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# **Foundation**

## **Employee Handbook**

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## INTRODUCTION

### Overview

We are pleased to present you with this Foundation (“the Foundation”) Employee Handbook. This Handbook is designed to provide you with information about working conditions, employee benefits and personnel policies and procedures presently in effect at the Foundation.

The policies and procedures described in this Handbook constitute guidelines only. They do not constitute an employment agreement, in whole or part, nor are they intended to create any commitment to any employee concerning how an individual employment action can, should or will be handled by the Foundation.

This Handbook summarizes the current benefit plans maintained by the Foundation. If any questions arise regarding the interpretation of these plans, the answers will be determined by reference to the actual plan documents and policies where they exist rather than the summaries contained in this Handbook. The Foundation retains the right to interpret and apply these policies, and it has final and exclusive authority to decide all questions arising in connection with matters addressed in this Handbook or any Foundation policy.

The Foundation believes that employment relationships are both personal and voluntary. Accordingly, employment at the Foundation has no specified duration. Employment at the Foundation is “at-will” – either you or the Foundation may terminate the employment relationship at any time, for any reason, with or without cause, and without advance notice. Any written or oral statement to the contrary by a supervisor, manager or other agent of the Foundation is invalid and should not be relied upon by any prospective or existing employee.

This Handbook supersedes all previous communications and understandings, whether oral or written. The Foundation reserves the right to change, modify or rescind any benefits or policies or procedures, or portions thereof, covered by this Handbook from time to time in its sole and absolute discretion, except that we will not modify our policy of employment-at-will in any case. You will be advised of such changes, modifications or rescissions through standard communication channels, although it is not always possible to provide advance notice.

### Organization and Communication

The day-to-day administrative management of the Foundation Personnel Policies and Procedures is the responsibility of the Director of Administration, who reports directly to the President & CEO. The President & CEO is responsible for oversight and final approval of all policies and policy decisions and is directly responsible to the Board Chair.

We are committed to providing a workplace which is comfortable and where communications are open. You are encouraged to speak candidly with the Director of Administration or President & CEO

or another member of management about personnel matters or concerns relating to the workplace.

## **NON-DISCRIMINATION POLICIES**

### **Commitment to Diversity**

The Foundation acknowledges and honors the fundamental value and dignity of all individuals and seeks to maintain an environment that respects diverse traditions, heritages, and experiences.

The Foundation is committed to creating and maintaining a workplace in which all employees have an opportunity to participate and contribute to the success of the organization and are valued for their skills, experience, and unique perspectives.

### **Equal Employment Opportunity**

The Foundation is strongly committed to the principle of equal employment opportunity for all individuals. The Foundation believes equal opportunity is not only consistent with good business practices but, of equal importance, is also a moral concern and obligation for each of us.

Consistent with the Foundation's commitment to equal employment opportunity, the Foundation's policy is to comply with all federal, state, and local laws concerning employment discrimination. Accordingly, the Foundation will make all employment decisions for employees and applicants without unlawful discrimination on the basis of race, color, religion, sex (including pregnancy, childbirth, or related medical conditions), national origin, age, disability, sexual orientation, gender identity or gender expression, reproductive health decision-making, marital status, familial status, military or veteran status, domestic violence victim status, genetic information or any other status protected by law. This equal opportunity policy applies to all employment practices including recruitment, hiring, employment, assignment, working conditions, training, compensation, benefits, promotions and terminations and other obligations and privileges of employment.

The Foundation makes every effort to hire the most qualified candidate for each position. Skill, experience, education, attitude, and potential for growth are general guidelines for employee selection.

If you have concerns or complaints about suspected discrimination in the workplace, you should report such concerns/complaints immediately, in accordance with the complaint procedure set forth in the Reporting Discrimination or Harassment policy herein.

You may discuss equal employment opportunity-related questions at any time with the Director of Administration or any other executive. If you believe that you need an accommodation for a legally protected status, please contact the Director of Administration.

## **Accommodation of Individuals with Disabilities**

The Foundation is committed to providing equal employment opportunities to all qualified employees and applicants with disabilities. The Foundation's commitment to this policy includes providing reasonable accommodation to any employee, who because of a qualifying disability, requests an accommodation in order to perform the essential functions of their job, unless such accommodation would cause undue hardship for the Foundation. The Foundation complies with all applicable federal, state, and local laws providing protection for qualified individuals with disabilities. Any applicant or employee who requires an accommodation to perform the essential functions of the job should contact the Director of Administration and request such an accommodation. You may be asked to provide medical documentation supporting your request for accommodation. The Foundation will consider any request for accommodation(s) at the time it is made. Determinations with respect to accommodations will be made on a case-by-case basis.

The Foundation is committed to a collegial work environment in which all individuals are treated with respect and dignity. All individuals have the right to work in a professional atmosphere that promotes equal opportunities and prohibits discriminatory or harassing practices. Accordingly, the Foundation expects that all relationships among persons in the office will be professional and free of bias, prejudice and harassment of any type.

All staff members are expected to know the Foundation's Equal Employment Opportunity Policy, Non-Discrimination Policy and Sexual Harassment Policy, found below. Additionally, all personnel are expected to adhere to the Policies and they will be held accountable for their conduct in this regard. Failure to comply with any part of the Policies will not be tolerated and may result in disciplinary action up to and including termination.

## **Non-Discrimination and Anti-Harassment Policy**

The Foundation maintains a strict policy prohibiting unlawful discrimination or harassment on the basis of race, color, religion, sex (including pregnancy, childbirth, reproductive health decisions, or related medical conditions), national origin, age, disability, sexual orientation, gender identity or gender expression, familial status, military or veteran status, genetic information or any other status protected by federal, state or local law. All such discrimination or harassment will not be tolerated.

Preventing discrimination or harassment requires awareness by everyone at the Foundation of the impact that one's acts may have on others. In determining whether discrimination or harassment has occurred, it is no excuse that the alleged offender "meant no harm" or was "just kidding."

Examples of conduct that is unacceptable includes:

- Jokes, innuendos, remarks or questions that are derogatory or demeaning to an individual's or group's characteristics or that promote stereotypes.
- Physical harassment, including pushing, hitting or other offensive, threatening or intimidating behavior.



- Written or visual harassment, including derogatory or degrading written comments, pictures, or materials that are displayed on walls, computer screens, or elsewhere on Foundation property.
- Sexual harassment as defined in the Foundation's Sexual Harassment Policy.

Prohibited conduct may occur not only through personal contact, comments, visual displays, or observations, but also through exposure to media such as e-mail, voicemail, display of Internet sites or other material or information visible on computer monitors, or on radio, podcasts, or other broadcasted media containing sexually explicit, vulgar, profane, or otherwise offensive language. Voicemail and electronic communications (including e-mail and internet use) are covered by this policy in the same manner as other communications and actions.

### **Sexual Harassment Policy**

The Foundation is committed to maintaining a workplace free from harassment and discrimination. Sexual harassment is a form of workplace discrimination that subjects an employee to inferior conditions of employment due to their gender, gender identity, gender expression (perceived or actual), and/or sexual orientation. Sexual harassment is often viewed simply as a form of gender-based discrimination, but the Foundation recognizes that discrimination can be related to or affected by other identities beyond gender. Under the New York State Human Rights Law, it is illegal to discriminate based on sex, sexual orientation, gender identity or expression, age, race, creed, color, national origin, military status, disability, predisposing genetic characteristics, familial status, marital status, criminal history, or status as a victim of domestic violence. Our different identities impact our understanding of the world and how others perceive us. For example, an individual's race, ability, or immigration status may impact their experience with gender discrimination in the workplace. While this policy is focused on sexual harassment and gender discrimination, the methods for reporting and investigating discrimination based on other protected identities are the same. The purpose of this policy is to teach employees to recognize discrimination, including discrimination due to an individual's intersecting identities, and provide the tools to take action when it occurs. All employees, managers, and supervisors are required to work in a manner designed to prevent sexual harassment and discrimination in the workplace. This policy is one component of the Foundation's commitment to a discrimination-free work environment.

#### **Goals of this Policy:**

Sexual harassment and discrimination are against the law. After reading this policy, employees will understand their right to a workplace free from harassment. Employees will also learn what harassment and discrimination look like, what actions they can take to prevent and report harassment, and how they are protected from retaliation after taking action. The policy will also explain the investigation process into any claims of harassment. Employees are encouraged to report sexual harassment or discrimination by filing a complaint internally with the Foundation. Employees can also file a complaint with a government agency or in court under federal, state, or local anti-discrimination laws. To file an employment complaint with the New York State

Division of Human Rights, please visit <https://dhr.ny.gov/complaint>. To file a complaint with the United States Equal Employment Opportunity Commission, please visit <https://www.eeoc.gov/filing-charge-discrimination>.

The full Sexual Harassment Policy, reporting guidelines, and resources are available as part of [Exhibit A](#) at the end of this document.

## EMPLOYMENT

### **At-Will Employment**

The Foundation certainly hopes that it and every employee will find the employment relationship satisfying and rewarding in all respects. At the same time, however, the Foundation recognizes that relationships are not always mutually satisfactory. Accordingly, to protect the rights of both parties, it should be remembered that all employees are “at will” employees. This means that the employment relationship is terminable at will, at the option of the employee or the Foundation. Thus, you may resign at any time, and the Foundation may terminate your employment at any time with or without notice, for any reason or no reason, with or without cause. Any written or oral statement to the contrary by a supervisor, manager or other agent of the Foundation is invalid and should not be relied upon by any prospective or existing employee. This is a fully integrated understanding regarding at-will employment. It supersedes any other understanding, statement or agreement, and cannot be modified under any circumstances. Nothing in this Handbook alters the at-will nature of your employment with the Foundation.

### **Employment Eligibility Verification Policy**

In compliance with the Immigration Reform and Control Act (IRCA) of 1986, the Foundation will only hire and employ those who are authorized to work in the United States.

IRCA requires that each new employee complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. Reverification of eligibility for employment in the United States may also be required under certain circumstances.

The Foundation may use E-Verify, an electronic system operated by the federal government, to determine the identity and employment eligibility of newly hired employees.

The Foundation does not unlawfully discriminate on the basis of citizenship or national origin. Employees with questions on immigration issues or employment eligibility are encouraged to contact the Director of Administration. Employees may raise questions without fear of reprisal.

### **Employee Information**

It is important that personnel files contain up-to-date information regarding each employee so that the Foundation can assist employees and their families in taking full advantage of our benefit programs and provide assistance in the event of a personal emergency. Employees should inform their

supervisor and the President & CEO immediately whenever there are changes in their personal data, such as address, telephone number, marital status, domestic partnership, number of dependents, and person to notify in case of emergency.

### **Orientation**

All new staff members will be provided with an orientation regarding the Foundation's objectives, programs, history, organizational structure and other related information. As part of such orientation, each new staff member will be provided with a job description. Typically, on the first day of work, all new staff members will be asked to fill out appropriate forms for payroll purposes and for personnel records.

### **Evaluation Period**

Upon the commencement of work, there is always a period of adjustment in which the new employee and the employer each need time to evaluate whether they are suited for each other. Accordingly, the first three (3) months of employment for new employees are considered an evaluation period. During this evaluation period -- as at any time -- either the Foundation or the employee may choose to terminate the employment relationship.

During the evaluation period, you will be able to determine if your new job is suitable for you, and the President & CEO (or supervisor designated by the President & CEO) will monitor your progress and performance and will review with you any areas that require attention.

At the conclusion of the evaluation period, if the Foundation determines, in its sole discretion, that an employee's continued employment is in the best interests of the Foundation, then the employee may be retained as a regular employee. All regular employees must continue to maintain the standards of performance and conduct established for all Foundation employees. You should understand that the fact that you complete the evaluation period does not create a contract or guarantee of employment and regular employees remain employees at-will.

During the evaluation period, you are eligible for those benefits that are required by law. You may also be eligible for Foundation-provided benefits, subject to the terms and conditions of each benefit program. You should read the information for each specific benefit program for the details on eligibility requirements.

During the initial 90-day evaluation period, you will not be paid for any absences, with the exception of paid leave required by law (e.g., paid sick leave) and for holidays observed by the Foundation, and will not be eligible for vacation or personal days, unless specifically authorized by the President & CEO.

### **Employee Classifications**

The Foundation hires staff members on a regular (full-time and part-time), project, or as-needed basis. All staff appointments will be confirmed in writing, stating the starting date, compensation, and other information as required by state law. Staff members shall acknowledge receipt of this Handbook and indicate their willingness to comply with the policies and practices as described herein.

*Regular Full-Time Employee:* A salaried or hourly employee who is normally scheduled to work 40 hours per work week and whose employment has no specified end date. These employees are eligible for employer-sponsored benefits depending on their position and length of service with the Foundation and subject to the terms and conditions of each benefit program.

*Regular Part-Time Employee:* A salaried or hourly employee who is normally scheduled to work less than 40 hours per week and whose employment has no specified end date. These employees are eligible (on a pro-rata basis) for certain employer-sponsored benefits depending on their position and length of service with the Foundation and subject to the terms and conditions of each benefit program. **Employees working less than 30 hours per week are *not* eligible for the following benefit programs: Pension and Profit Sharing, Long Term Disability, Retiree Health Benefits, or Life Insurance. They are eligible for health, dental, and vision insurance.**

*Temporary Employee:* An employee who is hired on a full- or part-time basis for a specified period of time, usually not to exceed six (6) months. Temporary employees are not eligible for employer-provided benefits unless required by law.

*Other Service Providers:* Other service providers may include consultants, per-diem employees, and interns. Other service providers are not eligible for employer-provided benefits unless required by law.

## **Overtime**

Employees are classified as follows for purposes of wage and hour laws, including laws governing overtime:

*Exempt Employee:* An employee who is paid on a salary basis and who performs certain duties is considered an “exempt” employee under applicable wage and hour laws. Exempt employees are not entitled to overtime pay and are not subject to deductions from their weekly salary unless otherwise permitted under applicable law or regulation. The Foundation prohibits improper deductions from exempt employees’ pay and promises, in good faith, to comply with applicable federal, state, and local wage and hour laws.

*Non-exempt Employee:* An employee who is not an “exempt” employee is entitled to receive overtime pay at one and one half (1.5) times their regular rate of pay for all time worked over 40 hours in a workweek under the Fair Labor Standards Act and applicable state laws. Only hours actually worked are used to compute overtime earnings. Paid time off, such as holidays, vacation, or sick time does not count as hours worked for purposes of computing overtime.

If you are a nonexempt employee, you must obtain permission in advance from your supervisor to work overtime.

Employees will receive notice of their employment category upon hire. Any questions regarding your employment classification or exemption status should be directed to the President & CEO.

## **Recording Your Time**

If you are a “non-exempt” employee, you are required to maintain an accurate record of all time worked. Your arrival, departure, and meal periods must be recorded accurately. When you review your pay statement, please verify immediately that your working time was recorded accurately and that you were paid correctly for all hours worked. Non-exempt employees are prohibited from working “off the clock” and must receive prior authorization before working overtime. It is a violation of Foundation policy for anyone to instruct or encourage another employee to work “off the clock,” to incorrectly report hours worked, or to alter another employee’s time records.

## **Reporting Errors and Obtaining More Information**

If you have a question about deductions from your pay, if you believe you have been subject to any improper deduction, or if your pay was calculated incorrectly, please contact your supervisor or a member of management. Every report will be fully investigated, and every effort will be made to ensure that you receive the pay to which you are entitled.

The Foundation will not permit any form of retaliation against individuals who make good faith reports of alleged violations of this policy, nor will it permit retaliation against individuals who participate in an investigation of such reports. Retaliation is unacceptable, and any form of retaliation in violation of this policy will result in disciplinary action, up to and including termination.

## **Punctuality and Attendance**

Staff members are expected to arrive at work on time and to work their full weekly schedule. If an employee needs to be absent from work for any reason, the employee should contact his/her/their supervisor as soon as possible prior to his/her/their normal starting time.

If lateness or absence becomes excessive, the President & CEO will discuss the issue with the staff person and, if necessary, implement appropriate remedial or disciplinary measures.

The Foundation strives for fairness and equity in all policies and practices, including those that affect compensation and benefits. The Foundation offers an employment package that reflects competitiveness in the marketplace and a desire to attract and retain talented and dedicated employees.

## **Work Week and Pay Day**

The Foundation’s work week runs from Monday through Friday. All employees are paid semimonthly (24 times per year) on the 15<sup>th</sup> and on the last day of each month (or the Friday before if either date falls on a weekend).

## **Performance Reviews and Pay Raises**

Regular employees may have the opportunity for a salary increase annually at the end of the Foundation’s fiscal year. If a salary increase occurs, it will be prorated over the following fiscal year.

Employees hired before July 1 of a year may be considered for their first salary increase at the end of that year; employees hired on or after July 1 will not be considered for a salary increase until December of the following year.

While the Foundation will strive to provide an annual raise or cost of living adjustment to all employees, increases are not automatic. The process to determine increases will include the following elements:

1. Current economic conditions;
2. Use of available data as to comparable compensation for similarly qualified persons in comparable positions at similarly situated organizations;
3. A semi-annual performance review, which is designed to include input from both the employee and supervisor and discusses the employee's objectives and goals and the extent to which these objectives and goals have been accomplished; and
4. Review by the Board Compensation Committee, which then brings a recommendation to the full Board of Directors for approval.

All pay raises are at the discretion of the Foundation. Documentation and recordkeeping with respect to compensation decisions are maintained by the President & CEO.

### **Discretionary Bonus Pool**

The Foundation Compensation Committee may establish an annual bonus pool for employees who have gone above and beyond their regular duties, providing extraordinary contributions during the course of the year. Bonuses may be used in lieu of or in addition to a merit-based increase or cost of living adjustment and are made at the sole discretion of the Foundation. Payout of bonuses is based on individual performance and other factors that may be deemed relevant by the Foundation or the Compensation Committee. **The payment of all or any portion of the bonus pool is not guaranteed and is fully discretionary.** The Foundation has the sole and total discretion whether any bonus will be paid, the amount of the bonus, the timing, and whether individual employees are eligible. Prior receipt of a bonus does not guarantee eligibility or receipt of a bonus in future years.

### **Promotions**

Foundation employees generally will only be considered for promotion, if merited, once a year in November/December, to coincide with the annual Compensation Committee meeting. Opportunities for promotion will be based upon the Foundation's current staffing structure and needs. Only employees with proven exemplary performance in their current position as well as a demonstrated ability to meet the qualifications of the new position will be considered. Compensation for the new position will be based, in part, on a review of salaries of similarly qualified employees in comparable positions at similarly situated organizations, as well as the employee's relative experience.

## **Benefits**

The Foundation offers eligible employees various employee benefit programs, including but not limited to medical and dental insurance, disability benefits, life insurance and pension plan programs. A summary of these benefit programs is provided below.

Benefit eligibility rules and the terms of available programs are set forth in the Summary Plan Description (SPD) associated with each benefit plan. For additional information or questions, see the Director of Administration.

### **Group Health Insurance**

Health insurance is available to employees, their spouse/domestic partner, and their dependent children. Coverage starts at the beginning of the first full month after one month of employment. There are two standard health plan options available: MVP Liberty Platinum 1 or Liberty Gold High Deductible Health Plan (HDHP). Due to differences in plan pricing, the Foundation currently pays 100% of the HDHP and makes an annual contribution to the employee's Health Savings Account (HSA) to cover a portion of the deductible. For the Liberty Platinum 1 plan, the Foundation contribution is 90%. In order to be eligible for MVP coverage, an employee must work a minimum of 20 hours per week. Coverage for part-time employees will be on a prorated basis. A summary of plan benefits is available in the Employee Navigator document library. For any other questions, please see the Director of Administration.

Active employees aged 65 and older who are on Medicare may continue to use the Foundation sponsored health insurance (MVP), at the same participation costs as other employees, in order to supplement their Medicare coverage (thus allowing them to continue covering a spouse/domestic partner under age 65, or children under age 26). Alternatively, the employee may choose to switch to Medicare gap coverage and would be reimbursed annually up to the average for out-of-pocket costs for a person on Medicare (currently \$5,900). The Foundation will reimburse the employee directly and reimbursement will be conditional upon proof of expense or payment (receipt) by the retiree for qualified medical, dental, and vision expenses (including Medicare premiums), as defined under IRS Publication 502.

To be eligible for reimbursement under this plan, the employee must meet all three of the following criteria:

1. They must have paid or incurred the debt while actively employed by the Foundation. The reimbursement will be payment for qualified expenses only, that would not otherwise have been paid to the employee as wages.
2. They must substantiate the expenses prior to reimbursement and must submit for reimbursement within 90 days of year end.
3. They must return to the Foundation any amounts paid to them in excess of the substantiated expenses.

This benefit will also be available to a spouse (65 or older) who is covered by the employee, however, per IRS regulations, domestic partners would generally not be covered, unless they are a tax-dependent of the employee. The spousal benefit would end one year after the employee's death. The annual reimbursement benefit will be adjusted from time to time based on data from the national Medicare program. Coverage for part-time employees will be on a prorated basis, unless they have previously met the criteria for the retiree health benefit as a full-time employee.

### **Dental Plan**

Dental coverage is provided and begins on the first of the month after one full month of employment. The plan currently offered is with Delta Dental and a summary of the current plan benefits is available in the Employee Navigator documents library. As with health insurance, coverage for part-time employees will be on a prorated basis. For additional information or questions, see the Director of Administration.

### **Health Savings Account/Flexible Spending/Dependent Care Accounts**

Employees are eligible to contribute pre-tax dollars to either a Health Savings Account (which is tied to the Foundation-offered High-Deductible Health Plan) or a Flexible Spending Account. These are restricted accounts that can be used for out-of-pocket medical expenses (such as deductibles, co-payments, dental work and eyeglasses). A Dependent Care Account, which can be used for daycare, eldercare, etc., is also available. If elected, employees specify the monthly amount they want contributed from their paycheck. Expenses can be submitted directly to the plan administrator for reimbursement. See the Director of Administration for additional details.

### **Life Insurance**

Life insurance is provided to employees working 30 or more hours per week and is paid at three times the employee's annual salary (at time of death) up to a maximum of \$300,000. Per the policy held at our insurance company, the amount received may be reduced based on the age of the employee at the time of his/her/their passing. Generally, the payout will be reduced by 35% at age 65, and by 50% at age 70 and greater. There is no charge to the employee for this benefit.

### **Pension Plan**

Annually, the Foundation contributes 25% of the employee's yearly compensation to a Simplified Employee Pension Plan (SEP). These plans are non-contributory and the Foundation pays the entire contribution. Employees working 30 or more hours per week are eligible to participate, and eligibility begins after the employee has completed six (6) months of employment. This benefit is capped at a maximum annual contribution of \$66,000.00 per year, or the annual maximum contribution amount as stated by the IRS, whichever is greater.



## **Retiree Health Benefit**

The Foundation defines normal retirement as voluntary separation from employment upon or after reaching the age of 65. Early retirement is defined as voluntary separation from employment upon or after reaching age 55 (but before age 65). To be eligible for the Retiree Health Benefit, the employee's age at retirement plus years of service must equal at least 75 (i.e., an employee retiring at 55 must have 20 years of service, and an employee retiring at 65 must have 10 years of service). All regular full-time employees are eligible for this benefit.

Employees who retire under conditions of normal retirement or early retirement will be eligible for a partial continued health insurance benefit and will be reimbursed annually up to the average for out-of-pocket costs for a person on Medicare (currently \$5,900). Reimbursement will be made through a Health Reimbursement Arrangement (HRA) for qualified medical expenses, including Medicare premiums (including supplemental or gap plans), and dental and vision expenses. Payment will be conditional upon criteria dictated by the HRA plan. The annual reimbursement benefit will be adjusted from time to time based on data from the national Medicare program.

This benefit will also be available to spouses who are covered by the employee's plan at the time of the employee's retirement, although it would cease one year after a retiree's death. Per IRS regulations, domestic partners would generally not be covered, unless they are a tax-dependent of the employee.

Dental coverage is also available at a 50% subsidy rate.

See the Director of Administration for additional details on these benefits.

## **Matching Donation Program**

All regular full-time employees are eligible for an annual 2:1 match of all donations up to \$1,000 made to nonprofit, charitable organizations subject to the terms and conditions of this policy. This benefit is available from day one of employment, but will be prorated for the first year, based on the employee's hire date. Part-time employees are also eligible on a prorated basis. Retired employees continue to be eligible for the same level of matching grants available to active employees. To receive the matching donation, the employee or retiree must complete the Matching Gift-Memorial Form and submit it to the General Accountant. The form can be found here: [S:\General\AccountingForms](#). The employee's check for his/her/their donation can be sent along with the Foundation's by attaching it to the form.

Certain restrictions apply, as follows:

- Staff may make up to 10 contributions per year, totaling no more than \$1,000 per year.
- Gifts must be monetary, and not 'in-kind' or non-monetary in nature (i.e., the value of donated clothing will NOT be eligible to be matched).

- For donations made in cash, a signed receipt or other official record of the donation must be presented from the recipient organization. For other donations, either a copy of the check or an official record of the donation (i.e., thank you letter) should be presented as proof of the donation.
- The staff member submitting the form must verify that the organization receiving the donation is a 501(c) (3) nonprofit organization or a faith-based organization.
- Certain memberships to nonprofit organizations may be eligible to be matched, but a breakdown of which part of the membership fee is tax deductible must be provided by the recipient organization.

*Please see the General Accountant with any questions about this policy, including the above-listed restrictions.*

### **Fitness Benefit**

A fitness benefit of up to \$600 is available to all employees having completed one year (12 months) of employment. The fitness benefit can be used to pay for health club memberships, personal training, individual fitness classes (e.g., yoga, Pilates, etc.), and/or the purchase of fitness equipment. Reimbursement for participation in an established behavioral weight management program (e.g., Weight Watchers) and for stress management or wellness services (e.g., massage therapy, acupuncture or chiropractic care not covered by health insurance) are also covered.

The yearly benefit is prorated for part-time employees and will be renewed on a calendar year basis (January – December). Individuals reaching their one-year anniversary will be eligible for a prorated benefit for the year in which they qualify (e.g., if employment anniversary is in June, the employee will receive \$300 after their one-year anniversary). Fitness expenses not incurred in the current calendar year will not be reimbursable (i.e., no retroactive payments). Also, because the benefit is provided to encourage regular physical fitness and wellness, unused fitness benefit funds cannot be carried over into the following year. Any fitness benefit not used in the calendar year will be forfeited.

Expenses will be reimbursed only if submitted to your supervisor along with the appropriate Fitness Benefit Approval/Reimbursement form and a receipt or other proof of payment (e.g., credit card bill). The Fitness Benefit form can be found here: [S:\General\AccountingForms](#). Reimbursement requests that do not fit into one of the defined categories will need to be approved by the President & CEO. If a staff person is not sure if their proposed expense will be reimbursable, they should submit the Fitness Benefit Approval/Reimbursement form to the President & CEO for pre-approval before making the proposed expense.

**Note: According to the IRS, this is a taxable fringe benefit. Therefore, the total amount reimbursed to each employee during the year (up to \$600) will be included in his/her/their taxable compensation with the appropriate taxes deducted from either the June or December payroll (based on when the reimbursement occurs). The same holds for gift cards, which are occasionally**

given by the Foundation in recognition of an occasion or accomplishment. This too will be reflected in either the June or December payroll.

*Where benefits apply to Domestic Partners, the terms of the specific benefit plan will govern. For additional information, see the Director of Administration.*

### **Work Schedule and Flexible Working Hours Policy**

The Foundation's offices are normally open to the public and visitors Monday through Friday from 9:00 a.m. to 5:00 p.m. Staff work schedules must be arranged to accommodate these hours to make sure that the Foundation is accessible to the public and that the business of the Foundation is accomplished.

Staff will generally be expected to work from 9:00 a.m. to 5:00 p.m., but the Foundation will consider requests for an alternate schedule on a case-by-case basis based upon the employee's position, specific job duties, and the business needs of the Foundation. Examples of alternate schedules considered by the Foundation include requests to work:

- 8 hours per day, 5 days a week during the time frame of 7:00 a.m. through 6:30 p.m., or
- 10 hours per day, 4 days a week during the time frame of 7:00 a.m. through 6:30 p.m.

When requesting flexible working hours, employees must:

1. Request the schedule change in writing and discuss with his/her/their supervisor how to minimize the effect of the schedule change on co-workers and productivity.
2. Be able and willing to rearrange the alternative schedule for days when staff meetings, in-service training or other events are scheduled.

Both full and part-time positions may possibly be eligible for flexible working hours, although part-time jobs at the Foundation are often tied to specific required work hours. Some positions will not be eligible for a flexible work schedule, based on the nature of the job's responsibilities. If a flexible schedule is approved, the first three (3) months of such schedule will be considered "probationary", with the impact on the employee and the Foundation to be re-evaluated at the end of that period. Newly hired employees may not be eligible for a flexible work schedule until they have been employed with the Foundation for at least six (6) months. All flexible working hour arrangements must be approved in advance and in writing by the President & CEO.

Approval of a flexible work schedule is at the sole discretion of the Foundation and may be suspended or terminated at any time for any reason.

### **Meal and Break Periods**

Full-time employees are entitled to take a one hour paid lunch break. Employees working 20-30 hours per week are entitled to a half-hour paid lunch break. All employees (non-exempt and exempt) must take at least a 30-minute lunch break each day that they work more than six (6) hours. Lunch breaks

are not considered working time and will be unpaid for employees working less than 20 hours per week. Employees are not permitted to work through their meal period to make up lost work time or to leave work early. Additionally, the meal period may not be taken at the end of an employee's workday in order to leave work before the normal end of their shift.

The Foundation maintains an informal atmosphere and does not have a formal system for scheduling breaks during the workday. We ask that all employees coordinate breaks with coworkers to ensure adequate coverage for all functions. In addition to lunch breaks, all employees are encouraged to pause during the workday to rest and refresh themselves.

### **Lactation Accommodation Policy**

It is the policy of the Foundation to provide a room or other private location for employees who wish to express breast milk or breastfeed at work. Lactation accommodations will be provided to employees for as long as they desire to express breast milk or nurse their infant. In addition, the Foundation will provide a reasonable amount of break time to accommodate employees desiring to express breast milk or nurse their infant. Employees who require such accommodations should submit a request to the Director of Administration, who will respond to the request within five business days.

The room provided will not be a bathroom and will be private and in close proximity to the employee's work area. Ideally, the space will have a door that locks, however, if that is not possible, a room can be made private by placing a message on the door that the room is in use, drawing blinds or curtains, covering windows without curtains, or setting up a portable partition. The space will be clean and comfortable, equipped with an electrical outlet, and contain seating and a table or other flat surface. It will also be located within close proximity to a sink with running water for hand washing and cleaning of equipment.

Employees will be allowed to store breastmilk in the Foundation refrigerator. It is suggested that the milk be kept in a bag or other personally marked container to distinguish it from other communally available food kept in the refrigerator.

Breastfeeding should not constitute a source of discrimination in employment or in access to employment. It is prohibited under this policy to harass a breastfeeding employee or exercise any conduct that creates an intimidating, hostile or offensive working environment. Any incident of harassment of a breastfeeding employee will be addressed in accordance with the Foundation's policies and procedures for discrimination and harassment.

A copy of this policy will be provided to every incoming employee and to any employee returning from maternity leave, and an annual reminder will be shared with all employees.

### **Holidays**

All regular staff members receive paid time off for the following holidays:

New Year's Day	Labor Day
Martin Luther King Jr. Day	Indigenous Peoples' Day
Presidents Day	Veterans Day
Memorial Day	Thanksgiving Day
Juneteenth	Friday after Thanksgiving
Independence Day	Christmas Day

At the beginning of the calendar year a holiday calendar is distributed by the Director of Administration listing the dates that the Foundation offices will be closed in observance of the above holidays. From time to time, additional holidays may be observed at the discretion of the management.

### **Personal Days**

Employees will occasionally have personal business involving circumstances such as legal and financial affairs and family emergencies that must be attended to during work hours. Additionally, employees may choose to use personal days to observe religious or ethnic holidays. Personal leave is not to be used to extend vacation time or sick leave.

Regular full-time employees will have available three (3) paid personal days per calendar year. Personal days will be pro-rated for regular part-time employees based on hours worked, and for new hires based on date of hire (i.e., a person hired in July would receive 1.5 days for their first year). Personal Day leave requests must be submitted to the employees supervisor in advance, using the Paylocity application. Personal days cannot be carried over from year to year. Employees are not paid for unused personal days upon their separation of employment from the Foundation.

### **Vacation Time**

The Foundation offers paid vacation time to eligible staff members for their rest and recreation away from work. The Foundation recognizes the value of time away from work responsibilities and encourages staff members to use all accrued vacation benefits on a timely basis.

Because the Foundation believes that time away from work is beneficial for rest and rejuvenation, compensation is not provided in lieu of vacation time.

Vacation accrual runs on a calendar year basis.

Regular full-time staff members earn paid vacation at their regular rate of pay, computed hourly, as follows:

Length of Service	Hours Accrued per Month	Vacation Days per Year
Less than 2 years	6.667	10
2 to 5 years	10	15
More than 5 years	13.337	20

Regular part-time staff members earn paid vacation on a prorated basis, determined by the number of hours they are regularly scheduled to work per week.

While the Foundation suggests that each employee use all earned vacation days each year, regular full-time staff members can carry over up to 10 days into the next calendar year. Any unused vacation time in excess of 10 days not used in the present year is forfeited. Regular part-time staff members can carry over vacation on a prorated basis.

Vacation requests should be submitted to the employee's supervisor for approval using the Paylocity application at least two weeks in advance of the requested vacation.

Any accrued, unused vacation will be paid out upon termination of employment.

### **Paid Sick Leave**

The Foundation provides paid sick leave to all eligible employees (including full-time, part-time, temporary, intern/co-op) in accordance with the requirements of New York's Paid Sick Leave Law (NY PSL). There is no specific number of days of paid sick leave accrued per year. Employees are asked to be judicious and responsible in their use of this benefit. This policy is to be interpreted to comply with all requirements under the NY PSL.

Specifically, sick leave may be used for the following reasons impacting the employee or a qualifying family member: for mental or physical illness, injury, or health condition; for the diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or for the need for medical diagnosis or preventative care. Sick leave may also be used for qualifying safe leave reasons under NY PSL for absences from work relating to the employee or the qualifying family member's status as a victim of domestic violence, a family offense, sexual offense, stalking, or human trafficking.

Whatever time is directly related to these qualifying reasons will be considered paid sick leave. However, if an employee chooses to take time during a "sick day" for other personal chores, that time should be recorded as personal leave or vacation (i.e., taking time to drive a parent to a doctor's appointment in the morning, but then taking off in the afternoon for other personal reasons).

Although the Foundation has a somewhat liberal sick time policy, we encourage staff to use their discretion and to speak with their supervisor if they anticipate being out more than one day, or if they are unsure if something qualifies as sick leave. Supervisors reserve the right to discuss any perceived

abuse of sick leave with their supervisees, and a doctor's statement may be required in accordance with applicable law if an employee uses more than five (5) consecutive days of sick time or when otherwise permitted by law.

Employees who are absent from work for illness or injury for more than seven (7) calendar days should request and submit an application for New York State Short Term Disability Benefits (see below).

### **Short-Term Disability**

Employees who are unable to work due to certain non-occupational injury, illness, or pregnancy-related disability for more than seven (7) calendar days may be eligible for New York State Short Term Disability Benefits (DB). DB benefits are calculated as a percentage of salary, up to a maximum each week as specified by law, for a duration of up to 26 weeks in a 52-week period. The cost of DBL insurance is covered by the Foundation. While on short-term disability, regular employees are eligible for salary continuation payments as indicated below.

Salary Continuation: Regular employees who qualify for DB benefits are eligible for supplemental salary continuation for a period not to exceed ninety (90) days. At no time may the combined DB and salary continuation payments exceed the employee's actual salary. During the period that an employee receives salary continuation, all payroll deductions will continue in accordance with applicable laws. A disability leave will not be considered working time for the purposes of accrual of vacation leave.

If you are out of work for more than seven (7) calendar days due to a non-work-related illness or injury, please contact the Director of Administration to determine your eligibility for short-term disability payments. You will be required to provide the Foundation with proper medical forms and the insurance company will determine if you are eligible for DB benefits.

Upon the conclusion of the DB period, employees may be eligible for long-term disability benefits pursuant to the terms of the Foundation's long-term disability plan (see below).

### **Long-Term Disability**

Long-Term Disability (LTD) insurance is provided to employees working 30 or more hours per week. Benefits are available beginning after 90 days of total disability, paying 60% of an employee's total monthly compensation (up to a cap of \$7,500/month). The benefit is payable up to normal retirement age at which point Social Security takes over and the LTD benefits stop. There is no monthly premium cost to the employee. A summary plan description is available in EmployeeNavigator.

### **Family Leave**

Pursuant to the New York State Paid Family Leave Benefits Law (PFL), the Foundation provides paid family medical leave to eligible employees for up to sixty (60) workdays per rolling twelve (12) month period for: (1) the birth and care of the employee's newborn child (or recovery from surgery related to childbirth); (2) the placement with the employee of a child for adoption or foster care; and (3) care

for an employee's seriously ill immediate family member (see definition of "immediate" under Bereavement Leave).

### PFL Eligibility

Employees with a regular work schedule of 20 hours or more per week are eligible to receive PFL benefits after 26 consecutive weeks of employment. Employees with a regular work schedule of less than 20 hours per week are eligible to receive PFL benefits after 175 days worked.

Depending on work schedule, some employees may have the opportunity to waive PFL deductions and benefits. Please see the Director of Administration for more information about this option.

### PFL Rights and Benefits

If eligible, NYS will pay 67% of your average weekly wage, up to a cap of 67% of the New York State average weekly wage for up to twelve (12) weeks. Please see the Director of Administration for information about applicable benefit amounts or calculations.

Leave may be taken in one block of time or intermittently but must be taken in full-day increments. Employees should try to schedule leave in a way that minimizes disruption to the Foundation's operations.

Employees taking PFL have a right to return to their same or comparable job upon return from leave. Employees may continue to receive health insurance benefits while on PFL under the same conditions applicable prior to the leave period. However, the Foundation may require an employee to continue to pay the employee's health insurance premium contributions during a period of PFL. An employee's failure to pay for his/her/their portion of required premiums may result in the termination of coverage.

### Notice and Application

Employees are required to provide thirty (30) days' advance notice of the need to take leave when the need is foreseeable and such notice is possible. Thirty (30) days prior to taking the leave or, if less, as soon as the need for a leave is known, employees should inform both their supervisor and the President & CEO of their desire to take the leave.

After providing notice, the employee must complete required application paperwork, obtain supporting documentation, and submit required claim forms and supporting documentation to the insurance carrier or Director of Administration. The insurance carrier will pay or deny an employee's claim for PFL within 18 days of receipt of the completed claim. Claim forms are available from the Foundation, our insurance carrier, or at [ny.gov/paidfamilyleave](https://ny.gov/paidfamilyleave).

Failure to provide required notice or complete required paperwork may result in the delay or denial of an employee's request for PFL. If a PFL claim is denied, the employee may request to have the denial reviewed by a neutral arbitrator.



### Salary Continuation for Eligible Full-Time Employees

Regular full-time employees who have worked for the Foundation for more than twelve (12) months are eligible to receive up to twelve (12) weeks of full salary continuation from the Foundation for qualifying leave under the PFL.

Employees who are receiving full salary continuation from the Foundation are required to complete the required PFL application paperwork and to submit the paperwork and supporting documentation to the insurance carrier or Director of Administration. For benefit details and information on how to apply see the fact sheet in the copy room or visit [www.ny.gov/paidfamilyleave](http://www.ny.gov/paidfamilyleave).

### Other Information

The Foundation will not discriminate or retaliate against employees for taking or requesting PFL.

Any period of approved PFL will run concurrently with any other applicable period of leave, including FMLA leave, to the maximum extent permitted by law.

Employees using PFL will be required to comply with the Foundation's normal absence reporting requirements and the failure to do so, absent unusual circumstances justifying the failure, may result in disciplinary action under applicable Foundation policies.

Employees who do not return to work or contact the Foundation after the expiration of approved family leave will be considered to have voluntarily resigned from the Foundation. The Foundation may also seek to recover health premiums from employees who do not return to work after the expiration of approved family leave in accordance with, and to the extent permitted by, applicable law.

### Extended Family Leave

If an employee wishes to take an extended leave (beyond the 12 weeks provided under PFL), the request should be submitted, in writing, to your supervisor and the President & CEO. Extended Family Leave requests are considered on a case-by-case basis and the Foundation reserves the right to decline such a request. Any extended family leave (after PFL leave is exhausted) will generally be unpaid. Employees may choose to use accrued vacation or personal time to cover an approved extended leave. However, during any **unpaid** family leave, the employee should be aware of the following benefit implications:

- 1) You will be responsible for your full health/dental insurance costs (i.e., premiums normally paid by both you and the Foundation);
- 2) You will not accrue vacation time;
- 3) Your long-term disability insurance will be suspended;
- 4) Your vision and life insurance may be suspended depending upon the length of the extended leave.

### **Bereavement Leave**

In the event of the death of an immediate family member (defined as a spouse, child, grandchild, parent or stepparent, sibling or step-sibling, parent-in-law, daughter-in-law, son-in-law, brother-in-law, sister-in-law, grandparent, foster parent or domestic partner) or the death of a significant person in an employee's life (i.e., best friend or someone who is like a parent), the Foundation may grant regular employees with up to five (5) days of paid bereavement leave. If there is a question regarding bereavement leave for someone that does not fit the above descriptions, please consult with your supervisor and the President & CEO for clarification.

### **Jury Duty**

If an employee is summoned for jury duty, the Foundation will allow the necessary time off without loss of salary. The employee should notify the President & CEO immediately and provide the President & CEO with a copy of the summons. When an employee's jury duty term is finished, the employee must provide the President & CEO with court documentation of the jury service that will be placed in the employee's personnel file.

### **Time Off to Vote**

Employees who are unable to vote in an official public election during non-work hours may take up to three (3) hours off from work, with pay, to vote. Advance approval for such time off must be obtained from the employee's supervisor. Employees who have four consecutive hours either between the opening of the polls and the beginning of their working hours or between the end of their working hours and the closing of the polls are considered to have sufficient time outside of their working hours to vote.

### **Crime Victim Leave**

In accordance with New York state law, any employee who is the victim of an offense upon which an accusatory instrument is based, who is subpoenaed to attend a criminal proceeding as a witness or who desires to exercise his/her/their rights to make a statement as a crime victim with regard to a sentencing, pre-sentencing or parole hearing, will be afforded time off to do so, provided the employee gives prior notice to his/her/their supervisor of his/her/their intent to appear as a witness, to consult with the district attorney, or to attend such hearing. This policy also covers employees who are victims of domestic violence who request time off related to court appearances or matters pertaining to their victimization.

### **Community Service Leave**

The Foundation encourages its employees to volunteer in their own communities and on behalf of causes and nonprofit organizations they care about. To support employees' community service, regular full-time employees may take one (1) week (five (5) workdays) of approved paid community service leave every year (prorated for regular part-time employees). Approval of the particular community service endeavor must be obtained in advance from the employee's direct supervisor and

is subject to his/her/their discretion. An employee is eligible for community service leave after having worked for the Foundation for one (1) month.

Community service leave must be taken in units of at least one (1) hour and must be spent in volunteer service (including serving on a board of directors, helping with a child's school special activities or serving as a hands-on volunteer) with a bona-fide charitable or public service organization. Community service leave requests must be submitted and approved by the employee's supervisor in advance using the Paylocity application. Documentation of the volunteer service undertaken may be required, and a presentation to Foundation staff may be requested as well.

### **Blood Donation Leave**

Employees may take up to three hours of unpaid leave during any calendar year to donate blood. Employees wishing to take leave for this purpose must provide reasonable notice of their intended use of such leave.

### **Military Leave**

Employees who serve in the uniformed services of the United States, including FEMA reservists, may take unpaid leave time to fulfill their obligation and will retain all of their employment rights at the Foundation in accordance with applicable law. In addition, pursuant to New York law, employees may be eligible for up to 10 days of unpaid leave when their spouse is on leave from service with the armed forces. Employees requesting military leave should provide as much notice as practicable.

**Please note there are many requirements, qualifications, and exceptions under leave laws. Before making plans for leave, please contact the Director of Administration to discuss your particular situation and options for leave.**

## **EMPLOYEE CONDUCT**

### **Professional Conduct**

We have developed certain guidelines to reflect what we believe are good business practices. We strive to develop and maintain a pleasant, efficient, and fair work environment that fosters cooperation and understanding.

All staff members are expected to be:

- Careful and conscientious in the performance of their work
- Respectful and considerate of others
- Courteous and helpful when dealing with other staff members, members of the board of directors, grantees and applicants, vendors and suppliers, and the general public.

Employees should avoid any conduct or behavior that may adversely affect coworkers, board or external relations, the performance of one's position, and/or execution of the Foundation's mission.

It is the obligation and responsibility of each employee at the Foundation to work on resolving problems and conflicts by focusing on solutions, keeping issues work-related (as opposed to personal), and communicating directly with the person or persons with whom you have a conflict. In most cases, discussing a situation will clear it up. An employee who believes they have experienced unlawful discrimination or harassment should report such conduct promptly in accordance with the Foundation's Reporting Discrimination and Harassment policy found in this Handbook.

This policy does not apply to conduct or speech expressly protected by federal or state laws or regulations.

### **Confidentiality**

As an employee of the Foundation, there is a duty and obligation to maintain the confidentiality of all business conducted within the Foundation, including information about staff, board members, Foundation officials, related organizations or companies, grantees, or applicant organizations. Except as otherwise consented to by the Foundation in writing, no employee may at any time disclose or use, either during or subsequent to employment, any proprietary or non-public information, knowledge or data received or developed during his/her/their employment at the Foundation or which the Foundation has received in confidence from others.

All originals and copies of any documents (including but not limited to all notes, memoranda, correspondence, notebooks, records, electronically stored data, recordings or videotapes) in an employee's possession or control pertaining to work done by an employee or under an employee's supervision during the course of employment, are the sole property of the Foundation. Accordingly, upon leaving the employ of the Foundation or when otherwise requested, employees shall turn over to the President & CEO all such originals and copies. Upon leaving the employ of the Foundation, employees will not take any originals or copies of any papers or documents without first obtaining the consent in writing of the President & CEO. Nor will an employee at any time without the written consent of the President & CEO of the Foundation publish alone or with others any article, paper or other matter in any publication relating to or arising out of employment with the Foundation.

This policy does not apply to conduct or speech expressly protected by federal or state laws or regulations.

### **Conflict of Interest Policy**

The Foundation expects the primary professional interest of employees to be the mission of the Foundation. A conflict of interest occurs when the interest of an employee or another outside party actually or potentially affects the Foundation in a negative way.

Employees may have outside business or volunteer interests and outside employment so long as these do not interfere with job performance. Employees may not earn profit from outside employment or

business and/or volunteer interests with a current or potential grantee that directly results from affiliation with the Foundation. In cases where a staff person is a volunteer (service or governance) with a nonprofit that is either receiving or applying for funds from the Foundation, that staff person shall not be responsible for either reviewing or approving the organization's application. The staff person is encouraged to offer their opinions about the organization but must also disclose the fact and the nature of her or his involvement. Any employee who has an affiliation (or whose immediate family member has an affiliation) with an applicant or grantee organization must disclose this information on an annual basis by completing and signing a Conflict of Interest Disclosure form.

Employees are not to accept gifts, gratuities, free trips, personal property or other items from an outside person or organization as an inducement to provide some benefit which may be conferred as a result of your affiliation with the Foundation. Employees may, however, accept token noncash gifts of insignificant value from grantees of the Foundation that are given as expressions of appreciation from grantees.

### **Political Activities**

While employees may engage in the political process in their individual capacities and during their free time, the Foundation is strictly prohibited from engaging in lobbying activities or electoral politics. Therefore, employees may not conduct lobbying or political activities with Foundation equipment (computer, phone, email, etc.) either inside or outside of working hours. Employees may not make solicitation phone calls or send solicitation emails for or on behalf of a legislative proposal or a political candidate with Foundation equipment or from Foundation email accounts and/or letterhead.

### **Standards of the Foundation**

See [Exhibit C](#) for additional Foundation Standards.

## **SEPARATION FROM EMPLOYMENT**

Termination of the employment relationship may be initiated by either the Foundation or the employee at any time and for any reason.

### **Job Abandonment**

If an employee walks off the job or fails to report to work for three (3) consecutive workdays without personally notifying his/her/their supervisor, the employee is considered to have abandoned his/her/their job and will be deemed to have resigned from employment with the Foundation.

### **Voluntary Termination**

Employees who wish to terminate their employment with the Foundation should submit a written notice of resignation, stating the last day to be worked and providing the advance notice specified in

the employee's hiring letter. If no notice period is specified in the employee's hiring letter, an employee is asked to provide at least 2 weeks' advance notice. Employees are encouraged to discuss their reasons for leaving with the President & CEO.

### **Involuntary Termination**

The Foundation expressly reserves the right to discipline an employee for violations of Foundation policy by taking whatever action we, at our sole discretion, deem to be appropriate and in the best interest of the Foundation, up to and including termination. Termination may be with or without notice, for any reason or no reason, and with or without cause.

### **Return of Foundation Property**

Before leaving on their last day, employees must return all Foundation property, including keys, credit cards, computer and telephone equipment and software, all documents issued to them during the course of their employment, and all passwords to access all documents, CD or drives, computer, electronic or voice mail systems.

### **Post-Employment Inquiries/References**

The Foundation is committed to protecting the privacy of our current and former employees. All inquiries regarding employment dates and position held should be referred directly to the Director of Administration. Parties requiring more detailed or personal employee information must be referred to the President & CEO (or designated staff). The Foundation may choose to provide such information, in its sole discretion, if both the Foundation and the employee agree that the Foundation will serve as a reference for such employee. Under some circumstances, such as in response to a subpoena, additional information may be disclosed, as determined appropriate by the Foundation and/or as required by law.

## **WORKPLACE POLICIES**

### **Electronic Communications and Computer Usage Policy**

The Foundation's electronic communication systems (including, but not limited to, computer networks, electronic mail, access to the Internet, phone, voice mail, fax machines, photocopiers and other electronic communications equipment) and any information stored on it is Foundation property and its purpose is to facilitate Foundation business. Use of the system for personal purposes should be kept to a minimum and must not interfere with job performance or business use of the system. All use must be in accordance with this policy and all Foundation policies.

The following are examples of the types of system usage that are prohibited:

- Communication of or access to material contrary to the Foundation's mission, policies and practices, including material that is pornographic, sexually offensive or harassing, or offensive

or derogatory to any group of persons, including to any persons in classifications protected by law;

- Any usage that violates applicable law;
- Any usage that would compromise the Foundation's confidential information; and
- Any usage that would be disruptive to the work environment or harmful to morale.

All external communications via email and/or the Internet are identifiable as coming from the Foundation and therefore must be professional and suitable for association with it.

All materials created, sent, received, stored or maintained on the Foundation's computer network system are the property of the Foundation. By using the Foundation's computer system, all employees understand that they have no personal privacy right or expectation of privacy in any document, data or software created, sent, received, stored or maintained on their computer hardware or the Foundation's network, including the contents of any email communication, or in the identity of Internet sites accessed or the content of any Internet connection. The Foundation may need to monitor, access, or review the electronic communications system and its contents (including email, voicemail, and Internet access) for a number of business reasons and reserves its right to do so without notification in accordance with applicable law. In addition, the Foundation reserves the right to disclose information concerning employee usage of the Foundation's systems to any third party (inside or outside the Foundation) as deemed appropriate, in its sole discretion.

It is a violation of this policy for an unauthorized individual to access any aspect of another's computer network system without clear permission or to engage in any communication in which that individual is not properly identified as the sender.

### **Information Technology and Security Policy**

This Information Technology and Security Policy applies to all Foundation employees. If other individuals, contractors, or service providers will have access to the Foundation computer network or devices, the Foundation will endeavor to apply similar safeguards.

Remote Access: It is the responsibility of Foundation employees, contractors, vendors and agents with remote access privileges ("Authorized Users") to the Foundation network to ensure that the remote access connection is given the same consideration as the user's on-site connection.

When accessing our network from a personal computer, authorized users are responsible for preventing access to any Foundation computer resources or data by non-authorized users. Authorized Users should ensure that any device used to remotely connect to the Foundation network is regularly updated and uses anti-virus software.

IT Equipment Usage: The Foundation may provide employees with access to business equipment and systems such as telephones, handheld devices, laptops, printers, copy and fax machines. These are to be used by employees to conduct Foundation business. The Foundation permits reasonable, occasional personal use of its equipment as long as it does not interfere with job performance or business use of the system. If an employee damages business equipment that is the property of the

Foundation through misuse or abuse, or if an employee loses such business equipment, such employee will be liable for damages/loss. The same limitations and rules described in the Electronic Communications and Computer Usage policy above apply to other IT equipment provided by the Foundation.

Security Awareness Training: General security training shall be provided as part of the new hire orientation. This training should include acceptable use training, physical security training, recognition and reporting of potential security incidents and appropriate use of security features (e.g., locked screen saver, password management, etc.).

Transmission of Sensitive or Confidential Information: Confidential or sensitive information that is being shared or sent via email shall be encrypted.

Document Destruction and Retention: With respect to records disposal, it is the responsibility of each employee to discard the Foundation's business records in a manner consistent with the importance and secrecy of the particular record. Where appropriate to protect confidentiality, documents should be shredded or otherwise securely destroyed prior to removal from the Foundation's facilities.

With regard to records containing confidential information (such as any personally identifiable information protected by applicable statute or regulation), such records shall be disposed of within a reasonable amount of time after such records are no longer needed for a business purpose. Appropriate business purposes include, but are not limited to, the Foundation's ordinary course of operations in relation to such records (e.g., maintaining records for use in an ongoing grantee relationship); maintaining an archive of records to ensure system integrity; use of records for investigating and responding to data security incidents; and preserving records in the event of anticipated litigation.

In the event the Foundation is served with any subpoena or request for documents or any officer, director or employee becomes aware of a governmental investigation or audit concerning the Foundation or the commencement of any litigation against or concerning the Foundation, the destruction of any documents designated as relevant shall be suspended immediately and until such time as the legal or other action is resolved and counsel has been consulted and has authorized the reinstatement of this policy with respect to the designated documents. Similarly, if the Foundation is subject at any time to litigation hold, such litigation hold will override the provisions set forth in this policy.

The Foundation may enter into agreements with outside parties, such as non-disclosure or confidentiality agreements, that contain retention and destruction provisions.

Passwords: Passwords should be unique in the sense that Foundation users should not re-use a password that is used for a non-Foundation account. Users should never share or write down passwords and should not use common passwords (such as "password"). Where available, multifactor authentication should be utilized. Password requirements are set in collaboration with our IT provider and passwords should not be shared with anyone and must be treated as sensitive, confidential



information. Passwords should not be written down and left unprotected. If you suspect an account or password has been compromised report the incident immediately to our IT provider.

Archiving of Email: The Foundation regularly backs up all information and data stored on the computer network, including email messages. Even “deleted” messages are not truly deleted but are in fact archived in the system. If you do not want a message possibly preserved for posterity, then the message should not be sent via email.

Care in Use of Email: Please use discretion in use of your email address – there are limited ways to protect against junk email (“spam”) which can unnecessarily clog the system. To protect against computer viruses, do NOT open email and email attachments from unknown sources. Such viruses could infect and potentially disable not only your workstation but also the entire network. Please keep in mind that email in general should use the same kind of thoughtful discretion that you would apply to other forms of written communication. Do not copy everyone in a group unless you absolutely need to. Be sure that you chose the correct recipients for an email – it is easy to send or forward the wrong message to someone other than the intended recipient. Email messages have been known to go astray and end up on bulletin boards and posted on the Internet.

Software: Only Foundation-approved software may be installed on any employee’s computer workstation. Software of any kind may only be installed with the permission of the Foundation’s Information Technology Manager.

Clean Desk: Employees are required to ensure that all sensitive/confidential information in hardcopy or electronic form is secure in their work area at the end of the day and when they are expected to be gone for an extended period. Computer workstations must be locked when unoccupied and at the end of the workday. Passwords may not be left on sticky notes posted on or under a computer, nor may they be left written down in an accessible location. Treat mass storage devices such as CDROM, DVD or USB drives as sensitive and secure them in a locked drawer.

User Rights and Access Controls: Access to Foundation information will be limited to authorized persons whose job responsibilities require it, as determined by an appropriate approval process, and to those authorized to have access in accordance with all applicable federal and state laws, regulations, executive orders, policies, and guidance. Every user must maintain the confidentiality of information assets even if technical security mechanisms fail or are absent.

## **Social Media Policy**

The Foundation recognizes the value of online social media tools for connecting with our grantees and the community as a whole. We also recognize the importance of our employees joining in and helping shape the conversation and direction among nonprofits through interaction in social media. However, the 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 the following

policy guidelines to be used when representing or referencing the Foundation on the Internet. Policy violations may result in disciplinary action up to and including termination.

### Scope

For the purposes of this policy, social media means any facility for online publication and commentary, including blogs, chat rooms, web bulletin boards, wiki's, personal web sites, and social networking sites such as Facebook, Instagram, LinkedIn, Snapchat, TikTok, Twitter, YouTube, etc.

All uses of social media must follow the same ethical standards and guidelines that Foundation employees must otherwise follow, including the personnel policies in this Handbook. Ultimately, you are solely responsible for what you post online. Before creating online content, consider some of the risks and rewards that are involved, and whether your comments may adversely affect your job performance, the performance of your co-workers, or otherwise conflict with the Foundation standards and guidelines.

This policy is in addition to and complements existing policies regarding the use of technology, computers, e-mail, and the Internet. All information contained or sent via the Foundation's servers is Foundation property. Employees should have no expectation of privacy when using the Foundation's computing equipment or network Internet access, and the Foundation reserves the right to access the computing systems at any time. The Foundation may also modify or delete any content submitted via its social media pages.

### Guidelines & Responsibilities

The President & CEO must approve in advance all social media activities conducted, instituted, or maintained on behalf of the Foundation.

Foundation social media profiles and entries are to be frequently updated with current and relevant information. This includes monitoring the site for inappropriate language, images, depictions, and misuse on a regular and consistent basis. This will be monitored by the Director of Administration who may also consult with the Director of Programs if there are any questions as to the appropriateness of content.

As with any other form of communication, employees need to adhere to the Foundation Confidentiality policy (as set forth in this Handbook) when using social media. If an employee is not sure whether information has been released publicly, the employee should speak with his/her immediate supervisor before making any disclosure. Likewise, employees must not post confidential information about third parties that has been entrusted to the Foundation.

It is important to show proper respect for the laws governing copyright and fair use or fair dealing of copyrighted materials owned by others, including any copyrights or trademarks owned by the Foundation. Never quote more than short excerpts of someone else's work, and always attribute such

work to the original author/source. It is good general practice to link to others' work rather than reproduce it.

When dialoguing as a representative of the Foundation, only honest, knowledge-based responses should be provided. If an answer is not known, state that and seek to find the appropriate person to respond. Never post any information or rumors that you know to be false about the Foundation, fellow employees, grantees or associates.

If an employee sees misrepresentations made about the Foundation in the media, it should be brought to the attention of the President & CEO or Director of Programs, who will determine if the comment or statement requires a response.

Sometimes, grantees or associates may ask employees to become their "friend" on social media sites. This is allowed, but employees must remember that the guidelines in this policy apply to these online relationships.

With respect to employees' personal use of social media, employees should be cognizant that there may be a fine line between what they post personally and the perception that they are posting on behalf of the Foundation. Never represent yourself as a spokesperson for the Foundation when expressing your own opinion. If the Foundation is a subject of the content you are creating, be clear and open about the fact that you are an employee and make it clear that your views do not represent those of the Foundation.

As an employee of the Foundation, you must not engage in direct or grassroots lobbying or political campaigning in your professional capacity or on Foundation pages. Ensure that there is no perception of Foundation involvement or support of your personal lobbying/political activities and never use Foundation assets or your work time for these activities. You are responsible for being familiar with and complying with the Foundation's political activity policy and rules.

At all times, employees ensure that social media use does not interfere with their work or commitments to grantees and should consider applicable Foundation policies, such as the Non-Discrimination and Anti-Harassment Policy, when using social media.

Nothing in this policy shall be interpreted or applied as limiting an employee's right to engage in protected concerted activity as provided by federal and state law.

### **Telecommuting Policy**

The Foundation defines telecommuting as a formal work arrangement in which some or all of an employee's work is performed at a location other than that of the Foundation office. In recognition of the varying needs of employees in today's workforce, and the technological improvements that allow more productive work from remote locations, this policy is being implemented to make sure that guidelines are available for employees considering a formal telecommuting arrangement. Note: working away from the office on an occasional basis such as working at home when a child is sick, or

for a specific and sporadic purpose, is not considered telecommuting. Telecommuting is a regular and scheduled period of working away from the office.

*Guidelines:*

- 1) Employees may initiate a request to telecommute at any time. This request must be in writing, and must include the following: proposed telecommuting plan, reason for telecommuting, the kind(s) of work that the employee anticipates doing while telecommuting (if different from that normally done at the office), the equipment available to the employee, and the kind of Internet and telephone access available to the employee.
- 2) The employee will be provided with a Foundation-owned computer so that it can be properly maintained and updated by the Foundation's IT managed services company. However, it is required that employees have reasonable Internet and telephone access at their alternate work location (to take and receive work-related calls and emails).
- 3) Telecommuting employees must be able and willing to rearrange telecommuting plans for in-person staff meetings, in-service training or other events that are scheduled.
- 4) Employees will be asked to sign an agreement that details the employee's responsibility for maintaining workplace safety and which also indemnifies the Foundation for any injuries to others incurred at the employee's remote workspace. Employees will also be required to provide a secure workspace for any Foundation-owned equipment and materials and will be responsible for any damage to such items. The agreement will also detail any data protection and security that will be required to protect access to the Foundation's network, and to assure that any data or information kept on the employee's computer is secure and backed-up.
- 5) Telecommuting will generally be considered for part of an employee's work week; in most cases telecommuting for more than the equivalent of two days per week will not be permitted.
- 6) Both regular full and part-time positions may possibly be suited for telecommuting, although not all positions will be eligible for telecommuting opportunities. Eligibility will be based on the nature of the work performed, the need for an employee to have access to resources only available at the Foundation, the need for the Foundation to maintain regular business hours, and the employee's performance and tenure.
- 7) The first three (3) months of a telecommuting schedule will be considered "probationary", with the impact on the employee and the Foundation to be re-evaluated at the end of that period. Newly hired employees may not be eligible for telecommuting for the first six (6) months of employment.
- 8) A telecommuting agreement (Exhibit B) must be completed and approved by the President & CEO. Approval to telecommute is at the sole discretion of the Foundation and may be suspended or terminated at any time for any reason.

## **Attire**

The Foundation does not enforce a dress code for its employees. However, we expect that employees will maintain a clean and neat appearance and will project a professional and businesslike image in dealing with other employees, visitors, and the general public. The Foundation reserves the right to define appropriate standards of appearance for the workplace in accordance with applicable law.

## **Inclement Weather Policy**

It is the policy of the Foundation to keep the office open and staffed unless severe weather conditions threaten the safety and security of staff. The Foundation recognizes that in our rural region, weather and road conditions can vary greatly from one community to another; consequently, staff will be expected to use their own judgment and common sense, along with information from radio and television broadcasts, to make their own determination about whether they can safely travel to the office. Staff are encouraged not to be heroic in their efforts to reach the office. Given the ability to work remotely, employees will be expected to work from home on days of inclement weather unless there is a power outage that prevents remote work.

## **Office Closings**

No hard and fast rule can be established to help determine when the office may be closed for an entire day. In the event of very heavy snow, ice storms, or other severe weather overnight, the decision to close the office will be made by the President & CEO (or the staff person designated to make this decision in the absence of the President & CEO), based on the best available information by 7:30 a.m. of that workday. If the office is to be closed, a message to this effect will be left via the office voicemail system (call main phone line 845-677-0644 and dial “6” when the automated attendant begins speaking) as well as being sent to employees by email.

With the advancements in technology, staff are now able and expected to work remotely from home even though the office is physically closed. However, staff who have work-related appointments on a day that the office is closed may wish to cancel those appointments and should do so themselves.

Staff should always keep with them (or at home) the comprehensive Foundation “telephone numbers” list (which includes all staff telephone numbers).

## **Use of Personal Automobiles**

Employees who use their own automobiles for travel on authorized Foundation business will be reimbursed for mileage at the rate established by the Internal Revenue Service. Employees must have prior supervisory approval for the use of personal vehicles and must carry, at their own expense, the minimum insurance coverage for property damage and public liability.

The Foundation provides travel accident insurance to all full-time employees. The policy covers accidental death and dismemberment when an employee is traveling on work-related business.

Commuting between one's home and work is not included in this policy. This policy does not cover property damage to vehicles.

For complete policy information, see the Director of Administration.

### **Travel and Expense Reimbursement Policy**

The Foundation recognizes that, to conduct Foundation business and further its charitable mission, it may be necessary for board members, officers, committee members and employees to travel at the expense of the Foundation.

#### **Advance Approval**

Advance approval by the President & CEO or immediate supervisor is required for all employee overnight trips. Employees should complete a Travel Request form to obtain advance approval. Directors, officers, and committee members are not required to obtain advance approval but are encouraged to have the Foundation staff assist in making travel arrangements.

#### **Documentation and Reimbursement**

Requests for reimbursement must be accompanied by original receipts and a description of the charitable use or purpose. For expenses involving the entertainment of guests, the guest name(s) and affiliation must be disclosed. Requests must be submitted within 30 days following the activity. Employees must submit an Expense Report form with the appropriate documentation.

#### **Travel Advances**

Travel advances may be requested to cover out-of-pocket expenses that are not able to be charged on credit cards. Employee requests for travel advances should be made with a Purchase Request form and should be submitted to a supervisor at least seven (7) days prior to the trip.

For a detailed description of the Foundation's definition of reasonable and necessary business expenses and the conditions under which those expenses will be reimbursable to the individual, please see the complete Travel Policy and related Purchasing Procedure located in the Office Policies and Procedures manual.

### **Policy Regarding Use of Foundation-Issued Credit Cards**

The Foundation will issue credit cards to certain employees for Foundation-related expenses. Use of this credit card should be considered a privilege and should not be abused. Any Foundation credit card issued to an employee must be used for business purposes only, in conjunction with the employee's job duties. Foundation-issued credit cards shall not be used for any non-business or non-essential purpose, personal purchases or any other transaction that is not authorized or necessary to carry out the cardholder's job duties.

The Foundation will not regard expenses for one's own business-related use, such as lodging and meals while on Foundation-approved business trips, as personal purchases, if such expenses are consistent with the Foundation's Travel and Expense Reimbursement policies.

Employees should keep in mind that all business-related charges are tax-exempt and, therefore, whenever possible, the user should ensure that the vendor is provided with the Foundation's tax-exempt form and that they are not charged state sales tax.

Corporate credit card expenditures must be reconciled and submitted with original receipts to the Accounting/Finance Department within ten (10) business days of the statement date. Cardholders who have not reconciled and submitted their monthly expenditure within this period will be asked to reconcile and submit their monthly expenditure immediately. If the card expenditures are not reconciled and submitted within a month of the statement date or a plausible explanation has not been received by the Accounting/Finance Department, the employee's credit card may be canceled.

If any employee uses a Foundation credit card for personal purchases in violation of this policy, the cost of such purchase(s) must be reimbursed by the employee immediately or will be considered an advance against future wages payable to that employee and will be recovered in full from the employee's paycheck in accordance with applicable law. Violation of this policy may also result in disciplinary action, up to and possibly including termination of employment, depending upon the severity and frequency of the offense.

Lost or stolen cards must be reported immediately to the Director of Finance.

### **Tuition Reimbursement Policy**

The Foundation values professional development and continuing education for its staff members. The Foundation will reimburse any full-time employee who has been employed for more than twelve (12) months for the cost of tuition, books and related course materials incurred in taking courses that are related to the employee's present or potential duties at the Foundation, subject to the terms and conditions of this policy. To receive reimbursement under this program, an employee must be an active Foundation employee in good standing at the time of enrollment in the course and when the reimbursement is made.

Employees are eligible to receive reimbursement under this plan for no more than two (2) courses per semester or eight (8) credits per semester unless advance permission has been granted by the President & CEO for accelerated programs and other special circumstances. Covered expenses must be substantiated with receipts and other supporting documents as requested by the Foundation.

If approved for tuition reimbursement, 100% of covered costs will be reimbursed if the employee attains a grade of B- or better (or the equivalent) based on a traditional grading scale. 50% of covered costs will be reimbursed if the employee attains a D- up to a C+ (or the equivalent). If a particular course or program produces a non-graded rating of either pass/fail or complete/incomplete, the employee will be reimbursed 100% for a pass or complete rating and will not be reimbursed for a fail

or incomplete rating. The maximum amount of tuition reimbursement may be reduced by the amount of any educational benefits or financial aid received by the employee from any other sources for the course taken. No costs will be reimbursed if the employee fails the course or withdraws from the course prior to its completion.

All tuition that is eligible for reimbursement under the Foundation Tuition Reimbursement Policy and is in excess of the IRS annual threshold of \$5,250, will be taxable. This means that the employee will be liable for all statutory taxes that are levied on compensation. This includes FICA and Medicare plus federal and NYS income taxes. The IRS threshold is subject to periodic revision. Tuition compensation will be reported to the Director of Finance upon reimbursement to the employee, or upon our direct payment to the college or university. Unless otherwise specified, the employee's next periodic paycheck will reflect the gross amount of the tuition and the associated withholding taxes. If the employee wishes, it is possible to have tuition-related withholding taxes spread over multiple pay periods but this must be worked out with Accounting in advance.

To request tuition reimbursement, please complete the [Tuition Reimbursement Application](#). The President & CEO must approve all courses for which reimbursement is sought in advance of registration for the course. The course(s) must be, in the Foundation's opinion related to the employee's current position or a position the Foundation believes the employee can reasonably achieve. The Foundation will determine, in its sole discretion, whether a course is business or job related. Classes should not be scheduled during regular business hours nor should coursework interfere with work obligations. Prior to providing reimbursement, the Foundation may require a bursar's receipt, official school documents indicating the fact of course completion and the grade, and documentation regarding any financial aid or educational benefits received. The Foundation reserves the right to determine whether any reimbursement will be made for a particular course in any given situation.

### **Drug-Free Workplace**

The Foundation is committed to providing a drug and alcohol-free workplace. The Foundation has a responsibility to its employees, visitors, and members of the general public to provide a safe, secure, and efficient working environment. With that, all staff members are expected to understand and comply with the following guidelines regarding the use of drugs or alcohol in the workplace:

- 1) The unlawful use, possession, purchase, distribution, sale or manufacture of alcohol or controlled substances on the Foundation's premises, or while engaged in Foundation activities is prohibited.
- 2) The Foundation prohibits all staff members from working, reporting to work, or being present on Foundation property, or engaging in Foundation activities while under the influence of drugs or alcohol. The only exceptions are the appropriate use of over-the-counter medications or medications prescribed for use by the employee, provided the employee is able to continue safely performing his or her job duties.



- 3) Failure to follow the Foundation's drug-free workplace policy may result in disciplinary action including suspension without pay or immediate termination. If applicable, the violation of policy may be referred for criminal prosecution.
- 4) The Foundation reserves the right to take any and all appropriate and lawful actions necessary to enforce this policy including, but not limited to, the inspection of the employee's personal property in certain circumstances, as well as Foundation-issued desks or other suspected areas of concealment on Foundation property.

### **Safety Policy**

The Foundation strives to provide employees with a safe, comfortable, and healthy work environment.

Employees are provided with the tools, training, facilities, and information necessary to work in a safe and efficient manner and are asked to approach their work with a thoughtfulness that reflects respect for their own health and safety and that of fellow employees.

The Foundation strives to comply with all workplace safety laws and regulations; employees are responsible for taking the opportunities provided to understand them and observe them. The Foundation's fundamental belief is that no one task is so important that it warrants risking the health or safety of any employee at any time.

If an employee is injured or has any kind of accident at work, the incident should be reported to the President & CEO or Director of Administration as soon as possible -- no matter how minor it appears at the time.

The Foundation provides required coverage and protection in accordance with state workers' compensation laws at no cost to the employee. The Director of Administration will be able to provide information concerning benefits if an employee has an on-the-job injury or illness.

### **COVID Policy**

The Foundation will follow the current Centers for Disease Control (CDC) guidelines with regarding to COVID.

### **Protection against Airborne Infectious Disease**

The Foundation complies with the NY HERO Act, an airborne infectious disease exposure prevention plan. The purpose of the plan is to protect employees against exposure and disease during an airborne infectious disease outbreak. This plan goes into effect when 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. This plan is subject to any additional or greater requirements arising from a declaration of a state of emergency due to an airborne infectious disease, as well as any applicable federal standards. See the full plan [here](#).

## **Whistleblower Policy & Protection**

The Foundation is committed to maintaining the highest standards of personal and professional integrity, conduct, and ethics.

It is the responsibility of all directors, officers, and employees to comply with the policies included in this Handbook, including the “Standards of the Foundation” ([Exhibit C](#)), with all general standards of ethical behavior, and with all laws or regulations that govern nonprofit operations, and to report violations or suspected violations according to the procedure set forth below.

### **Reporting**

If any director, officer, or employee becomes aware of, or has a good faith suspicion that, Foundation resources are being used fraudulently, dishonestly, or unethically, or that any legal or regulatory laws are being violated, he/she/they is obligated to report this knowledge or suspicion.

The Foundation suggests that questions, complaints, and concerns be shared with those that are in the best position to address the concerns. In many cases, an employee’s supervisor or someone else in management would be the most appropriate person to handle the complaint.

If the circumstances of the situation do not lend themselves to this open-door approach, the Foundation has established a process that will ensure confidentiality and will offer protection against retaliation and negative employment consequences as a result of filing a report.

1. The employee should complete a written report which should be as specific as possible, including such information as: name of the individual or individuals involved, nature of the unethical act or behavior, details as to how this knowledge was obtained, any written proof, and names of any others that are believed to be witnesses.
2. The report should be submitted to one, any number, or all of the following individuals: President & CEO, or Board Chair or Secretary. If these individuals would be considered to be prejudiced or complicit, the report can alternatively be submitted to the Foundation’s independent counsel, who is Harter, Secrest & Emery, 1600 Bausch and Lomb Place, Rochester, NY 14604. Phone: (585) 232-6500; Fax: (585) 232-2152; email: [jcasion@hselaw.com](mailto:jcasion@hselaw.com)

### **Confidentiality and Protection from Retaliation**

Investigations will be conducted promptly by the Foundation, including its directors, officers and management, with sensitivity, discretion and confidentiality to the extent possible under the circumstances and the law.

The Foundation, including its directors, officers and management, will not retaliate against a whistleblower for making a complaint as long as he/she/they is acting in good faith and without

malicious intent and has reasonable grounds for believing that an ethical violation exists. A director, officer or employee of the Foundation who retaliates against someone who has reported a violation is subject to discipline up to and including removal from the Board of Directors or termination of employment.

The Foundation will not reveal the identity of any person who makes a report or provides assistance to the Foundation in connection with the investigation of a report (including before any governmental, regulatory or law enforcement body) and who, in each case, asks that his/her/their identity as the person who made such report or provided assistance in connection with such report remain confidential, unless compelled to do so by judicial or other legal process. The Foundation also will not make any effort, or tolerate any effort made by any other person or group, to ascertain the identity of any person who makes a report anonymously.

### Investigation

The recipient(s) of the report will contact the complainant, if known, and acknowledge receipt of the reported violation. An investigation will be conducted promptly by one or more of those individuals named above. Investigations may include any of the following: consulting with legal counsel, internal or external audits, interviews with possible witnesses, review of relevant documents, or any other lawful method of investigation.

### Resolution

Confirmed violations of Foundation policy, standards of conduct, and/or applicable laws or regulations will be met with prompt and appropriate remedial and disciplinary action, up to and including termination of employment, removal from office, restitution, and/or criminal prosecution.

If any trustees, directors, officers, or employees have any questions about this policy, such questions can be addressed to any of the aforementioned individuals.

## ACKNOWLEDGEMENT OF EMPLOYEE HANDBOOK

I understand that the Foundation has prepared this Handbook as a general guide for policies, benefits, and general information about my employment with the Foundation, and I will consult Human Resources regarding any questions not answered in the Handbook. 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 revisions made to it. **Furthermore, I acknowledge that this Handbook does not create a contract of employment, either express or implied.**

Since the information, policies, and benefits described here are necessarily subject to change, I acknowledge that revisions to the Handbook may occur. Such changes may or may not be communicated in advance, and I understand that revised information may supersede, modify, or eliminate existing policies.

I acknowledge the receipt of the Foundation Employee Handbook, including the Non-Discrimination and Anti-Harassment Policy, the Information Technology Policies, and all other policies contained in the Handbook as well as exhibits attached thereto. I also acknowledge that I have read the Employee Handbook and understood its terms. I understand that failure to comply with the Foundation's policies may result in disciplinary action up to and including termination. I agree to abide by the policies set forth in the Handbook.

**I have entered into my employment relationship with the Foundation voluntarily and acknowledge that there is no specified length of employment. I understand that I am an at-will employee, which means that either the employee or the Foundation can terminate the employment relationship at any time without cause or notice. Nothing in this Handbook, or any other practice document, alters the at-will nature of my employment relationship.**

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Signature of Employee

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Print Name

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Date

## **EXHIBIT A - Sexual Harassment Policy & Reporting Procedures**

### **Sexual Harassment Policy**

1. The Foundation policy applies to all employees, applicants for employment, and interns, whether paid or unpaid. The policy also applies to additional covered individuals. It applies to anyone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in our workplace. These individuals include persons commonly referred to as independent contractors, gig workers, and temporary workers. Also included are persons providing equipment repair, cleaning services, or any other services through a contract with the Foundation. For the remainder of this policy, we will use the term “covered individual” to refer to these individuals who are not direct employees of the company.
2. Sexual harassment is unacceptable. Any employee or covered individual who engages in sexual harassment, discrimination, or retaliation will be subject to action, including appropriate discipline for employees. In New York, harassment does not need to be severe or pervasive to be illegal. Employees and covered individuals should not feel discouraged from reporting harassment because they do not believe it is bad enough, or conversely because they do not want to see a colleague fired over less severe behavior. Just as harassment can happen in different degrees, potential discipline for engaging in sexual harassment will depend on the degree of harassment and might include education and counseling. It may lead to suspension or termination when appropriate.
3. Retaliation is prohibited. Any employee or covered individual that reports an incident of sexual harassment or discrimination, provides information, or otherwise assists in any investigation of a sexual harassment or discrimination complaint is protected from retaliation. No one should fear reporting sexual harassment if they believe it has occurred. So long as a person reasonably believes that they have witnessed or experienced such behavior, they are protected from retaliation. Any employee of the Foundation who retaliates against anyone involved in a sexual harassment or discrimination investigation will face disciplinary action, up to and including termination. All employees and covered individuals working in the workplace who believe they have been subject to such retaliation should inform the President & CEO. (If reporting the incident to the President & CEO is for any reason uncomfortable, then the matter may be reported to another manager.) All employees and covered individuals who believe they have been a target of such retaliation may also seek relief from government agencies, as explained below in the section on Legal Protections.
4. Discrimination of any kind, including sexual harassment, is a violation of our policies, is unlawful, and may subject the Foundation to liability for the harm experienced by targets of discrimination. Harassers may also be individually subject to liability and employers or supervisors who fail to report or act on harassment may be liable for aiding and abetting such behavior. Employees at every level who engage in harassment or discrimination, including managers and supervisors who engage in harassment or discrimination or who allow such behavior to continue, will be penalized for such misconduct.

5. The Foundation will conduct a prompt and thorough investigation that is fair to all parties. An investigation will happen whenever management receives a complaint about discrimination or sexual harassment, or when it otherwise knows of possible discrimination or sexual harassment occurring. The Foundation will keep the investigation confidential to the extent possible. If an investigation ends with the finding that discrimination or sexual harassment occurred, the Foundation will act as required. In addition to any required discipline, the Foundation will also take steps to ensure a safe work environment for the employee(s) who experienced the discrimination or harassment. All employees, including managers and supervisors, are required to cooperate with any internal investigation of discrimination or sexual harassment.
6. All employees and covered individuals are encouraged to report any harassment or behaviors that violate this policy. All employees will have access to a complaint form to report harassment and file complaints. Use of this form is not required. For anyone who would rather make a complaint verbally, or by email, these complaints will be treated with equal priority. An employee or covered individual who prefers not to report harassment to their manager or employer may instead report harassment to the New York State Division of Human Rights and/or the United States Equal Employment Opportunity Commission. Complaints may be made to both the employer and a government agency.

Managers and supervisors are required to report any complaint that they receive, or any harassment that they observe or become aware of, to the President & CEO.

7. This policy applies to all employees and covered individuals, such as contractors, subcontractors, vendors, consultants, or anyone providing services in the workplace, and all must follow and uphold this policy. This policy must be provided to all employees in person or digitally through email upon hiring and will be posted prominently in all work locations. For those offices operating remotely, in addition to sending the policy through email, it will also be available on the organization's shared network.

### What Is Sexual Harassment?

Sexual harassment is a form of gender-based discrimination that is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and the status of being transgender. Sexual harassment is not limited to sexual contact, touching, or expressions of a sexually suggestive nature. Sexual harassment includes all forms of gender discrimination including gender role stereotyping and treating employees differently because of their gender.

Understanding gender diversity is essential to recognizing sexual harassment because discrimination based on sex stereotypes, gender expression and perceived identity are all forms of sexual harassment. The gender spectrum is nuanced, but the three most common ways people identify are cisgender, transgender, and non-binary. A cisgender person is someone whose gender aligns with the sex they were assigned at birth. Generally, this gender will align with the binary of male or

female. A transgender person is someone whose gender is different than the sex they were assigned at birth. A non-binary person does not identify exclusively as a man or a woman. They might identify as both, somewhere in between, or completely outside the gender binary. Some may identify as transgender, but not all do. Respecting an individual's gender identity is a necessary first step in establishing a safe workplace.

Sexual harassment is unlawful when it subjects an individual to inferior terms, conditions, or privileges of employment. Harassment does not need to be severe or pervasive to be illegal. It can be any harassing behavior that rises above petty slights or trivial inconveniences. Every instance of harassment is unique to those experiencing it, and there is no single boundary between petty slights and harassing behavior. However, the Human Rights Law specifies that whether harassing conduct is considered petty or trivial is to be viewed from the standpoint of a reasonable victim of discrimination with the same protected characteristics. Generally, any behavior in which an employee or covered individual is treated worse because of their gender (perceived or actual), sexual orientation, or gender expression is considered a violation of the Foundation policy. The intent of the behavior, for example, making a joke, does not neutralize a harassment claim. Not intending to harass is not a defense. The impact of the behavior on a person is what counts. Sexual harassment includes any unwelcome conduct which is either directed at an individual because of that individual's gender identity or expression (perceived or actual) or is of a sexual nature when:

- The purpose or effect of this behavior unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment. The impacted person does not need to be the intended target of the sexual harassment;
- Employment depends implicitly or explicitly on accepting such unwelcome behavior; or
- Decisions regarding an individual's employment are based on an individual's acceptance of or rejection of such behavior. Such decisions can include what shifts and how many hours an employee might work, project assignments, as well as salary and promotion decisions.

There are two main types of sexual harassment:

- Behaviors that contribute to a hostile work environment include, but are not limited to, words, signs, jokes, pranks, intimidation, or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex, gender identity, or gender expression. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory, or discriminatory statements which an employee finds offensive or objectionable, causes an employee discomfort or humiliation, or interferes with the employee's job performance.
- Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions, or privileges of employment. This is also called quid pro quo harassment.

Any employee or covered individual who feels harassed is encouraged to report the behavior so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be discrimination and is covered by this policy.

### Examples of Sexual Harassment

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited. This list is just a sample of behaviors and should not be considered exhaustive. Any employee who believes they have experienced sexual harassment, even if it does not appear on this list, should feel encouraged to report it:

- Physical acts of a sexual nature, such as:
  - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body, or poking another employee's body; or
  - Rape, sexual battery, molestation, or attempts to commit these assaults, which may be considered criminal conduct outside the scope of this policy (please contact local law enforcement if you wish to pursue criminal charges).
- Unwanted sexual comments, advances, or propositions, such as:
  - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion, or other job benefits;
    - This can include sexual advances/pressure placed on a service industry employee by customers or clients, especially those industries where hospitality and tips are essential to the customer/employee relationship;
  - Subtle or obvious pressure for unwelcome sexual activities; or
  - Repeated requests for dates or romantic gestures, including gift-giving.
- Sexually oriented gestures, noises, remarks or jokes, or questions and comments about a person's sexuality, sexual experience, or romantic history which create a hostile work environment. This is not limited to interactions in person. Remarks made over virtual platforms and in messaging apps when employees are working remotely can create a similarly hostile work environment.
- Sex stereotyping, which occurs when someone's conduct or personality traits are judged based on other people's ideas or perceptions about how individuals of a particular sex should act or look:
  - Remarks regarding an employee's gender expression, such as wearing a garment typically associated with a different gender identity; or
  - Asking employees to take on traditionally gendered roles, such as asking a woman to serve meeting refreshments when it is not part of, or appropriate to, her job duties.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:



- Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials, or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace;
- This also extends to the virtual or remote workspace and can include having such materials visible in the background of one's home during a virtual meeting.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, or gender expression, such as:
  - Interfering with, destroying, or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
  - Sabotaging an individual's work;
  - Bullying, yelling, or name-calling;
  - Intentional misuse of an individual's preferred pronouns; or
  - Creating different expectations for individuals based on their perceived identities:
    - Dress codes that place more emphasis on women's attire;
    - Leaving parents/caregivers out of meetings.

#### Who Can be a Target of Sexual Harassment?

Sexual harassment can occur between any individuals, regardless of their sex or gender. Harassment does not have to be between members of the opposite sex or gender. New York Law protects employees and all covered individuals described earlier in the policy. Harassers can be anyone in the workplace. A supervisor, a supervisee, or a coworker can all be harassers. Anyone else in the workplace can also be harassers including an independent contractor, contract worker, vendor, client, customer, patient, constituent, or visitor.

Sexual harassment does not happen in a vacuum and discrimination experienced by an employee can be impacted by biases and identities beyond an individual's gender. For example:

- Placing different demands or expectations on black women employees than white women employees can be both racial and gender discrimination;
- An individual's immigration status may lead to perceptions of vulnerability and increased concerns around illegal retaliation for reporting sexual harassment; or
- Past experiences as a survivor of domestic or sexual violence may lead an individual to feel re-traumatized by someone's behaviors in the workplace.

Individuals bring personal history with them to the workplace that might impact how they interact with certain behavior. It is especially important for all employees to be aware of how words or actions might impact someone with a different experience than their own in the interest of creating a safe and equitable workplace.

## Where Can Sexual Harassment Occur?

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

Sexual harassment can occur when employees are working remotely from home as well. Any behaviors outlined above that leave an employee feeling uncomfortable, humiliated, or unable to meet their job requirements constitute harassment even if the employee or covered individual is at home when the harassment occurs. Harassment can happen on virtual meeting platforms, in messaging apps, and after working hours between personal cell phones.

## Retaliation

Retaliation is unlawful and is any action by an employer or supervisor that punishes an individual upon learning of a harassment claim, that seeks to discourage a worker or covered individual from making a formal complaint or supporting a sexual harassment or discrimination claim, or that punishes those who have come forward. These actions need not be job-related or occur in the workplace to constitute unlawful retaliation. For example, threats of physical violence outside of work hours or disparaging someone on social media would be covered as retaliation under this policy.

Examples of retaliation may include, but are not limited to:

- Demotion, termination, denying accommodations, reduced hours, or the assignment of less desirable shifts;
- Publicly releasing personnel files;
- Refusing to provide a reference or providing an unwarranted negative reference;
- Labeling an employee as “difficult” and excluding them from projects to avoid “drama”;
- Undermining an individual’s immigration status; or
- Reducing work responsibilities, passing over for a promotion, or moving an individual’s desk to a less desirable office location.

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in “protected activity.” Protected activity occurs when a person has:

- Made a complaint of sexual harassment or discrimination, either internally or with any government agency;
- Testified or assisted in a proceeding involving sexual harassment or discrimination under the Human Rights Law or any other anti-discrimination law;

- Opposed sexual harassment or discrimination by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of suspected harassment;
- Reported that another employee has been sexually harassed or discriminated against; or
- Encouraged a fellow employee to report harassment.

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

### Reporting Sexual Harassment

Everyone must work toward preventing sexual harassment, but leadership matters. Supervisors and managers have a special responsibility to make sure employees feel safe at work and that workplaces are free from harassment and discrimination. Any employee or covered individual is encouraged to report harassing or discriminatory behavior to the President & CEO. (If reporting the incident to the President & CEO is for any reason uncomfortable, then the matter may be reported to another manager.). Anyone who witnesses or becomes aware of potential instances of sexual harassment should also report such behavior to the President & CEO (or another manager).

Reports of sexual harassment may be made verbally or in writing. A written complaint form is attached to this policy if an employee would like to use it, but the complaint form is not required. Employees who are reporting sexual harassment on behalf of other employees may use the complaint form and should note that it is on another employee's behalf. A verbal or otherwise written complaint (such as an email) on behalf of oneself or another employee is also acceptable.

Employees and covered individuals who believe they have been a target of sexual harassment may at any time seek assistance in additional available forums, as explained below in the section on Legal Protections.

### Supervisory Responsibilities

Supervisors and managers have a responsibility to prevent sexual harassment and discrimination. All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing or discriminatory behavior, or for any reason suspect that sexual harassment or discrimination is occurring, are required to report such suspected sexual harassment to the President & CEO or another supervisor or manager. Supervisors and Managers should not be passive and wait for an employee to make a claim of harassment. If they observe such behavior, they must act.

Supervisors and managers can be disciplined if they engage in sexually harassing or discriminatory behavior themselves. Supervisors and managers can also be disciplined for failing to report suspected sexual harassment or allowing sexual harassment to continue after they know about it.

Supervisors and managers will also be subject to discipline for engaging in any retaliation.

While supervisors and managers have a responsibility to report harassment and discrimination, supervisors and managers must be mindful of the impact that harassment and a subsequent investigation has on victims. Being identified as a possible victim of harassment and questioned about harassment and discrimination can be intimidating, uncomfortable, and re-traumatizing for individuals. Supervisors and managers must accommodate the needs of individuals who have experienced harassment to ensure the workplace is safe, supportive, and free from retaliation for them during and after any investigation.

### Bystander Intervention

Any employee witnessing harassment as a bystander is encouraged to report it. A supervisor or manager that is a bystander to harassment is required to report it. There are five standard methods of bystander intervention that can be used when anyone witnesses harassment or discrimination and wants to help.

1. A bystander can interrupt the harassment by engaging with the individual being harassed and distracting them from the harassing behavior;
2. A bystander who feels unsafe interrupting on their own can ask a third party to help intervene in the harassment;
3. A bystander can record or take notes on the harassment incident to benefit a future investigation;
4. A bystander might check in with the person who has been harassed after the incident, see how they are feeling and let them know the behavior was not ok; and
5. If a bystander feels safe, they can confront the harassers and name the behavior as inappropriate. When confronting harassment, physically assaulting an individual is never an appropriate response.

Though not exhaustive, and dependent on the circumstances, the guidelines above can serve as a brief guide of how to react when witnessing harassment in the workplace. Any employee witnessing harassment as a bystander is encouraged to report it. A supervisor or manager that is a bystander to harassment is required to report it.

### Complaints and Investigations of Sexual Harassment

All complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. An investigation of any complaint, information, or knowledge of suspected sexual harassment will be prompt, thorough, and started and completed as soon as possible. The investigation will be kept confidential to the extent possible. All individuals involved, including those making a harassment claim, witnesses, and alleged harassers deserve a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. The Foundation will take disciplinary action against anyone engaging in retaliation against employees who file complaints, support another's complaint, or participate in harassment investigations.

The Foundation recognizes that participating in a harassment investigation can be uncomfortable and has the potential to retraumatize an employee. Those receiving claims and leading investigations will handle complaints and questions with sensitivity toward those participating.

While the process may vary from case to case, investigations will be done in accordance with the following steps. Upon receipt of a complaint, the President & CEO:

1. Will conduct a prompt review of the allegations, assess the appropriate scope of the investigation, and take any interim actions (for example, instructing the individual(s) about whom the complaint was made to refrain from communications with the individual(s) who reported the harassment), as appropriate. If the complaint is verbal, request that the individual completes the complaint form in writing. If the person reporting prefers not to fill out the form, the President & CEO will prepare a complaint form or equivalent documentation based on the verbal reporting;
2. Will take steps to obtain, review, and preserve documents sufficient to assess the allegations, including documents, emails or phone records that may be relevant to the investigation. The President & CEO will consider and implement appropriate document request, review, and preservation measures, including for electronic communications;
3. Will seek to interview all parties involved, including any relevant witnesses;
4. Will create written documentation of the investigation (such as a letter, memo or email), which contains the following:
  - a. A list of all documents reviewed, along with a detailed summary of relevant documents;
  - b. A list of names of those interviewed, along with a detailed summary of their statements;
  - c. A timeline of events;
  - d. A summary of any prior relevant incidents disclosed in the investigation, reported or unreported; and
  - e. The basis for the decision and final resolution of the complaint, together with any corrective action(s).
5. Will keep the written documentation and associated documents in a secure and confidential location;

6. Will promptly notify the individual(s) who reported the harassment and the individual(s) about whom the complaint was made that the investigation has been completed and implement any corrective actions identified in the written document; and
7. Will inform the individual(s) who reported of the right to file a complaint or charge externally as outlined in the next section.

### Legal Protections and External Remedies

Sexual harassment is not only prohibited by the Foundation, but it is also prohibited by state, federal, and, where applicable, local law.

The internal process outlined in the policy above is one way for employees to report sexual harassment. Employees and covered individuals may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may also seek the legal advice of an attorney.

#### New York State Division of Human Rights:

The New York State Human Rights Law (HRL), N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State and protects employees and covered individuals, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the New York State Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints of sexual harassment filed with DHR may be submitted any time within three years of the harassment. If an individual does not file a complaint with DHR, they can bring a lawsuit directly in state court under the Human Rights Law, within three years of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

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

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

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

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

Go to [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint) for more information about filing a complaint with DHR. The website has a digital complaint process that can be completed on your computer or mobile device from start to finish. The website has a complaint form that can be downloaded, filled out, and mailed to DHR as well as a form that can be submitted online. The website also contains contact information for DHR's regional offices across New York State.

Call the DHR sexual harassment hotline at 1(800) HARASS3 for more information about filing a sexual harassment complaint. This hotline can also provide you with a referral to a volunteer attorney experienced in sexual harassment matters who can provide you with limited free assistance and counsel over the phone.

### The United States Equal Employment Opportunity Commission:

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act, 42 U.S.C. § 2000e et seq. An individual can file a complaint with the EEOC anytime within 300 days from the most recent incident of harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred. If the EEOC determines that the law may have been violated, the EEOC will try to reach a voluntary settlement with the employer. If the EEOC cannot reach a settlement, the EEOC (or the Department of Justice in certain cases) will decide whether to file a lawsuit. The EEOC will issue a Notice of Right to Sue permitting workers to file a lawsuit in federal court if the EEOC closes the charge, is unable to determine if federal employment discrimination laws may have been violated, or believes that unlawful discrimination occurred by does not file a lawsuit.

Individuals may obtain relief in mediation, settlement, or conciliation. In addition, federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

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

If an individual filed an administrative complaint with the New York State Division of Human Rights, DHR will automatically file the complaint with the EEOC to preserve the right to proceed in federal court.

### Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment or discrimination with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 22 Reade Street, 1st Floor, New

York, New York; call 311 or (212) 306-7450; or visit [www.nyc.gov/html/cchr/html/home/home.shtml](http://www.nyc.gov/html/cchr/html/home/home.shtml).

#### Contact the Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement, or coerced sex acts, the conduct may constitute a crime. Those wishing to pursue criminal charges are encouraged to contact their local police department.

#### Conclusion

The policy outlined above is aimed at providing employees at the Foundation and covered individuals an understanding of their right to a discrimination and harassment-free workplace. All employees should feel safe at work. Though the focus of this policy is on sexual harassment and gender discrimination, the New York State Human Rights law protects against discrimination in several protected classes including sex, sexual orientation, gender identity or expression, age, race, creed, color, national origin, military status, disability, predisposing genetic characteristics, familial status, marital status, criminal history, or domestic violence survivor status. The prevention policies outlined above should be considered applicable to all protected classes.



**Foundation**  
**Sexual Harassment Complaint Form**

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

If you believe that you have been subjected to sexual harassment – or any form of harassment or discrimination - you are encouraged to complete this form and submit it to the President & CEO (or another Supervisor). You will not be retaliated against for filing a complaint.

If you are more comfortable reporting verbally or in another manner, the President & CEO or the Supervisor you reported to should complete this form, provide you with a copy, and follow its sexual harassment prevention policy by investigating the claims as outlined at the end of this form.

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

**COMPLAINANT INFORMATION**

Name:

Work Address:

Work Phone:

Job Title:

Email:

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

**SUPERVISORY INFORMATION**

Immediate Supervisor's Name:

Work Address:

Work Phone:

Job Title:

Email:

**COMPLAINT INFORMATION**

Your complaint of Sexual Harassment/Discrimination is made about:

Name:

Work Address:

Work Phone:

Job Title:

Email:

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

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

2. Date(s) sexual harassment occurred:

Is the sexual harassment continuing? ☐ Yes ☐ No

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

*The question #4 is optional but may help the investigation.*

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

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

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

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

## **EXHIBIT B – Telecommuting Agreement**

### **The Foundation Telecommuting Agreement**

This agreement specifies the conditions applicable for performing work at an alternate work site on a regular basis. This agreement begins on                    (date) and ends on                    (date) at which time both parties will participate in a review which can result in the reactivation of the agreement.

1. Employee's work hours and work location are indicated on page 2 of this Agreement.
2. The employee's duties and responsibilities remain the same as when working at the regular Foundation work site. The supervisor reserves the right to assign work as required.
3. Telecommuting employees must be able and willing to rearrange telecommuting plans for in-person staff meetings, in-service training or other events that are scheduled.
4. Compensation and vacation schedules conform to current personnel policies. Requests to work overtime (non-exempt employees only), or for sick leave, vacation or other leave must be approved by the employee's supervisor in the same manner as when working at the regular Foundation site.
5. The employee agrees to remain accessible during designated work hours and understands that management retains the right to modify this agreement on a temporary basis as a result of business necessity.
6. The employee will be provided with a Foundation-owned computer so that it can be properly maintained and updated by the Foundation's IT managed services company. However, it is required that the employee have reasonable Internet and telephone access (to take and receive work-related calls and emails).
7. Employees will be required to provide a secure workspace for any Foundation-owned equipment and materials and will be responsible for any damage to or loss of such items. The employee agrees to allow the IT managed services company access to the telecommuting site, when necessary, for maintenance of Foundation-owned equipment, or to return Foundation-owned equipment to the office for maintenance.
8. The employee agrees to maintain a safe work environment (i.e., clear aisles and doorways, sturdy furniture, proper electrical, dry and level floors, etc.) The employee agrees to allow the Foundation access to assess safety issues, upon reasonable notice.

9. The Foundation will not be liable for damages to the employee's property that result from participation in the telecommuting program.
10. The Foundation will not be responsible for operating costs, home maintenance, or any other incidentals (e.g., utilities) associated with the use of the employee's residence. However, the employee does not relinquish any entitlement to reimbursement for authorized expenses incurred while conducting business.
11. The employee may be covered under the NYS Workers' Compensation Law if injured in the course of performing official duties at the telecommuting location. The employee agrees to report work-related injuries to the supervisor at the earliest reasonable opportunity, and to hold the Foundation harmless for injury to others at the alternate work site.
12. Failure to comply with any of the provisions set forth in this agreement may result in termination of the telecommuting agreement. This agreement may be withdrawn with 10-days written notice by either party.

**The Foundation  
Telecommuting Agreement**

Employee:

Primary Business Location:

Telecommuting Location:

General Work Hours:

Day	Hours	Location (home, office, other)
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		
Sunday		

Comments or amendments to general agreement:

Signatures:

\_\_\_\_\_  
President & CEO

\_\_\_\_\_  
Date

\_\_\_\_\_  
(employee)

\_\_\_\_\_  
Date

## **EXHIBIT C – Standards of the Foundation**

The Foundation seeks to integrate the personal style and flexibility of a family philanthropic endeavor with the best grantmaking practices of the foundation community. With this goal in mind, the following standards have been adopted to guide the members, directors, officers and employees in their philanthropic undertakings and in their conduct of all foundation business.

The paramount consideration and the basis for all Foundation decisions shall be to serve the public interest.

Everyone will be expected to bring objective thinking, critical analysis and a discerning, empathetic heart to the Foundation's deliberations.

Everyone will be tolerant of the ideas and positions of others, and all matters will be approached with an open mind.

Decisions and judgments will be based on the most complete and accurate information available, and each director will be expected to familiarize him/her/themselves as thoroughly as possible with any information that is disseminated for a meeting.

Board directors shall serve without compensation.

No director or staff person will use his/her/their position with the Foundation in a manner that will inure financially to his/her/their benefit.

Decisions of the Foundation's Board of Directors will be made, whenever possible, through a process of consensus. Appropriate discretion is important when discussing the Board's deliberations outside of the confines of meetings. Care should be taken to not damage the reputation of grantees, or to comment on the Foundation's grantmaking process in outside discussions, so as not to stifle the candor and open discussion that the Foundation strives for in its decision-making processes.

In order to avoid the appearance or potential of any conflict of interest, board members and staff will disclose, at the earliest possible opportunity, any relationship that they may have with a current or prospective grantee. Such relationships include voluntary service on a board, an employment or a consulting relationship, or similar relationships of immediate family members with a grantee organization. In connection with any action by the Board, this disclosure will be duly recorded in the minutes or other resolutions relating to such actions, and the interested director will abstain from voting on any such action. Directors and staff shall also disclose any material facts as to his/her/their relationship with any firm, association or other entity that seeks to enter into any other kind of business relationship with the Foundation.

Staff and board directors will not accept any gifts, payments or loans from vendors or suppliers of goods or services to the Foundation, or from organizations which have applied to the Foundation for a grant, are current grantees or may likely be applying to the Foundation for a grant in the

future. Exceptions to this policy include nominal hospitality such as meals or gifts (such as plaques, awards, or low-cost artwork, such as a poster) presented officially to that individual as a representative of the Foundation.

Adopted by the Board of Directors

October 6, 1997

Revised June 7, 2004

Revised August 25, 2009