

# **CHALLENGE WORKFORCE SOLUTIONS**

## **POLICIES AND PROCEDURES**

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Welcome to the Challenge Staff Family,

You are joining a highly skilled and dedicated group of individuals who share in the Challenge mission. That mission is to support people with disabilities and other barriers to employment in developing and matching their skills, interests, and talents to the needs of today's workplace. This is a fairly broad mission reflected in the wide range of programs and individuals that are brought together to meet it. While the programs are varied, we work very hard to see that we remain a unified agency that values the contribution of each area and each individual.

As partners in the effort to meet the Challenge mission, both Challenge and you have certain responsibilities. Challenge provides a range of benefits for you that are detailed in this handbook. Also detailed are your responsibilities related to the organization, to our clients, and to your co-workers. The primary responsibility of Challenge and its staff is to meet the needs of our program participants, but we can only be successful when we act as genuine partners.

It is the intention of Challenge to maintain this handbook in as current a state as possible. To that end, updates to the handbook will be made on a regular basis and Challenge reserves the right to change, revise, or delete the plans, policies, benefits, and procedures described in this handbook at any time. Notice of changes will be provided to you; however, it is your responsibility, and in your best interest, to remain familiar with the most recent edition of the handbook.

Employee handbooks are typically read with only casual interest, if they are read at all. They receive something like the attention paid to automobile manuals. Unfortunately, information contained in the handbook could often have been quite useful at a much earlier date than when the handbook was actually consulted. So, please take the time to carefully review this handbook and know that we welcome suggestions for improving it.

Once again, welcome to Challenge!

Executive Director

# CHALLENGE WORKFORCE SOLUTIONS POLICIES AND PROCEDURES

## **INTRODUCTION**

This handbook provides employees of Challenge with a uniform set of policies and procedures with respect to the employer/employee relationship. This handbook is not a contract of employment and does not create any contractual rights of any kind between Challenge and its employees. Your employment with Challenge is "at-will" and is entered into voluntarily. You are free to resign at any time, for any reason. Similarly, the agency is free to conclude the employment relationship at any time.

The guiding philosophy of our agency underscores the recognition that our employees are our most valuable resource.

Many of our policies and procedures are comparable to those practiced in other employment environments, however, some are unique due to the nature of our mission. Flexibility, reasonableness, and circumstance are always a consideration in the implementation of these policies and procedures, though, notably, there are federal, state, and local requirements with which we are legally obligated to comply. Our agency structure provides that the Executive Director and the Director of Human Resources, in conjunction with the Board of Directors, have the responsibility for developing sound Human Resources policies and procedures that will attract and retain qualified personnel at all levels of the agency. Further, the Executive Director, Director of Human Resources, and the Human Resources Committee of the Board of Directors recommend policies and major policy revisions to the Board of Directors. The Human Resources Committee consists of the Executive Director, Director of Human Resources, and members of the Board of Directors, with other qualified persons as appointed by the Chairperson of the Board, in consultation with the Executive Director and the Director of Human Resources. Implementation of management practices and decisions related to policies are the responsibility of the Executive Director and the Director of Human Resources.

## **STAFF CLASSIFICATIONS**

**EXEMPT STAFF MEMBERS** are those employees exempt from the wage and hour provisions of the Fair Labor Standards Act. They are paid a bi-weekly salary and do not receive additional compensation for hours worked beyond the regular workweek.

**NON-EXEMPT STAFF MEMBERS** are regulated by the provisions of the Fair Labor Standards Act. They are eligible to receive overtime compensation if time worked exceeds forty (40) hours per week. Time paid but not worked (e.g., vacation time) will not be counted in the calculation of overtime. Overtime work must be approved in advance by the employee's supervisor.

The term 'employee' as used in this handbook refers to all exempt and non-exempt staff members.

## **STAFF APPOINTMENTS**

Challenge affirms the principles of equal employment in accordance with federal, state, and local laws. All employment decisions are based on these principles.

The Human Resources Department will confirm all staff appointments in writing. A copy of this handbook will be available for reference in the office and will be given to an employee upon request.

## **STANDARDS OF CONDUCT**

### **Confidentiality**

It is the policy of Challenge to maintain the right to privacy and the confidentiality of information pertaining to employees and program participants served by the agency. It is also our policy to use the information held in case records and obtained in personal interviews and counseling sessions in the program participant's best interest.

All information pertaining to individuals served by Challenge is strictly confidential. Such information is to be discussed only on an as-needed basis, and then, only with Challenge personnel and professional personnel of other organizations directly involved with those individuals and their families. All staff are required to read and sign a confidentiality agreement.

#### Guidelines:

1. Access to program participant case records shall be limited to staff, volunteers, and Board Members whose work responsibilities require such access.
2. In the event of an accident, injury, or other serious reportable incident, personal information may be released to the appropriate health or public safety authority if necessary to protect the well-being of the program participant or employee.
3. Specific information regarding the exact nature of an individual's participation in Challenge programs, the fact that an individual presently receives services from Challenge or did so in the past, and incidents that occur during a program participant's participation in a Challenge program are all deemed confidential.
4. Confidential or sensitive information should always be discussed in a private area, away from others.
5. Special care must be exercised when publicizing agency matters. No interviews or photographs of program participants or employees are allowed to be disseminated unless express permission is given by the program participant or their guardian.
6. All staff are required to adhere to Challenge's Privacy Policy Statement and Notice of Privacy Practices, as required under HIPAA.

Above all, staff must ensure the rights and safety of program participants and colleagues are respected at all times. It is essential for all staff, volunteers, and Board Members to maintain the right to privacy and confidentiality of information. Any employee of Challenge who violates this policy will be subject to disciplinary action, up to and including termination, as well as possible referral for criminal prosecution.

### **Professional Conduct**

Failure to adhere to the following standards of conduct may result in disciplinary action, up to and including termination:

## **CHALLENGE CODE OF CONDUCT**

Employees of Challenge interact on a continual basis with program participants at our administrative office and in the community. Challenge provides a number of very visible programs in the community so it is very important that employees conduct themselves with extraordinary discretion in both their public and private life so that Challenge and its mission are not compromised in any way. It is expected that all employees serve as positive, professional role models for program participants. In all situations, Challenge employees must ensure that the rights and safety of program participants are respected.

***Program participants*** are individuals with disabilities and other barriers to employment who currently receive, or have received in the past, services from Challenge.

***Employees*** are individuals in an employment relationship with Challenge.

Many program participants also work in Challenge's administrative office, services, and business operations and thus are also employees of Challenge.

Challenge expects that its Board of Directors and Committee members, interns, volunteers, contractors, and others involved in Challenge services, businesses, and administrative operations will also abide by this Code of Conduct in its entirety.

Challenge employees shall not use derogatory language in their written or verbal communications to or about program participants. Employees shall use accurate and respectful language in all communications. Slurs, including all racial, ethnic, religious, and gender-based insults, along with slang used to describe sexual acts, body parts, or bodily functions are considered inappropriate language in the workplace.

All employees are expected to uphold the confidentiality of all sensitive information they encounter in the course of their job duties. Sensitive information includes personal health information (PHI) under HIPAA as well as the fact that a person is receiving Challenge services. Even if a program participant self-discloses identifying medical information or the fact that they are, or were, receiving services, this should not be repeated. There is no simple way to tell which employees are also program participants so all such information should be treated as confidential, regardless.

Challenge employees may not "friend," "follow," or connect with program participants on any social media sites including but not limited to online forums, chat rooms, Facebook, Twitter, Instagram, LinkedIn, and/or YouTube.

There shall be no financial obligations between Challenge employees and program participants. Therefore, Challenge employees and program participants shall not give, loan, or borrow money (of any significant monetary value) amongst themselves. Likewise, employees shall not give or accept gifts or favors of any significant monetary value to or from Challenge program participants.

In a relationship between a program participant and service provider employee, there can be an actual or perceived dynamic of power or seniority. Challenge employees must never abuse their power or influence over program participants, nor create the appearance or reality of any preferential treatment, inappropriate behavior, potential or actual psychological, physical, sexual, or other abuse. There should never be any sexual contact between employees and program participants, under any circumstances, nor with their relatives or close personal acquaintances. It is **always** considered sexual abuse, regardless of the program participant's ability to consent. Physical contact must be limited to contact that is acceptable to both parties, is appropriate to the relationship and location, and is non-sexual in nature. In simple terms, avoid giving hugs, but handshakes and high-fives are permissible.

Illicit drug and alcohol use conflict with the Challenge mission and pose a serious safety and health risk to employees and program participants alike. All employees are prohibited from the use of illegal drugs or the illicit use of prescription drugs. Use of prescription medication under medical supervision is permitted, of course, provided that it does not impair an employee's ability to perform his/her job or affect the safety of others. Working while one's ability is impaired by the use of drugs or alcohol may subject an employee to disciplinary action, up to and including termination. Supervisors, supervisors, and direct service provider employees are prohibited from engaging in alcohol consumption with program participants during both work and personal time.

## **VIOLENCE IN THE WORKPLACE**

Threats, threatening or abusive behavior, or acts of violence against employees, visitors, those we serve, or other individuals by anyone on Challenge property or on work time will not be tolerated. Any person who makes threats, exhibits threatening behavior, or engages in violent acts shall be removed from the premises as quickly as safety permits and shall remain away from agency premises and functions, pending the outcome of an investigation. Repercussions may include, but are not limited to: suspension and/or termination of any business relationship, reassignment of job duties, suspension or termination of employment, and/or criminal prosecution.

All employees are responsible for notifying the Leadership Team and Human Resources of any threats that they observe or receive or any behavior they deem as potentially threatening. Despite some laws that allow people to carry firearms in public, Challenge prohibits anyone from possessing or carrying weapons of any kind on agency property, in agency vehicles, or while on agency time. This includes, but is not limited to:

- any form of weapon, or explosive;
- all firearms;
- brass knuckles and other combat/attack items; and
- all illegal knives, or knives with blades that are more than six (6) inches in length.

If there is a threat or threatening situation that arises in the workplace, any employee that is aware of the situation should contact the Leadership Team and Human Resources. If the behavior poses a threat to an individual's safety, immediately call 911 then notify the Leadership Team and Human Resources. If an individual makes a threat by mail, e-mail, or voicemail, DO NOT ERASE THE E-MAIL OR VOICEMAIL MESSAGE.

If an employee needs to meet, either in the office or offsite, with an individual known to have been violent or who the employee believes may be threatening or violent, the employee must:

1. Notify their supervisor of the need to meet with such an individual and of the possible threatening situation **before** the meeting takes place.
2. The employee or supervisor will request assistance from their supervisor if the meeting or visit will take place on agency premises.
3. The employee or supervisor must notify the Leadership Team and Human Resources if they have asked for a Law Enforcement or security staff escort to a meeting or visit for safety reasons.

An employee who obtains a protective or restraining order that lists Challenge as a protected area must provide a copy of the order to Human Resources.

Any staff person who feels their safety is threatened because of work related issues could request to have a case removed from their case load because of such risk. Items of concern regarding safety and security will be brought to the attention of the Safety Committee. This group will review aggregate information regarding threats and incidents on a regular basis and will make recommendations regarding needed changes in department policies and procedures. Furthermore, Human Resources will coordinate training in personal safety for all employees on a periodic basis.

### **STATEMENT OF ETHICAL CONDUCT**

Challenge is committed to the highest ethical standards. We will exhibit these standards toward our customers, the community, the agencies which fund us, and the people we serve. We will avoid pursuing personal gain that conflicts with the interests of Challenge or the people we serve. We will maintain an environment that fosters respect for the dignity of all people. We will not tolerate using a position of authority to influence others to perform inappropriate acts, abuse of power, or harassment of any kind. We will comply with all laws, rules and regulations that apply to us. We will comply with all relevant Challenge policies and procedures.

We will use all property and other resources of Challenge for their intended purpose, for the good of the agency and the people we serve. We will not tolerate theft or misuse of company property for personal purposes. We will respect all confidential information to which we are exposed and use it only for the purposes for which it is intended. We will protect Challenge's proprietary information and access to Challenge's facilities and computer system. We will protect the personal health information of the people we serve. We will report violations of any law, regulation, Challenge policy, or procedure to the appropriate party. We will not tolerate retaliation against any staff member who reports a violation.

### **PRE-EMPLOYMENT BACKGROUND CHECKS**

All office staff and supervisory employees are required to undergo a background check prior to hiring. This includes instances when a non-office staff member is promoted to a supervisory position. If you have questions about this process, please refer to the Criminal Background Check policy.

## **ATTENDANCE AND PUNCTUALITY**

It is the policy of Challenge to provide paid time off (PTO) to all employees. It is important that all staff adhere to the policies listed below with good attendance and punctuality. Excessive absenteeism and tardiness have a negative effect on fellow staff, program participants, and services.

- In the event an employee is not able to report on time, or if they are not able to report for work, the employee is required to notify the receptionist AND report the absence directly to their supervisor. A message can be left on the supervisor's voicemail **but the employee must continue to contact their chain of command until they speak with someone in the chain. The chain may include designated co-workers based on the discretion of the supervisor. This is to ensure that scheduled appointments are not missed and that the worksite is fully covered.** The department supervisors are responsible for communicating department-specific chain of command to employees working under their supervision.
  
- An employee's absence will be considered excused if the employee provides proper and timely notification to their supervisor and their supervisor confirms that the time off is acceptable.

As a guideline, the agency has determined that any of the following may be considered excessive absenteeism and may subject the employee to disciplinary action:

- An employee's absence will be deemed unexcused when an employee fails to call in and use the chain of command, provides late notice, fails to give advanced notice for an absence which could have been anticipated, or exceeds the number of absences defined as acceptable by this policy. Unexcused absences are subject to discipline or termination as defined below.
  
- Other unexcused absences include but are not limited to:
  - o Calling off on the day of or the day after a payday
  - o Calling off on the day of, before, or the day after a holiday, Superbowl, or other occasion that is unplanned or unauthorized
  - o Calling off on a Monday or the day after a long break, i.e., weekend, scheduled vacation/holiday, scheduled days off
  - o Calling off during a weekend scheduled to work
  - o Calling off during a mandatory workday
  - o Using paid time off (PTO) as soon as it is earned
  - o No Call No Show (see No Call No Show policy below)
  - o Any other absence that the department supervisor deems unexcused with the approval of Human Resources.
  
- Excessive absenteeism is defined as two or more instances of unexcused absence in a calendar month and is subject to discipline. Any five occurrences of unexcused absenteeism in the prior 12 month period are considered grounds for termination. An instance of an unexcused absence is exhausting sick time and borrowing from vacation or personal time, taking an unpaid day, and/or carrying a negative balance in accrued PTO of more than 5 days. Exceptions to the above will be considered in instances of extended illness or personal/family emergencies. However, the expectation is still that the employee (or representative) will follow the above notification process and maintain communication with their supervisor and Human Resources.
  
- Employees who are absent from work for three (3) consecutive days without notice to the agency will be considered to have voluntarily resigned without notice and will lose any separation benefits. Challenge will mark the termination in the employee file and notify the individual by mail. See the No Call No Show policy.
  
- In the event an employee reports to work late, he or she will not be paid for time missed.
  
- Excessive tardiness or unexcused absenteeism shall be subject to discipline, up to and including termination. Excessive tardiness or absenteeism will be treated according to the following outline:

Occurrences can be one or a combination of the bulleted areas above:

- 1 occurrence = verbal warning
- 2 occurrences = written warning, with a negative reflection in the performance evaluation
- 3 occurrences = final written warning
- 4 occurrences = termination

### **No Call, No Show**

Not reporting to work and not calling to report the absence is a No Call No Show and is a serious matter, creating increased administrative burdens and emotional upset. The first instance of a No Call No Show will result in a final written warning. The second offense may result in termination of employment, with no additional disciplinary steps. Any No Call No Show lasting three (3) days is considered job abandonment and will result in immediate termination of employment.

If the employee has already begun the progressive discipline process for attendance/punctuality when a No Call No Show occurs, the disciplinary process may be accelerated to the final step. Management may consider extenuating circumstances when determining discipline for a No Call No Show (e.g., an employee is in a serious accident and is hospitalized). Management may immediately dismiss an employee who picks up a paycheck on the day of a No Call No Show.

### **Minimum Policy Adherence for Contract Staffing Team Members**

The purpose of these guidelines is to help new employees succeed at Challenge and reinforce established procedures for our existing staff. These guidelines may be supplemented by additional written or verbal directives given by supervisors. Adherence to these guidelines is enforced through Challenge's progressive discipline policy.

**Personal Hygiene:** Must report to work in clean clothes and proper attire, given the type of work to be performed. You will be sent home for the day if you are not dressed appropriately.

**Non-slip shoes or appropriate closed-toe shoes are to be worn at all times. NO EXCEPTIONS.**

**Full length pants or Capris are to be worn at all times. You may NOT wear shorts.**

#### **Hand Barriers/Gloves:**

- Gloves must be worn if you have sores, bandages, or cuts on your hands.
- Wear appropriate Personal Protective Equipment when necessary.
- Throw gloves away after use.
- Never wash or reuse disposable gloves.
- Wash hands after removing gloves.

**Lifting:** See attached guidelines entitled "Safe Lifting Tips."

**Slips, Trips, and Falls:** The following guidelines must be observed to prevent injury. Wet floors, spills, and clutter can all contribute to slips/trips/falls and other injuries.

- Keep floors clean and dry. In addition to being a slip hazard, continually wet surfaces promote the growth of mold, fungi, and bacteria that can cause infections.
- Provide warning signs for wet floor areas.
- Keep all work sites clean and orderly and in a sanitary condition.
- Keep aisles and passageways clear and in good repair, with no clutter or obstructions that could create a hazard.
- Keep all exits free from obstructions at all times.
- Ensure spills are reported and cleaned up immediately.
- Use only properly functioning ladders to reach high items. Do not use stools, chairs, or boxes instead of a ladder.
- Use prudent housekeeping procedures, such as cleaning only one side of a passageway at a time. Provide adequate lighting for all halls and stairwells to reduce the likelihood of accidents.
- Instruct Team Members to use the handrail on stairs, to ascend and descend stairs slowly, and to maintain an unobstructed view of the stairs at all times, even if that means requesting help to manage a bulky load.

**When reaching for something:**

**DO:**

- Keep your back straight
- Reach with both hands
- Face the object
- Stand on a stable step-stool to reach high items
- Bend your knees slightly

**DON'T:**

- Overreach by standing on your toes
- Reach with only one hand
- Twist at your waist
- Stand on an unsafe surface, such as a chair, box, or crate
- Reach with your legs locked in a straight position

**Challenge has ZERO tolerance for roughhousing, or boisterous, rowdy play known as “Horseplay”**

- Horseplay creates an unsafe work environment. You, your co-workers, and the public can be endangered.
- Horseplay can trigger workplace violence. Teasing or making fun of another employee can have serious consequences, as the worker may try to escape the harassment or fight back.

**Reporting Safety Issues and Other Concerns:**

Individuals with specific safety questions or concerns are encouraged to raise them with their immediate supervisor. Dealing with safety issues through the **“supervisory chain of command”** is the preferred method, to ensure a safe work site for all. Some examples of reportable incidents include:

- Any injury, regardless of how minor it may appear.
- Any safety concerns.
- Any acts of horseplay.
- Any verbal comments or actions which constitute “workplace violence”.
- Any form of harassment.

**“Supervisory chain of command”**

1. **Team Leader**
2. **Supervisor**
3. **Director of Contract Staffing**

**“Call out” Procedures for Team Members:** If you are unable to report for work or you will be late, you **MUST** do the following:

You **MUST** call in 2 hours before you are scheduled to work.

Leave a voicemail as opposed to just a “missed call” or a text message.

TEXTING is considered a NO CALL NO SHOW. You must be able to directly speak to a supervisor.

1. **CALL YOUR TEAM LEADER:**
2. IF unable to reach a Team Leader, contact the supervisor assigned to your work area.

It is your responsibility to maintain appropriate contact numbers for your supervisors.

**“Call out” Procedures for Team Leaders:** You **MUST** call your supervisor who is assigned to your area as well as find your own coverage 2 hours before you are scheduled to work.

Leave a voicemail as opposed to just a “missed call” or a text message.

**Cell phone usage:** Cell phone usage for personal calls/texts is to be limited to scheduled break periods and designated areas. If there is a special circumstance, i.e., an EMERGENCY, you **MUST** inform your supervisor.

**Weekly time keeping and requesting time off:** You must ensure your time sheet accurately reflects the actual hours you worked. This is true whether you clock yourself in and out or your Team Leader clocks you in and out. When requesting time off, make an attempt to find coverage for your shift. This is required if you are a Team Leader.

If you have an appointment, such as a court hearing or a doctor’s appointment, you must provide appropriate documentation for it to be considered an approved absence. This documentation must be given to your Team Leader prior to you being allowed to report back to work.

## **INTRODUCTORY PERIOD**

It is the policy of Challenge that all newly hired staff and all staff transferred or promoted to a new position are to serve an introductory period of ninety (90) days' duration. Upon successful completion of the introductory period, employees will be considered regular, full time employees with all of the rights and privileges consistent with this status.

Supervisors may recommend that a trial employee be terminated before the end of the introductory period. Any recommendation for termination should be submitted in writing to the Director of Human Resources for review, and should include an evaluation and listing of actions taken to assist the employee. Action to terminate must have prior approval of the Director of Human Resources. New employees terminated during or at the end of the introductory period are not eligible for payment of accrued vacation time.

Transferred or promoted staff who are unable to perform satisfactorily on their new job during or at the end of the introductory period may, at the discretion of management, be returned to their original job, or be considered for other vacancies in the organization. If a suitable position is unavailable, the employee may be terminated.

New employees are eligible for health, dental, and life insurance on the first of the month following thirty (30) days of employment; the waiting period to use Paid Time Off is ninety (90) days.

## **SEPARATION OF EMPLOYMENT**

Your employment with Challenge is "at-will" and is entered into voluntarily. You are free to resign at any time, for any reason. Similarly, Challenge is free to conclude the employment relationship at any time. Employees may be separated from employment with Challenge for reasons such as, but not confined to resignation, layoff, or termination. The following paragraphs outline the various procedures associated with each type of separation:

### **Resignation**

1. Voluntary Resignation: Employees are expected to give written notice of their intent to resign in order to receive accrued vacation benefits. The following time frames are appropriate:

All managerial, supervisory, and direct support employees are requested to provide at least four (4) weeks' notice. All administrative support and hourly employees are requested to provide at least two (2) weeks' notice. **Resignation without proper notice will result in forfeiture of accrued vacation benefits.** In unusual circumstances, the Executive Director or Director of Human Resources may waive these requirements.

In order to provide continuity of service to the people we serve, it is requested that vacation or personal days not be used during, or in lieu of, the four-week notification period.

Accrued sick time of more than two (2) days may not be used during the notification period. Additional hours taken will be deducted from remaining vacation, or the calculation of severance pay. Vacation time that has been used, but not earned, will be deducted from the employee's final paycheck.

2. Job Abandonment: Employees who are absent from work for three (3) consecutive days without cause or notice to the agency will be considered to have voluntarily resigned.

### **Layoff**

All positions at Challenge can be subject to layoff due to economic or business changes. Certain positions are routinely subject to layoff due to the local academic calendars. It should be noted that staff employed in those positions may or may not be called to return to work. Employees on a long-term layoff are not eligible to use PTO during periods of layoff. Employees on temporary

layoff must exhaust accrued PTO first, prior to applying for unemployment benefits and may also retain health, dental, and life insurance, provided they continue to pay their portion of the premium. When layoff occurs, the layoff date will be the day after the employee's last day of work.

### **Termination**

Employees may be terminated for misconduct, failure to adhere to Challenge policies, or unsatisfactory job performance. Termination of employment will be conducted in accordance with the Progressive Discipline policy, as described below.

### **Separation Pay**

Pay for earned, unused vacation time will be added to the final paycheck for all staff members who have complied with the separation notice requirements and have been employed beyond the introductory period. However, Challenge reserves the right to pay or not to pay benefits to separating employees. Unused vacation time will not be paid in excess of one (1) year's entitlement. Employees who leave Challenge are required to return keys, credit cards, laptops, and other property of Challenge. Any outstanding debts shall be paid by the employee before separation.

### **HOURS OF WORK**

The normal workweek for most staff is Saturday through Friday, beginning and ending at midnight on Friday. The Challenge workweek consists of 37.5 hours for most positions. Staff are employed on the basis of the requirements of their respective positions, rather than on the basis of specific hours. The normal workday will consist of 7.5 consecutive hours of work with an unpaid meal period. Lunch is normally one-half hour and should be scheduled between 11:00 a.m. and 1:30 p.m. for individuals working during the day shift. In accordance with New York state law, all staff working a six (6) hour shift or more will receive a 30 minute unpaid meal period. The agency reserves the right to adjust work hours for all employees to meet the business needs of our customers. The normal work hours are 8:00 a.m. - 4:00 p.m. Staff may schedule their workweek in order to best match the requirements of their job, with the approval of their Department Head. With adequate notice, your supervisor may alter your work schedule if the demands of your job necessitate such a change.

### **PART TIME STAFF**

Part time staff working twenty (20) hours or more per week are entitled to benefits on a pro-rated basis. Part time staff working at least twenty (20) hours or more per week are eligible to participate in the Challenge health and dental insurance plan, the associated FSA or HSA, and the 403(b) plan. Life insurance is only available to those employees working more than thirty (30) hours per week. Part time staff working less than twenty (20) hours per week are not eligible for benefits.

### **TEMPORARY STAFF**

Temporary staff may be full or part time, with a period of employment lasting less than six (6) months per year. Long-term job contracts that Challenge enters into with an outside vendor, who may employ temporary staff, must not exceed twelve (12) months. Temporary staff are entitled to statutory benefits only, which include New York State short-term disability and workers' compensation. Any exceptions to this policy must be pre-approved by the Director of Human Resources and the Executive Director.

### **PAYCHECKS**

Paychecks are distributed bi-weekly (every other Friday), or on the last working day prior to a holiday, if the holiday falls on a payroll Friday. Payroll is calculated from 12:01 a.m. Saturday through midnight Friday.

## **PAYROLL DEDUCTIONS**

Challenge is required by law to make certain deductions from all employees' paychecks. Such deductions include federal, state, and local taxes and court-ordered wage garnishments. Voluntary deductions might include premiums for benefits, retirement plan contributions, and disability insurance.

Challenge is not required to pay the full salary in the initial or terminal week of employment; for weeks in which an exempt employee takes unpaid leave under the Family and Medical Leave Act, if applicable; or for penalties imposed in good faith for infraction of safety rules of major significance. In these circumstances, either partial day or full day deductions may be made.

If you believe that an improper deduction has been made from your paycheck, you should immediately report this information to your direct supervisor, or to the person responsible for payroll processing. Reports of improper deductions will be promptly investigated and, if substantiated, full reimbursement will occur as soon as possible.

## **PAY EQUITY PROGRAM**

A Pay Equity Program has been established to provide effective and equitable employee compensation. It has been designed to meet the needs of Challenge employees and the various programs within the organization. Challenge uses market information on an annual basis to determine equitable salaries for all staff. Salary increases are reviewed on the basis of additional responsibilities taken on by staff or market changes in compensation. The Challenge Pay Equity Program complies with all federal and state wage and labor laws.

Final authority for wage and salary determination rests with the Executive Director, in consultation with the Directors of Finance and Human Resources.

## **PERFORMANCE EVALUATIONS**

Each staff member's work performance is reviewed at the end of the initial introductory period by their direct supervisor. After successful completion of the introductory period, each employee will be reviewed on an annual basis thereafter. Interim reviews may be conducted as necessary. Annual Performance Evaluations are shared with the employee and are contained in the employee's personnel file. Areas of evaluation will include, but not be limited to: quality of work performed, knowledge of the job, initiative shown, communication style, and ability to work well within a team.

## **TUBERCULOSIS CONTROL PLAN**

Challenge recognizes that tuberculosis (TB) represents a significant health risk to program participants and staff. The Tuberculosis Control Plan is an effort to reduce this risk through education, prevention, and screening.

New employees, volunteers, and program participants of services are required to provide PPD or TB test results **prior** to beginning employment or receiving services. The test must have been performed within the twelve (12) months preceding the individual's start date with Challenge. Employees will not be permitted to work until test results are received by Human Resources. Results will be kept in the employee's medical file.

If an individual has prior documented significant reaction to TB testing, adequate treatment for active pulmonary TB, or completion of adequate preventive therapy, they are exempt from this testing requirement. Any person exempted from testing must provide a statement from a physician that includes a recommendation as to when and if testing would be appropriate at a designated point in the future, and how the party will be evaluated for active pulmonary TB in the interim.

Individuals who travel to locations that have a high incidence of TB may be required to be retested periodically.

## **BENEFITS**

The following statutory benefits are provided to all employees as required by law, regardless of full time, part time, exempt, or non-exempt status:

Unemployment Insurance - Challenge is a covered employer under the New York State unemployment compensation law and makes contributions for this benefit on behalf of its employees. The agency pays the full cost of this insurance.

Short-Term Disability - Challenge provides income continuation as required by New York state law for employees who are unable to work due to a non-job-related illness or injury. Employees are not eligible for New York state short-term disability unless they are absent from work for more than seven (7) calendar days. The first seven (7) days are not paid through disability insurance and constitute a mandatory waiting period. Available paid time off (PTO) can be used to cover this waiting period. After the waiting period, disability insurance will pay fifty percent (50%) of the employee's weekly salary, up to a maximum of \$340 per week. Any balance above \$340 to pay an employee's full salary will be taken from remaining sick, personal, or vacation time. When Challenge benefits have been exhausted, the employee will receive disability salary directly from the provider for the remaining leave period (not to exceed 26 weeks). Challenge pays the full cost for this insurance. Employees who are absent for more than two (2) consecutive pay periods will be responsible for the health insurance premium co-payment.

Workers' Compensation - Challenge provides benefits to its employees under the Workers' Compensation laws of New York State. Benefits cover employees for accidental injury or illness proven to be job-related. The policy reimburses employees for eligible medical expenses and replaces lost wages within limits defined under New York state law. The agency pays the full cost for this insurance.

Social Security - All employees participate in the Social Security system. Federal law determines employer and employee contributions. Employee contributions are handled through payroll deductions.

### **The following benefits are provided to all eligible employees:**

Health Insurance - Challenge provides a health insurance option for all eligible employees. At the present time, Challenge contributes a fixed amount per month toward health insurance coverage. Employees may elect spousal and/or dependent coverage. The employee pays the balance of the premium through pre-tax payroll deductions. The specific provisions of the plan(s) are available from the Human Resources Department. Coverage begins on the first of the month after thirty (30) days of employment.

Life Insurance - After a thirty (30) day waiting period, all employees regularly working at least thirty (30) hours per week are eligible to participate in this plan. Term Life and Accidental Death and Dismemberment Insurance, equal to 1.5 times annual earnings, up to a maximum benefit of \$100,000, is provided. The agency pays the full cost of this insurance for all employees. The specific provisions of the plan are available from the Human Resources Department.

Flexible Spending Account - Flexible Spending Accounts (FSAs) contain pre-tax employee dollars which can be used for qualified health or day care expenses for the employee and his/her dependents. The FSA is available to employees enrolled in a copay health plan. The specific provisions of this plan are available from the Human Resources Department.

Health Savings Account - Health Savings Accounts (HSAs) contain pre-tax employee dollars which can be used for qualified health care expenses. The HSA is available to employees enrolled in a high-deductible health plan (HDHP). The specific provisions of this plan are available from the Human Resources Department.

403(b) Retirement Plan - All employees may voluntarily contribute to the plan, administered by Mutual of America, through pre-tax payroll deductions. Employees may contribute between 1% and 20% of their own salary into Mutual of America investments at any time. After 1 year plus 1000 hours of continuous full

time employment, employees who are contributing to the plan will receive a dollar for dollar employer match, up to 5%.

Direct Deposit - Employees may elect to have their net pay or a portion of their pay deposited directly into a checking or savings account of participating financial institutions. Forms to enroll in this process are available in the Human Resources Department.

Extension of Health Insurance Coverage - COBRA - Challenge fully complies with the requirements of the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA). The purpose of this law is to allow staff and their dependents to continue to participate in our basic health insurance plans for a finite period of time, upon separation of employment or other qualifying events. The Human Resources Department will inform staff members of their rights under this law. When a staff member leaves the organization, the Human Resources Department will notify the employee of the option to purchase continued health coverage for themselves and/or their dependents. Individuals will be given sixty (60) days in which to notify Challenge of their decision. Sixty (60) days will begin after the loss of coverage, or the day on which COBRA notice is sent to the individual. Retroactive premiums are due upon acceptance of COBRA. Payments must be received by the first of the month to continue insurance coverage. Individuals are encouraged to notify Challenge of COBRA conversion as soon as possible to ensure uninterrupted coverage.

### **PAID TIME OFF**

It is the policy of Challenge to provide paid time off (PTO) to all employees. This comes in the form of vacation, sick, and personal days. It is important that all staff adhere to good attendance and punctuality; excessive absenteeism and tardiness have a negative effect on fellow staff, program participants, and services.

### **VACATION TIME**

Vacation time begins to accrue on the first day of employment and accrues each pay period. No vacation time can be used during the first ninety (90) days of employment. Approval of requested vacation time is at the discretion of the individual's supervisor or Department Head. Vacation time will be earned at the rate of 2.88 hours per pay period for a total of ten (10) days per year.

Accrued vacation time will be displayed in hours on the employee's paystub and may be used in **half-hour increments** with the proper prior notification and approval of the employee's direct supervisor. Regular part time staff (working at least 20 hours per week) will accrue vacation time in direct proportion to their regular hours of employment.

Vacation accrues as follows:

- Years 0-2: 10 days
- Years 3-5: 15 days
- Year 6: 16 days
- Year 7: 17 days
- Year 8: 18 days
- Year 9: 19 days
- Years 10+: 20 days (maximum)

Vacation will accumulate to a maximum of two (2) years' worth of time at any given time of the year. For instance, if an employee is eligible for two (2) weeks of vacation per year, their maximum vacation balance would be four (4) weeks and may be carried over into a new year. Additional vacation time will not accrue until some of the balance is used.

Staff who leave the organization with proper notice [see above] will be paid out a maximum of one (1) years' worth of **earned** vacation in their final paycheck. All managerial, supervisory, and direct support employees are requested to provide at least four (4) weeks' notice. All administrative support and hourly employees are requested to provide at least two (2) weeks' notice. If proper notice is not given, this will result in forfeiture of accrued vacation time.

## **SICK TIME**

Sick time will be earned at the rate of 3.46 hours per pay period, for a total of twelve (12) days per year. Staff members may accumulate a total of up to one hundred (100) sick days (750 hours).

Accrued sick time will be displayed in hours on the employee's paycheck and may be used in **one-hour increments** as necessary with the proper notification to their direct supervisor. If an employee cannot report to work because of an illness, they must notify their direct supervisor within thirty (30) minutes of the start of their shift (for office staff this means by 8:30am). Regular part time staff (working at least 20 hours per week) will accrue sick time in direct proportion to their regular hours of employment. **Staff will forfeit unused sick time upon separation of employment.**

Sick time may be used for the following reasons:

- For a **mental or physical illness, injury, or health condition** of an employee or an employee's family member, regardless of whether the illness, injury, or health condition has been diagnosed or requires medical care at the time that an employee requests such leave;
- For the **diagnosis, care, or treatment** of a mental or physical illness, injury or health condition of, or need for medical diagnosis of, or preventive care for, an employee or an employee's family member;
- When an employee or an employee's family member has been the victim of **domestic violence, a family offense, sexual offense, stalking, or human trafficking**

Documentation from a medical provider may be requested if a supervisor believes that circumstances warrant it, and shall be required after three (3) consecutive sick days.

## **PERSONAL TIME**

Three (3) days of personal time will be provided to all staff per year and it is accrued at the rate of 0.87 hours per pay period. No personal time can be used during the first ninety (90) days of employment. Personal time can be taken in **one-hour increments** and must be approved by the employee's direct supervisor. It is not necessary to state the specific purpose for which personal time is being used; the privacy of the staff member will be respected. Earned personal time carries over from year to year, up to two years' worth of time (six days). **Staff will forfeit unused personal time upon separation of employment.**

## **BEREAVEMENT LEAVE**

In the event of a death in the employee's immediate family, up to three (3) days off with pay will be granted. Immediate family is defined as spouse, domestic partner, child, mother, father, sister, brother, mother-in-law, father-in-law, grandchild, grandparent, or any other person who is a permanent member of the household.

In the event of the death of an extended family member, (aunt, uncle, or cousin) one (1) day off with pay will be granted, for the purpose of attending services.

## **FAMILY AND MEDICAL LEAVE**

It is the policy of Challenge to comply with the provisions of the Family and Medical Leave Act of 1993 (FMLA). The agency will grant up to twelve (12) weeks of unpaid family and medical leave (FML) during a twelve (12) month period to eligible employees for qualifying events. If an employee and spouse are both employed within the organization, please see Human Resources for more information on simultaneous or staggered leave. Employees are eligible for FML if they have completed at least one (1) year of service immediately preceding the start of leave and have worked at least 1250 hours within the last year (PTO

**does not count** toward the 1250 hours worked). The employee must give Challenge thirty (30) days' advance notice of a leave request whenever circumstances allow. **Accrued PTO will be used toward FMLA FIRST, with the remainder of the leave being unpaid.**

Challenge defines the twelve (12) month period as a rolling twelve months beginning with, and prior to, the date on which FML begins.

Eligible employees are entitled to:

- Twelve workweeks of leave in a 12-month period for the following reasons:
  - the birth of a child;
  - to bond with the newborn child within one year of birth;
  - the placement of a child for adoption or foster care with the employee;
  - to bond with the newly placed child within one year of placement;
  - to care for the employee's spouse, child, or parent who has a serious health condition;
  - a serious health condition that makes the employee unable to perform the essential functions of his or her job; or
  - any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty;" **or**
- Twenty-six workweeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness if the eligible employee is the service member's spouse, son, daughter, parent, or next of kin (military caregiver leave).

An employee does not need to use leave in one continuous block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule. FMLA may be taken in weeks, days, hours, or half-hour increments.

Challenge shall maintain an employee's health insurance coverage during FMLA at the same level and co-payment that was in effect prior to the FMLA. Contributions may be taken directly through payroll deduction if the employee continues his/her salary (by using PTO) during FMLA. If the leave is unpaid, the employee will be responsible for paying their portion of the premiums to continue benefit coverage. Failure to pay premiums will jeopardize the employee's continuation of coverage.

Upon return from FMLA, most employees must be restored to the same job or one nearly identical, with equivalent pay, benefits, and other terms and conditions of employment. If an employee is unable to return to work after the allotted 12 weeks of FMLA, there is no guarantee that Challenge will have a comparable position available to offer when the employee becomes well enough to return to work.

An employer may not interfere with an individual's FMLA rights or retaliate against someone for the following acts: using or trying to use FMLA, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA. Employees may file a complaint with the Compliance Officer if they feel they are being treated unfairly or their rights, FMLA or otherwise, are being violated.

Employees and supervisors must contact the Human Resources Department to determine eligibility for FMLA. If eligible, Human Resources will notify employees of their rights, responsibilities, available PTO balances, and steps to follow while using FMLA. If ineligible, Human Resources will provide the reason why. For more detailed information, Human Resources will provide an Employee Guide to FMLA.

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

Human Resources can require a certification or periodic recertification supporting the need for leave. If Human Resources determines that the certification is incomplete, written notice will be provided to the employee, indicating what additional information is required.

Leave that is certifiable under the FMLA often overlaps with leave that can be taken under other laws. The following explanation shows how FMLA leave will interact with other types of leave:

NYS Short-Term Disability is available as a supplemental income source for employees who are utilizing FML for themselves; it cannot be used if the FML is taken to care for family members. Paid time off will be used in addition to Short-Term Disability income during FML.

FML will run concurrently with Workers' Compensation absences.

FML misuse, abuse, or fraud will result in disciplinary action, up to and including termination.

### **PAID FAMILY LEAVE**

As required under New York state law, Challenge will provide paid family leave (PFL) to eligible employees, paying a specified percentage of average weekly wages.

#### **Eligibility**

To be eligible, employees must: (i) regularly work 20 or more hours per week and be employed for at least 26 consecutive workweeks preceding the first full day family leave is taken; or (ii) regularly work less than 20 hours per week and be employed for at least 175 workdays preceding the first full day family leave is taken. Unlike under the FMLA, any PTO taken during this time **does count** toward the total requisite amount of hours needed to meet eligibility requirements.

#### **Permissible Purposes for Leave**

Eligible employees will be entitled to paid time away from work for the following reasons:

- (i) to care for a family member with a serious health condition;
- (ii) to bond with a child after birth or placement for adoption or foster care within the first 12 months after the birth or placement; or
- (iii) because of any qualifying exigency arising from the fact that an employee's spouse, domestic partner, child, or parent is on active duty (or has been notified of an impending call or order to active duty) in the armed forces of the United States.

Unlike FML, PFL cannot be taken to address an employee's own serious health condition.

#### **Notice of Need for Paid Family Leave**

An employee must provide at least thirty (30) days' advance notice before leave is to begin, if the qualifying reason for leave is foreseeable. When not foreseeable, the employee must provide notice as soon as practicable under the facts and circumstances. Failure to provide timely notice may result in leave being delayed or denied.

#### **Certification**

Eligible employees who wish to take paid family leave must comply with applicable certification requirements and may be required to provide supplemental documentation (such as copies of military orders), as permitted by law.

#### **Use of Other Leave and Interplay between Leave Types**

To the extent permitted by law, employees may elect to charge all or part of their paid family leave time to accrued vacation days in order to receive full pay. In such cases, Challenge will seek reimbursement from the insurance carrier to compensate for this differential.

If the need for leave qualifies for both paid family leave under New York state law and family medical leave under the FMLA, the leaves will run concurrently. (If leave is taken to address an employee's own health

condition, **only** FML applies.) Concurrent leave means one week of leave will reduce the total number of weeks available to the employee under both PFL and FMLA. You cannot stack, for instance, 10 weeks of PFL onto 12 weeks of FML for a total of 22 weeks of leave. If the reason for leave qualifies under both laws, the employee must request both PFL and FML.

Under New York state law, disability leave and paid family leave may **not** be used at the same time. If you take some combination of family medical leave and short-term disability benefits for more than 26 weeks in any 52 consecutive calendar weeks, you will not be permitted to take any additional leave as paid family leave, until a new 52-week period commences.

If you are unable to work and qualify for workers' compensation benefits, you may **not** use paid family leave benefits at the same time.

### **Job and Benefits Protection**

Paid family leave is job-protected. This means Challenge must generally restore an employee who returns from PFL to the same or a comparable position. While on leave, employees will continue to receive existing health insurance coverage, provided that they continue to pay their share of health insurance premiums. If you fail to pay your portion of the premium in a timely fashion, you may lose coverage retroactively to the date an unpaid premium was due. You will receive proper notice of this lapse in coverage from the insurer. Employees will also continue to accrue Paid Time Off while on PFL.

### **Limitations and Rules Related to Use of Paid Family Leave**

Paid family leave may only be taken in **full day increments**, unless otherwise provided by law.

### **Funding of Paid Family Leave Benefits**

In accordance with state law, paid family leave benefits are funded through payroll deductions at a prescribed amount from each eligible employee. Employees who are ineligible to take paid family leave will be given the option of filing a waiver of benefits, exempting them from payroll deductions. Ineligibility is only for a select few employees who work fewer than six (6) months per year; otherwise, payroll deductions are compulsory.

Please see the Director of Human Resources if you have any questions about paid family leave or how to apply for PFL. Refer to the actual plan document and summary plan description from the insurer for additional information; those documents are controlling.

### **LEAVE OF ABSENCE**

There are certain other circumstances where an employee may need time off from work, aside from family medical leave, disability, workers' compensation, or paid family leave. It is the policy of Challenge to grant employees a leave of absence in such a scenario.

Employees are eligible for a leave of absence if they have completed at least one (1) year of service. Except as stated below, employees will not receive compensation during a leave of absence. Ordinarily, benefits will cease at the end of the month in which the leave of absence begins; however, employees continue to accrue PTO if they are on a paid leave of absence.

Eligible employees can continue health insurance coverage on their own, as provided by COBRA law, by paying the associated premiums in full. Vacation, sick, and personal time will stop accruing immediately once an unpaid leave of absence commences. The duration of each leave of absence and the compensation received by the employee, if any, shall be determined by the Executive Director and the Director of Human Resources. An authorized leave of absence is not a guarantee of reinstatement. If conditions change and it is not practicable to keep an employee's position open, the employee will be given consideration for other available positions.

The following types of leave shall be considered:

PERSONAL LEAVE OF ABSENCE - Individuals may request personal time for professional or personal business which cannot be accomplished during the employee's regular work schedule.

MILITARY LEAVE OF ABSENCE - As required by federal law, a military leave of absence will be granted if an employee enlists, is inducted, or is recalled to active duty in the armed forces of the United States, for a period of not more than four (4) years (plus any involuntary extension of not more than one year). Employees who perform and return from military service in the Armed Forces, the Military Reserves, or the National Guard shall have and retain such rights with respect to reinstatement, seniority, vacation, layoffs, compensation, length of service, and pay increases provided by applicable federal or state law. Specific legal requirements are available in the Human Resources Department; see updated USERRA posting at [www.dol.gov](http://www.dol.gov) for current rights under this law.

If an employee has an obligation to fulfill two (2) weeks of active duty in the Military Reserves, Challenge will pay the full salary for the period involved, and the employee shall reimburse Challenge for the amount received for military pay.

Requests for a leave of absence, or any extension of a leave of absence, should be submitted in writing to both the employee's Department Head and the Director of Human Resources thirty (30) days prior to commencement of the leave period or extension. The Director of Human Resources, in consultation with the Executive Director and Department Head, will make the final decision concerning the request for leave or extension of leave.

Employees returning from a leave of absence will be reinstated to their same job or one of similar status and pay, provided agency circumstances have not changed. If the same job or one of similar status is not available, reinstatement may be deferred until a position is available, and the employee will be granted a preference in recall.

If an employee fails to return to work on the first working day following the conclusion of an approved leave of absence, the employee will be considered to have voluntarily resigned and will be terminated from employment.

A leave of absence will not be extended beyond a six (6) month period, except where necessary for active duty deployment.

### **OBSERVED HOLIDAYS**

It is the policy of Challenge to observe certain days each year as holidays. Eligible employees will be given a day off with pay for each holiday observed.

The following holidays will be observed:

New Year's Day	Thanksgiving Day
Martin Luther King, Jr. Day	Day after Thanksgiving
President's Day	Christmas Eve Day
Memorial Day	Christmas Day
Juneteenth	New Year's Eve Day
Independence Day	
Labor Day	Discretionary Holidays, as noted below

If a holiday falls on a Saturday, the holiday will be taken on the preceding Friday. If a holiday falls on a Sunday, the holiday will be taken on the following Monday. If an employee is required to work on a holiday, the employee will be paid for the holiday plus any hours worked.

When Christmas and New Year's fall on the weekend, the Executive Director, in consultation with the Leadership Team, will decide when the holidays will be observed. In addition, they may grant additional holidays during the period between Christmas and New Year's Day.

Temporary staff, staff on a leave of absence, or staff on layoff are not eligible to receive holiday pay. Full time staff are eligible to receive their regular rate of pay for each observed holiday. Holiday pay will be based on the 7.5 hour workday for a 37.50 hour workweek and no more than an 8 hour workday based on a 40 hour workweek. Part time staff are eligible to receive holiday pay only for holidays on which they would normally be scheduled to work, and only for their regularly scheduled number of hours.

To receive holiday pay, an eligible staff member must work, or have an approved absence, on the workdays immediately preceding and following the day on which the holiday is observed.

### **ITHACA COLLEGE AND CORNELL UNIVERSITY HOLIDAY PAY SCHEDULE**

Challenge appreciates that Ithaca College & Cornell University dish room staff are sometimes scheduled to work while the agency is closed. If you are normally scheduled to work on the day a holiday is observed, you will be paid holiday pay in addition to any hours worked on the holiday.

The following holidays will be PAID holidays for dish room staff:

- Christmas Eve (Dec. 24)
- Christmas Day (Dec. 25)
- President's Day (third Monday of February)
- Labor Day (first Monday of September)
- Thanksgiving Day (fourth Thursday of November)
- Day after Thanksgiving

Given the academic calendars and seasonal nature of employment in the dish rooms, the following holidays will NOT be paid holidays for dish room staff, as they typically occur during layoff periods:

- Martin Luther King Jr. Day (third Monday of January)
- Memorial Day (last Monday of May)
- Juneteenth (June 19)
- Independence Day (July 4)
- New Year's Eve (Dec. 31)
- New Year's Day (Jan. 1)

### **JURY DUTY**

If a staff member is called for jury duty that coincides with their regular workday, Challenge will pay the full salary for the period involved. The staff member must notify their immediate supervisor, with a copy of the jury summons, to receive compensation for Jury Duty. The supervisor should send a copy of the jury summons to Human Resources. The staff member shall reimburse Challenge for the amount received for jury duty, but not for the amount received for parking and mileage. A staff member who is excused from jury duty or relieved for the day is required to return to work.

### **TIME OFF TO VOTE**

Under New York state law, employees are allowed to take up to three (3) hours off from work in order to vote, without loss of pay. If you wish to take time off to vote, you must give written notice to the Human Resources Department at least two (2) business days before the election. There is no requirement that you take the three (3) hours at the beginning or end of your shift; employees should consult with their supervisor to determine a mutually convenient time, given agency needs.

### **NEWS MEDIA AND PRESS RELEASES**

The Executive Director, Director of Development, and Chairperson of the Board of Directors are the sole appointed spokespersons for Challenge. All inquiries from the news media or the general public should be referred to the Executive Director or the Director of Development. A staff person may not respond to the media on behalf of or about Challenge without prior approval from the Director of Development or the Executive Director.

## **NEPOTISM**

A staff member's immediate family will be considered for employment, provided the applicant possesses all the qualifications necessary for the position. An immediate family member may not be hired, however, if such employment would:

Create either a direct or indirect supervisor/subordinate relationship with a family member, or domestic partner; or,

Create either an actual conflict of interest, or the appearance of a conflict of interest.

These criteria will also be considered when assigning, transferring, or promoting a staff member. For purposes of this policy, "immediate family" includes: the staff member's spouse, domestic partner, brother, sister, parents, children, stepchildren, father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, and any other member of the staff member's household. This also includes anyone who is in a personal relationship with the staff member, defined as a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature.

Staff members who marry, become members of the same household, or begin a personal relationship may continue employment as long as there is not:

A direct or indirect supervisor/subordinate relationship between such staff members; or,

An actual conflict of interest, or the appearance of a conflict of interest.

Should one of the above situations occur, Challenge will attempt to find a suitable position within the agency to which one of the affected staff members may transfer. If accommodations are not feasible, the staff members will be permitted to determine which person will resign whenever possible. Additionally, the Human Resources Department may ask the employees to sign a Consensual Relationship Agreement, to document that the relationship is consensual and not a result of improper harassment.

Exceptions may be made for hiring of family members in a temporary position, for example, during an academic break or to assist in a department while an open position is waiting to be filled. Prior to hiring, authorization from Human Resources must be obtained. Arrangements must be made to ensure the new hire's direct supervisor is a non-family member.

## **EMPLOYEE DATING POLICY**

Challenge strongly believes that a work environment where employees maintain clear boundaries between employee personal and business interactions is necessary for effective business operations. Although this policy does not prevent the development of friendships or romantic relationships between co-workers, it does establish boundaries as to how relationships are conducted during working hours and within the working environment.

Individuals in supervisory or supervisorial roles, and those with authority over others' terms and conditions of employment, are subject to more stringent requirements under this policy due to their status as role models, their access to sensitive information, and their ability to affect the employment of individuals in subordinate positions.

This policy does not preclude or interfere with the rights of employees protected by the National Labor Relations Act or any other applicable statute concerning the employment relationship.

## **Expectations**

1. During working time and in working areas, employees are expected to conduct themselves in an appropriate workplace manner that does not interfere with others or with overall productivity.
2. During nonworking time, such as lunches, breaks, and before and after work periods, employees engaging in personal exchanges in non-work areas should observe an appropriate workplace manner to avoid offending other workers or putting others in an uncomfortable position.
3. Employees are strictly prohibited from engaging in physical contact that would in any way be deemed inappropriate in the workplace by a reasonable person while anywhere on agency premises, whether during working hours or not.
4. Employees who allow personal relationships with co-workers to adversely affect the work environment will be subject to Challenge's disciplinary policy, including counseling for minor problems. Failure to change behavior and maintain expected work responsibilities is viewed as a serious disciplinary matter.
5. Employee off-duty conduct is generally regarded as private, as long as such conduct does not create problems within the workplace. An exception to this principle, however, is romantic or sexual relationships between supervisors and subordinates.
6. Any supervisor, supervisor, executive, or other agency official in a sensitive or influential position with Challenge must disclose the existence of a romantic or sexual relationship with another co-worker. Disclosure may be made to the individual's immediate supervisor or the Director of Human Resources. Challenge will review the circumstances to determine whether any conflict of interest exists.
7. When a conflict of interest or potential risk is identified due to an agency official's relationship with a co-worker, Challenge will work with the parties involved to consider options for resolving the problem. The initial solution may be to make sure the parties no longer work together on matters where one is able to influence the other or take action for the other. Matters such as hiring, firing, promotions, performance management, compensation decisions, and financial transactions are examples of situations that may require reallocation of duties to avoid any actual or perceived reward or disadvantage. In some cases, other measures may be necessary, such as transfer of one or both parties to other positions or departments. If one or both parties refuse to accept a reasonable solution, such refusal will be deemed a voluntary resignation.
8. Failure to cooperate with Challenge to resolve a conflict or problem caused by a romantic or sexual relationship between co-workers or among supervisors, supervisors, or others in positions of authority in a mutually agreeable fashion may be deemed insubordination and result in disciplinary action, up to and including termination.
9. The Human Resources Department may ask employees to sign a Consensual Relationship Agreement, to document that the relationship is consensual and not a result of improper harassment.
10. The provisions of this policy apply regardless of the sexual orientation of the parties involved.
11. Where doubts exist as to the specific meaning of the terms used above, employees should make judgments based on the overall spirit and intent of this policy.
12. Any concerns about the administration of this policy should be addressed to the Director of Human Resources.

### **EDUCATIONAL ASSISTANCE POLICY**

It is the policy of Challenge to provide educational assistance to staff, in accordance with the guidelines established below.

Employees are eligible for educational assistance after they have successfully completed their three (3) month introductory period. Employees wishing to further their education, skills, or training to expand their job-related skill set may apply for reimbursement of the costs of certain coursework. All coursework submitted for reimbursement must be approved in advance by the Department Head and the Director of Human Resources. Coursework must be job-related or required for the completion of an approved degree program. Staff must submit a completed tuition reimbursement form to the Director of Human Resources prior to enrollment of each course. Forms may be obtained in the Human Resources Department.

Staff reimbursement for eligible educational assistance will be contingent upon a grade report of "C" or better. Challenge will reimburse tuition at 80%, up to \$500 per course and a maximum of \$1,000 per calendar year. Reimbursement will be issued after the coursework is completed and a final grade has been received by the Human Resources Department.

All educational assistance requests are subject to the availability of funds through the budget, as determined by the Directors of Finance and Human Resources. Fees, books, transportation, and other expenses associated with coursework are not eligible for reimbursement. Staff members are expected to responsibly complete their work and obligations to Challenge. Requests for exceptions to the educational assistance policy can be made to the Executive Director.

### **MEMBERSHIP IN PROFESSIONAL ORGANIZATIONS, ATTENDANCE AT CONFERENCES, AND PROFESSIONAL DEVELOPMENT**

Staff may be reimbursed for membership(s) in professional organizations, participation in conferences, and various professional development opportunities appropriate to their field. All expenses are subject to approval by the Department Head and the Director of Finance.

Staff attendance at professional conferences is encouraged. Budgetary constraints and other practical considerations will determine the number and frequency of conferences attended. Reasonable expenses associated with a conference or meeting will be reimbursed by the agency. See additional information below in the area entitled Travel.

There are numerous trainings that employees are **required** to attend; any missed mandatory training can subject the employee to disciplinary action.

### **TRAVEL**

It is the policy of Challenge to reimburse employees for reasonable and normal expenses incurred while traveling for agency business, or attending training sessions, seminars, and conferences. Staff travel performed in the course of conducting business must be approved in advance. Travel time for non-exempt staff will be considered working time and will be paid accordingly.

Challenge maintains a tax-exempt status for expenses incurred during business. Tax exemptions should be claimed at all times. Tax-exempt forms are available in the Finance office. All travel will be reviewed and reimbursed according to the guidelines below.

All travel must be approved in advance by the staff member's supervisor and Department Head. Staff should provide their supervisor with a copy of their itinerary before leaving on business travel.

All travel arrangements for training, transportation, and accommodations will be the employee's responsibility with their supervisor's approval. Any means of transportation other than an employee's car or Challenge vehicle (i.e., plane, train, bus, or rental car) must be pre-approved by the Director of Finance.

Challenge may issue periodic bulletins specifying or restricting travel booking requirements. All staff must use the "Tax Exempt Status" when expenses are incurred. Under normal circumstances, staff members are to stay in and eat at moderately priced establishments and exercise discretion

when incurring travel expenses. Reimbursement for meals is based on the Government CONUS daily rates and varies by geographic area. Please see Human Resources or Finance for guidelines on travel reimbursement.

Any travel expenses deemed unreasonable will not be paid or reimbursed and are the staff member's individual responsibility. Alcohol is not covered under this policy and will not be reimbursed by Challenge.

Staff expenses for approved travel will be paid or reimbursed when properly documented by the staff member and approved by the supervisor. Original, itemized receipts, attached to a completed Expense Report, are required for reimbursement.

Challenge credit cards must be requested in advance and their use must be pre-approved by the Department Head. Petty cash and credit cards are available in the Finance Office. Petty cash and credit cards are the property of Challenge and their use is not to be abused. All expenses and charges must be properly documented and approved as outlined in the paragraphs above. Any fraudulent activities or abuse of Challenge funds or credit cards will subject the employee to disciplinary action, up to and including termination.

### **AUTOMOBILE USAGE**

It is the policy of Challenge to provide vehicles for business use, to allow staff to drive on agency business, and to reimburse staff for the use of personal vehicles on agency business according to the guidelines below. In an effort to control travel expenses, staff are encouraged to carpool whenever possible. Reimbursement will be provided for one (1) vehicle per four (4) staff, unless pre-approved by the Director of Finance or the Director of Human Resources.

Before approving a driver, the Human Resources Department will verify the existence of a valid driver's license, check the staff member's driving record, and make sure the staff member is eligible for coverage under the Challenge insurance policy. Staff members approved to drive on agency business (either by operating Challenge vehicles or transporting participants) are required to inform the Director of Human Resources of any changes that may affect either their legal or physical ability to drive, or their continued insurability. Additionally, all new employees whose position requires driving will receive an overview of each Challenge vehicle, which will be performed by Challenge's main driver.

The Challenge insurance policy will cover approved staff members and passengers while they are using a Challenge vehicle for business. Approved staff using their personal vehicle for business must have their own auto insurance with recommended minimum liability limits of \$100K/\$300K or \$300K combined single limit. In the case of an accident in an employee's car, the driver's insurance policy will cover automobile damage and liability. The Challenge policy will come into effect after the driver's liability insurance coverage has been exhausted. Any injuries to staff or program participants during work time will be covered under Challenge Workers' Compensation Insurance. For details or questions, contact the Director of Human Resources.

Staff members holding jobs that require regular driving for business must meet the driver approval standards of this policy as a condition of employment. Driver approval standards include a valid driver's license, insurance as required to operate a vehicle in New York State, and approval of the Challenge insurance company through Department of Motor Vehicles license checks. For all other jobs, driving is considered only an incidental function of the position. License checks through the Department of Motor Vehicles may be performed at any time by Challenge or the insurance company representing Challenge.

Staff members who drive a vehicle on agency business must also exercise due diligence to drive safely and must make sure that the vehicle meets legal standards for insurance and safety. Staff members are responsible for any driving infractions or fines as a result of their driving or parking in a 'No Parking' zone. In the event of an accident in a Challenge vehicle or while using a personal vehicle for agency business, staff members may be required to take a defensive driving course at their own expense.

Staff members are not permitted to operate an agency vehicle, or a personal vehicle for agency business, when any physical or mental impairment causes the staff member to be unable to drive safely. This prohibition includes circumstances in which the staff member is temporarily unable to operate a vehicle safely or legally because of illness, medication, or intoxication.

All accidents in Challenge vehicles, regardless of severity, must be reported to the police. Accidents are to be reported immediately (from the scene, during the same day, or as soon as practicable if immediate or same day reporting is not possible). Accidents in personal vehicles while on agency business **must** follow these same accident procedures. Accidents involving personal injury to an employee and/or program participant must be reported to Human Resources for Workers' Compensation reporting purposes. Failing to stop after an accident and/or failure to report an accident may result in disciplinary action, up to and including termination. Staff members are expected to cooperate fully with authorities in the event of an accident. Please see the Accident Procedures sheet located in the vehicles.

Time spent by non-exempt staff members (those subject to the wage and hour provisions of the Fair Labor Standards Act) to drive an agency or personal vehicle for agency business during working hours will be considered working time and will be paid accordingly.

Staff members who use their personal car for approved business purposes will receive a mileage allowance based upon the current approved reimbursement rate. (For current reimbursement rates, please speak with someone in the Finance Department). This allowance is to compensate for the cost of gasoline, oil, depreciation, and insurance. In addition, staff members driving on agency business may claim reimbursement for parking fees and tolls incurred. Staff driving agency vehicles may charge or claim reimbursement for gasoline and other expenses directly incurred for business purposes. Receipts are required for reimbursement of expenses incurred while driving for agency purposes. Use of a Challenge vehicle must be pre-arranged through the Receptionist. Charges and claims for mileage allowance or for vehicle use reimbursement must be properly documented, approved by the staff member's supervisor, and submitted to the Finance Department for payment. **Mileage should accurately reflect where you went in chronological and geographical order. Please make your trips as efficient and cost effective as possible. Management has the right to deny mileage if it appears there is a discrepancy or misuse of this policy.**

#### **Examples to calculate mileage reimbursement:**

1. If an employee lives in Dryden and is starting their day job coaching in Dryden, then the employee is not to document mileage from Dryden to Ithaca, as they would be making that drive to work anyway.
2. If an employee lives in Freeville and is ending their day job coaching in Freeville, then the employee is not to document their mileage from Challenge to Freeville, as they would be making that drive home anyway.
3. If an employee is job coaching in Dryden and then has to job coach in Trumansburg and is ending their day in Trumansburg, then the employee will only document mileage from Dryden to Ithaca, not from Dryden to Trumansburg.

## **PROBLEM RESOLUTION AND REFERRAL PROCEDURES**

### **PROBLEM RESOLUTION - INFORMAL PROCEDURE**

A staff member who is dissatisfied with their working conditions or has unresolved issues with co-workers should discuss their concerns with their immediate supervisor or the co-worker involved. If the matter is not resolved, the employee should meet with their Department Head. If the issue still cannot be resolved, the matter should be referred to the Director of Human Resources and the Executive Director. Performance evaluations are **not** subject to the formal problem resolution and referral procedure.

### **PROBLEM RESOLUTION - FORMAL PROCEDURE**

If a staff member believes that a violation of these Human Resources Policies and Procedures has occurred, the following steps must be taken within the time periods provided:

**Step 1** - The staff member will submit a written explanation of the problem and a proposed remedy to his/her immediate supervisor within five (5) working days of the occurrence. The supervisor will review the problem, interview the involved parties to determine the relevant facts, and submit a written response to the staff member within five (5) working days after receipt of the written problem. At the time of delivering the written response, the supervisor will hold a conference with the staff member to explain the written response and address any questions or concerns.

**Step 2** - If the staff member is not satisfied with the results of Step 1, the staff member will submit a copy of all documentation to the Department Head within three (3) working days of the receipt of the written response. Within a period of five (5) working days thereafter, the Department Head will review the problem and the supervisor's answer, interview the involved parties to determine the relevant facts, and provide a written disposition of the problem to the staff member. At the time of delivering the written response, the Department Head will hold a conference with the staff member to explain the written response and address any questions or concerns.

**Step 3** - If the staff member is not satisfied with the results of Step 2, the staff member will then submit a copy of all documentation to the Executive Director and the Director of Human Resources within three (3) working days of the conference with their Department Head. The Executive Director will review the problem and the written information submitted, and hold a conference with the staff member and Department Head. The Executive Director will issue a written disposition within a period of five (5) working days.

The Executive Director has final authority in all cases.

The Chairperson of the Board and the Chairperson of the Human Resources Committee of the Board will be briefed on all cases that reach Step 3.

## **PERSONNEL FILES**

Personnel files maintained at the agency contain a variety of documents pertaining to an individual's employment. Personnel files include information about job placement, salary history, date of hire, performance evaluations, disciplinary actions, benefits, professional development, copies of correspondence, etc. All personnel files are the property of Challenge and are confidential.

If you would like to view your personnel file, you may make a request in writing. Requests for review of information must be submitted to the Director of Human Resources, at least 24 hours prior to review. Under New York state law, approval of an employee's request to view their personnel file is not required and will be granted at the discretion of the Director of Human Resources.

Information contained in an individual's personnel file is confidential. Compensation levels of Challenge personnel are confidential. Access to the files will be made only to the Executive Director, Director of Human Resources, and Human Resources staff who maintain the files.

Personnel files are to remain inside the Challenge office at all times. All reasonable efforts will be made to ensure the privacy and security of personnel files.

Nothing in this handbook shall be construed as limiting employees' Section 7 rights under the National Labor Relations Act (NLRA). Employees are free to discuss the terms and conditions of their employment with one another, including their compensation and benefits.

## **DISCLOSURE OF PERSONAL INFORMATION TO OUTSIDE PARTIES**

Challenge will not release or disclose personal information about individual applicants, staff, or former staff, unless the individual authorizes the disclosure in writing. However, when the request for information comes from an official court order or local police authority, Challenge will comply with the request and disclose the information sought.

Challenge will act as a reference for former staff seeking employment elsewhere **only** with written authorization from the individual. If there is no authorization from the individual, Human Resources will supply only the individual's job title, date of hire, and date of termination, if applicable.

### **EMPLOYEE ASSISTANCE PROGRAM**

Challenge offers an Employee Assistance Program (EAP) as a benefit to all staff who work at least twenty (20) hours per week. It is commonly understood that distress in one's personal life can adversely affect work performance, relationships with co-workers, and other vital workplace factors. Declining work performance often results in increased attention paid to the staff member, creating an uncomfortable cycle of tension and pressure. The EAP provides a range of services designed to identify and respond to problem areas that affect, or have the potential to affect, an employee's job performance. The EAP provides individual and family counseling with referral services, as well as on-going training and consultation services to supervisors who would like help assessing problems and counseling their staff.

The main objective of an EAP is to provide a confidential resource, which can be used by all employees for support with personal or work-related problems.

In specific instances of poor performance, an employee may be referred to the EAP as part of a corrective action plan. During this process, information about attendance will be shared with Challenge and EAP. All other information shared with the EAP counselor is completely confidential and will not be shared with Challenge.

Information on how to access the EAP and utilize its many services is available through the Human Resources Department.

### **SECURITY**

Challenge's administrative office is open for business during the hours of 8:00 a.m. to 4:00 p.m., Monday through Friday. Challenge relies on staff and program participants to follow the security policy and help ensure the safety of all who are in and out of the building. Keys for the building, offices, file cabinets, vehicles, and other agency equipment will be issued to those whose duties require access. The Executive Director, Leadership Team, and other designated staff have access to all keys. Employees will be required to return keys when the nature of their job changes or when their employment ends.

Employees are not allowed to use agency equipment or vehicles for personal use. Violation of this policy will subject the employee to disciplinary action, up to and including termination.

### **VISITORS**

It is the policy of Challenge to maintain the safety of all individuals on our premises at all times. All visitors are required to check in at the front desk and sign the visitor registration book upon entering the building.

All visitors must be accompanied by a staff member or program participant while in the building. Visitors must observe all agency rules while visiting. Any visitor who violates agency rules will be asked to leave the premises. Visitors are not allowed in the Production areas for any reason other than business. Visitors under the age of sixteen (16) are not allowed in any Production area at any time. Any visitor who is not authorized to be in the building should be escorted to the front desk by a staff member.

Visitors are not allowed on the premises outside of normal working hours without prior management approval.

### **SMOKING**

Challenge has adopted a No Smoking policy. Smoking is prohibited throughout the premises and in all Challenge vehicles. Smoking outside must be at least 25 feet away from building entrances.

## **PERSONAL PROPERTY**

It is the policy of Challenge to assist employees in safeguarding their personal property while at work.

Employees are expected to exercise reasonable care to safeguard personal items of value brought to work. Such items should never be left unattended or in plain view. Challenge does not assume responsibility for the loss or theft of personal belongings. Employees are advised not to carry excessive amounts of cash or other valuables on their person or in their belongings when they come to work.

Any items brought to or taken off of Challenge premises, whether property of the employee, Challenge, or a third party, are subject to inspection or search unless prohibited by state law. Desks, lockers, workstations, work areas, computers, USB drives, files, e-mails, voice mails, etc. are also subject to inspection or search, as are all other assets owned or controlled by Challenge. The agency may monitor any telephone conversation employees have on Challenge-owned or controlled equipment, premises, or property. Any inspection or search conducted by Challenge or its designees may occur at any time, with or without notice.

## **INTERNET, E-MAIL, AND COMPUTER USAGE POLICY**

The use of Challenge network, including computers, fax machines, copiers, phone and all forms of Internet/Intranet access, is for company business and for authorized purposes only. Brief and occasional personal use of the electronic mail system or the Internet is acceptable as long as it is not excessive or inappropriate, occurs during personal time (lunch or other breaks), and does not result in expense to the Company.

Use is defined as "excessive" if it interferes with normal job functions, responsiveness, or the ability to perform daily job activities. Electronic communication should not be used to solicit or sell products or services that are unrelated to the Company's business; distract, intimidate, or harass coworkers or third parties; or disrupt the workplace.

Use of Company computers, networks, and Internet access is a privilege granted by management and may be revoked at any time for inappropriate conduct carried out on such systems, including, but not limited to:

- Sending chain letters or participating in any way in the creation or transmission of unsolicited
- commercial e-mail ("spam") that is unrelated to legitimate Company purposes;
- Engaging in private or personal business activities, including excessive use of instant
- messaging and chat rooms, social networking sites (see below);
- Misrepresenting oneself or the Company;
- Violating the laws and regulations of the United States or any other nation or any state, city, province, or other local jurisdiction in any way;
- Engaging in unlawful or malicious activities;
- Deliberately propagating any virus, worm, Trojan horse, trap-door program code, or other
- code or file designed to disrupt, disable, impair, or otherwise harm either the Company's networks or systems or those of any other individual or entity;
- Using abusive, profane, threatening, racist, sexist, or otherwise objectionable language in
- either public or private messages;
- Sending, receiving, or accessing pornographic materials;
- Becoming involved in partisan politics;
- Causing congestion, disruption, disablement, alteration, or impairment of Company networks or systems;
- Maintaining, organizing, or participating in non-work-related Web logs ("blogs"), Web journals, "chat rooms", social networking or private/personal/instant messaging;
- Failing to log off any secure, controlled-access computer or other form of electronic data
- system to which you are assigned, if you leave such computer or system unattended;
- Defeating or attempting to defeat security restrictions on company systems and applications.

Using Company network systems to access, create, view, transmit, or receive racist, sexist, threatening, or otherwise objectionable or illegal material is strictly prohibited. "Material" is defined as any visual, textual, or auditory entity. Such material violates the Company anti-harassment policies and is subject to disciplinary action. Challenge's electronic mail system, Internet access, and computer systems must not be used to violate the laws and regulations of the United States or any other nation or any state, city, province, or other local jurisdiction in any way. Use of company resources for illegal activity can lead to disciplinary action, up to and including dismissal and criminal prosecution. The Company will comply with reasonable requests from law enforcement and regulatory agencies for logs, diaries, archives, or files on individual Internet activities, e-mail use, and/or computer use.

Unless specifically granted in this policy, any non-business use of the Company's automation systems is expressly forbidden. If you violate these policies, you could be subject to disciplinary action, up to and including dismissal.

### **Ownership and Access of Electronic Mail, Internet Access, and Computer Files**

Challenge owns the rights to all data and files in any computer, network, or other information system used in the Company. The Company also reserves the right to monitor electronic mail messages (including personal/private/instant messaging systems) and their content, as well as any and all use of the Internet and of computer equipment used to create, view, or access e-mail and Internet content. Employees must be aware that the electronic mail messages sent and received using Company equipment are not private and are subject to viewing, downloading, inspection, release, and archiving by Company officials at all times. The Company has the right to inspect any and all files stored in private areas of the network or on individual computers or storage media in order to assure compliance with policy and state and federal laws. No employee may access another employee's computer, computer files, or electronic mail messages without prior authorization from either the employee or an appropriate Challenge official.

### **Software**

Challenge has licensed the use of certain commercial software application/programs for business purposes. Third parties retain the ownership and distribution rights to such software. No employee may create, use, or distribute copies of such software that are not in compliance with the license agreements for the software. Violation of this policy can lead to disciplinary action, up to and including dismissal.

### **Confidentiality of Electronic Mail**

As noted above, electronic mail is subject at all times to monitoring, and the release of specific information is subject to applicable state and federal laws and Company rules, policies, and procedures on confidentiality. Existing rules, policies, and procedures governing the sharing of confidential information also apply to the sharing of information via commercial software. Since there is the possibility that any message could be shared with or without your permission or knowledge, the best rule to follow in the use of electronic mail for non-work-related information is to decide if you would post the information on the office bulletin board with your signature.

It is a violation of Company policy for any employee, including system administrators and supervisors, to access electronic mail and computer systems files to satisfy curiosity about the affairs of others. Employees found to have engaged in such activities will be subject to disciplinary action.

### **Electronic Mail Tampering**

Electronic mail messages received should not be altered without the sender's permission; nor should electronic mail be altered and forwarded to another user and/or unauthorized attachments be placed on another's electronic mail message.

### **Policy Statement for Internet/Intranet Browser(s)**

The Internet is to be used to further the Challenge's mission, to provide effective service of the highest quality to the Challenge's customers and staff, and to support other direct job-related purposes. Supervisors should work with employees to determine the appropriateness of using the Internet for professional activities and career development. The various modes of Internet/Intranet access are Challenge resources and are provided as business tools to employees who may use them for research, professional development, and work-related communications. Limited personal use of Internet resources is a special exception to the general prohibition against the personal use of computer equipment and software.

Employees are individually liable for any and all damages incurred as a result of violating company security policy, copyright, and licensing agreements.

All Challenge policies and procedures apply to employees' conduct on the Internet, especially, but not exclusively, relating to: intellectual property, confidentiality, company information dissemination, standards of conduct, misuse of company resources, anti-harassment, and information and data security.

### **Personal Electronic Equipment**

The Company prohibits the use or possession in the workplace of any removable storage device, including but not limited to USB drives, cell phones, tablets and cameras without the express permission of the Company. Employees with such devices should leave them at home unless expressly permitted by the Company to do otherwise. This provision does not apply to designated Company personnel who must use such devices in connection with their positions of employment.

Employees should not bring personal computers to the workplace or connect them to Company electronic systems unless expressly permitted to do so by the Company. Any employee bringing a personal computing device or image recording device onto Company premises thereby gives permission to the Company to inspect the personal computer or removable storage device at any time with personnel of the Company's choosing and to analyze any files, other data, or data storage media that may be connectable to the personal computer. Employees who do not wish such inspections to be done on their personal computers or imaging devices should not bring such items to work at all.

Violation of this policy, Employees found to have engaged in such activities will be subject to disciplinary action. In addition, the employee may face both civil and criminal liability from the Company or from individuals whose rights are harmed by the violation.

### **USING SOCIAL MEDIA AT WORK**

Refrain from using social media while on work time or on equipment Challenge provides, unless it is work-related, authorized by your supervisor, and consistent with the Internet, Email and Computer Usage Policy. Do not use Challenge email addresses to register on social networks, blogs, or other online tools utilized for personal use.

Anyone in Supervisory position should refrain from "friending" or "following" their subordinates. Under no circumstances should any employee connect with program participants through social media.

### **INCOMING MAIL**

Challenge receives a large volume of assorted mail on a daily basis. All mail received by Challenge is agency property and shall be treated as such. Confidential, personal mail should be sent to your individual residence, not to the Challenge office.

### **DRESS CODE**

All employees represent the agency in their appearance and actions. Therefore, all employees are expected to dress in a manner that is acceptable in a work environment. Challenge has adopted a business casual dress code. The following articles of clothing are **not** acceptable business casual attire: any clothing that exposes the midriff, bottom, full back, or breasts, or undergarments such as short shorts, skirts, or pants with low cut waistlines; tops that are translucent, have a low cut neckline, halter-type, strapless, or with spaghetti straps; offensive logo t-shirts; and ripped pants. Jeans are permitted on Fridays. Open-toe/open-heel shoes and sandals are not permitted in the Contract Production and Shredding areas, nor at the campus dish rooms. This list is intended to be illustrative, not exhaustive. Supervisors are responsible for enforcing the Challenge dress code among their staff.

Nothing in this dress code shall be construed as limiting an employee's ability to express their religious beliefs through their clothing or hairstyle, so long as the expression does not interfere with the employee's safety on the job.

All employees must dress appropriately and safely for their assigned work area. Specific personal protective equipment (PPE) or attire may be required depending on the employee's department and job responsibilities. Regardless, the dress of all employees must be neat, clean, and appropriate for the work being performed.

### **STATEMENT ON EQUAL EMPLOYMENT OPPORTUNITY**

Challenge provides equal employment opportunity to all employees and applicants for employment without regard to age, race, traits historically associated with race, including but not limited to hair texture and protective hairstyles, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, marital status, reproductive health decisions, or status as a victim of domestic violence, in accordance with applicable federal, state, and local laws. This policy applies to all terms and conditions of employment, including

hiring, placement, promotion, termination, layoff, recall, and transfer, leaves of absence, compensation, and training.

The Director of Human Resources is responsible for formulating, implementing, coordinating, and monitoring all efforts toward the provision of equal employment opportunity. To this end, such duties may include, but are not necessarily limited to:

- A. Assisting management in collecting and analyzing employment data.
- B. Developing policy statements and recruitment techniques designed to promote and comply with the equal employment opportunity policies of the agency.
- C. Ensuring compliance with statutory recordkeeping and notice requirements.
- D. Assisting supervisory personnel in arriving at solutions to individual personnel problems as they arise.
- E. Serving as liaison between Challenge and government agencies, minority and women's organizations, and other community groups.
- F. Informing management of the latest requirements and developments in the area of equal employment opportunity.

All information concerning equal employment opportunity will be referred to Director of Human Resources. While overall responsibility for equal employment opportunity is assigned to the Director of Human Resources, an effective program cannot be achieved without the support of all staff.

### **REPRODUCTIVE HEALTH DECISIONS**

Under New York state law, employers are prohibited from accessing an employee's personal information regarding the employee's, or the employee's 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.

Employers shall not discriminate nor retaliate against an employee because of or on the basis of the employee's or dependent's reproductive health decision making. Employers shall not require an employee to sign a waiver or other document which purports to deny an employee the right to make their own reproductive health care decisions.

An employee may bring a civil action in any court of competent jurisdiction against an employer alleged to have violated this law. In any civil action alleging a violation of this law, 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 any employer that commits or proposes to commit a violation of this law; order reinstatement; and/or award liquidated damages equal to one hundred percent of the award for damages.

Any act of retaliation for an employee exercising any rights under this law shall subject an employer to separate civil penalties. For the purposes of this law, retaliation shall mean discharging, suspending, demoting, or otherwise penalizing an employee for making or threatening to make, a complaint to an employer, co-worker, or to a public body, that rights guaranteed under this law have been violated; causing to be instituted any proceeding under or related to this law; 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 such employer.

## **ANTI-HARASSMENT AND DISCRIMINATION**

Challenge is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment. Therefore, Challenge expects that all relationships among persons in their respective area of work will be business-like and free of bias, prejudice, and harassment.

Challenge provides equal employment opportunity to all employees and applicants for employment without regard to age, race, traits historically associated with race, including but not limited to hair texture and protective hairstyles, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, marital status, reproductive health decisions, or status as a victim of domestic violence, in accordance with applicable federal, state, and local laws. This policy applies to all terms and conditions of employment, including hiring, placement, promotion, termination, layoff, recall, and transfer, leaves of absence, compensation, and training.

Challenge expressly prohibits any form of unlawful employee harassment or discrimination based on the above classes. Inappropriate interference with the ability of Challenge employees to perform their expected job duties will absolutely not be tolerated.

Harassing conduct includes epithets, slurs, or negative stereotyping; threatening, intimidating, or hostile acts; denigrating jokes; and written or graphic material that denigrates or shows hostility or aversion toward an individual or group and that is placed on walls or elsewhere on the employer's premises or circulated in the workplace, on agency time, or using agency equipment via e-mail, phone (including voice messages), text messages, tweets, blogs, social networking sites, or other means.

Challenge encourages reporting of all perceived incidents of discrimination or harassment. It is the policy of Challenge to promptly and thoroughly investigate such reports. Confidentiality will be maintained throughout the investigatory process, to the extent consistent with adequate investigation and appropriate corrective action. Challenge prohibits retaliation against any individual who reports discrimination or harassment or who participates in an investigation of such reports.

False and malicious complaints of harassment, discrimination, or retaliation may be the subject of appropriate disciplinary action.

## **SEXUAL HARASSMENT**

Please see Sexual Harassment Prevention policy.

## **PROGRESSIVE DISCIPLINE POLICY**

The purpose of this policy is to state Challenge's position on administering equitable and consistent discipline when conduct in the workplace falls below expected standards. The best disciplinary measure is the one that does not have to be enforced and comes from good leadership and fair supervision.

Challenge's own best interest lies in ensuring fair treatment of all employees and in making certain that disciplinary actions are prompt, uniform, and impartial. The major purpose of any disciplinary action is to correct the problem, prevent recurrence, and prepare the employee for satisfactory service in the future.

Although employment with Challenge is based on mutual consent and both the employee and Challenge have the right to terminate the employment relationship at will, with or without cause or advance notice, Challenge may use progressive discipline at its discretion.

Disciplinary action may call for any of four steps – verbal warning, written warning, suspension with or without pay, or termination of employment. The severity of the problem and the number of occurrences will

be considered in determining the level of discipline required. There may be circumstances when one or more steps are bypassed.

Progressive discipline means that, most of the time the following process will be observed: a first offense may call for a verbal warning; a second offense may be followed by a written warning; a third offense may lead to a suspension; and a fourth offense may lead to termination of employment.

Challenge recognizes that certain conduct is egregious enough to justify either a suspension or termination of employment immediately, without going through the tiers of progressive discipline. Other times, a written warning will be issued at the first offense. By using progressive discipline, we hope that most poor performance and misconduct can be corrected at an early stage, benefiting both the employee and Challenge.

The foundation of progressive discipline rests on the employee clearly understanding the violation and its consequences, which will require clear communication from their supervisor. The Executive Director and Director of Human Resources are available for consultation with the supervisor or the employee at any stage of the disciplinary process. In cases involving a suspension or termination, the supervisor will review the matter with the Director of Human Resources. The Executive Director and/or Director of Human Resources may meet with the employee before a final decision is made.

Under normal circumstances, the written record of disciplinary action may be removed from the employee's personnel file, if no additional disciplinary actions have been recorded, in three (3) years following an incident.

If the employee objects to any disciplinary action, he/she should follow the problem-solving procedure outlined in the Formal Problem Resolution Procedure, as outlined in this handbook.

## **CAUSES FOR DISCIPLINARY ACTION**

The following list, though not meant to be exhaustive, illustrates possible grounds for discipline:

INSUBORDINATION OR REFUSAL TO WORK - Physical or verbal resistance to authority and work direction. Those who disregard instructions or refuse to comply with directions are considered insubordinate.

ALCOHOL/DRUGS - Possession, use, sale, or distribution of alcoholic beverages or unauthorized drugs.

UNDER INFLUENCE OF ALCOHOL OR NARCOTICS - Being under the influence of alcohol or unauthorized drugs on the job. Bringing liquor or unauthorized drugs onto agency property.

THEFT - Theft of agency-owned property or property belonging to an employee, program participant, or a contractor of Challenge.

DISHONESTY - Dishonest actions such as falsifying or omitting information, either verbally, or in written format (including electronically); improperly completing the employment application, time records, production reports, shipping or receiving records, or other agency records.

CONFLICT OF INTEREST - Employees are prohibited from engaging in any activity, practice, or act which may conflict, or give the appearance of a conflict, with the interests or business of the agency, its customers, or program participants. Situations which create an actual conflict of loyalty or interest, or even the appearance of such a conflict must be avoided.

BRIBERY - Acceptance of money or other valuable consideration given/received with the intent of improperly influencing the employee.

PROPERTY DAMAGE OR UNAUTHORIZED USE - Willful damage or unauthorized use of agency property.

PHYSICAL FIGHTS, ASSAULT, OR HARASSMENT - Employees engaged in fighting, wrestling or similar encounters. Physical or verbal harassment including all racial, ethnic, religious, and gender-based insults.

FIREARMS/WEAPONS - Possession of firearms or other weapons on agency property.

TARDINESS/ABSENTEEISM - Unauthorized or excessive absenteeism or patterns thereof, including tardiness, without a reasonable explanation or abuse of the sick time policy.

DISCOURTESY - Rude treatment or abuse of program participants, co-workers, visitors, or customers.

INCOMPETENCY - Inefficiency or inaccuracy in job performance.

INTERFERENCE - With the job performance of other employees.

INEXCUSABLE NEGLIGENCE - Of work or duty.

GAMBLING - On agency property or other work sites.

STOPPING WORK - Shirking, loitering, or leaving work during working hours without permission.

WILLFUL VIOLATION OF SAFETY RULES - Any conduct which risks injury to persons or property.

NEGLECT - Waste, or mishandling of equipment or supplies.

SOLICITATION - Distribution of literature or solicitation for any cause during working hours without permission.

OBSCENITY - Abusive language or malicious gossip.

CONVICTION - Of a felony.

CONVICTION - Of a misdemeanor involving moral depravity or relating to job responsibilities.

UNPROFESSIONAL CONDUCT

FRAUD - In securing employment.

VIOLATIONS - Of Challenge policies or procedures.

## **HIPAA**

Challenge complies fully with all federal and state privacy protection laws and regulations. Violations of any policy or procedure will result in severe disciplinary action, which may include termination and possible referral for criminal prosecution. Notice and information will be provided to all subject individuals, and all uses and disclosures of protected health information will be made in accordance with Challenge privacy policy and procedures.

Employee health information is "protected health information" (PHI) and is subject to federal and state privacy protection laws and regulations. For further information, please refer to the Challenge Notice of Privacy Practices.

## **PRIVACY POLICY STATEMENT**

**Purpose:** *The following privacy policy is adopted to ensure that Challenge Workforce Solutions (“Challenge”) complies fully with all federal and state privacy protection laws and regulations. Protection of participant privacy is of paramount importance to this organization. Violations of any of these provisions will result in severe disciplinary action which may include termination of employment and possible referral for criminal prosecution.*

**Policy Owner:** *Questions regarding this policy should be referred to the Privacy Officer, Kimberly Pugliese.*

**Protected Health Information:** Protected health information is any information regarding the health, medical status, or conditions that affect that individual’s ability to perform work, of any of the individuals served by Challenge. Protected health information includes the status of an individual as a Challenge consumer, the diagnosis of physical or mental disability, and the nature of any treatment for that disability, including the provision of vocational services. Protected health information is also information on the physical or mental health, provision of health care, or payment for such health care provided to any Challenge employee.

### **Uses and Disclosures of Protected Health Information**

It is the policy of Challenge that protected health information may not be used or disclosed except when at least one of the following conditions is true:

1. The individual who is the subject of the information (i.e. the “subject individual”) has authorized the use or disclosure.
2. The individual who is the subject of the information has received Notice of Privacy Practices, has not objected to use or disclosure, and the use or disclosure is for treatment, payment or health care operations.
3. The individual who is the subject of the information does not object to the disclosure and the disclosure is to persons involved in the health care of the individual or for facility directory purposes.
4. The disclosure is to the individual who is the subject of the information or to HHS for compliance-related purposes.
5. The disclosure is to the individual’s personal representative, or to the individual’s parent or family member (if the individual so authorizes).
6. The use or disclosure is for one of the HIPAA “public purposes” (i.e. required by law, etc.).

### **Deceased Individuals**

It is the policy of Challenge that privacy protections extend to information concerning deceased individuals.

### **Notice of Privacy Practices**

It is the policy of Challenge that a notice of privacy practices must be published, that this notice and any revisions to it be provided to all subject individuals at the earliest practicable time, and that all uses and disclosures of protected health information be done in accord with this organization’s notice of privacy practices.

### **Restriction Requests**

It is the policy of Challenge that serious consideration must be given to all requests for restrictions on uses and disclosures of protected health information as published in this organization’s notice of privacy practices. It is furthermore the policy of this organization that if a particular restriction is agreed to, then this organization is bound by that restriction.

### **Minimum Necessary Disclosure of Protected Health Information**

It is the policy of Challenge that (except for disclosures made for treatment purposes) all disclosures of protected health information must be limited to the minimum amount of information needed to accomplish the purpose of the disclosure. It is also the policy of this organization that all requests for protected health information (except requests made for treatment purposes) must be limited to the minimum amount of information needed to accomplish the purpose of the request.

**Access to Protected Health Information**

It is the policy of Challenge that access to protected health information must be granted to each employee or contractor based on the assigned job functions of the employee or contractor. It is also the policy of this organization that such access privileges should not exceed those necessary to accomplish the assigned job function. (See accompanying matrix labeled "Authorized Access to Protected Health Information" for current access privileges.)

**Access to Protected Health Information by the Subject Individual**

It is the policy of Challenge that access to protected health information must be granted to the person who is the subject of such information when such access is requested.

**Amendment of Incomplete or Incorrect Protected Health Information**

It is the policy of Challenge that incorrect protected health information maintained by this organization will be corrected in a timely fashion. It is also the policy of this organization that notice of such corrections will be given to any organization with which the incorrect information has been shared.

**Access by Personal Representatives**

It is the policy of Challenge that access to protected health information must be granted to personal representatives (legal guardians or "personal representatives" as defined by HIPAA regulations) of subject individuals, as specified by the subject individuals.

**Confidential Communications Channels**

It is the policy of Challenge that confidential communications channels be used, as requested by subject individuals, to the extent possible.

**Disclosure Accounting**

It is the policy of Challenge that an accounting of all uses or disclosures of protected health information other than for treatment, payment or health care operations be given to subject individuals whenever such an accounting is requested.

**Complaints**

It is the policy of Challenge that all complaints relating to the protection of health information be investigated and resolved in a timely fashion.

**Prohibited Activities**

It is the policy of Challenge that no employee or contractor may engage in any intimidating or retaliatory acts against persons who file complaints or otherwise exercise their rights under HIPAA regulations. It is also the policy of this organization that no employee or contractor may condition treatment, payment, enrollment or eligibility for benefits on the provision of an authorization to disclose protected health information.

**Responsibility**

It is the policy of Challenge that the responsibility for designing and implementing procedures to implement this policy lies with the Privacy Officer.

**Verification of Identity**

It is the policy of Challenge that the identity of all persons not personally known who request access to protected health information be verified before such access is granted.

**Mitigation**

It is the policy of Challenge that the effects of any unauthorized use or disclosure of protected health information be mitigated to the extent possible.

**Business Associates**

It is the policy of Challenge that business associates must be contractually bound to protect health information to the same degree as set forth in this policy.

### **Cooperation with Privacy Oversight Authorities**

It is the policy of Challenge that oversight agencies such as the Office for Civil Rights of the Department of Health and Human Services, Office of People with Developmental Disabilities, Office of Mental Health, and the State Education Department be given full support and cooperation in their efforts to ensure the protection of health information within this organization. It is also the policy of this organization that all personnel must cooperate fully with all privacy compliance reviews and investigations.

### **AMERICANS WITH DISABILITIES ACT (ADA) AND THE ADA AMENDMENTS ACT (ADAAA)**

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act (ADAAA) are federal laws that prohibit employers from discriminating against applicants and individuals with disabilities and require employers to provide reasonable accommodations, when needed, to enable employees to perform the essential functions of their job.

It is the policy of Challenge to comply with all federal and state laws concerning the employment of persons with disabilities and to act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC). Furthermore, it is our agency policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, termination, compensation, training, or other terms, conditions, or privileges of employment.

Challenge will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of their job, unless doing so causes a direct threat to these individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation, or if the accommodation creates an undue hardship for Challenge. Contact the Human Resources Department with any questions about this policy or to request an accommodation.

### **ACCOMMODATION FOR LACTATING MOTHERS**

Challenge supports breastfeeding mothers by accommodating the mother who wishes to express breast milk during her workday when separated from her newborn child.

For up to one year after the child's birth, any employee who is breastfeeding her child will be provided reasonable break times to express breast milk for her baby. Any breast milk stored in the refrigerator must be labeled with the name of the employee and the date of expressing the breast milk. Any nonconforming products stored in the refrigerator may be disposed of. Employees storing milk in the refrigerator assume all responsibility for the safety of the milk and the risk of harm for any reason, including improper storage, refrigeration and tampering.

### **POLICY REVIEW**

In order to retain necessary flexibility in the administration of policies and procedures, the agency reserves the right to change, revise, or delete the plans, policies, benefits, and procedures described herein at any time. If there is a change to the Policies and Procedures, a copy of the change will be provided to each staff member. No agency representative is authorized to modify any policy for any employee or to enter into any agreement, oral or written, that is contrary to the statements contained herein.