



# **Watkins Glen Housing Authority**

## **EMPLOYMENT HANDBOOK**

**Jefferson Village Apartments**

**222 E. 2<sup>nd</sup> St.**

**Watkins Glen, NY 14891**

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## **Welcome**

Welcome to WATKINS GLEN HOUSING AUTHORITY (WGHA) We are happy to have you join our team.

This employee handbook contains important key policies, goals, benefits, and expectations of WATKINS GLEN HOUSING AUTHORITY (WGHA) as well as other information that you will need. It has been designed as a reference to many aspects of your employment. It is not a contract nor is it an invitation to contract. This manual supersedes all previous policies and memos that have been issued on policies covered in this manual.

This employee handbook cannot cover every situation or answer every question about policies and benefits at the company. The policies in this handbook are subject to change and may change at any time at the sole discretion of WATKINS GLEN HOUSING AUTHORITY (WGHA). From time to time, you may receive updated information as to changes in policies and will sign an acknowledgment form verifying your receipt. A copy of this signed form will be kept in your personnel file.

The only policy we will never change, or cancel is our employment-at-will policy. The employment-at-will policy allows you or the company to terminate your employment at any time for any reason.

If you have any questions on anything contained in this manual, please contact the EXECUTIVE DIRECTOR.

## **EMPLOYMENT MISSION AND PHILOSOPHY**

Watkins Glen Housing Authority (WGHA) strives to provide a productive workplace for its employees. WGHA seeks personnel committed to providing a superior service, following WGHA's mission statement, rules, respecting the rights of fellow employees, and creating a workplace free of harassment, discrimination, or other wrongdoing.

### **Purpose of this Employee Handbook**

This manual has been prepared to inform new employees of the policies and procedures of WATKINS GLEN HOUSING AUTHORITY (WGHA) and to establish expectations. It is not all-inclusive or intended to provide strict interpretations of our policies; rather, it offers an overview of the work environment. This manual is not a contract, expressed or implied, guaranteeing employment for any length of time and is not intended to bind an employee to WATKINS GLEN HOUSING AUTHORITY (WGHA).

WATKINS GLEN HOUSING AUTHORITY (WGHA) reserves the right to unilaterally revise, suspend, revoke, terminate or change any of its policies, in whole or in part, whether described within this manual or elsewhere, in its sole discretion, with or without notice. If any discrepancy between this manual and current written organizational policy arises, conform to organizational policy. Every effort will be made to keep you informed of our policies; however, we cannot guarantee that notice of revisions will be provided. Feel free to ask questions about any of the information within this manual.

### **At-Will Employment**

WATKINS GLEN HOUSING AUTHORITY (WGHA) is an "at-will" employer and as such employment with WATKINS GLEN HOUSING AUTHORITY (WGHA) is not for a fixed term or definite period and may be terminated at the will of either party, with or without cause, and without prior notice. This handbook is not an implied contract of employment.

It is the exclusive responsibility of WATKINS GLEN HOUSING AUTHORITY (WGHA) to manage and control the business of WATKINS GLEN HOUSING AUTHORITY (WGHA) and to direct its employees, which includes hiring, assigning, coaching, counseling, promoting, demoting, transferring, suspending, discharging and disciplining employees, as well as determining the size of the workforce. In this regard, it is WATKINS GLEN HOUSING AUTHORITY (WGHA)'s exclusive right to determine all matters covering the operation of WATKINS GLEN HOUSING AUTHORITY (WGHA)'s business, including all decisions pertaining to each aspect of the employer-employee relationship. No one other than the officers of WATKINS GLEN HOUSING AUTHORITY (WGHA) have the right to alter this arrangement, to enter into an agreement for employment for a specified period, or to make any agreement contrary to this policy. Furthermore, any agreement that changes the "at-will" nature of employment must be in writing and must be signed by an organization officer.

### **Code of Ethics**

The WATKINS GLEN HOUSING AUTHORITY (WGHA) (WATKINS GLEN HOUSING AUTHORITY (WGHA)) will conduct its business honestly and ethically. We will constantly improve the quality of our services, products and operations and will create a reputation for honesty, fairness, respect, responsibility, integrity, trust, and sound business judgment. No illegal or unethical conduct on the part of employees or affiliates is in WATKINS GLEN HOUSING AUTHORITY (WGHA)'s best interest. WATKINS GLEN HOUSING AUTHORITY (WGHA) will not compromise its principles for short-term advantage. The ethical performance of this company is the sum of the ethics of the men and women who work here. Thus, we are all expected to adhere to high standards of personal integrity.

Employees of WATKINS GLEN HOUSING AUTHORITY (WGHA) must never permit their personal interests to conflict or appear to conflict with the interests of WATKINS GLEN HOUSING AUTHORITY (WGHA), its clients, or affiliates. Employees must be particularly careful to avoid representing WATKINS GLEN HOUSING AUTHORITY (WGHA) in any transaction with others with whom there is any outside business affiliation or relationship. Employees shall avoid using their company contacts to advance their private business or personal interests at the expense of WATKINS GLEN HOUSING AUTHORITY (WGHA), its clients, or affiliates.

No bribes, kickbacks or other similar remuneration or consideration shall be given to any person or organization to attract or influence business activities. Employees shall avoid gifts, gratuities, fees, bonuses, or excessive entertainment to attract or influence business activity.

Employees of WATKINS GLEN HOUSING AUTHORITY (WGHA) will often have possession of proprietary, confidential, or business-sensitive information and must take appropriate steps to assure that such information is strictly safeguarded. This information – whether it is on behalf of our company or any of our clients or affiliates – could include strategic business plans, operating results, marketing strategies, customer lists, personnel records, processes, and methods. Proprietary, confidential, and sensitive business information about this company, other companies' individuals and entities should be treated with sensitivity and discretion and only be disseminated on a need-to-know basis.

Employees will maintain boundaries between personal and work life. Employees of WATKINS GLEN HOUSING AUTHORITY (WGHA) will seek to avoid exaggerating or disparaging comparisons of the services and competence of their competitors.

Employees will obey all Equal Employment Opportunity laws and act with respect and responsibility towards others in all their dealings.

Employees will remain personally balanced so that their personal life will not interfere with their ability to deliver quality products or services to WATKINS GLEN HOUSING AUTHORITY (WGHA), and its clients. Employees agree to disclose unethical, dishonest, fraudulent, and illegal behavior, or the violation of company policies and procedures, directly to management.

Violation of this Code of Ethics can result in discipline, including possible termination. The degree of discipline relates in part to whether there was a voluntary disclosure of any ethical violation and whether the violator cooperated in any subsequent investigation.



Remember that good ethics is good business.

## **Section 1- Workplace Commitments**

### **Equal Opportunity Employment**

It is the policy of WATKINS GLEN HOUSING AUTHORITY (WGHA) to provide equal employment opportunities to all qualified individuals and to administer all aspects and conditions of employment without regard to the following:

Race and associated traits, including hairstyle

Color

Age

Sex

Sexual orientation

Gender

Gender identity

Religion

National origin

Pregnancy

Reproductive health decisions of employee or their dependent

Physical or mental disability

Military or veteran status

Citizenship and/or immigration status

Genetic information, including family medical history

Marital status

Domestic violence or stalking victim status

Legal use of consumable products outside of work hours

Legal recreational activities outside of work hours

Political activities

Child or spousal support withholding

Wage garnishment for consumer debt

Wearing a depiction of the American flag or displaying an American flag at the employee's workstation

Non-conviction arrest records, unless pending

Any other protected class, in accordance with applicable federal, state, and local laws

Employees are encouraged to tell the EXECUTIVE DIRECTOR or HR Consultant, if they feel equal employment opportunities are not being offered. WATKINS GLEN HOUSING AUTHORITY (WGHA) takes allegations of discrimination, intimidation, harassment, and retaliation very seriously and will promptly investigate when warranted. Employees who have been subject to harassment or discrimination based on the protected classes or characteristics above may have civil remedies available to them.

Equal employment opportunity includes, but is not limited to, employment, training, promotion, demotion, transfer, leaves of absence and termination.

### **Immigration Law Compliance**

WATKINS GLEN HOUSING AUTHORITY (WGHA) is committed to employing only United States citizens and aliens who are authorized to work in the United States. Additionally, WATKINS GLEN HOUSING AUTHORITY (WGHA) does not unlawfully discriminate based on citizenship or national origin. In compliance with the Immigration Reform and Control Act, each new employee, as a condition of employment, must:

Complete the Employment Eligibility Verification Form I-9.

Present documentation establishing identity and employment eligibility.

Former employees who are rehired must also complete Form I-9 if they have not completed an I-9 for WATKINS GLEN HOUSING AUTHORITY (WGHA) within the past three (3) years, or if their previous I-9 is no longer retained or valid.

Employees may raise questions or complaints about immigration law compliance without fear of retaliation.

At times WATKINS GLEN HOUSING AUTHORITY (WGHA) will audit I-9 records and employees will be required to provide proof of non-expired identification, as defined under the current I-9 form.

### **Diversity, Equity and Inclusion Policy**

Watkins Glen Housing Authority is committed to fostering, cultivating and preserving a culture of diversity, equity and inclusion.

Our human capital is the most valuable asset we have. The collective sum of the individual differences, life experiences, knowledge, inventiveness, innovation, self-expression, unique capabilities and talent

that our employees invest in their work represents a significant part of not only our culture, but our reputation and company's achievement as well.

We embrace and encourage our employees' differences in age, color, disability, ethnicity, family or marital status, gender identity or expression, language, national origin, physical and mental ability, political affiliation, race, religion, sexual orientation, socio-economic status, veteran status, and other characteristics that make our employees unique.

Watkins Glen Housing Authority's diversity initiatives are applicable—but not limited—to our practices and policies on recruitment and selection; compensation and benefits; professional development and training; promotions; transfers; social and recreational programs; layoffs; terminations; and the ongoing development of a work environment built on the premise of gender and diversity equity that encourages and enforces:

Respectful communication and cooperation between all employees.

Teamwork and employee participation, permitting the representation of all groups and employee perspectives.

Work/life balance through flexible work schedules to accommodate employees' varying needs.

Employer and employee contributions to the communities we serve to promote a greater understanding and respect for the diversity.

All employees of Watkins Glen Housing Authority have a responsibility to treat others with dignity and respect at all times. All employees are expected to exhibit conduct that reflects inclusion during work, at work functions on or off the work site, and at all other company-sponsored and participative events. All employees are also required to attend and complete annual diversity awareness training to enhance their knowledge to fulfill this responsibility.

Any employee found to have exhibited any inappropriate conduct or behavior against others may be subject to disciplinary action.

Employees who believe they have been subjected to any kind of discrimination that conflicts with the company's diversity policy and initiatives should seek assistance from a supervisor or an HR representative.

## **Non-Discrimination Policy & Sexual Harassment Policy**

### **Purpose & Goals**

Watkins Glen Housing Authority 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 Watkins Glen Housing Authority 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, pre-disposing 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 Watkins Glen Housing Authority'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 Watkins Glen Housing Authority. Employees can also file a complaint with a government agency or in court under federal, state, or local antidiscrimination 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>.

## **Sexual Harassment and Discrimination Prevention Policy:**

1. Watkins Glen Housing Authority's 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 Watkins Glen Housing Authority. 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 Watkins Glen Housing Authority 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 a supervisor or the property 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 Watkins Glen Housing Authority 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. Watkins Glen Housing Authority 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. Watkins Glen Housing Authority will keep the investigation confidential to the extent possible. If an investigation ends with the finding that discrimination or sexual harassment occurred, Watkins Glen Housing Authority will act as required. In addition to any required discipline, Watkins Glen Housing Authority 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 Executive Director of the Watkins Glen Housing Authority.

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 Watkins Glen Housing Authority's 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 to 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 a supervisor or property manager. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor or property 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 Executive Director of the Watkins Glen Housing Authority. Managers and supervisors 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. Watkins Glen Housing Authority will take disciplinary action against anyone engaging in retaliation against employees who file complaints, support another's complaint, or participate in harassment investigations.

Watkins Glen Housing Authority 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 Executive Director or Property Manager:

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 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 Executive Director/Property Manager 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 Executive Director or Property Manager 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 a 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 Watkins Glen Housing Authority, 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 Watkins Glen Housing Authority 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.

### **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 of Watkins Glen Housing Authority 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, pre-disposing 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.

### **Whistleblower Policy**

A whistleblower as defined by this policy is an employee of WATKINS GLEN HOUSING AUTHORITY (WGHA) who reports an activity that he/she considers to be illegal or dishonest to one or more of the parties specified in this Policy. The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures; appropriate management officials are charged with these responsibilities. Examples of illegal or dishonest activities are violations of federal, state, or local laws; billing for services not performed or for goods not delivered; and other fraudulent financial reporting. If an employee has knowledge of or a concern of illegal or dishonest fraudulent activity, the employee is to contact his/her on-site supervisor, Manager or EXECUTIVE DIRECTOR or HR Consultant or if they are not reachable or it would not be appropriate to report to any of those, then Corporate Counsel should be reached immediately. The employee must exercise sound judgment to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing will be subject to discipline up to and including termination.

Whistleblower protections are provided in two important areas -- confidentiality and against retaliation. *The employee is still required to maintain confidentiality unless otherwise specified by law.* Insofar as possible, the confidentiality of the whistleblower will be maintained. However, identity may have to be disclosed to conduct a thorough investigation, to comply with the law and to provide accused individuals their legal rights of defense. WATKINS GLEN HOUSING AUTHORITY (WGHA) will not retaliate against a whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, or poor work assignments and threats of physical harm. Any whistleblower who believes he/she is being retaliated against must contact the EXECUTIVE DIRECTOR and/or designated HR Consultant immediately. The



right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

### **Accommodation Request Policy**

WGHA will seek to provide reasonable accommodation for the disclosed physical and mental limitations of a qualified disabled employee or applicant as required by the Americans with Disabilities Act or applicable state law. Reasonable accommodation varies depending on the individual circumstances and will be evaluated on a case-by-case basis.

A qualified individual with a disability is anyone who can perform the essential functions of his or her job with or without reasonable accommodation for the disability.

A disability is a physical or mental impairment that substantially limits one or more major life activities that may include walking, seeing, speaking, working, or caring for oneself.

Accommodation Request Procedure:

To make an accommodation request, please communicate your request to the Executive Director. If you feel uncomfortable making an accommodation request to the person previously listed or you believe your accommodation request was not properly managed, report to the Chairman of the Board of Directors.

### **Open Door Policy**

Co-worker Communication:

WATKINS GLEN HOUSING AUTHORITY (WGHA) encourages every employee to discuss any general issues they may have with a co-worker directly with that person first. If a resolution cannot be reached, employees are expected to speak with their manager for advice as to how to handle the situation.

Employee - Management Communication:

At the same time, WATKINS GLEN HOUSING AUTHORITY (WGHA) promotes an atmosphere whereby employees can talk freely with members of management staff. Employees are encouraged to bring issues or problems in the workplace to the attention of management and will not be penalized either formally or informally for raising a problem or issue in a reasonable, business-like manner through the chain of command. Management and EXECUTIVE DIRECTOR or HR Consultant will be directly involved in developing and analyzing data and product design. We encourage open dialogue and feedback on organizational processes.

Nepotism:

It is the position of WATKINS GLEN HOUSING AUTHORITY (WGHA) that all employees should enjoy the same treatment during their tenure. As such WATKINS GLEN HOUSING AUTHORITY (WGHA) has implemented policies to prevent unfairness in the employment relationship between relatives,

members of the same household or related parties. A WATKINS GLEN HOUSING AUTHORITY (WGHA) employee may not directly influence decisions related to the recruitment, hiring or the terms and conditions of employment of a person who is a member of the employee's immediate family, with whom they share a household, or with whom they have a personal relationship.

### **Drug-Free Policy**

It is WATKINS GLEN HOUSING AUTHORITY (WGHA)'s desire to provide a drug-free, healthful, and safe workplace. To promote this goal, employees are required to report to work ready, willing, and able to perform the essential functions of their positions in a satisfactory manner.

While on WATKINS GLEN HOUSING AUTHORITY (WGHA) premises and while conducting business-related activities off WATKINS GLEN HOUSING AUTHORITY (WGHA) premises, employees are prohibited from manufacturing, distributing, possessing, using, selling or being under the influence of any illegal drug, alcohol, controlled substance, or legal/illegal synthetic drug.

The legal use of prescribed drugs is permitted on the job only if it does not impair an employee's ability to perform the essential functions of their job effectively and in a safe manner. Any medications brought into the workplace must be safeguarded from misuse.

Violations of this policy may lead to disciplinary action ranging from educational and rehabilitation efforts up to and including termination of employment.

Anyone violating this policy may be subject to disciplinary action, up to and including termination.

### **Use of Telephones, Cell Phones, and Personal Electronic Devices**

#### Telephone Use Policy:

To ensure effective telephone communications, employees should always speak in a courteous and professional manner.

WATKINS GLEN HOUSING AUTHORITY (WGHA) understands that there are times when personal calls need to be placed or received by employees on WATKINS GLEN HOUSING AUTHORITY (WGHA) telephones. These should be kept to a minimum and be as brief as possible.

Any employee who misuses this privilege will be subject to discipline by their manager.

#### Use of Personal Electronic Communication Device

While WGHA realizes that personal use of cell phones for business purposes has become more prominent, using cell phones for personal communication during working hours should be as brief as possible and kept to an absolute minimum. In addition, any communication made or received should not distract from or interfere with an employee's ability to perform the duties of their job. Managers are responsible for monitoring and ensuring compliance with this policy.

Should employees make and receive an excessive number of personal communications at work, they may be subject to Counseling and Disciplinary Action.

#### Further Information:

Employees should speak to their manager if they require any further clarification on what is meant by a 'personal electronic communication device.'

#### Social Media Policy:

Should an employee participate in social media (blogs, social networks, etc.), he/she should be mindful regarding any references made about WATKINS GLEN HOUSING AUTHORITY (WGHA). Employees are not to reveal or improperly use agency confidential information or to discriminate or harass fellow employees or management. Utilizing WATKINS GLEN HOUSING AUTHORITY (WGHA) logos, trademarks, copyrights, or other intellectual property without WATKINS GLEN HOUSING AUTHORITY (WGHA) approval is also prohibited. In addition, employees are strongly discouraged from making disparaging remarks or comments about competitors, clients, suppliers, vendors, consultants, or agents of WATKINS GLEN HOUSING AUTHORITY (WGHA).

## **Section 2- Organization Policies and Procedures**

### **Professional Conduct**

WATKINS GLEN HOUSING AUTHORITY (WGHA) expects its employees to adhere to a standard of professional conduct and integrity. This ensures that the work environment is safe, comfortable, and productive. Employees should be respectful, courteous, and mindful of others' feelings and needs. General cooperation between co-workers and supervisors is expected. Individuals who act in an unprofessional manner may be subject to disciplinary action, up to and including termination. It is the expectation of WATKINS GLEN HOUSING AUTHORITY (WGHA) that all workspaces will be kept clean and professional during and after the workday.

### **Compensation and Pay Policies**

#### Compensation Philosophy

The goal of WATKINS GLEN HOUSING AUTHORITY (WGHA) compensation program is to attract, retain and motivate highly skilled employees. Our compensation program is designed to balance both WATKINS GLEN HOUSING AUTHORITY (WGHA), and employee needs. WATKINS GLEN HOUSING AUTHORITY (WGHA) strives to pay wages and salaries that are competitive with other similar employers in the marketplace, in a fair and equitable manner, in accordance with our Equal Employment Opportunity Policy.

#### Payment of Salary

At the end of each pay period, all Non-Exempt employees are required to submit an accurate record of the time they have worked and taken off during that pay period. This record must be reviewed and approved by the management. This includes all time off taken whether sick/ personal or vacation

Paychecks are directly deposited in employee's designated bank accounts or paper check. WATKINS GLEN HOUSING AUTHORITY (WGHA) strongly recommends direct deposit for all employees.

WATKINS GLEN HOUSING AUTHORITY (WGHA) makes every effort to avoid making an error in an employee's paycheck. If you believe an error has been made, or you have questions concerning your paycheck, please contact management. If it is determined that the error occurred because of a mistake the employee made in completing his/her time record, the employee will receive any pay owed to them in the next regularly scheduled paycheck. Employees will be paid on a bi-weekly basis.

#### Bi-Weekly Pay Cycle

Employees are paid bi-weekly. When a payroll date falls on a holiday, employees will, when possible, be paid on the last business day before the holiday.

#### Mandatory Deductions from Paychecks

WATKINS GLEN HOUSING AUTHORITY (WGHA) is required by law to deduct federal, state, and local income taxes, as well as the employee's required contribution to social security, NYS Paid Family Leave and Medicare each time your paycheck is prepared.

The amount of withholding is affected by the number of exemptions claimed on the Employee's Withholding Allowance Certificate, Form W-4. If an employee's number of exemptions previously claimed increases or decreases, a new Form W-4 must be completed. If you wish to modify your W-4 form, please contact management.

The employee will be notified if WATKINS GLEN HOUSING AUTHORITY (WGHA) is ordered to make any other deductions from an employee's paycheck, such as court-ordered garnishments.

Annually, all employees will receive a W-2 Form, which will reflect their earnings and any deductions from those earnings.

#### Direct Deposit

Employees may choose to have their paychecks automatically deposited into a checking or savings account with many areas' financial institutions. To activate direct deposit, the employee must obtain and complete an authorization form from management. Employees should be aware that it may take one or two pay cycles for the direct deposit to be activated.

#### Payment of Overtime

From time to time, business requirements may necessitate the need for employees to work additional hours above their assigned schedule. All Non-Exempt employees must obtain prior approval from their manager to work additional hours. WATKINS GLEN HOUSING AUTHORITY (WGHA) Non-Exempt employees will be compensated for these additional hours according to the following criteria:

Hours worked more than 40 per week will be compensated at a rate of one-and-one-half times their hourly pay rate.

Whenever possible the employees work schedule will be adjusted or "flexed" within their work week to accommodate fluctuations in their daily schedule.

Overtime pay is based on the actual hours worked.

Exempt employees are not eligible for overtime pay but may be asked and required to work past their usual hours.

***No employee will be allowed to accrue time and use later.***

Rest and Meal Periods

Meal Periods for Non-Exempt / Hourly workers:

WATKINS GLEN HOUSING AUTHORITY (WGHA) follows the New York State Labor Law guidelines for mealtimes, which are as follows:

Employees are entitled to a 30-minute lunch break between 11:00 a.m. and 2:00 p.m. for shifts six hours or longer that extend over that period.

Employees will be relieved of all active responsibilities and restrictions during meal periods and should try to remove themselves from their workstations. Should business reasons prevent an employee from taking an uninterrupted meal period, they will be compensated for that portion of the meal period that was interrupted, if they have prior supervisory approval.

Rest Periods:

Rest periods are not mandated by New York State Wage and Hour Law; therefore, they will be granted at management discretion, and subject to the business needs of the department. These policies are in alignment with federal and state laws regarding non-exempt "hourly" workers.

### **Company Property**

Company property, such as equipment, telephones, computers, and software are not for private use. These devices are to be used strictly for WATKINS GLEN HOUSING AUTHORITY (WGHA) business and are not permitted off grounds unless authorized. Company property must be used in the manner for which it was intended. Upon termination, employees are required to surrender any organization property they possess.

WATKINS GLEN HOUSING AUTHORITY (WGHA) computers, internet and emails are a privileged resource, and must be used only to complete essential job-related functions. Employees are not permitted to download any "pirated" software, files or programs and must receive permission from a supervisor before installing any new software on an organization computer. Files or programs stored on WGHA computers may not be copied for personal use.

Phones are provided for business use. WATKINS GLEN HOUSING AUTHORITY (WGHA) requests that employees not receive personal calls while on duty. If urgent, please keep personal calls to a minimum and conversations brief.

**Employees are reminded that they should have no expectation of privacy in their use of organization computers, email or other electronic equipment and software.**

## **Personal Use of Company Property**

In some instances, employees may be allowed to borrow certain WATKINS GLEN HOUSING AUTHORITY (WGHA) tools or equipment for their own personal use while on our premises. In no instance may this be done off our premises, or without prior management approval. You understand and agree that WATKINS GLEN HOUSING AUTHORITY (WGHA) is not liable for personal injury incurred during the use of company property for personal projects. As a WATKINS GLEN HOUSING AUTHORITY (WGHA) employee, you accept full responsibility for all liabilities for injuries or losses which occur, or for the malfunction of equipment. You are responsible for returning the equipment or tools in good condition, and you agree that you are required to pay for any damages that occur while using the equipment or tools for personal projects.

## **Confidential Nature of Work**

Confidential information received by an employee in the course of their duties at WATKINS GLEN HOUSING AUTHORITY (WGHA) relating to member agencies, clients, or their co-workers must be held in the strictest of confidence and not disclosed to any third party (except as required by law) or without proper written authorization or supervisory approval. Any questions relating to confidentiality should be referred to the employee's Manager immediately.

Employees of WATKINS GLEN HOUSING AUTHORITY (WGHA) are responsible for upholding and adhering to the Health Insurance Portability and Accountability Act of 1996 (HIPAA), to ensure the privacy and confidentiality of all health information created, obtained, and/or maintained by WATKINS GLEN HOUSING AUTHORITY (WGHA).

Upon accepting employment with WATKINS GLEN HOUSING AUTHORITY (WGHA), employees are asked to sign off on the Employee Handbook, which provides that they will not disclose or use any confidential information, either during or after their employment. Should an employee knowingly or unknowingly reveal information of a confidential nature, they will be subject to appropriate disciplinary action up to and including dismissal.

If an employee is questioned by someone about what appears to be confidential information and they are concerned about the appropriateness of providing the person with certain information, the employee is not required to answer. Instead, as politely as possible, the employee should delay his/her response to the person's inquiry and seek clarification from his/her manager. The employee may also refer the request or inquiry to their manager.

Employees must not disclose any confidential information, purposefully or inadvertently through casual conversation to any unauthorized person inside or outside WATKINS GLEN HOUSING AUTHORITY (WGHA).

All records and information relating to WATKINS GLEN HOUSING AUTHORITY (WGHA) is considered confidential and employees must therefore treat it as such. No WATKINS GLEN HOUSING AUTHORITY (WGHA) information, including but not limited to documents, notes, files, records, oral information, computer files, or similar materials may be removed from WATKINS GLEN HOUSING AUTHORITY (WGHA)'s premises (except in the ordinary course of performing duties on behalf of WATKINS GLEN

HOUSING AUTHORITY (WGHA)) without permission from the EXECUTIVE DIRECTOR or HR Consultant. Additionally, the contents of WATKINS GLEN HOUSING AUTHORITY (WGHA)'s records or information otherwise obtained regarding business may not be disclosed to anyone, except where required for a business purpose.

It is also expected that employees will:

Not discuss a consumer's issues other than for legitimate business reasons.

Treat financial, statistical, payroll and employment information as confidential.

Not discuss the contents of any documents or electronic data with any person(s) unless the discussion is within the scope of their position at WATKINS GLEN HOUSING AUTHORITY (WGHA)

Take all necessary precautions to ensure that confidential information is secure, not misused or left accessible to unauthorized individuals.

### **Personnel Files**

An employee who wishes to review their own file should contact the EXECUTIVE DIRECTOR or HR Consultant. The employee will be allowed to review their personnel file at WATKINS GLEN HOUSING AUTHORITY (WGHA), in the presence of the EXECUTIVE DIRECTOR or HR Consultant. An employee may request copies of any items contained in his/her personnel file except for employment reference and background information. WATKINS GLEN HOUSING AUTHORITY (WGHA) will abide by local, state, and federal laws.

It is important that personnel files accurately reflect each employee's personal information. Employees are expected to inform WATKINS GLEN HOUSING AUTHORITY (WGHA) of any change in name, address, home phone number and address, marital status, number of dependents or emergency contact information.

### **Outside Employment**

WATKINS GLEN HOUSING AUTHORITY (WGHA) does not object to employees having a second job or owning a business. Nevertheless, it is expected that any such work will not violate any company employment policies, including but not limited to its conflict-of-interest policy specified below. Further, any outside employment may not be so demanding as to impair in any way an employee's ability to perform their job satisfactorily. An employee may not pursue any activities in connection with outside employment or a second job during work hours, or use company employees, supplies, tools, confidential or proprietary information or any other company property to conduct his or her outside employment and may not conduct such business on company premises. Any violation of the terms and conditions regarding outside employment will be the basis for disciplinary action.

### **Conflicts of Interest**

All organization employees owe a duty of loyalty and trust to WATKINS GLEN HOUSING AUTHORITY (WGHA). This duty requires that, in their positions, all employees act in the interest of WATKINS GLEN

HOUSING AUTHORITY (WGHA) and not in their personal interests. Accordingly, employees may not use their positions or information they have about or related to WATKINS GLEN HOUSING AUTHORITY (WGHA) obtained through their employment in a manner that allows them to secure an economic or other benefit, either directly or indirectly, for themselves or their relatives, associates, or friends.

Relationships that generally give rise to conflicts of interest are employee dealings with any person or entity that WATKINS GLEN HOUSING AUTHORITY (WGHA) transacts business with, such as customers, clients, executive director, buyers, suppliers, banks, insurance companies, people in other organizations with whom WATKINS GLEN HOUSING AUTHORITY (WGHA) has business contact or with whom WATKINS GLEN HOUSING AUTHORITY (WGHA) enters into agreements, and people or entities with which WATKINS GLEN HOUSING AUTHORITY (WGHA) currently competes or reasonably may compete with in the future.

In this spirit, WATKINS GLEN HOUSING AUTHORITY (WGHA) has adopted the following procedures for addressing conflicts of interest, which employees must follow:

All employees must disclose in writing, to the best of their knowledge, any interest (as defined below) with any, individual or other organization that conducts business with WATKINS GLEN HOUSING AUTHORITY (WGHA). If any employee feels there is a situation or the potential in any situation for the appearance of a conflict of interest or an actual conflict of interest, it is the obligation of the employee to fully and immediately disclose the facts. All additional information pertinent to the actual and potential conflict must be promptly disclosed as it becomes known.

Disclosures regarding actual and potential conflicts of interest shall be made to the EXECUTIVE DIRECTOR or HR Consultant.

In addition to the required disclosures, employees shall excuse themselves from all discussions or decisions involving the interest, unless otherwise expressly permitted to participate by a company officer.

“Interest” is determined by whether an employee or his or her relative (or a company with which such person is associated) would have an economic or other pecuniary interest, either directly or indirectly, in a decision on the matter by WATKINS GLEN HOUSING AUTHORITY (WGHA). A “relative” is an immediate family member, which is a mother, father, brother, sister, spouse, child, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, grandfather, grandmother, grandson, granddaughter, legal dependent or other relative(s) (including step relatives) who resides in the home. A person is associated with a company if they have any EXECUTIVE DIRECTOR or HR Consultant interest in WATKINS GLEN HOUSING AUTHORITY (WGHA) or is a director, officer, employee, or partner of WATKINS GLEN HOUSING AUTHORITY (WGHA).

The following are some examples of potential conflicts of interest:

Employment of a relative or spouse of a current employee, when that employment would raise the appearance of or create a conflict of interest as described above.



Hiring a relative of a current employee as an independent consultant.

Hiring a company in which any current employee may have a direct or indirect interest.

Borrowing from, or lending to, any individuals representing organizations with whom company business dealings are conducted.

Engaging in conduct which may place WATKINS GLEN HOUSING AUTHORITY (WGHA) in a negative light with the public; or

Working for, performing consulting, or contracting work on behalf of, or promoting or endorsing the services or products of one of WATKINS GLEN HOUSING AUTHORITY (WGHA)'s competitors.

### **Section 3- Employment Classification**

This organization assigns positions, determines wages and compensates employees for overtime in accordance with state and local laws and the Fair Labor Standards Act.

#### **Exempt**

Exempt employees are employees who, because of their positional duties and responsibilities, and level of decision-making authority are exempt from the overtime provisions of the Fair Labor Standards Act (FLSA). These are salaried individuals and not required to fill out the standard time sheet.

#### **Non-Exempt**

Non-exempt employees are paid hourly wages.

Non-exempt workers must receive overtime pay of one-and-a-half times their hourly wage, for all hours worked in excess of a 40-hour workweek. Non-exempt employees must seek prior approval before working overtime.

#### **Part-Time, Full-Time or Temporary Status**

From time-to-time WATKINS GLEN HOUSING AUTHORITY (WGHA) may hire employees for specific projects or periods of time. Temporary employees may work either part-time or full-time, but generally are scheduled to terminate by a certain date. Temporary employees who remain on duty past the scheduled termination remain classified as temporary. Only the EXECUTIVE DIRECTOR or HR Consultant may change an employee's temporary status. Temporary employees are not eligible for employment benefits.

### **Section 4- Time Away from Work Policies**

#### **Attendance**

WATKINS GLEN HOUSING AUTHORITY (WGHA) maintains working hours from 7:00am-5:00pm EST every non-holiday weekday. Hours may vary, however, depending on job responsibilities. The

EXECUTIVE DIRECTOR will provide employees with their work schedule. Should an employee have any questions regarding his/her work schedule, the employee should contact the EXECUTIVE DIRECTOR or HR Consultant.

WATKINS GLEN HOUSING AUTHORITY (WGHA) does not tolerate absenteeism without an appropriate excuse. Employees who will be late to or absent from work should notify their manager in advance, or as soon as practicable in the event of an emergency. Chronic absenteeism will result in disciplinary action up to and including termination.

Employees who need to leave early, for illness or otherwise, should inform their supervisor before departure. Unauthorized departures may result in disciplinary action, up to and including termination.

### **Lateness**

Employees are expected to arrive on time and ready for work. An employee who arrives after their scheduled arrival time are considered late. We recognize that situations emerge which hinder punctuality in this case management should be notified. Regardless, frequent, excessive lateness is prohibited, and will be subject to disciplinary action.

### **Telecommuting Policy**

#### **Objective**

Telecommuting allows employees to work at home, on the road or in a satellite location for all or part of their workweek. Watkins Glen Housing Authority considers telecommuting to be a viable, flexible work option when both the employee and the job are suited to such an arrangement.

Telecommuting may be appropriate for some employees and jobs but not for others. *Telecommuting is not an entitlement*, it is not an organization wide benefit, and it in no way changes the terms and conditions of employment with Economic Opportunity Program, Inc.

#### **Procedures**

Telecommuting can be informal, such as working from home for a short-term project or on the road during business travel, or a formal, set schedule of working away from the office as described below. Either an employee or a supervisor can suggest telecommuting as a possible work arrangement.

Any telecommuting arrangement made will be on a trial basis for the first three months and may be discontinued at will and at any time at the request of either the telecommuter or the organization. Every effort will be made to provide 30 days' notice of such change to accommodate commuting, child care and other issues that may arise from the termination of a telecommuting arrangement. There may be instances, however, when no notice is possible.

*Approval of telecommuting will be made by the EXECUTIVE DIRECTOR with input from leadership and the human resources department. Denial or discontinuance of telecommuting will*

*be at the discretion of the Watkins Glen Housing Authority. Determinations will be made on a case-by-case basis through open communication and needs of the organization.*

## **Eligibility**

Individuals requesting formal telecommuting arrangements must be employed with WATKINS GLEN HOUSING AUTHORITY for a minimum of 12 months of continuous, regular employment and must have a satisfactory performance record.

Before entering into any telecommuting agreement, the employee and manager, with the assistance of the human resource department, will evaluate the suitability of such an arrangement, reviewing the following areas:

- Employee suitability. The employee and manager will assess the needs and work habits of the employee, compared to traits customarily recognized as appropriate for successful telecommuters.
- Job responsibilities. The employee and manager will discuss the job responsibilities and determine if the job is appropriate for a telecommuting arrangement.
- Equipment needs, workspace design considerations and scheduling issues. The employee and manager will review the physical workspace needs and the appropriate location for the telework.
- Tax and other legal implications. The employee must determine any tax or legal implications under IRS, state and local government laws, and/or restrictions of working out of a home-based office. Responsibility for fulfilling all obligations in this area rests solely with the employee.

If the employee and manager agree, and the human resource department concurs, a draft telecommuting agreement will be prepared and signed by all parties, and a three-month trial period will commence. The agreement will include specific dates, times and length an employee will be able to telecommute.

Evaluation of telecommuter performance during the trial period will include regular interaction by phone and e-mail between the employee and the manager, and weekly face-to-face meetings to discuss work progress and problems. At the end of the trial period, the employee and manager will each complete an evaluation of the arrangement and make recommendations for continuance or modifications. Evaluation of telecommuter performance beyond the trial period will be consistent with that received by employees working at the office in both content and frequency but will focus on work output and completion of objectives rather than on time-based performance.

An appropriate level of communication between the telecommuter and supervisor will be agreed to as part of the discussion process and will be more formal during the trial period. After conclusion of the trial period, the manager and telecommuter will communicate at a level consistent with

employees working at the office or in a manner and frequency that is appropriate for the job and the individuals involved.

*The trial period can be cancelled at anytime by the organization, with or without notice.*

## **Security**

Consistent with the organization's expectations of information security for employees working at the office, telecommuting employees will be expected to ensure the protection of proprietary company and customer information accessible from their home office. Steps include the use of locked file cabinets and desks, regular password maintenance, and any other measures appropriate for the job and the environment.

## **Time Worked**

Telecommuting employees who are not exempt from the overtime requirements of the Fair Labor Standards Act will be required to accurately record all hours worked using WATKINS GLEN HOUSING AUTHORITY's time-keeping system. Hours worked in excess of those scheduled per day and per workweek require the advance approval of the telecommuter's supervisor. Failure to comply with this requirement may result in the immediate termination of the telecommuting agreement and discipline, up to and including dismissal.

## **Ad Hoc Arrangements**

Temporary telecommuting arrangements may be approved for circumstances such as inclement weather, special projects or business travel. These arrangements are approved on an as-needed basis only, with no expectation of ongoing continuance.

Other informal, short-term arrangements may be made for employees on family or medical leave to the extent practical for the employee and the organization and with the consent of the employee's health care provider, if appropriate.

All informal telecommuting arrangements are made on a case-by-case basis, focusing first on the business needs of the organization.

Ad Hoc arrangements will be approved by management and the EXECUTIVE DIRECTOR, termination of the ad hoc arrangements can be made at any time.

## **Expectations of Employees and the Organization**

- Telework will not be used as an alternative for appropriate child care. The focus of the arrangement must remain on job performance, expectations and meeting the needs of programs and the organization

- The Watkins Glen Housing Authority will not purchase equipment services including but not limited to computers, cell phones or cell phone service, internet access and/or office equipment.
- The Watkins Glen Housing Authority will not be responsible for any expenses an employee incurs while working from home.
- Employees are expected to attend all work-related events, including meetings and to maintain a calendar of such events regardless of telework or alternative work schedules.

## **Summary**

The discretion of telecommuting will be determined by the organization. Upon implementation of this policy, all telecommuting commitments will be reviewed and an agreement will be put in place if the determination is made to allow said commitment to continue. All telecommuting arrangements will be made on a case-by-case consistent basis and can be eliminated at any time by the organization.

Nothing in this policy should be construed as a contract or promise of employment. Employment is “at will,” per New York State and federal laws and regulations.

## **Leave of Absence**

All leaves of absence are granted solely at the discretion of the EXECUTIVE DIRECTOR. Consideration will be based upon the operational needs of WATKINS GLEN HOUSING AUTHORITY (WGHA). A request from the EXECUTIVE DIRECTOR for a leave of absence is granted solely at the discretion of the WATKINS GLEN HOUSING AUTHORITY (WGHA) Board of directors.

## **Absence Due to Illness**

Employee shall notify his/her supervisor daily if necessary if illness or injury prevents them from reporting for work. In some cases, an employee may be required to provide documentation of medical problems. Notification should be carried out personally by the employee unless illness or injury is so severe that personal notification is impossible, in which case the employee is responsible for engaging a representative to notify his/her supervisor. Workplace communication of an absence will only be accepted via a phone call or text to the EXECUTIVE DIRECTOR.

## **Holidays**

WGHA shall determine all organization holidays. For the calendar year, WGHA's holidays include: Good Friday, New Years' Eve, New Years' Day, Martin Luther King Day, Presidents' Day, Memorial Day, Juneteenth, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day and the day after, Christmas Eve, Christmas Day, One Floating Holiday (used at the employees' discretion), and the day that the Village of Watkins Glen holds their Grand Prix Vintage Race

## **Vacation**

### Vacation for Management:

The Executive Director is eligible for vacation benefits after 6 months of employment consisting of 15 paid days' vacation per year. At the beginning of the 5<sup>th</sup> year, 5 days of vacation time will be added, and another 5 days will be added at the beginning of the 10<sup>th</sup> year of employment.

### Vacation for Full-Time and Part-Time Employees

Full-time and Part-time employees are eligible for vacation benefits after 6 months of employment consisting of 3 paid weeks per year. At the beginning of the 5<sup>th</sup> year, one week of vacation time will be added. All time is accrued per pay period based on weekly hours.

Accumulation: An employee may accumulate vacation leave credits to a maximum of 4 weeks. Any vacation credits in excess of 4 weeks will be converted into a sick bank. Sick bank is only used when regular sick time has been expended.

Sick Bank: No payment of sick bank will be paid out a separation of employment. The maximum allowed to accrue in a sick bank is 6 months/13 pay periods.

***Termination of Employment:*** It is management's discretion to determine if unused vacation time will be dispersed upon termination of employment. *This will be done consistently with any employment status change.*

## **Personal Leave**

In addition to vacation days, WGHA provides paid personal leave days as determined below:

### Personal Leave for Management:

The Executive Director is eligible for personal days consisting of 5 paid days per year.

### Personal Days for Full-Time Employees:

Regular Full-Time employees are eligible for personal days consisting of 5 paid days per year.

### Personal Days for Part-Time Employees:

Part-Time employees are eligible for personal days consisting of 3 paid days per year.

***Termination of Employment:*** *There will be no disbursement of unused personal time paid out upon termination of employment.*

## **Paid Sick Leave**

All regular full-time and part-time employees shall be granted leave with full pay for illness, injury, elective disability, childbirth, and illness or disability associated with pregnancy.

### Sick Leave for Management:

The Executive Director is eligible for sick time benefits after 6 months of employment consisting of 2 paid weeks per year. At the beginning of the 5th year of employment, one week of sick time will be added.

### Sick Leave for Full-Time Employees

Full-Time employees are eligible for sick time benefits after 6 months (or will accrue 1-hour of paid sick leave for every 30-hours worked, up to a maximum of 5-days per calendar year) of employment consisting of 1 paid week per year. At the beginning of the 5th year of employment, one week of sick time will be added. All time is accrued per pay period based on weekly hours.

Unused leave provided by this policy does not carry over to the following year. At the end of the year, it will be placed in a sick bank. Sick bank is only used when regular sick time has been expended.

Sick Bank: No payment of sick bank will be paid out a separation of employment.

If you are ill and cannot report to work, you must notify your supervisor at least two hours prior to your scheduled shift so that arrangements can be made to cover your work. Failure to do so may result in loss of sick pay. Repeated failure to notify your supervisor may result in dismissal.

(See the NYS Sick Leave Appendix)

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

WATKINS GLEN HOUSING AUTHORITY (WGHA) provides paid leave (up to a certain percentage of your weekly wages) to eligible employees pursuant to New York's Paid Family Leave Benefits Law.

This program offers job-protected, paid time off so employees can:

- **bond** with a newly born, adopted or fostered child.
- **care** for a close relative with a serious health condition; or
- **Assist** loved ones when a family member is deployed abroad on active military service.

### **As defined:**

- spouse
- domestic partner (including same and different gender couples; legal registration not required)
- child/stepchild and anyone for whom you have legal custody

- parent/stepparent
- parent-in-law
- grandparent
- grandchild
- sibling

Employees who believe they are eligible for the Paid Family Leave should contact their manager as soon as possible. More information can be found at [www.ny.gov/programs/new-york-state-paid-family-leave](http://www.ny.gov/programs/new-york-state-paid-family-leave). WATKINS GLEN HOUSING AUTHORITY (WGHA) will abide by all changes to NYSPL and communicate such changes to the employees.

For additional information please alert your supervisor or HR Consultant, HR Consultant, or the Statement of Rights Posting on Paid Family Leave.

**Call-In Procedure for Any Leave:**

Employees are expected to call the Executive Director prior to any use of paid or unpaid leave. Phone calls only will be accepted. Email, text messages and other forms of communication will not be accepted. The organization reserves the right to deny paid leave requests if the policy is not followed.

**Funeral or Bereavement Leave**

If you are affected by a loss, please talk to your manager or supervisor. WGHA will support employees during the bereavement process and can help you with any questions you may have about the bereavement leave policy.

Bereavement Leave for an immediate family member

This would include the employee's spouse, domestic partner, child, stepchild, foster child, parent or legal guardian, stepparent, father-in-law, mother, mother-in-law, son-in-law, daughter-in-law, brother, sister, stepbrother, stepsister, brother-in-law, sister-in-law, grandparent, grandchild, spouse's grandparent, spouse's grandchild, and child's spouse.

At the discretion of the company, employees may take up to five (5) scheduled workdays off with pay between the date of death and the day after the burial. The company reserves the right to request verification of the need for bereavement leave.

Bereavement Leave for an extended family member

This would include the employee's aunt, uncle, spouse's aunt, spouse's uncle, cousin, and spouse's cousin.

At the discretion of the company, employees may take up to one (1) scheduled workday off with pay between the date of death and the day of burial. The company reserves the right to request verification of the need for bereavement leave.

Additional Bereavement Leave

An employee may receive an unpaid leave of absence or use personal time off to extend bereavement leave.



*Employees must follow the company guidelines for requesting leave and tracking time away from work.*

## **Jury Duty**

Leave of Absence: In the event an employee is required to perform jury duty on a day the employee is scheduled to work, the employee will receive a paid leave of absence without loss of pay or leave credits.

Notification of Jury Duty: When an employee receives notice to report for jury duty, the employee must immediately submit a copy of the notice to the Department Head.

Return to Duty: In the event the employee is released from jury duty on a given day and there are two or more hours remaining in the employee's scheduled workday, the employee must report to work. The employee will be allotted time to return home and prepare for work.

If the trial continues beyond this period of paid jury duty, the Court will pay jurors at the appropriate published day rate, until the end of the trial. This can be obtained on the following web site:

<http://www.nyjuror.gov/home>

If the jury duty falls at a time when the employee cannot be away from work, a request that the court allow the employee to choose a more convenient time to serve. WATKINS GLEN HOUSING AUTHORITY (WGHA) expects the employee to cooperate in making this request in accordance with the court's procedures.

## **Time Off to Vote**

Employees will be considered to have sufficient time to vote outside their scheduled work hours if they have four consecutive hours between the polls opening and the beginning of their work shift, or four hours after the polls close. Employees who need time to vote need to communicate the request to HR or management prior to the day of voting, per New York State and federal law. PTO time can be used for time off to vote.

## **Military Leave**

WATKINS GLEN HOUSING AUTHORITY (WGHA) complies with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), which extends and expands both job and benefit protections for workers who serve in the military. The law also prohibits discrimination against applicants and employees who serve in the military in the areas of hiring, job retention and advancement, and strengthens the right to reemployment (or reinstatement) without any loss of seniority, status or pay.

Requests for Military Leave:

Upon receipt of orders for duty, the employee should notify his/her Manager as soon as possible. The employee will be required to provide their manager with a copy of the notice of military service document, unless military necessity prevents such notice, or it is otherwise impossible or unreasonable.

### **Military Spouse Leave**

In accordance with New York State law, spouses of members of the U.S. armed forces, National Guard or reserves that have been deployed to a combat area during a period of military conflict are entitled to unpaid leave.

### **Short-Term Disability**

A loss of income due to disability can be destructive to an individual's or family's security. For this reason, Watkins Glen Housing Authority provides eligible employees with short-term disability insurance. This insurance program assists employees in replacing lost income in the event that an employee is disabled due to an off-the-job injury, illness or pregnancy.

#### **ELIGIBILITY**

All employees who cannot work due to a non-job-related disability are covered under this short-term disability insurance program if they meet the eligibility requirements of the New York State Disability Benefits Law.

#### **BENEFITS**

The benefits begin on the eighth calendar day of the disability and may continue for up to 26 weeks. Disability benefits are 50 percent of the employee's average weekly wage (based on the last eight weeks of employment) up to a maximum weekly benefit of \$170.00.

Employees receive a combined total of 26 weeks of disability and New York Paid Family Leave Benefits.

### **Bone Marrow & Blood Donation Leave**

In accordance with New York State law, Watkins Glen Housing Authority offers employees a leave of absence for the purpose of bone marrow or blood donation.

#### **TIME AWAY FROM WORK**

Employees who work at least 20 hours per week who seek to undergo a medical procedure to donate bone marrow will be granted a leave of absence no longer than 24 work hours. This leave is unpaid.

Employees who work at least 20 hours per week may be granted three hours of unpaid leave in any 12-month period of time for the purposes of donating blood.

### **Crime Victim Leave**

Watkins Glen Housing Authority provides employees with time away from work if they are a victim of a crime or to participate as a witness of a crime.

#### **ELIGIBILITY**

Eligible employees may take time off from work to comply with a subpoena to (1) testify in a criminal proceeding (including time off to consult with the district attorney); (2) give a

statement at a sentencing proceeding; (3) give a victim impact statement at a pre-sentencing proceeding; or (4) give a statement at a parole board hearing.

Employees are eligible for time off under this policy if they are:

- The victim of the crime at issue in the proceedings;
- The victim's next of kin;
- The victim's representative (a person who represents or stands in the place of another person, including an agent, attorney, guardian, conservator, executor, heir or parent of a minor) if the victim is deceased as a result of the offense;
- a good Samaritan (someone who acts in good faith to: (1) apprehend a person who has committed a crime in his or her presence; (2) prevent a crime or an attempted crime from occurring or (3) aid a law enforcement officer in effecting an arrest); or
- Pursuing an application or the enforcement of an order of protection as provided under relevant law.

#### CRIME VICTIM LEAVE PAY

Time off under this policy is unpaid except that exempt employees will not incur any reduction in pay for a partial week's absence for leave under this policy.

#### DOCUMENTATION

Employees must notify their supervisor and Human Resources of the need to take a leave under this policy no later than the day before the absence. In addition, employees must provide Human Resources with verification of their service upon request.

#### TIME AWAY FROM WORK

In fairness to the Watkins Glen Housing Authority, employees are expected to return to work if they are excused from proceedings during their regular working hours.

#### NO RETALIATION

Watkins Glen Housing Authority will not retaliate or tolerate retaliation against any employee who seeks or obtains leave under this policy.

#### **Severe Weather and Emergency Conditions**

Watkins Glen Housing Authority seeks to ensure the safety of its staff and protect its facilities in the event of an emergency. This policy defines the process for closing all or part of the facility as well as expectations for employees. It establishes requirements to maintain operational continuity and recovery when a change in operating status is necessary. It also establishes the policy and procedures for compensating employees for absences and work during an emergency closing.

#### Definitions

Delayed opening/early closing: The modification of normal operating hours for non-essential employees.

**Essential Employee:** An employee whose assigned job duties and responsibilities are considered critical to maintaining the essential operations when changes in operating status occur due to an emergency event. Employees designated as essential are needed to meet the immediate needs of repair and restoration, and/or general operations.

**Emergency Event:** Any event, natural or man-made, with the potential to create unsafe conditions, cause injuries or deaths, disrupt operations, cause physical or environmental damage, and/or close the facility. Examples include but are not limited to severe weather, radiological event, hazardous spill, civil disturbance or public health threat.

**Evacuation:** The decision to close facilities and restrict access to buildings.

**Grace Period:** A maximum of up to two hours past the start of the normal or altered scheduled workday to report to work.

**Non-Exempt Employee:** An employee covered by the Fair Labor Standards Act (FLSA) who is entitled to overtime pay for hours worked over 40 during a work week. Exempt or non-exempt status is documented in an employee's position description.

### Closing Policy

The authority to close the office rests with management and consultation with the Watkins Glen Housing Authority Board.

Watkins Glen Housing Authority will strive to remain open. If, however, conditions are impossible or dangerous, the facility will be closed.

**Evacuation:** If the emergency event is predicted to be of major significance and duration, the office may, in addition to ceasing normal operations, require evacuation.

**Notification:** The decision to close the office in full or in part or to evacuate will be announced as soon as practicable using available data.

### Pay and Leave During Closings

Employees will be credited with administrative leave for the total number of work hours the facility was closed in accordance with their work schedule.

Non-exempt employees required to work during an emergency closing will receive additional monetary hourly compensation for each hour worked during the closing. Non-exempt employees will be compensated with either leave or pay in accordance with their overtime hours. As required by the FLSA, non-exempt employees are eligible for overtime pay or leave if total hours worked in the work week exceed 40 hours. Administrative leave and all other leave hours are not included in the calculation for hours worked.

Exempt employees will receive compensation in the form of compensatory leave for those hours worked during authorized closures.

Employees on pre-approved leave with pay for the authorized closing will not have the time credited or charged to their personal leave balances.

Non-exempt employees must work and/or be in a paid leave status on the last workday before and the first workday after an emergency closing to be eligible for the administrative leave. Employees on pre-approved leave with pay for the authorized closing will not have the time credited or charged to their personal leave balances.

Non-essential employees whose scheduled day off falls on a day when their work area is closed will not be credited with administrative leave.

### Reporting to Work

Employees are encouraged, and under certain conditions may be required, to stay away when the facility is closed.

Employees may be directed to return to work if the specific needs of their departments require them to do so to maintain essential operations and/or to respond and restore normal operations. It will be management's responsibility to determine if additional employees are required during this time. In such cases, management may request that employees report to work at the start of their regular work schedule or at a specified time.

Management may require an employee to work at home or at an alternate work location. If this situation occurs during an authorized closing, the employee will receive compensation in addition to the administrative leave granted for these closures.

An employee who cannot report to his/her regular work location or alternate work location or who cannot work at home when requested by management, must contact management immediately to provide an explanation.

Employees who fail to report, fail to contact management, or fail to respond to management's request may be subject to disciplinary action.

### Grace Period/Inclement or Emergency Conditions

For employees who encounter extreme transportation difficulties under emergency conditions, supervisors may allow a maximum of up to two hours past the start of a normal or delayed opening to report to work. This grace period will be considered lost time and need not be applied to leave balances, nor should the employees otherwise experience loss of pay, if in the judgment of management such lost time was justifiable in view of weather or other conditions, the employee will receive administrative leave.

### Communications

Watkins Glen Housing Authority will announce closings, late openings, and evacuations from management to the employees directly.

## **Worker's Compensation**

In addition to the stated benefits above, WATKINS GLEN HOUSING AUTHORITY (WGHA) maintains employer-paid New York State Worker's Compensation Insurance which provides compensation for lost wages and covers all medical expenses in case of a job-related injury or illness.

Employees must report all work-related accidents, injuries, or illness no matter how minor to their manager immediately. Should the employee require medical attention they will be directed to contact their physician. In the case of a serious illness or injury, the employee will be directed to the nearest emergency room or urgent care center. Not reporting workplace accidents is subject to discipline up to and including dismissal. As soon as possible, the employee will be required to complete an accident report and submit it to their manager. Benefits under the plan include payment of medical and hospital-related bills and compensation for lost wages up to the statutory limits.

If you are injured on the job and the injury is not serious but prevents you from working, you are required to get medical attention the day following the injury.

Employees who have questions concerning the payment of worker's compensation benefits are encouraged to contact the Executive Director.

## **Section 5: Other Workplace Policies**

### **Benefits and Perks**

WATKINS GLEN HOUSING AUTHORITY (WGHA) is committed to sponsoring a comprehensive benefits program for all eligible employees. In addition to receiving an equitable salary and having an equal opportunity for professional development and advancement, you may be eligible to enjoy other benefits which will enhance your job satisfaction. We are certain you will agree the benefits program described in this Employee Handbook represents a large investment by WATKINS GLEN HOUSING AUTHORITY (WGHA)

**Health Insurance:** WATKINS GLEN HOUSING AUTHORITY (WGHA) offers coverage under our Health Plan to full time active employees and their dependents. A change in employment classification that would result in loss of eligibility to participate in the health insurance plan may qualify an employee for benefits continuation under the Consolidated Omnibus Budget Reconciliation Act (COBRA). Refer to the Benefits Continuation (COBRA) policy for more information.

Upon hire, employees will receive information regarding the specific health and dental/vision plans available and the necessary enrollment forms that must be completed and returned to the Executive Director.

**New York State Local Retirement System:** WATKINS GLEN HOUSING AUTHORITY (WGHA) full time employees are required to participate in contributing to the New York State Retirement Plan at a 3% contribution rate.

Upon hire, employees will receive information regarding the specific retirement plan available and the necessary enrollment forms that must be completed and returned to the Executive Director.

**New York State Deferred Compensation Plan:** WATKINS GLEN HOUSING AUTHORITY (WGHA) full time employees are eligible to participate in the New York State Retirement Savings Plan.

Upon hire, employees will receive information regarding the specific retirement plan available and the necessary enrollment forms that must be completed and returned to the Executive Director.

### **Consolidated Omnibus Budget Reconciliation Act (COBRA)**

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) 1985 gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the Agency's health plan when a "qualifying event" would normally result in the loss of their eligibility.

Some common "qualifying events" are:

- Resignation
- Voluntary or involuntary termination of employment
- Death of an employee
- A reduction in hours worked by an employee
- A leave of absence
- An employee's divorce or legal separation or a
- Dependent child no longer meeting eligibility requirements.

Under COBRA, the employee or dependent is required to pay the full cost of coverage at the Agency's group rates plus any administration fees.

### **Mini-COBRA**

New York State law requires small employers (less than 20 employees) to provide the equivalent of COBRA benefits. You are entitled to 36 months of continued health coverage at a monthly cost to you of 102% of the actual cost to the employer which may be different from the amount deducted from your paychecks.

### **Expectations**

WATKINS GLEN HOUSING AUTHORITY (WGHA) provides vital services to its clients. We can only meet our client's expectations if all employees perform their job duties and responsibilities in a professional and satisfactory manner. Employees should attempt to achieve their job objectives, and act with diligence and consideration always. Poor job performance can result in disciplinary action, up to and including termination.

### **Training & Education**

WATKINS GLEN HOUSING AUTHORITY (WGHA) will require the employees to take training courses in order to remain educated on current policies and state or federal requirements.

**Workplace Wrongdoing Policy: “NO TOLERANCE”**

WGHA prohibits and does not tolerate workplace wrongdoing on WGHA premises, property, or while acting within the scope of employment.

WGHA does not tolerate theft of property, whether from the employer, customer, or from a co-worker. Employees should seek permission before removing company material, tools, or other items, including damaged goods, scrap material, or any other material. Any employee who violates this policy may be subject to disciplinary action, up to immediate discharge and possible legal action.

WGHA prohibits false information on any expense account sheet or on any insurance claim submitted under the organization’s health care benefits or workers’ compensation benefits program.

WGHA prohibits fighting on its premises. Any employee who instigates physical violence, or threatens physical violence, may be subject to disciplinary action, up to immediate discharge.

WGHA prohibits embezzlement or stealing of WGHA funds or resident funds, including but not limited to, stealing money from an account to unlawful use of telephone privileges.

WGHA prohibits employees from gambling in the WGHA facility or on WGHA property; including, but not limited to, placing, and taking bets.

Violators of this policy are subject to disciplinary action, up to and including discharge, for any violation reasonably believed to have been committed.

**Reporting Procedure**

If you are aware of any of the acts listed above taking place, you are encouraged to discuss your questions, problems, complaints, or reports with the Executive Director. If you feel uncomfortable doing so or if your supervisor is the source of the problem, condones the problem, or ignores the problem, report to the Chairman of the Board of Directors.

You are not required to directly confront the person who is the source of your report, question, or complaint before notifying any of those individuals listed. Nevertheless, you are required to make a reasonable effort to make wrongdoing known should any exist.

**Reviews**

WATKINS GLEN HOUSING AUTHORITY (WGHA) may periodically evaluate an employee’s performance. The goal of a performance review is to identify areas where an employee excels and areas that need improvement. WATKINS GLEN HOUSING AUTHORITY (WGHA) uses performance reviews as a tool to determine pay increases, promotions and/or terminations.



All performance reviews are based on merit, achievement and other factors may include but are not limited to:

- Quality of work
- Attitude
- Knowledge of work
- Job skills
- Attendance and punctuality
- Teamwork and cooperation
- Compliance with organization policy
- Past performance reviews
- Improvement
- Acceptance of responsibility and constructive feedback

Employees should note that a performance review does not guarantee a pay increase or promotion. Written performance evaluations may be made at any time to advise employees of unacceptable performance. Evaluations or any subsequent change in employment status, position or pay does not alter the employee's at-will relationship with WATKINS GLEN HOUSING AUTHORITY (WGHA). Forward any questions about performance expectation or evaluation to the supervisor conducting the evaluation.

### **Insubordination**

Supervisors and employees should interact with mutual respect and common courtesy. Employees are expected to take instruction from supervisors or other persons on authority. Failure to comply with instructions or unreasonably delaying compliance is considered insubordination. Acts of insubordination are subject to disciplinary action, up to and including termination. If an employee disagrees with a supervisor, the employees should first try to mediate the situation by explaining their position. If possible, a compromise might be met, and accusations of insubordination avoided.

### **Grounds for Disciplinary Action**

WATKINS GLEN HOUSING AUTHORITY (WGHA) reserves the right to discipline and/or terminate any employee who violates organization policies, practices, or rules of conduct. Poor performance and misconduct are also grounds for discipline or termination.

The following actions are unacceptable and considered grounds for disciplinary action. This list is not comprehensive; rather, it is meant merely as an example of the types of conduct that this organization does not tolerate. These actions include, but are not limited to:

- Engaging in acts of discrimination or harassment in the workplace.
- Possessing, distributing or being under the influence of illicit controlled substances.
- Being under the influence of a controlled substance on organization premises, or while engaged in organization business, even if you are not on the clock.
- Unauthorized use of organization property, equipment, devices or assets.
- Damage, destruction or theft of organization property, equipment, devices or assets.
- Removing organization property without prior authorization or disseminating organization information without authorization.
- Falsification, misrepresentation or omission of information, documents or records.
- Lying.
- Insubordination or refusal to comply with directives.
- Failing to adequately perform job responsibilities.
- Excessive or unexcused absenteeism or tardiness.
- Disclosing confidential or proprietary organization information without permission.
- Illegal or violent activity, including theft.
- Falsifying Injury reports or reasons for leave.
- Possessing unauthorized weapons on premises.
- Disregard for safety and security procedures.
- Disparaging or disrespecting supervisors and/or co-workers; and

Any other action or conduct that is inconsistent with organization policies, procedures, standards, or expectations.

This list exhibits the types of actions or events that are subject to disciplinary action. It is not intended to indicate every act that could lead to disciplinary action. WATKINS GLEN HOUSING AUTHORITY (WGHA) reserves the right to determine the severity and extent of any disciplinary action based on the circumstances of each case.

## **Procedures**

Disciplinary action is any one of several options used to correct unacceptable behavior or actions. Discipline may take the form of verbal warnings, written warnings, probation, suspension, demotion, discharge, removal, or some other disciplinary action, in no order. The course of action will be

determined by WATKINS GLEN HOUSING AUTHORITY (WGHA) at its sole discretion as it deems appropriate.

### **Leaving Watkins Glen Housing Authority**

#### **Resignation**

WATKINS GLEN HOUSING AUTHORITY (WGHA) operates under the principle of employment “at-will,” both WATKINS GLEN HOUSING AUTHORITY (WGHA) and the employee have the right to terminate the employment relationship at will, without cause, and with or without notice, at any time for any reason. WATKINS GLEN HOUSING AUTHORITY (WGHA) may consider an employee to have ***voluntarily resigned*** his/her position when:

The employee resigns from WATKINS GLEN HOUSING AUTHORITY (WGHA)

When the employee fails to return from an approved leave of absence on the date agreed upon.

When the employee fails to report to work or call in on two (2) consecutive occasions.

When an employee decides to leave for any reason, it is requested that the employee provide WATKINS GLEN HOUSING AUTHORITY (WGHA) with a written two-week advance notice for non-management staff and a four-week notice for management staff. In some situations, if proper notice is provided, through its employment at will policy, WATKINS GLEN HOUSING AUTHORITY (WGHA) may require the employee to leave prior to the end of the notice period.

A final exit interview may be conducted with any employee who voluntarily resigns from their position.

#### **Termination**

All employment with WATKINS GLEN HOUSING AUTHORITY (WGHA) is expressly at-will. Employment may be terminated by WATKINS GLEN HOUSING AUTHORITY (WGHA) at any time, for any reason. All Benefits end on the employee’s last day of employment.

#### **Return of Company Property**

Prior to the employee’s last day of employment, they will be expected to return all Company, such as office keys, corporate credit cards, accounts, passwords, documents, Employee Handbooks, identification cards, WATKINS GLEN HOUSING AUTHORITY (WGHA) equipment (computers, printers, cellphone, etc.)

#### **Final Paycheck**

The paycheck will be mailed or direct deposit during the normally scheduled pay period.

#### **Employment References**

All inquiries regarding a current or former employee must be referred to the EXECUTIVE DIRECTOR.

In response to an outside request for information regarding a current or former employee, WATKINS GLEN HOUSING AUTHORITY (WGHA) will furnish or verify the employee's name, dates of employment, job title, and department.

No information will be released unless the employee has authorized WATKINS GLEN HOUSING AUTHORITY (WGHA) to provide this information.

### **Modification of Policy**

This Employee Handbook may be amended, modified, or terminated at any time by WATKINS GLEN HOUSING AUTHORITY (WGHA), without the consent or prior knowledge of the employees. Any such modification will be communicated in writing, promptly, to all employees.

### **Zipper Clause**

All other Employee Handbooks or other personnel policies, whether written or oral, are declared null and void, ceasing to have any effect whatsoever by the publication and dissemination of this Employee Handbook.

### **Compliance with Governmental Laws and Regulations**

WATKINS GLEN HOUSING AUTHORITY (WGHA) has made every effort to ensure the policies in the Employee Handbook follow all federal, state, and local employment laws and regulations. In the event that a provision in this Employee Handbook is in conflict with a federal, state, or local law or regulation, the appropriate law or regulation will prevail, and the provision in the Employee Handbook shall be deemed amended to the extent necessary to comply with such law or regulation.

### **Posters and Reporting Compliance Policy**

WATKINS GLEN HOUSING AUTHORITY (WGHA) will maintain mandated federal and state posters at all company worksites. Hardcopy posters will be mailed to remote employees and full-time teleworkers.

WATKINS GLEN HOUSING AUTHORITY (WGHA) will verify new posting requirements for worksites on an annual basis and will ensure that new and/or revised posters are posted and made available.

### **Lactation/Breastfeeding Policy**

#### **INTRODUCTION AND PURPOSE**

Section 206-c of the New York State Labor Law gives all employees in New York the right to express breast milk in the workplace. This law applies to all public and private employers in New York State, regardless of size or the nature of their business.

The New York State Department of Labor has developed the official policy on breast milk expression in the workplace as required by the law, ensuring that all employees know their rights and all employers understand their responsibilities. This policy is the minimum required standard, but employers are encouraged to include additional accommodations tailored to their workplace.

With the information provided below, employees will learn how much time they are allowed for breast milk expression, the kind of space employers are required to provide for breast milk expression, how to notify employers about the need to express breast milk in the workplace, and how to notify the Department of Labor if these rights are not honored.

Employers are required to provide this policy in writing to all employees when they are hired and again every year after. Employers are also required to provide the policy to employees as soon as they return to work following the birth of a child.

#### USING BREAK TIME FOR BREAST MILK EXPRESSION

Employers must provide reasonable unpaid break time for their employees to express breast milk. In addition, employees must also be permitted to use their paid break time or meal time to express breast milk. This time must be provided for up to three years following childbirth. Employers must provide unpaid break time at least every three hours if requested by the employee. However, the number of unpaid breaks an employee will need to express breast milk is unique to each employee and employers must provide reasonable break times based on the individual. Employers are prohibited from discriminating in any way against an employee who chooses to express breast milk in the workplace.

An employee must be permitted to work before or after their normal shift to make up any time used as unpaid break time to express breast milk, as long as this time falls within the employer's normal work hours. However, an employee is not required to make up their unpaid break time.

While an employer cannot require that an employee works while expressing breast milk, nothing in Labor Law 206-c prevents an employee from voluntarily choosing to do so. Time working while expressing breast milk must be compensated.

Unpaid breaks provided for the expression of breast milk must be at least twenty minutes. However, if the designated lactation room where such break will be taken is not close to an employee's work station, the provided break must be at least thirty minutes. An employee must be allowed to take a longer unpaid break if needed. Employees may also opt to take shorter unpaid breaks.

Employees who work remotely have the same rights to unpaid time off for the purpose of expressing breast milk, as all other employees who perform their work in-person.

#### MAKING A REQUEST TO EXPRESS BREAST MILK AT WORK

If an employee wants to express breast milk at work, they need to give employers reasonable advance notice, generally before returning to the workplace if the employee is on leave. This advance notice is to allow employers the time to find an appropriate location and adjust schedules if needed.

Employees wishing to request a room or other location to express breast milk in the workplace should do so by submitting a written request to their direct supervisor or individual designated by their employer for processing requests. Employers must respond to this request for a room or other location to express breast milk in writing within five days.

Employers must notify all employees in writing through email or printed memo when a room or other location has been designated for breast milk expression.

#### LACTATION ROOM REQUIREMENTS

In addition to providing the necessary time during the workday, employers must provide a private room or alternative location for the purpose of breast milk expression. The space provided for breast milk expression cannot be a restroom or toilet stall.

The room or other location must:

- Be close to an employee's work area
- Provide good natural or artificial light
- Be private – both shielded from view and free from intrusion
- Have accessible, clean running water nearby
- Have an electrical outlet (if the workplace is supplied with electricity)
- Include a chair
- Provide a desk, small table, desk, counter or other flat surface

There does not need to be a separate space for every nursing employee. An employer may dedicate a single room or other location for breast milk expression. Should there be more than one employee at a time needing access to a lactation room, an employer may dedicate a centralized location to be used by all employees.

Any space provided for breast milk expression must be close to the work area of the employee(s) using the space. The space must be in walking distance, and the distance to the location should not significantly extend an employee's needed break time.

Employers located in shared work areas, such as office buildings, malls and similar spaces may work together to establish and maintain a dedicated lactation room, as long as such space(s) are a reasonable distance from the employees using the room. Each employer utilizing this common space is individually responsible for making sure the room meets the needs of their employees.

If there is not a separate room or space available for lactation, an employer may use a vacant office or other available room on a temporary basis. This room must not be accessible to the public or other employees while an employee is using it for breast milk expression.

As a last resort, an available cubicle may be used for breast milk expression. A cubicle can only be used if it is fully enclosed with a partition and is not otherwise accessible to the public or other employees while being used for breast milk expression. The cubicle walls must be at least seven feet tall to insure the employee's privacy.

To ensure privacy, if the lactation room has a window, it must be covered with a curtain, blind or other covering.

In addition, the lactation space should have a door equipped with a functional lock. If this is not possible (such as in the case of a fully enclosed cubicle), as a last resort, an employer must utilize a sign advising the space is in use and not accessible to other employees or the public.

If the workplace has a refrigerator, employers must allow employees to use it to store breast milk. However, employers are not responsible for ensuring the safekeeping of expressed milk stored in any refrigerator in the workplace.

Employees are required to store all expressed milk in closed containers and bring milk home each evening. The space designated for expressing breast milk must be maintained and clean at all times.

If an employer can demonstrate undue hardship in providing a space with the above requirements, the employer must still provide a room or other location - other than a restroom or toilet stall - that is in close proximity to the work area where an employee can express breast milk in privacy, that meets as many of the requirements as possible.

Undue hardship is defined in the statute as “causing significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the employer’s business.” However, an employer may not deny an employee the right to express breast milk in the workplace due to difficulty in finding a location.

#### NEW YORK STATE DEPARTMENT OF LABOR RESOURCES

If an employee believes that they are experiencing retaliation for expressing breast milk in the workplace, or that their employer is in violation of this policy, should contact the New York State Department of Labor’s Division of Labor Standards. Call us at 1-888-52-LABOR, email us at [LSAsk@labor.ny.gov](mailto:LSAsk@labor.ny.gov), or visit the nearest Labor Standards office to personally file a complaint.

A list of our offices is available at [dol.ny.gov/location/contact-division-labor-standards](https://dol.ny.gov/location/contact-division-labor-standards). *Complaints are confidential.*

#### FEDERAL RESOURCES

The federal PUMP Act went into effect in 2023, expanding protections for almost all employees expressing breast milk at work. Under the PUMP Act, any covered workers not provided with breaks and adequate space for up to a year after the birth of a child are able to file a complaint with the U.S. Department of Labor or file a lawsuit against their employers. For more information, please visit [dol.gov/agencies/whd/pump-at-work](https://dol.gov/agencies/whd/pump-at-work).

All employers must continue to follow existing federal and state laws, regulations, and [guidance](#) regarding paid and unpaid break time and [meal times](#) regardless of whether the employee uses such time to express breast milk. For additional information regarding what constitutes a meal period or a break period under state and federal law, please see the following resources:

- NY Department of Labor Website on Day of Rest, Break Time, and Meal Periods

[dol.ny.gov/day-rest-and-meal-periods](https://dol.ny.gov/day-rest-and-meal-periods)

- NY Department of Labor FAQs on Meal and Rest Periods  
[dol.ny.gov/system/files/documents/2021/03/meal-and-rest-periods-frequently-asked-questions.pdf](https://dol.ny.gov/system/files/documents/2021/03/meal-and-rest-periods-frequently-asked-questions.pdf)
- U.S. Department of Labor FLSA FAQ on Meal and Rest Periods  
[dol.gov/agencies/whd/fact-sheets/22-flsa-hours-worked](https://dol.gov/agencies/whd/fact-sheets/22-flsa-hours-worked)
- U.S. Department of Labor FLSA Fact Sheet on Compensation for Break Time to Pump Breast Milk  
[dol.gov/agencies/whd/fact-sheets/73-flsa-break-time-nursing-mothers](https://dol.gov/agencies/whd/fact-sheets/73-flsa-break-time-nursing-mothers)

## REPRODUCTIVE HEALTH DECISION MAKING DISCRIMINATION

WGHA may not:

- discriminate or take any retaliatory personnel action against employees with respect to compensation, terms, conditions, or privileges of employment because of, or on the basis of, the employee's or dependent's reproductive health decision making, including but not limited to a decision to use or access a particular drug, device, or medical service; or
- require employees to sign a waiver or other document that purports to deny employees the right to make their own reproductive health care decisions, including use of a particular drug, device, or medical service.

The Company also may not access the employee's personal information regarding the employee's or the dependent's reproductive health decision making, including but not limited to the decision to use or access a particular drug, device, or medical service without the employee's prior informed affirmative written consent.

Employees may bring a civil action in any court of competent jurisdiction against the Company for any alleged violations of this policy. In any civil action alleging a violation of this policy, the court may: award damages, including, but not limited to, back pay, benefits and reasonable attorneys' fees and costs incurred to a prevailing plaintiff; afford injunctive relief against the Company if it commits or proposes to commit a violation of the provisions of this policy; order reinstatement; and/or award liquidated damages equal to 100 percent of the award for damages unless the Company proves a good faith basis to believe that its actions in violation of this policy were in compliance with the law.

Any act of retaliation for employees exercising any rights granted under this policy shall subject the Company to separate civil penalties. For the purposes of this policy, retaliation or retaliatory personnel action means discharging, suspending, demoting or otherwise penalizing employees for: making or threatening to make a complaint to the Company, co-worker or to a public body, that rights guaranteed under this policy have been violated; causing to be instituted any proceeding under or related to this policy; or providing information to or testifying before any public body conducting an investigation, hearing or inquiry into any such violation of a law, rule or regulation by the Company.



Employees with issues or concerns regarding this policy or who feel they have been subjected to any alleged violation of this policy should contact the EXECUTIVE DIRECTOR.

### **On-Call Procedure**

All employees are required to be available for on-call. In addition, the following guidelines apply:

- Unless otherwise advised, the employee is not required while on-call to remain on the premises. However, the employee must remain available by telephone, text, or pager while off site and respond to any message within fifteen (15) minutes.
- If an emergency requires the employee to return to work, he or she must do so within 1 hour of responding to the message.
- The employee is not required to restrict his or her activities while on-call. If an employee has a medical condition and has concerns about complying with this requirement, the employee should consult with the Management.
- If the employee has a conflict and is unable to be on-call for any duration of time, it is the employee's obligation to pre-arrange with management for a replacement to cover.

### **On-Call Pay**

- If an employee is called to come back to work during a normal scheduled working day, the employee is paid for hours actually worked. In addition, they are compensated a \$20 stipend.
- If an employee is called to come to work during a non-scheduled day, the employee is paid for hours actually worked or a minimum of 4 hours.
- If an employee is called to work during a holiday or scheduled time off, the employee is paid for hours actually worked or a minimum of 4 hours. In addition, they are compensated a \$50 stipend.
- On-call hours are to be flexed during the same pay week.

### **Flexitime Policy**

- The operating days and hours of the Watkins Glen Housing Authority are Monday through Friday, 7:00 a.m. to 5:00 p.m. All employees are expected to be at work during these hours unless approval is granted for a flexible work schedule (flexitime).
- Flexitime at the Watkins Glen Housing Authority is a work schedule with time of arrival and departure that differs from the standard operating hours by not more than two hours. For example, a typical flexitime arrangement is arrival at 10:30 a.m. and departure at 7:30 p.m.
- Supervisors approve flexitime on a case-by-case basis. The employee must first discuss flexitime arrangements with his/her supervisor and then submit a written request using the Flexitime Request Form. The supervisor will approve or deny the flexitime request based on staffing needs, the employee's job duties, the employee's work record and the employee's ability to temporarily or permanently return to a standard work schedule when needed.
- A flexitime arrangement may be suspended or cancelled at any time. Exempt employees must depart from any flexitime schedule to perform their jobs. Non-exempt employees may be asked to work overtime regardless of a flexitime schedule.

## **Internal Reporting Options**

Employees are encouraged to use any of the internal reporting options for any issues and concerns, there will be zero-tolerance for retaliation if a report is filed.

**HR Consultant:** Matthew W. Burr, HR Consultant  
[Matthew@burrconsultingllc.com](mailto:Matthew@burrconsultingllc.com)  
607-227-4386

## **Section 6: Health and Safety**

### **Workplace Safety**

WATKINS GLEN HOUSING AUTHORITY (WGHA) takes every reasonable precaution to ensure that employees have a safe working environment. Safety measures and rules are in place for the protection of all employees. It is the responsibility of each employee to help prevent accidents. To ensure the continuation of a safe workplace, all employees should review and understand all provisions of WATKINS GLEN HOUSING AUTHORITY (WGHA)'s workplace safety policy. Employees should use all safety and protective equipment provided to them and to maintain work areas in a safe and orderly manner, free from hazardous conditions. Employees who observe an unsafe practice or condition should report it to a supervisor immediately. Employees are prohibited from making threats against anyone in connection with her/her work engaging in violent activities while in the employ of WATKINS GLEN HOUSING AUTHORITY (WGHA) Any questions regarding safety and safe practices should be directed to management.

**Injury Reporting:** All work-related injuries must be reported immediately to your supervisor. Failure to report injuries immediately can result in discipline, up to and including dismissal.

### **Workplace Security**

Employees must be alert and aware of any potential dangers to themselves or their coworkers. Take every precaution to ensure that your surroundings are safe and secure. Guard personal belongings and organization property. Visitors should always be escorted. Report any suspicious activity to a supervisor immediately.

### **Workplace Violence**

WATKINS GLEN HOUSING AUTHORITY (WGHA) provides a safe workplace for all employees. To ensure a safe workplace and to reduce the risk of violence, all employees should review and understand all provisions of this workplace violence policy. We do not tolerate any type of workplace violence committed by or against employees. Employees are prohibited from making threats or engaging in violent activities.

This list of behaviors provides examples of conduct that is prohibited:

- Causing physical injury to another person.
- Making threatening remarks.
- Displaying aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress.
- Intentionally damaging employer property or property of another employee.
- Possessing a weapon while on company property or while on company business.
- Committing acts motivated by, or related to, sexual harassment or domestic violence.

Any potentially dangerous situations must be immediately reported to a supervisor. Reports can be made anonymously, and all reported incidents will be investigated. Reports or incidents warranting confidentiality will be handled appropriately, and information will be disclosed to others only on a need-to-know basis.

All parties involved in a situation will be counseled, and the results of investigations will be discussed with them. We will actively intervene at any indication of a hostile or violent situation. We do not expect employees to be skilled at identifying potentially dangerous persons; employees are expected to exercise good judgment and to inform their supervisor if any employee exhibits behavior that could be a sign of a potentially dangerous situation. Employees who confront or encounter an armed or dangerous person should not attempt to challenge or disarm the individual. Employees should remain calm, make constant eye contact, and talk to the individual. Enforcement Threats, threatening conduct, or any other acts of aggression or violence in the workplace will not be tolerated. Any employee determined to have committed such acts will be subject to disciplinary action, up to and including termination. Employees and Nonemployees engaged in violent acts on the employer's premises will be reported to the proper authorities and fully prosecuted.

### **Weapon-Free Workplace Policy**

Purpose:

To ensure that WATKINS GLEN HOUSING AUTHORITY (WGHA) maintains a workplace safe and free of violence for all employees. This policy prohibits the possession or use of dangerous weapons on company property or designated company vehicles.

Persons Covered:

All WATKINS GLEN HOUSING AUTHORITY (WGHA) workers are subject to this provision, including contract workers and temporary employees as well as visitors and customers on company property. A license to carry the weapon (concealed carry permits) on company property does not supersede company policy. Any employee in violation of this policy will be subject to disciplinary action, up to and including termination.

## Definitions:

“Company Property” is defined as all company leased buildings and surrounding areas such as sidewalks, walkways, driveways, and parking lots under WATKINS GLEN HOUSING AUTHORITY (WGHA) control. This policy also applies to all company vehicles and all vehicles that come onto company property.

“Dangerous weapons” include but is not limited to; firearms, explosives, knives, and other weapons that might be considered dangerous or that could cause harm. WATKINS GLEN HOUSING AUTHORITY (WGHA) employees are responsible for making sure that any item possessed by the employee is not prohibited by this policy.

## Searches of Personal Property:

WATKINS GLEN HOUSING AUTHORITY (WGHA) reserves the right at any time and at its discretion to search all company-owned or leased vehicles and all vehicles, plus packages, containers, briefcases, purses, lockers, desks, enclosures and persons entering its property, for the purpose of determining whether any weapon is being, or has been, brought onto its property or premises in violation of this policy. Employees who fail or refuse to promptly permit a search under this policy will be subject to discipline up to and including termination.

WATKINS GLEN HOUSING AUTHORITY (WGHA) is committed to providing a safe and secure workplace for all our employees, customers, and vendors.

## Enforcement

This policy is administered and enforced by the EXECUTIVE DIRECTOR. Suspicious activity should be reported to a supervisor or manager immediately.

*WATKINS GLEN HOUSING AUTHORITY (WGHA) reserves the right to make any changes to this policy at any time.*

## **Emergency Procedures**

In the event of an emergency, dial 911 immediately. If you hear a fire alarm or other emergency alert system, proceed quickly and calmly to the nearest exit. Once the building has been evacuated, only a supervisor may authorize employees to reenter.

Employees should recognize any potential fire hazards and be aware of fire escape routes and fire drills. Do not block fire exits, tamper with fire extinguishers, disable alarms, or otherwise create fire hazards.

**WE ARE YOUR DOL**



## **NY HERO ACT**

### **Airborne Infectious Disease Exposure Prevention Plan for Watkins Glen Housing Authority & Jefferson Village Apartments**

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## Personal Services

The purpose of this 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.

*Employees should report any questions or concerns with the implementation this plan to the designated contact.*

This plan applies to all “employees” as defined by the New York State HERO Act, which means any person providing labor or services for remuneration for a private entity or business within the state, without regard to an individual’s immigration status, and shall include part-time workers, independent contractors, domestic workers, home care and personal care workers, day laborers, farmworkers and other temporary and seasonal workers. The term also includes individuals working for digital applications or platforms, staffing agencies, contractors or subcontractors on behalf of the employer at any individual work site, as well as any individual delivering goods or transporting people at, to or from the work site on behalf of the employer, regardless of whether delivery or transport is conducted by an individual or entity that would otherwise be deemed an employer under this chapter. The term does not include employees or independent contractors of the state, any political subdivision of the state, a public authority, or any other governmental agency or instrumentality.

As of the date of the publication of this document, while the State continues to deal with COVID-19 and a risk still exists, no designation is in effect at this time. Please check the websites of Departments of Health and Labor for up-to-date information on whether a designation has been put into effect, as any such designation will be prominently displayed. No employer is required to put a plan into effect absent such a designation by the Commissioner of Health.

## ***I. RESPONSIBILITIES***

This plan applies to all employees of Watkins Glen Housing Authority. This plan requires commitment to ensure compliance with all plan elements aimed at preventing the spread of infectious disease. The following supervisory employee(s) are designated to enforce compliance with the plan. Additionally, these supervisory employees will act as the designated contacts unless otherwise noted in this plan:

<b>Name</b>	<b>Title</b>	<b>Location</b>	<b>Phone</b>
Jennifer Tanner	Property Manager, Executive Director	Jefferson Village Apts.	607-535-2640

## ***II. EXPOSURE CONTROLS DURING A DESIGNATED OUTBREAK***

### **A. MINIMUM CONTROLS DURING AN OUTBREAK**

During an airborne infectious disease outbreak, the following minimum controls will be used in all areas of the worksite:

- 1. General Awareness:** Individuals may not be aware that they have the infectious disease and can spread it to others. Employees should remember to:
  - Maintain physical distancing;
  - Exercise coughing/sneezing etiquette;
  - Wear face coverings, gloves, and personal protective equipment (PPE), as appropriate;
  - Individuals limit what they touch;
  - Stop social etiquette behaviors such as hugging and hand shaking, and
  - Wash hands properly and often.
- 2. “Stay at Home Policy”:** If an employee develops symptoms of the infectious disease, the employee should not be in the workplace. The employee should inform the designated contact and follow New York State Department of Health (NYSDOH) and Centers for Disease Control and Prevention (CDC) guidance regarding obtaining medical care and isolating.
- 3. Health Screening:** Employees will be screened for symptoms of the infectious disease at the beginning of their shift. Employees are to self-monitor throughout their shift and report any new or emerging signs or symptoms of the infectious disease to the designated contact. An employee showing signs or symptoms of the infectious disease should be removed from the workplace and should contact a healthcare professional for instructions. The health screening elements will follow guidance from NYSDOH and CDC guidance, if available.
- 4. Face Coverings:** To protect your coworkers, employees will wear face coverings throughout the workday to the greatest extent possible. Face coverings and physical distancing should be used together whenever possible. The face covering must cover the nose and mouth, and fit snugly, but comfortably, against the face. The face covering itself must not create a hazard, e.g. have features could get caught in machinery or cause severe fogging of eyewear. The face coverings must be kept clean and sanitary and changed when soiled, contaminated, or damaged.

5. **Physical Distancing:** Physical distancing will be followed as much as feasible. Avoid unnecessary gatherings and maintain a distance of at least six feet (or as recommended by the NYSDOH/CDC for the infectious agent) from each other. Use a face covering when physical distance cannot be maintained.

*In situations where prolonged close contact with other individuals is likely, use the following control methods: (Note to employer: Check off the controls you intend to use and add any additional controls not listed here.)*

- restricting or limiting customer or visitor entry;
  - limiting occupancy;
  - allowing only one person at a time inside small enclosed spaces with poor ventilation;
  - reconfiguring workspaces;
  - physical barriers;
  - signage;
  - floor markings;
  - telecommuting;
  - remote meetings;
  - preventing gatherings;
  - restricting travel;
  - creating new work shifts and/or staggering work hours;
  - adjusting break times and lunch periods;
  - delivering services remotely or through curbside pickup;
6. **Hand Hygiene:** To prevent the spread of infection, employees should wash hands with soap and water for at least 20 seconds or use a hand sanitizer with at least 60% alcohol to clean hands BEFORE and AFTER:

- Touching your eyes, nose, or mouth;
- Touching your mask;
- Entering and leaving a public place; and
- Touching an item or surface that may be frequently touched by other people, such as door handles, tables, gas pumps, shopping carts, or electronic cashier registers/screens.

Because hand sanitizers are less effective on soiled hands, wash hands rather than using hand sanitizer when your hands are soiled.

7. **Cleaning and Disinfection:** See Section V of this plan.
8. **“Respiratory Etiquette”:** Because infectious diseases can be spread by droplets expelled from the mouth and nose, employees should exercise appropriate respiratory etiquette by covering nose and mouth when sneezing, coughing or yawning.
9. **Special Accommodations for Individuals with Added Risk Factors:** Some employees, due to age, underlying health condition, or other factors, may be at increased risk of severe illness if infected. Please inform your supervisor or the HR department if you fall within this group and need an accommodation.



## B. ADVANCED CONTROLS DURING AN OUTBREAK

For activities where the Minimum Controls alone will not provide sufficient protection for employees, additional controls from the following hierarchy may be necessary. Employers should determine if the following are necessary:

1. Elimination: Employers should consider the temporary suspension or elimination of risky activities where adequate controls could not provide sufficient protection for employees. Examples include:
  - Reduction or elimination of services that require close proximate contact and require the removal of face covers (facials, eyebrow services, etc).
2. Engineering Controls: Employers should consider appropriate controls to contain and/or remove the infectious agent, prevent the agent from being spread, or isolate the worker from the infectious agent. Examples of engineering controls include:
  - a. General Ventilation, for example:
    - Increasing the percentage of fresh air introduced into air handling systems;
    - Avoiding air recirculation;
    - Utilize air filters with rating of Minimum Efficiency Reporting Value (MERV) 13 or higher, if compatible with the HVAC system(s). If MERV-13 or higher filters are not compatible with the HVAC system(s), use filters with the highest compatible filtering efficiency for the HVAC system(s);
    - If fans are used in the facility, arrange them so that air does not blow directly from one worker to another. Remove personal fans as necessary but keep heat hazards in mind and address in other methods if appropriate; and
    - Air purifiers.
  - b. Natural Ventilation, for example:
    - Opening outside windows and doors to create natural ventilation; and
    - Opening windows on one side of the room to let fresh air in and installing window exhaust fans on the opposite side of the room so that they exhaust air outdoors. *(Note: This method is appropriate only if air will not blow from one person to another.)*
  - c. Automatic disinfection systems such as ultraviolet light disinfection systems;
  - d. Install cleanable barriers such as partitions and clear plastic sneeze/cough guards;
  - e. Install additional timeclocks to avoid overcrowding. Consider touch free options;
  - f. Modify the alignment of workstations, so that workers are at separated in all directions. Use markings and signs to remind workers to remain at their designated stations; and
  - g. Install hand washing or sanitizing stations throughout facility.

Subject to changes based on operations and circumstances surrounding the infectious disease, engineering controls that are anticipated to be used are listed in the following table:

Engineering Controls Utilized/Location:

*Note to Employer: One of the best ways to reduce exposure to infectious agents is to improve ventilation. The aim is to deliver more “clean air” into an occupied area and exhaust the contaminated air to a safe location. In some cases, the air may have to be filtered before it enters the work area and/or before it is exhausted. Direct the contaminated air away from other individuals and from the building’s fresh air intake ports. Consult your ventilation system’s manufacturer or service company to determine if improvements are possible for your system.*

3. “Administrative Controls” are policies and work rules used to prevent exposure. Examples include:

- Disinfecting procedures for specific operations;
- Not shaking out soiled laundry;
- Employee training;
- Identify and prioritize job functions that are essential for continuous operations;
- Cross-train employees to ensure critical operations can continue during worker absence;
- Limit the use of shared workstations;
- Post signs reminding of respiratory etiquette, masks, handwashing;
- Rearrange traffic flow to allow for one-way walking paths;
- Provide clearly designated entrance and exits;
- Provide additional short breaks for handwashing and cleaning;
- Establishing pods or cohorts working on same shift;
- Prohibit eating and drinking in the work area;
- Do not handle cash;
- Require appointments and do not accept walk-in customers;
- Clean equipment prior to handoff;
- Limit attendance of in-person meetings (pre-shift meeting and safety meetings). Host the meetings outdoors;
- Develop procedure for curb-side product pick up that is contactless;
- Develop, communicate, and enforce a protocol for customers to wear face coverings;

- Conduct customer health screening upon their arrival or over the phone before their arrival.
- Subject to changes based on operations and circumstances surrounding the infectious disease, the following specific administrative controls are anticipated to be used:

Administrative Controls Utilized/Location:

4. Personal Protective Equipment (PPE) are devices like eye protection, face shields, respirators, and gloves that protect the wearer from infection. PPE will be provided, used and maintained in a sanitary and reliable condition at no cost to the employee. The PPE provided to an employee will be based on a hazard assessment for the workplace. The following PPE that are anticipated to be used are in the following table:



*1 The use of respiratory protection, e.g. an N95 filtering facepiece respirator, requires compliance with the OSHA Respiratory Protection Standard 29 CFR 1910.134 or temporary respiratory protection requirements OSHA allows for during the infectious disease outbreak.*

*2 Respirators with exhalation valves will release exhaled droplets from the respirators. Respirators are designed to protect the wearer. Surgical masks and face coverings, which are not respirators, are designed to protect others, not the wearer.*

**C. EXPOSURE CONTROL READINESS, MAINTENANCE AND STORAGE:**

The controls we have selected will be obtained, properly stored, and maintained so that they are ready for immediate use in the event of an infectious disease outbreak and any applicable expiration dates will be properly considered.

**III. HOUSEKEEPING DURING A DESIGNATED OUTBREAK**

A. Disinfection Methods and Schedules

Objects that are touched repeatedly by multiple individuals, such as door handles, light switches, control buttons/levers, dials, levers, water faucet handles, computers, phones, or handrails must be cleaned frequently with an appropriate disinfectant. Surfaces that are handled less often, or by fewer individuals, may require less frequent disinfection. The disinfection methods and schedules selected are based on specific workplace conditions.

The New York State Department of Environmental Conservation (NYSDEC) and the Environmental Protection Agency (EPA) have compiled lists of approved disinfectants that are effective against many infectious agents (see [dec.ny.gov](https://www.dec.ny.gov) and [epa.gov/pesticide-registration/selected-epa-registered-disinfectants](https://www.epa.gov/pesticide-registration/selected-epa-registered-disinfectants)). Select disinfectants based on NYSDOH and CDC guidance and follow manufacturer guidance for methods, dilution, use, and contact time.

#### B. Adjustments to Normal Housekeeping Procedures

Normal housekeeping duties and schedules should continue to be followed during an infectious disease outbreak, to the extent practicable and appropriate consistent with NYSDOH and/or CDC guidance in effect at the time. However, routine procedures may need to be adjusted and additional cleaning and disinfecting may be required.

Housekeeping staff may be at increased risk because they may be cleaning many potentially contaminated surfaces. Some housekeeping activities, like dry sweeping, vacuuming, and dusting, can resuspend into the air particles that are contaminated with the infectious agent. For that reason, alternative methods and/or increased levels of protection may be needed.

Rather than dusting, for example, the CDC recommends cleaning surfaces with soap and water before disinfecting them. Conducting housekeeping during “off” hours may also reduce other workers’ exposures to the infectious agent. Best practice dictates that housekeepers should wear respiratory protection. See [cdc.gov](https://www.cdc.gov) for more guidance.

- C. If an employee develops symptoms of the infectious disease at work, it is ideal to isolate the area in accordance with guidance issued by NYSDOH or the CDC, before cleaning and disinfecting the sick employee’s work area. This delay will allow contaminated droplets to settle out of the air and the space to be ventilated.
- D. As feasible, liners should be used in trash containers. Empty the containers often enough to prevent overfilling. Do not forcefully squeeze the air out of the trash bags before tying them closed. Trash containers may contain soiled tissue or face coverings.

#### ***IV. INFECTION RESPONSE DURING A DESIGNATED OUTBREAK***

If an actual, or suspected, infectious disease case occurs at work, take the following actions:

- Instruct the sick individual to wear a face covering and leave the worksite and follow NYSDOH/CDC guidance.
- Follow local and state authority guidance to inform impacted individuals.

#### ***V. TRAINING AND INFORMATION DURING A DESIGNATED OUTBREAK***

- A. will verbally inform all employees of the existence and location of this Plan, the circumstances it can be activated, the infectious disease standard, employer policies, and employee rights under the HERO Act. (Note: training need not be provided to the following individuals: any individuals working for staffing agencies, contractors or subcontractors on behalf of the employer at any individual work site, as well as any individual delivering goods or transporting people at, to or from the work site on behalf of the employer, where delivery or transport is conducted by an individual or entity that would otherwise be deemed an employer under this chapter)
- B. When this plan is activated, all personnel will receive training which will cover all elements of this plan and the following topics:
1. The infectious agent and the disease(s) it can cause;
  2. The signs and symptoms of the disease;
  3. How the disease can be spread;
  4. An explanation of this Exposure Prevention Plan;
  5. The activities and locations at our worksite that may involve exposure to the infectious agent;
  6. The use and limitations of exposure controls
  7. A review of the standard, including employee rights provided under Labor Law,

Section 218-B. C. The training will be

1. Provided at no cost to employees and take place during working hours. If training during normal work hours is not possible, employees will be compensated for the training time (with pay or time off);
2. Appropriate in content and vocabulary to your educational level, literacy, and preferred language; and
3. Verbally provided in person or through telephonic, electronic, or other means.

#### ***VI. PLAN EVALUATIONS DURING A DESIGNATED OUTBREAK***

The employer will review and revise the plan periodically, upon activation of the plan, and as often as needed to keep up-to-date with current requirements. Document the plan revisions below:

Plan Revision History			
Date	Participants	Major Changes	Approved By

**VII. RETALIATION PROTECTIONS AND REPORTING OF ANY VIOLATIONS**

No employer, or his or her agent, or person, , acting as or on behalf of a hiring entity, or the officer or agent of any entity, business, corporation, partnership, or limited liability company, shall discriminate, threaten, retaliate against, or take adverse action against any employee for exercising their rights under this plan, including reporting conduct the employee reasonably believes in good faith violates the plan or airborne infectious disease concerns to their employer, government agencies or officials or for refusing to work where an employee reasonably believes in good faith that such work exposes him or her, other workers, or the public to an unreasonable risk of exposure, provided the employee, another employee, or representative has notified the employer verbally or in writing, including electronic communication, of the inconsistent working conditions and the employer’s failure to cure or if the employer knew or should have known of the consistent working conditions.

Notification of a violation by an employee may be made verbally or in writing, and without limitation to format including electronic communications. To the extent that communications between the employer and employee regarding a potential risk of exposure are in writing, they shall be maintained by the employer for two years after the conclusion of the designation of a high-risk disease from the Commissioner of Health, or two years after the conclusion of the Governor's emergency declaration of a high-risk disease. Employer should include contact information to report violations of this plan and retaliation during regular business hours and for weekends/other non-regular business hours when employees may be working.

## **Appendix 1:**

### **New York State Paid Sick Leave Per State**

**(This notice is provided as mandated by law.)**

#### **Eligibility**

Organization provides paid sick and safe leave to all employees. For employees who work in New York who are eligible for sick time under the general Sick Days policy and/or any other applicable sick time/leave law or ordinance, this policy applies solely to the extent that it provides greater benefits/rights on any specific issue or issues than the general Sick Days policy and/or any other applicable sick time/leave law or ordinance.

#### **Accrual**

Employees begin accruing paid sick and safe leave pursuant to this policy on September 30, 2020, or at the start of employment, whichever is later. Employees will accrue one (1) hour of paid sick and safe leave for every 30 hours worked, up to a maximum accrual of 40 hours each calendar year. Exempt employees are assumed to work 40 hours in each workweek unless their normal workweek is less than 40 hours, in which case sick and safe leave accrues based on that normal workweek. For purposes of this policy, the calendar year is the consecutive 12-month period beginning January 1 and ending on December 31.

#### **Usage**

Employees may begin using accrued sick and safe leave on January 1, 2021. Sick and safe leave may be used in a minimum increment of four (4) hours. Employees may not use more than their maximum accrued hours of sick and safe leave in any calendar year.

Employees may use accrued sick and safe leave for the following reasons:

- a mental or physical illness, injury or health condition of the team member or family member, regardless of whether such illness, injury or health condition has been diagnosed or requires medical care at the time sick and safe leave is requested.
- the diagnosis, care, or treatment of a mental or physical illness, injury, or health condition of, or need for medical diagnosis of, or preventive care for, the team member or family member; or
- an absence from work due to any of the following reasons when the team member or family member has been the victim of domestic violence, a family offense, sexual offense, stalking or human trafficking:
  1. to obtain services from a domestic violence shelter, rape crisis center or other services program.
  2. to participate in safety planning, temporarily or permanently relocate or take other actions to increase the safety of the team member or family members.



3. to meet with an attorney or other social services provider to obtain information and advice on, and prepare for or participate in, any criminal or civil proceeding.
4. to file a complaint or domestic incident report with law enforcement.
5. to meet with a district attorney's office.
6. to enroll children in a new school; or
7. to take any other actions necessary to ensure the health or safety of the team member or family members or to protect associates or work colleagues.

A person who has committed such domestic violence, family offense, sexual offense, stalking or human trafficking will not be eligible for paid sick and safe leave for situations in which the person committed such offense and was not a victim, notwithstanding any family relationship.

For purposes of this policy, "family member" means:

a child (biological, adopted, or foster child, a legal ward, or a child of the team member standing in loco parentis).

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

Unless advised otherwise, the Company will assume, subject to applicable law, that employees want to use available sick and safe leave for the reasons set forth above, and employees will be paid for such absences to the extent they have paid sick and safe leave available.

### **Notice and Documentation**

Employees may make oral or written requests to use sick and safe leave. Employees must provide reasonable advance notice to OELS, Inc of the need to use sick and safe leave if the need is foreseeable. Where the need is not foreseeable, they should provide notice as early as possible.

The Company may require supporting documentation for the use of sick and safe leave to the extent permitted by applicable law. The Company will not require disclosure of confidential information relating to a mental or physical illness, injury or health condition or information relating to absence from work due to domestic violence, a sexual offense, stalking or human trafficking, as a condition of providing sick and safe leave.

### **Payment**

Sick and safe leave will be paid at the team member's regular rate of pay or the applicable state minimum wage, whichever is greater. Use of sick and safe leave is not considered hours worked for purposes of calculating overtime.

### **Enforcement and Retaliation**

Employees will not be discharged, threatened, penalized or in any other manner discriminated or retaliated against because they have exercised their rights to request and use sick and safe leave under this policy and applicable law.

If employees have any questions regarding this policy, they should contact the EXECUTIVE DIRECTOR.

**Employee Acknowledgement Form**

This Employee Handbook contains important information about WATKINS GLEN HOUSING AUTHORITY (WGHA) and about its procedures, practices, policies, and benefits. Using the form below, every employee is required to acknowledge that they have received a copy of this Employee Handbook and to agree that they will read it thoroughly.

I acknowledge that I have received a copy of WATKINS GLEN HOUSING AUTHORITY (WGHA)'s Employee Handbook. I agree to read this Employee Handbook thoroughly, including the statements in the Notice describing the purpose and effect of the Manual.

I agree that if there is any policy (ex. Sexual harassment) or provision in this Employee Handbook that I do not understand, it is my responsibility to seek clarification from the EXECUTIVE DIRECTOR or HR Consultant.

***I understand that WATKINS GLEN HOUSING AUTHORITY (WGHA) is an "at-will" employer and as such employment with WATKINS GLEN HOUSING AUTHORITY (WGHA) is not for a fixed term or definite period and may be terminated at the will or either party, with or without cause, and without prior notice.***

No Manager or other representative of WATKINS GLEN HOUSING AUTHORITY (WGHA) (except the EXECUTIVE DIRECTOR or HR Consultant) has the authority to enter into any agreement for employment for any specified period of time, or to make any agreement contrary to the above.

I understand that this Employee Handbook describes WATKINS GLEN HOUSING AUTHORITY (WGHA)'s policies and practices in effect on the date of this publication.

I understand that nothing contained in this Employee Handbook may be construed as creating a promise of future benefits or a binding contract with WATKINS GLEN HOUSING AUTHORITY (WGHA) for benefits or for any other purpose.

I understand that these policies and procedures are continually evaluated and may be amended, modified, or terminated at any time.

I also understand that much of the information in this Employee Handbook is confidential and not be given outside of the organizations premises or with non-WATKINS GLEN HOUSING AUTHORITY (WGHA) employees.

I will abide by the whistleblower and confidentiality policies contained within this Employee Handbook.

Employee's Name (printed): \_\_\_\_\_  
 Employee's Signature: \_\_\_\_\_  
 Date: \_\_\_\_\_  
 Witness Name (printed): \_\_\_\_\_  
 Witness Signature: \_\_\_\_\_  
 Date: \_\_\_\_\_

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**Sexual Harassment Employee Acknowledgement Form**

I acknowledge that I have received a copy of WATKINS GLEN HOUSING AUTHORITY (WGHA)'s Sexual Harassment Policy and Complaint form. I agree to read this policy thoroughly.

I agree that if there is any information (ex. Sexual harassment) or provision in this policy that I do not understand, it is my responsibility to seek clarification from my supervisor or EXECUTIVE DIRECTOR or HR Consultant

**I understand that WATKINS GLEN HOUSING AUTHORITY (WGHA) is an "at-will" employer and as such employment or volunteering with WATKINS GLEN HOUSING AUTHORITY (WGHA) is not for a fixed term or definite period and may be terminated at the will or either party, with or without cause, and without prior notice.**

I understand that this policy describes practices in effect on the date of this publication.

I understand that these policies and procedures are continually evaluated and may be amended, modified, or terminated at any time.

I will abide by the whistleblower and confidentiality policies contained within this policy.

Employee's Name (printed): \_\_\_\_\_

Employee's Signature: \_\_\_\_\_

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

Witness Name (printed): \_\_\_\_\_

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

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

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