



**Maspeth Town Hall**

# **Employee Handbook**

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**53-37 72nd Street, Maspeth, NY 11378**

[www.maspethtownhall.org](http://www.maspethtownhall.org)

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## Welcome Letter

Dear Employee:

On behalf of Maspeth Town Hall, Inc (MTH), we would like to extend you a sincere welcome!

We are pleased that you have joined our organization and look forward to a mutually beneficial relationship. It has always been our philosophy that MTH would not only be a source of income for its employees, but also a pleasant place to work. We also hope to instill a culture of respect in the workplace.

To help you become an effective and integral team member, we have prepared this handbook to answer the questions you might have regarding our policies and benefits. The provisions in this handbook are subject to change at the sole discretion of Management, as are all policies, procedures, benefits or other programs at MTH. From time to time, you may receive updated information concerning changes in policy.

Please keep this handbook available for future reference. If you have any questions, please ask your immediate supervisor or the Human Resource Manager.

We hope you find your work with Maspeth Town Hall, Inc. to be interesting and rewarding.

Sincerely,

Eileen Reilly, Executive Director

## Company History

### **MASPETH TOWN HALL HISTORY**

Welcome to Maspeth Town Hall, Inc. (“MTH”). MTH is a non-profit community center founded in 1972 to meet the educational, cultural and recreational needs of Maspeth and the surrounding neighborhoods of Woodside, Ridgewood, Corona, Elmhurst, Glendale, Rego Park and Middle Village.

The organization is housed in a one and half story frame schoolhouse that was built a century ago. It served the area as P.S. 73 until 1932, when a new school was erected nearby. Between 1932 and 1936, the building was used as a Girls' Club, and later as a depression-era Works Project Administration site. From 1936 through 1971, the building housed the 112th Police Precinct.

Abandoned again, the building fell victim to neglect and vandalism until a group of concerned citizens, led by MTH founder, Marge Markey, formed a coalition of private, business and government interests to save the historic structure, initiating its role as an active community center.

Today, MTH is a thriving community center providing a variety of services including Mommy & Me Toddler groups, Teen Drama Club, Children's Art Classes, After School Programs, Summer Camp, Senior classes in Art, Chair Yoga and Tai Chi and more cultural and recreational activities. MTH continues to grow due to the love, support, and time given by so many over the past forty years. We serve families from all ethnic and cultural backgrounds, regardless of their economic status. We are proud of our professional staff who work together for the good of the community!

## General Employment Policies

### Employment at Will

MTH abides by a policy of employment-at-will, which permits MTH or the employee to terminate the employment relationship at any time, for any reason, with or without notice. Neither the policies contained in this employee handbook, nor any other written or verbal communication, are intended to create a contract of employment or a warranty of benefits. No contractual relationship will arise unless an express written contract is signed by the Executive Director, who is the only representative authorized to enter into such an agreement.

### Purpose of the Handbook

This handbook was developed to describe some of the requirements of our employees and to outline the policies, programs, and benefits available to eligible employees. Employees should familiarize themselves with the contents of the employee handbook, for it will answer many questions about employment with MTH.

No employee handbook can anticipate every circumstance or question about MTH's policies. MTH reserves the right to revise, supplement, or rescind any policies or portion of the handbook as it deems appropriate, in its sole discretion at any time with or without notice. However, nothing in this handbook shall limit the employment-at-will policy permitting you or MTH to end our relationship at any time, for any reason, with or without notice.

Employees will be notified of changes to the handbook as they occur. This handbook is not an employment contract. The terms of any insurance policy, benefit plan or collective bargaining agreement supersede any statements contained in this handbook. The policies and procedures set forth in this handbook supersede any prior Company handbooks, policies or procedures that conflict with those contained herein.

### Equal Employment Opportunity

MTH is an equal opportunity employer, where employment is based upon personal capabilities and qualifications, in compliance with all applicable federal, state, and local fair employment practices laws. MTH strictly prohibits and does not tolerate discrimination against employees, applicants, interns, or any other covered persons because of their actual or perceived age, race, ethnicity, creed, color, religion, sex, including pregnancy, gender, actual or perceived gender identity or expression, transgender status, actual or perceived sexual orientation, national origin, alienage or citizenship status, marital status, familial status, caregiver status, military status, including past, current, or prospective service in the uniformed services, genetic information, status as a victim of domestic violence status, sexual or reproductive health decision making, actual or perceived physical or mental disability, or any other protected characteristic as established by applicable law.

MTH is strongly committed to this policy and believes in the concept and spirit of the law. Consistent with this policy, MTH will attempt to reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of the job, unless doing so would create an undue hardship on MTH. MTH will also attempt to make reasonable accommodations for the following circumstances: victims of domestic violence, sex offenses or stalking; pregnancy, childbirth or related medical conditions; and religious beliefs and practices.

All employees are responsible for supporting the concept of equal opportunity and assisting MTH in meeting its objectives. Equal employment opportunity applies to all policies and procedures relating to

recruitment, hiring, compensation, benefits, termination, and all other terms and conditions of employment.

#### **Workplace Anti-Harassment Policy**

MTH strictly prohibits and does not tolerate harassment against employees, applicants or any other covered persons, including interns, by co-workers, supervisors, managers, or third parties on the basis of a person's actual or perceived age, race, ethnicity, creed, color, religion, sex, including pregnancy, gender, actual or perceived gender identity or expression, transgender status, actual or perceived sexual orientation, national origin, alienage or citizenship status, marital status, familial status, caregiver status, military status, including past, current, or prospective service in the uniformed services, genetic information, status as a victim of domestic violence status, sexual or reproductive health decision making, actual or perceived physical or mental disability, or any other protected characteristic as established applicable law.

Furthermore, all MTH employees, other workers and third parties (including vendors, customers, clients, and visitors) are prohibited from harassing employees, other workers and third parties (including vendors, customers, clients, and visitors) based on an individual's sex (including that individual's pregnancy, childbirth, breastfeeding, or medical conditions relating to pregnancy, childbirth or breastfeeding), actual or perceived sexual orientation or gender (including that individual's gender identity and gender expression) and regardless of the harasser's sex or gender.

#### Sexual Harassment

Sexual harassment is unlawful and against MTH policy. There are many federal and state laws which prohibit sexual harassment, including Title VII of the Civil Rights Act of 1964, New York Human Rights Law § 296.1 and additional applicable local laws.

Sexual harassment is a form of employee misconduct and is strictly prohibited. Sanctions, including discipline up to and including termination, will be enforced against any employee found to have engaged in sexual harassment.

Sexual harassment means any harassment based on someone's actual or perceived sex, sexual orientation, or gender, as described in this policy. It includes harassment that is not sexual in nature (for example, offensive remarks about an individual's sex or gender), as well as any unwelcome sexual advances or requests for sexual favors or any other conduct of a sexual nature, when any of the following is true:

- Submission to the advance, request or conduct is made either explicitly or implicitly a term or condition of employment.
- Submission to or rejection of the advance, request or conduct is used as a basis for employment decisions (including hiring and/or promotion).
- Such advances, requests or conduct have the purpose or effect of substantially or unreasonably interfering with an employee's work performance by creating an intimidating, hostile or offensive work environment.

The following is a non-exhaustive list of some of the types of acts that may be unlawful sexual harassment:

- Physical assaults of a sexual nature, such as:
  - Rape, sexual battery, molestation, or attempts to commit these assaults.



- Intentional or unintentional physical conduct which is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another employee's body, or poking another employees' body.
- Unwanted sexual advances, propositions or other sexual comments, such as:
  - Requests for sexual favors accompanied by implied or overt threats concerning the victim'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, jokes or comments about a person's sexuality or sexual experience which are sufficiently severe or pervasive to create a hostile work environment.
- 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, pornographic.

MTH will not tolerate any form of sexual harassment, regardless of whether it is:

- Verbal (for example, epithets, derogatory statements, slurs, sexually-related comments or jokes, suggestive or obscene letters, unwelcome sexual advances or requests for sexual favors).
- Physical (for example, assault, inappropriate physical contact or impeding or blocking movements).
- Visual (for example, displaying sexually suggestive posters cartoons or drawings, sending inappropriate adult-themed gifts, leering or making sexual gestures).

#### Off-Premises Conduct

MTH will not tolerate harassment that takes place outside the workplace at employer-sponsored events, during work-related travel or business trips, and/or on social media (i.e., Facebook, Twitter, LinkedIn, Instagram, etc.). Note that this policy is not intended to preclude or dissuade employees from engaging in activities protected by state or federal law, including the National Labor Relations Act.

This list is illustrative only, and not exhaustive.

#### Complaint Procedure

If you are subjected to any conduct that you believe violates any of the policies above, or witness any such conduct, you should promptly report the conduct to your direct supervisor, either verbally or in writing, as soon as possible following the offending conduct. A standard complaint form may be obtained from the on-line documents in ADP or from the office of the Human Resource Manager. If the conduct involves your direct supervisor or for any other reason you prefer not to bring your complaint to your direct supervisor, you may also speak to, write to, or otherwise contact the Human Resource Manager. MTH will promptly, impartially and thoroughly investigate the facts and circumstances of all claims of perceived discrimination and will take immediate, proportionate and prompt corrective action, if appropriate. If MTH discovers behavior that may not be legally actionable "harassment" but which, if left unchecked, may lead to same, MTH will respond appropriately.

The identity of an individual who submits a report, a witness who provides information regarding a report, and the target of the complaint, will be kept confidential to the extent possible consistent with a thorough

and impartial investigation. Any information gathered as part of an investigation will be kept confidential to the extent possible consistent with a thorough and impartial investigation.

Additionally, any manager or supervisor who observes discriminatory conduct must report the conduct to the Human Resource Manager so that an investigation can be made, and corrective action taken, if appropriate.

Employees are also entitled to bring claims of sexual or other harassment in federal and state courts, or through administrative agencies, including the Equal Employment Opportunity Commission and/or the New York State Division of Human Rights. There may be additional local laws concerning sexual or other harassment available to employees seeking resolution of their claims. Remedies awarded by agencies or the courts may include redress of the discriminatory/harassing conduct (e.g., reinstatement to a position, back/front pay), monetary damages and attorney's fees.

#### Investigation

MTH will ensure that a fair, timely, and thorough investigation is conducted in an impartial manner that provides all parties with appropriate due process and reaches reasonable conclusions based on the evidence collected. MTH will maintain appropriate documentation and tracking to ensure reasonable progress is made. At the close of the investigation, MTH will consider appropriate options for remedial actions and resolutions. If misconduct is found, MTH shall take prompt, corrective action, as appropriate. MTH will maintain confidentiality to the extent possible. The complainant and the accused will be informed of the results of the investigation.

#### Supervisor Responsibilities

Supervisors and managers have an obligation to report sexual or other harassment, discrimination, or retaliation of which they become aware. Supervisors and managers who observe such conduct or who receive any complaints of misconduct must report the conduct or complaint to the Human Resource Manager so that an investigation can be made, and corrective action taken, if appropriate. Supervisory and management personnel who are aware of any prohibited conduct on the part of an employee and knowingly allow such behavior to continue will be subject to sanctions, including discipline up to and including termination.

#### Anti-Retaliation Policy

Retaliation against individuals who complain of sexual or other harassment or who testify or assist in any investigation or proceeding involving sexual or other harassment is unlawful. MTH strictly prohibits and does not tolerate unlawful retaliation against any employee, by any employee. All forms of unlawful retaliation are prohibited, including any form of discipline, reprisal, intimidation or other form of retaliation for participating in any activity protected by law.

Examples of protected activities include:

- Lodging a good faith internal complaint (written or verbal) with management specifically opposing unlawful discrimination or harassment.
- Filing a good faith complaint of unlawful discrimination or harassment with the US Equal Employment Opportunity Commission (EEOC), the New York State Division of Human Rights (NYSDHR) or in court.
- Participating in MTH's internal investigation into allegations of sexual or other harassment.

- Supporting another employee's internal or administrative complaint of unlawful discrimination or harassment (by, for example, testifying or providing an affidavit in support of a co-worker who has filed a sexual harassment complaint with the EEOC or NYSDHR).

The examples above are illustrative only, and not exhaustive. No form of unlawful retaliation for any protected activity will be tolerated.

If you are subjected to any conduct that you believe violates this anti-retaliation policy, you must promptly inform the Human Resource Manager. Your complaint should be as detailed as possible, including the names of all individuals involved and any witnesses. MTH will thoroughly investigate the facts and circumstances of all perceived retaliation and will take prompt corrective action, if appropriate.

This policy is not intended to restrict communications or actions protected or required by state or federal law, including the National Labor Relations Act.

#### False Accusations

MTH recognizes that false accusations have serious effects on innocent persons. If, after investigating any complaint of discrimination or harassment, it is determined that an employee or intern has intentionally made a false claim of discrimination or harassment or has intentionally provided false information regarding a discrimination or harassment complaint, disciplinary action may be taken against the individual who filed the false complaint or who provided the false information. It is important to note, however, that the fact that a complaint of discrimination or harassment is not substantiated or is determined not to constitute a violation of this policy does not mean that the complaint was intentionally false.

#### **Bullying in the Workplace**

No form of bullying in the workplace will be tolerated. The following activities are examples of bullying in the workplace that are prohibited:

- Using or threatening physical violence
- Using abusive, insulting, or offensive language
- Making belittling or humiliating comments
- Spreading malicious rumors
- Regularly threatening to fire an employee without justification
- Requiring an employee to do humiliating or inappropriate acts

This list is illustrative only, and not exhaustive. Bullying in the workplace, at employer-sponsored events and on social media is prohibited and will be grounds for disciplinary action or termination of employment.

Any employee who feels that (s)he is a victim of workplace bullying should immediately report the matter to the Human Resource Manager or any other member of management. MTH will investigate all such reports as confidentially as possible. No retaliation or adverse action will be taken against an employee who reports or participates, in good faith, in the investigation of a violation of this policy.

This policy is not intended to preclude or dissuade employees from engaging in activities protected by state or federal law, including the National Labor Relations Act.

### **Genetic Information Nondiscrimination Act of 2008 (GINA)**

GINA prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we are asking that you not provide any genetic information when responding to a request for medical information. "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

### **Disability Accommodation**

The Americans with Disabilities Act (ADA), New York State Human Rights Law and New York City Human Rights Law require employers to reasonably accommodate qualified individuals with disabilities. MTH is committed to complying with these laws and recognizes that some individuals with disabilities may require accommodations at work. MTH will attempt to reasonably accommodate qualified individuals with a temporary or long-term disability so that they can perform the essential functions of the job, unless doing so would create an undue hardship on MTH.

It is our policy not to discriminate against any qualified employee or applicant with regard to any terms or conditions of employment because of an individual's disability or perceived disability so long as the employee can perform the essential functions of the job. Consistent with this policy, MTH will engage in a "cooperative dialogue" when an employee makes a reasonable accommodation request with a "disability" as defined by the ADA/NYSHRL/applicable state and local laws or when MTH has a reasonable basis to believe that an employee's job performance is being negatively impacted by a disability.

No employee is perceived or assumed to be in need of an accommodation. It is the responsibility of the individual who needs the accommodation to notify the Executive Director of this need and to cooperate in exploring whether a reasonable accommodation is possible. All reasonable accommodation requests will be addressed on a case-by-case basis and in a timely, good faith manner and shall include an interactive discussion with the individual. MTH is committed to engaging in a meaningful dialogue to determine what accommodations may be reasonable. Further, such accommodations must not constitute an undue hardship upon MTH, and the individual must make MTH aware of his or her disability. This may require written documentation from the employee's health care provider. Under certain circumstances, a leave of absence may be considered a reasonable accommodation. However, it is important to note that regular and on-time attendance is an essential function of every position. At the conclusion of the interactive process, MTH will notify the employee in writing of its determination regarding the employee's request for an accommodation.

Individuals will not be retaliated against for requesting an accommodation in good faith. MTH expressly prohibits any form of discipline, reprisal, intimidation or retaliation against any individual for requesting an accommodation in good faith.

If employees or applicants feel that they or someone else may have been subjected to conduct that violates this policy, they should report it immediately to the Executive Director.

### **Pregnancy Accommodation**

If you become pregnant, have a related medical condition, or are recovering from childbirth, MTH will reasonably accommodate your medical needs related to pregnancy, childbirth or related conditions. These accommodations will include providing leave for a period of disability following childbirth, providing

a stool or chair if your job requires you to stand, assistance with manual labor, and allowing more frequent breaks including bathroom breaks and breaks to facilitate increased water intake.

MHT will follow the same “cooperative dialogue” process to consider reasonable accommodations as described in the above Disability Accommodation section.

#### **Lactation Accommodation (Rights of Nursing Mothers)**

Employees shall be provided reasonable time to express milk while at work for up to three years following the child’s birth. Before an employee returns from parental leave, MTH will provide the employee with written notice of this policy and seek to discuss with the employee whether the employee needs a reasonable accommodation to express breast milk at work.

Employees should use break and meal periods for expressing milk, when possible. If additional time is needed beyond the provided breaks, employees may use personal leave or may make up the time as agreed upon with the Executive Director. MTH does not require the employee to work while pumping. However, if the employee works while pumping, the employee will be paid at their regular rate for that time.

Employees may request, and will be provided with, a private place, other than a bathroom, that is shielded from view and free from intrusion from co-workers and the public, to express breast milk. This room shall be clean and contain, at a minimum, a chair and a flat surface on which a breast pump and other personal items may be placed. MTH will ensure that the room can be locked from the inside so that the employee pumping can do so without intrusion.

In accordance with New York City law, MTH will also provide the following:

- a refrigerator suitable for breast milk storage in reasonable proximity to the employees’ work area;
- an electrical outlet in the lactation room itself; and
- nearby access to running water.

If the room designated by MTH to serve as a lactation room is also used for another purpose, the sole function of the room shall be as a lactation room while an employee is using the room to express breast milk. When an employee is using the room to express milk, MTH shall provide notice to other employees that the room is given preference for use as a lactation room and will post proper signage to ensure that it is free from intrusion and shielded from view of others while being used as a lactation room. If more than one employee needs to use the lactation room at the same time, the employees should immediately contact the Executive Director, who will make arrangements to accommodate all employees. The employees who need the room for pumping will be given priority use of the room and their pumping needs will determine the availability of the room for other purposes.

#### **Accommodation Requests**

Employees in need of a lactation room should direct their requests to the Human Resource Manager. They will respond to any such request within five (5) business days. During the time it takes to respond to a request and/or engage in a cooperative dialogue to determine the accommodation, MTH will provide a temporary accommodation to the employee so that the employee can pump in a manner that meets the employee’s immediate needs unless doing so poses an undue hardship.

If MTH believes that the lactation accommodation requested poses an undue hardship on its business operations, it will discuss reasonable alternatives with the employee to accommodate the employee's needs, initiating a cooperative dialogue as quickly as possible, but absolutely no later than five (5) business days from the date of the request.

No employee shall be discriminated against for requesting a lactation room or for breastfeeding or expressing milk during the work period and reasonable efforts will be made to assist employees in meeting their infant feeding goals while at work. Any act found to be intentional that invades a nursing mother's privacy shall be treated as a disciplinary offense and reported to the Executive Director.

#### **Victim of Domestic Violence Accommodation**

MTH will provide a reasonable accommodation to an employee who is a victim of domestic violence and who must be absent from work for a reasonable time, unless such accommodation would pose an "undue hardship" on MTH's business.

For the purposes of this policy, A "victim of domestic violence" is defined as any person who is older than 16, married, or a parent accompanied by the parent's minor child in a situation where the person or their minor child is the victim of an act committed by a family or household member that would violate the penal law. The act must have resulted in actual physical or emotional injury or created a substantial risk of physical or emotional harm to the person or their child.

An employee who is a victim of domestic violence may take reasonable time off to:

- seek medical attention for injuries caused by domestic violence, including for a child who is the victim of domestic violence;
- obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence;
- obtain psychological counseling related to an incident or incidents of domestic violence, including for a child who is the victim of domestic violence;
- participate in safety planning or other action taken to increase safety from future incidents of domestic violence (e.g., temporary or permanent relocation); or
- obtain legal services, assist in the prosecution of an offense, or appear in court related to an incident of domestic violence.

The time off may be charged against any paid time off to which the employee may be entitled. If the employee has no available paid time off, the time off will be unpaid.

An employee who needs time off for this purpose must provide MTH with reasonable advance notice, if possible. An employee who must be absent from work without advance notice must provide a documentation of the need for an accommodation when requested by MTH, such as a police report, a court order of protection or medical records.

#### **Immigration Law Compliance**

In compliance with the Immigration Reform and Control Act of 1986, each new employee must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility within three days from the date of the hire. Former employees who are rehired must also complete the form if they have not completed an I-9 with MTH within the past 3 years or if their previous I-9 is no longer retained or valid.

## Hiring and Retention

### Introductory Period

All newly hired employees work on an introductory basis for the first 90 calendar days. The introductory period is intended to give employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. MTH uses this period to evaluate employee capabilities, work habits, and overall performance. Completion of the introductory period does not guarantee employment for any period of time thereafter. The existence of this period does not alter an employee's at will status, and thus either the employee or MTH may end the employment relationship at will at any time during or after the introductory period, with or without cause or advance notice.

### Personnel Data Changes

It is the responsibility of each employee to promptly notify MTH of any changes in relevant personal information. Personal mailing addresses, telephone numbers, individuals to be contacted in the event of an emergency, educational accomplishment, and other such status reports should be accurate and current. MTH will distribute an Employee Data Sheet to all employees on a yearly basis to update and/or confirm any personal data. If any personal data changes prior to the distribution of the Employee Data Sheet, employees should notify the Human Resource Manager immediately.

### Access to Personnel Files

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

Personnel files are the property of MTH and access to the information they contain is restricted. Generally, only supervisors and management of MTH 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 Human Resource Manager. With reasonable advance notice, employees may review their own personnel files in MTH offices and in the presence of an individual appointed by MTH to maintain the files. Employees are not permitted to make copies of any documents contained in their personnel files.

### Employment Verification and Reference Checks

MTH will respond to employment verification and reference check inquiries. Responses to such inquiries will confirm only dates of employment, 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. An employee who receives a request for a reference for another employee should forward it to the Human Resource Manager with approval from the Executive Director.

## Compensation

### Employment Classification

In order to determine eligibility for employment benefits, various employment classifications have been established. Employees are classified as exempt or non-exempt according to the Fair Labor Standards Act (FLSA) and applicable state laws. If you have questions about your status, ask your supervisor for clarification.

Exempt: Exempt employees are not eligible for overtime pay. Exempt employees may include administrative, professional, supervisory or managerial positions.

Non-Exempt: Non-exempt employees are eligible for overtime pay for hours worked in the workweek in excess of 40 hours. Non-exempt employees will be paid “straight time” or their regular hourly rate for all hours worked in the workweek up to 40 hours.

In addition, every employee will be further classified as either regular full-time, regular part-time, or temporary.

Regular Full-Time Employees are those who are regularly scheduled to work at least forty (40) hours per week. Full-time employees are eligible for MTH benefits subject to the terms, conditions, and limitations of each benefit program.

Regular Part-Time Employees are those who are regularly scheduled to work less than thirty-five (35) hours per week. Regular part-time employees receive all legally mandated benefits (such as employer-paid social security contributions and workers’ compensation insurance) but may not be eligible for all company provided benefits.

#### **Hours of Operation/Work Schedules**

MTH hours of operation are Monday to Friday, 8:00 AM to 6:00 PM. Work schedules for employees may vary throughout MTH. Your supervisor will establish your work hours at time of hire. Non-exempt employees should report to work no more than 15 minutes prior to their scheduled starting time nor stay more than 15 minutes after their scheduled stop time without expressed, prior authorization from their supervisor.

#### **Meal Breaks**

Employees who work more than 6 hours in a day are entitled to take a paid 30 minute meal period between 11 a.m. and 2 p.m. An additional unpaid 30 minute break is available later in the day. Your meal period is an opportunity to rest and eat during the workday. Employees must take their meal period, as scheduled, unless they make other arrangements with their supervisor. For example, employees may not decide to skip their meal period in order to leave early or come in late.

MTH strives to ensure comfort by encouraging an environment that is free from clutter, dirt and noticeable odors from any source, including food. While the meal period must be spent away from your desk, eating small snacks and drinking at your desk or cubicle is allowed on a limited basis. The activity should be conducted with much discretion, especially with the choice of food and one’s proximity to our co-workers.

#### **Overtime**

Due to the nature of company business, situations may arise that require overtime. MTH will attempt, whenever practical, to notify employees of overtime needs in advance. Reasonable overtime is a responsibility of all employees and is a condition of employment.

Non-exempt employees must have all overtime authorized in advance by the Executive Director. Unauthorized overtime may result in disciplinary action up to and including termination.



Overtime compensation is paid to employees in accordance with federal and state wage and hour regulations. Overtime compensation is based on actual hours worked. Non-exempt employees are paid one and one-half times their regular rate of pay for overtime hours. Overtime compensation is paid only after 40 hours have been worked in a workweek. Non-exempt employees will be paid “straight time” or their regular hourly rate for all hours worked in the workweek up to 40 hours. Paid time off, including vacation, holidays, and sickness, are not considered hours worked when calculating overtime.

#### **Schedule/Paydays**

For Full time employees, the MTH work week starts on Saturday and ends on Friday. For part time staff, the work week starts on Sunday and ends on Saturday. All employees are paid bi-weekly with paychecks issued on a Friday. In the event that a regularly scheduled payday falls on a holiday, employees will receive their pay on the last day of work before the regularly scheduled payday.

#### **Timekeeping**

Accurately recording time worked is the responsibility of every employee. Federal and state laws require MTH 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.

Non-exempt employees should clock into and out of the payroll system every day and accurately complete a bi-weekly timesheet and submit it to their supervisor for approval by Friday every other week. Overtime work must always be approved by the Executive Director 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.

For internal attendance and client tracking purposes, exempt employees are requested to enter their time in the payroll system and submit a bi-weekly timesheet showing total hours worked each day. Exempt employee timesheets must be returned to the Payroll Administrator by Friday every other week.

#### **Payroll Corrections**

MTH takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday. In the unlikely event that there is an error in the amount of your pay, you should promptly bring the discrepancy to the attention of the Bookkeeper so that corrections can be made as quickly as possible.

#### **Payroll Deductions**

State and Federal payroll taxes are collected in accordance with legal requirements. Each employee must complete a withholding exemption certificate (IRS Form W-4) at the time of hire. This information determines the amount of income taxes withheld. Any change in material information, such as family status, that increases or decreases your exemptions must be reported to the Human Resource Manager immediately so that a new withholding form can be completed. A statement of earnings and taxes withheld is supplied (IRS Form W-2) to employees each year.

Federal and state laws require the following deductions from every paycheck:

- Federal withholding tax
- State withholding tax (where applicable)
- Social security taxes up to the required amount
- Medicare taxes
- State insurances (where applicable)
- State disability insurance (where applicable)

- New York State Paid Family Leave

Other deductions may be made from an employee's paycheck with the employee's written permission. These deductions may include medical insurance premiums, contributions to the 401(K) plan, etc. In the event MTH is served with a legal garnishment on any employee, MTH will deduct the stated amount to the extent permitted by law.

### **Exempt Employee Pay Policy**

In accordance with the Fair Labor Standards Act, exempt employees normally must receive their full salary (including paid leave accruals) for any week in which they perform any work, without regard to the number of days or hours worked. However, exempt employees need not be paid for any workweek in which they perform no work at all for MTH.

Deductions may be made from the pay of exempt employees for the following reasons as long as they are consistent with other company policies and practices:

- Absences of one or more full days for personal reasons other than sickness or disability (partial days must be paid), if the employee has utilized all available paid leave time or is not yet eligible for paid leave time.
- Absences of one or more full days due to sickness or disability (partial days must be paid), if the employee has utilized all available paid leave time or is not yet eligible for paid leave time.
- Fees received by the employee for jury or witness duty, and pay received for temporary military duty, may be applied to offset the pay otherwise due to the employee for the week. No deductions can be made, however, for failure to work for these reasons.
- Deductions for the first and last week of employment, when only part of the week is worked by the employee, as long as this practice is consistently applied to all exempt employees in the same circumstances.
- Deductions as penalties imposed in good faith for infractions of safety rules of major significance.
- Deductions for full-day suspensions which result from violations of written workplace conduct rules.

### Improper Deductions from Pay

Exempt employees who believe that their pay has been improperly reduced should immediately contact the Bookkeeper. MTH will reimburse any exempt employee whose pay is mistakenly reduced in violation of the law or this policy.

## **On the Job**

### **Attendance and Punctuality**

To maintain a productive work environment, MTH expects employees to be reliable and punctual in reporting to work as scheduled. Employees who are absent from their positions and/or tardy put additional burdens on their co-workers and MTH. Regular attendance and promptness are considered essential job functions for all employees. To the extent possible, employees should attempt to make up their time within the same day or week. Poor attendance and excessive tardiness are disruptive and may lead to disciplinary action, up to and including termination of employment, to the extent consistent with the law.

### **Procedures for Unplanned Absences**

From time to time, the need may arise to have an unplanned absence. When you have an unplanned absence, you are required to notify the Program Director as soon as practicable but in no event no later

than two hours prior to your scheduled start time on the day you will be absent. You must contact the Program Director every day that you will be absent from work. Employees that fail to notify MTH of an unplanned absence may be disciplined, up to and including termination.

Failure to show up for work along with failure to notify MTH of an absence is a serious violation of company attendance guidelines. If you are absent from work and do not contact the office for seven (7) consecutive days, MTH will interpret this as job abandonment or a voluntary resignation and your employment with MTH will be terminated.

#### **Procedures for Lateness**

If you cannot avoid being late to work, you must contact the Program Director as soon as possible by text, email or phone call, preferably before your scheduled start time, and no later than 15 minutes after the start of the workday and advise MTH of your anticipated time of arrival to work.

Continuing patterns of attendance issues such as, leaving early or tardiness, regardless of the number of days, is unacceptable and may warrant disciplinary action, up to and including termination of employment.

#### **Temporary Schedule Change Requests**

Consistent with the NYC Fair Workweek law amendment, MTH will allow up to two (2) temporary changes to the employee's work schedule per calendar year, for up to one (1) business day per request or two (2) business days for one request, due to a "personal event."

#### Employee Eligibility

Employees who perform at least 80 hours of work per calendar year for MTH in New York City are eligible to request temporary changes to their work schedule following 120 days of employment.

#### Definition of a Temporary Work Schedule Change

A temporary work schedule change is a limited alteration in the hours, times or locations where the employee is expected to work, and may include using paid time off, working remotely, swapping or shifting work hours and using short-term unpaid leave.

MTH will grant employee requests for a temporary change to the employee's work schedule for the following reasons:

- to provide care to a minor child;
- to provide care to a family member, or a person living in the caregiver's household, with a disability who relies on the caregiver for medical care or the needs of daily living;
- to attend a legal proceeding or hearing for subsistence benefits to which the employee, a family member or the employee's care recipient is a party; or
- for any circumstance that would constitute a basis for permissible use of NYC Safe or Sick Time.\*

\*Note: Employees do not need to use or exhaust their available NYC Paid Safe and Sick Time (PST) before requesting a schedule change, and unpaid leave granted pursuant to this policy does not count towards the employee's entitlement to leave under NYC PST. Moreover, leave granted under NYC PST does not constitute a schedule change pursuant to this policy.

### Process for Requesting and Granting a Temporary Work Schedule Change

Employees must notify the Program Director as soon as they become aware of the need for the temporary work schedule change and must indicate that the change is due to a qualified personal event. Unless seeking unpaid leave, the employee's request must also include a proposal for what the temporary work schedule change will involve (e.g., telecommuting, change in work hours, swapping hours, etc.)

The employee's initial request need not be in writing; however, as soon as practicable and no later than two days after returning to work after the temporary work schedule change, the employee must indicate in writing the date for which the temporary change was requested and that the change was due to the employee's qualified personal event.

MTH will immediately respond to the employee's initial request. Within 14 days of receiving the employee's written request, MTH will provide a written response to the employee indicating whether the change as requested is approved or whether the change will be granted as leave without pay (which also constitutes approval), an explanation if denied, and the number of temporary schedule changes that the employee has remaining for the rest of the calendar year.

### **Physician Verification for Return to Work**

MTH reserves the right to require a satisfactory statement from a licensed physician when an employee is absent for more than three (3) consecutive days due to an illness or injury. The physician's statement will verify the existence of an illness or injury, the beginning and ending dates, and the employee's ability to return to work without presenting an immediate and significant risk to the employee's own health or safety or the health and safety of others. MTH will not require disclosure of the nature of the injury, illness or condition. In addition, any health information about an employee or an employee's family member will be treated as confidential.

### **Weather/Emergency Closings**

At times, emergencies such as severe weather, power failures, or other unforeseen situations, can disrupt company operations. In extreme cases, these circumstances may require the closing of the office. In the event that such an emergency occurs during nonworking hours, a decision to open or close the office will be made by 7:00 AM. School-based programs close whenever the NYC Department of Education closes the schools. Office closures will be communicated to employees by phone, text and/or email. If the office is open but you believe you cannot commute safely to work, please notify the office of your absence.

Unfortunately, despite any emergency, business activities continue. It is anticipated that employees will make every effort, consistent with their own safety, to meet their professional responsibilities and will arrange their schedule accordingly.

Prior to a day for which inclement weather is predicted, employees are expected to work with their supervisor to develop plans for business coverage. Once the inclement weather arrives, each employee must determine his or her ability to safely travel to or from work and advise his or her supervisor accordingly. Staff should provide as much advance notice as possible regarding whether they expect to be at work as scheduled.

When, due to inclement weather, an employee chooses to stay home or leave early, or the decision is made by MTH to close one or all worksites, the following rules regarding pay and the use of paid leave accruals will apply:

- Any full or partial day's absence will be charged against the employee's paid leave accruals.

- Non-exempt employees who do not have paid leave accruals available will not be paid for this time off, except that non-exempt employees who are sent home early due the closing of a worksite will be paid for hours actually worked or for four (4) hours of work, whichever is greater.
- Exempt employees who work part of the day and who do not have any paid leave accruals available will be paid for the remainder of the day, but the time will be charged against future paid leave accruals when earned.
- Exempt employees who are absent for an entire day when MTH or their worksite is open and who do not have any paid leave accruals available will not be paid for the day. Exempt employees who are absent for an entire day because MTH or their worksite is closed and who do not have any paid leave accruals available will be paid for the day, but the time will be charged against future paid leave accruals when earned.
- Employees may not choose to remain in the workplace after the worksite has been closed for the day in order to avoid using their paid leave accruals.
- If an employee is already scheduled to be off and using paid leave accruals when MTH or a worksite is closed, the employee will still be required to use that paid leave time in order to be paid for the day.

### Telecommuting

MTH considers telecommuting to be a viable alternative work arrangement for certain employees depending on their job responsibilities. Requests for telecommuting arrangements should be submitted to the Executive Director for consideration and approval. All approved telecommuting arrangements will begin on a trial basis and may be discontinued by MTH at any time and for any reason.

While working off-site, you must maintain a regular work schedule and you will be held to the same standards of employment as on-site employees. You will also be required to:

- Maintain equal productivity and professionalism with in-office workers and clients.
- Ensure the protection of company and client information.
- Keep an accurate account of both work hours and work completed in those hours.
- Refuse personal visitors during work hours and arrange for daycare or elder care services if you are the primary caregiver.
- Be responsible for any company property, including equipment, materials, and property used off-site.
- Remember that you are a representative of MTH regardless of working location.
- Maintain a workplace that is free from recognized hazards and that complies with all occupational safety and health standards, rules, and regulations.

MTH will not be responsible for losses or damages that occur in your home, or the wear of any personally-owned equipment, furniture, or supplies in your home. Additionally, you are responsible for insurance coverage on company-owned equipment in the event of a natural disaster or fire in which the equipment becomes inoperable or destroyed at your residence.

You will not be allowed to telecommute if:

- The nature of your job or project requires you to be in the office.
- You have not completed three (3) months of continuous regular employment.
- Your job cannot be performed professionally and/or efficiently in a remote location.
- You do not regularly demonstrate high levels of performance and productivity.

- You require close supervision or interaction with other employees.

Employees may only perform remote work for MTH in the location(s) approved in writing by MTH. Relocation requests may impact business operations including, but not limited to, employer and employee taxes and employee eligibility for certain paid time off and other benefits. Consequently, employees must receive prior written approval from MTH before performing remote work for MTH in any other location. MTH reserves the right to refuse to permit an employee to work from a particular location as determined at MTH's discretion.

It will be the employee's responsibility to determine the income tax implications of maintaining a home office for remote work. MTH will not provide employees with tax guidance nor will MTH assume any additional tax liabilities resulting from an employee working remotely. Employees are encouraged to consult with a qualified tax professional to discuss the income tax implications of working remotely.

### **Workplace Etiquette**

MTH strives to maintain a positive work environment where employees treat each other with respect and courtesy. The following workplace etiquette guidelines are not necessarily intended to be hard and fast work 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. Please contact the Human Resource Manager if you have comments, concerns, or suggestions regarding these workplace etiquette guidelines:

- Understand your job fully and follow instructions.
- Respect your co-workers. Discuss issues in a private and professional manner with your co-worker rather than discussing it with others.
- Maintain a professional looking office and/or workspace.
- Avoid public accusations or criticisms of other employees.
- Try to minimize unscheduled interruptions of other employees while they are working.
- Communicate by e-mail or phone whenever possible, instead of walking unexpectedly into someone's office or workspace.
- 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.
- Keep socializing to a minimum and try to conduct conversations in areas where the noise will not be distracting to others.
- Minimize talking between workspaces. Instead, conduct conversations with others in their workspace.
- Refrain from using inappropriate language (swearing) that others may overhear.
- Avoid discussions of your personal life/issues in public conversations that can be easily overheard.
- Monitor volume when listening to music, voice mail, or a speakerphone that others can hear.

### **Meeting Mindfulness**

Meetings are a necessary opportunity for staff to come together to collaborate on new ideas, solve problems and make plans for the future. However, meetings in which the participants are not focused and fully "present" are unproductive, costly and waste everyone's valuable time. We all have the responsibility to bring our best energy and focus to every meeting.

In order to help us all do that, we have established the following Meeting Ground Rules, which should be made known to all staff and enforced in all Company meetings:

### Be Engaged

We appreciate your presence, but also expect your engagement in the work of this meeting.

### Bring Your Focus and Concentration

We need your skills and talents here in the room. We recognize the stress and pressure of the work we do every day. But it is also important to set aside what we cannot deal with in the moment and concentrate on what we can do here and now (this is mindfulness).

Therefore...

Please turn off your electronics or place them on “Do Not Disturb” during the meeting. You may think you’re being discrete, but checking your phone for e-mails or texts during the meeting is noticeable and communicates the following, whether you intend it to or not:

- Lack of respect. You consider the information on your phone to be more important than the conversation in the meeting; you view people outside of the meeting to be more important than those sitting right in front of you.
- Lack of attention. You are unable to stay focused on one item at a time; the ability to multitask is a myth.
- Lack of listening. You are not demonstrating the attention and thinking that is required of truly active listening.

If you need to be “on-call” for an emergency situation, please let the meeting leader know ahead of time. Otherwise, routine work such as answering texts or e-mails can wait until a break or the end the meeting. If you use a tablet to take notes, that is fine, as long as it does not distract from your engagement in discussion.

Please refrain from sidebar conversations. Such conversations are distracting, reduce productivity and show a lack of respect for the speaker.

### Be Respectful

Because we love what we do and are passionate about our work, we expect conflict will emerge from time to time. We also expect that any conflict will be dealt with directly and respectfully.

We thank you all for doing your part to make our meetings as productive as possible!

### **Solicitation and Distribution Policy**

In the interest of maintaining a proper business environment and preventing interference with work and inconvenience to others, employees may not distribute literature or printed materials of any kind, sell merchandise, solicit financial contributions, or solicit for any other cause during working time. Employees who are not on working time (e.g., those on lunch hour or breaks) may not solicit employees who are on working time for any cause or distribute literature of any kind to them. This policy also prohibits solicitations via MTH’s e-mail and other telephonic communication systems during working time. Furthermore, employees may not distribute literature or printed material of any kind in working areas at any time. Working areas include areas controlled by MTH where employees are performing work, excluding, for example, cafeterias, break rooms and parking lots. Non-Employees are likewise prohibited from distributing material or soliciting employees on company premises at any time.

Bulletin boards located in the workplace are used to communicate legally required information, as well as Company policies and Company related information. Please review the bulletin board in your work area

on a regular basis. Only Company-related postings approved by the Executive Director and Human Resource Manager may be placed on Company bulletin boards.

Nothing in this policy shall be construed to restrict communications or actions protected under the National Labor Relations Act or to limit or infringe on employee's rights under state or federal law.

#### **Health and Safety – Accident Reporting**

MTH is committed to maintaining a safe workplace. A key element of MTH's safety program is employee involvement and employees' prompt reporting of any concerns about safety in the workplace, work-related injuries or illnesses, or any accidents or near misses that could have caused injury or illness.

It is the policy of MTH to track accidents, injuries, and near-miss incidents to evaluate workplace safety. Promptly report all accidents, injuries, and near misses to the Human Resource Manager, who will investigate all reported incidents and complete an incident investigation report. You need to report accident and safety issues for the following reasons:

- To verify that you, a co-worker or clients/customers are okay, and to get proper medical treatment, if needed.
- So that equipment can be checked to verify it is operating properly.
- So that incidents can be investigated to prevent them from happening again.
- To file a workers' compensation claim, if applicable.

Each employee must practice safety awareness by thinking defensively, anticipating unsafe situations and reporting unsafe conditions as soon as reasonably possible. Please observe the following precautions:

- Immediately notify your supervisor of any unsafe conditions or potential hazards (such as wet floors/broken equipment/defective appliances).
- Notify your supervisor of any emergency situation. If you are injured or become sick at work, no matter how slightly, you must inform your supervisor as soon as reasonably possible.
- In the event there is any question that you or another individual requires emergency medical treatment, call 911 immediately.
- The unauthorized use of alcoholic beverages or illegal substances during working hours will not be tolerated.
- The possession of any illegal substances on MTH's property is forbidden.
- Use, adjust and repair machines and equipment only if you are trained and qualified.
- Get help when lifting or pushing heavy objects.
- Understand your job fully and follow instructions. If you are not sure of the safe procedure, don't guess ... ask your supervisor.
- Know the locations of fire-fighting equipment and emergency exits of any location you may be working at.

It is also important that employees report incidents or accidents that do not involve injury or illness but had the potential to do so. These "near miss" incidents or accidents should be reported to your supervisor as soon as reasonably possible after they occur so that potential hazards can be promptly identified and corrected.

A "near miss" means an incident, accident, or other unexpected event in the workplace that results in damage or the potential for damage to equipment or facilities (regardless of how minor), or which could have resulted in injury or illness (regardless of how minor).



Employees who violate safety standards, who cause hazardous or dangerous situations, or who fail to report such situations, may be subject to disciplinary action, up to and including termination of employment.

Individuals will not be retaliated against for reporting or for participating in an investigation related to an injury, incident, accident, near miss, hazardous condition, or other safety concern. MTH expressly prohibits any form of discipline, reprisal, intimidation or retaliation against any individual for engaging in these activities in good faith.

#### **Health and Safety – NYS HERO Act and Related**

In compliance with the NYS HERO Act, MTH has adopted a response plan in the event that an airborne infectious disease is designated by the New York State Commissioner of Health as a highly contagious communicable disease that presents a serious risk of harm to the public health. The Plan is added to this Handbook. MTH complies with all relevant Federal, State and Local workplace safety regulations.

#### **Health and Safety – Other**

MTH conducts regular Fire and Shelter in Place Drills. Drills are logged and properly documented.

#### **Smoking**

In keeping with New York State law, smoking is prohibited throughout the workplace. This includes vaping and the use of e-cigarettes. This policy applies equally to all employees, customers, and visitors. The employees are required to follow the building guidelines on using designated smoking areas.

#### **Dress Code**

All After School Program Employees are required to wear MTH Staff shirts (burgundy, tan, navy shirts). The MTH office dress code is business casual. Casual dress offers a welcome alternative to the formality of typical business attire. However, not all casual clothing is appropriate for the office. If you are considering wearing something and you are not sure if it is acceptable, choose something else or inquire first. The following clothing is not acceptable or permitted: logo t-shirts, tattered clothes and shoes, athletic attire, and revealing outfits.

Employees should exercise proper hygiene and be well groomed, and your clothes should be clean, pressed and free of frays, rips and tears. You should dress according to the requirements of your position and accepted social standards. This is particularly true if you are attending meetings or seminars where you come in contact with clients or other business professionals. At such times, you are expected to represent MTH in a professional manner and dress appropriately.

Employees who violate this policy will be subject to discipline in accordance with MTH's standard disciplinary procedures, which include verbal or written warnings and/or suspension and discharge. In addition, an offending employee may be sent home to change if the dress code violation cannot be resolved in another way and its impact on the work environment is significant. The time that an employee spends returning home to change or correct the situation will be deducted from his/her accrued paid time off or, in the case of non-exempt employees only, will be unpaid.

#### **Photo ID**

MTH requires all employees to wear ID badges which contain the employee's photograph, name, and job title. The ID badges must be visibly worn around the neck using the provided lanyard at all times by all employees while on duty. ID badges are property of MTH and are to remain on-site at the conclusion of the workday.

## Drug and Alcohol-Free Workplace

MTH is committed to providing a safe, healthy and productive workplace that is free from alcohol, marijuana, and unlawful drugs as classified under local, state or federal laws, while employees are working on Company's premises and while operating employer-provided vehicles. Employees that work while under the influence of drugs, marijuana or alcohol pose a safety risk to themselves, their co-workers and MTH's clients, and such conduct will not be tolerated.

### Work Rules

Whenever employees are working or operating a company vehicle, are present on company premises, or are conducting company-related work offsite, they are prohibited from:

- Using, possessing, buying, selling, manufacturing or dispensing illegal drugs (including possession of drug paraphernalia).
- Being under the influence of alcohol, marijuana or an illegal drug.
- Possessing or consuming alcohol.
- Using or possessing marijuana.
- Taking prescribed or over-the-counter drugs, including medical marijuana, that adversely affect their ability to safely and effectively perform their job duties. Employees taking a prescribed medication must carry it in the container labeled by a licensed pharmacist or be prepared to produce it if asked.

Any violation of these work rules will result in corrective action. Corrective action may include suspension without pay, drug testing and/or termination.

Any illegal drugs or drug paraphernalia found in the workplace or confiscated from an employee will be turned over to an appropriate law enforcement agency and may result in criminal prosecution.

At its discretion, MTH may require employees who violate this policy to successfully complete a substance abuse assistance or rehabilitation program as a condition of continued employment.

### Prescription and Over-the-Counter Medications

Employees are prohibited from the misuse or abuse of prescription and over-the-counter medications. Marijuana, even if prescribed by a state medical marijuana law, may not be possessed or used in the workplace.

Employees who take over-the-counter medication, or other medication that can be legally prescribed under both federal and state law to treat a disability, should notify their supervisor before reporting to work while under the influence of that medication if they believe the medication will impair their job performance, jeopardize their safety or the safety of others, or if they believe they need a reasonable accommodation in order to perform their job duties. This information will be kept confidential except to the extent necessary to provide the employee with an accommodation of a disability.

### Drug and Alcohol Testing

In furtherance of MTH's commitment to a drug and alcohol-free workplace, MTH maintains a policy in which employees may be requested or required to submit to drug and alcohol testing in certain situations. This policy is intended to comply with all applicable laws regarding drug and alcohol testing and current and prospective employee privacy rights.

An employee who refuses to submit to such testing or who tests positive may be suspended from work, disciplined, or immediately terminated, all at MTH's sole discretion.

### *Testing Based on Reasonable Suspicion*

Employees may be asked to submit to a drug and alcohol test if an employee's supervisor or other person in authority has reasonable suspicion, based on objective factors such as the employee's appearance, speech, behavior or other conduct and facts, that the employee possesses or is under the influence of drugs, including marijuana or alcohol, or both. Employees who take over-the-counter medication or other lawful medication that can be legally prescribed under both federal and state law to treat a disability should inform their supervisor if they believe the medication will impair their job performance, safety or the safety of others or if they believe they need a reasonable accommodation before reporting to work while under the influence of that medication.

### *Testing Procedures*

All drug and alcohol testing under this policy will be conducted by an independent testing facility, which will obtain the individual's written consent prior to testing. MTH will pay for the full cost of the test.

Employees will be compensated at their regular rate of pay for time spent submitting to a drug or alcohol test required by MTH. Employees suspected of working while under the influence of drugs, marijuana, or alcohol will be suspended without pay until MTH receives the results of the drug or alcohol test from the testing facility and obtains any other information that MTH may require in order to make an appropriate investigatory determination.

This policy is intended to comply with all applicable laws regarding drug and alcohol testing and current and prospective employee privacy rights. All records relating to an employee's or applicant's drug and alcohol test results will be kept confidential and maintained separately from the individual's personnel file.

### Searches

MTH reserves the right to conduct searches for illegal drugs, marijuana or alcohol at Company offices or worksites at any time, without prior notice to employees, upon reasonable suspicion of a violation of this policy. Searches of employees and their personal property may also be conducted. Personal property may include, but is not limited to, purses, boxes, briefcases, as well as any company property that is provided for employees' personal use, such as desks and file cabinets. An employee's consent to these types of searches is required as a condition of employment and the employee's refusal to consent may result in disciplinary action, including termination.

### Consequences

One of the goals of our drug-free workplace program is to encourage employees to voluntarily seek help with alcohol and/or drug problems. If, however, an individual violates the policy, the consequences are serious.

Any employee who violates this policy shall be subject to discipline and/or immediate discharge. At the discretion of MTH, any employee who violates this policy may be required, in connection with or in lieu of disciplinary sanctions, to participate to MTH's satisfaction in an approved alcohol or drug assistance or rehabilitation program.

In the case of applicants who violate this policy, any offer of employment may be withdrawn, and the applicant may be prohibited from reapplying in the future.

## Assistance

MTH recognizes that alcohol and drug abuse can be an illness and major health problem. Employees with an alcohol or substance abuse problem are encouraged to seek assistance through treatment programs. The seeking of assistance and treatment will not jeopardize an employee's position, so long as regular job requirements are met and satisfactory performance standards are maintained.

## **Computer and Information System Use**

It is the policy of MTH to protect all company assets. Because company data contains sensitive information which is considered confidential and/or proprietary in nature, MTH protects this data in the same manner as any other asset. Use of this asset outside its protected environment needs to be authorized and monitored.

Questions about appropriate use of company data may be brought to your supervisor. In cases of questionable personal use of information and/or resources, contact the Executive Director to determine whether a particular activity is permissible.

You assume personal responsibility for the use made of your computer accounts and information systems and the data contained therein. This responsibility begins with selecting a secure password and involves maintaining the confidentiality of that password and changing the password regularly in order to assure the continued security of personal accounts. For guidance in personal computer use security, see your supervisor. If you believe that someone has made unauthorized use of your accounts, change your password immediately and report the incident to your supervisor.

Data that is downloaded from MTH's business or file servers needs to be regarded with the same sensitivity as when the data existed on its original platform. No unauthorized duplication, replication, or use of the data is allowed.

No employee should have any expectation of privacy as to his or her technology usage via MTH's network or computer resources. MTH may review all activity and analyze usage patterns to ensure that company proprietary property and resources are being used in compliance with our policies and business interest. These reviews may include employee access of personal email accounts, blogs, social media accounts, etc. via MTH's network and/or computers or electronic devices owned by MTH.

Material that is fraudulent, sexually explicit, profane, obscene, intimidating, defamatory, harassing, discriminatory, or is otherwise unlawful or inappropriate may not be sent by e-mail, instant message or other forms of electronic communication (such as bulletin board systems, news groups, chat groups), or displayed on or stored in MTH's computer resources. Any user that receives this kind of material must immediately report the receipt of any such inappropriate or unlawful material or item(s) to his/her supervisor.

Failure to comply with this policy and procedure may result in disciplinary action, up to and including termination.

## **Social Media Use**

MTH understands that social media can be a fun and rewarding way to share your life and opinions with family, friends and co-workers around the world. However, use of social media also presents certain risks

and carries with it certain responsibilities. To assist you in making responsible decisions about your use of social media, we have established these guidelines for appropriate use of social media.

### Social Media Guidelines

In the rapidly expanding world of electronic communication, social media can mean many things. Social media includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, whether or not associated or affiliated with MTH, as well as any other form of electronic communication. Some examples of social media websites are (list not intended to be inclusive): Facebook, Flickr, Instagram, Google+, LinkedIn, Snap Chat, Tumblr, Twitter, YouTube, Yelp.

Ultimately, you are solely responsible for what you post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job performance, the performance of fellow employees or otherwise adversely affects customers, clients, suppliers, and people who work on behalf of MTH may result in disciplinary action up to and including termination.

### Your Identity Online

You are personally liable for all communications and information you publish online. MTH may be liable for online activity that uses company assets, a company e-mail address or any email address that can be traced back to MTH's domain, which is generally any internet address affiliated with MTH. Using your name and a company email address may imply that you are acting on MTH's behalf. Because social media and networking activities are public, your company email address and company assets should be used only to perform job-related activities, which may include professional networking but do not include personal social networking, and only with the prior written approval of the Executive Director.

- Outside the workplace, you have a right to participate in social media networks using your personal email address. However, information and communications that you publish on personal online sites should never be attributed to MTH or appear to be endorsed by, or to have originated from, MTH.
- If you choose to disclose your affiliation with MTH in an online communication, then you must treat all communications associated with the disclosure as professional communications governed by this and other company policies.
- Maintain the confidentiality of MTH's confidential information. Confidential information may include information regarding systems, processes, know-how, internal reports, and technology.
- Do not create a link from your blog, website or other social networking site to MTH's website without identifying yourself as a company employee.
- If MTH is a subject of the content you are posting, be clear and open about the fact that you are an employee and make it clear that your views do not represent those of MTH, fellow employees, customers, clients, suppliers or people working on behalf of MTH. If you do publish a blog or post online related to the work you do or subjects associated with MTH, make it clear that you are not speaking on behalf of MTH. It is best to include a disclaimer.

This policy is not intended to prohibit employees from communicating via social media on their own time and using their own computer resources or other electronic devices and is not intended to restrict any employee's right to discuss wages and working conditions with co-workers, or in any way limit an employee's rights pursuant to the National Labor Relations Act. Employees should bear in mind that they are far more likely to resolve work-related complaints by speaking directly with their supervisor than by

posting complaints on social media. However, in the event that an employee's personal post relates to workplace concerns, the post should not be defamatory, malicious, obscene, threatening, intimidating, or constitute bullying or harassment. Examples of such conduct include false or offensive posts meant to intentionally harm someone's reputation or posts that contribute to an unlawfully hostile work environment as defined by applicable law and Company policies.

#### Know and Follow the Rules

Carefully read MTH's Computer and Information System Use Policy and the Workplace Anti-Harassment Policy. Ensure your postings are consistent with these policies. Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including termination.

#### Be Respectful

Always be fair and courteous to fellow associates, suppliers or people who work on behalf of MTH. All staff should exercise caution and discretion when deciding whether to connect or communicate with co-workers via social media – especially when there is a superior/subordinate relationship. It is expected that staff who communicate with one another via social media will do so in a lawful and courteous manner, and will avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage associates or suppliers, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or company policy.

#### Be Honest and Accurate

Make sure you are always honest and accurate when posting information or news, and if you make a mistake, correct it quickly. Be open about any previous posts you have altered. Remember that the Internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors that you know to be false about MTH, fellow employees, customers, clients, suppliers, or people working on behalf of MTH.

#### Retaliation is Prohibited

MTH prohibits taking negative action against any employee for reporting a possible deviation from this policy or for cooperating in an investigation. Any employee who retaliates against another employee for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.

#### **Media Contacts**

Employees should not speak to the media on MTH's behalf without the written permission of the Executive Director. All media inquiries should be directed to the Executive Director.

#### **Use of Personal Communication Devices**

Employees should limit their personal use of cell phones or any handheld device with the ability to receive and/or transmit voice, text or data messages during work hours and should use personal devices during scheduled breaks unless work related. Excessive personal use of cell phones and/or handheld devices can interfere with productivity and be distracting to others. MTH is not liable for the loss of personal cell phones or handheld devices brought to the workplace. When meeting with clients and during office meetings, employees are asked to set cell phones to quiet and not to check messages during a meeting with a client. Failure to comply with this policy and procedure may result in disciplinary action, up to and including termination.

## Use and Care of Equipment and Property

Company equipment and data used by employees is valuable and crucial to our work. All equipment should be used carefully and according to directions. Employees may be subject to complete an Equipment Agreement. Further, employees may not copy any software programs in violation of applicable copyright laws, nor are they to use any equipment owned by MTH, for personal use.

- Employees will be liable for all damages related to the unauthorized or illegal copying of third-party software. Any such action may result in disciplinary action, up to and including termination.
- Employees are not to remove equipment or data from the premises unless such removal is approved in writing by the employee's supervisor.
- If any equipment is not operating properly, report it immediately to your supervisor.
- MTH assumes no responsibility for loss or damage to an employee's personal property or equipment when brought to work.

## Complaint Resolution Procedure

Conflicts and misunderstanding can arise in any organization. To ensure effective working relations, it is important that such matters be resolved before serious problems develop. Most issues will resolve on their own, but should a situation persist that you believe is negatively impacting your employment or MTH's operations, you are encouraged to follow the procedure below to bring your complaint to Management's attention.

**Step One:** Discuss the problem with your immediate supervisor. However, if for any reason you do not feel comfortable doing so, proceed directly to Step Two.

**Step Two:** If the problem is not resolved after discussion with your supervisor, or you have determined that discussing the problem with your supervisor is not appropriate, you should request a meeting with the Human Resource Manager or an appropriate member of the Management team.

**Step Three:** If the problem persists after your meeting with the Human Resource Manager or another member of Management, you should contact MTH's Executive Director.

MTH will promptly respond to all complaints brought to its attention through this procedure and will not tolerate any form of retaliation against employees who avail themselves of this complaint procedure to raise a good faith complaint.

Please note that this complaint procedure is intended to address most workplace concerns. However, for complaints of unlawful harassment, please refer to the complaint procedure specifically described in the Workplace Anti-Harassment Policy section of this handbook.

## Standards of Conduct

### Ethics and Corporate Compliance

MTH expects its management and employees to maintain the highest standards of honesty, integrity and business ethics and comply with the letter and spirit of all applicable laws. MTH has earned a reputation for honesty, integrity, and compliance with the law, enabling MTH to build excellent relationships with customers, suppliers, and the public.

Unlawful actions by employees can be costly to MTH and can cause MTH to lose its excellent reputation. Therefore, it is MTH's policy that employees and all other representatives of MTH may not participate in or condone any activity that is detrimental to MTH. All employees must understand that certain books

and records are company property, including manuals, lists, and other information used in the performance of daily duties, and should not be copied and/or removed from Company premises. Employees must promptly report any suspected unlawful work-related activity to their supervisor, their Program Director, or senior management. Failure to comply may result in termination.

#### **Confidentiality of Company Information**

Your work for MTH may give you access to personnel, budgetary or other confidential business information. You are expected to respect the confidentiality of such information and not disclose it to anyone who does not have an official need for it. All employees will be required to sign a Confidential Disclosure Agreement at the time of hire. If you have any question about the confidentiality of information entrusted to you or to which you have access consult with your supervisor.

#### **Conflicts of Interest**

Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative or friend, as a result of MTH's business dealings. For purposes of this policy, a relative is a person who is related by blood, marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage. An action may constitute a conflict of interest without being in violation of any law, rule, or regulation.

Employees may not solicit, directly or indirectly for the employee's benefit or the benefit of another person, any gift, favor, or other gratuity from a person or organization with which MTH does business or who seeks to do business with MTH. Employee's should never accept nor offer any gratuity, gift or favor that might be intended to influence a business decision or could create the appearance of bad taste. Employees may accept a meal, drink or entertainment in connection with business discussions only if these courtesies are infrequent and reasonable in value.

Business transactions should be handled within the spirit of good faith and business sense and should not involve or result in unusual gains, bribes, bonuses, special fringe benefits, unusual price breaks, or other windfalls designed to ultimately benefit MTH's employees, the employees of other businesses, or other contacts.

#### **Employment of Relatives and Workplace Relationships**

While we recognize that relatives can be a good source of quality employees, we also recognize that the employment of relatives or individuals involved in a dating relationship may cause conflicts of interest as well as problems with favoritism and employee morale. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can have a negative impact on day-to-day working relationships.

For purposes of this policy, a relative is defined as any person who is related to an employee by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage (e.g., a civil union or domestic partnership). A dating relationship is defined as a relationship that may be reasonably expected to lead to the formation of a consensual "romantic" or sexual relationship. This policy applies to all employees without regard to the gender or sexual orientation of the individuals involved.

An individual who is a relative of a current employee or who is involved in a dating relationship with a current employee may not occupy positions within MTH which create a direct or indirect supervisor/subordinate relationship between them.



If a dating relationship is established between existing employees with a direct or indirect supervisor/subordinate relationship, the individuals concerned will be given the opportunity to choose which employee will transfer to another available position outside the direct or indirect reporting relationship or resign from MTH. This decision will be subject to approval by the Executive Director.

If a marital or familial relationship is established between existing employees with a direct or indirect supervisor/subordinate relationship, the individuals concerned will be given the opportunity to choose which employee will transfer to another available position outside the direct or indirect reporting relationship or resign from MTH. If these decisions are not made by the involved individuals within a reasonable amount of time, the Executive Director will make the decision for them and one employee will be transferred or terminated, depending on the circumstances.

All employees must disclose to their supervisor or the Human Resource Manager the existence of any familial or dating relationship with a job applicant or current employee that is covered by this policy. Confidentiality will be maintained to the extent reasonable depending on the specific situation. Supervisors who are aware of familial or dating relationships that violate this policy must notify the Human Resource Manager immediately. Failure to disclose this information will result in disciplinary action and/or termination for all employees in the relationship.

#### Code of Conduct

To ensure orderly operations and provide the best possible work environment, MTH 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 are examples 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 property
- Loss or misuse of company property
- Falsification of timekeeping records and expense reports
- Working under the influence of alcohol or illegal drugs
- Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating employer-owned vehicles or equipment
- Fighting or threatening violence in the workplace
- Boisterous or disruptive activity in the workplace
- Negligence or improper conduct leading to damage of company or customer-owned property
- Insubordination or other disrespectful conduct
- Violation of safety or health rules
- Smoking in prohibited areas
- Sexual or other unlawful or unwelcome harassment
- Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace
- Excessive absenteeism or any absence without notice
- Unauthorized use of telephones, mail system, or other employer-owned equipment
- Unauthorized disclosure of business 'secrets' or confidential information
- Violation of personnel policies
- Unsatisfactory performance or conduct

## Employee Discipline

Except in those cases where immediate suspension and/or discharge is determined to be appropriate (e.g., in response to an egregious act of misconduct by an employee), the following disciplinary steps may be implemented at the sole discretion of MTH:

- Verbal warning
- Written warning
- Probation or suspension
- Demotion or termination

It is the policy of MTH to utilize the concept of progressive discipline in appropriate cases. However, this policy does not alter any employee's at-will employment status and does not limit the right of MTH to skip any step in this disciplinary process, or to terminate employees without prior warning, even for a first offense.

Employees are required to sign all disciplinary memos as having been read and received, even if the employee disagrees with the content of the memo. Refusal to do so will be considered insubordination. Employees who have read and received, but disagree with the disciplinary memo have the right to submit a written response within seven (7) days. The written response will be filed with the disciplinary memo.

### Suspension

Employees may be placed on paid or unpaid suspension pending investigation of an allegation or incident of a serious nature or as the final disciplinary disposition for an incident or repeated unacceptable behaviors or performance.

### Disciplinary Probation

Employees may be placed on probation for unsatisfactory performance or for violating a company policy. Employees will receive a disciplinary notice that includes a corrective action plan at the beginning of their probationary period outlining the areas requiring improvement, the activities comprising the corrective action, and the timeframe within which improvement must be made in order to avoid further discipline and/or termination.

## Workplace Violence Prevention

MTH is committed to preventing workplace violence and maintaining a safe work environment for its employees. MTH has adopted the following guidelines to deal with intimidation, harassment or other threats of (or actual) violence that may occur during business hours or on its premises, or that occur outside of work but have a negative impact on the workplace. Further guidelines specific to unlawful harassment are described in the Workplace Anti-Harassment Policy contained in this handbook.

### Prohibited Conduct

All employees, customers, vendors, or members of the public should be treated with courtesy, professionalism and respect at all times and are expected to refrain from fighting, "horseplay" or other conduct that may be dangerous to others. Firearms, weapons and other dangerous or hazardous devices are prohibited from all company worksites.

Conduct that threatens, intimidates, or coerces another employee, customer, vendor or a member of the public will not be tolerated. This prohibition includes all acts of harassment, including harassment that is based on an individual's sex, race, age, creed, color, national origin, citizenship, sexual orientation, gender identity, military status, pregnancy, religion, disability or any characteristic protected by applicable federal, state or local law.

This list of behaviors, while not inclusive, provides examples of conduct that are prohibited:

- Causing physical injury to another person
- Making threatening remarks or gestures
- Aggressive or hostile behavior that creates a reasonable fear of harm
- Intentionally damaging company property or the property of another employee
- Possession of a weapon while on company premises or while conducting company business
- Committing acts motivated by or related to sexual harassment or domestic violence

#### Reporting Procedures

Any potentially dangerous situation must be reported immediately to a supervisor or the Human Resource Manager. All acts or threats of violence should be reported as soon as possible. This includes acts or threats by employees, volunteers, interns, clients, vendors, or members of the public. When reporting an act or threat of violence, be as specific and detailed as possible. Reports can be made anonymously, and all reported incidents will be investigated. Reports or incidents warranting confidentiality will be handled appropriately and information will be disclosed to others only on a need-to-know basis. In order to maintain workplace safety and the integrity of its investigation, MTH may suspend employees either with or without pay, and/or discontinue relationships with customers or vendors, pending the conclusion of an investigation.

MTH encourages employees to bring their disputes or differences with other employees to the attention of their supervisor or the Human Resource Manager before the situation results in violence. MTH is eager to assist in the resolution of employee disputes and will not discipline employees for raising such concerns.

Any employee who has an active order of protection against another person should notify the Human Resource Manager immediately.

#### Risk Reduction Measures

While we do not expect employees to be skilled at identifying potentially dangerous persons, employees are expected to exercise good judgment and to inform the Human Resource Manager if any employee exhibits behavior which could be a sign of a potentially dangerous situation. Such behavior includes:

- Discussing weapons or bringing them to the workplace
- Displaying overt signs of extreme stress, resentment, hostility or anger
- Making threatening remarks
- Sudden or significant deterioration of performance
- Displaying irrational or inappropriate behavior

Employees are asked to report any unsafe conditions that they observe which may increase risk to employees and customers such as broken locks, lights or alarms.

#### Dangerous/Emergency Situations

Employees who confront or encounter an armed or dangerous person in the workplace or in the field should not attempt to challenge or disarm the individual. If a supervisor and/or the police can be safely notified of the need for assistance without endangering the safety of the employee or others, such notice should be given.

## Enforcement

Threats, threatening conduct or any other acts of aggression or violence in the workplace will not be tolerated. Any employee determined to have committed such acts will be subject to disciplinary action, up to and including discharge. Non-employees engaged in violent acts on MTH's premises or in the field will be reported to the proper authorities.

## Outside Employment/Activities

The nature of our business requires that all employees be well-rested, alert and focused on their job responsibilities at all times during work hours. For that reason, outside jobs are discouraged for full-time employees.

Employees are required to notify their supervisor of any outside employment. In the event it is determined that a full-time employee's work performance or attendance is suffering, MTH may take action up to and including termination of the employee.

## Paid Leave Time

### Holidays

MTH currently observes the following holidays:

- New Year's Day
- Martin Luther King's Birthday
- President's Day
- Good Friday
- Memorial Day
- Juneteenth
- Independence Day
- Labor Day
- Indigenous Peoples' Day
- Veterans Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Day

Regular full-time employees are paid for these holidays in accordance with the procedures and requirements set forth below. Temporary employees are not paid for holidays.

All regular full-time employees will also receive sixteen (16) hours for Personal Holidays per fiscal year. Personal Holidays can be taken at the employee's request, subject to management approval.

Generally, if a holiday falls on a weekend it will be observed as recognized by the New York City DOE. Additional days off surrounding a holiday noted above may be given at MTH's discretion. Compensation for this additional time off is not necessarily an obligation of MTH and will be at MTH's discretion. Employees may not request a different day off instead of a company holiday, and employees cannot elect financial compensation instead of taking time off for a holiday.

If an employee has an unexcused absence on the day immediately before or immediately after the holiday, he/she will not be paid for the holiday. Employees who are on vacation when a holiday falls will receive holiday pay in accordance with this policy and will not be charged vacation time for that day.

Holiday pay is paid at an employee's normal rate of straight time pay.

### Religious Accommodations

MTH will make reasonable efforts to accommodate an employee's observance of holidays pertaining to the employee's established religious beliefs. Employees should speak with their supervisor to request approval for time off to observe such holidays.

### Paid Time Off – Vacation

Regular full-time employees are eligible for PTO. Full-time employees are defined as those employees scheduled to work 40 hours per week on a regular basis. Employees begin accruing PTO immediately upon hire and are eligible to use it upon completion of their 90-day introductory period. Eligible full-time employees are granted PTO hours on a fiscal year basis. The PTO schedule is as follows:

- eligible full-time employees with less than five (5) years of service will accrue 6.664 PTO hours per month, accrued on the last day of the month, for an annual total of eighty (80) PTO hours.
- eligible full-time employees with over five (5) years of service and less than ten (10) years of service will accrue ten (10) PTO hours per month, accrued on the last day of the month for an annual total of one hundred twenty (120) PTO hours.
- eligible full-time employees with over ten (10) years of service will accrue 13.36 PTO hours per month, accrued on the last day of the month for an annual total of one hundred sixty (160) PTO hours.

Part-time employees working thirty (30) hours per week with five (5) years or more of service will be entitled to forty (40) PTO hours, granted on the first day of the fiscal year.

### Procedures for Scheduling PTO - Vacation

Advance planning of PTO is necessary to ensure appropriate coverage and to maintain a high level of service to our clients. Please complete a PTO Request form a minimum 10 working days (two weeks) in advance and submit it to the Bookkeeper to confirm time off balances. The Bookkeeper will then submit the form to the employee's immediate supervisor for final approval. All requests will be approved or denied within 3 working days. While every attempt will be made to grant paid time off at the convenience of the employee, time off will be scheduled to meet the needs of the office to ensure adequate staffing. When there is a conflict and MTH is unable to honor all preferences, MTH will decide the matter by considering such factors as workflow, business needs, and priorities, the timing and nature of the employees' respective PTO requests, job level and length of service. Business needs and priorities will override all other factors, consistent with law.

PTO must be taken in whole hour increments. Employees who take leave pursuant to the Family and Medical Leave Act ("FMLA") are required to use their accrued PTO as part of their FMLA leave, to the extent permitted by law. In addition, if an FMLA-eligible employee takes PTO for a reason covered by the FMLA, the leave will also count as FMLA leave. Employees who take leave pursuant to the New York Paid Family Leave Law have the option to supplement the payment received from our insurance carrier with accrued PTO.

### Unused PTO

PTO days may not be carried over into the next fiscal year without the prior approval of the Executive Director. Such approval will only be for extenuating circumstances. Also, PTO may not be redeemed for pay in lieu of carry-over and no payment will be made for unused, accrued PTO days. Moreover, paid time off may not be used once you submit a notice of resignation or once you are given notice of an impending employment termination.

### Paid Time Off – Sick

Paid Time Off- Sick leave is in addition to the PTO- vacation and holiday time noted above. In accordance with the New York State Sick Leave Law (PSL), MTH employees are eligible upon hire to accrue paid sick leave (PSL) at a rate of one (1) hour for each thirty (30) hours worked, up to a maximum of fifty-six (56) hours per calendar year.

Full time employees will receive their entire sick pay allotment for use at the start of the fiscal year (July 1). Part-time employees will accrue one hour of PSL for every 30 hours worked, up to a maximum of 56 hours per calendar year.

### Permissible Uses of PSL

PSL may be used for the following:

- For a mental or physical illness, injury, or health condition of such employee or such employee’s family member, regardless of whether such illness, injury, or health condition has been diagnosed or requires medical care at the time that such employee requests such leave;
- For the diagnosis, care, or treatment of a mental or physical illness, injury or health condition of, or need for medical diagnosis of, or preventive care for, such employee or such employee’s family member; or
- For an absence from work due to any of the following reasons when the employee or employee’s family member has been the victim of domestic violence as defined under New York law, a family offense, sexual offense, stalking, or human trafficking:
  - to obtain services from a domestic violence shelter, rape crisis center, or other services program;
  - to participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee’s family members;
  - to meet with an attorney or other social services provider to obtain information and advice on, and prepare for or participate in any criminal or civil proceeding;
  - to file a complaint or domestic incident report with law enforcement;
  - to meet with a district attorney’s office;
  - to enroll children in a new school; or
  - to take any other actions necessary to ensure the health or safety of the employee or the employee’s family member or to protect those who associate or work with the employee.

### Definitions

For the purposes of this policy, “family member” is defined as an employee’s child, spouse, domestic partner, parent, sibling, grandchild or grandparent, and the child or parent of an employee’s spouse or domestic partner.

“Parent” includes a biological, foster, step- or adoptive parent, or a legal guardian of an employee, or a person who stood in loco parentis when the employee was a minor child.

“Child” includes a biological, adopted or foster child, a legal ward, or a child of an employee standing in loco parentis.

#### Procedures for Scheduling PSL

Whenever possible, employees are expected to provide MTH with reasonable notification within 24 hours of an absence from work for which PSL will be used. If the need for PSL is foreseeable, MTH requests that PSL time be scheduled seven (7) days in advance by contacting the Executive Director.

Employees who are unable to report to work due to personal illness or injury or any other reason covered by this policy must contact the Executive Director as soon as possible and no later than thirty (30) minutes prior to their normal starting time. If an employee becomes sick during the day, they should notify their supervisor before leaving the office. Failure to follow these procedures may result in the time away from work being counted as an unexcused absence and/or disciplinary action, including time off without pay.

The minimum increment of PSL that an employee may take in a workday is 3 hours.

#### Documentation of Need for Leave

MTH may require documentation to support absences taken pursuant to this policy for three (3) consecutive workdays or longer. MTH may require a note signed by a licensed health care provider for sick leave or documentation from a social service provider, legal service provider, member of the clergy, or notarized letter written by you indicating the need for safe leave.

Failure to provide the required documentation may result in the time away from work being counted as an unexcused absence and/or disciplinary action, including time off without pay. In addition, MTH may delay payment of PSL until the required documentation is provided.

MTH will not require the disclosure of confidential information relating to a mental or physical illness, injury, or health condition of an employee or the employee’s family member, or information related to absence from work due to domestic violence, a sexual offense, stalking, or human trafficking, as a condition of requesting or taking PSL.

#### Carry Over and Pay Out of PSL

Unused, accrued PSL hours may be carried over from one calendar year to the next. This means if you accrued PSL but did not use it by the end of the calendar year, you will start the next calendar year with the unused PSL from the previous calendar year, and be eligible to accrue up to an additional 56 hours of PSL (at the rate of one hour of PSL per 30 hours worked) in the new calendar year. However, the maximum PSL that may be used per calendar year is 56 hours.

PSL hours may not be redeemed for pay in lieu of carry-over and unused, accrued PSL hours will not be paid out upon separation of employment.

#### Anti-Retaliation and Misuse of PSL

MTH will not discharge, threaten, penalize, or in any other manner discriminate or retaliate against an employee because the employee has requested or used PSL. However, use of PSL for purposes other than those described in this policy and/or excessive unplanned or unapproved absences may result in disciplinary action up to and including termination.

### Interaction with Local Sick Leave Laws

The New York State Sick Leave law is not intended to pre-empt any local sick leave law to the extent that those laws provide covered employees with more generous rights or benefits than those provided by the state law. MTH will continue to comply with any applicable local laws, and the leave accrued pursuant to this policy will also satisfy the leave accrual requirements for those laws.

### **New York City Paid Safe and Sick Time**

The paid sick leave provided to employees pursuant to MTH's New York State Sick Leave policy will count as the paid sick time (PST) to which employees are entitled pursuant to the NYC Earned Safe and Sick Time Act. The purpose of this separate policy is to set forth the legal requirements for the use of PST under the New York City law.

PST hours may be used for the following:

- your own physical or mental illness, injury or health condition, or preventive medical care;
- to care for a family member in need of a medical diagnosis, care, treatment or preventive care; or
- Company closure because of a public health emergency, as declared by a public health official, or if you need to care for a child whose school or childcare provider has been closed because of such a declared emergency.

In addition, if you or a family member are the victim of any act or threat of domestic violence or unwanted sexual physical contact, stalking, or human trafficking, you may use PST for the following purposes:

- to obtain services from a domestic violence shelter, rape crisis center, or other shelter or services program;
- to participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee's family members;
- to meet with a civil attorney or other social service provider to obtain information and advice on, and prepare for or participate in any criminal or civil proceeding, including but not limited to, matters related to a family offense matter, sexual offense, stalking, human trafficking, custody, visitation, matrimonial issues, orders of protection, immigration, housing, discrimination in employment, housing or consumer credit;
- to file a complaint or domestic incident report with law enforcement;
- to meet with a district attorney's office;
- to enroll children in a new school; or
- to take other actions necessary to maintain, improve, or restore the physical, psychological, or economic health or safety of you or your family members or to protect those who associate or work with you.

“Family member” for the purposes of NYC Safe and Sick Leave is defined as child, spouse, domestic partner, parent, sibling (including half siblings, step siblings, or siblings related through adoption), grandchild, or grandparent, or the child or parent of the employee's spouse or domestic partner, any other individual related by blood to the employee, and any other individual whose close association with the employee is the equivalent of a family relationship.

The minimum increment of PST that an employee may take in a workday is 3 hours. After this initial, minimum increment is used, an employee may take additional PST in increments of 30 minutes.



### Documentation of Need for Leave

MTH will require the following documentation of the need for PST:

- Documentation from a licensed medical provider after more than three consecutive workdays of sick leave, attesting to both the existence of a need for sick leave, the amount of work hours or days used as sick leave, and the date upon which the employee is cleared to return to work.
- Documentation from a social service provider, legal service provider, or member of the clergy, or a copy of a police report, court record, or a notarized letter written by the employee indicating the need for safe leave after more than three consecutive days of safe leave.

MTH may also require the employee to submit written verification that the employee used the PST for permissible safe and sick leave purposes.

### **Bereavement Leave**

In the event of a death in the immediate family, it is generally understood that an employee may need time off from work. Paid bereavement leave for up to three (3) days will be granted to full time employees. "Immediate family" means: spouse, children, children-in-law, siblings, sibling-in-law, parents, parents-in-law, grandparents, grandparents-in-law and grandchildren, or other relatives residing in the immediate family residence. Part-time employees may also be granted leave without pay.

Employees are required to provide their supervisor with as much advance notice of the need for leave as is practical under the circumstances. Employees will only receive pay for leave that falls on days that they are usually scheduled to work.

## Medical Leave Time

### **Family & Medical Leave (FMLA)**

MTH provides family and medical leave in accordance with the federal Family and Medical Leave Act (FMLA) and applicable state laws. When an employee's absence qualifies under both state and federal laws, the employee will use his or her entitlement under each law at the same time, to the extent permitted by law. When one law's provisions provide a greater benefit, the employee will receive the greater benefit.

If an employee is not eligible for FMLA leave, uses up his or her FMLA leave, or wishes to take leave for a purpose that does not qualify for FMLA, the employee should consult MTH's other leave policies to determine if other leave is available.

To be eligible for FMLA leave, an employee must have worked at least 12 months for MTH and have been employed for at least 1,250 hours during the 12 months preceding the commencement of leave.

Eligible employees are entitled to up to 12 workweeks of unpaid leave during a 12-month period, for certain family and medical reasons. The 12-month period is determined based on a rolling 12-month period measured backward from the date an employee's FMLA leave is scheduled to begin.

### Covered Absences

Under the FMLA, eligible employees may take up to 12 weeks of unpaid leave in the designated 12-month period for any of the following:

- For incapacity due to pregnancy, prenatal medical care, or childbirth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition;
- For a serious health condition that makes the employee unable to perform his or her job; or
- For a qualifying exigency, as described below.

#### Military Leave

Eligible employees with a spouse, son, daughter, or parent on covered active duty (or who has been notified of an impending call or order to active duty) in the Armed Forces may use their 12-week leave entitlement to address certain qualifying exigencies. Covered active duty includes deployment to a foreign country. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

An eligible employee may take up to 26 weeks of unpaid leave during any single 12-month period (a separate and distinct leave year from the period designated above) to care for the employee's spouse, son, daughter, parent, or next of kin who is a covered military service member and incurred a serious injury or illness in the line of military duty, or who experienced the aggravation of an existing or pre-existing condition in the line of active duty.

The 12-month period is measured forward from the date leave begins. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves. A serious injury or illness is one that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

Covered service members also include veterans who began treatment, recuperation, or therapy for a serious injury or illness within five years after leaving the service. The serious injury or illness may have manifested before or after the individual became a veteran (such as Post Traumatic Stress Disorder).

#### Intermittent Leave

An employee does not need to use his or her leave entitlement in one block. Leave may be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt MTH's operations.

#### Benefits

During FMLA leave, MTH will maintain the employee's health coverage under any group health plan on the same terms as if the employee had continued to work. Upon return from FMLA leave, employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms. Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

#### Procedures

If you are unsure or have questions about your eligibility for FMLA leave, please direct your questions to the Executive Director. If you are eligible for FMLA leave, MTH will specify any information required and explain your rights and responsibilities. If you are not eligible, MTH will provide a reason for the ineligibility. Employees will be informed if leave will be designated as FMLA-protected and the amount of

leave counted against the employee's leave entitlement. If the leave is not FMLA-protected, the employee will be notified of that fact.

#### When and How to Request FMLA Leave

Where leave is foreseeable, the employee should make a written request for leave at least 30 days in advance to their supervisor. Foreseeable leave, such as pregnancy and childbirth or scheduled medical procedures, should be requested and scheduled in advance so that it does not unduly disrupt MTH's operations.

Where 30 days advance notice of the need for leave is not possible, the employee must provide notice as soon as practicable and generally must comply with normal call-in procedures. If the circumstances change such that the amount of leave needed changes, the employee should provide notice of the change within two (2) business days.

#### Notifications & Certifications

When requesting leave, employees must provide sufficient information to permit a determination of whether the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Employees also must indicate if the requested leave is for a reason for which FMLA leave was previously taken or certified.

An employee who requests leave will be given a "Notice of Eligibility" and a "Rights and Responsibilities" notice within five business days after indicating the need for leave. These notices explain his or her eligibility and expectations. Any required certification form may be provided with this notice.

The employee must return the requested certification within 15 calendar days. The Human Resource Manager will review the certification and determine whether sufficient information has been provided, or if deficiencies need to be corrected. The employee must be given seven calendar days to correct any deficiencies.

When a complete and sufficient certification has been returned (or when the employee has otherwise provided sufficient information to designate the absence as FMLA) MTH will provide the employee with a "Designation Notice" within five business days of determining whether the leave qualifies for FMLA. If so, the notice will describe the conditions of the leave and the requirements for returning to work.

MTH reserves the right to require a second or even third medical opinion, at MTH's expense. Employees also may be required to provide periodic recertification supporting the need for leave as allowed by law and may be required to report periodically on their status and intent to return to work. MTH may waive the certification requirement at its discretion.

#### Pay During Leave

Generally, FMLA leave is unpaid. Employees are required to use any accrued sick, vacation and personal leave time before taking unpaid FMLA leave to the extent permitted by law. The substitution of paid leave time for unpaid FMLA leave time does not extend the length of FMLA leave and the paid leave time will run concurrently with an employee's FMLA entitlement.

Leaves of absence taken for an illness or injury covered by short-term disability insurance or workers' compensation shall run concurrently with any FMLA leave entitlement. Upon written request, the Agency will allow employees to use accrued paid time to supplement any short-term disability or workers' compensation benefits.

Employees on paid FMLA leave will be paid for any holidays for which they would have been paid if they had been working. Employees on unpaid FMLA will not be paid for holidays.

#### Returning to Work

An employee will be reinstated to the same or an equivalent position upon completion of FMLA leave, except where denial of restoration is permitted under FMLA. If the employee has exhausted all available leave and is still unable to return to work, the employee no longer has any job restoration rights under FMLA. Each situation will be reviewed on a case-by-case basis to determine whether the employee may be eligible for rights and protections under other laws or MTH policies.

#### Fitness for Duty Certification

When leave is for the employee's own serious health condition, the employee is required to return to work when released by a health care provider. The employee will need to provide a Fitness for Duty certification before returning to work. The Fitness for Duty certification must be signed by a health care provider. If an employee is released for light duty work and is offered a light duty job but refuses, any short-term disability benefits the employee may be receiving may cease, depending on the terms of the plan. However, the employee is still permitted to use his or her FMLA entitlement.

#### Interaction between NYPFLL and FMLA

If an employee takes FMLA leave for a reason also covered by the New York Paid Family Leave Law (NYPFLL), the leave will also count as Paid Family Leave pursuant to our NYPFLL policy (below). In that case, the employee will need to comply with all of the requirements of MTH's NYPFLL policy in addition to the requirements of this policy.

#### Additional Information

Termination of employment may occur if an employee fails to return from leave at the time agreed upon (barring circumstances which required an extension of available leave) or if an employee is found to have taken leave on a fraudulent basis. Employees will not continue accruing PTO (paid time off) during FMLA leave.

#### Questions and/or Complaints about FMLA Leave

If you have questions regarding this FMLA policy, please contact the Office Manager. MTH is committed to complying with the FMLA and, whenever necessary, shall interpret and apply this policy in a manner consistent with the FMLA.

The FMLA makes it unlawful for employers to: 1) interfere with, restrain, or deny the exercise of any right provided under the FMLA; or 2) discharge or discriminate against any person for opposing any practice made unlawful by the FMLA or involvement in any proceeding under or relating to the FMLA. If an employee believes that his/her FMLA rights have been violated, the employee should contact the Office Manager immediately. MTH will investigate any FMLA complaints and take prompt and appropriate remedial action to address and/or remedy any FMLA violation.

#### **New York Paid Family Leave**

Employees may be eligible for Paid Family Leave (PFL) pursuant to the New York Paid Family Leave Law (NYPFLL). This policy provides employees with information concerning PFL entitlements and the obligations that employees may have during PFL. If you have any questions concerning PFL, please contact the Executive Director.

### Eligibility

- Employees who are regularly scheduled to work 20 or more hours per week are eligible for PFL after 26 consecutive weeks of employment.
- Employees who are regularly scheduled to work less than 20 hours per week are eligible for PFL after 175 days of work.
- Employees must physically work in the state of New York in order to be eligible for the NYS Paid Family Leave benefit, regardless of whether the employer's headquarters operates in or outside the state of New York.

### Summary of Entitlements

NYPFLL entitles eligible employees to up to twelve (12) weeks of paid leave within a 52-week period, continued health insurance benefits and, with some limited exceptions, job restoration.

PFL may be taken in a consecutive block of days or weeks or may be taken intermittently in full-day increments.

### Types of Leave Covered by NYPFLL

The NYPFLL entitles eligible employees to take PFL for the following reasons:

#### *Bonding with a Child*

A parent may take PFL during the first 12 months following the birth, adoption, or fostering of a child.

#### *Family Care*

If an employee's family member has a serious health condition, they may take PFL to care for them. Family members are defined as:

- Spouses
- Domestic Partners
- Children
- Parents
- Parents-in-law
- Grandparents
- Grandchildren

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

- any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility; or
- a period of incapacity requiring absence of more than three calendar days from work, school, or other regular daily activities that also involves continuing treatment by (or under the supervision of) a health care provider; or
- any period of incapacity due to pregnancy, or for prenatal care (Please note: Paid Family Leave does not cover incapacity due to pregnancy or prenatal care for expecting mothers. Paid Family Leave is for the care of a family member with incapacity due to pregnancy, or for prenatal care of a family member); or
- any period of incapacity (or treatment therefore) due to a chronic serious health condition (e.g., asthma, diabetes, epilepsy, etc.); or
- a period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer's, stroke, terminal diseases, etc.); or,

- any absences to receive multiple treatments (including any period of recovery therefrom) by, or on referral by, a health care provider for a condition that likely would result in incapacity of more than three consecutive days if left untreated (e.g., chemotherapy, physical therapy, dialysis, etc.).

Ordinarily, conditions such as the common cold, the flu, earaches, upset stomach, minor ulcers, routine dental or orthodontia problems, periodontal disease, etc. do not meet the definition of a serious health condition.

#### *Active Military Duty Deployment*

PFL is available when a spouse, child, domestic partner or parent of the employee is on active military duty abroad or has been notified of an impending call or order of active military duty abroad.

Employees can take leave to help out with obligations arising out of a call to duty—for example:

- Making alternative childcare arrangements for a child of the deployed military member;
- Attending certain military ceremonies and briefings; and
- Making financial or legal arrangements to address the military member’s absence.

#### Paid Leave Entitlement

PFL coverage is funded by employee payroll contributions and is paid directly to employees by our insurance carrier, similar to how short-term disability insurance works. As of 2021, eligible employees are entitled to up to 12 weeks of PFL, paid at 67% of their average weekly wage up to a maximum of the New York State Average Weekly Wage for that year.

For example, for employees starting leave in 2021:

- An employee who makes on average \$1,000 a week would receive a benefit of \$670 a week (67% of \$1,000).
- An employee who makes on average \$2,000 a week would receive a benefit of \$971.61, because this employee is capped at 67% of the New York SAWW. The SAWW for the prior calendar year was \$1450.17. Sixty-seven percent of the SAWW would mean the employee gets \$971.61 per week on PFL starting in 2021.

For employees requesting intermittent leave (as opposed to continuous leave), the number of days of intermittent leave to which you are entitled may be less than the equivalent of the maximum weeks available for continuous leave. The number of days of intermittent leave entitlement will depend on the average number of days you worked per week during the last eight (8) weeks before taking paid leave.

#### Requesting to Take PFL

Employees must provide 30 days’ advance notice of the need to take PFL when the need is foreseeable. When 30 days’ notice is not possible, employees must provide MTH with notice of the need for leave as soon as practicable under the facts and circumstances of the particular case. Failure to provide at least 30 days’ notice when the need for PFL is foreseeable may result in a delay of the granting of leave and a partial denial of PFL benefits for up to 30 days.

In order to request PFL, an employee must notify the Executive Director. There are specific forms that must be completed by the employee and MTH in order to be granted PFL and receive PFL benefits from our insurance company.

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

The PFL application process is as follows:

1. Employee notifies the Executive Director of need for PFL at least 30 days in advance, if the need for leave is foreseeable.
2. Employee obtains required forms from the forms library on ADP or visits [ny.gov/PaidFamilyLeave](https://ny.gov/PaidFamilyLeave) to obtain the required forms.
3. Employee fills out the Request For Paid Family Leave (Form PFL-1) following the instructions on the cover sheet and submits it to the Executive Director. If the request is for intermittent leave, the claim form must include the anticipated dates of leave.
4. The Executive Director will fill out the Employer section of the form and return it to you within three (3) business days.
5. Employee completes additional forms depending on the type of leave and obtains supporting documentation (e.g., birth certificate, medical certification). Employee submits claim forms and certification documents to our insurance company. The name and contact information of the insurance carrier can be obtained from the office of the Executive Director and is also displayed on the Notice of Compliance posted in your workplace.
6. The insurance company will accept or deny claim within 18 days of receipt of claim. The employee does not need to wait for this decision to start his or her leave.
7. Employee must provide MTH with updates regarding the status of his or her claim regularly and upon request from MTH.

Note that the insurance carrier may allow employees to pre-file a claim prior to the scheduled start of leave, in which case some of the process steps above may occur prior to the start of leave while others occur after the start of leave. In any case, an employee has 30 days from the date that the PFL commences to submit the claims form and certification documents to the insurance company. Failure to submit the claim forms and certification documents in this timeframe will render the employee's absence an unauthorized leave and the employee must immediately return to work or may be terminated, unless the employee is granted leave pursuant to another policy.

Employees who use family leave for purposes not permitted by New York's Paid Family Leave Law may be subject to disciplinary action, which may include termination of employment.

#### Use of Paid Leave Accruals for PFL

An employee may choose, but cannot be required, to supplement the PFL benefit with paid leave accruals in order to receive 100% of the employee's normal weekly salary. If an employee chooses to use any accrued and unused PTO instead of applying for PFL benefits, the time taken as PTO will count against the employee's PFL leave entitlement for the 52-week period during which the PTO falls.

#### Interaction Between PFL and FMLA

If an FMLA-eligible employee takes PFL for a reason covered by the FMLA, the leave will also count as FMLA leave. In that case, the employee will need to comply with all of the requirements of MTH's FMLA policy in addition to the requirements of this policy. If an employee who is eligible for PFL takes FMLA leave but chooses not to apply for PFL benefits, the time taken for FMLA leave will count against the employee's PFL leave entitlement for the 52-week period during which the FMLA leave falls.

#### Interaction Between PFL and Short-Term Disability

Employees cannot receive PFL benefits while taking leave for their own illness and/or while collecting short-term disability benefits. Employees who take leave for their own illness and to care for a family

member in the same 52-week period may only receive up to a combined total of 26 weeks of paid leave from short-term disability and PFL benefits.

#### Continuation of Health Insurance During PFL

During PFL, employees are entitled to continued group health plan coverage under the same conditions as if they had continued to work. Unless MTH notifies employees of other arrangements, whenever employees are receiving pay from MTH during PFL, MTH will deduct the employee portion of the group health plan premium from the employee's paycheck in the same manner as if the employee was actively working.

If employees are not receiving pay from MTH during PFL, employees must pay their portion of their group health premiums through a method determined by MTH. MTH's obligation to maintain health care coverage ceases if an employee's premium payment is more than 30 days late. If an employee's payment is more than 15 days late, MTH will send a letter notifying the employee that coverage will be dropped on a specified date unless the co-payment is received before that date.

If employees do not return to work within 30 calendar days at the end of the leave period (unless employees cannot return to work because of a serious health condition or other circumstances beyond their control), they will be required to reimburse MTH within 30 days for the cost of the premiums MTH paid for maintaining coverage during their PFL.

#### Waiver of Coverage

An employee may elect to waive his/her entitlement to PFL when:

- the employee's regular employment schedule is 20 hours or more per week but the employee will not work 26 consecutive weeks; or
- the employee's regular employment schedule is less than 20 hours per week and the employee will not work 175 days in a consecutive 52-week period.

Employees who waive their PFL entitlement will not be required to make payroll contributions to cover the PFL benefit.

In order to waive this entitlement, the employee must complete a waiver form which will be kept on file by MTH.

#### When & How to Request Leave

Where leave is foreseeable, the employee should make a request for leave at least 30 days in advance to the Executive Director. Foreseeable leave, such as pregnancy and childbirth or scheduled medical procedures, should be requested and scheduled in advance so that it does not unduly disrupt MTH's operations.

Where 30 days advance notice of the need for leave is not possible, the employee must provide notice as soon as practicable and generally must comply with normal call-in procedures. If the circumstances change such that the amount of leave needed changes, the employee should provide notice of the change within two (2) business days.

#### Notifications & Certifications

When requesting leave, employees must provide sufficient information to permit a determination of whether the leave qualifies under this policy.



### Pay During Leave

Generally, medical leaves of absence are unpaid. However, employees may be eligible for income replacement under a benefit program or other entitlement. This may include short-term disability and/or workers' compensation.

### Fitness for Duty Certification

Before returning to work, the employee will need to provide a Fitness for Duty certification signed by a health care provider.

### Additional Information

Separation of employment may occur if an employee fails to return from leave at the time agreed upon (barring circumstances which require an extension of available leave) or if an employee is found to have taken leave on a fraudulent basis.

MTH cannot guarantee an employee's position will be open when he or she returns from an unpaid medical leave of absence. If an employee's former position is unavailable when he or she is ready to return from an approved leave, reasonable effort will be made to place the employee in a comparable position for which he or she is qualified. An employee who does not accept the position offered will be considered to have voluntarily terminated his or her employment with MTH, effective the day such refusal is made.

### **Unpaid Personal Leave of Absence**

At the discretion of MTH all regular full-time employees who have completed a minimum of one year of employment, may be eligible to take an unpaid personal leave of absence of up to ten (10) days. All requests for unpaid personal leaves of absence must be submitted in writing a minimum of 10 working days (2 weeks) in advance. Approval by a supervisor must be obtained for all unpaid personal leaves. Requests for unpaid personal leaves of absence will be considered on the basis of the employee's length of service, performance, responsibility level, the reason for the leave, whether other individuals are already out on leave, and the expected impact of the leave on MTH. Unpaid personal leaves beyond ten (10) days may be granted at the discretion of the Executive Director.

If an employee does not return to work immediately after an approved unpaid personal leave, MTH will assume that the employee has voluntarily resigned their position with MTH.

The period of time during which an employee is on an unpaid leave of absence is not considered time worked for purposes of determining eligibility for, or the amount of, certain benefits, such as paid time off (PTO). When an employee returns from an unpaid leave of absence, the eligibility and accrual dates for such benefits will be adjusted forward to reflect the period of the leave. If a paid holiday falls during the period an employee is on an unpaid leave of absence, the employee will not be eligible for the holiday pay and forfeits the holiday.

MTH cannot guarantee an employee's position will be open when he or she returns from an unpaid leave of absence. If an employee's former position is unavailable when he or she is ready to return from an approved leave, reasonable effort will be made to place the employee in a comparable position for which he or she is qualified. An employee who does not accept the position offered will be considered to have voluntarily terminated his or her employment with MTH, effective the day such refusal is made.

## Statutory Leave Time

### Jury Duty

MTH encourages employees to participate in the judicial process when called for jury duty. Employees will receive forty dollars (\$40) per day for the first three (3) days of jury service. The remainder of their service will be unpaid, except that exempt employees will be paid their full salary for any week in which they perform any work in addition to jury duty service.

Employees are expected to notify their supervisor as soon as they receive a jury duty summons and must provide a copy of the summons for MTH's records.

If you are required to serve jury duty, you must contact your supervisor on a daily basis to report your status. Upon completion of jury duty service, you will receive a verification of attendance form from the court. A copy of this form should be submitted to your supervisor. If you are dismissed early from jury duty on a day that you are regularly scheduled to work, you are expected to report to work for the remainder of your shift.

If a paid holiday falls during the period an employee is on jury duty, the employee will be eligible for holiday pay, provided the employee either works or attends jury duty the work immediately before and immediately after the holiday.

### Witness and Victim of Crime Leave

Employees are encouraged to appear in court for witness duty when subpoenaed. If an employee is subpoenaed or requested to testify as a witness for MTH, he/she will receive paid time off for the entire period of witness duty.

Employees will be granted unpaid time off to appear in court as a witness when requested by a party other than MTH. An employee's attendance at work will also be excused if the employee is a victim of a crime and attending or participating in legal proceedings pertaining to the crime (including consulting with the district attorney handling the prosecution). Employees are free to use any available paid leave time to receive compensation for the period of this absence.

The subpoena or other verification of the employee's participation in legal proceedings should be shown to the employee's supervisor immediately after it is received so that operating requirements can be adjusted to accommodate the employee's absence. The employee is required to report for work whenever the court schedule permits.

An employee charged with a crime, who is required to attend a judicial proceeding relating to that charge, is not covered by this policy.

### Blood Donation Leave

Full-time employees and part-time employees who average twenty (20) or more hours per week are eligible for up to 3 hours unpaid leave in a calendar year to donate blood. Employees with paid time off may use paid time off for this purpose. Blood donation leave cannot be accrued and will not carry over if not used during the calendar year.

Employees are required to provide at least three (3) days advance notice to their supervisor of their intention to take blood donation leave. Employees may be required to provide appropriate documentation to support the request for leave.

### **Bone Marrow Donation Leave**

Full-time employees and part-time employees who average twenty (20) or more hours per week are entitled to up to twenty-four (24) hours of unpaid leave for the purposes of donating bone marrow. Verification of donation and the length of necessary leave may be required by MTH. Reasonable notice of leave must be provided. Employees may use accrued paid time off for this purpose.

### **Voting Leave**

MTH encourages its employees to vote. Accordingly, MTH will abide by New York State law and allow full-time and part-time employees up to two (2) hours of paid time off to vote in a general or primary election if they do not have sufficient time to vote before or after their work shift. For the purposes of this policy, “sufficient time to vote” is defined as four consecutive hours either from the opening of the polls to the beginning of their work shift, or four consecutive hours between the end of their working shift and the closing of the polls.

Employees are required to notify their at least two (2) working days in advance of Election Day of the need for leave. Employees may be required to provide appropriate documentation to support the request for leave.

### **Volunteer Emergency Responder Leave**

MTH provides emergency response leave to employees who serve as volunteer firefighters, volunteer ambulance personnel, reserve peace officers, or emergency rescue personnel in the event of a declared local or state emergency. The leave may be granted for as long as the employee is engaged in the actual performance of emergency response duties. Leave under this policy will be unpaid. Employees may choose to use available accrued vacation in lieu of unpaid leave.

If you are requesting volunteer emergency response leave, you must give advance written documentation from the head of your department or service, notifying MTH of your status as a volunteer emergency responder. Upon return from this leave, MTH may request a notarized statement from the head of your department or service, certifying the period of time that you responded to the emergency.

### **Military Leave (USERRA)**

MTH supports employees engaged in military service and complies with the Uniformed Services Employment and Re-employment Rights Act of 1994, (USERRA), and any applicable state laws. MTH will not retaliate against employees for requesting and/or obtaining a leave of absence. This policy applies to full-time and part-time employees, who regularly work an average of 20 hours or more per week who are serving in the uniformed services, including but not limited to the United States Armed Forces, National Guard and Reserves or National Disaster Medical System for periods of active service (including voluntary or involuntary service). While on active duty or training, MTH will not provide any pay differential.

Notification: If an employee receives a notice of uniformed service and/or active-duty training:

- Employees are required to notify their supervisor as soon as possible for the need for leave at the earliest possible date, but at minimum prior to the beginning of the service.
- Military leave should be indicated on the employee’s time record when the leave will be two (2) weeks or less.

Notification requirements also apply to employees who serve in the National Guard and/or Reserves and who will miss work for regular monthly training. National Guard and Reserve employees should provide notification of their monthly training schedule for the year as soon as it is available.

Benefits: MTH will determine and notify the employee of the benefit rights in accordance with all applicable laws.

Health Insurance: If an employee chooses, health insurance coverage may continue in one of two ways. Coverage can continue under the federal law known as COBRA. Coverage can also continue under the federal law known as USERRA. COBRA generally provides coverage for 18 months, although this period can be extended in certain circumstances. USERRA is available only for individuals who qualify under this military leave policy. USERRA provides for up to 24 months of coverage after the uniformed service leave commences. If both COBRA and USERRA are elected, they run concurrently (i.e., at the same time) and not consecutively (i.e., not back-to-back).

For the first 30 days of uniformed service, employees will be required to pay their normal employee share of any premium. For uniformed service of 31 days or more, employees will be required to pay 102% of the total cost of coverage (employer share plus employee share), if the employee elects to continue coverage.

Employees on uniformed service leave of 31 days or more must notify their supervisor and MTH in writing prior to the commencement of their uniformed service that (1) they will be out on uniformed service; and (2) whether they elect to continue health insurance coverage. If an employee fails to satisfy both requirements because advance notice was not possible, was unreasonable, or was prevented by military necessity, plan coverage will be reinstated retroactively upon the employee's election to continue coverage and payment of all amounts due. In this situation, an employee's election and payment must occur within 30 days after it becomes possible for the employee to make the election. Employees on leave of up to 30 days may have their health insurance coverage continued without the need for notification.

If health insurance coverage for an employee is cancelled because of uniformed service leave, such coverage may be reinstated upon the employee's reemployment.

Reinstatement: MTH will comply with all federal and state military and/or uniformed service leave laws and reinstate employees who have been on a uniformed service leave of absence, provided:

- Employees provide advance written or verbal notice of their service;
- Employees return to work or apply for reemployment in a timely manner after conclusion of service;
- Employees have five years or less of cumulative uniformed service while with MTH; and
- Employees have not been separated from service with disqualifying discharge or under other than honorable conditions.

Reinstated employees will return to the positions that they would have attained had they not been absent for military service. In some circumstances, such as if the positions no longer exist, employees will be given positions comparable in status and pay to their previous positions. Employees will retain seniority rights as if employment had been continuous and had not been interrupted by uniformed service. Employees will be eligible to participate in all benefit programs in which they would have participated had they not been on leave of absence. In certain instances, employees may be required to undergo fitness-for-duty examinations prior to returning to work.

Time limits for returning to work depend, with the exception of fitness-for-duty examinations, on the duration of the employee's uniformed service.

Service of 1 to 30 days:

- Employees must report to work by the beginning of the first regularly scheduled workday that would fall eight hours after the end of the calendar day on which service ended.

Service of 31 to 180 days:

- Employees must submit an application for reemployment no later than 14 days after completion of uniformed service.

Service of 181 or more days:

- Employees must submit an application for reemployment no later than 90 days after completion of uniformed service.

### **New York Military Leave for Spouses**

MTH supports employees with deployed military spouses in the Armed Forces, National Guard or Reserves. Accordingly, MTH will abide by New York state law and allow full-time employees and part-time employees that average 20 hours a week up to ten (10) days of leave when a spouse is deployed during a period of military conflict to a combat theater or combat zone of operations. Leave may be taken when the spouse is on leave or while deployed during a period of military conflict to a combat theatre or combat zone of operations. When this leave also qualifies for exigencies leave under FMLA, the leave will run concurrently to the extent permitted by law. Full-time employees are required to use any available paid leave time as part of this type of leave.

Employees are required to notify their supervisor as soon as possible for the need for leave. Employees will be required to provide appropriate documentation to support the request for leave.

## **Employee Benefits**

### **Benefits**

Eligible employees at MTH are provided a wide range of benefits. A number of the programs (such as Social Security, workers' compensation, state disability, and unemployment insurance) cover all employees in the manner prescribed by law.

Eligibility for company benefits (including but not limited to medical and dental insurance, other types of insurance, and retirement savings plans) is dependent upon a variety of factors, including employee classification. MTH's benefit plans are described more fully in Summary Plan Description documents which will be provided to you if you are eligible to participate in these programs.

The following descriptions are intended only as a general overview of available benefits and not as a substitute for a summary plan description or other plan documents specifically addressing a particular benefit plan, which may need to meet certain legal requirements. The following overviews are not binding agreements and address the employee benefits being offered at the time this Handbook is issued. MTH may eliminate, modify or amend all benefits plans, at its discretion, to the extent permitted by federal or state law. If there are any variations between the following overviews and the summary plan descriptions or the plan documents themselves, the plan documents govern the benefits provided. Please make sure

to examine all group benefits materials carefully in order to make informed decisions regarding participation.

#### **Continuation of Health Benefits (COBRA)**

In accordance with the Consolidated Omnibus Budget Reconciliation Act (COBRA), all eligible employees and their spouses or dependents may elect to continue their health insurance benefits if they experience a qualifying event under COBRA. Qualifying events include, but are not limited to, an employee's separation from MTH, reduction of an employee's work hours, divorce, employee's death or disability, or end of a dependent child's eligibility.

Individuals electing COBRA coverage are responsible for payment of the entire premium plus an administration fee. The maximum amount of time permitted under COBRA is generally 18 months however, depending on certain qualifying circumstances, coverage may be extended for up to 29 or 36 months.

Each eligible employee, spouse and/or dependent will receive written notice from MTH's COBRA administrator, explaining his/her COBRA rights and obligations, upon enrollment in the plans and when a qualifying event occurs. For additional information regarding COBRA, contact the Human Resource Manager.

#### **Workers' Compensation Insurance**

MTH provides a comprehensive workers' compensation insurance program 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. Workers' compensation insurance provides assistance with medical expenses and lost wages.

Employees who sustain work-related injuries or illnesses must inform the Human Resource Manager immediately. 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. Failure to report work-related injuries or illnesses in a timely manner may adversely affect an employee's entitlement to workers' compensation benefits.

The provision of workers' compensation benefits does not guarantee that the employee will receive any specific amount of leave time from work. Entitlement to insurance benefits under this policy and entitlement to leave away from work are considered separately.

Individuals will not be retaliated against for reporting work-related injuries or illnesses or for filing a workers' compensation claim in good faith. MTH expressly prohibits any form of discipline, reprisal, intimidation or retaliation against any individual engaging in these activities in good faith.

Neither MTH nor the insurance carrier will be liable for the payment of workers' compensation benefits for injuries that occur during an employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored by MTH.

#### **Short-Term Disability Benefits**

State short-term disability laws protect you when you are unable to work for at least eight (8) calendar days due to an illness or injury that occurs off the job. This benefit is generally subject to a seven (7) day

non-payable waiting period, as required by law. Employees contribute to the short-term disability insurance premiums as permitted by law, via payroll deductions.

If you are unable to work due to your own illness, contact the Human Resource Manager as soon as possible to obtain the appropriate short-term disability insurance forms, because these forms must be submitted to the insurance carrier within 30 days of the onset of your disability.

During any period of disability, you must communicate with your supervisor on a regular basis (at least every two weeks) in order to keep MTH informed of any changes in your condition and your expected date of return to work.

#### **Unemployment Insurance**

Unemployment insurance is protection for employees who are out of work through no fault of their own. Benefits are paid to employees who have worked long enough and earned enough in covered employment, are capable of work, and who are ready, willing and actively seeking work. MTH finances this benefit through payroll taxes at no cost to you. Employees terminated for misconduct may not be entitled to benefits.

## Separation from MTH

#### **End of Employment/Termination**

Termination of employment is an inevitable part of personnel activity within any organization, and many of the reasons for termination are routine. Since employment with MTH is based on mutual consent, both the employee and MTH have the right to terminate employment at will, with or without cause, at any time.

#### **Resignation Notice**

Employees desiring to terminate their employment relationship with MTH are expected to notify MTH in writing at least two (2) weeks in advance of intended termination. Proper notice generally allows MTH sufficient time to calculate all accrued overtime (if applicable) as well as other monies to which you may be entitled and to include such monies in your final paycheck. Without proper notice, however, you may have to wait until after the end of the next normal pay period to receive such payments.

Please note that MTH may choose to waive or shorten the two-week requirement and require that an employee separate immediately upon giving their resignation notice.

## Employee Handbook Acknowledgement Form

The Employee Handbook describes important information about Maspeth Town Hall, Inc. (“MTH”), and I understand that I should consult my manager and/or the Human Resource Manager regarding any questions not answered in the handbook. I have entered into my employment relationship with MTH voluntarily and acknowledge that there is no specified length of employment. Accordingly, either MTH or I can terminate the relationship at will, with or without cause, at any time, so long as there is no violation of applicable federal or state law.

Since the information, policies, and benefits described here are necessarily subject to change, I acknowledge that revisions to the handbook may occur, except to Company policy of employment-at-will. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies. Only the Executive Director of MTH has the ability to adopt any revisions to the policies in this handbook.

I agree and acknowledge that no manager or representative of MTH, other than the Executive Director of MTH, has the authority to enter into any agreement with me for employment and that such agreement must be in writing and signed by the Executive Director and by me in order to be effective.

Furthermore, I acknowledge that this handbook is neither a contract of employment nor a legal document. I have received the handbook, and I understand that it is my responsibility to read and comply with the policies contained in this handbook and any revision made to it.

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Printed Name

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Signature

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Date