide by all of MHLS's security procedures.

Avoiding loss or theft of Confidential Information or Personal Identification Information is an important part of each employee's job. Accordingly, employees must observe good security practices. Employees are expected to keep Confidential Information secure from outside visitors and all other persons who do not have legitimate reason to see or use such information. Employees are not to remove MHLS property without authorization. Failure to adhere to MHLS policies regarding Confidential Information and Personal Identification Information will be considered grounds for dismissal.

Given the sensitivity of Confidential Information and Personal Identification Information, employees may only dispose of such information by secure methods approved by MHLS. If an employee has any doubt or question about how to handle Confidential Information or Personal Identification Information, the employee should consult with MHLS's Facilities Manager or Personnel Officer.

### Employment Categories

It is the intent of MHLS to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility.

Each employee is designated as either **NONEXEMPT** or **EXEMPT** in accordance with federal and state wage and hour laws.

**NONEXEMPT** employees are entitled to overtime pay under the specific provisions of the federal and state wage and hour laws.

**EXEMPT** employees are excluded from specific provisions of federal and state wage and hour laws. All regular full-time MHLS positions, which engage in executive, administrative, or professional capacities are exempt employees. Exempt administrative positions in this instance requires a primary duty of performing office or non-manual work directly related to the management or general business operations, and, includes the exercise of discretion and independent judgment with respect to matters of significance.

An employee's EXEMPT or NONEXEMPT classification may be changed only upon written notification by the Executive Director.

In addition to the above categories, each employee will belong to one other employment category:

**REGULAR FULL-TIME**

An employee who successfully completes the introductory period (including any extension) and is regularly scheduled to work an average of 30 or more hours per week for a period of indefinite duration, is referred to as a regular full-time employee.

**REGULAR PART-TIME**

An employee who successfully completes the introductory period (including any extension), and is regularly scheduled to work fewer than an average of 30 hours per week for a period of indefinite duration, is referred to as a regular part-time employee

**TEMPORARY** employees are those who are hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project. Employment assignments in this category are of a limited duration, generally no longer than 18 months. Employment beyond any initially stated period does not, in any way, imply a change in employment status. Temporary employees retain that status unless, and until, notified of a change. Temporary employees receive a limited MHLS benefit package. The duration of the temporary assignment and the benefits available will be included in the written confirmation provided the temporary employee.

**Access to Personnel Files**

MHLS maintains a personnel file on each employee. The personnel file includes such information as the employee's job application, resume, emergency contact, records of training, documentation of performance appraisals and salary increases, and other employment records.

Personnel files are the property of MHLS, and access to the information they contain is restricted. Only the Personnel Officer, immediate supervisors and the Executive Director who have a legitimate reason to review information in a file are allowed to do so.

Employees who wish to review their own file should contact the Personnel Officer. With reasonable advance notice, employees may review their own personnel files in MHLS's offices and in the presence of an individual appointed by MHLS to maintain the files.

It is important that the personnel records of the MHLS be accurate at all times. MHLS requests employees to promptly notify the Personnel Officer of any change in name, home address, telephone number, marital status, number of dependents, or any other pertinent information which may change.

MHLS is committed to protecting individual privacy and the personal information contained in the personnel file. Please note that access to personnel files must be in accordance with the applicable collective bargaining agreement for Union members.

**Applicants with Disabilities**

MHLS is committed to providing equal employment opportunities for all qualified individuals with disabilities in accordance with the federal Americans with Disabilities Act and applicable State disability laws. In accordance with these laws, MHLS strictly forbids all forms of unlawful discrimination, harassment, or retaliation against qualified applicants or employees with disabilities, and for pregnant employees who so request for pregnancy, childbirth, or related medical conditions, and requires

reasonable accommodation if necessary for such individuals to perform the essential functions of their jobs safely and efficiently without undue hardship to MHLS and without serious risk to the health and safety of others.

Applicants and employees who require accommodation of any disability should inform MHLS of their needs. MHLS may have no way of knowing whether an individual requires an accommodation unless he or she brings it to the attention of MHLS. MHLS will engage in an interactive conversation to determine if there is a reasonable accommodation that can be provided that will not cause MHLS undue hardship and will treat all such information as confidential to protect privacy rights under laws such as HIPAA, but some disclosure will be necessary to fulfill the purposes of this policy.

Employees who are made aware that an applicant or employee has a disability should presume that the information is confidential and discuss it only with upper management and the Personnel Officer, unless the employee has disclosed or consented to further disclosure.

Discrimination, harassment, or retaliation against an individual because he or she is considered disabled or has been given accommodation for a disability is absolutely forbidden and grounds for immediate termination. Employees who believe they have been harassed in violation of this policy may file a complaint under MHLS's policy on Equal Employment Opportunity.

### **Introductory Period**

The introductory period is intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. MHLS uses this period to evaluate employee capabilities, work habits, and overall performance. Either the employee or MHLS may end the employment relationship at will at any time during or after the introductory period, with or without cause or advance notice.

All new employees work on an introductory basis for the first six (6) months after their date of hire. Any significant absence will automatically extend an introductory period by the length of the absence. If MHLS determines that the designated introductory period does not allow sufficient time to thoroughly evaluate the employee's performance, the introductory period may be extended for a specified period.

Upon satisfactory completion of the introductory period, employees enter the "regular" employment classification.

During the introductory period, new employees are eligible for those benefits that are required by law, such as workers' compensation insurance and Social Security. They may also be eligible for other MHLS-provided benefits, subject to the terms and conditions of each benefits program. Employees should read the information for each specific benefits program for the details on eligibility requirements.

### **Proof of Right to Work**

Under federal law, all new hires must produce original documentation establishing their identity and right to work in the United States, and complete INS Form I-9, swearing that they have a right to work in the United States. New hires may establish their identity and right to work in the United States by (1) providing documentation that establishes both their identity and employment authorization ("List A"

documents) or (2) providing documentation that separately establishes their identity ("List B" documents) and their employment authorization ("List C" documents). All documents must be unexpired. Documentation must be produced within three business days of hire, or on the first day of any employment that is less than three business days. Required documentation must be presented to the Personnel Officer, who will be responsible for processing the documents.

Any one of the following documents may be used to establish both identity and employment authorization ("List A" documents):

- (1) United States passport;
- (2) Permanent Resident Card (Form I-551); Alien Registration Receipt Card (I-551);
- (3) Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa;
- (4) An Employment Authorization Document that contains a photograph (Form I-766);
- (5) In the case of a nonimmigrant alien authorized to work for a specific employer incident to status, a foreign passport with (Form I-94 or Form I-94A) bearing the same name as the passport and containing an endorsement of the alien's nonimmigrant status, as long as the period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form; or
- (6) Passport from the Federated States of Micronesia or Republic of the Marshall Islands with Form I-94A indicating non-immigrant admission under the Compact of Free Association between the U.S. FSM or RMI.

If an applicant cannot produce one of the documents listed above, two documents are required: one to prove identity and another to prove employment authorization.

The following documents are acceptable as proof of identity, but not employment authorization ("List B" documents):

- (1) A driver's license or I.D. card issued by a state or outlying possession of the United States, provided it contains a photograph or identifying information such as name, date of birth, gender, height, eye color, and address;
- (2) I.D. card issued by federal, state, or local government agencies or entities provided it contains a photograph or identifying information such as name, date of birth, gender, height, eye color, and address;
- (3) School I.D. card with photograph;
- (4) Voter's registration card;
- (5) U.S. military card or draft record;
- (6) Military dependent's ID card;
- (7) Merchant Mariner Card issued by the United States Coast Guard;
- (8) Native American tribal document;
- (9) Canadian driver's license; or
- (10) Individuals under the age of 18 who are unable to produce any of the identification documents listed in (1)-(9) may present a: a) school record or report card, b) daycare or nursery school record, or c) clinic doctor or hospital record only.

The following documents are acceptable to establish employment authorization, but not identity ("List C" documents):



- (1) A social security card, other than one that specifies on the face that the issuance of the card does not authorize employment in the U.S.;
- (2) A Certification of Birth Abroad issued by the Department of State (Form FS-545);
- (3) A Certification of Report of Birth issued by the Department of State (Form DS-1350);
- (4) An original or certified copy of a birth certificate issued by a state, county, municipal authority, or outlying territory of the United States, and bearing an official seal;
- (5) A Native American tribal document;
- (6) A United States Citizen Identification Card (INS Form I-197);
- (7) An Identification card for use of resident citizen in the United States (INS Form I-179); or
- (8) An employment authorization document issued by the Department of Homeland Security.

Authorization documents will be copied and placed with the employee's Form I-9 in a special file separate from the employee's Personnel File. These documents will be retained at least three years after the date of hire or one year after an employee's employment terminates, whichever is later after the employee is terminated.

### **Employment of Minors**

MHLS will not employ any person under the age of 16. Employees in New York under age 18 are considered minors and may be employed only under the following guidelines.

#### **I. Work Permit**

Employees under 18 years of age are required by law to provide a valid Employment Certificate (Working Paper), before they will be allowed to work.

#### **II. Work Restrictions**

The duties and days and hours of work by minors are restricted by the terms and conditions of the employment certificate, as well as the provisions of New York and federal law.

### **Employment of Relatives**

Relatives of present employees may be hired by MHLS only if (1) the individuals concerned will not work in a direct supervisory relationship with one another, and (2) the employment will not pose difficulties for supervision, security, safety, or morale. "Relatives" are defined as spouses, children, sisters, brothers, mothers, or fathers, and persons related by marriage. Present employees who marry or who become related by marriage will be permitted to continue employment with MHLS only if they do not work in a direct supervisory relationship with one another, or otherwise pose difficulties for supervision, security, safety, or morale. If employees who marry or who become related by marriage do work in a direct supervisory relationship with one another, MHLS will attempt to reassign one of the employees to another position for which he or she is qualified, if such a position is available. If no such position is available, then one of the employees will be required to leave MHLS. The decision as to which employee leaves will be left solely to the employees. In the event that no alternative position is available and neither employee voluntarily leaves MHLS, the employee with lesser seniority will be terminated.

## **Employment Applications**

MHLS relies upon the accuracy of information provided by an applicant in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentation, falsification, or material omission by an applicant in any of this information or data may result in revocation of any offer or immediate termination of employment, regardless of when it is discovered.

## **Employment Reference Checks**

### **Reference Inquiry by MHLS**

To ensure that individuals who join MHLS are well qualified and have a strong potential to be productive and successful, it is the policy of MHLS to check the employment references of all applicants.

### **Reference Inquiry to MHLS of a Former Employee**

MHLS will respond to all reference check inquiries from other employers. Responses to such inquiries will confirm only dates of employment, wage rates if voluntarily disclosed by former employee, and position(s) held. No employment data will be released without a written authorization and release signed by the individual who is the subject of the inquiry.

### **Personal Reference Inquiry to Specific Employee**

Employees can give personal reference from outside requests, but it must be understood that the opinions of the employee are not representing the opinions of MHLS.

## **Dress and Grooming Standards**

MHLS considers the presentation of MHLS image to its customers, suppliers, and the public at large to be extremely important. Since MHLS's product includes service, and excellent service can only be provided through its employees, MHLS not only seeks good performance and conduct from its employees, but also expects them to observe high standards in their personal presentation. Accordingly, while MHLS has no formal dress code, it expects all employees to dress in a manner consistent with good hygiene, safety, and good taste. Nothing in this dress code is intended or should be construed to violate, restrict or discriminate against any employee's sex, gender, gender identity, gender expression, nursing mothers, or religious dress practices. If any employee believes that their protected rights based upon sex, gender, gender identity, gender expression, nursing mothers, or religious dress practices are being restricted or violated in some manner by the dress code, please contact your manager or human resources so that these concerns can be addressed.

## **Performance Evaluation**

A formal written performance evaluation will be conducted at the end of an employee's initial period of hire, known as the introductory period. Additional formal performance evaluations are conducted to provide both supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, discuss positive, purposeful approaches for meeting goals, and review and/or revise job descriptions as deemed appropriate.

Performance evaluations are scheduled approximately every 12 months by the immediate supervisor,

coinciding generally with the anniversary of the employee's original date of hire.

Supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis.

All evaluations are reviewed by the Executive Director with whom the employee may discuss any unresolved matter.

The Board of Trustees will evaluate the performance of the Executive Director.

Satisfactory performance reviews will not necessarily result in wage increases. Likewise, unsatisfactory performance reviews typically will not result in wage decreases. Rather, wage adjustments may be made at any time in the sole discretion of MHLS and depend on a number of factors, including performance.

### **Vacation Benefits**

Vacation time off with pay is available to eligible employees to provide opportunities for rest, relaxation, and personal pursuits. Employees in the following employment classification(s) are eligible to earn and use vacation time as described in this policy:

- \* **Regular full-time employees**
- \* **Regular part-time employees**

The amount of paid vacation time employees receive each year varies depending on employment status (exempt, non-exempt, part-time).

**Regular Full-time Exempt Employees** receive 20 days per year.

**Regular Full-time Non-Exempt Employees** receive 12 days per year the first year plus one additional day for each additional year of service, up to 20 days per year.

Time is accrued as per MHLS's Vacation Leave Accrual Schedule. This schedule and policy are in accordance with the CSEA Local 1000 collective bargaining agreement.

The length of eligible service is calculated on the basis of a "benefit year." This is the 12-month period that begins when the employee starts to earn vacation time. An employee's benefit year may be extended for any significant leave of absence except military leave of absence. Military leave has no effect on this calculation. (See individual leave of absence policies for more information.)

Once employees enter an eligible employment classification, they begin to earn paid vacation time according to the schedule. Use of vacation time can be requested after it is earned.

Paid vacation time can be used in minimum increments of one-half day. To take vacation, employees should request advance approval from their supervisors. Requests will be reviewed based on a number of factors, including business needs and staffing requirements.

Vacation time off is paid at the employee's base pay rate at the time of vacation excluding any overtime

pay.

As stated above, employees are encouraged to use available paid vacation time for rest, relaxation, and personal pursuits. In the event that available vacation is not used by the end of the benefit year, employees may carry unused time forward to the next benefit year, to a maximum of twice the annual accrual rate of vacation leave. Employees will not be allowed to accrue vacation over the maximum allowed. Once employees reach the maximum allow, vacation will not be accrued until time is used. Any accrual in excess of this maximum must be utilized or forfeited by month-end.

Vacation leave must be used during the employee's benefit year at the rate of at least one-fourth the annual accrual or a minimum of five (5) days, whichever is more, or be forfeited.

Upon voluntary termination of employment by employees providing a minimum of two weeks notice, employees will be paid for unused vacation time that has been earned through the last day of work, up to the maximum mentioned above. The two-week notification requirement can be waived at the discretion of the Executive Director. In the event than an employee shall die, accumulated vacation leave pay, not to exceed forty-four (44) days, shall be paid to his/her estate.

**Regular Part-Time Employees** receive vacation leave based on time worked in accordance with MHLS's Pro-rated Vacation Leave Accrual Schedule.

### Holidays

MHLS will grant holiday time off to all employees on the holidays listed below, as observed by MHLS:

- \* New Year's Day
- \* Martin Luther King, Jr. Day
- \* Presidents' Day
- \* Memorial Day
- \* Junteenth
- \* Independence Day
- \* Labor Day
- \* Veterans' Day
- \* Thanksgiving Day
- \* Day after Thanksgiving
- \* Christmas

MHLS will grant paid holiday time off to all eligible employees immediately upon assignment to an eligible employment classification. Holiday pay will be calculated based on the employee's straight-time pay rate (as of the date of the holiday) times the number of hours the employee would otherwise have worked on that day. Eligible employee classification(s):

#### \* Regular full-time employees

**Regular part-time and temporary employees** will receive paid holiday time off for their scheduled hours if such holiday falls on a day they would normally report to work.

If a recognized holiday falls during an eligible employee's paid absence (such as vacation or sick leave),

holiday pay will be provided instead of the paid time off benefit that would otherwise have applied.

If eligible nonexempt employees work on a recognized holiday, they will receive holiday pay plus wages at their straight-time rate for the hours worked on the holiday.

In the cases where a recognized holiday falls on a weekend, MHLS will grant paid holiday time off for the observed Friday or Monday. Staff regularly scheduled for weekends are expected to work and will receive their straight-time rate for the hours worked.

In addition to the recognized holidays previously listed, eligible employees will receive up to two **(2) Floating Holidays** each year. Employees hired during the period of January 1 through May 31 earn two (2) floating holidays, and if hired during the period of June 1 through November 30 earn one (1) floating holiday in that calendar year. These holidays must be scheduled with the prior approval of the employee's supervisor. An unused floating holiday cannot be carried over to the next calendar year.

Paid time off for holidays will not be counted as hours worked for the purposes of determining overtime.

### **Sick Leave Benefits**

MHLS provides paid sick leave benefits to all eligible employees for periods of temporary absence due to illnesses or injuries. Eligible employee classification(s):

#### **\* Regular full-time employees**

Eligible employees will accrue sick leave benefits at the rate of 12 days per year (1 day per month). Sick leave benefits are calculated on the basis of a calendar year.

Paid sick leave can be used in minimum increments of one-half hour.

#### **\*Part-time employees**

Effective September 30, 2020, part-time employees will accrue paid sick leave at a rate of one (1) hour for every 30 hours worked, up to 40 hours each calendar year. Leave may not be used until January 1, 2021.

Paid sick leave can be used in minimum increments of one-half hour.

Employees may use sick leave benefits for any of the following reasons:

- Mental or physical illness, injury, or health condition of the employee or an employee's covered family member, regardless of whether such illness, injury, or health condition has been diagnosed or requires medical care at the time of the request for leave;
- For 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, such employee or such employee's family member; or
- For family illness, family illness is defined as the illness of any person who is a member of the employee's immediate household; i.e. spouse, child, parent, sister, brother, or other person

who is not a member of the immediate household, but who is a person for whom the employee has significant responsibility. An eligible employee may also be entitled to New York State Paid Family Leave ("PFL") to care for a close relative with a serious health condition.

- For an absence from work for reasons when the employee or employee's family member has been the victim of domestic violence, a family offense, sexual offense, stalking, or human trafficking.

Family member includes employee's child (biological, adopted or foster child, a legal ward or a child of an employee standing in loco parentis), spouse, domestic partner, parent (biological, foster, step- or adoptive parent, a legal guardian of an employee, or a person who stood in loco parentis when the employee was a minor child), sibling, grandchild or grandparent; and the child or parent of an employee's spouse or domestic partner.

Employees who are unable to report to work due to any of the above stated reasons should notify their direct supervisor before the scheduled start of their workday if possible. The direct supervisor must also be contacted on each additional day of absence.

In the event of a prolonged illness or injury, a physician's statement may be required verifying the disability and its beginning and expected ending dates.

As an additional condition of eligibility for sick leave benefits, an employee on an extended absence must apply for any other available compensation and benefits, such as workers' compensation. Sick leave benefits will be used to supplement any payments that an employee is eligible to receive from state disability insurance, workers' compensation or MHLS-provided disability insurance programs. The combination of any such disability payments and sick leave benefits cannot exceed the employee's normal weekly earnings.

Unused sick leave benefits will be allowed to accumulate until the employee has accrued a maximum of 165 days (1,155 hours) worth of sick leave time, which may be applied toward NYS retirement benefits.

Unused sick leave benefits will not be translated as extra salary to employees while they are employed or upon termination of employment.

Sick leave is not included in overtime calculations. No employee may accrue more than 165 days, or 1,155 hours of sick leave.

This policy is in accordance with the CSEA Local 1000 collective bargaining agreement.

### **Time Off for Religious Reasons**

MHLS will reasonably accommodate the known religious leaves and practices of employees, provided this does not result in an undue hardship to MHLS. Employees should consult with their manager if they need to take time away from work, without pay, for religious reasons.

### **Health Insurance**

All Regular full-time employees may participate in the health care plans subject to all terms and

conditions of the agreement between MHLS and the insurance carrier starting the first day of full-time employment.

A change in employment classification that would result in loss of eligibility to participate in the health insurance plan may qualify an employee for benefits continuation under the Consolidated Omnibus Budget Reconciliation Act (COBRA). Refer to Benefits Continuation (COBRA) for more information.

Regular full-time employees receive a health insurance plan summary with information on cost of coverage in advance of enrollment. Contact the Finance Manager & Personnel Officer for more information about health insurance benefits.

Regular full-time employees that opt-out of the health care plan will be provided with \$1,125 quarterly (\$4,500 annually)

### **Benefits Continuation (COBRA)**

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to temporarily continue health insurance coverage under MHLS's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements.

In the case of a loss of coverage due to end of employment or reduction in hours of employment, coverage generally may be continued only for up to a total of 18 months. The 18 months of continuation coverage can be extended to 29 months if the Social Security Administration determines that the employee, spouse or dependent child was disabled on the date of the qualifying event according to Title II (Old Age Survivors and Disability Insurance) or XVI (Supplemental Security Income) of the Social Security Act. Disabilities that occur after the qualifying event do not meet the criteria for the extended COBRA coverage period.

In the case of losses of coverage due to an employee's death, divorce or legal separation, the employee's becoming entitled to Medicare benefits or a dependent child ceasing to be a dependent under the terms of the plan, coverage may be continued for up to a total of 36 months. When the qualifying event is the end of employment or reduction of the employee's hours of employment, and the employee became entitled to Medicare benefits less than 18 months before the qualifying event, COBRA continuation coverage for qualified beneficiaries other than the employee lasts until 36 months after the date of Medicare entitlement.

Under COBRA, the employee or beneficiary pays the full cost of coverage at MHLS's group rates plus an administration fee. MHLS provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under MHLS's health insurance plan. The notice contains important information about the employee's rights and obligations.

### **Workers' Compensation Insurance**

MHLS provides a comprehensive workers' compensation insurance program, as required by New York

State Law, at no cost to employees. This program covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. Subject to applicable legal requirements, workers' compensation insurance provides benefits after a short waiting period or, if the employee is hospitalized, immediately.

Employees who sustain work-related injuries or illnesses should inform their supervisor immediately and complete an "On-the-Job Accident Report" form. This form should then be given to the Personnel Officer. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately. This will enable an eligible employee to qualify for coverage as quickly as possible.

See the Personnel Officer for further assistance with any Workers' Compensation claims.

### **Retirement Plan**

MHLS participates in the New York State & Local Retirement System. All regular full-time employees are required to join upon first day of employment. Membership is optional for regular part-time employees.

MHLS provides all new employees with access to benefit information prior to enrollment.

Effective July 1, 2013, New York State Pension Legislation requires all NYS public agencies to offer the Voluntary Defined Contribution (VDC) program to all eligible employees. Eligible employees (hired after 7/1/2013 earning more than \$75,000 annually, and unrepresented by a union) may now choose the VDC Program or the NYS & Local Retirement System plan. State University of New York (SUNY) is the Plan Sponsor and TIAA-CREF is the Plan Service Provider and Record keeper. [Any employee can choose to join the TIAA-CREF plan.](#)

Contact the Personnel Officer for more information.

### **403(b) Tax Sheltered Annuity**

MHLS offers a 403(b) Tax Sheltered Annuity (TSA) to provide employees the potential for future financial security for retirement.

All employees are eligible to join the 403(b) TSA plan at any time. Employees may participate in the TSA subject to all terms and conditions of the plan.

The TSA plan allows each employee to elect how much salary to contribute to the investment account(s) chosen, to meet each individual employee's needs.

Because your contribution to the plan is automatically deducted from your pay before federal and state tax withholdings are calculated, you save tax dollars now by having your current taxable amount reduced. While the amounts deducted generally will be taxed when they are finally distributed, favorable tax rules typically apply to 403(b) distributions.

Contact the Personnel Officer for more information about the 403(b) TSA plan.



## **Post-Employment Health Insurance Coverage**

MHLS provides employees access to the post-employment benefit of health insurance subject to all terms and conditions of the agreements between MHLS and its insurance carriers.

Costs for these post-employment benefits are shared by MHLS and eligible employees. MHLS contributions for these benefits are subject to change by the Board of Trustees, insurance carrier, or negotiated agreement, and may be based on an employee date of hire, length of service and salary or age at the time their employment ends at MHLS or at the time of their retirement from MHLS.

To be eligible for this benefit, employees hired on or after October 1, 2016 must have 20 years of continuous full-time service at MHLS; employees hired between September 1, 2012 and September 30, 2016 must have 15 years of continuous full-time service at MHLS; employees hired before September 1, 2012 and on or after September 1, 2003 must have 10 years of continuous full-time service at MHLS; employees hired before September 1, 2003 are required to have 5 years of continuous full-time service at MHLS.

Only eligible employees whose employment at MHLS ends after reaching retirement age may receive this benefit. Eligible employees whose employment at MHLS ends within 5 years of the date on which he or she is entitled to receive a retirement benefit under a New York State retirement system may retain the benefit by paying 100% of the health insurance benefit premium until they reach retirement age, at which time they may receive this benefit.

## **Dependent Survivor Health Insurance Coverage**

Dependent Survivor Health Insurance Coverage may be available to eligible dependent survivors of MHLS employees or retirees who completed 10 years of continuous full-time service and are enrolled in a New York State Health Insurance Program family health insurance plan at the time of their death, subject to the terms and conditions of NYSHIP.

Following the death of an eligible retiree who retired on or before March 31, 2013, the cost to eligible dependent survivors shall be 25% of the health insurance premium. Following the death of an eligible employee, on or before March 31, 2013, the cost to eligible dependent survivors shall also be 25% of the premium. Following the death of an eligible employee after March 31, 2013 or following the death of an eligible employee who retires after March 31, 2013, the cost of the Dependent Survivor Coverage premium by Dependent Survivors shall be 100%.

The enrolled spouse of a deceased enrollee continues eligibility for as long as he or she remains unmarried. The enrolled dependent children of a deceased enrollee continue eligibility for coverage for as long as they would have been eligible had the enrollee lived.

## **Leaves of Absence**

### **I. New York Paid Family Leave**

MHLS has established the following leave policy exclusively for employees working in New York State and who are protected by state laws governing mandated leave. For purposes of this policy language, the name "MHLS" and the term "Employer" are used interchangeably.

Nothing described in this policy is intended to confer paid leave entitlement to any MHLS employee other than individuals directly protected by the New York law, and who satisfy all the conditions required to qualify for leave. Please contact MHLS's Personnel Officer should you have further questions.

#### A. Background

New York's Paid Family Leave ("NYPFL") program provides wage replacement to employees to help them bond with a child, care for a close relative with a serious health condition or help relieve family pressures when someone is called to active military service.

Qualified employees are generally able to return to their job (reinstatement) and continue their health insurance if health benefits have been made available. Employees that contribute to the cost of their health insurance must continue to pay their portion of the premium cost while on Paid Family Leave as if the employee was actively working.

MHLS's Personnel Officer will separately communicate details explaining the specific payment obligations required to keep health coverage benefits in place during the approved leave period.

#### B. Eligibility

Employees with a regular schedule of 20 or more hours per week are eligible for NYPFL after 26 weeks of continuous employment.

Employees with a regular schedule of less than 20 hours per week are eligible for NYPFL after 175 days of active employment.

Employees do not have to take all of their sick leave and/or vacation before using paid family leave. An employer may permit employees to use sick or vacation leave for full pay but may not require employees to use available sick or vacation leave prior to, or concurrent with, taking NYPFL.

An employee's own illness is **not** covered by the Paid Family Leave Law; rather, the employee must use Short-Term Disability, Family Medical Leave under FMLA (if eligible), and/or earned/available sick or PTO time. If an employee needs to combine the Paid Family Leave to care for a close relative, and Short-Term Disability to care for themselves, the employee will only have a total of 26 weeks of paid leave available to them in one calendar year under both of these benefits.

#### C. Documentation & Definitions

Beginning on January 1, 2018, employees who provide Proper Documentation may be eligible for up to eight (8) weeks of employee-funded Paid Family Leave.

"Proper Documentation" for each of the qualifying events is defined as follows:

##### 1. For Childbirth:

- *For the birth mother:* Birth Certificate or physician's note declaring mother's name and due date of child.
- *For the secondary parent:* Birth Certificate naming them as a parent, or a Voluntary Acknowledgement of Paternity or a Court order of Filiation naming them as parent. If those documents are not available, the second parent can submit birth documentation from the birth mother's health care provider **and** either a marriage certificate or evidence of a civil

union or domestic partnership to demonstrate the relationship to the birth mother. If none of these documents are available, the second parent may submit other documentary evidence of parental relationship to the child, to be evaluated on a case-by-case basis by the carrier.

*2. For Foster Care:*

A letter of placement issued by a county, or city department of social services, or local voluntary agency. If a second parent is not named in documentation, a copy of the document plus a document verifying the relation to the parent named in the foster care placement will be needed.

*3. For Adoption:*

A court document finalizing adoption, or, for Paid Family Leave taken before the adoption is complete, a document showing that the adoption process is underway. Examples of proof of a pending adoption include a signed statement from an attorney, adoption agency or adoption-related social service provider that the employee is in the process of adopting a child. If the second parent is not named in that document, they must also file documentation verifying the relationship to the parent named in the adoption.

*4. Serious Health Condition for Close Family Member:*

- A medical certification, completed by the care recipient's health care provider.
- An authorization for personal health disclosure form is required by the HIPAA Privacy Rule and must be completed by the care recipient and retained on file with the health care provider in order to submit the required medical information.

*5. Active Military Duty Deployment:*

Either a PFL-5 "Military Qualifying Event" certification or a US Department of Labor "Certificate of Qualifying Exigency for Military Family Leave." Those forms include (1) military documentation of the family member's deployment or impending deployment (active duty orders or other notice from the military), and (2) documentation of the reason for leave.

**D. How This Works:**

*1. Maternity and New Parent Leave*

Paid Family Leave only begins after birth, and is not available for prenatal conditions. A parent may take Paid Family Leave during the first 12 months following the birth, adoption, or fostering of a child.

*2. Caring for a Close Relative with a Serious Condition*

A close relative includes:

- Spouse
- Domestic partner
- Child
- Parent
- Parent-in-law
- Grandparent
- Grandchild

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves:

- inpatient care in a hospital, hospice, or residential health care facility; or
- continuing treatment or continuing supervision by a health care provider.

For example, you need one or more full days to care for your mom when she undergoes chemotherapy; or your dad is having surgery followed by extensive recuperation; or your child is undergoing intense psychotherapy and is unable to attend school for a period of time. You can take NYPFL in these types of instances.

### 3. Active Duty Deployment

NYPFL is available for families eligible for time off under the military provisions in the federal Family Medical Leave Act when a spouse, child, domestic partner or parent of the employee is on active duty or has been notified of an impending call or order of active duty.

NYPFL cannot be used for one's own disability or qualifying military event. It may only be taken to care for your:

- Spouse
- Domestic partner
- Child
- Parent

### E. Timeline

Starting January 1, 2018, NYPFL will be phased-in over four years according to the following schedule:

Year	Weeks Available	Max % of Employee Average Weekly Wage	Cap % of State Average Weekly Wage
2018	8	50%	50%
2019	10	55%	55%
2020	10	60%	60%
2021	12	67%	67%

Employees may take the maximum benefit length in any given 52-week period. The maximum benefit is eight weeks during the first year, 10 weeks during the second and third years, and 12 weeks the fourth and subsequent years. The 52-week clock starts on the first day the employee takes Paid Family Leave.

NYPFL coverage will be included under the disability policy all employers must carry. The premium will be fully funded by employees through payroll deductions, generally starting after July 1, 2017. A maximum rate of employees' contribution will be established each year.

### F. Benefits

Year	Weeks Available	Max % of Employee Average Weekly Wage	Cap % of State Average Weekly Wage
2018	8	50%	50%
2019	10	55%	55%
2020	10	60%	60%

2021	12	67%	67%
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The maximum NYPFL benefit is based on the New York State Average Weekly Wage (NYSAWW). The most recent AWW used for this calculation is \$1,305.92.

### G. Cost to Employees

Employers may collect the cost of NYPFL through after-tax payroll deductions. The maximum employee contribution in 2018 shall be 0.126% of an employee's weekly wage up to the annualized New York State Average Weekly Wage.

### H. How to Apply

1. Employee notifies employer 30 days prior to leave, when practical.
2. Employee fills out a claim form according to employer instructions. Claim forms are available from employer, insurance carrier, or [ny.gov/paidfamilyleave](http://ny.gov/paidfamilyleave).
3. Employee obtains supporting documentation for leave (birth certificate, military deployment certification, etc.).
4. Employee submits claim form and supporting documentation to insurance carrier or as directed by employer. Insurance carrier must pay or deny a claim within 18 days of receipt of the completed claim.

### I. Possible Restrictions Affecting PFL Use

Employees should be aware that under certain circumstances, NYPFL may be limited, or unavailable, including:

- If the employee is receiving total disability payments as part of a claim for workers' compensation;
- If the employee is not employed, or is on administrative leave from employment;
- If the employee is already collecting employer-provided sick pay, or paid time off;
- If the employee works at least part of that day with pay for MHLS; or
- If married employees each seek to simultaneously use the same time for the same family member when both spouses are employed by MHLS.

In addition, if an employee experiences a leave-entitling event that qualifies for protections under both NYPFL and FMLA, then both the NYPFL and the FMLA will run concurrently so as to reduce the overall period of available leave to the maximum extent permitted under applicable law.

## II. Temporary Disability Leave

### A. Eligibility and Duration

In addition to Pregnancy-Disability leaves, employees may take a temporary disability leave of absence if necessary to reasonably accommodate a workplace injury or a qualified disability under the Americans with Disabilities Act.

The duration of a disability leave under this section shall be consistent with applicable law, but in no event shall the leave extend past the date on which an employee becomes capable of performing the essential functions of his or her position, with or without reasonable accommodation. For a full explanation of leave rights, employees should contact the Personnel Officer.

If the disability leave is needed due to a work-related injury, all matters relating to an employee's leave rights, including compensation, benefits, substitution of paid leave, notice and certification requirements, and reinstatement shall be governed by state workers' compensation laws. Employees having questions about such rights should contact the Personnel Officer.

#### B. Leave's Effect on Pay and Benefits

An employee taking temporary-disability leave must substitute any accrued sick pay and vacation pay for the leave. Except to the extent that paid leave is substituted for temporary-disability leave, the temporary-disability leave will be unpaid.

#### C. Procedure for Requesting Disability Leave

Unless the circumstances render it impractical, a temporary-disability leave must be approved in advance by the Personnel Officer. Whenever possible, an employee should submit a written request for disability leave to the Personnel Officer as soon as the employee is aware of the need for such leave or transfer. Any request for a disability leave must be supported by medical certification from a health care provider, which shall provide the following information: (a) the date on which the employee became disabled; (b) the probable duration of the period or periods of disability; and (c) an explanatory statement that, due to the disability, the employee is unable to work at all or is unable to perform any one or more of the essential functions of his or her position without undue risk to the employee or to other persons. The certification should also explain what accommodations, if any, will assist the employee with performing the essential functions of his or her position.

#### D. Reinstatement after Temporary-Disability Leave

Each employee who has taken a temporary-disability leave must keep the Personnel Officer advised of the disability status and must contact the Personnel Officer at least two weeks prior to the expiration of the scheduled leave to discuss the employee's return to work. An employee desiring to return to work from temporary-disability leave shall be reinstated in accordance with applicable law and shall be given his or her former position when staffing requirements permit. MHLS cannot, however, guarantee that the employee's former position, or any other position, will be available upon the expiration of the scheduled leave.

Each employee who has taken a temporary-disability leave must be released by a doctor to return to work. The release should be in writing and submitted to the Personnel Officer on or before the employee's return from temporary-disability leave.

#### E. Premium Payments for Employees on Temporary Disability Leave

MHLS will pay the employer's portion of premiums for continuation of MHLS-sponsored group health plan benefits during the first 90 days of any authorized temporary disability leave. Thereafter, the employee may only continue coverage under the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) and must pay the full cost of doing so.

#### F. Conversion/Post-Employment Insurance Options

Pursuant to COBRA and Cal-COBRA eligible employees and their dependents may be entitled to continue medical, dental, vision and health flexible spending account coverage after employment with MHLS

ceases or certain other qualifying events occur. COBRA information is provided separately. In addition, you also can contact the Personnel Officer to obtain COBRA information.

### III. Other Leaves of Absence

#### Military Leave of Absence

MHLS will grant employees a military leave of absence to the extent required by applicable federal and state law.

#### Jury and Witness Duty

MHLS encourages employees to fulfill their civic responsibilities by serving jury duty when required.

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

MHLS will continue to pay the employee's regular workday for up to 10 working days of jury duty during any 12-month calendar year. If an employee is required to serve jury duty beyond 10 working days, the Executive Director will review any arrangements.

If the employee receives monetary compensation from the court, MHLS will withhold the amount from earnings or shall be paid by the employee to MHLS.

Either MHLS or the employee may request an excuse from jury duty if, in MHLS's judgment, the employee's absence would create serious operational difficulties.

MHLS will continue to provide health insurance benefits for the full term of the jury duty absence; however, for periods of leave without pay, accrual of paid leave time will be suspended.

#### Voting Time Off

Employees who do not have sufficient time outside of their regular working hours to vote in any public election may request time off to vote. Employees shall make their request at least two working days before the day of the election. Up to three (3) hours of paid time off will be provided, at the beginning or end of the employee's regular shift, whichever will allow the most time for voting and the least time off work.

#### Bereavement Leave

Employees who wish to take time off due to the death of an immediate family member should notify their supervisor immediately.

Bereavement leave will be provided to eligible employees in the following classification(s):

- \* **Regular full-time employees**
- \* **Regular part-time employees** (for days regularly worked)

Employees may, with their supervisors' approval, use any available paid leave for additional time off as necessary.

The following guidelines apply to bereavement leave:

- employee's spouse/domestic partner - 5 days
- employee's child/step-child - 5 days
- employee's parent/step-parent - 5 days
- employee's sibling/step-sibling - 2 days
- employee's spouse's/domestic partner's parent/step-parent - 5 days
- employee's spouse's/domestic partner's child/step-child - 5 days
- employee's spouse's/domestic partner's sibling/step-sibling - 2 days
- employee's child's spouse - 2 days
- employee's grandparents - 2 days
- employee's grandchildren - 2 days

#### Leave Related to Domestic Violence

MHLS will provide time off to an employee who has been the victim of domestic violence or parents of children who are victims of domestic violence to seek any relief, including, but not limited to, a temporary restraining order, restraining order, or other injunctive relief, to help ensure the health, safety, or welfare of the victim or his or her child. This includes time off for court proceedings, services from a domestic violence shelter, program or rape crisis center, counseling, medical attention, participation in safety planning programs, and to obtain legal services in relation to domestic violence, assist in the prosecution of a domestic violence offense, or to appear in court in relation to incidents of domestic violence.

MHLS requires reasonable advance notice of the leave when feasible. If time off is taken due to an emergency, the employee must, within 15 days of the absence, provide MHLS with certification of the need for the leave such as a police report, court order, documentation from a healthcare provider, victims advocate, or counselor.

Employees granted leave due to domestic violence are required to use paid leave when available. Any absence that cannot be charged to paid leave will be treated as unpaid leave.

MHLS prohibits discrimination, discharge, or retaliation against an employee for taking time off or requesting an accommodation under this policy, based on the employee's status as a victim of domestic violence, sexual assault, and/or stalking.

#### Leave for Bone Marrow Donation

Employees who wish to donate bone marrow will be granted leave not to exceed a combined 24 work hours unless otherwise agreed upon.

In order to receive a leave of absence, pursuant to this policy, the employee must provide written verification to the Personnel Officer that he or she is a bone marrow donor and that there is a medical necessity for the donation of the organ or bone marrow.



Any leave taken for the donation of bone marrow will not constitute a break in service for purposes of the employee's right to salary adjustments, vacation, annual leave, or seniority. During any leave taken under this policy, MHLS will maintain and pay for coverage under any group health plan, for the full duration of this leave.

Leave provided under this policy may be taken in one or more periods.

Upon expiration of a leave of absence authorized by this policy, MHLS will restore the employee to the position held by the employee when the leave began or to a position with equivalent seniority status, employee benefits, pay, and other terms and conditions of employment. MHLS may decline to restore an employee because of reasons unrelated to the exercise of rights under this policy by the employee.

#### Personal Leave

Regular full-time employees are allowed up to five (5) days of personal leave for matters that cannot be taken care of during non-working hours.

Personal Leave may be taken in units of one-half (1/2) hour, with prior notice given to immediate supervisor.

Personal Leave for new employees shall be pro-rated during the first calendar year of employment. During the first five (5) months of employment, employees may use Personal Leave at a rate not to exceed one day per month.

Personal Leave balance is reset at the beginning of the year, and any unused Personal Leave time, at the end of the calendar year, is credited to Sick Leave accruals is not carried forward.

#### Leave for Blood Donation

Any employee who works twenty (20) or more hours per week for MHLS is entitled to three (3) hours of paid leave in any twelve (12) month period for the purpose of donating blood, if the blood donation is located on MHLS's worksite. If the blood donation is located off the MHLS worksite, then the employee will be provided with three (3) hours of unpaid leave. Proof of appointment/screening may be required by your immediate supervisor.

#### Short-Term Disability

MHLS provides short-term disability benefits to employees who are unable to work because of a qualifying disability due to an injury or illness, as required by New York State Law. There is no cost to the employee for this coverage.

Disabilities arising from pregnancy or pregnancy-related illness are treated the same as any other illness that prevents an employee from working.

Contact the Personnel Officer for more information about disability benefits.

## **Flexible Benefits Plan**

MHLS provides a Flexible Benefits Plan (FBP) with two parts. 1) Flex Account and 2) Dependent Care Reimbursement. Through the FBP employees can reduce their taxable income without reducing their real income, so that they can keep more of the money they earn.

The FBP allows regular full-time employees to have pre-tax dollars deducted from their salaries to pay for eligible out-of-pocket expenses. The pre-tax contributions made to the FBP can be used to pay for predictable non-reimbursed medical, dental, vision, and dependent care expenses during the plan year, in accordance with IRS regulations.

Participation in the Flex Account and/or Dependent Care FBP is optional and determined on an annual basis for the plan year. The employee determines how much to contribute to the account, up to a specified maximum, based on anticipated expenses during the plan year. Each employee may contribute up to a maximum of \$2,000 per year for the Flex Account, and \$5,000 per year for the Dependent Care.

Under the grace period option, an employee has until two and a half months after the end of the plan year to incur eligible expenses — for example, March 15, 2019, for a plan year ending on Dec. 31, 2018. MHLS has adopted the grace period option.

Contact the Personnel Officer for more information on the Flexible Benefits Plan and to obtain enrollment and reimbursement forms and worksheets with examples of reimbursable and non-reimbursable expenses.

## **Timekeeping**

Accurately recording time worked is the responsibility of every nonexempt employee. Federal and state wage and hour laws require MHLS to keep an accurate record of time worked, in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties.

Nonexempt employees should accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period. They should also record the beginning and ending time of any split shift or departure from work for personal reasons. This is done by signing into the current payroll system Paylocity.com.

Overtime work must always be approved before it is performed.

Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment.

## **Paydays**

All employees are paid biweekly on every other Friday. Each paycheck for regular full-time employees will include earnings for all work performed through the end of the payroll period. Each paycheck for all part time employees will include earnings for all work performed through the previous Friday.

In the event that a regularly scheduled payday falls on a day off or a holiday, employees will receive

their paycheck on the last day of work before the regularly scheduled payday.

If a regular payday falls during an employee's vacation, the employee's paycheck will be available upon his or her return from vacation.

Employees may have pay directly deposited into their bank accounts if they provide advance written authorization to MHLS. Contact the Personnel Officer for a form.

Direct deposit pay will be available on paydays (every other Friday) unless it's a day when banks are closed, in which case funds will be available the day before.

## **Safety**

To assist in providing a safe and healthful work environment for employees, customers, and visitors, MHLS needs the efforts of all employees. MHLS's goal is to avoid accidents altogether, but to achieve this goal employees must make a conscious effort to be aware of safety and health hazards, at all times.

MHLS provides information to employees about workplace safety and health issues through regular internal communication channels such as supervisor-employee meetings, bulletin board postings, memos, or other written communications.

Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition to their immediate supervisor. Employees who violate safety standards, who cause hazardous or dangerous situations, or who fail to report or, where appropriate, remedy such situations, may be subject to disciplinary action, up to and including termination of employment.

In the case of accidents that result in injury, regardless of how insignificant the injury may appear, employees should immediately notify their immediate supervisor. Such reports are necessary to comply with laws and initiate insurance and workers' compensation benefits procedures.

The following are a limited number of basic precautions:

- Smoking is prohibited in the office building and the auditorium
- Aisles in work areas are to be kept free of debris
- Cabinet doors and drawers are to be kept closed when not in use
- Good lifting practices are to be observed
- Employees are not to perform tasks for which they are not trained
- Sharp edges or objects that protrude from any equipment should be removed or covered
- Spills on the floor are to be wiped up immediately
- Children should not be brought to work without prior management approval

First aid supplies are located in the delivery/sorting area. The location of the nearest doctor and/or medical facility is posted on the bulletin board opposite the elevator on the main floor.

## Natural Disasters

In the event of a facility disaster such as earthquake, flood, hurricane, tsunami, tornado, fire, explosion, etc., the facility may be closed if the building is damaged or highways leading to the office or facility are damaged. For instructions on reporting to another location, contact the office or facility immediately.

## Emergency Closings

### Emergency Closing or Early Release

From time to time MHLS or a part of it may suspend operations or release employees because of an emergency such as power failure or hazardous weather conditions. Listed below are guidelines regarding emergency closings or early releases.

#### Closing Procedures

- Authority to close MHLS or release employees from work rests with the MHLS Executive Director or their designee(s).
- If a decision to suspend MHLS operations that rely on the physical location of our office building or Auditorium is made before the start of work in the morning, a telephone calling tree is used to inform all impacted employees of a closing or late opening in a timely manner. Staff who have jobs that are classified as "telecommuting eligible" will be expected to work from home in this instance.
- If the decision to close the facilities is made after the start of work, impacted MHLS staff will be notified by email. Staff who have jobs that are classified as "telecommuting eligible" that were working in the building when this notification is issued are expected to continue to work from home until their normal end time once they arrive home.
- Suspending operations that rely on the physical location of our office building or Auditorium does not automatically extend to the work of delivery and facilities services positions. Employees holding these positions should confer with their supervisor regarding their work status during an emergency closing or early release. Supervisors should make clear beforehand, when possible, which staff are expected to work in the case of an emergency closing or early release, what their obligations are, and establish procedures to let them know whether they will be needed to work.

#### Pay During Emergency Closing or Early Release

- Since the nature and effect of the emergency may vary, the pay policy to be followed may also vary.
- The hours of a suspension of services, emergency closing, or early release are paid at regular rates of pay for those regularly scheduled to work on these days with the exception of pay for:
  - o staff whose job responsibilities require them to stay or work on-site, such as the Facilities Operation Manager and/or their designees; or
  - o when a supervisor makes a direct request of an employee to stay on-site or come on-site during an emergency closing or early release.

#### Computation of Pay for Exceptional Circumstances, noted above:

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o Part time staff paid on an hourly basis will get their regular rate of pay for hours worked on-site during a Suspension of Services, Emergency Closing or Early Release, added to their Closing Pay.

o For full-time non-exempt staff paid on a salary basis, hours worked on-site are either compensatory time earned or paid at regular rate of pay up to 40 hours worked and time and half for hours worked over 40, added to their Closing Pay.

o For full-time exempt staff paid on a salary basis, hours worked on-site are compensatory time earned.

#### Telecommuting Staff Who Experience Power/Internet Outages at Home

• An employee that is telecommuting may experience a local extended power/internet outage or other disaster that would result in an inability to perform required tasks. In this case: o If the MHLS facility is open, the employee is expected to re-locate to the office building for the workday, with no penalty for commuting/travel time, or to use accrued paid leave time. o If the MHLS facility is not open, due to conditions described in this policy, the employee must notify their supervisor and agree on work products for the day. They will not be asked to use accrued paid leave time.

#### Employees on Leave During an Emergency Closing or Early Release

• An employee who is not eligible for telecommuting and who would have been regularly scheduled to work at the office building who is absent due to illness (sick leave), personal leave, floating holiday or vacation leave will not be charged for their leave time.

#### Absence or Lateness – MHLS Not Closed

Occasionally severe weather conditions cause an employee that is not eligible to telecommute to decide not to report to work or to arrive late to work. Employees must follow the MHLS Attendance and Punctuality Policy.

Employees are not paid for time they lose by not reporting or being late to work.

• Employees may request from their supervisor to use accrued paid leave time  
Closing Procedures

- ~~Authority to close MHLS or release employees from work rests with the MHLS Executive Director or his/her designee(s).~~
- ~~If a decision to close MHLS is made before the start of work in the morning, a telephone calling tree is used to inform all employees of a closing or late opening in a timely manner.~~
- ~~If the decision to close is made after the start of work, MHLS staff will be notified by email.~~
- ~~Closing MHLS does not automatically extend to the work of delivery services positions, ILS support services positions, Facilities services, and staff positions eligible for telecommuting. Employees holding these positions should confer with their supervisor regarding their work status during an emergency closing or early release. Supervisors should make clear beforehand, when possible, which staff are expected to work in the case of an emergency closing or early release, what their obligations are, and establish procedures to let them know whether they will be needed to work.~~

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#### Staff Closing Pay During Emergency Closing or Early Release

- Since the nature and effect of the emergency may vary, the pay policy to be followed may also vary.
- Only employees regularly scheduled to work on a day of closing are eligible for closing pay.
- The hours of an emergency closing, or early release, are paid at regular rates of pay.

#### Computation of Pay for Time Worked During an Emergency Closing or Early Release by Employees holding delivery services positions, ILS support services positions, Facilities Services, and staff positions eligible for telecommuting:

- Part time staff paid on an hourly basis will get time and a half of their regular rate of pay for hours worked during an Emergency Closing or Early Release, added to their Closing Pay.
- For full time non-exempt staff paid on a salary basis, hours worked are either compensatory time earned or paid at regular rate of pay up to 40 hours worked and time and half for hours worked over 40, added to their Closing Pay.
- For full time exempt staff paid on a salary basis, hours worked are compensatory time earned.

#### Employees on Leave During an Emergency Closing or Early Release

- An employee absent due to illness (sick leave), personal leave or vacation leave will not be charged for their leave time.

#### Absence or Lateness — MHLS Not Closed

- Occasionally severe weather conditions cause an employee to decide not to report to work or to arrive late to work. Employees must follow the MHLS Absentees Policy.
- Employees are not paid for time they lose by not reporting or being late to work.
- Employees may request from their supervisor to use accrued paid leave time.

## Pandemic Policy

### I. Purpose:

The Mid-Hudson Library System (MHLS) strives to maintain a safe workplace and protect the health and wellness of employees and visitors in the event of a ~~severe~~~~declared~~ pandemic. To ensure the continuity of business operations in the event of a ~~declared~~~~severe~~ pandemic, efforts for an effective response will be guided by, and in accordance with, all applicable federal, state and local laws and guidelines issued by public health authorities such as the Centers for Disease Control and Prevention (CDC) and other governmental agencies.

### II. Definitions

- a. "Pandemic" A pandemic is a global disease outbreak. It differs from an outbreak or epidemic because it:
  - i. affects a wider geographical area, often worldwide.
  - ii. infects a greater number of people than an epidemic.

- iii. is often caused by a new virus or a strain of virus that has not circulated among people for a long time. Humans usually have little to no immunity against it. The virus spreads quickly from person-to-person worldwide.
  - iv. causes much higher numbers of deaths than epidemics.
  - v. often creates social disruption, economic loss, and general hardship.
- (Source: Association for Professionals in Infection control and Epidemiology)

- b. "Pandemic Plan": A pandemic plan differs from a general emergency preparedness policy or procedure. With an emergency preparedness policy, there is an assumption that staff will return to the building, or begin rebuilding, almost immediately after the event or crisis (such as after a fire or storm, or if there is an extended utility outage). If there is a serious infectious disease outbreak, recovery may be slow and limited staff, services, and hours may be necessary for several weeks or more.

### III. Prevention:

All employees are asked to cooperate in taking steps to reduce the transmission of pandemic illness in the workplace. We encourage employees to assist in reducing the transmission of pandemic illness by following the suggestions provided by the CDC:

- Avoiding close contact with people who are sick.
- Washing hands often with soap and water for at least 20 seconds, especially after going to the bathroom; before eating; and after blowing your nose, coughing, or sneezing.
- Avoiding touching your eyes, nose, and mouth.
- Staying home when you are sick.
- Covering your cough or sneeze with a tissue, then throw the tissue in the trash.
- Clean and disinfect frequently touched objects and surfaces using a regular household wipe which will be provided by MHLS

### IV. Staying Home When Ill:

MHLS efforts for an effective response will be guided by, and consistent with, all applicable federal, state and local laws and guidelines issued by public health authorities such as the Centers for Disease Control and Prevention (CDC) and other governmental agencies.

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~~IV. In the event of Absent guidance from the federal, state and local laws and by public health authorities such as the Centers for Disease Control and Prevention (CDC) and other governmental agencies:~~

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- a. The Mid-Hudson Library System provides full-time employees with paid sick time and other benefits to compensate employees who are unable to work due to illness. During flu season and/or in the case of a pandemic, it is critical that employees do not report to work while they are ill and/or experiencing influenza-like symptoms such as: fever, cough, sore throat, runny or stuffy nose, body aches, headache, chills, diarrhea, vomiting and fatigue. The CDC has recommended that people with influenza-like illness remain home until at least 24 hours after they are free of fever (100 degrees F or 37.9 degrees C).

- b. If a full-time or part-time employee tests positive for the infectious disease related to the pandemic or has a doctor's order to self-quarantine they will not be charged personal time off for the equivalent of ~~two weeks~~five days paid sick time, as per New York State Law ~~proportional to the number of days/hours assigned~~. MHLS Administration will decide, based on information from county, state and federal public health authorities when a pandemic has been declared. The number of hours paid each day will be the amount typically worked on the day missed. This is a one-time leave benefit on an annual basis and then employee may use their Paid Family Leave Benefits or any accruals they may elect to. Unused sick leave related to this policy cannot be used beyond the limited period defined by MHLS Administration. The purpose of this benefit is to limit the spread of contagious illness to fellow staff/visitors.
- c. If an employee comes to work and displays influenza-like symptoms during a pandemic MHLS Administration may send the employee home.

#### V. Work Schedules

- a. A severe pandemic illness could result in a significant level of absenteeism. Some employees may be unable to work if they become ill due to the virus while others may need to remain home to care for ill family members or to provide care for children during school closings. During this time, unless otherwise notified, our normal attendance and leave policies will remain in place with the exception noted in item IV.b.
- b. Individuals who believe they may face particular challenges reporting to work during a severe pandemic illness should take steps now to develop any necessary contingency plans. For example, employees might want to arrange for alternative sources of childcare should schools close and/or speak with supervisors about the potential to work from home temporarily or on an alternative work schedule if necessary.

#### VI. Confidentiality of Medical Information:

Any medical information obtained from an employee or an employee's health care provider, including any voluntary disclosure that the employee has contracted a specific influenza-related illness, will be kept confidential. In furtherance of this policy, any disclosure of influenza-related medical information will be shared only on a need-to-know basis and only as necessary to prevent or slow the spread of the illness at work, while maintaining confidentiality to the extent reasonably possible. Information will be shared with government officials only if required by law.

#### VII. Government Mandated Quarantine / Containment

~~Should the government mandate a quarantine or define a containment zone that includes an employee's residence or the MHLS headquarters location in Poughkeepsie, NY staff will not be charged for personal time off. All telecommuting eligible positions will be expected to work from home at the direction of their supervisor. We will follow the CDC and the NYS Department of Health guidelines.~~

#### VIII. Additional Information

Please see the Financial Manager & Personnel Officer for additional information.

~~VIII.~~

MHLS will continue to follow the CDC and the NYS Department of Health guidelines and recommendations as they evolve.

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## **Smoking**

MHLS maintains a smoke- and tobacco-free environment. No smoking or other use of tobacco products (including, but not limited to, cigarettes including electronic smoking devices or e-cigarettes, pipes, hookahs, cigars, snuff, or chewing tobacco) is permitted in any part of the building or in vehicles owned, leased, or rented by MHLS. In any place, except in restricted smoking area(s), right of non-smokers to breathe clean air prevails over the right of the smokers to smoke.

## **Solicitation, Distribution, and Bulletin Boards**

Employees may engage in solicitation on MHLS premises only during their nonworking time. Nonworking time means time during meals or breaks and before or after work.

Employees may distribute or circulate non-MHLS written materials only during nonworking time and only in non-work areas. If an employee is not certain whether an area is a work or non-work area, he or she should consult his or her immediate supervisor for clarification.

Solicitation or distribution in any way connected with the sale of any goods or services for profit is strictly prohibited anywhere on MHLS property at any time. Similarly, solicitation or distribution of literature for any purpose by non-employees is strictly prohibited on MHLS property at any time.

MHLS has bulletin boards located throughout the facility for the purpose of communicating with employees. Postings on these boards are limited to items posted by MHLS, including statutory and legal notices, safety and disciplinary rules, MHLS policies, memos of general interest relating to MHLS, local operating rules, and other MHLS items. All postings require the prior approval of the Personnel representative. No postings will be permitted for any other purpose.

## **Use of Personal Vehicles**

Whenever an employee is driving on behalf of the organization, either in his or her own vehicle or any vehicle the organization owns, the following rules apply:

1. All traffic laws must be obeyed.
2. Under no circumstances should an employee attempt to keep a specific time of arrival promised by driving in an unsafe manner.
3. Do not pick up hitchhikers or allow an unauthorized person to be a passenger in or to drive either the organization's vehicle or your own vehicle while being used on organization business.
4. Maintain automobile liability coverage equal to or greater than the limits recommended by your insurance agent.
5. Provide us with a copy of the declarations. (Page of auto policy showing coverage.)

## **Employees Use of MHLS Vehicles**

Employees who are required to drive a MHLS vehicle on MHLS business will be required to show proof of current, valid driver licenses, and current Department of Motor Vehicles record (print out).

All employees who drive as a part of their job and any of its passenger(s), must wear a seat belt. Under no circumstances will you drive while under the influence of drugs and/or alcohol.

MHLS participates in a system that regularly checks the DMV records of all employees who drive as part of their job. Notify MHLS immediately if you are no longer obtain a license to drive.

MHLS retains the right to transfer to an alternative position, suspend or terminate an employee whose license is revoked, or who is uninsurable under MHLS's policy.

## **Hours of Work, Overtime and Pay Day**

### **I. Hours of Work**

MHLS work hours are from 8:30 a.m. to 4:30 p.m., Monday through Friday. MHLS reserves the right to modify employees' starting and quitting times and the number of hours worked.

Full-time employees are expected to work a seven-hour workday with a one-hour unpaid lunch break. 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.

Flexible scheduling, or flextime, is available in some cases to allow employees to vary their starting and ending times each day within established limits. ~~Flextime may be possible if a mutually workable schedule can be negotiated with the supervisor involved.~~ In MHLS' discretion, MHLS may provide for a flex-time schedule, subject to prior approval by the appropriate supervisory and by the Executive Director of MHLS in recognition of the requirements of MHLS.

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### **II. Breaks**

For each full day worked, employees shall be allowed two rest periods of 15 minutes each. For each half day (3.5 hours or more) worked, employees shall be allowed one 15-minute rest period.

Any employee who works a shift of more than six (6) hours, which extends over the noonday meal period, is entitled to at least thirty (30) minutes and up to sixty (60) minutes off for the noonday meal. The noonday meal period is recognized as extending from eleven o'clock in the morning to two o'clock in the afternoon.

Employees will be relieved of all active responsibilities and restrictions during meal periods and will not be compensated for that time.

Meal and rest periods cannot be combined, nor can they be used to extend time off by not taking a rest period.

An employee may work through a meal period with the permission of the supervisor in exchange for being able to leave work early on an occasional basis due to employee needs. However, such a situation cannot be agreed to on a long-term, regular basis.

Employees who feel they were not provided a meal period that complies with this policy should inform their supervisor or manager, and (if not corrected) the Personnel Officer immediately.

### III. Overtime

Overtime compensation is paid to all nonexempt employees at the rate of time and one-half in accordance with federal and state wage and hour restrictions. Overtime pay is based on actual hours worked and is earned after working 40 hours in a given work week. Time off on sick leave, vacation leave, or any leave of absence will not be considered hours worked for purposes of calculating overtime.

Overtime will be computed on actual minutes worked, adjusted to the nearest 15-minute increment.

All overtime work must receive the supervisor's prior authorization.

The employee may select to be paid or provided with compensatory time off. Compensatory time must be taken in the same pay period that the employee worked over (40) hours or will be paid out at the allowable rate.

#### A. Workweek and Workday

Unless otherwise provided, for purposes of calculating overtime, each workweek begins on Saturday and each workday begins at 12:01 a.m.

#### B. Pre-Authorization

Nonexempt employees who anticipate the need for overtime to complete the week's work must notify their supervisors in advance and obtain approval prior to working hours that extend beyond their normal schedule. During busy periods, the employer may require employees to work extended hours. Nonexempt employees who fail to obtain approval prior to working hours that extend beyond their normal 7-hour workday or 35-hour workweek will be subject to disciplinary action. Overtime offenses may result in termination.

#### C. Makeup Time

Nonexempt employees may make up work time that is, or would be, lost as a result of personal obligations if the time is made up during the same workweek in which the work time is lost. A nonexempt employee will be permitted to make up work time only if the employee submits a signed written request to make up the lost time and the employee's direct supervisor approves the request in advance. Nonexempt employees will not be paid overtime for performing makeup work unless they work more than 11 hours in a workday or more than 40 hours in the workweek.

### IV. Other Types of Pay

#### A. Reporting Pay

Nonexempt employees who report to work at MHLS's request, but are furnished less than half of their usual or scheduled day's work, will be paid for half the usual or scheduled day's work, but not less than four hours' pay at their regular rate, without regard to the number of hours they actually worked, unless the reasons for the lack of work are beyond MHLS's control. Reporting time pay will not be paid to an employee on paid standby status who is called to perform assigned work at a time other than the employee's scheduled reporting time. Reporting time hours are not counted as "hours worked" for overtime purposes beyond the time in which work actually is performed. For example, if an employee who is scheduled to work an eight-hour shift is sent home after three hours, the employee will receive

four hours' pay for that day, but the fourth hour of reporting time pay will not be treated as time worked for overtime purposes.

#### B. Holiday Pay

Eligible employees are paid their regular straight-time wages for MHLS-paid holidays as set forth under the guideline entitled "Holidays." To receive holiday pay, the employee generally must work the regularly scheduled workdays preceding and following MHLS holiday or receive prior approval from his or her supervisor to take the time off. Nonexempt employees who work during a MHLS-paid holiday are paid at their regular base rate for all hours worked, in addition to receiving the holiday pay specified above.

### V. Place and Time for Payment of Wages

#### A. Regular Pay Days

Employees are paid biweekly, every other Friday. Employees must complete their time records on a daily basis, in order to ensure that they are paid for all hours worked. If a pay day falls on a holiday, paychecks will be distributed on the preceding workday. For employees who are not on direct deposit, checks are available at the Business Office of MHLS on the date assigned for payment. If the employee is absent when the paycheck is distributed, the employee may claim the paycheck from the Personnel Officer or Financial Assistant when the employee returns.

#### B. Payment on Resignation, Termination, or Completion of Assignment or Term

If an employee is terminated or resigns, his or her paycheck will be available on the next regular payday. Employees may request in writing that his or her final paycheck be mailed to their home address.

#### C. Garnishments

MHLS complies with applicable state and federal laws regarding the garnishment and assignment of wages. Repeated garnishments for multiple debts can be grounds for discharge or other discipline as provided by applicable laws.

#### D. Payroll Deductions

Deductions for Federal Income Tax, Social Security Tax, and Medicare are required by federal law. State Income Tax and State Disability Insurance deductions vary according to the state in which your work is performed. Other deductions for insurance or other benefits may be specifically authorized by the employee in writing or by electronic signature. Each paycheck stub itemizes amounts that have been withheld. It is the employee's responsibility to confirm the accuracy of payroll deductions and personal information and to notify the Personnel Officer immediately of any changes. It is important that employees keep this information for tax purposes. Questions about deductions should be directed to the Personnel Officer.

### Compensatory and Flexible Time

Exempt employees will, at times, be asked to work hours outside the regular business hours of MHLS. When feasible for these times, MHLS encourages the use of flexible time so as not to incur extra hours beyond the regular work week of 35 hours.

For purposes of this policy, flexible time means to use time in the same day or week and does not need to be recorded.

When flex time is not feasible, and the time is approved in advance by the Executive Director, exempt employees will be allowed to incur compensatory (comp) time, hour for hour, for time worked in excess of 35 hours. Comp time must be recorded when earned and signed by Executive Director. Any comp time hours must be used within ~~four (4) weeks~~ the same pay period or be forfeited. Comp time may not be accumulated.

Comp time is not earned for weekend conference participation. Flex time may be used two days prior or two days following a weekend conference, with approval of the Executive Director.

Comp time may not be taken prior to being earned.

Use of one full day or more of comp time must have prior approval of your immediate supervisor.

Flex time should be used before or after a conference that requires weekend travel. (i.e. Saturday morning travel back from a conference ending late Friday, or Sunday travel for a conference beginning early Monday morning.)

### Attendance and Punctuality

To maintain a safe and productive work environment, MHLS expects employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on MHLS. In the rare instances when employees cannot avoid being late to work or are unable to work as scheduled, they should notify their supervisor as soon as possible in advance of the anticipated tardiness or absence.

If ill, employees must call in each day to advise their supervisor that they will not be in. In the event of a prolonged illness, a doctor's statement may be required indicating the nature of the illness and a prognosis of the time needed to be away from work.

Excessive absenteeism is defined as missing two days of scheduled work in a six (6) month period, excluding valid illness time off or previously arranged time off approved by an employee's supervisor.

Habitual tardiness is defined as reporting for work late as many as two times in any two week period, or as many as four times in any six week period.

Excessive absenteeism and habitual tardiness are disruptive. Either may lead to disciplinary action, up to and including termination of employment.

Failure to show up or call in when scheduled can be cause for dismissal.

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## Telecommuting

MHLS considers telecommuting to be a viable alternative work arrangement in cases where current job duties and assignments are regularly accomplished in such an arrangement. Telecommuting allows employees to work at home or in a satellite location for all or part of their regular workweek.

Telecommuting is a work alternative that may be appropriate for some employees and some jobs. It is not an entitlement, it is not a MHLS-wide benefit, and it in no way changes the terms and conditions of employment with MHLS.

### Procedure

1. Either an employee or a supervisor can suggest telecommuting as a possible work arrangement.
2. Definitions
  - a. Telecommuting can be informal such as working from a home worksite/office<sup>1</sup> or satellite location for a few hours, a day, or a short-term project. Other informal, short-term arrangements may be made for employees on family or medical leave, to the extent practical for the employee and MHLS and with the consent of the employee's health care provider, if appropriate. All informal telecommuting arrangements are made on a case-by-case basis, focusing first on the business needs of the organization.
  - b. Telecommuting can be formal in which working from a home worksite/office or satellite location occurs on an ongoing, regular work schedule. Individuals requesting telecommuting must hold MHLS positions where current job duties are assigned to be accomplished in such an arrangement as determined by MHLS. Any formal telecommuting arrangement made will be on a trial basis for the first three months, and may be discontinued, at will, at any time at the request of either the telecommuter or MHLS.
3. MHLS will determine, with information supplied by the employee and his or her supervisor, the appropriate equipment and software needs for each telecommuting arrangement on a case-by-case basis. The Business Office and Technology Operations department will serve as resources in this matter. Employee supplied equipment and/or software may be used if deemed appropriate by MHLS, subject to change at any time. Equipment and/or software supplied by MHLS will be maintained by MHLS. Equipment and/or software supplied by the employee will be maintained by the employee. MHLS accepts no responsibility for damage or repairs to employee-owned equipment and/or software. Equipment and/or software supplied or subsidized by MHLS is to be used for business purposes only except in the case of a shared use agreement<sup>2</sup>. The telecommuter should sign an inventory of all office property and agree to take appropriate action to protect the items from damage or theft. Upon termination of employment all MHLS property will be returned to MHLS, unless other arrangements have been made.
4. Consistent with MHLS's expectations of information security for employees working in the office, telecommuting employees will be expected to ensure the protection of confidential information accessible from their home office or when the employee is on the road for business. Steps include use of locked file cabinets and desks, regular password maintenance, and any other steps appropriate for the job and the environment.
5. The employee will establish an appropriate work environment within his or her home for work purposes. MHLS will not be responsible for costs associated with initial setup of the employee's

<sup>1</sup>Home worksite/office is a set aside defined space to conduct MHLS work. Appropriate equipment, software, and phone and Internet access is required. Some telecommuting arrangements, such as IT Support Services, may also require high-speed Internet access.

<sup>2</sup>A shared use agreement may allow the use of equipment supplied or subsidized by MHLS for both business and private use.

home worksite/office such as remodeling, furniture or lighting, nor for repairs or modifications to the home office space. Employees will be offered guidance in setting up a work station designed for safe, comfortable work, and will be provided information to assess workspaces for ergonomic risks.

6. MHLS employees may not meet in their home with another person(s) in the conduct of any MHLS business.
7. Injuries sustained by the employee while at his or her home worksite during documented work times and in conjunction with his or her regular work duties are normally covered by the MHLS's workers' compensation policy. Telecommuting employees are responsible for notifying the MHLS Personnel Officer and their supervisor of such injuries as soon as possible. Failure to notify MHLS within 30 days after the accident can result in denial of benefits in accordance with NYS Insurance Fund procedures. The employee is liable for any injuries sustained by visitors to his or her home worksite. MHLS is not responsible for any incident that may occur in the employee's home. MHLS recommends employees working at home review their homeowner's insurance's liability coverage and discuss with their insurance agent their coverage for all situations associated with working at home.
8. MHLS will supply the employee with appropriate office supplies for successful completion of job responsibilities. MHLS will also reimburse the employee for all other business-related expenses such as MHLS base plan for cell phone services<sup>3</sup> that are reasonably incurred in accordance with job responsibilities.
9. For a formal telecommuting arrangement, the employee and supervisor will agree on the number of days of telecommuting allowed each week, the work schedule the employee will customarily maintain, and the manner and frequency of communication. For formal and informal telecommuting arrangements, the employee agrees to be accessible by phone or email within a reasonable time period during the agreed-on work schedule, and to post work hours and location on the MHLS shared work calendar.
10. For formal and informal telecommuting arrangements, telecommuting employees who are not exempt from the overtime requirements of the Fair Labor Standards Act will be required to record all hours worked in a manner designated by MHLS. Telecommuting employees will be held to a high standard of compliance due to the nature of the work arrangement. Hours worked in excess of those specified per day and per workweek, in accordance with state and federal requirements, will require the advance approval of the employee's supervisor. Failure to comply with this requirement can result in the immediate cessation of the telecommuting agreement.

### Formal Telecommuting Agreement

Before entering into any formal telecommuting agreement, the employee and supervisor, with the assistance of the Business Office, will evaluate the suitability of such an arrangement, paying particular attention to the following areas:

- a. Employee suitability. The employee and supervisor will assess the needs and work habits of the employee, compared to traits customarily recognized as appropriate for successful telecommuters.
- b. Job responsibilities. The employee and supervisor will discuss the job responsibilities, scheduling issues, and determine if current job duties are assigned to be accomplished in such an arrangement. If current job duties are assigned to be accomplished in such an arrangement the position will be identified by MHLS as eligible for telecommuting.

<sup>3</sup> A shared use agreement may allow the use of a cell phone/service supplied or subsidized by MHLS for both business and private use.

- c. Home worksite/office. The employee and supervisor will discuss the home worksite/office space and equipment needs for the employee to work at home.
- d. Tax and other legal implications for the business use of the employee's home based on Internal Revenue Service (IRS) and state and local government restrictions. Responsibility for fulfilling all obligations in this area rests solely with the employee.

1. If the employee and supervisor agree, and the Personnel Officer and Executive Director concurs, a draft formal telecommuting agreement will be prepared and signed by all parties, and a three-month trial period will commence.
2. For formal telecommuting arrangements, valuation of telecommuter performance during the trial period may include daily interaction by phone and e-mail between the employee and the supervisor, and weekly face-to-face meetings to discuss work progress and problems. At the conclusion of the trial period, the employee and supervisor will each complete an evaluation of the arrangement and make recommendations for continuance or modifications. Evaluation of telecommuter performance beyond the trial period will be consistent with that received by employees working at the office in both content and frequency but will focus on work output and completion of objectives rather than on time-based performance.
3. An appropriate level of communication between the telecommuter and supervisor will be agreed to as part of the discussion process and will be more formal during the trial period. After conclusion of the trial period, the supervisor and telecommuter will communicate at a level consistent with employees working at the office or in a manner and frequency that seems appropriate for the job and the individuals involved.
4. Telecommuting is *not* designed to be a replacement for appropriate family care. Although an individual employee's schedule may be modified to accommodate child care needs, the focus of the arrangement must remain on job performance and meeting business demands. Prospective telecommuters are expected to discuss the requirements of telecommuting with family members prior to entering into a trial period.
5. Employees entering into a telecommuting agreement may be required to forfeit use of a personal office or workstation in favor of a shared arrangement to maximize MHLS office space needs.
6. The availability of telecommuting as a flexible work arrangement for employees of MHLS can be discontinued at any time at the discretion of MHLS. Every effort will be made to provide 30 days' notice of such a change to accommodate commuting, child care and other problems that may arise from such a change. There may be instances, however, when no notice is possible.

#### Informal Telecommuting Procedures

1. All informal telecommuting arrangements are made on a case-by-case basis, focusing first on the business needs of the organization.
2. Informal telecommuting may be requested by an employee and granted by their supervisor ONLY if the position has been identified by MHLS as eligible for telecommuting.
3. If the employee and supervisor agree on an informal telecommuting arrangement, the employee may be required to complete and submit the online *Informal Telecommuting Request Form*, at the discretion of the supervisor.
4. A supervisor must approve an informal telecommuting request PRIOR to the date/time of the request.
5. An informal telecommuting arrangement may not conflict with any other MHLS personnel policy.



## **Mileage Reimbursement**

MHLS will reimburse employees for mileage incurred while on MHLS business or related activities away from the normal work location.

Reimbursement is at the current maximum rate allowed by the IRS for the most efficient route, plus tolls and parking.

The distance reimbursed for an MHLS-related stop is based on the point of origin. Reimbursement for MHLS-related stops that occur on an employee's normal daily commute, shall be paid for actual mileage minus the distance of the employee's normal daily commute.

For travel within the MHLS service area, employees are expected to complete a reimbursement request monthly.

When using a personal vehicle, or vehicles owned, leased, or rented by MHLS, the employee must operate the vehicle in a safe manner and must abide by all traffic rules and regulations. Employees who are involved in an accident while traveling on business must promptly report the incident to the police and Finance Manager & Personnel Officer and the rental company if applicable.

Abuse of this mileage reimbursement policy, including falsifying expense reports to reflect costs not incurred by the employee, can be grounds for disciplinary action, up to and including termination of employment.

## **Staff Overnight Travel**

MHLS will reimburse employees for reasonable business travel expenses incurred while attending staff development events or MHLS-related activities away from the normal work location. All staff overnight travel must be approved in advance by the Executive Director. Staff Overnight Travel Request forms can be found on the MHLS staff web page.

Employees may contact the Business Office to coordinate their travel arrangements and for guidance and assistance on travel procedures.

Reimbursable expenses include travel, meals, lodging and other expenses directly related to staff development events or MHLS-related activities. Expenses for entertainment and alcohol will not be reimbursed. Employees are expected to limit expenses to reasonable amounts.

Expenses that generally will be reimbursed include the following:

- ☐ Maximum reimbursement for lodging cost will be based on Federal reimbursement rates for the place of lodging. The per diem lodging rates for locations within the continental United States are revised annually. A lodging receipt is required for reimbursement.  
<http://www.gsa.gov/portal/content/104877>
- ☐ Fixed rate reimbursement for meals and incidental expenses will be based on Federal reimbursement rates for the place of travel. The per diem meals and incidental expenses rates for locations within the continental United States are revised annually. Receipts are not required

for reimbursement for meals and incidental expenses.

<http://www.gsa.gov/portal/content/104877>

- ☐ Air, train or bus fare for travel in coach or economy class or the lowest available fare provided such fares do not result in unreasonably long travel times.
- ☐ Car rental fees for subcompact, compact or mid-sized cars (if for self). Car rental should be used only when the cost is less expensive than that of other available transportation and alternatives do not result in unreasonably long travel times.
- ☐ Shuttle or airport bus service fees, where available; costs of public transportation for other ground travel if available and safe. Taxi fares, only when there is not a less expensive alternative or when using taxis may ensure personal safety.
- ☐ Reasonable expenses incurred while traveling on business may be reimbursed, such as for fax and Internet charges for business use.
- ☐ When travel outside of the MHLS service area is completed, employees should submit a completed Staff Conference Travel Expense Form within 30 days. This form should be accompanied by receipts for all expenses other than meals covered by the per diem rates detailed under #2 above. The form can be found on the MHLS staff web page.

Mileage for use of personal vehicles will be reimbursed only when less expensive transportation is not available. Reimbursement is at the current maximum rate allowed by the IRS for the most efficient route, plus tolls and parking. Reimbursement for travel occurring Monday through Friday, shall be paid for actual mileage minus the distance of the employee's normal daily commute. See Mileage Reimbursement.

When using a personal vehicle, or vehicles owned, leased, or rented by MHLS, the employee must operate the vehicle in a safe manner and must abide by all traffic rules and regulations. Employees who are involved in an accident while traveling on business must promptly report the incident to the police and Personnel Officer and the rental company if applicable.

For travel or any other purchases, MHLS's Tax Exempt Certificate is to be used whenever feasible. Tax exempt forms can be found on the MHLS staff web page or may be obtained from the Business Office.

Abuse of this travel reimbursement policy, including falsifying expense reports to reflect costs not incurred by the employee, can be grounds for disciplinary action, up to and including termination of employment.

### **Travel: Non-Exempt Employee Travel Policy**

Some non-exempt positions may require travel within the United States.

Employees in positions classified as non-exempt under the Fair Labor Standards Act are eligible for compensation for the time they spend traveling. The compensation an employee receives depends upon the kind of travel and whether the travel time takes place within normal work hours or outside of normal work hours.

"Normal work hours," for the purposes of this policy, are defined as 8:30 a.m. to 4:30 p.m. This definition applies to normal workdays (Monday through Friday) and to weekends (Saturday and Sunday).

### Travel Time Defined

“Travel time” is defined as including the time the employee arrives at the airport/train station to the time the employee reaches his/her destination. If an employee is traveling *to* a location, then the destination is either the hotel or the work site (if the employee travels directly from the airport/train station to work). If the employee is returning home *from* a location, the destination is the airport/train station of final arrival.

If an employee is traveling by air and no flights are available from or to the airport nearest the employee’s residence, then travel between the employee’s residence and the airport is considered travel time and is eligible for compensation in accordance with the policy guidelines below.

Travel between home and work or between the hotel and worksite is considered normal commuting time and is not eligible for compensation.

If an employee requests a specific travel itinerary or mode of transportation that is different from the one authorized by the company, only the estimated travel time associated with the itinerary and mode of transportation that has been authorized will be eligible for compensation.

### Travel Time Within Normal Work Hours

Any portion of authorized travel time that takes place within normal work hours (defined as 8:30 a.m. to 4:30 p.m.) on any day of the week, including Saturday and Sunday, is treated as work hours. Travel time within normal work hours will be paid at the employee’s regular hourly rate and will be factored into overtime calculations.

When an employee travels between two or more time zones, the time zone associated with the point of departure should be used to determine whether the travel falls within normal work hours.

### Travel Time Outside of Normal Work Hours

Any portion of authorized travel time (with the exception of driving time) that takes place outside of normal work hours is considered to be outside travel hours.

When a non-exempt employee is required to travel as a passenger in an automobile, plane or any other mode of transportation *outside* of normal work hours, he/she will be compensated at *one-half* his/her regular hourly rate for that portion of travel time that takes place outside of normal work hours. Unlike work hours, outside travel hours are not factored into overtime calculations.

When an employee travels between two or more time zones, the time zone associated with the point of departure should be used to determine whether the travel falls outside of normal work hours.

### Travel Time as the Driver of an Automobile

All authorized travel time spent driving an automobile (as the driver, not as a passenger) is treated as work hours, regardless of whether the travel takes place within normal work hours or outside normal

work hours. An employee will receive his/her regular hourly rate for all travel time spent as the driver of an automobile and this time will be factored into overtime calculations.

Travel as a *passenger* in an automobile is not automatically treated as work hours. Travel as a passenger in an automobile is treated the same as all other forms of travel and compensation depends upon whether the travel time takes place within normal work hours or outside of normal work hours.

If an employee drives a car as a matter of personal preference when an authorized flight or other travel mode is available and the travel time by car would exceed that of the authorized mode, only the estimated travel time associated with the authorized mode will be eligible for compensation.

#### Calculating and Reporting Travel Time

Employees are responsible for accurately tracking, calculating and reporting travel time on their time sheets in accordance with this policy.

Meal periods should be deducted from all travel time.

If an employee requests a specific travel itinerary or mode that is different from the one authorized, only the estimated travel time associated with the schedule, route and mode of transportation authorized should be reported on the time sheet.

Travel time should be calculated by rounding up to the nearest quarter hour.

### Staff Development

The System is committed to: (1) providing opportunities for staff to acquire the knowledge, skills, and education they need to be successful and effective in delivering the System's services to member libraries; and (2) supporting staff with development opportunities that are work related.

Staff is annually consulted in determining professional development needs. A staff development budget is annually provided, when funding permits, to support the participation of staff in work-related meetings, training, workshops, conferences, certification programs, classes, and courses.

Staff development is provided during the workday and on-site whenever possible and may include job-specific and on-the-job training, as well as general staff development. Staff may also be required or encouraged to attend opportunities that are off-site and occur during or outside of the normal workday. Costs associated in attending these opportunities shall be the System's.

Staff may also request permission to attend work-related opportunities that are off-site and occur during or outside of the normal workday. The System may support such attendance and related costs at its discretion. Staff should submit such requests to their supervisor; attendance and related costs require the approval of the Executive Director.

However, whether staff participation in development opportunities are required, encouraged or at the request of staff, time in-attendance spent outside of the normal workday at such opportunities shall be

adjusted, whenever possible, by changing the staff's normal workday to avoid paid overtime and/or the use of compensatory time-off.

## Social Media

MHLS employees are accountable for communications and information they publish online. MHLS may be liable for online activity that uses MHLS assets, MHLS e-mail addresses, or any activity that can be traced back to the MHLS domain.

Using your MHLS position title and or the name of MHLS may imply that you are acting on behalf of MHLS. Since social media and networking activities are public, your MHLS position title, MHLS e-mail address, and MHLS assets should be used to perform job-related activities, which may include professional networking but do not include personal social networking.

Outside the workplace, you have a right to participate in social media and networks using your personal e-mail address. However, information and communications that you publish on personal online sites should not be attributed to MHLS or appear to be endorsed by, or to have originated from, MHLS.

If you choose to disclose your affiliation with MHLS in an online communication, then you must treat all communications associated with the disclosure as professional communications governed by this and other MHLS policies.

## Use of Mobile Device While Driving

Employees must adhere to all federal, state, and local rules and regulations regarding the use of mobile devices while driving.

## Workplace Monitoring and ~~Electronic~~ Surveillance

### Purpose

The purpose of the Workplace Surveillance Policy is to ensure that a transparent environment exists within Mid-Hudson Library System (MHLS) regarding monitoring and surveillance and that MHLS complies with the requirements of the New York State Workplace Surveillance Legislation (referred to in the following as "the Legislation").

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### Scope

This policy applies to all employees, consultants, contractors and volunteers of the Mid-Hudson Library System.

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### Policy

New York employers that monitor employees' telephone calls, e-mails or internet use must provide written notice to employees. Such activity is regulated in New York, leading to new compliance obligations for employers. This law is effective as of May 2022. As per the Legislation, notification of existing employees will take place no later than e fourteen (14) days after the Legislation goes into effect. New employees are required to be notified prior to the

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commencement of their employment.

This policy is written in accordance with the Legislation; serves as notice to existing and new employees; and logs the consent of employees to all such surveillance taking place.

#### Definitions

Camera Surveillance is surveillance by means of a camera that monitors or records visual images of activities on premises or in any other place;

Computer surveillance is surveillance by means of software or other equipment that monitors or records the information input or output, or other use of a computer (including but not limited to the sending and receipt of e-mails and the accessing of Internet websites).

Tracking surveillance is surveillance by means of an electronic device the primary purpose of which is to monitor or record geographical location or movement (such as Global Positioning System tracing device).

Workplace means premises, or any other place, where employees work, or any part of such premises or place.

"At Work", for the purpose of the Legislation, means the workplace of the employer (or a related corporation) whether or not the employee is actually performing work at the time, or at any other place while performing work for the employer.

Surveillance Information means information obtained, recorded, monitored or observed as a consequence of surveillance of an employee.

Surveillance Record means a record or report of surveillance information.

#### Content

1. For new employees, MHLS will, from commencement of their employment, carry out ongoing, intermittent monitoring of their use of MHLS computer systems, phone systems and mobile communications or computing devices (including by way of real time monitoring and recording) – including emails, internet and files (including files stored on the work computer or mobile communication or computing devices). For existing employees, the above surveillance will be carried out on an ongoing, intermittent basis.
2. The monitoring is carried out by all means available to MHLS which may include, without limitation: auditing, logging, monitoring or accessing email accounts, emails, instant messaging or voice mail; accessing files; accessing the work computer and mobile communication or computing devices; and accessing records of internet usage (including sites and pages visited, files downloaded, video and audio files accessed and data input); camera surveillance;

#### Types of Surveillance

##### Camera Surveillance:

Cameras used for surveillance (or camera casing or other equipment that would generally indicate the presence of a camera) will be clearly visible in the place where the surveillance is taking place, and

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Signs notifying people that they may be under surveillance in that place will be clearly visible at each entrance to that place.

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#### Computer Surveillance:

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The surveillance will be carried out in accordance with MHLS Employee Handbook.

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#### Prohibited Surveillance:

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MHLS will comply with the legal requirements of the Legislation where surveillance is prohibited.

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Disclosure of surveillance records – notified surveillance

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Any surveillance records made as a result of the surveillance will not be used or disclosed unless:

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- They are for a legitimate purpose related to employment or business activities or functions;
- They are required to be presented to law enforcement agencies;
- They relate to civil or criminal proceedings;
- It is necessary in order to avert an imminent threat, serious violence to persons or substantial damage to property.

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#### Covert Surveillance

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Covert surveillance is any surveillance that is carried out without the knowledge of the employee and is prohibited without a Covert Surveillance Authority, which must be obtained via a Magistrate (where applicable legislation applies).

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#### Breaches of this Policy

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MHLS may:

- Rely on information gathered by surveillance activities in administering employee management decisions, including any disciplinary action to be taken;
- Restrict access to internet sites of any kind;
- Prevent the sending and/or receiving of emails; and
- Disclose any data it collects through monitoring and auditing activities to support MHLS policy or law enforcement.
- Take any other disciplinary action, which may include termination of employment.

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MHLS reserves the right to install security cameras in work areas for specific business reasons, such as security, theft protection or protection of proprietary information. MHLS may find it necessary to monitor work areas with security cameras when there is a specific job or business-related reason to do so. MHLS will do so, only after first ensuring that such action is in compliance with state and federal laws. Employees should not expect privacy in work-related areas. Employee privacy in non-work areas will be respected to the extent possible. MHLS's reasonable suspicion of an onsite drug use, physical abuse, theft or similar circumstances would be possible exceptions. Employees should contact their supervisor or the Personnel Officer if they have questions about this policy.

## General Housekeeping

All employees are expected to do their part in keeping our facilities clean, neat, and as organized as possible. A neat and clean workplace is a safer, more attractive workplace.

All employees are responsible for keeping their desks and work areas clean as well as cleaning up after themselves in the common areas such as the lunch and rest rooms.

## **Employee Conduct and Work Rules**

To ensure orderly operations and provide the best possible work environment, MHLS expects employees to follow rules of conduct that will protect the interests and safety of all employees and the organization.

It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. The following is an illustrative list of infractions of rules of conduct that may result in disciplinary action, up to and including termination of employment:

- Theft or inappropriate removal or possession of MHLS or employee property
- Committing or attempting to commit deliberate damage to either MHLS property or the unauthorized use of MHLS facilities, tools, or equipment
- Working under the influence of alcohol or illegal drugs
- Possession, distribution, sale, transfer, or use of alcohol or illegal drugs on the premises
- Fighting or threatening violence on the premises
- Removing, sending, or furnishing MHLS records or information to unauthorized persons
- Violating MHLS's anti-discrimination policy
- Sleeping or dozing on the job
- Insubordination or other disrespectful conduct
- Violation of safety or health rules
- Possession of dangerous or unauthorized materials, such as explosives or firearms, on the premises
- Falsification of patron records or MHLS reports or documents

In addition to the above examples, please also refer to Safety, and Technology and Social Media.

## **Drug-Free Workplace**

### **I. Purpose of Guideline**

It is the intent of MHLS to maintain a workplace that is free of drugs and alcohol and to discourage drug and alcohol abuse by its employees. Employees who are under the influence of a drug or alcohol on the job compromise MHLS's interests and endanger their own health and safety and the health and safety of others. Substance abuse in the workplace can also cause a number of other work-related problems, including absenteeism and tardiness, substandard job performance, increased workloads for co-workers, behavior that disrupts other employees, and inferior quality in products or service.

To further its interest in avoiding accidents, to promote and maintain safe and efficient working conditions for its employees, and to protect its business, property, equipment, and operations, MHLS has established this Guideline concerning the use of alcohol and drugs. As a condition of continued employment with MHLS, each employee must abide by this Guideline.

### **II. Definitions**

For purposes of this Guideline:



- "Illegal drugs or other controlled substances" means *any* drug or substance that (a) is not legally obtainable; or (b) is legally obtainable but has not been legally obtained; or (c) has been legally obtained but is being sold or distributed unlawfully.
- "Legal drug" means any drug, including any prescription drug or over-the-counter drug, that has been legally obtained and that is not unlawfully sold or distributed.
- "Abuse of any legal drug" means the use of any legal drug (a) for any purpose other than the purpose for which it was prescribed or manufactured; or (b) in a quantity, frequency, or manner that is contrary to the instructions or recommendations of the prescribing physician or manufacturer.
- "Reasonable suspicion" includes a suspicion that is based on specific personal observations such as an employee's manner, disposition, muscular movement, appearance, behavior, speech or breathe odor; information provided to management by an employee, by law enforcement officials, by a security service, or by other persons believed to be reliable; or a suspicion that is based on other surrounding circumstances.
- "Possession" means that an employee has the substance on his or her person or otherwise under his or her control.

### III. Prohibited Conduct

#### A. Scope

The prohibitions of this section apply whenever the interests of MHLS may be adversely affected, including any time an employee is:

- 1) On MHLS premises;
- 2) Conducting or performing MHLS business, regardless of location;
- 3) Operating or responsible for the operation, custody, or care of MHLS equipment or other property; or
- 4) Responsible for the safety of others in connection with, or while performing, MHLS-related business.

#### B. Alcohol

The following acts are prohibited and will subject an employee to discharge:

- 1) The unauthorized use, possession, purchase, sale, manufacture, distribution, transportation, or dispensation of alcohol; or
- 2) Being under the influence of alcohol from unauthorized consumption.

#### C. Illegal Drugs

The following acts are prohibited and will subject an employee to discharge:

- 1) The use, possession, purchase, sale, manufacture, distribution, transportation, or dispensation of any illegal drug or other controlled substance; or
- 2) Being under the influence of any illegal drug or other controlled substance.

#### D. Legal Drugs

The following acts are prohibited and will subject an employee to discharge:

- 1) The abuse of any legal drug;
- 2) The purchase, sale, manufacture, distribution, transportation, dispensation, or possession of any legal prescription drug in a manner inconsistent with law; or
- 3) Working while impaired by the use of a legal drug whenever such impairment might:
  - a. Endanger the safety of the employee or some other person;
  - b. Pose a risk of significant damage to MHLS property or equipment; or
  - c. Substantially interfere with the employee's job performance or the efficient operation of MHLS's business or equipment.

### IV. Disciplinary Action

#### A. Discharge for Violation of Guideline

A first violation of this Guideline will result in immediate discharge whenever the prohibited conduct:

- (1) Caused injury to the employee or any other person, or, in the sole opinion of management, endangered the safety of the employee or any other person;
- (2) Resulted in significant damage to MHLS property or equipment, or, in the sole opinion of management, posed a risk of significant damage;
- (3) Involved the sale or manufacture of illegal drugs or other controlled substances;
- (4) Involved the possession, distribution, or dispensation of illegal drugs or other controlled substances or alcohol in a quantity greater than for personal use;
- (5) Involved an employee who had not completed the introductory period or was a casual, seasonal, or temporary employee; or
- (6) Involved the failure of an employee to report a criminal conviction, as required by Sections IV C and V C, below.

#### B. Discretion Not to Discharge

In circumstances other than those described in Paragraph A, above, MHLS, in the discretion of management, may choose not to discharge an employee for a first violation of this Guideline if the employee satisfactorily participates in and completes an approved drug or alcohol abuse 'assistance' or rehabilitation program when recommended by MHLS or the employee contacts the Employee Assistance Program within two working days after being referred there by management and follows the recommendations made by the Employee Assistance Program, including satisfactory participation in and completion of an approved drug or alcohol abuse, assistance, or rehabilitation program.

#### C. Effect of Criminal Conviction

An employee who is convicted under a criminal drug statute for a violation occurring in the workplace or during any MHLS-related activity or event will be deemed to have violated this Guideline.

#### D. Written Warning

An employee who is not discharged for a first violation of this Guideline will receive a final written warning and immediate suspension without pay for a period of 10 calendar days.

#### E. Effect of Second Violation

A second violation of this Guideline at any time will result in immediate discharge.

#### F. Effect of Discharge on Eligibility for Rehire

Employees who are discharged for a violation of this Guideline will not be eligible for rehire by MHLS.

### V. Drug-Free Awareness Program

#### A. Management Awareness

Managers and supervisors should be attentive to the performance and conduct of those who work with them and should not permit an employee to work in an impaired condition or to otherwise engage in conduct that violates this Guideline. When management has reasonable suspicion to believe that an employee or employees are working in violation of this Guideline, prompt action will be taken. If the employee occupies a designated safety-sensitive position, such action may include drug testing in accordance with the procedures outlined in this policy.

#### B. Criminal Convictions

Employees must notify MHLS of any conviction under a criminal drug statute for a violation occurring in the workplace or during any MHLS-related activity or event. Employees must notify MHLS within five days after any such conviction. When required by federal law, MHLS will notify any federal agency with which it has a contract of any employee who has been convicted under a criminal drug statute for a violation occurring in the workplace.

### VI. Use of Legal Drugs

MHLS recognizes that employees may, from time to time, be prescribed legal drugs that, when taken as prescribed or according to the manufacturer's instructions, may result in impairment. Employees may not work while impaired by the use of legal drugs if the impairment might endanger the employee or someone else, pose a risk of significant damage to MHLS property, or substantially interfere with the employee's job performance. If an employee is so impaired by the appropriate use of legal drugs, he or she may not report to work. To accommodate the absence, the employee may use accrued sick leave, personal leave, or vacation time. The employee may also contact the Personnel Officer to determine whether or not he or she qualifies for an unpaid leave of absence, such as family care or medical leave. Nothing in this Guideline is intended to sanction the use of accrued sick leave, personal leave, or vacation time to accommodate absences due to the abuse of legal drugs. Further, nothing in this Guideline is intended to diminish MHLS's commitment to employ and reasonably accommodate qualified disabled individuals. MHLS will reasonably accommodate qualified disabled employees who must take legal drugs because of their disability.

## VII. Unregulated or Authorized Conduct

### A. Customary Use of Over-the-Counter Drugs

Nothing in this Guideline is intended to prohibit the customary and ordinary purchase, sale, use, possession, or dispensation of over-the-counter drugs, so long as that activity does not violate any law or result in an employee being impaired by the use of such drugs in violation of this Guideline.

### B. Off-the-Job Conduct

Unless an employee is in a designated safety-sensitive position, this Guideline is not intended to regulate off-the-job conduct, so long as the employee's off-the-job use of alcohol or drugs does not result in the employee being under the influence of or impaired by the use of alcohol or drugs in violation of this Guideline. If an employee is in a designated safety-sensitive position, he or she will be subject to drug testing as described in Section X of this Guideline.

### C. Authorized Use of Alcohol

MHLS may provide alcohol for consumption at certain events, such as social functions. The consumption of alcohol at these events does not violate this Guideline.

## VIII. Confidentiality

Disclosures made by employees to the Personnel Officer concerning their use of legal drugs will be treated confidentially and will not be revealed to managers or supervisors unless there is an important work-related reason to do so in order to determine whether it is advisable for the employee to continue working. Disclosures made by employees to the Personnel Officer concerning their participation in any drug or alcohol rehabilitation program will be treated confidentially.

## IX. Counseling/Employee Assistance

Employees who suspect they may have alcohol or drug problems, even in the early stages, are encouraged voluntarily to seek diagnosis and to follow through with the treatment as prescribed by qualified professionals. Employees who wish to voluntarily enter and participate in an approved alcohol or drug rehabilitation program are encouraged to contact the Personnel Officer, who will determine whether MHLS can accommodate the employee by providing unpaid leave for the time necessary to complete participation in the program. Employees should be aware that participation in a rehabilitation program will not necessarily shield them from disciplinary action for a violation of this Guideline, particularly if discipline is imposed for a violation occurring before the employee seeks assistance.

## X. Drug Testing

If a supervisor or manager has a reasonable suspicion that the employee is working in an impaired condition or otherwise engaging in conduct that violates this Guideline, the employee will be asked about any observed behavior and offered an opportunity to give a reasonable explanation. If the employee is unable to explain the behavior, he or she will be asked to take a drug test in accordance with the procedures outlined below.

If the employee refuses to cooperate with the administration of the drug test, the refusal will be handled in the same manner as a positive test result.

#### A. Procedures for Drug Testing

MHLS will refer the applicant or employee to an independent, National Institute on Drug Abuse (NIDA)-certified medical clinic or laboratory, which will administer the test. MHLS will pay the cost of the test and reasonable transportation costs to the testing facility. The employee will have the opportunity to alert the clinic or laboratory personnel to any prescription or non-prescription drugs that he or she has taken that may affect the outcome of the test. All drug testing will be performed by urinalysis. Initial screening will be done by EMIT II. Positive results will be confirmed by gas chromatography/mass spectrometry.

The clinic or laboratory will inform MHLS as to whether the applicant passed or failed the drug test. If an employee fails the test, he or she will be considered to be in violation of this Guideline and will be subject to discipline accordingly.

#### B. Acknowledgment and Consent

Any employee subject to testing under this policy will be asked to sign a form acknowledging the procedures governing testing and consenting to (1) the collection of a urine sample for the purpose of determining the presence of alcohol or drugs, and (2) the release to MHLS of medical information regarding the test results. Refusal to sign the agreement and consent form, or to submit to the drug test, will result in the revocation of an applicant's job offer, or will subject an employee to discipline up to and including termination.

#### C. Confidentiality

All drug testing-records will be treated as confidential.

### **Business Related Events and Functions**

Alcoholic beverages may be available for consumption at certain business-related events, meetings and social occasions, as well as industry meetings and conferences, which an employee may attend in the course and scope of his/her employment. In addition, alcohol may be available for consumption at certain business-related special events and functions that are authorized or sponsored by MHLS. The purchase and/or consumption of alcohol at these events does not violate MHLS's Drug and Alcohol Use policy. However, being under the influence of alcohol such that judgment and/or job performance is impaired, which results in offensive and/or unprofessional conduct, and/or behavior that endangers and/or compromises the welfare and/or safety of the employee or others, or is harmful to MHLS's business relationships, is specifically prohibited by this policy. Violation of the above rules and standards of conduct will not be tolerated. Employees may be disciplined, up to and including discharge, for violating these policies without prior notice or warning. MHLS also may bring the matter to the attention of appropriate law enforcement authorities.

### **Inspections and Searches on MHLS Premises**

#### I. Purpose of the Guideline

MHLS believes that maintaining a workplace that is free of drugs, alcohol, and other harmful materials is vital to the health and safety of its employees and to the success of MHLS's business. MHLS also intends to protect against the unauthorized use and removal of MHLS property. In addition, MHLS intends to

assure its access, at all times, to MHLS premises and MHLS property, equipment, information, records, documents, and files. At times, it may be necessary for MHLS to provide records, information or assistance to a government entity in accordance with the terms of a warrant, court order, or other order issued by law. Accordingly, MHLS has established this Guideline concerning inspections and searches on MHLS premises. This Guideline applies to all employees of MHLS.

## II. Definitions

For purposes of this Guideline:

- (1) "Prohibited materials" means firearms or other weapons; explosives and/or hazardous materials or articles; illegal drugs or other controlled substances as defined in MHLS's Drug-Free Workplace Guideline; drug-related paraphernalia; the unauthorized use or consumption of alcoholic beverages on MHLS property; or MHLS property and/or proprietary and confidential information belonging to a third party that an employee is not authorized to have in his or her possession.
- (2) "MHLS property" includes all documents, records, software, electronic codes, data, and files, in both hard copy and electronic form, relating to MHLS's business; and all equipment, hardware, and other property of any kind, whether owned, leased, rented, or used by MHLS.
- (3) "MHLS premises" includes all premises and locations owned or leased by MHLS or under the control of MHLS, including parking lots, lockers, and storage areas.
- (4) "Reasonable suspicion" includes a suspicion that is based on specific personal observations such as an employee's manner, disposition, muscular movement, appearance, behavior, speech or breathe odor; information provided to management by an employee, by law enforcement officials, by a security service, or by other persons believed to be reliable; or a suspicion that is based on other surrounding circumstances.
- (5) "Possession" means that an employee has the prohibited material or MHLS property on his or her person or otherwise under his or her control.

## III. Inspections and Searches

### A. Access to MHLS Property

1. In order to ensure access, at all times, to MHLS property, and because employees properly in possession of MHLS property or information related to MHLS business may not always be available to produce the property or information when needed in the ordinary course of MHLS's business, MHLS reserves the right to conduct a routine inspection or search at any time for MHLS property on MHLS premises. In addition, MHLS reserves the right to access, at all times, information and communications stored in MHLS computer files, on MHLS mobile devices and in employee voicemail boxes and electronic-mail systems.
2. Routine searches or inspections for MHLS property may include an employee's office, desk, file cabinet, closet, computer files, voice mail, electronic mail, MHLS-issued mobile device or similar places where employees may store MHLS property or MHLS-related information, even where the places are locked or protected by access codes and/or passwords.
3. Because even a routine search for MHLS property might result in the discovery of an employee's personal possessions, all employees are encouraged to refrain from bringing into the workplace any item of personal property that they do not wish to reveal to MHLS.

#### B. Inspections and Searches for Prohibited Materials

1. Inspections or searches for prohibited materials in or on MHLS premises may also will be conducted whenever MHLS has reasonable suspicion to believe that a particular employee, or group of employees, may be in possession of materials in violation of this Guideline.
2. Inspections or searches for prohibited materials may be conducted by an independent security service or by MHLS personnel.
3. Inspections or searches for prohibited materials may be conducted on a random basis at locations where employees enter or exit MHLS premises, without regard to whether there is reasonable suspicion that any employee may be in possession of prohibited materials in violation of this Guideline.
4. Inspections or searches for prohibited materials may be conducted from time to time even when there is no immediate reason to suspect the presence of the materials. In such cases, MHLS may announce the inspection in advance, *except* for inspections or searches conducted at locations where employees enter or exit MHLS premises.
5. Inspections or searches for prohibited materials may include an employee's office, desk, file cabinet, closet, computer, or similar places where employees may place personal possessions or information, even where the places are locked or password protected. Inspections or searches for prohibited materials also may include an employee's locker, or an employee's pockets, purse, briefcase, lunch box, or other item of personal property that is being worn or carried by the employee while on MHLS premises.
6. In cases involving an inspection or search of an employee's pockets, purse, briefcase, or other item of personal property that is being worn or carried by the employee, the employee will be requested to conduct a self-search (i.e., by turning out or emptying pockets, purses, etc.) in the presence of an observer who will be a person of the same gender.
7. Employees who refuse to cooperate during an inspection or search will not be forcibly detained or searched. They will be informed, however, that MHLS will base any disciplinary decision on the information that is available, including their refusal to consent to the search as well as the information that gave rise to a reasonable suspicion that the employees were in possession of prohibited materials, if applicable, and that their failure or refusal to cooperate could deprive MHLS of information that may clear them of suspicion. In addition, MHLS reserves the right to take appropriate action to prevent the unauthorized removal from MHLS premises of MHLS property.

#### IV. Approvals for Inspections

1. In instances in which the inspection or search is conducted because there is reasonable suspicion that a particular employee or group of employees may be in possession of prohibited materials in violation of this Guideline or may be using MHLS property in an unauthorized manner, and in instances in which an item of the employee's personal property will be searched, the inspection or search will be approved in advance by the highest ranking member of management in the organization who is available at the time the inspection or search is to be

conducted and by the Personnel Officer or his or her (or their) designated alternate(s) in the event of unavailability.

2. All inspections or searches that are conducted as part of MHLS's program of periodic (and unannounced) inspections will be approved in advance by the Personnel Officer, who will inform the Executive Director of the impending inspection prior to its occurrence.

#### V. Disciplinary Action

Employees who are found to be in possession of prohibited materials in violation of this Guideline and/or in violation of MHLS Property; Proprietary and Confidential Information Guideline, the Technology Use and Privacy Guideline, and the Drug-Free Workplace Guideline, or employees who are found to have used MHLS property in an unauthorized manner, will be subject to discipline, up to and including discharge, regardless of MHLS's reason for conducting the search or inspection.

#### VI. Confidentiality

Managers and supervisors will make their best effort to restrict communications concerning a violation or possible violation of this Guideline to persons who have an important work-related reason to know.

### Harassment and Discrimination Prevention

#### I. Purpose of Policy

MHLS is committed to providing a workplace free of unlawful harassment and discrimination. This includes sexual harassment (which includes harassment based on pregnancy, perceived pregnancy, childbirth, breastfeeding, or related medical conditions) and harassment based on gender, gender identity (including transgender identity, transitioning, and gender non-conforming individuals), gender expression and sex stereotyping, as well as harassment based on such factors as race, color, religion, religious creed (including religious dress and religious grooming), national origin, ancestry, citizenship, age, physical or mental disability, legally-protected medical condition or information (including genetic information), family care or medical leave status, military caregiver status, military status, veteran status, marital status, domestic partner status, sexual orientation, status as a victim of domestic violence, sexual assault or stalking, enrollment in a public assistance program, engaging in protected communications regarding employee wages, requesting a reasonable accommodation on the basis of disability or bona fide religious belief or practice, or any other basis protected by federal, state, or local laws. MHLS strongly disapproves of and will not tolerate harassment of or discrimination against applicants, employees, unpaid interns, trustees, or volunteers by managers, supervisors, co-workers or third parties with whom employees come into contact. Similarly, MHLS will not tolerate harassment by its employees of non-employees with whom MHLS employees have a business, service, or professional relationship.

#### II. Harassment and Discrimination Defined

**Discrimination** is bias or prejudice resulting in denial of opportunity, or unfair treatment regarding selection, promotion, or transfer. Discrimination is practiced commonly on the grounds of age, disability, ethnicity, origin, political belief, race, religion, sex, etc. factors which are irrelevant to a person's competence or suitability.



It is the unequal treatment provided to one or more parties on the basis of a mutual accord or some other logical or illogical reason. Discrimination is also the differences of two rates not explainable or justifiable by economic considerations such as costs.

**Harassment** includes verbal, physical, and visual conduct that creates an intimidating, offensive, or hostile working environment or that interferes with an employee's work performance.

Harassing behavior can take many forms and may include, but is not limited to the following (when based upon an employee's protected status as noted above): slurs, jokes, statements, gestures, assault, impeding or blocking another's movement or otherwise physically interfering with normal work, pictures, drawings, or cartoons, violating someone's "personal space," foul or obscene language, leering, stalking, staring, unwanted or offensive letters or poems, offensive email or voicemail messages.

**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.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.

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.

Any employee who feels harassed should report it so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

#### **Examples of sexual harassment**

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical acts of a sexual nature, such as:
  - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body;
  - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:

- Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments;
  - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
  - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
  - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
  - Sabotaging an individual's work;
  - Bullying, yelling, name-calling.

**Who can be a target of sexual harassment?** Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-employees, including trustees, independent contractors, and those employed by companies contracted to provide services in the workplace. Harassers can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer, trustee or visitor.

**Where can sexual harassment occur?** Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

### III. Reporting and Investigating Harassing Conduct

**Preventing harassment is everyone's responsibility.** MHLS encourages employees to promptly report **any** incidents of harassment so that corrective action may be taken. Anyone who witnesses or becomes aware of potential instances of harassment should report such behavior to a supervisor, manager or the Personnel Officer.

Reports of harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy and posted on the MHLS staff page, and all employees are encouraged to use this complaint form. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee's behalf.

Employees, paid or unpaid interns or non-employees who believe they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

**Supervisors and managers** who receive a complaint or information about suspected harassment, or who observe harassing behavior or for any reason suspect that harassment is occurring, **are required** to report such suspected harassment to the Personnel Officer or other appropriate company official so that an investigation may be initiated.

In addition to being subject to discipline if they engaged in harassing conduct themselves, **supervisors and managers** will be subject to discipline for failing to report suspected harassment or otherwise knowingly allowing harassment to continue.

**All** complaints or information about harassment will be investigated, whether that information was reported in verbal or written form.

An investigation of any complaint, information or knowledge of suspected harassment will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. MHLS will not tolerate retaliation against employees who file complaints, support another's complaint or participate in an investigation regarding a violation of this policy.

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

- Upon receipt of complaint, the Personnel Officer will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. If complaint is verbal, encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, prepare a Complaint Form based on the verbal reporting.
- If documents, emails or phone records are relevant to the investigation, take steps to obtain and preserve them.
- Request and review all relevant documents, including all electronic communications.
- Interview all parties involved, including any relevant witnesses;
- Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
  - A list of all documents reviewed, along with a detailed summary of relevant documents;
  - A list of names of those interviewed, along with a detailed summary of their statements;
  - A timeline of events;
  - A summary of prior relevant incidents, reported or unreported; and
  - The basis for the decision and final resolution of the complaint, together with any corrective action(s).
- Keep the written documentation and associated documents in a secure and confidential location.

- Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
- Inform the individual who reported of the right to file a complaint or charge externally as outlined in the next section.

#### IV. Legal Protections and External Remedies

Harassment and discrimination are not only prohibited by MHLS but are also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at MHLS, employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

In addition to those outlined below, employees in certain industries may have additional legal protections.

**State Human Rights Law (HRL):** The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time **within one year** of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three years** of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to MHLS does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: [www.dhr.ny.gov](http://www.dhr.ny.gov).

Contact DHR at (888) 392-3644 or visit [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint) for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

**Civil Rights Act of 1964:** The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a “Charge of Discrimination.” The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov).

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

**Local Protections** Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10th Floor, New York, New York; call 311 or (212) 306-7450; or visit [www.nyc.gov/html/cchr/html/home/home.shtml](http://www.nyc.gov/html/cchr/html/home/home.shtml).

**Contact the Local Police Department** If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

#### V. Retaliation

Unlawful retaliation can be any action that could discourage a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged 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 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.

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.

#### VI. Anti-Harassment Training

Starting October 9, 2018, every MHLS employee is required to undergo annual Sexual Harassment training within his/her first three (3) months of employment and at least once every year thereafter. An employee who fails to comply with this section may be subject to disciplinary action, up to and including termination of employment.

#### VII. Corrective Action

MHLS will not tolerate retaliation against any employee for making a good faith complaint of harassment or for cooperating in an investigation. If harassment or retaliation in violation of this policy is established, MHLS will take appropriate corrective action. Corrective action may include, for example: training, referral to counseling, or disciplinary action ranging from a verbal or written warning to termination of employment, depending on the circumstances. In the event of acts of harassment by customers or vendors, corrective action will be taken after consultation with the appropriate management personnel. Employees will not experience retaliation as a result of lodging a complaint or participating in any workplace investigation.



103 Market Street  
Poughkeepsie, New York 12601-4028  
Phone: 845.471.6060  
Fax: 845.454.5940  
<http://midhudson.org>

## Harassment Complaint Form

New York State Labor Law requires all employers to adopt a sexual harassment prevention policy that includes a complaint form to report alleged incidents of sexual harassment.

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to the MHLS Financial Manager & Personnel Officer. You will not be retaliated against for filing a complaint.

This form may also be used for complaints of other types of harassment as defined in the MHLS *Policy Against Harassment and Discrimination*.

If you are more comfortable reporting verbally or in another manner, your supervisor or the Personnel Officer should complete this form, provide you with a copy and follow the investigation process outlined in the *MHLS Sexual Harassment Prevention Policy*.

**For additional resources, visit: [ny.gov/programs/combating-sexual-harassment-workplace](http://ny.gov/programs/combating-sexual-harassment-workplace)**

### COMPLAINANT INFORMATION

Name:

Work Address:

Work Phone:

Job Title:

Email:

Select Preferred Communication Method: ☐ Email ☐ Phone ☐ In person

### SUPERVISORY INFORMATION

Immediate Supervisor's Name:

Title:

Work Phone:

Work Address:

**COMPLAINT INFORMATION**

1. Your complaint of Sexual Harassment / Harassment is made about:

Name:

Title:

Work Address:

Work Phone:

Relationship to you: ☐ Supervisor ☐ Subordinate ☐ Co-Worker ☐ Other

2. Please describe what happened and how it is affecting you and your work. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

3. Date(s) sexual harassment / harassment occurred:

Is the sexual harassment / harassment continuing? ☐ Yes ☐ No

4. Please list the name and contact information of any witnesses or individuals who may have information related to your complaint:

*The last question is optional, but may help the investigation.*

5. Have you previously complained or provided information (verbal or written) about related incidents? If yes, when and to whom did you complain or provide information?

If you have retained legal counsel and would like us to work with them, please provide their contact information.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_



## **Discrimination Based on Reproductive Health Decision**

MHLS prohibits discrimination based on an employee's or a dependent's reproductive health decision making. Reproductive health decision making includes, but is not limited to, the decision to use or access a particular drug, device or medical service.

### **MHLS is prohibited from:**

- Accessing an employee's personal information regarding the employee's or the employee's dependent's reproductive health decision making without the employee's prior informed affirmative written consent;
- Discriminating against or taking any retaliatory personnel action against an employee with respect to compensation, terms, conditions, or privileges of employment because of or on the basis of the employee's or dependent's reproductive health decision making; or
- Requiring an employee to sign a waiver or other document that denies the employee the right to make their own reproductive health care decisions.

Retaliation or a retaliatory personnel action means discharging, suspending, demoting or otherwise penalizing an employee for

- making or threatening to make a complaint to MHLS, a co-worker, or public body, that rights under the section of law (Section 203-e of the New York State labor law) have been violated;
- causing to be instituted any proceeding under or related to this section; or
- providing information to, or testifying before, any public body conducting an investigation, hearing, or inquiry into a violation of a law, rule or regulation.

### **Employees Rights and Remedies**

An employee may bring a civil action against MHLS for alleged violations in any court of competent jurisdiction. The court is enabled to award remedies, which include: damages, including but not limited to, back pay, benefits and reasonable attorney's fees and costs, as well as injunctive relief, reinstatement, or liquidated damages equal to one hundred percent of the award for damages unless an employer proves a good faith basis for its belief that its actions were in compliance with the law. A separate award of civil penalties against MHLS for retaliation may also be granted.

## **Workplace Violence**

### **I. Statement of Policy**

MHLS recognizes that workplace violence is a concern among employers and employees across the country. MHLS is committed to providing a safe, violence-free workplace. In this regard, MHLS strictly prohibits employees, consultants, customers, visitors, or anyone else on MHLS premises or engaging in a MHLS-related activity from behaving in a violent or threatening manner. Moreover, MHLS seeks to prevent workplace violence before it begins and reserves the right to address certain behaviors, even in the absence of violent behavior.

MHLS believes that prevention of workplace violence begins with recognition and awareness of potential early warning signs and has established procedures within Personnel for responding to any situation that presents the possibility of violence.

## II. Workplace Violence Defined

Workplace violence includes, but is not limited to, the following:

- 1) Threats of any kind;
- 2) Threatening, physically aggressive, or violent behavior, such as intimidation of or attempts to instill fear in others;
- 3) Other behavior that suggests a propensity towards violence, which can include belligerent speech, excessive arguing or swearing, sabotage, or threats of sabotage of MHLS property, or a demonstrated pattern of refusal to follow MHLS policies and procedures;
- 4) Defacing MHLS property or causing physical damage to the facilities; or
- 5) With the exception of security personnel, bringing weapons or firearms of any kind on MHLS premises while conducting MHLS business. Firearms and weapons must be kept locked in an employee's vehicle while they are on MHLS property.

## III. Reporting

If any employee observes or becomes aware of any of the above-listed actions or behavior by an employee, customer, consultant, visitor, or anyone else, he or she should notify the Executive Director or Personnel Officer immediately.

Further, employees should notify the Executive Director or Personnel Officer if any restraining order is in effect, or if a potentially violent non-work-related situation exists that could result in violence in the workplace.

## IV. Investigation

All reports of workplace violence will be taken seriously and will be investigated promptly and thoroughly. In appropriate circumstances, MHLS will inform the reporting individual of the results of the investigation. To the extent possible, MHLS will maintain the confidentiality of the reporting employee and of the investigation. MHLS may, however, need to disclose results in appropriate circumstances, for example, in order to protect individual safety. MHLS will not tolerate retaliation against any employee who reports workplace violence.

## V. Corrective Action and Discipline

If MHLS determines that workplace violence in violation of this policy has occurred, MHLS will take appropriate corrective action and will impose discipline on offending employees. The appropriate discipline will depend on the particular facts but may include written or oral warnings, probation, reassignment of responsibilities, suspension, or termination. If the violent behavior is that of a non-employee, MHLS will take appropriate corrective action in an attempt to ensure that such behavior is not repeated.

Under certain circumstances, MHLS may forego disciplinary action on the condition that the employee takes a medical leave of absence. In addition, MHLS may request that the employee participate in counseling, either voluntarily or as a condition of continued employment.

### **Abusive Conduct Prevention**

MHLS is firmly committed to a workplace free from abusive conduct as defined herein. We strive to provide high quality services in an atmosphere of respect, collaboration, openness, safety and equality.

Abusive conduct includes acts or omissions that a reasonable person would find abusive, based on the severity, nature, and frequency of the conduct. Such conduct may include but is not limited to:

- Repeated verbal abuse, including derogatory remarks, insults, and epithets
- Verbal, nonverbal, or physical conduct of a threatening, intimidating, or humiliating nature
- The sabotage or undermining of an employee's work performance in the workplace

Abusive conduct does not include:

- Coaching and counseling, including feedback about, correction of, and/or corrective action concerning work performance or misconduct
- Reasonable work assignments, including overtime assignments
- Individual differences in styles or personal expression
- Passionate expression with no intent to harm others
- Differences of opinion on work-related concerns
- The proper exercise of managerial prerogative
- Conduct that is reasonably related to the legitimate interests of MHLS

MHLS employees and trustees who believe they have been subjected to abusive conduct in the course of their work for MHLS, and individuals who believe they have been subjected to abusive conduct by an MHLS employee or trustee, are encouraged to report the matter orally or in writing to the MHLS Executive Director and/or the Finance Manager & Personnel Officer and/or the MHLS Board President. Any person seeking to file a complaint should provide precise details of each incident of abusive conduct, including dates, times, locations and any witnesses. MHLS reserves the right to determine how best to evaluate and address complaints of abusive conduct. Abusive conduct by an MHLS employee or trustee may result in disciplinary action, up to and including termination of employment or removal from the MHLS Board of Trustees.

### **Non-competition**

Full time system employees may not enter into competition with MHLS by providing a service for pay to any member library that MHLS provides or makes available to any member library.

Private business interests must be addressed on the personal time of the full time and part time employee. MHLS equipment and materials shall not be used for a private business enterprise. Full time and part time employees cannot use MHLS membership or subscriber lists to solicit any personal business.

Full time and part time employees must report in writing to the Executive Director all services for which an employee receives pay from a member library. The Executive Director, in consultation with MHLS administrative staff members, will determine if an actual or potential conflict of interest may occur when an employee is in a position to influence a decision that may result in a personal gain for the employee as a result of MHLS business dealings.

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

Failure of staff to comply with this policy may lead to disciplinary action, up to and including termination of employment.

## Conflict of Interest

### ARTICLE I

#### Purpose

The purpose of this Conflict of Interest Policy is to protect the Mid-Hudson Library System (MHLS) when it is contemplating entering into a transaction or arrangement that might benefit the private interest of an officer, trustee, or employee of MHLS. It provides guidelines for handling perceived, potential or actual Conflicts of Interest and addresses procedures and disclosures of Related Party Transactions. This policy is intended to supplement but not replace any applicable state and federal laws governing Conflict of Interest applicable to nonprofit organizations, as well as the Bylaws of the Mid-Hudson Library System Board of Trustees (Board), Article XI, Conflict Of Interest.<sup>4</sup>

### ARTICLE II

#### Definitions

Section 2.1. Interested Person. An Interested Person is any trustee, officer, employee or member of a committee with powers delegated by the Board, who (1) has a direct or indirect Financial Interest, as defined below, and/or (2) is a Related Party, as defined below.

Section 2.2. Disinterested Person. A Disinterested Person is any trustee who is not an Interested Person.

Section 2.3. Relative. A Relative of an individual means his or her spouse or domestic partner, ancestors, brothers and sisters (whether whole or half blood), children (whether natural or adopted), grandchildren, great-grandchildren, and spouses of brothers, sisters, children, grandchildren and great-grandchildren.

Section 2.4. Financial Interest. A person has a Financial Interest if the person has, directly or indirectly, through business, investment, or a Relative:

(A) An ownership or investment interest in any entity with which MHLS has a transaction or arrangement;

(B) A compensation arrangement with MHLS or with any entity or individual with which MHLS has a transaction or arrangement; or

(C) A potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which MHLS is negotiating a transaction or arrangement.

Compensation includes direct and indirect remuneration as well as gifts or favors that are not insubstantial.

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<sup>4</sup> BYLAWS OF THE MID-HUDSON LIBRARY SYSTEM

ARTICLE XI CONFLICT OF INTEREST

Sec. 1. A conflict of interest exists when a matter to be acted upon by the Board confers a direct, substantial benefit to any trustee, business or agency from which a trustee of the Board derives an income or has authority in governance.

Sec. 2. A trustee shall abstain from voting on any matter before the Board, which places him or her in a conflict of interest.

Section 2.5. Substantial Financial Interest. A Financial Interest in a Related Party Transaction is a "Substantial Financial Interest" if, in the discretion of the Board after giving due consideration to the material facts and circumstances of the Financial Interest as presented, the Board determines that such Financial Interest is substantial.

Section 2.6. Related Party. A Related Party includes:

- (A) any trustee, officer or employee of MHLS;
- (B) any relative of any trustee, officer or employee of MHLS; or
- (C) any entity in which any individual described in clauses (A) and

(B) of this section has a thirty-five percent or greater ownership or beneficial interest or, in the case of a partnership or professional corporation, a direct or indirect ownership interest in excess of five percent.

Section 2.7. Employee. An employee is any person who is employed by MHLS.

Section 2.9. Related Party Transaction. A Related Party Transaction means any transaction, agreement or any other arrangement in which a Related Party has a Financial Interest and in which MHLS is a participant.

Section 2.10. Conflict of Interest. A Conflict of Interest exists if an outside interest or activity influences or appears to influence the ability of an individual to exercise objectivity or impair the individual's ability to perform his or her responsibility in the best interests of MHLS.

### ARTICLE III

#### Disclosure

Section 3.1. Initial Disclosure. Prior to the initial election of any trustee, officer, or member of a committee with powers delegated by the Board or hiring of any employee, the prospective trustee, officer, committee member, or employee shall complete, sign and submit to the President of the Board a written Disclosure Statement, attached as Appendix A, identifying, to the best of his or her knowledge, the following information:

(A) any entity of which such prospective trustee, officer, committee member, or employee is an officer, trustee, member, owner (either as a sole proprietor or a partner), or employee and with which MHLS has a relationship; and

(B) any transaction in which MHLS is a participant and in which the prospective trustee, officer, committee member, or employee might have a Financial Interest that may give rise to a Conflict of Interest or Related Party Transaction.

Section 3.2. Annual Disclosure. Each trustee officer, member of a committee with powers delegated by the Board, and employee shall annually submit to the President of the Board the written Disclosure Statement, attached as Appendix A, in which such person:

(A) identifies, to the best of his or her knowledge, the information specified in Paragraphs (A) and (B) of Section 3.1 of this Article;

(B) affirms that he or she has received a copy of the Conflict of Interest Policy, read and understands the policy, agrees to comply with the policy, and understands MHLS is nonprofit and in order to maintain its federal tax exemption it must engage primarily in activities which accomplish one or more of its tax-exempt purposes.

Section 3.3. Continuing Duty to Disclose. In connection with any actual or possible Conflict of Interest or Related Party Transaction which may arise in the ordinary course of the year and within Board or committee meetings, an Interested Person must disclose the existence of the Financial Interest and

be given the opportunity to disclose all material facts to the Board. Such disclosure may be made in a written statement or orally at a meeting of the Board, provided that such oral disclosure must be documented in the minutes of the meeting at which such disclosure is made and given to the President of the Board for review by the MHLS Board Executive Committee in accordance with Article IV, Section 4.2.

## ARTICLE IV

### General Procedures

#### Section 4.1. General Prohibitions.

(A) An Interested Person is precluded from being present at or participating in any Board or committee deliberation or vote related to the transaction or arrangement giving rise to a Conflict of Interest or Related Party Transaction. Notwithstanding the foregoing, the MHLS Board or Board Executive Committee may request that an Interested Person present information to the Board or Board Executive Committee prior to the commencement of deliberations or voting relating thereto.

(B) An Interested Person shall not directly or indirectly attempt to influence improperly the deliberation or voting on the transaction or arrangement giving rise to the conflict.

#### Section 4.2. Determining Whether a Conflict of Interest or Related Party Transaction Exists.

(A) After the Interested Person's disclosure of the existence of and all material facts relating to his or her Financial Interest as required under Article III, and after any discussion among the remaining members of the Board or the Board Executive Committee and the Interested Person regarding the facts and circumstances of the Financial Interest, the Board Executive Committee shall discuss and make a recommendation to the Board as to each of the determinations required by Paragraphs (C) and (D) of this Section 4.2. Alternatively, if the existence of the Financial Interest initially arises at a meeting of the Board, then the Board can directly make the determinations required without seeking recommendations from the Executive Committee, provided the Interested Person leaves the meeting while the remaining members of the Board discusses the information disclosed.

(B) Upon due discussion and consideration of the Board Executive Committee recommendations, the Board shall make each of the determinations required by Paragraphs (C) and (D) of this Section 4.2.

(C) Upon discussion, the remaining Board members shall decide and document in the meeting minutes if the transaction or arrangement constitutes a Related Party Transaction as defined in Article II, Section 2.9. If so, then the Board must also determine and document in the meeting minutes whether the Related Party has a Substantial Financial Interest, as defined in Article II, Section 2.5, in the proposed Related Party Transaction. Regardless of whether or not the Financial Interest is a Substantial Financial Interest, a Related Party Transaction is subject to the procedures set forth in Article V.

(D) If the transaction or arrangement does not constitute a Related Party Transaction as defined in Article II, Section 2.9, then the remaining Board members in their discretion shall decide if a Conflict of Interest, as defined in Article II, Section 2.10, exists nonetheless, after giving due consideration to the material facts and circumstances presented. If the Board determines that the transaction or arrangement involves a Conflict of Interest, then such transaction or arrangement is subject to the procedures set forth in Article V.

## ARTICLE V

## Procedures for Addressing Conflicts of Interest & Related Party Transactions.

### Section 5.1. Consideration of Alternatives.

(A) If the transaction or arrangement is a Related Party Transaction in which the Related Party has a Substantial Financial Interest, then consideration of alternatives in accordance with this section is mandatory. For Conflicts of Interest, consideration of alternatives is within the discretion of the Board.

(B) After disclosure and discussions with the Interested Person, the Board of Trustees may appoint a Disinterested Trustee or committee of Disinterested Directors to investigate alternatives to the proposed transaction or arrangement. Alternatives must be presented to the Board and must be documented in the minutes of the meeting at which the determination is made.

(C) If alternatives are investigated and presented to the Board, then after exercising due diligence and giving due consideration for any such alternative transactions presented, the Board shall determine whether MHLS can obtain with reasonable efforts a more advantageous transaction or arrangement from a person or entity that would not give rise to a Conflict of Interest or Related Party Transaction.

### Section 5.2. Board Decision.

(A) If alternatives are considered, whether mandatory or discretionary, and if the Board determines that a more advantageous transaction or arrangement is not reasonably possible under circumstances not producing a Conflict of Interest or Related Party Transaction, the Board shall determine by a majority vote of the Board whether the transaction or arrangement is in the best interest of MHLS, and whether it is fair and reasonable.

(B) In conformity with the above determination, and in accordance with Board Bylaws and policies, the Board shall make its decision as to whether to enter into the transaction or arrangement.

(C) If the transaction or arrangement involves a Related Party Transaction in which the Related Party has a Substantial Financial Interest, then a majority of the Board members present at the meeting is required to approve such transaction.

Section 5.3. Documentation Required. In connection with all actual or possible Conflicts of Interest and Related Party Transactions, the Board shall document in the minutes of the meeting at which such determinations are made the following:

(A) The names of the persons who disclosed or otherwise were found to have a Financial Interest in connection with an actual or possible Conflict of Interest or Related Party Transaction, the nature of the Financial Interest, any action taken to determine whether a Conflict of Interest or Related Party Transaction was present, and the Board's decision as to whether a Conflict of Interest, Related Party Transaction or Substantial Financial Interest in a Related Party Transaction in fact existed.

(B) The names of the persons who were present for discussions and votes relating to the transaction or arrangement, the content of the discussions at the meeting regarding the proposed transaction or arrangement, including the alternatives to the proposed transaction or arrangement considered, if any.

(C) The determination as to whether the transaction or arrangement is fair, reasonable and in the best interest of MHLS.

(D) The determination as to whether to enter into the transaction or arrangement which gives rise to the Conflict of Interest or Related Party Transaction. If the Board of Trustees approves a Related Party Transaction in which the Related Party has a Substantial Financial Interest, then the minutes must also include the basis for such approval.

(E) A record of any votes taken in connection with the proceedings.

## ARTICLE VI

### Oversight & Reviews

Section 6.1. Oversight Responsibility. The designated Board Executive Committee, as defined in the Board Bylaws, shall oversee the adoption of, implementation of, and compliance with this Conflict of Interest Policy in accordance with the procedures contained herein and within the process and authority granted under the Bylaws.

Section 6.2. Violation of the Conflict of Interest Policy.

(A) If the Board Executive Committee has reasonable cause to believe a trustee, officer or employee has failed to disclose an actual or possible Conflict of Interest or Related Party Transaction, it shall inform such person of the basis for such belief and afford such person an opportunity to explain the alleged failure to disclose.

(B) If, after hearing the response of the trustee, officer or employee and after making further investigation as warranted by the circumstances, the Board Executive Committee determines that the trustee, officer or employee has failed to disclose an actual or possible Conflict of Interest or Related Party Transaction, it shall recommend to the Board appropriate disciplinary and corrective action, up to and including dismissal or termination, and referral to the New York State Board of Regents for possible removal of a trustee, pursuant to New York State Education Law Section 226.

Section 6.3. Periodic Reviews. To ensure MHLS operates in a manner consistent with its nonprofit purposes and does not engage in activities that could jeopardize its tax-exempt status, the Board shall conduct periodic reviews. The periodic reviews shall, at a minimum, include the following subjects reviewed by Board committees:

(A) Whether compensation arrangements and benefits are reasonable, based on competent survey information, reviewed by the Personnel and Planning Committee.

(B) Whether partnerships, joint ventures, and arrangements with other organizations conform to MHLS written policies, are properly recorded, reflect reasonable investment or payments for goods and services, further nonprofit purposes and do not result in impermissible or excessive benefit, reviewed by the Finance Committee.

Section 6.4. Use of Outside Experts. When conducting the periodic reviews as provided for in Article VI, Section 6.3, MHLS may, but need not, use outside advisors. If outside experts are used, their use shall not relieve the Board of its responsibility for ensuring periodic reviews are conducted.

### Non-Fraternization

In order to promote the efficient operation of MHLS's business and to avoid misunderstandings; complaints of favoritism; other problems of supervision, security and morale; and possible claims of sexual harassment, managers and supervisors are forbidden from dating or pursuing romantic or sexual relationships with employees whom they supervise, directly or indirectly. Employees who violate this guideline will be subject to discipline, up to and including termination of employment.

### Open Door Policy



MHLS has a specific procedure detailed in the separate Policy Against Harassment and Discrimination that should be used to report concerns or complaints related to possible sexual harassment, or other forms of harassment, discrimination, or retaliation based on a protected category. Separately, MHLS has an Open Door Policy that encourages employees to participate in decisions affecting them and their daily professional responsibilities. Employees who have job-related concerns or complaints are encouraged to discuss them with their supervisor or any other management representative with whom they feel comfortable. MHLS believes that employee concerns are best addressed through this type of informal and open communication.

Employees are encouraged to raise work-related concerns with their immediate supervisor, or with a supervisor or other management representative of their choice, as soon as possible after the events that cause the concern. Employees are further encouraged to pursue discussion of their work-related concerns until the matter is fully resolved. Although MHLS cannot guarantee that in each instance the employee will be satisfied with the result, MHLS will attempt in each instance to explain the result to the employee if the employee is not satisfied. MHLS will also attempt to keep all such expressions of concern, the results of any investigation, and the terms of the resolution confidential. In the course of investigating and resolving the matter, however, some dissemination of information to others may be necessary or appropriate. No employee will be disciplined or otherwise penalized for raising a good-faith concern.

Employees who conclude that work-related concerns should be brought to the attention of MHLS by written complaint and formal investigation may avail themselves of the "Internal Complaint Review Procedure" set forth in this Handbook/Manual.

## **Employee Complaint Reporting Procedure**

### **A. Purpose and Scope**

The purpose of this Procedure for Reporting Employee Complaints is to establish a process for all employees of MHLS to use to notify MHLS of their work-related concerns, and to give MHLS the opportunity to learn about, address, and resolve the complaint. This policy is intended to supplement the Open Door Policy set forth in this Handbook/Manual, which states MHLS's philosophy that all employees have free access to their immediate supervisors or to other MHLS supervisors of their choice to informally express their work-related concerns. As noted in the Open Door Policy, MHLS has a specific procedure detailed in its Policy Against Harassment and Discrimination that should be used to report concerns or complaints related to possible sexual harassment, or other forms of harassment, discrimination, or retaliation based on a protected category.

Importantly, when the nature of the concern pertains to an actual or suspected violation of the law, or an ethical violation, including under MHLS's Rules of Conduct and/or ethics and business code, all employees, directors, and officers of MHLS are required to file a complaint using the procedure below. This includes reporting any activity that is considered by the person making the complaint to be illegal or dishonest. Examples of illegal and 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. Any questions regarding whether a concern is subject to this mandatory reporting policy should be resolved in favor of filing the complaint.

## B. Procedure

### 1. Filing of Complaint

The nature of the concern or complaint dictates where individuals should report them, as follows:

- *Concerns or complaints related to finance, accounting, audit, and similar matters:*  
Any reported concerns or complaints regarding corporate accounting practices, internal controls, auditing, or financial matters, must be reported to MHLS's Executive Director or the MHLS Board President by contacting the Administrative Associate for the telephone number and/or email address of the current Board President.
- *All other concerns or complaints:*  
Any other concern or complaint under this policy should be reported to his or her supervisor as soon as possible, except where the subject of the report pertains to the conduct of such supervisor, in which case the individual must report the concern by utilizing any of the alternative means set forth below.

Alternative reporting method: If, for any reason, an individual would prefer not to discuss the subject of the concern with the individual identified above, then he or she must report the concern as soon as possible to the Personnel Officer, Executive Director or the MHLS Board President.

### 2. Investigation

The Personnel Officer will date and log all written complaints and send the employee an acknowledgment that the complaint is under review.

The Personnel Officer or his/her/its designee will investigate the complaint, meeting separately with the employee and with others who either are named in the complaint or who may have knowledge of the facts set forth in the complaint. MHLS will attempt to treat all internal complaints and their investigation as confidential, recognizing, however, that in the course of investigating and resolving internal complaints some dissemination of information to others may be necessary or appropriate.

On completion of the investigation, the Personnel Officer will orally report its findings and conclusions to the employee. If the complaint is resolved to the employee's satisfaction, the terms of the resolution should be recorded and signed by both the employee and a representative of the Personnel Officer.

### 3. Appeal

If the complaint is not resolved to the employee's satisfaction, the employee may submit a written request for review of the complaint to the Executive Director. On completion of the appeal review, the employee should receive an oral explanation of the conclusion reached and the reasons for that conclusion. Decisions resulting from appeal reviews will be final.

### 4. Non-Retaliation

MHLS will not tolerate retaliation against individuals for: reporting a good faith concern under this policy; participating in or cooperating in any internal investigations of reported concerns; or otherwise engaging in conduct protected by law. Prohibited retaliation can be adverse employment actions, like termination, compensation decreases, or poor work assignments, or even threats of physical harm.

Such retaliation is a separate violation of MHLS policy. It also may violate applicable law. (For example, a complaint may qualify as protected "whistleblowing" under an applicable law that prohibits retaliation due to whistleblowing).

Anyone who believes that he or she has been retaliated against for reporting a good faith concern, for participating in or cooperating in an internal investigation of a concern, or for exercising his or her rights, or otherwise engaging in conduct protected by law, should immediately notify MHLS using the same Procedure described above.

### **Environmental Sustainability**

MHLS is committed to reducing our environmental footprint and promoting environmental stewardship at all levels of our organization. Our goal is to minimize our organization's impact and maximize future generations' ability to live, work, and play in our shared natural environment, with equal access to clean air, clean water, and natural resources.

MHLS staff are expected to participate in procedures and programs in our organization that strive to minimize pollution and waste, conserve energy and water, protect habitat, support renewable energy resources, buy environmentally friendly products, and encourage environmentally preferable transportation.

These efforts will extend to contractor and supplier relationships.

Employee understanding and involvement are essential to the implementation of our environmental policies. All employees will have access to education about our organization's efforts to improve our environmental performance. Employees at all levels of the organization will be involved in supporting our goals.

### **Document/Record Retention**

Please refer to the Record Retention and Disposition Schedule LGS-1 for the types of and period of time that documents and records will be retained. At least one copy of each document or record that is applicable to MHLS will be retained according to the schedule.

### **Document Destruction**

Hard copy of documents will be destroyed by shredding after they have been retained until the end of the Document/Record Retention Schedule.

### **Provision of Documentation for Investigations or Litigation**

Documents requested and subpoenaed by legally authorized personnel will be provided within five (5) business days. No documents will be concealed, altered or destroyed with the intent to obstruct the investigation or litigation.

### **Right of Nursing Mothers**

Section 206-c of the New York State Labor Law provides the right of nursing mothers to express breast milk. In accordance with the law, MHLS shall provide reasonable unpaid break time each day to allow an employee to express breast milk for her nursing child for up to three years following childbirth.

An employee wishing to avail herself of this benefit is required to give advance notice. Such notice shall preferably be provided to the employer prior to the employee's return to work following the birth of the child in order to allow MHLS an opportunity to establish a location and schedule time amongst multiple employees if needed.

Each break shall generally be no less than 20 minutes and may run concurrently with regularly scheduled paid rest breaks or meal times.

Upon election of employee, MHLS will allow the employee to work before or after her normal shift to make up the amount of time used during the unpaid break time(s) for the expression of breast milk so long as such additional time requested falls within normal work hours. MHLS will make reasonable efforts to provide the employee with the use of a remote location, other than a toilet stall, in close proximity to the employee's work area for the purpose of expressing breast milk in private, locked room. The room or location may include a place where the employee normally works. Should you require lactation accommodations following a return from pregnancy leave, please advise the Personnel Officer so that accommodations may be made.

MHLS is not responsible for insuring the safekeeping of expressed milk stored in the refrigerator on its premises.

### **Employee Protection (Whistleblower) Policy**

MHLS is committed to upholding the highest standards of ethical, moral and legal business conduct, and transparency through open communication. Accordingly, all trustees, officers, employees and volunteers are required to comply with applicable federal, state and local laws, and must faithfully implement and adhere to MHLS policies and procedures in conducting their duties and responsibilities. This policy provides an avenue for all trustees, officers, employees and volunteers to report any suspected or actual conduct contrary to these standards without the fear of intimidation, harassment, discrimination or retaliation.

#### **ARTICLE I**

##### **Reporting Responsibility**

Section 1.1. Duty to Report. It shall be the MHLS's policy that all trustees, officers, employees and volunteers of MHLS have a responsibility to report known or suspected violations in accordance with this Whistleblower Policy. This includes reporting any action or suspected action taken by or within MHLS that is illegal, fraudulent or in violation of any policy of MHLS, which the reporter has either actual knowledge of or has a reasonably good faith belief that same occurred. Suspected or actual wrongful action(s) regarding MHLS finances and governance include but are not limited to the following:

- (A) Incorrect financial reporting;
- (B) Unlawful activity;

- (C) Activities that are inconsistent with MHLS policies; and
- (D) Activities which otherwise amount to serious improper conduct.

## ARTICLE II

### Procedure

Section 2.1. Oversight. The Executive Committee of the MHLS Board, as defined in the Bylaws, shall oversee the adoption, implementation of, and compliance with this Whistleblower Policy.

Section 2.2. Compliance Officer. The Compliance Officer shall be the President of the Board. Should the Compliance Officer be the subject of the report, then the Executive Committee shall appoint another member of the Committee to perform the Compliance Officer's role regarding the allegations. The Compliance Officer shall be responsible for administering the Whistleblower Policy, overseeing an investigation, and reporting to the Executive Committee. The Compliance Officer shall report to the MHLS Board at least annually on compliance activity.

Section 2.3. Reporting Violations. All reports should be made using the *Whistleblower Reporting Form*, attached as Appendix A, which will be available on the MHLS website and Intranet. Trustees, Officers, employees and volunteers should promptly report alleged violations to the Compliance Officer. If reporter deems it inappropriate to file the report with the Compliance Officer, the report may be submitted to the MHLS Board Vice-President. Any such reports received by the MHLS Board Vice-President, including the completed *Whistleblower Reporting Form*, shall be forwarded to the Executive Committee, subject to the restrictions of Section 2.2.

Section 2.4. Anonymous Reporting. With the exception of a person's report of his or her own violation, the reporter shall not be required to provide his or her name on said form. However, anonymous reports must include sufficient information, including but not limited to, the name of the person against whom the report is being made, the date of the incident, and a description of the incident, in order that an investigation can be conducted.

Section 2.5. Handling Reports. The Executive Committee shall provide the reporter a timely acknowledgement of receipt of the report. All reports submitted will be placed on the agenda for a meeting of the Executive Committee of the MHLS Board. An appropriate investigation will be undertaken by the Executive Committee, or legal counsel or other designee if deemed appropriate by the Executive Committee. A report summarizing the findings will be given to the reporter within 10 business days of the Executive Committee's meeting, if a name is provided on the *Whistleblower Reporting Form*. If more than 10 business days from the date of the Executive Committee's meeting are needed to complete a thorough investigation, the reporter will be notified in writing of an estimated date when the investigation will be completed.

Section 2.6. Results of Investigation. If the investigation establishes that a violation of law, external regulation or MHLS policy has occurred, then the Executive Committee shall determine the appropriate action based upon law and MHLS policy and make a recommendation to the Board. Civil or criminal prosecution will be pursued when warranted. If the investigation establishes that no violation of law, external regulation or MHLS policy has occurred, then the Executive Committee shall report to the Board its findings and determination. The investigation is closed when the Compliance Officer has deemed the investigation is complete and the Executive Committee has approved a recommendation for a resolution and/or corrective action to the Board.

Section 2.7. Documentation. The Compliance Officer shall document the investigation and explain the rationale for any recommended resolution and/or corrective action. All documentation relating to the investigation, including the *Whistleblower Reporting Form*, and the resolution and/or corrective action taken shall remain in the MHLS records in the MHLS Business Office and/or Executive Committee records for at least five years.

Section 2.8. Confidentiality. All violations or suspected violations may be submitted on a confidential or anonymous basis. Reports will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation and prevent or correct suspected action(s). The Compliance Officer shall disclose information relating to a report with those who have a need to know so that the Executive Committee can conduct an effective investigation and determine what action to take based on the results of any such investigation. In appropriate cases, the investigation documents will be shared with law enforcement personnel. Disclosure of reports to individuals not involved in the investigation shall be viewed as a serious disciplinary offense and may result in discipline, up to and including dismissal, termination or civil lawsuits.

Section 2.9. Protection against Retaliation. Any MHLS trustee or officer, employee or volunteer who reports a suspected or actual violation(s), in good faith shall not suffer intimidation, harassment, discrimination or other retaliation or, in the case of an employee, adverse employment action.

### ARTICLE III

#### Regulations

Section 3.1. Discipline for Retaliatory Conduct. Retaliation is a serious violation of this policy and should be reported immediately to the MHLS Board President. Depending on the nature and seriousness of the offense, MHLS will impose appropriate discipline against any trustee, officer or employee found to have engaged in any form of retaliatory conduct against an individual reporting suspected or actual wrongful action(s) in accordance with this policy, up to and including dismissal or termination, and referral to the New York State Board of Regents for possible removal of a trustee, pursuant to New York State Education Law Section 226. Volunteers that engage in any such conduct will not be permitted to volunteer in MHLS activities.

Section 3.2. Good Faith Reporting. Any MHLS trustee, officer, employee or volunteer who files a report concerning a violation or suspected violation must do so in good faith and have reasonable grounds for believing the information in the report indicates a violation under this policy. MHLS will impose appropriate discipline against any trustee, officer or employee found to have knowingly made a report/complaint in bad faith, up to and including dismissal or termination, and referral to the New York State Board of Regents for possible removal of a trustee, pursuant to New York State Education Law section 226. This includes, but is not limited to, giving false information or making a report in retaliation. Volunteers that engage in any such conduct will not be permitted to volunteer in MHLS activities.

### ARTICLE IV

#### Applicability and Distribution of Policy

This policy shall apply to and be distributed to all employees, trustees, officers, and volunteers of MHLS at the time of appointment or hiring and annually thereafter.

## Termination, Discipline, and Rules of Conduct

### I. Termination

#### A. Voluntary Termination

A voluntary termination of employment occurs when an employee submits a written notice of resignation, including intent to retire, to his or her supervisor.

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MHLS will consider an employee to have voluntarily terminated his or her employment if an employee does any of the following:

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- 1) Elects to resign from MHLS providing a minimum of two weeks' notice;
- 2) Fails to return from an approved leave of absence on the date specified by MHLS; ~~or~~

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#### Procedures:

1. Employees are requested to provide a minimum of two weeks' notice of their intention to separate employment. The employee should provide a written resignation notification to his or her manager.
2. Upon receipt of an employee's resignation, the manager will notify the Personnel Officer by sending a copy of the resignation letter and any other pertinent information (e.g., employee's reason for leaving, last day of work).
3. The Personnel Officer will coordinate the employee's departure from MHLS. This process will include the employee's returning all MHLS property, a review of the employee's post-termination benefits status and the employee's completion of an exit interview.

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#### B. Involuntary Termination

An employee may be terminated involuntarily for reasons that may include poor performance, misconduct, or other violations of MHLS's rules of conduct as set forth below. Notwithstanding this list of rules, MHLS reserves the right to discharge or demote any employee with or without cause and with or without prior notice.

#### C. Termination Due to Reorganizations, Economics, or Lack of Work

From time to time, MHLS may need to terminate an employee as a consequence of reorganizations, job eliminations, economic downturns in business, or lack of work. Should MHLS consider such terminations necessary, MHLS will attempt to provide all affected employees with advance notice when practical. Layoff benefits associated with such terminations, if any, will be as specified in the notice.

### II. Discipline and Rules of Conduct

Employees are expected to observe certain standards of job performance and good conduct. When performance or conduct does not meet MHLS standards, the employee will be subject to discipline up to and including termination.

The rules set forth below are intended to provide employees with notice of what is expected of them. Necessarily, however, such rules cannot identify every type of unacceptable conduct and performance. Therefore, employees should be aware that conduct not specifically listed below but which MHLS

determines adversely affects or is otherwise detrimental to the interests of MHLS, other employees, or customers, may also result in disciplinary action.

#### A. Job Performance

Employees may be disciplined for poor job performance, including but not limited to the following:

- (1) Unsatisfactory work quality or quantity;
- (2) Excessive absenteeism, tardiness, or abuse of rest break and meal period policies;
- (3) Failure to follow instructions or MHLS procedures; or
- (4) Failure to follow established safety regulations.

#### B. Misconduct

Employees may be disciplined for misconduct, including but not limited to the following:

- (1) Failure or refusal to perform a work-related task;
- (2) Dishonesty;
- (3) Theft;
- (4) Discourtesy, rudeness, or unprofessional behavior toward a customer, or member of the public;
- (5) Harming or destroying MHLS property or the property of another on MHLS premises;
- (6) Violating conflict of interest rules;
- (7) Disclosing or using confidential proprietary information, such as MHLS's trade secrets, without authorization;
- (8) Falsifying or altering MHLS records, including an application for employment or timekeeping records;
- (9) Interfering with the work performance of others;
- (10) Violating MHLS's rules against discrimination and harassment;
- (11) Being under the influence of, manufacturing, dispensing, distributing, using, or possessing alcohol or illegal or controlled substances on MHLS property or while conducting MHLS business;
- (12) Gambling on MHLS premises or while conducting MHLS business;
- (13) Sleeping on the job or leaving your work location/work site without authorization for a purpose other than a legally protected activity;
- (14) Possessing a firearm or other dangerous weapon on MHLS property or while conducting MHLS business; or
- (15) Being convicted of a crime that indicates unfitness for the job or raises a threat to the safety or well-being of MHLS, its employees, customers, or property; or
- (16) Working for another employer or entity while on a leave of absence from MHLS, without prior written notice and agreement by MHLS;
- (17) Failing to report to MHLS, within five days, any conviction under any criminal drug statute for a violation occurring in the workplace.

#### C. Attendance

In addition to the general rules stated above, employees may be disciplined for failing to observe the following specific requirements relating to attendance:



- 1) Reporting to work on time, observing rest break and meal period policies, recording all time worked, and obtaining approval to leave work early; and
- 2) Notifying the supervisor in advance of anticipated tardiness or absence.

#### D. Discipline Procedure

Except as set forth below, discharge or demotion for poor performance ordinarily will be preceded by an oral warning and a written warning.

MHLS reserves the right to proceed directly to a written warning, demotion, or termination for misconduct or performance deficiency, without resort to prior disciplinary steps, when MHLS deems such action appropriate.

#### III. Exit Interview

Employees who leave MHLS for any reason may be asked to participate in an exit interview. This interview is intended to permit terminating employees the opportunity to communicate their views regarding their work with MHLS, including job duties, job training, job supervision, and job benefits. At the time of the interview, employees are expected to return all MHLS-furnished property, such as uniforms, tools, equipment, I.D. cards, keys, credit cards, documents, and handbooks. Arrangements for clearing any outstanding debts with MHLS and for receiving final pay also will be made at this time.

#### IV. Employment at Will

Nothing in this Guideline is intended to alter the at-will status of employment with MHLS. Either you or MHLS may terminate the employment relationship at any time with or without cause and with or without prior notice. MHLS reserves the right to terminate any employment relationship, to demote, or to otherwise discipline an employee without resort to the above disciplinary procedures.

### Chain of Command

For questions about the handbook, suggestions, unresolved evaluation disagreements, or any other concerns the employee may have, the employee should use the following Chain of Command:

First -	Immediate Supervisor
Second -	Personnel Officer
Third -	Executive Director

If an issue remains unresolved after following this Chain of Command, the employee may contact the Board President.

## ACKNOWLEDGMENT OF RECEIPT OF HANDBOOK

PLEASE READ THE EMPLOYEE HANDBOOK AND FILL OUT AND RETURN THIS PORTION TO THE PERSONNEL OFFICER WITHIN ONE WEEK OF EMPLOYMENT.

Employee Name: \_\_\_\_\_

I acknowledge that I have received a copy of MHLS's Employee Handbook. I understand that I am responsible for reading the Handbook and for knowing and complying with the policies set forth in the Handbook during my employment with MHLS.

I further understand, however, that the guidelines contained in the Handbook are guidelines only and are not intended to create any contractual rights or obligations, express or implied, and shall not be construed to create any type of right to a "fair procedure" prior to termination or other disciplinary action. I also understand that, except for MHLS's at-will employment policy, MHLS may amend, interpret, modify, or withdraw any of the provisions of the Handbook at any time in its sole discretion, with or without notice. Furthermore, I understand that, because MHLS cannot anticipate every issue that may arise during my employment, if I have any questions regarding any of MHLS's guidelines or procedures, I should consult MHLS's Personnel Officer.

I understand and agree that my relationship with MHLS is "at-will," which means that my employment is for no definite period and may be terminated by me or by MHLS at any time and for any reason, with or without cause or advance notice. I also understand that MHLS may demote or discipline me or otherwise alter the terms of my employment at any time at its sole discretion, with or without cause or advance notice.

I understand and agree that the terms of this Acknowledgment may not be modified or superseded except by a written agreement signed by the President of MHLS, that no other employee or representative of MHLS has the authority to enter into any such agreement, and that any agreement to employ me for any specified period of time or that is otherwise inconsistent with the terms of this Acknowledgment will be unenforceable unless in writing and signed by the Executive Director of MHLS. I further understand and agree that if the terms of this Acknowledgment are inconsistent with any guideline or practice of MHLS now or in the future, the terms of this Acknowledgment shall control.

Finally, I understand and agree that this Acknowledgment contains a full and complete statement of the agreements and understandings that it recites, that no one has made any promises or commitments to me contrary to the foregoing, and that this Acknowledgment supersedes all previous agreements, whether written or oral, expressed or implied, relating to the subjects covered in this Acknowledgment. I have carefully read this Acknowledgement of Receipt.

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

