

# **YMCA OF GREATER ROCHESTER**

## **EMPLOYEE HANDBOOK**

**May 2021**

# **YMCA of Greater Rochester**

## **Employee Handbook**

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## **SECTION ONE**

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# **INTRODUCTION**

## **WELCOME:**

The YMCA of Greater Rochester (YMCA) was founded by a small group of volunteers in 1854 who were dedicated to the improvement of the social, mental, and spiritual condition of young men. Through their efforts, the YMCA helped spur a new concept of social service in Rochester. A long history of committed volunteer support for the YMCA has unfolded and grown into the unique volunteer\staff partnership that allows the YMCA of Greater Rochester to touch thousands of lives in our community. For over 155 years, we have grown from a few rented rooms in Downtown Rochester, to more than 130 urban and suburban program delivery sites in the Greater Rochester area and beyond, including eleven state of the art YMCA facilities and two outstanding resident camps. We also currently partner and collaborate with over 165 local community agencies and organizations. This growth has allowed the YMCA of Greater Rochester to expand its reach while creating a sense of community among the richly diverse families and individuals we serve. You, as a YMCA employee, are an important part of our continued heritage.

This handbook summarizes many of your privileges, benefits, and responsibilities as an employee of the YMCA. If you are a new employee, it will be helpful in acquainting you with the YMCA's philosophies and human resources practices. If you are already a member of the YMCA team, this handbook should prove to be a useful reference. Above all, I hope it will promote consistency, fairness and understanding throughout the YMCA.

In order to maintain the necessary flexibility in the administration of policies and procedures, the YMCA reserves the right to change, revise or terminate any of the policies and/or benefits discussed in this manual without advance notice. After you have read your handbook, please keep it handy for future reference and updating.

Welcome to the YMCA! I am glad that you have joined the YMCA and I hope that you will find your work with us to be both challenging and rewarding.

George M. Romell  
President & CEO

# PREFACE

This handbook\* outlines the human resources policies and benefit plans currently in effect at the YMCA. New or revised policies are issued periodically and are effective as of the date shown at the bottom of the page.

**The statements regarding the YMCA's policies, procedures and benefits are for information purposes only. They do not constitute a contract for employment, either expressed or implied. The YMCA adheres to the principle of employment-at-will, which preserves the right of either the employee or the employer to terminate the employment relationship at any time, with or without cause. Our policy of employment-at-will may not be modified by any written or oral statements except by a written agreement signed by the Chief Executive Officer or the Vice President of Human Resources.**

Nothing in this Handbook is intended to interfere with, restrain or prohibit employees from complying with or exercising their rights under any applicable federal, state, or local law, or from communicating about wages, hours, or other terms and conditions of their or their co-worker's employment. This Handbook will not be applied or construed in a manner that violates or improperly interferes with employee rights under Section 7 of the National Labor Relations Act.

## Important Information about Your Benefits

As the YMCA evolves, we will continue to review and revise these human resources policies and benefit programs. The YMCA reserves the right to alter, reduce or terminate any pay practices, policies, premium contributions, benefits, and benefit plans, in whole or in part, without advance notice. Any such change may affect retirees and beneficiaries, as well as active employees.

The benefit information found in this handbook is intended to provide an overview of the benefit plans. The actual benefits are controlled by the terms of the applicable plan documents and insurance policies. Questions regarding the interpretation of these plans will be answered in accordance with the actual plan documents and insurance policies rather than the summaries contained in this handbook. Employees may obtain copies of these documents from the Vice President of Human Resources. The YMCA and/or the plan administrator have the sole discretion to determine the eligibility for benefits and to interpret and administer these benefit plans.

- \* This handbook and its policies are effective **May 17, 2021** and supersede all other personnel manuals and personnel policies previously distributed by the YMCA. To avoid confusion, please discard any copies of previously published employee handbooks.

## **SECTION TWO**

# **EMPLOYMENT PRACTICES**

## **2.01      NON-DISCRIMINATION**

The YMCA is committed to a policy of Equal Employment Opportunity with respect to all employees, unpaid interns, and applicants for employment. The YMCA prohibits unlawful discrimination with respect to all employment-related decisions such as, but not limited to, recruitment, hiring, compensation, promotion, job assignments, transfers, demotions, training, leaves of absence, layoff, benefits, termination, and employer-sponsored activities. This policy prohibits unlawful discrimination on the basis of veteran status, race, color, religion, creed, sex (which includes but is not limited to gender identity or expression and the status of being transgender), national origin, ancestry, sexual orientation, age, predisposing genetic characteristics, previous conviction of criminal offenses (unless directly related to employment or would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public), status as a victim of domestic violence, military status, marital status, familial status, disability and any other status or characteristic protected by law.

### **MANAGEMENT RESPONSIBILITIES**

All members of management are responsible for understanding the YMCA of Greater Rochester's commitment to this policy and ensure this policy is carried out. Supervisors are responsible for immediately reporting and responding to any discrimination complaint. It is critical that any reference to discrimination, whether formal or informal, is taken seriously and promptly acted on.

### **QUESTIONS AND COMPLAINTS**

Questions regarding the administration of this policy, or a complaint regarding Equal Employment Opportunity, should be directed to the employee's supervisor or the Vice President of Human Resource.

The YMCA of Greater Rochester will promptly and thoroughly investigate all complaints. Confidentiality will be maintained to the greatest degree possible, consistent with the Association's obligation to thoroughly investigate the complaint.

If not satisfied with the resolution, appeals will generally follow the steps outlined in the Open Communication policy.

### **NO RETALIATION**

It is the policy of the YMCA of Greater Rochester that any employee or unpaid intern who makes or participates in the investigation of a discrimination complaint will not be retaliated against in any way. Employees and unpaid interns who feel that they have been retaliated against for such activity should immediately contact the Vice President of Human Resources or any member of management.



## **2.02        SEXUAL HARASSMENT**

### **Introduction**

YMCA of Greater Rochester is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of YMCA of Greater Rochester's commitment to a discrimination-free work environment. Sexual harassment is against the law<sup>1</sup> and all employees have a legal right to a workplace free from sexual harassment and employees are urged to report sexual harassment by filing a complaint internally with YMCA of Greater Rochester. Employees can also file a complaint with a government agency or in court under federal, state, or local antidiscrimination laws.

### **Policy:**

1. YMCA of Greater Rochester's policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with YMCA of Greater Rochester. In the remainder of this document, the term "employees" refers to this collective group.
2. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action (e.g., counseling, suspension, termination).
3. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. YMCA of Greater Rochester will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of YMCA of Greater Rochester who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. All employees, paid or unpaid interns, or non-employees<sup>2</sup> working in the workplace who believe they have been subject to such retaliation should inform a supervisor, manager, or the Vice President of Human Resources. All employees, paid or unpaid interns or non-employees who believe they have been a target of such retaliation may also seek relief in other available forums, as explained below in the section on Legal Protections.

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<sup>1</sup> While this policy specifically addresses sexual harassment, harassment because of and discrimination against persons of all protected classes is prohibited. In New York State, such classes include age, race, creed, color, national origin, sexual orientation, military status, sex, disability, marital status, domestic violence victim status, gender identity and criminal history.

<sup>2</sup> A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Protected non-employees include persons commonly referred to as independent contractors, "gig" workers and temporary workers. Also included are persons providing equipment repair, cleaning services or any other services provided pursuant to a contract with the employer.

4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject YMCA of Greater Rochester to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.
5. YMCA of Greater Rochester will conduct a prompt and thorough investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. YMCA of Greater Rochester will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.
6. All employees are encouraged to report any harassment or behaviors that violate this policy. YMCA of Greater Rochester will provide all employees a complaint form for employees to report harassment and file complaints.
7. Managers and supervisors are **required** to report any complaint that they receive, or any harassment that they observe or become aware of, to [insert title] or to the Vice President of Human Resources
8. This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. This policy must be provided to all employees and should be posted prominently in all work locations to the extent practicable (for example, in a main office, not an offsite work location) and be provided to employees upon hiring.

### **What Is “Sexual Harassment”?**

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

Sexual harassment is unlawful when it subjects an individual to inferior terms, conditions, or privileges of employment. Harassment need not be severe or pervasive to be unlawful and can be any harassing conduct that consists of more than petty slights or trivial inconveniences. Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment.

- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

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

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions, or privileges of employment. This is also called "quid pro quo" harassment.

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

### **Examples of sexual harassment**

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

- Physical acts of a sexual nature, such as:
  - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body;
  - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
  - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments;
  - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.

- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
  - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
  - Interfering with, destroying, or damaging a person's workstation, tools, or equipment, or otherwise interfering with the individual's ability to perform the job;
  - Sabotaging an individual's work;
  - Bullying, yelling, name-calling.

### **Who can be a target of sexual harassment?**

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

### **Where can sexual harassment occur?**

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

## **Retaliation**

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

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

- made a complaint of sexual harassment, either internally or with any anti-discrimination agency;

- testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- reported that another employee has been sexually harassed; or
- encouraged a fellow employee to report harassment.

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

### **Reporting Sexual Harassment**

**Preventing sexual harassment is everyone's responsibility.** YMCA of Greater Rochester cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, manager, or the Vice President of Human Resources. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager, or to the Vice President of Human Resources.

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

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

### **Supervisory Responsibilities**

All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, **are required** to report such suspected sexual harassment to Chief Operating Officer or to the Vice President of Human Resources.

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

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

### **Complaint and Investigation of Sexual Harassment**

**All** complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner and will be confidential to the extent possible.

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

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

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

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

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

## **Legal Protections And External Remedies**

Sexual harassment is not only prohibited by YMCA of Greater Rochester but is also prohibited by state, federal, and, where applicable, local law.

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

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

### **State Human Rights Law (HRL)**

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

Complaints with DHR may be filed any time **within one year** (three years beginning August 12, 2020) of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three years** of the alleged sexual harassment. An individual may not file with DHR if they have already filed an HRL complaint in state court.

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

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

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a

hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

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

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

### **Civil Rights Act of 1964**

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

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

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

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

### **Local Protections**

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



### **Contact the Local Police Department**

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

## **2.03     NON-HARASSMENT**

The YMCA is committed to a workplace environment that ensures 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 discriminatory practices, including unlawful harassment and sexual harassment. The Association expects that all relationships among employees, unpaid interns, volunteers, vendors, and visitors will be business- like and free of unlawful bias, prejudice, and harassment.

The Association prohibits unlawful harassment for any reason, including, but not limited to: veteran status, race, color, religion, creed, sex (which includes but is not limited to gender identity or expression and the status of being transgender), national origin, ancestry sexual orientation, age, predisposing genetic characteristics, previous conviction of criminal offenses (unless directly related to employment or would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public), status as a victim of domestic violence, military status, marital status, familial status, disability and any other status or characteristic protected by law. All employees, unpaid interns and non- employees conducting business in our workplace must refrain from engaging in improper harassment.

**Unlawful harassment, whether it is sexual, physical, verbal or written in nature, as well as unlawful discrimination, are prohibited forms of employee misconduct, which undermine the integrity of the employment relationship within our organization.**

Any conduct prohibited by this policy is unacceptable in the workplace, at any work-related setting outside the workplace, business trips, business meetings, and business-related social events. Off-duty conduct that violates this policy and affects the work environment is also prohibited.

### **DEFINITIONS**

**Harassment** refers to actions that create an intimidating or hostile working environment, based on one or more of the above categories. Specific types of harassment include, but are not limited to:

- Physical harassment refers to pushing, hitting, unwanted physical touching or other offensive behavior of a physical nature;
- Verbal abuse refers to derogatory or degrading verbal comments regarding, or made because of, an individual's membership in one of the categories listed above. Specific examples include, but are not limited to unwelcome jokes, gestures, and epithets and teasing;

- Written harassment refers to derogatory or degrading written comments regarding, or made because of, an individual's membership in one of the categories listed above. Specific examples include, but are not limited to e-mail, text messages, memos, notes, graffiti, other visual depictions or pictures; and
- Inappropriate, unwelcomed behaviors, such as whistling, not giving someone enough physical space, and blocking behaviors.

## **PROCEDURE**

### **Reporting and Investigations**

Employees and unpaid interns who believe they are a victim of prohibited discrimination, are being or have been harassed in violation of this Policy or believe they have witnessed discrimination and/or harassment that violates this Policy, should promptly report this behavior to his/her supervisor or department manager, a member of the Human Resources Department, or any other member of management.

All allegations or reports of harassment and/or discrimination received by the Association will be reported to the Vice President of Human Resources or other management official immediately for purposes of an investigation.

Although some individuals may choose to confront an individual who they believe is committing prohibited discrimination or harassment to state disagreement with that person's actions, reports of such conduct for purposes of an investigation and possible corrective action should not be made to the person who is allegedly committing the prohibited discrimination or harassment. If the person allegedly committing the prohibited behavior is a supervisor, department manager, a member of the Human Resources Department or any other member of management, then reports of such behavior should be made to a different supervisor, department manager, member of management, or member of the Human Resources Department.

When reporting a harassment or discrimination complaint, an individual should be prepared with specific incidents and supporting details. If possible, witnesses to these events should be named who can assist in the investigation. Complaints will be immediately investigated, in most cases by the Human Resources Department. All complaints will be handled in a timely and confidential manner. Care will be taken to protect the identity of the person making the complaint and of the accused party or parties, except as may be reasonably necessary to successfully complete the investigation.

If an allegation of harassment or discrimination is found to have merit, the Association will take appropriate corrective action. The YMCA will inform the complaining employee or unpaid intern and the accused person of the results of the investigation and what actions will be taken to ensure the harassment will cease and that no retaliation will occur. Any employee, supervisor, unpaid intern, or other party who has been found by the Association to have harassed or discriminated against another employee (or other person covered by this policy) in violation of this Policy will be subject to severe disciplinary action, up to and including discharge.

False and malicious complaints of harassment, discrimination, or retaliation, as opposed to complaints which, even if erroneous, are made in good faith, may be subject to appropriate disciplinary action.

#### **MANAGEMENT RESPONSIBILITIES:**

Supervisors who observe an employee or unpaid intern violating this policy should take immediate action to stop the harassment. Supervisors who receive a complaint of harassment or discrimination or obtain knowledge of harassment or discrimination by other means, must immediately notify the Vice President of Human Resources, even if no complaint has been made by an employee or unpaid intern, or even if the employee or unpaid intern complaining has requested that no action be taken. A prompt and appropriate investigation, if necessary, will take place.

Supervisors are also responsible for ensuring that the YMCA of Greater Rochester is free from unlawful harassment by individuals outside the YMCA of Greater Rochester. This may include, but is not limited to members, vendors, independent contractors, visitors, or any other individual conducting business in the workplace. Supervisors aware of this harassment are to notify the Vice President of Human Resources immediately so the YMCA can appropriately respond to the situation.

#### **CONFIDENTIALITY AND RETALIATION**

It is the intention of the YMCA that any reporting employee or unpaid intern or any employee or unpaid intern participating in the investigation of a discrimination or harassment complaint will not be retaliated against in any way. Your complaint will be investigated promptly, and confidentiality will be maintained to the greatest degree possible, consistent with our obligation to thoroughly investigate your allegation. You will not be retaliated against for filing a complaint. If you feel that you have been retaliated against for reporting a claim, you should contact the Vice President of Human Resources or any member of management.

#### **CORRECTIVE ACTION**

If a harassment or discrimination complaint is found to be valid, immediate, and appropriate corrective action will be taken. Employees and unpaid interns who violate this policy, including the provision against retaliation, will be subject to disciplinary action, up to and including termination.

## **2.04 NON-RETALIATION**

The YMCA of Greater Rochester is committed to its policies against unlawful harassment and discrimination and strives to ensure that all of its employees and unpaid interns are treated with respect and dignity. Anyone who believes that he or she has been subjected to discrimination or harassment or who has knowledge of any other potential violation of YMCA policy should report the violation in accordance with the procedures outlined in this Handbook.

Complaints of unlawful discrimination or harassment, or of any other violation of YMCA policy, will be investigated promptly and confidentiality will be maintained to the greatest degree possible, consistent with our obligation to thoroughly investigate the allegation.

It is the policy of YMCA to prohibit retaliation in any form against any employee or unpaid intern who makes a good-faith complaint of discrimination, harassment, or of any other violation of YMCA policy, or against any employee or unpaid intern who in good faith participates in the investigation of such a complaint. Anyone who feels that he or she has been retaliated against for such activity should immediately contact the Vice President of Human Resources or a member of management other than the person who is alleged to have engaged in retaliation.

Any employee or unpaid intern who engages in prohibited retaliation will be subject to disciplinary action up to and including termination.

## **2.05 CODE OF ETHICS**

The YMCA's reputation is dependent upon the good judgment, ethical standards, and personal integrity of every individual in the YMCA. As the YMCA continues to grow, it is of paramount importance that we always conduct our day-to-day activities in an ethical and responsible manner.

### **GENERAL STATEMENT**

The purpose of this policy is to outline the high standards of ethics and excellence applicable to the policy volunteers, employees, unpaid interns, agents, and representatives of the YMCA of Greater Rochester.

### **COMPLIANCE WITH LAWS AND REGULATIONS**

YMCA business is to be conducted in compliance with all applicable legal requirements. Therefore, each employee and policy volunteer is required to comply with both the letter and spirit of such laws and regulations. Except as required in the performance of their duties for the Association, employees may not use or disclose any proprietary information such as, business plans, financial data, management information systems, trade secrets, customer and supplier information and contracts to anyone who does not work for us or have a need to know the information.

The understanding of legal requirements by all concerned is responsibility of the staff and Board of Directors. If a question arises, employees should consult with the appropriate staff or officer and Board members should consult with the Board chair. Whenever necessary, legal advice should also be sought.

The Board of Directors, with the assistance of staff and legal counsel, will prescribe procedures to assure understanding and compliance with laws and regulations. Staff will implement necessary procedures to follow the Board's directive and to assure understanding and compliance within their areas of responsibilities. Minutes of all Board and committee meetings shall be written, distributed, and approved. Attendance and votes shall be recorded.

### **CONFLICT OF INTEREST**

The success and integrity of the YMCA depends upon its employees, policy volunteers and their legal, moral, and ethical standards. When engaged in personal and outside interests, employees and policy volunteers should be free from any interest, influence or relationship which might conflict, or appear to conflict, with their personal interests and the best interests of the YMCA; or which might affect their ability to make sound business decisions on behalf of the YMCA. All have the legal, moral, and ethical duty to protect YMCA interests and refrain from doing anything that would injure the YMCA's services or reputation. Employees and policy volunteers must refrain from participating in any activity or business venture which could conflict with the interests of the YMCA. Specifically, employees may not accept personal payment or other benefits from any supplier or customer of the YMCA, nor should they take any action as a representative of the YMCA for personal gain. Employees also may not accept a second job with a customer, competitor, or supplier of the YMCA where there is an actual or perceived conflict.

If employees have interests, which could conflict with those of the YMCA, they should immediately discuss them with their supervisor. Policy volunteers are required to disclose potential conflicts annually to the Board of Directors. Participation in any activity in violation of this policy must not be started or continued without written approval of the responsible executive or officer of the Board of Directors.

The Board of Directors, with the Chief Executive Office and legal counsel, will prescribe procedures for determining whether objectionable conflicts do in fact exist; and will be the final arbiter as to whether or not a particular activity violates this policy. Examples of activities, which will generally violate this conflict of interest policy, are:

- Other employment that may interfere with or adversely affect work performance.
- Direct or indirect ownership by employees or members of their immediate family of a substantial equity or debt interest in a supplier to the YMCA.
- Accepting substantial gifts, entertainment, loans, compensation, concessions, or benefits of any kind from a supplier to the YMCA.
- Having financial interests in any YMCA transaction involving the purchase or sale, lease, or rental of any goods, materials, equipment, supplies, services, or property.
- Unauthorized disclosure or use of confidential information (confidential information includes confidential business or proprietary information that is

purposefully kept confidential internally and/or externally, such as but not limited to, financial or other personal information relating to our members, internal reports, revenue and cost reports, and/or other internal business-related confidential communications).

- Using materials, equipment, or other assets of the YMCA for any unauthorized purpose.
- Involvement in any other business activity, transaction, or relationship, which could reasonably be interpreted by others as illegal or unethical conduct or in conflict with YMCA interests.

### **Payments to Government Officials, Customers, or Others**

To comply with applicable law and to avoid situations which can damage the YMCA's reputation and integrity, no employee or policy volunteer shall make any bribe, or other payment for illegal purposes to or for the benefit of government officials, customers, suppliers, or others. This policy covers not only payments, but also indirect payments made in any form through consultants, third parties, or some other intermediary.

### **Offering or Accepting Gifts or Gratuities**

The YMCA's continued success and prosperity shall not be impaired by acts or situations, which cause it embarrassment, or obligations or liabilities which compromise its ability to operate independently and effectively. Accordingly, it is the YMCA's policy to generally prohibit the giving and accepting of gifts or gratuities. Whenever an employee or policy volunteer deals with a supplier, a customer or governmental agency as an agent of the YMCA, the employee or policy volunteer has an obligation to act solely in the YMCA's best interest. This obligation includes not only those acts formalized by written contracts, but also covers the everyday business relationships with suppliers, customers, governmental officials, and government employees.

Employees are prohibited from giving or accepting substantial gifts or gratuities. An exception may be made for gifts which are recognized as a custom of the trade, are of insignificant value, and could in no way cause the YMCA to be embarrassed, obligated, or incur liability.

### **Political Activity**

The YMCA recognizes the importance and responsibility of employees and policy volunteers to participate in the political process, and upholds their right to support political parties, candidates, committees, and causes.

However, in accordance with Section 501(c) 3 of the Internal Revenue Code, the YMCA is prohibited by statute from directly or indirectly participating in or intervening in any political campaign on behalf of or in opposition to any candidate for public office. Any Section 501(c) 3 organization should not contribute time or money to political campaigns, should not publish or distribute statements on behalf of a political candidate, and should not engage in any other activity which may be considered political.

Employees and policy volunteers may personally contribute to a candidate or cause and party of their choice. However, no employees or policy volunteers shall be compensated or reimbursed for any such personal contribution, and employee efforts

devoted to political activity must be outside of working hours. It must also be clear that any statements on public issues are their own and not those of the YMCA.

### **Receipt of Items by Employees, Agents, and Representatives**

YMCA employees, policy volunteers, agents, and representatives may accept meals, refreshments, or entertainment of nominal value in connection with discussions related to YMCA business. Luncheons or dinner meetings, held to conserve time and build relationships, are an acceptable practice. They should, however, be infrequent and the other party should not be permitted to consistently bear the expense. Such expenditures should be nominal. Common sense should be used to define "nominal" and to determine what is lavish, extravagant, or frequent.

All employees, policy volunteers, agents, and representatives have a personal responsibility to ensure that their acceptance of such meals, refreshments, or entertainment is proper and not reasonably constructed as an attempt by others to secure favorable treatment.

YMCA personnel are not permitted to solicit or accept personal gifts from individuals, firms, or their representatives who have or seek business relationships with the YMCA. If other than nominal gifts are received and cannot be returned, they are to be given to the YMCA's General Office for disposition.

Except for loans by recognized banks and financial institutions, which are generally available at market rates and terms, YMCA employees, agents, or representatives may not accept loans, guarantees of loans, or payments from individuals or firms doing or seeking business with the YMCA. Employees may also not accept services, accommodations, or travel of any value unless received in conjunction with the performance of YMCA business.

Employees shall not make personal purchases via YMCA channels from outside suppliers. This provision excludes authorized employee purchases of YMCA products under programs established for such purposes.

### **General Guidelines for Employees**

Laws, regulations, and policies pertaining to entertainment, gifts, and payments may vary. Questions regarding their interpretation shall be submitted to the Chief Executive Officer. All approved expenditures for meals, refreshments, and entertainment must be fully documented and recorded on the YMCA's books in strict accordance with established Association policies and procedures.

Inexpensive advertising gifts from vendors are acceptable. Gifts having more than a nominal value shall be returned to the donor with a note of explanation.

It is imperative that all employees conduct themselves with integrity and transact all business in a strictly ethical manner. Any attempts by YMCA vendors to operate unethically shall be reported to the Chief Executive Officer.

All YMCA employees shall sign a "Statement of Understanding" which confirms that they understand and will comply with this Ethics Policy.

### **BIDDING NEGOTIATION AND PERFORMANCE OF CONTRACTS**

The YMCA will strictly observe the laws, rules, and regulations that govern federal, state, and local governments with regard to acquisition and solicitation of goods and services. It will compete fairly and ethically for all such business- related opportunities. No YMCA employee, policy volunteer, agent, or representative shall attempt to obtain sensitive government or procurement information from any source; nor attempt to obtain information on competitors' bids or proposals when release of such is unauthorized.

Individuals negotiating contracts for the YMCA shall ensure that all statements, communications, and representations to YMCA customers are accurate and truthful. Employees and policy volunteers shall not withhold relevant information that might affect a customer's ability to negotiate a fair contract.

Sufficient care must be taken to ensure that all costs are properly recorded and charged to the appropriate account, regardless of its budget status.

Employees, policy volunteers, agents, and representatives are specifically prohibited from submitting or concurring in the submission of any claims, bids, proposals, or other documents that are knowingly inaccurate, false, fictitious, or fraudulent. Such acts may constitute criminal violations that could result in prosecution of the YMCA and those involved.

Supervisors, managers, officers, and Board members must be careful in their words and conduct to avoid placing or seeming to place pressure on subordinates that might cause them to deviate from acceptable norms of conduct.

The YMCA is dedicated to developing and providing programs and services of the highest quality. Customers have a right to expect and the YMCA has an obligation to ensure that they are delivered at a fair price. This can only be accomplished by a continuing dedication to fair negotiation and strict adherence to all contractual obligations.

### **Personnel Issues**

Governed by the YMCA of Greater Rochester Employee Handbook

### **Accounting and Financial Records**

Complete and Accurate Books, Records and Communications – Applicable laws and regulations establish the following requirements about record keeping and communications:

1. The YMCA's financial statements all books and records upon which they are based, must accurately reflect all of the organization's transactions.
2. All disbursements and receipts of funds must be properly and promptly recorded.



3. No undisclosed or unrecorded fund may be established for any purpose.
4. No false or artificial statements or entries may be made for any purpose in the YMCA's books and records or in any internal or external correspondence, memoranda, or communication of any type.
5. Ensure that all employee s' benefit s and prerequisites are authorized by appropriate boards and committees, and so noted in meeting minutes.

### **Accounting and Financial Records (Continued)**

Internal Accounting Control – The YMCA should maintain a system of internal control, which provides reasonable assurance that:

1. Transactions are executed in accordance with management's general or specific authorization.
2. Transactions are recorded as necessary to (a) permit preparation of financial statements in conformity with Generally Accepted Accounting Principles (G.A.A.P.) or any other criteria applicable to such statements; and (b) maintain accountability for assets.
3. Access to assets is permitted only in accordance with management's general or specific authorization.
4. The recorded accountability for assets is compared with the existing assets at reasonable intervals and appropriate action taken for any difference.

Preservation of Assets and Cost-Consciousness – Every employee, policy volunteer, agent, and representative have a duty to preserve the YMCA's assets. Because the YMCA is a charitable organization, it is imperative that all demonstrate strong sensitivity to cost control and follow vigorous procurement standards. Materials and services, acquired for the YMCA's business, must be of appropriate performance, quality, and the best possible price.

The YMCA will reimburse reasonable expenses incurred by employees who travel on business or to YMCA sponsored or approved events. Economies of travel should be practiced at all times in the selection of airlines, vehicle, accommodations, and meals. The YMCA may offer reimbursement for such expenses to policy volunteers as deemed appropriate and affordable by the Chief Executive Officer.

### **Internet, Software, Electronic Data, Information**

Violation of copyrights, patents, and the terms of license agreements are prohibited by law in most circumstances. Copies of software should be made only with proper authorization. Unauthorized duplication of materials must not be condoned.

Computing and communication technology enable the collection and exchange of personal information on a scale unprecedented in the history of civilization. Thus, there is increased potential for violating the privacy of individuals and groups. It is the responsibility of YMCA professionals to maintain the privacy and integrity of data describing individuals. This includes taking precautions to ensure the accuracy of data, as well as protecting it from unauthorized access or accidental disclosure to inappropriate individuals.

It is unethical when someone:

- Seeks to gain unauthorized access to information,
- Disrupts the intended use of information systems,
- Wastes resources (people, capacity, computer) through such actions,
- Destroys the integrity of computer-based information
- Compromises the privacy of users

### **Fundraising**

Fundraising provides an important source of financial support for the work of the YMCA. A YMCA's fundraising program should be maintained on a foundation of truthfulness

and responsible stewardship. Its fundraising practices should be consistent with its mission, compatible with its organizational capacity, and respectful of the interests of donors and prospective donors.

### **Safety and Risk Management**

The YMCA has an obligation to manage the risk it assumes in its programming and facilities without compromise towards the safety of participants, staff, and the community or the sustainability of the Association. Levels and types of insurance or other forms of risk transfer should be adequate, based on the Association's exposures to loss, to provide for the long-term health of the YMCA.

### **Proprietary Information**

In working at the YMCA of Greater Rochester employees will learn things about our business and our customers' businesses which are proprietary or confidential. Every employee of the YMCA of Greater Rochester has a professional and ethical responsibility to treat this information as privileged and to ensure such information is not improperly or accidentally disclosed. Except as required in the performance of their duties for the YMCA, employees may not use or disclose any proprietary information such as business plans, financial data, management information systems, trade secrets, customer or supplier information and customer or supplier information and customer or supplier contracts to anyone who does not work for us or have a need to know the information.

Upon termination of employment, employees must return all YMCA property and all copies of documents, notes, computer disks, flash drives, and other repositories containing pricing lists, invoices, marketing methods, management information systems, financial information, employee lists, and all other information that is not general public knowledge relating to the YMCA of Greater Rochester, and not retain any duplicates.

### **Compliance and Disciplines – Ethics Violations**

Failure to comply with the standards, contained in this [Ethics Policy](#), will result in disciplinary action that may include suspension, termination of employment, removal from a policymaking position (such as membership on the Board), termination of

contract, referral for criminal prosecution, and/or reimbursement to the YMCA for any losses or damages resulting from the violation. As with all matters involving disciplinary action, principles of fairness will apply. Any person charged with a violation of this policy will be given an opportunity to explain his or her actions before the appropriate disciplinary action is taken.

### **Compliance and Disciplines – Ethics Violations (Continued)**

#### Disciplinary action may be taken:

1. Against any person who knowingly authorizes or participates directly in actions which are a violation of this policy.
2. Against any person who deliberately fails to report a violation or withholds relevant and material information concerning a violation of this policy.
3. Against the violator's manager or supervisor when the circumstances reflect inadequate supervision or lack of diligence.
4. Against any supervisor or manager who directly or indirectly retaliates against any employee for reporting a violation of this policy or encourages other to do so.

### **ETHICAL EDUCATION TRAINING FOR EMPLOYEES**

Since well-informed and well-supervised YMCA employees reflect good management practices, individual employees who know what is expected of them may be more likely to meet accountability standards and less likely to refuse responsibility for their performance – or to choose whistle blowing as a vehicle for communicating. Workshops and other forms of training programs on ethics are useful in helping managers and their employees cope with ethical dilemmas.

## **2.06 INDIVIDUALS WITH DISABILITIES**

The YMCA fully supports the Americans with Disabilities Act (ADA) and New York State Human Rights Law, which make it unlawful to discriminate against a qualified individual with a disability. The YMCA prohibits discrimination against qualified employees, unpaid interns and applicants with disabilities in all aspects of employment including, but not limited to: recruitment, hiring, compensation, promotion, job assignments, transfers, demotions, training, leaves of absence, layoff, benefits, termination and employer- sponsored activities, including social and recreational programs. The YMCA's commitment to this policy includes making reasonable accommodation to persons with disabilities, to enable them to perform the essential functions of their jobs, unless to do so poses an undue hardship on the YMCA or a direct threat to health or safety.

### **OUR COMMITMENT**

The employee or unpaid intern should make the YMCA aware of his/her need for an accommodation. The YMCA will work with each individual to define their job- related needs and to try to accommodate those needs. Employees and unpaid interns may not refuse to work alongside co-workers who have disabilities.\

## **QUALIFIED INDIVIDUALS WITH DISABILITIES**

Qualified individuals with disabilities are defined as individuals with disabilities who have the required education, skills, and experience for the job and who can perform the essential functions of the job with or without reasonable accommodation. The term disability is defined by applicable law.

## **REASONABLE ACCOMMODATION**

Reasonable accommodation is defined as, any change or adjustment to a job, the work environment or the way things usually are done, that enables a qualified individual with a disability to perform the essential functions of the job and that does not pose an undue hardship for the YMCA or create a direct threat to health or safety.

## **DETERMINING APPROPRIATE ACCOMMODATIONS**

Frequently, when a qualified individual with a disability requests a reasonable accommodation, the appropriate accommodation is easily agreed upon. The individual may recommend an accommodation based on his/her life or work experience. The ultimate decision as to whether a particular accommodation will be made rests with the YMCA. If more than one accommodation will enable the individual to perform the job, the YMCA reserves the right to choose which accommodation it will make.

## **2.07      NATURE OF EMPLOYMENT**

The YMCA is an at-will employer. This means that regardless of any provision in this employee handbook, either you or the YMCA may terminate the employment relationship at any time, for any reason, with or without cause or notice. Nothing in this Employee Handbook or in any document or statement, written or oral, shall limit the right to terminate employment-at-will. No officer, employee or representative of the YMCA is authorized to enter into an agreement—express or implied—with any employee for employment other than at-will, unless such an agreement is in a written contract signed by the Chief Executive Officer or the Vice President of Human Resources.

## **SECTION THREE**

# **EMPLOYEE RELATIONS**

## **3.01     RECRUITMENT AND PLACEMENT**

The YMCA recruits and selects individuals for employment on the basis of merit, qualification, and competency, in compliance with its policies that prohibit unlawful discrimination and retaliation. All job offers are contingent upon the applicant providing proof of legal authorization to work at the YMCA.

### **JOB POSTING**

Whenever possible, we seek first to fill job openings with qualified applicants from within the YMCA. (See Policy 3.07). Notices of job vacancies are posted internally first. If the position is not filled through internal means, the Internet, local agencies, universities, and colleges will be utilized as a resource for staffing. You should notify your manager if you would like to be considered for a different position within the YMCA. Employees must complete at least their 90-day introductory period in their current position and must be in good standing in their current position before being eligible to request a transfer or promotion.

### **HIRING PROCESS**

The hiring procedure includes recruitment, interviewing and reference checks of all applicants considered for the opening.

All childcare workers are subject to New York State-mandated fingerprinting and criminal background investigations. All employees are subject to criminal background investigations.

### **INTRODUCTORY PERIOD**

The performance of new employees will be evaluated at the end of a 90-day introductory period. Successful completion of the introductory period does not guarantee employment for any period of time thereafter, nor does it affect the employment-at-will status.

## **3.02     EMPLOYMENT CLASSIFICATIONS**

Employees of the YMCA are employed on either a full-time or a part-time schedule. Such arrangements may provide a distinct advantage to our operations, as well as being a matter of personal convenience to the individual.

### **FULL-TIME**

Employees in this category are regularly scheduled to work at least 40 hours per week and receive benefits based on position, length of service and scheduled hours.

## **PART-TIME**

Employees in this category are regularly scheduled to work less than 40 hours per week and are eligible for certain benefits as stated to them in writing, based on their position and length of service.

Part-time employees who are unwilling and/or unavailable to work for ninety (90) consecutive days or more (and are not on an approved leave of absence) will be separated from employment and deemed to have resigned their YMCA employment.

## **TEMPORARY/SEASONAL**

Employees in this category perform a function for a specified period of time and their employment is limited due to the nature of the job or availability of the individual. These employees receive statutory benefits only, with the exception of full-time exempt and non-exempt employees and part-time exempt employees who will receive holiday pay if they normally work on the scheduled holiday.

## **NON-EXEMPT AND EXEMPT CLASSIFICATIONS**

In addition to full-time, part-time and temporary/seasonal, each position is classified as either exempt or non-exempt based on the nature of the duties.

- Non-exempt employees are paid overtime at the rate of one and one-half times their regular hourly rate for hours worked in excess of 40 in a workweek.
- Exempt employees include executive, administrative and professional employees, outside sales representatives and certain highly skilled workers in the computer field. Exempt employees are not eligible for overtime pay.

## **EMPLOYMENT OF MINORS**

There are very specific requirements governing the employment of minors under the age of 18. Strict compliance must be observed. Refer questions to the Vice President of Human Resources.

## **INDEPENDENT CONTRACTORS**

Self-employed individuals may also be retained to complete certain assignments within the YMCA but are not employees of the YMCA. They are classified as "independent contractors" and their compensation is not subject to employment tax withholdings. The hiring of independent contractors requires advance approval from the CFO.

### **3.03      WORKING HOURS**

The YMCA generally observes a 40-hour workweek, although it may be necessary that employees work more than 40-hours in some circumstances. Time records are kept for each non-exempt employee showing the hours worked each week.

#### **WORKWEEK**

Because of the nature of our business, workdays and hours may vary with the job and depending upon the program. Our standard workweek runs from Saturday through Friday.

#### **MEAL BREAK**

A 30-minute meal period must be taken by all employees whose shift extends for more than six hours. A 30-minute, unpaid meal break is standard, unless otherwise stated for your position and/or department. Your manager is responsible for the scheduling of meal breaks.

#### **NURSING MOTHER'S RIGHTS**

Nursing mothers may receive break time each day to express breast milk for up to three years after the birth of a child. Meal periods may also be used for this purpose. A nearby private area or room, which is not a bathroom, will be provided in which the employee may express breast milk. No employee will be penalized or retaliated against for choosing to express breast milk. Employees needing a private area for expressing breast milk should see their supervisor or the Vice President of Human Resources for details.

#### **TIME RECORDS**

Non-exempt employees are responsible for recording their hours worked, meal breaks, and any absences in Paylocity each day. All timecards in Paylocity must be approved by supervisors no later than Monday of a pay week by 12:00 pm.

#### **EXCEPTION TIME REPORTS**

Exempt employees are responsible for recording any time away from work in Paylocity. All timecards in Paylocity must be approved by supervisors no later than Monday of a pay week by 12:00 pm.

#### **FLEXIBLE WORK SCHEDULES**

The YMCA offers a flexible work schedule to assist in balancing work and family life. Your manager will discuss the flexible work schedule policy with you. Once you have established your work schedule, it cannot be changed without your manager's approval.



### **3.04      FAIR AND EQUITABLE COMPENSATION POLICY**

The YMCA is committed to a policy of fair and equitable compensation.

#### **WAGE AND SALARY PROGRAM**

The rate of compensation assigned to each job is based on the nature of the position as well as economic conditions within the YMCA and the community.

#### **MERIT INCREASES**

You may receive an increase in pay when there has been an improvement or maintenance of good performance during the review period. When reviewing wages and salaries, your manager considers your individual work performance. Merit increases will be determined in the sole discretion of the Association.

#### **PAYDAY**

Employees are paid biweekly on Friday. If payday is a holiday, you ordinarily will be paid on the day before the holiday.

#### **DIRECT PAYROLL DEPOSIT/PAY CARD**

Employees have the option of being compensated through a direct payroll deposit system and/or a pay card. For more information on direct payroll deposit or pay card, employees should contact Payroll.

#### **GARNISHMENTS**

When an employee fails to make prompt payment of their personal debts, a court may order the YMCA to garnish amounts directly from the employee's paycheck. The YMCA must withhold the amount indicated in the garnishment from the employee's paycheck in accordance with federal and state law.

#### **EXPENSE REIMBURSEMENT**

Employees will be reimbursed for authorized expenses incurred on behalf of the YMCA. The employee must seek expense reimbursement in the Paylocity system, and then submit any receipts to your manager.

### **3.05      PAY PRACTICES POLICY**

It is our policy and practice to accurately compensate employees and to do so in compliance with all applicable state and federal laws. To ensure that you are paid properly for all time worked and that no improper deductions are made, you must correctly record all work time and review your paychecks promptly to identify and to report all errors. You also must not engage in off-the-clock or unrecorded work.

#### **Review Your Pay Stub**

We make every effort to ensure our employees are paid correctly. Occasionally, however, inadvertent mistakes can happen. When mistakes do happen and are called to our attention, we promptly will make any correction that is necessary. Please review

your pay stub it to make sure it is correct. If you believe a mistake has occurred or if you have any questions, please use the reporting procedure outlined below.

### **Non-exempt Employees**

All non-exempt employees must maintain a record of the total hours worked each day. These hours must be accurately recorded in Paylocity. Paylocity must accurately reflect all regular and overtime hours worked and any absences, early or late arrivals, early or late departures and meal breaks. When you receive each paycheck, please verify immediately that you were paid correctly for all regular and overtime hours worked each workweek.

### **Exempt Employees**

If you are classified as an exempt salaried employee, you will receive a salary which is intended to compensate you for all hours that you may work for the Association. This salary will be established at the time of hire or when you become classified as an exempt employee. While it may be subject to review and modification from time to time, such as during salary review times, the salary will be a predetermined amount that will not be subject to deductions for variations in the quantity or quality of the work you perform.

You will receive your full salary for any workweek in which work is performed. However, under federal law, your salary is subject to certain deductions. For example, absent contrary state law requirements, your salary can be reduced for the following reasons in a workweek in which work was performed:

- Full day absences for personal reasons, including vacation.
- Full day absences for sickness or disability, since we have a sick day pay plan and short-term disability insurance plan.
- Full day disciplinary suspensions for infractions of safety rules of major significance (including those that could cause serious harm to others).
- Family and Medical Leave absences (either full or partial day absences).
- NY Paid Family leave (full day absences).
- To offset amounts received as payment for jury and witness fees or military pay.
- Unpaid disciplinary suspensions of one or more full days for significant infractions of major workplace conduct rules set forth in written policies.
- The first or last week of employment in the event you work less than a full week.

Your salary also may be reduced for certain types of deductions, such as: your portion of health, dental or life insurance premiums; state, federal or local taxes, social security; or voluntary contributions to a 403(b) or pension plan. In any workweek in which you performed any work, your salary will not be reduced for any of the following reasons:

- Partial day absences for personal reasons, sickness, or disability.
- Your absence because the facility is closed on a scheduled workday.

- Absences for jury duty, attendance as a witness, or military leave in any week in which you have performed any work.
- Any other deductions prohibited by state or federal law.

Please note: You will be required to use accrued vacation or other forms of paid time off for full or partial day absences for personal reasons, or sickness. However, your salary will not be reduced for partial day absences if you do not have accrued paid time off.

### **To Report Violations of This Policy. Communicate Concerns. or Obtain More Information**

It is a violation of the Association's policy for any employee to falsify a timecard, or to alter another employee's timecard. It is also a serious violation of Association policy for any employee or manager to instruct another employee to incorrectly or falsely report hours worked or alter another employee's timecard to under- or over-report hours worked. If any manager or employee instructs you to: (1) incorrectly or falsely under- or over-report your hours worked, (2) alter another employee's time records to inaccurately or falsely report that employee's hours worked, or (3) conceal any falsification of time records or to violate this policy, do not do so. Instead, report it immediately to the Human Resources Department.

You should not work any hours outside of your scheduled workday unless your supervisor has authorized the unscheduled work in advance. Do not start work early, finish work late, work during a meal break or perform any other extra or overtime work

unless you are authorized to do so, and that time is recorded on your timecard. Employees are prohibited from performing any "off-the-clock" work. "Off-the-clock" work means work you may perform but fail to report on your timecard. Any employee who fails to report or inaccurately reports any hours worked will be subject to disciplinary action, up to and including discharge.

If you have questions about deductions from your pay or if you believe your wages have been subject to any improper deductions or your pay does not accurately reflect all hours worked, you should report your concerns to the Manager of Payroll. If the payroll manager is unavailable or if you believe it would be inappropriate to contact that person (or if you have not received a prompt and fully acceptable reply within three business days), you should immediately contact Paul LeFrois, CFO at 585-263-3930. If you have not received a satisfactory response within five business days after reporting your concern to Payroll and you are unsure who to contact to correct the problem, immediately contact the Vice President of Human Resources at 585-263-3926.

Every report, including reports of improper deductions, will be fully investigated. If it is determined that an improper deduction has occurred, you will be promptly reimbursed for any improper deduction made. Also, if payroll errors have occurred, they will be promptly remedied as well.

Corrective action will be taken, up to and including discharge of any employee(s) who violate(s) this policy.

In addition, the Association will not allow any form of retaliation against individuals who report alleged violations of this policy or who cooperate in the Association's investigation of such reports. Retaliation is unacceptable. Any form of retaliation in violation of this policy will result in disciplinary action, up to and including discharge.

### **3.06 OVERTIME**

Our work occasionally requires longer-than-average hours of its employees in order to meet the needs of our members. It is necessary and requested that each of us comply with overtime needs so that we may meet the deadlines established by our members.

#### **OVERTIME RATES**

Non-exempt employees are paid one and one-half times their regular hourly rate of pay for overtime hours worked in excess of 40 hours in a workweek.

#### **AUTHORIZATION**

All overtime must be authorized in advance by your manager.

#### **DEFINITION OF HOURS WORKED**

Paid absences, including holidays, vacation days and other paid days off are not counted as hours worked when calculating overtime. Only actual hours worked are counted when calculating overtime pay.

#### **VIOLATIONS**

Violations of this policy will be subject to disciplinary action, up to and including termination.

### **3.07 PROMOTIONS AND TRANSFERS**

Whenever possible, the YMCA will promote or transfer qualified employees to fill new or vacated positions.

#### **ELIGIBILITY**

Employees must have completed at least 18 to 24 months tenure in their current position and be in good standing (Effective, Highly Effective, or Significant Contributions) in their current position before being eligible to request and or apply for an open job posting, a transfer or promotion.

#### **PROMOTIONS**

Promotions occur in accordance with the needs of the YMCA. Decisions regarding promotions are based on job performance and work history, as well as the individual's ability to assume a position of increased duties and responsibilities.

## **TRANSFERS**

We encourage qualified employees to pursue transfer opportunities within the YMCA. Transfers provide employees with the opportunity for further growth and development within the YMCA.

## **INITIAL DISCUSSIONS**

Promotion and transfer opportunities will be discussed with any member of the staff who wishes to be considered for a change in job status.

# **3.08                      ATTENDANCE**

Your position and the work that you do at the YMCA are important, and regular and punctual attendance is essential for us to serve our members and run the YMCA in an efficient manner.

Employees who are excessively absent from and/or late to work will be subject to discipline up to and including discharge.

## **PUNCTUALITY IS CRITICAL**

Although individual schedules vary, you should be at your work area at the scheduled start time, ready to work.

## **ABSENCES**

An employee who does not appear for work or who leaves work before the end of the scheduled stopping time will be considered to have an absence occurrence, unless such absence is approved in advance of the day of absence (e.g. vacation, jury duty, or approved leave of absence).

Employees must provide their supervisor with a return to work doctor's note clearing their return whenever they are absent for more than three consecutive work days due to illness.

If you are absent for three consecutive work days without contacting your manager prior to the start of the scheduled shift, you will be considered to have voluntarily resigned your position and your employment will be terminated.

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Employees must provide their supervisor with a return to work doctor's note clearing their return whenever they are absent for more than three consecutive work days due to illness.

If you are absent for three consecutive work days without contacting your manager prior to the start of the scheduled shift, you will be considered to have voluntarily resigned your position and your employment will be terminated.

## **EMPLOYEE RESPONSIBILITIES**

Employees who are late or absent as set forth above will have a documented tardy or absence occurrence in their record for purposes of attendance record keeping and possible corrective action/discipline. Nonetheless, when such incidents arise, the YMCA expects employees to provide the Association with reasonable notice of lateness or absence.

If you are going to be late or absent from work, you must personally call your supervisor at least two hours prior to the start of the scheduled shift to inform your supervisor of the absence or lateness and the reason why you will be absent or late. If the supervisor is not available, a voice mail message should be left to inform the supervisor of the absence or lateness.

- Staff assigned to childcare programs licensed under the New York Office of Child and Family Services must follow the prescribed absence call-in procedures outlined in the YMCA of Greater Rochester Staff Childcare Handbook.

## **3.09      OPEN COMMUNICATION**

The YMCA is committed to the principle of open communication between employees and their managers concerning any aspect of the employment relationship.

### **WORKING TOGETHER, WE CAN FIND A SOLUTION TO ANY PROBLEM**

In all businesses there are honest differences of opinion about working conditions, discipline, policies, and other work-related matters. Don't keep your concerns to yourself. Let's talk over any problem you may have and try to resolve it. Remember...we can't solve a problem unless we know it exists.

#### **FIRST STEP**

If you have a problem, complaint, question, or suggestion about any aspect of the YMCA, you are encouraged to discuss the issue with your immediate manager. We hope that most matters can be satisfactorily resolved by such discussions.

#### **SECOND STEP**

If you are not satisfied with the outcome of this first session or if you are not comfortable raising a particular issue with your immediate manager, you are welcome to discuss the situation with the Branch Executive. (S)he will meet with you and/or your manager and attempt to reach a satisfactory solution.

#### **THIRD STEP**

If you are still not satisfied after speaking with the Branch Executive, you are welcome to discuss the situation with the Vice President of Human Resources. One or both of them will meet with you and/or your manager and attempt to reach a satisfactory solution.

#### **FOURTH STEP**

The situation may also be escalated to the COO if you feel the Vice President of Human Resources has not satisfactorily helped you.

#### **FIFTH STEP**

The resolution to a problem, complaint, question, or suggestion may be appealed to the CEO. His decision will be final and binding on all parties.

## **3.10      SOLICITATION AND DISTRIBUTION**

In order to prevent disruptions in the operations of the YMCA and protect our employees from annoyance, embarrassment and interference with their work, solicitation and the distribution of non-work-related literature is restricted as described below.

### **DURING WORKING TIME**

You may not solicit or distribute non-work-related literature to another employee for any purpose during working time. Working time refers to that portion of any working day in which the employee is being paid to perform actual job duties. It does not include such times as lunch or break time or before or after work. If you are on non-working time, you still may not solicit or distribute non-work-related literature to another employee who is on working time.

### **IN WORKING AREAS**

You may not distribute non-work-related literature to another employee for any purpose in the working areas of the YMCA. "Working areas" do not include areas such as, but not limited to, the cafeteria, break rooms and lobby.

### **OUTSIDE INDIVIDUALS**

Individuals who are not employed at the YMCA may not distribute literature nor solicit employees or visitors at any time on the YMCA's grounds or inside our offices.

### **POST NOTICES**

Only governmental notices required to be posted due to federal or state regulations may be posted on YMCA property.

\* Nothing in this policy or in this Handbook prohibits Association employees from discussing terms and conditions of employment.



## **3.11        STANDARDS OF CONDUCT**

In order for the YMCA to operate efficiently and safely, it is necessary for all employees to observe the policies and procedures governing our work environment. If an employee's conduct interferes with the orderly and efficient operations of a department by engaging in conduct described below or similar to that conduct, disciplinary measures will be taken.

### **INITIAL DISCUSSIONS**

Before implementing corrective action, the manager will meet with the employee to explain why the need for corrective action is warranted.

Grounds for corrective discipline, up to and including immediate termination, may include but are not limited to:

- Violation of Association policies or safety rules;
- Threatening, intimidating, coercing, harassing or otherwise interfering with the job performance of fellow employees:
- Failing to work in a cooperative manner with management/supervision, co-workers, customers/members, or visitors;
- Being insubordinate, threatening, intimidating, or assaulting a manager/supervisor, coworkers, customer/member or vendor
- Poor performance;
- Use of racial or other slurs, derogatory comments or insults toward others;
- Excessive absenteeism and/or tardiness;
- Possession of firearms or other weapons;
- Theft or dishonesty;
- Willful destruction of Association property;
- Physical, verbal or sexual harassment of employees, suppliers or members;
- Possession, use or sale of illicit drugs or alcohol on Association property;
- Reporting to work under the influence of drugs or alcohol;
- Any other conduct which is not otherwise protected concerted activity.

### **CORRECTIVE ACTION**

Depending upon the severity of the matter, disciplinary measures may include a verbal warning, written warning, suspension, or termination. The YMCA will determine the appropriate corrective action and does not guarantee that one form of action will necessarily precede another.

## **3.12      SHOULD YOU LEAVE US**

To ensure fairness and consistency throughout the YMCA, terminations are handled in accordance with the following provisions.

### **TYPES OF TERMINATIONS**

Termination refers to either voluntary resignations initiated by the employee or involuntary terminations initiated by the YMCA.

### **RESIGNATIONS**

Non-exempt employees resigning voluntarily are expected to give a minimum of two weeks advance notice in writing. Exempt employees resigning voluntarily are expected to give a minimum of four weeks advance notice in writing, so the proper replacement can be found. An employee's consideration in this situation will be viewed favorably by management should the employee reapply for employment with the YMCA at a later date.

### **UNUSED VACATION TIME\***

Full-time employees who resign voluntarily, giving the required advance notice (see Policy 4.02), will be paid for all accrued but unused vacation time. Accrued but unused vacation time will not be paid to part-time employees, to employees who resign with less than the required advance notice, or to employees who are involuntarily discharged by the YMCA.

**\*Reference 4.02 Vacations**

### **UNUSED SICK/PERSONAL DAYS**

Earned but unused sick/personal days are not paid upon termination.

### **HEALTH/DENTAL INSURANCE**

Premiums for health and dental insurance will be paid through the last day of the month, which your employment terminates. If you have health or dental insurance with the YMCA, you have the option of continuing these benefits under the Consolidated Omnibus Budget Reconciliation Act (COBRA).

### **FSA ELIGIBILITY AT TERMINATION**

In accordance with the provisions of COBRA, employees may have the option of continuing participation in the FSA through our plan for a period of time specified by law after employment ends. Subject to the plan documents, employees can continue to submit reimbursements to the plan and are subject to a small administrative charge. Refer to the COBRA policy for further information on benefits continuation.

**YMCA PROPERTY**

Upon termination, employees are expected to return all YMCA-issued items, including, but not limited to: keys, tools, uniforms, computers, cellular phones, computer disks, flash drives, and client information and not retain any copies of Association information in any form.

**LIFE INSURANCE**

Coverage ceases on your last day of employment. You have the option of converting your group insurance policy to an individual policy. Contact the Vice President of Human Resources for more details.

## **SECTION FOUR**

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# **BENEFIT PROGRAMS**

## **4.01      HOLIDAYS**

The YMCA observes the following paid holidays each year.

### **OUR OBSERVED HOLIDAYS**

New Year's Day  
Memorial Day  
Independence Day  
Labor Day  
Thanksgiving Day  
Christmas Day

### **ELIGIBILITY**

Full-time exempt and full-time non-exempt employees are eligible for these paid holidays immediately upon hire.

To receive holiday pay, eligible non-exempt employees must work their scheduled shift before and after the holiday. Exceptions may be made in cases of bona fide illness or vacations, which have been approved in advance.

### **HOLIDAY PAY**

Your holiday pay is based on the number of hours you are regularly scheduled to work at your straight time hourly rate. In the event you are required to work on an observed holiday, you will be paid your salary for the day (for exempt employees) or your regular hourly rate for hours worked (for non-exempt employees), and you may take another paid day off for the holiday. This time off must be scheduled in advance and approved in advance by your supervisor. This time off must also be taken within the same calendar year in which the holiday occurred and will not carry over into the following year. This time off may not be paid out in cash in lieu of taking a day off and will be forfeited if not used prior to termination of employment.

### **HOLIDAY DURING VACATIONS**

Eligible employees who are on vacation when a paid holiday is observed will receive holiday pay and will not be charged for the vacation day.

### **WEEKEND HOLIDAYS**

When one of the observed holidays falls on a Saturday, we will generally be closed on the preceding Friday. When a holiday falls on Sunday, it will generally be observed on the following Monday.

### **EASTER SUNDAY**

Easter Sunday is an Association observed holiday. Full-time employees scheduled to work on this day will receive holiday pay unless a business need necessitates the employee to work on another day.

## **RELIGIOUS ACCOMMODATIONS**

Requests for time off or any other type of accommodation based on employees sincerely held religious beliefs should be directed to their supervisor.

## **4.02 VACATION**

The YMCA provides eligible employees with an annual paid vacation to provide time off for rest and relaxation.

### **FULL-TIME EMPLOYEES**

#### **ELIGIBILITY AND ACCRUAL OF VACATION TIME**

The amount of annual vacation time that an employee is eligible to accrue in the upcoming year is calculated based upon the number of consecutive years of full time service the employee had with the YMCA of Greater Rochester at the end of the previous calendar year.

Eligibility for vacation for the upcoming year is determined on the last scheduled workday of the year. Eligibility for vacation during the first year of employment is discussed below.

Full-time employees are eligible for paid vacation time accrual in accordance with the schedule shown below.\* Vacation time is accrued on a pro rata basis by employees each pay period throughout the calendar year during which the employee is actively working. Employees accrue no vacation time during pay periods in which no work is performed by the employee, regardless of the reason (except that employees do accrue vacation time during pre-approved absences for which the employee receives vacation pay). For example, an employee eligible for two weeks of a vacation time in a year will have accrued one week of vacation time half-way through that calendar year if the employee worked every pay period in that half-year.

When determining a full-time employee's years of service on December 31, prior time periods employed by the YMCA of Greater Rochester as a part-time employee will not count toward the years of service calculation.

#### **Non-Exempt Hourly staff**

| <b>Years of service completed by December 31</b> | <b>Days of vacation eligibility the following year</b> |
|--|--|
| 0 through five                                   | 14 days  |
| Six through ten                                  | 19 days  |
| Eleven or more                                   | 24 days  |
| Thirty or more                                   | 29 days  |

**Leadership staff**

| <b>Years of service completed by December 31</b> | <b>Days of vacation eligibility the following year</b> |
|--|--|
| Two or fewer                                     | 14 days  |
| Three through four                               | 19 days  |
| Five or more                                     | 24 days  |
| Thirty or more                                   | 29 days  |

**Vacation during the first calendar year of employment**

Vacation time during the first calendar year of employment is accrued on a pro rata basis by employees on each pay period only for the portion of the first calendar year during which the employee was employed. Thus, employees will receive less than a full year's accrual during the first calendar year of employment. Employees accrue no vacation time during pay periods in which no work is performed by the employee, regardless of the reason (except that employees do accrue vacation time during pre-approved absences for which the employee receives vacation pay).

**SCHEDULING**

Every effort will be made to permit you to take your vacation at the time requested. However, due to the nature of our business, coordination within and between departments is essential. All vacations are subject to approval by the department manager.

If you change your vacation request, approval from your manager will depend on the department's workload and the number of people who are scheduled for vacation at that time.

**HOLIDAY DURING VACATION**

Employees who are on vacation when a paid holiday is observed will receive holiday pay and will not be charged for the vacation day.

**DEFERRAL OF VACATION TIME**

Full-time employees may carry over a minimum of one hour and up to 40 hours of unused vacation into the following calendar year with manager approval. The carry over vacation must be used by the last pay period of the Association's fiscal year. Carry over vacation that is not used by the last pay period of the Association's fiscal year will be forfeited.

**VACATION PAY**

Your vacation pay is based on the number of hours you are regularly scheduled to work at your straight time hourly rate.

**SICK TIME BANK**

Once an employee exhausts his or her accrued paid sick leave bank, work time missed for injury or illness will be deducted from the employee's vacation time bank.

**PAY IN LIEU OF VACATION**

Employees may not receive pay for vacation time in lieu of taking the actual time off.

**UNUSED VACATION TIME**

Full-time employees who resign voluntarily, giving the required advance notice (see Policy 3.12), will be paid for all accrued but unused vacation time. Accrued but unused vacation time will not be paid to employees who resign with less than the required advance notice or to employees who are involuntarily discharged by the YMCA.

**ADVANCED VACATION LEAVE**

Employees are responsible for properly managing their vacation time. A supervisor/manager may, in certain limited circumstances, and in the sole discretion of the YMCA, advance vacation time to an employee when that employee does not have sufficient accrued vacation time to cover a request for vacation time off. When granted, this allows the employee to take vacation earlier in the year, before the vacation time to cover the absence has been accrued. In order for the employee to be considered for an advance of vacation time, the employee must:

- Have no attendance infractions in the prior twelve (12) months
- Have a rating of at least Effective (E) on their most current performance review
- Not be on disciplinary probation
- Not be in a performance improvement/corrective action plan

The maximum amount of vacation time that can be advanced to an employee cannot exceed the total amount of vacation hours the employee can accrue by the end of the current calendar year.



## **PART-TIME EMPLOYEES**

The YMCA provides eligible part-time employees with annual vacation.

### **ELIGIBILITY AND ACCRUAL OF VACATION**

Vacation begins to accrue for part-time employees after one (1) year of employment and in accordance with the schedule below:

| <b>Avg Weekly Work Hours</b> | <b>PTO Hours Earned</b> |
|------------------------------|-------------------------|
| 25-29                        | 25                      |
| 30-39                        | 30                      |

Eligibility for vacation is determined annually based on the average hours worked.

Vacation provides eligible employees with flexible paid time off from work that can be used in hourly increments for such needs as vacation, school, volunteerism, bereavement, and other activities of the employee's choice. Time that is not covered by the vacation policy, and for which separate guidelines and policies exist, include jury duty, and military service leave.

Vacation requires five days of notice to the supervisor unless the vacation is used for legitimate, unexpected emergencies. In all instances, vacation must be approved by the employee's supervisor in advance. Your supervisor appreciates as much notice as possible when you know you expect to miss work for a scheduled absence. Vacation requests are to be submitted through Paylocity.

Every effort will be made to permit you to take your vacation at the time requested. However, due to the nature of our business, coordination within and between departments is essential. All vacations are subject to approval by the department manager.

Employee transitioning from full time to part time employment status will not be eligible for vacation until one year from date of transition.

Your vacation pay is based on the number of hours you are regularly scheduled to work at your straight time hourly rate.

Employees may not receive pay for vacation in lieu of taking the actual time off.

### **UNUSED VACATION**

Unused vacation time will not be paid to part-time employees upon termination, regardless of the reason for termination. Unused vacation will not carry over into the following calendar year.

## **4.03        SICK TIME**

Employees who are absent due to reasons explained in this policy may be eligible to be paid sick time pursuant to this policy. They also may be eligible for disability insurance or Workers' Compensation insurance benefits.

### **SICK TIME ACCRUAL**

Full-time employees are eligible to accrue one sick day (i.e., 8 hours) for each month worked, up to a maximum accrual of 12 sick days (i.e., 96 hours) annually.

Part-time employees accrue 1 hour of sick time for every 30 hours worked, up to a maximum accrual of 56 hours of sick time per year (based on anniversary date).

Sick time is calculated and accrued based upon the employee's anniversary date. Sick time begins to accrue upon date of hire.

### **USE OF SICK DAYS**

Employees must use sick time in increments of at least one (1) hour.

Employees may use sick time under this policy for any of these reasons:

- (1) If the employee or the employee's family member has a mental or physical illness, injury, or health condition – regardless of whether the illness, injury, or health condition has been diagnosed or requires medical care at the time.
- (2) If the employee or the employee's family member needs time off from work for the diagnosis, care, or treatment of a mental or physical illness, injury, or health condition, or to obtain preventative care.
- (3) For an absence from work related to domestic violence, family offense, sexual offense, stalking or human trafficking. Leave for this reason is considered "Safe Leave," which is discussed further below.

Under this leave policy, "family members" include an employee's:

- Children, including biological children, adopted or foster children, a spouse or domestic partner's child, a legal ward, or a child whom the employee stands *in loco parentis* to.
- Spouse
- Domestic partner
- Parents, including biological parents, parents of an employee's spouse or domestic partner, foster parents, stepparents, adoptive parents, legal guardian, and persons standing *in loco parentis* to the employee when the employee was a minor
- Siblings
- Grandchildren
- Grandparents

As explained above, "Safe Leave" is a reason for sick leave use under this policy. Employees taking Safe Leave are otherwise subject to all other requirements, rights, and obligations in this policy. Employees may take Safe Leave under this policy if they, or their family member, has been the victim of domestic violence, a family offense, sexual offense, stalking, or human trafficking. Specifically, employees may take leave for these reasons:

- To obtain services from a domestic violence shelter, rape crisis center, or other services program
- To participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or their family members
- To meet with an attorney or other social service providers to obtain information and advice or to prepare or participate in any criminal or civil legal proceeding
- To file a complaint or domestic incident report with law enforcement
- To meet with a prosecutor's office (e.g., a District Attorney)
- To enroll children in a new school
- To take any other actions necessary to ensure the health or safety of the employee or their family member or to protect those who associate or work with the employee.

### **SICKTIME PAY**

Your sick time pay is based on the number of hours you are normally scheduled to work at your straight time hourly rate, up to a maximum of eight hours.

### **SICK TIME BANK\***

Once an employee exhausts his or her accrued paid sick leave bank, work time missed for injury or illness will be deducted from the employee's vacation time bank. \*Reference 4.02 Vacations and 4.20 Disability Leave

### **EMPLOYEE'S RESPONSIBILITY**

If you are going to be late or absent from work, you must personally call your manager.

Staff assigned to childcare programs licensed under the New York State Office of Child and Family Services must follow the prescribed absence call-in procedures outlined in the YMCA of Greater Rochester Staff Childcare Handbook.

If you are absent for three days without contacting your manager, you will be considered to have voluntarily resigned from your position and your employment may be terminated.

### **CARRY OVER OF SICK TIME**

Sick time may be carried over from one year to the next. Full-time employees may accrue up to 72 days (i.e., 576 hours) of sick time. Part-time employees may use a maximum of 56 hours of sick time in a single calendar year.

## **SICK PAY AT TERMINATION**

Unused sick time is not paid at termination, regardless of the reason for termination.

## **4.04 BENEFITS**

The YMCA offers a comprehensive benefits package to its employees. A brief summary of these benefits is described below. Employees will be provided with documents related to those benefits for which they are eligible at the time of hire, and such information remains available in Human Resources. Please refer to the Plan documents, summary plan descriptions and insurance policies available from Human Resources for a complete description of these benefits, as these documents will control in the event of a discrepancy between those documents and this Handbook. The YMCA and its plan administrators retain the maximum discretion permitted by law to modify, discontinue, change, enhance or implement all benefit plans.

### **Medical Insurance**

Benefit-eligible employees are eligible for coverage under the YMCA's group health insurance plans on the first of the month following their date of hire. Upon hire all eligible employees will be given a summary of the benefits available and the costs associated with each of the plans.

Please refer to summary of benefits and employer contributions for further information.

Employees are responsible for paying the difference in cost between the employer contribution and the full cost of the plan they select. Employer/Employee contributions are subject to change periodically.

### **Dental Insurance**

Benefit-eligible employees are eligible to join our dental insurance program on the first of the month following their date of hire.

### **Flexible Spending Account**

The YMCA offers a Flexible Spending Account that allows benefit-eligible employees to set aside part of your salary before taxes in order to pay for qualified medical or dependent care expenses.

## **Life Insurance**

A group life insurance policy, which includes Accidental Death and Dismemberment coverage is included in this group policy. Full-time employees are eligible for this insurance coverage on the first of the month following their date of hire. Coverage is equal to one-time your annualized wages, up to a maximum of \$150,000. The YMCA pays the cost of this coverage, and employees may purchase additional/supplemental coverage at their own expense (subject to all Plan restrictions).

## **Retirement Plan**

When you enroll in the YMCA retirement fund, you'll have a basic account with two separate parts: your personal account and your YMCA account.

### *YMCA RETIREMENT FUND*

Employees 21 and over are enrolled in the plan after two years of employment and 1,000 hours of work in each of those two anniversary years. The plan was established by the National Council of YMCAs in 1921 and is supervised and inspected by the Insurance Department of New York State. It creates an annuity at retirement. Included in its provisions are life insurance protection during the time you are employed and benefits for permanent disability as defined in the Retirement Fund Booklet. The YMCA pays the complete cost (12% of basic salary) on your behalf.

### *TAX ISSUES*

You pay income tax on your contributions to your Personal Account in the year they are made. You do not pay taxes on any interest while you are working. When you retire or withdraw from the fund you will pay taxes on the benefits from these contributions that you will pay taxes on YMCA contributions and interest.

You do not pay income tax on the contributions the YMCA makes to your Personal Account. You do not pay taxes on any interest while you are working.

When you make a withdrawal from the fund you will pay taxes on the benefits from all contributions and interest between your Personal Account and YMCA account for every \$1.00 that goes into your Personal Account, \$1.40 goes into your YMCA account whether you pay some or the YMCA pays all.

### *MAXIMUM CONTRIBUTIONS*

The Federal government sets the maximum amount that can be contributed to your retirement account.

### **ADDITIONAL ACCOUNTS**

If you want to build a larger retirement account, the YMCA offers two ways for you to make additional contributions. You can choose to contribute to a tax deferred account which allows you to save money and pretax income through payroll deductions. You'll have to pay Social Security on the amount to contribute, but you don't have to pay Federal income taxes on your contributions or on the accounts of earnings until you withdraw them from the fund. In most cases you can defer state and local taxes on these contributions as well.

You can choose to contribute to an after-tax account, which resembles your Personal Account has different rules for withdrawals. Any contributions you make to this type of account come from your after-tax pay you may make these contributions automatically through payroll deductions.

*NOTE: The information listed above is intended as a brief introduction to the Retirement Plan. A more thorough explanation of the plan is contained in the Summary Plan Description and plan documents available from Human Resources.*

### **Disability Insurance**

An employee who has a disability-related illness or off-the-job injury, or is unable to report for work, may be eligible to receive disability compensation, provided the employee meets the minimum requirements for eligibility. In New York State, after seven (7) calendar days of absence, the employee may be eligible for a New York State Disability income benefit calculated as a percentage of compensation up to a weekly maximum, as specified by law, for up to 26 weeks. The cost of the state-mandated short-term disability coverage is paid by the YMCA, and employees may purchase additional short-term disability coverage at their own expense.

The YMCA also offers full-time employees a long-term disability insurance plan that provides income during extended periods of disability. Full-time employees are eligible to participate in this plan on the first of the month following the date of hire. The cost of the basic long-term disability coverage is paid by the YMCA, and employees may purchase additional long-term disability coverage at their own expense.

If you need to apply for a leave of absence due to a disability-related illness or off-the-job injury, please contact Human Resources. In the event of absence due to disability, it is the employee's responsibility to notify Human Resources, and to keep the YMCA updated on your return to work status. The YMCA may require medical documentation supporting the need for leave and/or in order to return to work after leave.

### **Employee Child Care Assistance Plan**

Full-time employees are eligible to pay a reduced rate for YMCA childcare programs at the following locations: Carlson Metro Center Child Care, YMCA Child

Care at Schottland, Eastside Child Care Center and the Westside Family YMCA Child Care. The employee discount for YMCA childcare at these locations is currently 20% off the member rate.

Employees must complete the program enrollment paperwork normally required by the branch and adhere to enrollment and participation rules.

The Employee Child Care Assistance Plan does not apply to school-aged childcare or preschool childcare.

### **Employee Discount Program & YMCA Membership Benefits**

You are encouraged to participate in YMCA programs and to use the facilities and equipment; however, you should keep in mind the priority, which the YMCA places upon providing quality service to members. For instance, all employees are expected to defer to members during peak hours for classes and equipment use.

If you are a full-time employee, you and your immediate family receive a family passport membership that includes a 50 percent discount off program fees including school-aged child care, pre-school child care and resident and day camp (but excluding all personal training sessions, massage and Reiki sessions). A portion of the discount may be considered to be a taxable fringe benefit. For the purposes of this benefit, "immediate family" is considered to be a second adult and your dependent children living in the same household with you. All Personal training sessions, massages, and Reiki sessions, however, are not eligible for an employee discount.

If you are a part-time employee, you receive an individual adult membership in the YMCA branch of your choice. You may upgrade to a family membership and you will pay the difference between the individual and family membership rates.

## **4.05 JURY DUTY AND COURT ATTENDANCE**

The YMCA considers service on a jury to be an important civic duty.

### **BENEFITS**

If you are called upon to serve on jury duty, you will be granted time off to serve. You must notify your supervisor as soon as you know you will have to serve. The YMCA will pay regularly employed personnel their regular wage at their base hour rate, the difference between their base pay and jury duty pay of jury duty service.

## **DOCUMENTATION**

You must submit a copy of the Jury Duty Attendance Certificate to your manager, which indicates the dates you served. You will receive this statement when you receive your fee from the state.

## **TIME AWAY FROM WORK**

In fairness to the YMCA, you are expected to return to work if you are excused from such duty during your regular working hours.

The YMCA considers service on a jury to be an important civic duty.

## **BENEFITS**

If you are called upon to serve on jury duty, you will be granted time off to serve. You must notify your supervisor as soon as you know you will have to serve. The YMCA will pay regularly employed personnel their regular wage at their base hour rate, the difference between their base pay and jury duty pay of jury duty service.

## **DOCUMENTATION**

You must submit a copy of the Jury Duty Attendance Certificate to your manager, which indicates the dates you served. You will receive this statement when you receive your fee from the state.

## **TIME AWAY FROM WORK**

In fairness to the YMCA, you are expected to return to work if you are excused from such duty during your regular working hours.

## **COURT ATTENDANCE**

Employees who are subpoenaed to appear in court as a witness in a criminal proceeding, or who attend court as a victim of a crime, will be granted unpaid time off for their attendance.

# **4.06      DEATH IN FAMILY**

In the event of a death in your immediate family, you may take a leave immediately following the death for the purpose of making arrangements and attending the funeral. "Immediate family" includes the following: the employee's spouse, domestic partner, child, stepchild, parent, stepparent, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother, sister, stepbrother, and stepsister.

## **COMPENSATION**

Active full-time employees will receive up to three days off with pay in the event of a death of a family member.



## **4.07      MILITARY LEAVE**

The YMCA recognizes the obligation of those employees serving in any branch of the military or other uniformed services of the United States.

The YMCA will provide necessary time off from work for employees who must fulfill military obligations as required by federal and state law. Leave under this policy is unpaid.

Should you require leave to fulfill military service obligations, you must give advance notice of your obligations to your supervisor or manager, unless military necessity makes advance notice impossible. Military orders should be presented as soon as possible before you need leave.

Benefits may continue to accrue during the period of leave in accordance with law.

Should you have questions regarding the length of leave or reemployment upon return from extended leave, please contact the Human Resources department.

## **4.08      VOTING LEAVE**

The YMCA believes that all employees should have the opportunity to exercise his/ her to vote in elections.

### **TIME AWAY FROM WORK**

Employees who do not have sufficient time to vote outside their working hours will be allowed the necessary time off to vote at the beginning or the end of their shift. Up to two hours will be paid time off. No time off will be allowed in any election where the polls are open at least four consecutive hours before or after the employee's shift.

You must return to work immediately after voting if your shift has not ended.

### **ADVANCE NOTICE**

Employees must request time off to vote in writing at least two workdays in advance. Requests for time off to vote should be given to your manager.

## **4.09 BONE MARROW/BLOOD DONATION LEAVE**

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

### **TIME AWAY FROM WORK**

Any employee who seeks to undergo a medical procedure to donate bone marrow will be granted a leave of absence no longer than 24 work hours. This leave is unpaid. Employees who work at least 20 hours per week may be granted three hours of unpaid leave in any 12-month period of time for the purpose of donating blood.

### **VERIFICATION**

Employees must provide Human Resources with verification from a physician as to the purpose and length of leave requested. You are requested to give as much advance notice as possible.

## **4.10 DOMESTIC VIOLENCE VICTIM LEAVE**

The YMCA will grant unpaid, reasonable time off to employees who are victims of domestic violence. Employees who are victims of domestic violence, or whose children are victims of domestic violence, may use time under this policy to, among other things:

- Seek medical attention
- Obtain services from a domestic violence shelter
- Obtain psychological counseling
- Participate in safety planning to mitigate the risk of future violence
- Obtain legal services or assist prosecutors

The YMCA reserves the right to deny leave under this policy if the leave would pose an undue hardship on the YMCA's operations. In all cases however, the YMCA will engage in an interactive dialogue with the employee. The YMCA will not retaliate against any employee requesting or taking leave under this policy.

Employees will be required to present certification for their need for leave under this policy. Certification may consist of:

- A police report regarding the domestic violence episode
- A court order protecting or separating the employee or the employee's child from the perpetrator.
- Other evidence from a court or criminal prosecutor proving that the employee appeared in court for a matter regarding an episode of domestic violence perpetrated against them or their family member.
- Documentation from a medical professional, domestic violence advocate, health care provider, or counselor, that the employee or employee's child is undergoing counseling related to domestic violence.

## **4.11      FAMILY & MEDICAL LEAVE ACT (FMLA)**

### **POLICY**

The YMCA of Greater Rochester provides eligible employees with time off when compelling family or medical problems require a leave of absence in accordance with the Family and Medical Leave Act of 1993.

#### **ELIGIBILITY**

- Employees become eligible to apply for a Family and Medical Leave after completing 12 months of employment with our company and working 1,250 hours during the 12 months immediately preceding the start of the leave. The employee must work at a location which employs at least 50 employees, or which is within a 75-mile range in which at least 50 employees work.
- Family and Medical Leaves are granted to eligible employees who request time off for:
  - their own serious health condition which renders them unable to perform the essential functions of their job: illness, injury, impairment or physical or mental health condition which involves;
    - a) in-patient care at a hospital, hospice, or residential medical care facility; or
    - b) continuing treatment by a health care provider, and a period of incapacity; e.g., the inability to work or attend school or perform other usual daily activities.
  - the birth of employee's son or daughter and to care for the newborn child;
  - the placement of a son or daughter under the age of 18 years with the employee for adoption or foster care;
  - the care of a son, daughter, spouse, or parent with a serious health condition;
  - the care of a covered service member who has incurred or aggravated a serious injury or illness in the line of duty while on active duty in the Armed Forces, if the employee is the service member's spouse, son, daughter, parent or next of kin ("covered service member leave"). A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or is a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran. (FMLA definitions of "serious health injury or illness" for current service members and veterans are distinct from the FMLA definition of "serious health condition"); or

- a “qualifying exigency” as defined by the Secretary of Labor arising out of an employee’s spouse, child, or parent’s covered active duty or call to covered active duty in a foreign country, where the spouse, child, or parent is a covered member of any branch of the Regular Armed Forces, federal Reserves or National Guard. Qualifying exigencies may include the need to address issues arising from short-notice deployment, attend military events and related activities, arrange for or attend childcare and school activities, address certain financial and legal arrangements, attend certain counseling sessions, attend post-deployment activities, and spend time with a covered military member on short-term rest and recuperation leave.\

## **LENGTH OF LEAVE**

- Eligible employees may take up to 12 weeks of leave in a 12-month period for reasons defined above. For leaves other than covered service member leave,
  - The 12-month period is calculated from the date that the first FMLA absence of any type (other than covered service member leave) begins.
  - Absences due to an employee's serious health condition that are also covered by Short Term Disability Insurance or Workers' Compensation are counted as part of the leave time available under the Family and Medical Leave Act.
  - Leaves taken for the birth or the placement of a child with the employee for adoption or foster care must be completed within 12 months of that birth or placement.
- Covered Service Member Leave
  - Eligible employees may take up to 26 weeks of leave during “a single 12-month period” to care for the service member. The “single 12-month period” begins on the date the employee’s first FMLA leave to care for the service member begins. During this single 12-month period, the employee’s combined total FMLA Qualifying leave for all types of FMLA leave may not exceed 26 weeks. Eligible employees may take a maximum of 15 calendar days of qualifying exigency leave related to the military member’s Rest and Recuperation leave.
- under certain circumstances, leaves may be taken intermittently or on a “reduced leave schedule,” e.g. in periods of days or blocks of time smaller than a day.
  - Employees may take leave intermittently or on a reduced leave schedule
    - When medically necessary for their own serious health condition; to care for a family member with a serious health

condition; or to care for a covered service member with a serious injury or illness.

- when necessary for “qualifying exigency” leave.
- Intermittent or reduced leave for family reasons (leave to care for a newborn or newly adopted child or a child placed in foster care) may be taken only if the company and employee agree to the arrangement.
- If intermittent or reduced schedule leave is taken for planned medical treatment or, if agreed to by the Company, for family reasons, the Company may require the employee to transfer temporarily, during the period in which intermittent or reduced schedule leave is required, to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than the employee’s regular position. The employee will receive his or her same rate of pay and equivalent benefits in the alternate position.

### **SPOUSES COMBINED LEAVE**

If both spouses are employed within our company and wish to take leave to care for a newly arrived child, their aggregate leave is limited to 12 weeks. If both spouses wish to take leave to care for a covered service member with a serious injury or illness or take a combination of service member leave and leave to care for a newly arrived child, their aggregate leave is limited to 26 weeks during that single 12-month period.

### **PROCEDURE FOR REQUESTING A LEAVE**

- In the case of FMLA leaves for birth, adoption or placement of a child, or for planned medical treatment of the employee, a covered family member, or a covered service member, an employee must provide HR with 30 days advance notice in writing before the date on which the leave would begin. If the employee is unable to provide 30 days’ notice, he or she must provide notice as soon as it is practicable.
- In the case of qualifying exigency leave, or when the approximate timing of any FMLA leave is not foreseeable, the employee must provide HR as much notice as soon as it is practicable.
- In requesting FMLA leave, the employee must provide sufficient information to allow the Company to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave.

- In the case of leave for planned medical treatment, employees are required to make a reasonable effort to schedule the treatment so as not to unduly disrupt the Company's operations. Employees are expected to consult with HR before the scheduling of treatment to work out a treatment schedule that best suits the needs of both the employer and the employee.

## **MEDICAL/SUPPORTING CERTIFICATION**

- **INITIAL CERTIFICATION:** Employees are required to provide medical certification from a health care provider of their own serious health condition or that of a family member or covered service member. Employees who request qualifying exigency leave also are required to provide certification supporting the need for leave and, when the leave is requested for the first time, a copy of the covered military member's active duty orders. Employees requesting qualifying exigency leave may, but are not required, to obtain certification from a health care provider affiliated with the military.
- The employee must submit to HR a complete and sufficient certification within 15 calendar days after the YMCA of Greater Rochester requests the certification. If the certification is returned incomplete or insufficient, the employee will have seven calendar days to cure the deficiency. Failure to provide a complete and sufficient certification may result in denial of FMLA leave.
- Certification for qualifying exigency leave must be supported by a certification containing: a statement or description of appropriate facts regarding the qualifying exigency for which leave is needed; approximate date on which the qualifying exigency commenced or will commence; beginning and end dates for leave to be taken for a single continuous period of time; an estimate of the frequency and duration of the qualifying exigency if leave is needed on a reduced schedule basis or intermittently; and if the qualifying exigency requires meeting with a third party, the contact information for the third party and description of the purpose of meeting. If qualifying exigency leave is for Rest and Recuperation leave, certification must include a copy of the military member's Rest and Recuperation leave orders, or other documentation issued by the military setting forth the dates of the military member's leave.
- **PERIODIC RECERTIFICATION:** The YMCA of Greater Rochester may also require employees on FMLA leave to submit periodic re-certifications throughout the leave, but generally not more often than every 30 days unless a change in circumstances warrants earlier recertification.

- **RETURN TO WORK:** Before returning to work, employees who have taken a leave for their own serious health condition are required to present documentation from their health care provider certifying that they are able to return to work.

#### **OTHER REQUIREMENTS**

- Employees may be required to periodically report on their leave status and on their intent to return to work as directed by HR before or during their leave.
- Employees must comply with the YMCA of Greater Rochester's usual call-in procedures for absences while they are on FMLA leave.

#### **EMPLOYMENT AND BENEFITS PROTECTION**

- Employees will receive health benefits under the same terms and conditions as if they were on the job.
  - Employees are required to pay their portion of the premium within the month that the premium is due. Coverage will cease if an employee's premium payment is more than 30 days late. If the health care premium is overdue for 15 days, the company will notify the employee that their health insurance coverage will terminate if the premium is not received within the next 15 days.
  - Employees who provide a statement of notice of their intent not to return to work are not entitled to continuation of health care benefits, except as covered by COBRA.
  - Employees who fail to return from the leave, except for reasons of continuation, recurrence or onset of a serious health condition (including the serious health condition of a family member or covered service member), or something else beyond the employee's control, must repay the company's share of health coverage premiums incurred during the leave.
- Vacation, sick/personal days, PTO days, and seniority or service time do not continue to accrue, except in cases of intermittent leave.
- Life insurance, supplemental short-term disability and long-term disability insurance will be retained as long as employees continue to make premium payments.

- Employees receive time off on an unpaid basis. Employees who have accrued vacation or sick days are required to substitute this paid time during unpaid FMLA leave, including any days when the employee is not receiving worker's compensation or disability benefits. Where an employee's leave qualifies for both FMLA leave and PFL leave, the leaves run concurrently, and employees are required to charge their FMLA/PFL time to accrued, unused vacation and sick days. At all other times, employees have the option of using this paid time to supplement their workers compensation and disability benefits to receive up to a combined total of 100% of their regular wages. Employees must satisfy the procedural requirements of the YMCA's sick and vacation policies to receive such paid time off.
- An employee (other than a key employee) who qualifies for a leave will return either to the same position he or she had before or to a position equivalent in pay, benefits and other terms and conditions of employment.
- Key employees may not be eligible for reinstatement to the same or an equivalent position if it would cause grievous economic harm to the company. (A "key" employee is one who is a salaried, FMLA-eligible employee, who is among the highest paid 10 percent of all the employees employed by the employer, within a 75-mile range of the employee's worksite.)

## **ADDITIONAL INFORMATION**

- The YMCA of Greater Rochester will not restrain, interfere with, or deny the exercise of any employee rights provided under the FMLA. The YMCA of Greater Rochester will not discriminate against any employee who exercises any rights under the FMLA or makes a complaint related to FMLA leave. Employees who have questions regarding this policy should contact Human Resources. Note: This leave runs concurrently with the YMCA's Disability Leave .
- Note: Special hours of service eligibility requirements apply to airline flight crew employees
- An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer
- FMLA does not affect any Federal or State law prohibiting discrimination or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.



## **4.12      NYS PAID FAMILY LEAVE (PFL) POLICY**

The YMCA provides eligible employees with leave to care for a newborn or newly adopted or placed child; to care for a family member with a serious health condition; or for qualifying exigencies arising from a family member's military service obligations in accordance with New York's Paid Family Leave Law ("PFL").

### **ELIGIBILITY**

To be eligible, employees must: (i) regularly work 20 or more hours per week and have been employed by the YMCA for at least 26 consecutive weeks preceding the first full day family leave is taken; or (ii) regularly work less than 20 hours per week and have worked for the YMCA for at least 175 days preceding the first full day leave is taken. Time away from work on statutory short-term disability leave does not count toward an employee's qualification period.

### **TYPES OF LEAVE COVERED**

Eligible employees may take PFL:

- (i) to bond with their child during the first 12 months after the child's birth, or during the first 12 months after placement of the child for adoption or foster care;
- (ii) to provide care for a family member (defined as child, parent, grandparent, grandchild, spouse, or domestic partner), because of the family member's serious health condition; or
- (iii) because of certain qualifying exigencies arising from the active duty military service of the employee's spouse, domestic partner, child, or parent in the United States military.

If you are unsure if your reason for leave may qualify for PFL, contact your Supervisor and/or Human Resources to discuss the circumstances surrounding the need for leave.

### **LENGTH OF LEAVE / AMOUNT OF BENEFIT**

The YMCA provides employees with PFL benefits as set by law. For leave beginning on or after January 1, 2021, employees may utilize a total of 12 weeks of leave. While on PFL leave, employees will receive 67% of their average weekly pay, up to a maximum amount set by law.

In compliance with law, an employee's maximum amount of leave under PFL shall be calculated retroactively for each day leave is claimed in a 52-consecutive week period.

### **INTERMITTENT LEAVE**

Employees are permitted to take PFL leave in daily increments. The maximum benefit duration for employees taking intermittent leave is based on the employee's average number of days worked per week. The maximum number of days for intermittent leave is 60.

### **INTERPLAY WITH OTHER LEAVES**

Employees may elect to charge all or part of their PFL time to accrued but unused sick days and vacation days (and receive pay in accordance with Policy 4.02 and 4.03, as applicable).

When an employee's leave qualifies for both FMLA leave and Paid Family Leave (see Policy 4.11), the leaves will run concurrently, and an employee is required to use accrued paid time off concurrently with the leave in accordance with the FMLA.

As required by law, employees are not permitted to receive disability benefits and PFL benefits for the same period of time. An employee who is eligible for both disability benefits and PFL leave during the same 52-week period shall not receive more than 26 total weeks of disability and PFL benefits during that period of time.

### **DEDUCTIONS FROM WAGES**

In accordance with the law, PFL benefits are funded payroll deductions at a prescribed amount from each employee. This amount is determined annually by the New York State Department of Financial Services.

Certain employees will be given the option of filing a waiver of PFL benefits, exempting them from payroll deductions. Waivers are available only in limited circumstances under law. Employees eligible for waivers include employees: (i) with a regular employment schedule of 20 or more hours per week, but the employee will not work 26 consecutive weeks; or (ii) when their regular employment schedule is less than 20 hours per week and the employee will not work 175 days in a 52-week consecutive period.

The waiver shall be revocable at any time by the employee. If an employee revokes his/her waiver, or, if the waiver is deemed revoked as a result of a change in their regular employment schedule, the employee shall be obligated to pay any premiums (which would have been taken from payroll deductions) that should have been paid dating back to their date of hire, or, January 1, 2018, whichever is most recent.

### **REQUEST FOR PAID FAMILY LEAVE**

Monetary PFL benefits will be administered through the YMCA's insurance carrier. **Eligible employees who wish to take PFL are responsible for submitting information to the carrier in order for his/her claim for monetary PFL benefits to be processed.**

Employees are required to first complete and submit a Request for Paid Family Leave (Form PFL-1) to his/her Supervisor. Human Resources and/or the employee's Supervisor will enter any necessary information on the form and return it back to the Employee. Employees are otherwise responsible for completing Form PFL-1 and for submitting it to the carrier. Employees may be required to submit additional certification and documentation to the carrier, depending upon the reason for leave. Failure to submit this information may result in the carrier's denial of the claim.

Until an employee's PFL application is approved by the YMCA's PFL benefits carrier, the employee is not considered to be on Paid Family Leave. In the event the PFL benefits carrier denies the application after an employee, an employee's unapproved time off from work may be grounds for discipline, up to and including discharge from employment.

All forms, including Form PFL-1 are available in the Human Resources Department, or through SunLife.

The YMCA's PFL benefits carrier is:

**Sun Life 1-877-932-7287**

## **EMPLOYEE NOTICE REQUIREMENTS**

**Employees requesting PFL leave must give the YMCA at least 30 days' advance notice before leave is to begin if the qualifying event is foreseeable.** Foreseeable qualifying events include, but are not limited to, an expected birth, planned medical treatment for a serious health condition of a family member, or known military exigency. If 30 days' advance notice is not practicable, (for example, if the planned medical treatment is scheduled with less than 30 days' notice), notice must be given as soon as practicable.

If the need for leave is foreseeable, and the employee does not provide 30 days' notice, the request for PFL leave may be denied. If the need for leave is unforeseeable, the employee must notify the YMCA as soon as practicable. While it is not possible to evaluate all instances of notice in a non-foreseeable leave situation, employees are expected to notify the YMCA within one (1) business day, absent unusual circumstances. The YMCA will evaluate the facts and circumstances of all particular instances of notice for unforeseeable PFL-eligible leave events.

## **DISPUTES**

If a PFL claim is denied by the carrier, the employee may request to have the denial reviewed by a neutral arbitrator. Our carrier will provide you with the information about requesting arbitration for denials.

## **RIGHTS AND PROTECTION**

Leave taken under this policy is job protected. Thus, the YMCA will generally restore an employee who returns from leave to the same or a comparable position. The YMCA further prohibits discrimination or retaliation against employees who request or receive PFL leave and benefits.

While on leave, employees will continue to receive existing health insurance coverage, provided that they continue to pay their share of health insurance premiums. Employees must contact the Human Resources Department for payment arrangements. An employee may lose coverage retroactively to the date an unpaid premium was due (upon proper notice from our carrier) if you fail to pay your portion of the premium in a timely fashion.

## **No Retaliation**

The YMCA prohibits discrimination or retaliation against any employee for requesting or for receiving paid family leave benefits.

## **4.13      EMPLOYEE ASSISTANCE PROGRAM**

On occasion, everyone has personal problems. Usually these problems are resolved with the support of relatives and close friends. But sometimes, you or members of your family may find that you would benefit from the assistance of a trained counselor. It is for this reason that the YMCA provides an Employee Assistance Program (EAP) to employees and family members who may need help with personal or behavioral problems.

### **ELIGIBILITY**

Our EAP, which is offered through the Total Care EAP/ESI, is available to all employees and their family members.

### **BENEFITS**

Through this program, confidential advice and short-term counseling are provided for any employee or member of an employee's family who requests it, or for an employee who is referred by his/her manager. Common problems addressed through counseling include alcoholism, drug abuse, financial difficulties, family tensions and conflicts with co-workers.

The privacy of employees and their family members is protected at all times. The YMCA is not informed when anyone seeks assistance, unless the individual so requests, or the YMCA refers the employee to the program as an alternative to discipline.

### **COST**

The YMCA pays the full cost of the Employee Assistance Program. Employees are responsible for the cost of outside referrals. However, the cost for outside referral help may be covered by the YMCA group health insurance program.

### **MORE INFORMATION**

Employees may contact the Total Care EAP/ESI at (800) 252-4555 or (800)225-2527 or [www.theeap.com](http://www.theeap.com). If you are unable to reach help at the EAP number and it is a crisis, you are encouraged to call Life Line at 585-275-5151 for immediate intervention help.

## **4.14      DOMESTIC PARTNER BENEFITS**

The YMCA allows employees to obtain allowable benefits for themselves and their domestic partners.

### **ELIGIBILITY**

Domestic partners of current employees, including same sex and opposite sex partners and children of a current domestic partner are eligible for certain benefits. Domestic partners must meet the following requirements:

- Have an exclusive mutual commitment, similar to that of marriage;
- Are each other's sole domestic partner and intend to remain so indefinitely;
- Neither partner is legally married;
- Are not related by blood to a degree of closeness, which would prohibit legal marriage in the state in which the partners legally reside;
- Are at least 18 years of age and are legally competent to contract;
- Are currently residing together and have resided together in a common household for at least six consecutive months and intend to reside together indefinitely;
- Share joint responsibility for the partners' common welfare and financial obligations demonstrated by the existence of a domestic partner agreement (a qualifying domestic partnership agreement is a legally binding agreement between two individuals creating personal and financial interdependence.)

### **ENROLLMENT**

To enroll a domestic partner in the YMCA benefit programs, the employee must complete an Affidavit of Domestic Partnership.

### **CHANGES IN BENEFIT ELECTIONS**

After enrolling, you may not change your benefit plans until the beginning of the next plan year, unless one of the following events occur and provided the change you elect to make is on account of and consistent with, such event:

- The domestic partnership is dissolved;
- You have a change in family status;
- Your employment status changes

### **TAX IMPLICATIONS**

Unless a domestic partner qualifies as the employee's tax dependent the value of any domestic partner benefit may be taxable compensation for the employee.

**TERMINATION PROCEDURES**

If there is a change in status of the domestic partnership, the employee must notify Human Resources within 30 days of the change of status. Benefits will continue until the last day of the month the statement is received.

**CONFIDENTIALITY**

All employee information, including statements of marriage or domestic partnership, will be kept confidential by the YMCA, and released only on a need to know basis.

*This is intended as a brief introduction to Domestic Partner benefits. A more thorough explanation of the benefits available is contained in the Summary Plan Descriptions, plan documents and/or insurance policies available from Human Resources. In the event of a discrepancy between the terms of this policy and the official plan documents, the official plan documents will control.*

## **4.15      CANCER SCREENING LEAVE**

The YMCA recognizes the importance of early detection and treatment of cancer and supports New York State's initiative to encourage regular screening. In an effort to advance this initiative, the YMCA has agreed to voluntarily provide its employees with a benefit similar to what is currently provided to public employees in New York.

### **TIME AWAY FROM WORK**

All full-time and regular part time employees will be granted up to four (4) hours of paid leave in any 12-month period for purposes of undergoing breast, prostate, and/or colon cancer screening. Such leave will not be charged against any other leave that the employee is otherwise entitled to receive. This leave is not cumulative and shall be deemed forfeited if not used in a particular 12-month period; the time cannot be carried over.

### **REQUEST/VERIFICATION**

Employees should give as much advance notice as possible of a request for leave under this Policy. A requested date for leave may need to be rescheduled based on operational needs.

Employees must provide Human Resources with verification from a physician confirming the eligible employee has undertaken a screening for the purposes of breast, prostate, and/or colon cancer detection on the date the employee used the excused leave under this Policy.

## **SECTION FIVE**

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# **SAFETY POLICIES**



## **5.01      ALCOHOL/DRUG-FREE WORKPLACE**

The YMCA is committed to providing employees with a work environment that is free of the problems associated with the use and possession of controlled substances or alcohol. As a condition of employment with the YMCA, all employees are required to fully comply with the provisions of this policy.

### **DEFINITION OF CONTROLLED SUBSTANCES**

"Controlled substances" are defined as those drugs listed in Schedules I through V of Section 202 of the federal Controlled Substances Act, 21 U.S.C. 812 and include, but are not limited to: marijuana, cocaine (including "crack" and other cocaine derivatives), morphine, codeine, phenobarbital, heroin, amphetamines and many barbiturates.

### **UNAUTHORIZED PRESENCE OF CONTROLLED SUBSTANCES AND/OR ALCOHOL IN THE WORKPLACE**

The use, sale, purchase, possession, distribution, dispensation, formulation, manufacture or transfer of controlled substances or alcohol on Association property, in Association vehicles or while on Association business is strictly prohibited.

Further prohibited is the unlawful use, sale, possession, distribution, dispensation, formulation, manufacture or transfer of controlled substances or alcohol on non-working time off Association premises to the extent such actions impair an employee's ability to perform his/her job or otherwise adversely affects the YMCA's business interests.

All employees are expressly prohibited from reporting to work or performing job duties for the YMCA while their ability to perform job duties is impaired by use of alcohol, Controlled Substances, drugs, or any other substance.

Notwithstanding any conflicting language in this policy, this policy does not prohibit the lawful use of cannabis if used in accordance with New York State law prior to the beginning or after the conclusion of an employee's work hours, off of the YMCA's premises and without use of the YMCA's equipment or property. However, all employees are prohibited from being impaired by the use of cannabis while working for the YMCA.

This policy does not prohibit the lawful use of over-the-counter medication or other medication that has been legally prescribed (including, but not limited to, certified and lawful medical marijuana use under New York law) to the extent that such use does not result in an employee performing job duties while impaired by use of such medication or controlled substance.

### **REPORTING THE USE OF PRESCRIPTION DRUGS**

If you are taking drugs prescribed by a physician, dentist or other licensed practitioner which may affect your ability to safely perform your job, you must

obtain a written statement from your attending physician. This statement must specify any work restrictions and is to be given to the

Vice President of Human Resources prior to your starting work under the influence of this drug(s).

### **FOR CAUSE TESTING**

If there is reasonable cause to indicate that an employee has consumed, impaired by, or is under the influence of controlled substances or alcohol at work, the employee may be required to undergo testing. Refusal to consent to such a test may result in immediate termination.

Reasonable cause is defined as, but not limited to, the following:

- Involvement in a preventable on-the-job accident or injury;
- Documented on-going performance problems such as, but not limited to unexplained frequent absences, pattern of absences, tardiness, failure to follow directions;
- Involvement in a vehicular accident.
- Observable physical signs and symptoms of impairment.
- Presence of drug/alcohol paraphernalia.

### **EMPLOYEE ASSISTANCE PROGRAM (EAP)**

The YMCA provides an EAP for employees and their family members. You are encouraged to use the EAP whenever you feel the need for guidance in coping with life. If you have difficulty handling drugs or alcohol, the EAP can provide information on treatment. The EAP is a confidential service.

### **VIOLATION OF POLICY**

Employees who violate this policy will be subject to disciplinary action, up to and including termination.

### **FOR MORE INFORMATION**

Human Resources is responsible for the administration of this policy.

## **5.02      CHEMICAL HAZARD COMMUNICATION PROGRAM**

The YMCA's Chemical Hazard Communication Program has been created with your health and safety in mind. To be successful, this program requires your full commitment. Working together, we then can keep our workplace safe.

### **OBJECTIVE OF PROGRAM**

The purpose of this program is to ensure the YMCA's full compliance with the OSHA Hazard Communication Standards, thereby keeping our employees informed of the hazardous chemicals to which they may be exposed. The scope of the program includes:

- Maintaining a list of all hazardous chemicals used in our work areas and updating the list as necessary;
- Placing warning labels on containers that have hazardous materials;
- Maintaining Materials Safety Data Sheets (MSDS) for every substance on the list of hazardous chemicals and making the MSDS readily available to all employees;
- Training employees to recognize and interpret labels, warnings and signs that are fixed to containers;
- Training employees to understand the elements of the MSDS and to recognize possible risks to health and physical harm;
- Making this written program available upon request to employees.

### **REPORTING ACCIDENTS**

The Buildings and Grounds Director at each location is responsible for monitoring and updating the Chemical Hazard Communication Program at the YMCA. Any accidents pertaining to chemicals or hazardous materials should be reported immediately to him/her. Employees can obtain MSDS information from Human Resources or the Director of Risk Management

## **5.03 BUILDING SECURITY**

The security of the YMCA's offices and facilities is of the utmost importance. To control building security, an authorized employee must accompany all visitors who require access to our facilities.

### **VISITORS**

Visitors requiring access to the YMCA's offices are to be met in the reception area by an authorized employee, escorted while in the building and accompanied back to the reception area when leaving the building. Visitors should only have access to the areas/offices within the building needed to conduct business.

### **IDENTIFICATION AND SECURITY**

Identification badges must be worn at all times during your working hours. Key cards or keys may not be shared and must be turned in upon termination. Any security problems must be reported to the Duty Officer.

### **DELIVERIES**

Delivery people are seldom thought of as visitors, but they are and should be treated as any other visitor.

### **PROHIBITED ITEMS**

The following articles may not be brought onto Association premises:

- Firearms, weapons, explosives;
- Narcotics or alcoholic beverages;
- Other items similar in effect or purpose to any of the above, as well as items which may be considered illegal under local, state, or federal laws or contrary to standard industrial practice.

Any personal items brought on the premises are subject to inspection as necessary to protect Association property and personnel.

#### **USE OF YMCA PROPERTY/VEHICLES**

YMCA property may not be used for personal use or be removed from the building without permission from your manager.

## **5.04 TOBACCO-FREE AND SMOKE-FREE**

This policy has been adopted in the interest of providing a safe and healthy environment for YMCA employees, members and visitors. The YMCA of Greater Rochester is a tobacco-free and smoke-free workplace.

#### **TOBACCO & SMOKING RESTRICTIONS**

Smoking and use of all tobacco products in any form, including but not limited to cigars, cigarettes, e-cigarettes, pipes, vaping pens and non-tobacco, non-FDA-approved cessation devices is prohibited in all YMCA buildings, in all YMCA-owned vehicles, on YMCA-owned and operated property (including but not limited to parking lots), and within 50 feet of any YMCA building entrance. Non-tobacco, non-FDA-approved cessation devices prohibited by this policy include but are not limited to electronic cigarettes and any other “vaping” devices and nicotine inhalation devices.

#### **COMPLIANCE**

Violations of this policy will result in disciplinary action, up to and including termination of employment.

## **5.05 VIOLENCE IN THE WORKPLACE**

The YMCA is committed to providing a safe environment for employees, members, and visitors. The YMCA has zero tolerance for violence. Employees who display any violence or threaten violence in the workplace are subject to disciplinary action up to and including termination. No talk of committing violence or joking about committing violence will be tolerated.

#### **DEFINITION**

Violence in the workplace includes, but is not limited to physically harming another, shoving, pushing, brandishing weapons and explicit or implicit threats or talk of committing violence.

#### **WEAPONS**

All employees and unpaid interns are prohibited from carrying a weapon while in the course and scope of performing their job for the YMCA, whether or not they are on Association property at the time and whether or not they are licensed to carry a handgun. This policy also prohibits weapons at any Association-sponsored functions such as parties or picnics.

Failure to abide by this policy may result in disciplinary action up to and including termination. Further, carrying a weapon onto Association property in violation of this policy will be grounds for immediate removal from Association property and may result in prosecution. This policy shall not be construed to create any duty or obligation on the part of the YMCA to take any actions beyond those required by existing law.

## **REPORTING VIOLENCE**

It is everyone's responsibility to prevent violence in the workplace. You must report what you see in the workplace that could indicate that a co-worker is in need of help. You should report any incident that may involve a violation of the YMCA's policies that are designed to provide a safe workplace environment. Concerns may be presented to your manager or any other member of management. All reports will be investigated, and information will be kept confidential, except where there is a need to know in order to facilitate a solution to the problem.

## **EDUCATIONAL OFFERINGS**

In order to promote a peaceful working environment, the YMCA encourages employees to enroll in courses to learn more about working with each other. Courses covering communication, problem solving, building effective working relationships, stress management and related or similar course topics are supported by tuition reimbursement; offered by the YMCA; or, where appropriate, provided by attendance at outside seminars.

## **EMPLOYEE ASSISTANCE PROGRAM (EAP)**

The YMCA provides an EAP for employees and their family members. You are encouraged to use the EAP whenever you feel the need for guidance in coping with life. If you have difficulty handling drugs or alcohol, the EAP can provide information on treatment. The EAP is a confidential service.

## **INCIDENT MANAGEMENT**

In the event of a major workplace incident that affects, or has the potential to affect, the mental health of our employees, the EAP will provide initial counseling and support services to employees and immediate family members.

## **5.06    WORKPLACE SEARCHES**

The YMCA reserves the right to conduct searches of any person, vehicle or object that enters onto Association property.

### **SEARCHES**

Please be aware that the YMCA reserves the right to search lockers, desks, briefcases, baggage, toolboxes, lunch sacks, clothing, purses, vehicles parked on Association property and any other item in which something may be hidden. Additionally, the YMCA may search any Association-owned vehicle, regardless of whether the vehicle is located on Association property at the time. Association management may conduct searches. The YMCA also reserves the right to authorize searches by law enforcement on its property with or without the employee being present.

## **SECTION SIX**

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# **EMPLOYEE PROGRAMS & PROCEDURES**

## **6.01      MEMBER RELATIONS**

The professional treatment of our members and the impression that we make on our community are important. The YMCA's reputation is based on product excellence and quality service. To maintain our reputation as an industry leader requires the active participation and cooperation of every employee.

### **EACH EMPLOYEE'S RESPONSIBILITY**

The opinions and attitudes that members and potential members have toward the YMCA may be determined for a long period of time by the actions of one employee. Each employee must be sensitive to the importance of providing courteous treatment in all working relationships with our members.

### **QUALITY SERVICE**

Quality service can only be achieved when every employee understands that members are critically important to the success of the YMCA.

All people we serve should be treated with respect, care and concern through both our words and our actions each and every day.

## **6.02      PARKING**

Parking facilities are available to employees at all locations of the YMCA. When using these facilities, park in an orderly and courteous fashion.

### **PROTECTION OF PROPERTY**

For your protection, always lock your car doors. The YMCA is not responsible for loss, damage, or theft in our parking area.

### **SAFETY IN THE PARKING LOT**

Employees must adhere to normal traffic laws while driving in our parking lot. This includes full adherence to stop signs and speed limits.

### **PAID PARKING**

Full-time employees of the Carlson Metro Center Branch, upon request, will be issued a parking pass to the East End Garage. A \$15.00 payment is required for the electronic pass. The electronic pass is the property of the City of Rochester Bureau of Parking and is not eligible for reimbursement through petty cash or expense reporting.

### **MORE INFORMATION**

If you need more information about parking or parking reimbursement, contact Human Resources.



## **6.03     MEDIA RELATIONS**

Communication with news reporters and other journalists is, at times, sensitive in nature. Therefore, media requests for official statements may be handled only by designated senior managers of the YMCA.

### **MEDIA REQUESTS FOR OFFICIAL STATEMENTS**

Any telephone calls or visits from members of the media requesting the YMCA's official statement should be directed to the Chief Marketing and Communications Officer.

## **6.04     DRESS CODE POLICY**

Depending upon your position or department, you may be required to wear a staff uniform. The YMCA branch locations are issued shirts that must be worn when required.

All employees must wear their Identification Badges at all times.

At the YMCA, we strive to demonstrate professionalism in our demeanor and appearance at all times. Our clothing is a way to identify us to parents, to youth, to members, and to fellow YMCA employees. All employees are expected to adhere to YMCA guidelines for appearance at all times while at work. The following points are intended to clarify expectations for all front-line employees working in programs which serve youth directly and include several specific requirements deemed necessary due to the daily member interaction these employees have and the YMCA's overall interest in preserving its public image (including before and after school programs, infant and toddler programs, preschool programs, teen programs, summer programs, vacation enrichment programs, and child watch):

- All front-line employees (employees with direct program participant contact) must wear a designated staff shirt at all times.
- A nametag with photo identification must be worn and be visible at all times.
- Employees may wear jeans, black or khaki pants (or shorts when appropriate), or skirts. Employees may *not* wear sweatpants, wind pants, yoga pants, spandex, etc. All clothing should be clean, fit appropriately, and be free from rips or tears. Skirts and shorts must be appropriate in length. Appropriate length for skirts and shorts is considered mid-thigh or longer.
- Flat or low-heeled shoes must be worn at all times. Sneakers are acceptable. High heeled shoes and open-toed shoes are not acceptable.

- Hats may not be worn indoors. Seasonally appropriate hats may be worn by staff when outdoors as long as they are free from offensive or vulgar language.
- Visible tattoos and body piercings that are deemed offensive, vulgar, or inappropriate by Human Resources are not permitted and must be concealed during working hours. Examples of visible tattoos and body piercings that may be prohibited include, but are not limited to, tongue piercings, facial piercings, certain nose piercings and tattoos that display messages or pictures that a reasonable person may find objectionable.
- Due to safety reasons, loose jewelry, including dangling earrings, is not permitted.
- Employees are expected to be well groomed and to practice good hygiene. Hair must be clean, kempt, and tastefully styled. Perfume, cologne, and aftershave, when used, should be worn in moderation. Fingernails should be kept clean, well-manicured, and of a length that does not compromise the ability to actively and safely participate with and care for youth.

Employees should direct questions about the dress code to a supervisor or manager.

## **6.05 CHANGES IN PERSONAL INFORMATION**

You are responsible for notifying the YMCA when there is a change in your personal data. This information needs to be kept up to date, so your benefit plans and payroll withholdings are properly administered. Timely notification of these changes will also enable the YMCA to assist you and your family in matters of personal emergency.

### **NOTIFICATION**

Notify the Payroll Department ***in writing*** if any of the following change:

- Name
- Address
- Telephone Number
- Number of Dependents
- Change in family status and/or beneficiaries
- Emergency Contact

You can also update through your Paylocity account at [www.paylocity.com](http://www.paylocity.com).

## **6.06      EMPLOYMENT OF RELATIVES & NON-FRATERNIZATION**

The employment of relatives is a sensitive issue that could possibly create a conflict of interest situation for the related individuals. Hiring decisions and continued employment must be handled in accordance with the following provisions.

### **LIMITATIONS**

Integrity in our employment relationships is essential to maintaining trust and accountability in the workplace. All employment related decisions - including, but not limited to hiring, promotion, compensation, disciplinary action, and termination, must be made without favoritism or even the appearance of favoritism.

The employment of relatives or individuals with whom we have a close personal relationship may raise questions regarding confidentiality, objectivity, and business necessity. In order to promote integrity in our employment relationships and unless contrary to applicable local law, the YMCA requires employees to immediately disclose to Human Resources (HR) any family or personal relationships that may cause or give the appearance of a conflict of interest with members. This policy does not prohibit family members or individuals in personal relationships from working in the same operating unit. In fact, the Association permits relatives and those in a close personal relationship to work in the same operating unit provided full disclosure is made to all relevant leaders and the employees in question do not directly or indirectly impact employment related decisions pertaining to each other. For example, an individual related to or in a personal relationship with an applicant must not influence or participate in the hiring or placement decision process. Even with these safeguards, employees and leaders must be alert to the possible appearance of influence and take steps to eliminate the perception.

For the purpose of this policy, relatives are defined as:

|                                       |                         |
|---------------------------------------|-------------------------|
| Spouse (to include significant other) | Children                |
| Parents                               | Other Step Relationship |
| Siblings (brother, sister)            | In-Laws                 |
| Grandparents                          | Grandchildren           |
| Aunt or Uncle                         |                         |

It is the YMCA's policy that employees will not be hired into, or work in, a department where they directly or indirectly supervise or are supervised by an immediate family member or someone with whom they are romantically involved. Employees will not be placed in a position where they work with, or have access to, sensitive or confidential information about an immediate family member or someone with whom they are romantically involved. In such circumstances, Human Resources will:

- Attempt to reassign one or both employees to bring them into compliance with the policy at a pay rate as close as possible to their current rate of pay.
- Make an effort to retain both individuals at the same physical location.
- Allow the employees involved a maximum of 30 days to decide who will remain in his/her current position and who will move or be terminated, if a move or termination is necessary.

### **NON-FRATERNIZATION**

Due to the potential for morale, confidentiality and supervisory problems and the appearance of a conflict of interest, the YMCA expects managers to refrain from romantic relationships with employees whom they directly or indirectly supervise. If two employees marry or otherwise become immediate family members or romantically involved, the YMCA expects these employees to resolve the matter of complying with this policy among them. If they cannot, the YMCA may require one or both employees to transfer or resign.

## **6.07      SEVERE WEATHER**

Inclement weather is to be expected during the winter months. Driving, although rarely impossible, may be difficult at times. When caution is exercised, you normally will find the roads are passable.

### **NOTICES OF OFFICE CLOSINGS**

Except in cases of severe storms, we will work regular hours. Any alteration in our regular schedule will be decided by the CEO, COO or CFO and communicated over local radio stations.

### **ABSENCES DUE TO POOR WEATHER**

When a branch suspends operations before the workday begins:

- Exempt employees will be paid.
- Full-time, non-exempt employees will be paid.
- Part-time, non-exempt employees will not be paid.

When the decision is made to close the branch during the workday:

- Exempt employees will be paid.
- Full-time, non-exempt employees will be dismissed and paid for the day.
- Part-time, non-exempt employees, who are on-site and prepared to fulfill their duties when the decision is made to

close, will be paid for the time normally worked on that day. All other part-time employees will not be paid.

Time taken off by employees due to poor weather conditions must be taken as a vacation day or unpaid time unless otherwise required by Federal or state wage and hour laws.

## **6.08      BULLETIN BOARDS**

The YMCA maintains bulletin boards in suitable places for the posting of official notices relating to the YMCA business, job opportunities, sponsored activities, and federal and state regulations.

### **GENERAL**

Information of interest and importance to you is regularly posted on our bulletin boards. Make a point to look at the bulletin boards regularly to keep up with "what's happening." These bulletin boards are for administrative use only so employees may not post or remove any items on them.

## **6.09      SOCIAL MEDIA POLICY**

Social Media presents opportunities to engage YMCA of Greater Rochester ("YMCA") employees, members, supporters, donors, volunteers, potential employees, and those who work on behalf of the YMCA in conversations to improve our services and the YMCA experience and to deliver on our mission and vision.

In the rapidly expanding world of electronic communication, social media can mean many things. Social Media includes all means of communicating or posting information or content of any sort on the Internet, whether or not associated or affiliated with the YMCA, as well as any other form of electronic communication.

At the YMCA, we understand that social media can be a fun and rewarding way to share and communicate with others. However, use of social media also presents certain risks and carries with it certain responsibilities. To assist you in making responsible decisions about your use of social media, we have established these guidelines for appropriate use of social media.

This policy applies to all YMCA employees.

Nothing in this Social Media Policy or in this Handbook is intended to interfere with, restrain or prohibit employees from complying with or exercising their rights under any applicable federal, state, or local law, or from communicating about wages, hours, or other terms and conditions of their or their co-worker's employment. This policy will not be applied or construed in a manner that violates or improperly interferes with employee rights under Section 7 of the National Labor Relations Act.

### **Personal social media use guidelines**

The same principles and guidelines found in the YMCA's employment policies apply to your online activity. You are solely responsible for what you post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that your conduct that adversely affects your job performance, the performance of fellow staff or otherwise adversely affects members, supporters, donors, volunteers, and those who work on behalf of the YMCA, or the YMCA's legitimate business interests, may result in disciplinary action up to and including termination.

### ***Know and follow the YMCA's rules***

Carefully read these guidelines and the YMCA's related policies, such as but not limited to: Non-Discrimination, Non-Harassment, Code of Ethics, Individuals with Disabilities, and the Acceptable Use Policy. Ensure your postings are consistent with these policies. Inappropriate postings that may include discriminatory remarks, harassment that violates these policies, threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including termination.

### ***Be fair to others***

It is best to be fair and respectful to fellow employees, members, supporters, donors, volunteers, and those who work on behalf of the YMCA or the YMCA's legitimate business interests. You should avoid using statements, photographs, videos, or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating or that might constitute bullying, discrimination or harassment on the basis of race, sex, disability, religion or any other status protected by law or YMCA policy.

### ***Be honest and accurate***

Make sure you are always honest and accurate when posting information or news, and if you make a mistake, correct it quickly. Be open about any previous posts you have altered. Remember that the Internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors that you know to be false about the YMCA, fellow employees, members, supporters, donors, volunteers, potential employees, and those who work on behalf of the YMCA or the YMCA's legitimate business interests.

### ***Post responsible content***

- Maintain the confidentiality of financial and other personal information relating to our members. Also, do not disclose the YMCA's confidential business or proprietary information that is purposefully kept confidential internally and/or externally, such as but not limited to, internal reports, revenue, and cost reports, and/or other internal business-related confidential communications.
- Express only your personal opinions. Never represent yourself as a spokesperson for the YMCA.

***Using social media at work***

Refrain from using social media while on working time or on equipment we provide unless it is work-related as authorized by your manager or consistent with the Acceptable Use Policy. Working time refers to that portion of any working day in which the employee is being paid to perform actual job duties. It does not include such times as lunch or break time or before or after work.

***Retaliation is prohibited***

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

***For more information***

If you have questions or need further guidance on personal social media use, please contact the Human Resources Department.

**Friending members and volunteers**

- Sometimes, members and volunteers may ask employees to become their "friend" on social media sites. This is allowed, but employees must remember that the Guidelines in this policy apply to these online relationships; employees should also consider creating a more limited profile for general or work-related purposes and reserve their full personal profile for friends and family only.
- It is not recommended that YMCA staff "friend" any staff, volunteer, or member under the age of 18 on any social media site, except on official YMCA-sponsored or approved sites.

**Working with teens online**

- Because of the nature of their jobs, several YMCA staff members work closely with teen groups and need to communicate with them and their parents online. These staff members must get permission from the Marketing Department before creating social media pages for their clubs (Leaders, Youth in Government, etc.).
- These staff members must receive a brief training on social media safety and privacy practices before starting their group. They can communicate with group members through this group page.

**Unofficial Social Media pages**

- YMCA employees may not create, establish or maintain any social media page, profile or site that purports to be a page, profile or site that is established or maintained by, or on behalf of, the YMCA without written permission from the Association Marketing Department. YMCA employees also may not use the YMCA's logo on any social media or internet site, page, or platform.

If you come across a page, site or profile claiming to be a YMCA of Greater Rochester page, please let the Association Marketing Department know as soon as possible.

**Donor recognition and solicitations**

- Recognition of donors on any social media page (whether YMCA-affiliated or personal) is strictly prohibited.
- Solicitation of donations via social media may be done only using the approved language and technology (widget) provided by the Vice President Marketing & Mission Advancement Department and requires prior authorization.

**Posting photos and videos of YMCA activities online**

- If you wish to share a photo or video online on an official YMCA social media site/page, please contact the Marketing Department to determine the best way to do this.
- All photos and videos that include members and children cannot be posted unless the member and/child has signed a photo release.

**Abide by the YMCA of Greater Rochester's Acceptable Use Policy**

- As a condition of your employment you must comply with the YMCA's Acceptable Use Policy (policy 6.10).

*Enforcement*

Any employee who discovers a violation of this Policy shall immediately notify the, Chief Financial Officer, Chief Marketing and Communications Officer and the Vice President of Human Resources. Any employee found to have violated this policy may be subject to disciplinary action, up to and including termination of employment. Employees using Association computer systems for defamatory, illegal, or fraudulent purposes also are subject to civil liability and/or criminal prosecution.



## 6.10 ACCEPTABLE USE POLICY

Internet/Intranet/Extranet-related systems, including but not limited to computer and voice equipment, software, operating systems, storage media, network accounts providing electronic mail and web browsing are the property of the YMCA of Greater Rochester. These systems are generally to be used for business purposes in serving the interests of the Association and of our members and customers in the course of normal operations, except to the extent that personal or non-work-related use is specifically permitted by this Policy.

Effective security is a team effort involving the participation and support of every YMCA employee and affiliate who deals with information and/or information systems. It is the responsibility of every computer user to know these guidelines, and to conduct their activities accordingly.

### *Purpose*

The purpose of this policy is to outline the acceptable use of computer equipment and communication systems at the YMCA. These rules are in place to protect the employee and the YMCA. Inappropriate use exposes the YMCA to risks including malicious code and virus attacks, compromise of network systems and services, and legal issues.

### *Scope*

This policy applies to all employees, contractors, consultants, temporaries, third parties and other personnel using the YMCA equipment that is owned or leased by the YMCA of Greater Rochester.

### *Policy*

#### *General Use and Ownership*

- While the YMCA of Greater Rochester's senior management desires to provide a reasonable level of privacy, users should be aware that the information transmitted across or the data they create on the corporate systems remains the property of the YMCA at all times. YMCA management cannot guarantee the confidentiality of information stored on any asset, system computer, application or device belonging to the YMCA that stores, processes, or transmits information.
- Management permits a limited amount of personal use of its computer equipment and communication systems. Personal use is only permitted during non-working time and is prohibited during working time. "Working time" refers to that portion of any working day in which the employee is being paid to perform actual job duties. It does not include such times as lunch or break time or before or after work. Even when using the YMCA's computer equipment and communication systems for personal use, all YMCA policies must be adhered to by the employee.

- The YMCA requires that any information that users consider sensitive or vulnerable be encrypted based only on approved YMCA applications or technologies. Any data identified as being encrypted or otherwise inaccessible with a non-approved application or technology will be deleted.
- For security and network maintenance purposes, authorized individuals within the YMCA may monitor equipment, systems, and network traffic at any time.
- The YMCA reserves the right to audit networks and systems on a periodic basis to ensure compliance with this policy and applicable laws and regulations.

#### *Security and Proprietary Information*

- All personnel are required to keep passwords secure and to not share passwords or accounts with any other person or entity. Authorized users are responsible for the security of their passwords and accounts. System level passwords will be changed at least every 90 days or in compliance with a management directive, user level passwords should be changed every six months or per a management directive.
- All PCs, laptops and workstations are secured with a password-protected screensaver with the automatic activation feature through group policy set to at least 15 minutes.
- Because information contained on portable computers is especially vulnerable, special care should be exercised. Protect laptops in accordance with the "Laptop Security Tips".
- Portable USB storage devices including, but not limited to, flash drives, external disk drives and media players must be prescreened for viruses before being reintroduced onto YMCA equipment.
- Postings by employees from a YMCA email address to newsgroups should contain a disclaimer stating that the opinions expressed are strictly their own and not necessarily those of YMCA, unless posting is in the course of business duties.
- Employees must not open emails or email attachments received from unknown senders.

#### *Acceptable Use*

The following activities are, in general, prohibited. Employees may be exempted from these restrictions during the course of their legitimate job responsibilities (e.g., systems administration staff may have a need to disable the network access of a device if that device is disrupting production services).

Under no circumstances is an employee of the YMCA authorized to engage in any activity that is illegal under local, state, federal or international law while utilizing YMCA owned resources.

The lists below are by no means exhaustive but attempt to provide a framework for activities which fall into the category of unacceptable use.

### *System and Network Activities*

The following activities are strictly prohibited, with no exceptions:

- Violations of the rights of any person or company protected by copyright, trade secret, patent or other intellectual property, or similar laws or regulations, including, but not limited to, the installation or distribution of "pirated" or other software products that are not appropriately licensed for use by the YMCA.
- Unauthorized copying of copyrighted material including, but not limited to, digitization and distribution of photographs from magazines, books or other copyrighted sources, copyrighted music, and the installation of any copyrighted software for which YMCA or the end user does not have an active license is strictly prohibited.
- Exporting software, technical information, encryption software or technology, in violation of international or regional export control laws, is illegal. The appropriate management should be consulted prior to export of any material that is in question. YMCA laptops should never be taken out of the United States unless approved by the Vice President of IT for international travel.
- Introduction of malicious programs into the network or server (e.g., viruses, worms, Trojan horses, email bombs, etc.). To prevent computer viruses from being transmitted through the system, there will be no unauthorized downloading of any software. All software downloads will be done through the IT Department.
- Connecting personal or non-YMCA provided equipment to the YMCA network. Any non-YMCA devices must be authorized by the VP of Information Technology.
- Revealing your account password to others or allowing use of your account by others. This includes family and other household members when work is being done at home.
- Using a YMCA computing asset to actively engage in procuring or transmitting material that is in violation of harassment, sexual harassment or hostile workplace policies maintained by the YMCA or applicable law.
- Visiting, accessing, downloading, procuring, or transmitting materials with pornographic or sexually explicit information.
- Making fraudulent offers of products, items, or services originating from any YMCA account.
- Making statements about warranty, expressly or implied, unless it is a part of normal job duties.
- Effecting security breaches or disruptions of network communication. Security breaches include, but are not limited to, accessing data of which the employee is not an intended recipient or logging into a server or account that the employee is not expressly authorized to access, unless these duties are within the scope of regular duties. For purposes of this section, "disruption" includes, but is not limited to, network sniffing, pinged floods, packet spoofing, denial of service, and forged routing information for malicious purposes.

- Port scanning or security scanning is expressly prohibited unless prior notification to the IT Department is made.
- Executing any form of network monitoring which will intercept data not intended for the employee's device unless this activity is a part of the employee's normal job/duty.
- Circumventing user authentication or security of any host, network, or account.
- Interfering with or denying service to any user other than the employee's device (for example, denial of service attacks).
- Using any program/script/command, or sending messages of any kind, with the intent to interfere with, or disable, a user's terminal session, via any means, locally or via the Internet/Intranet/Extranet.

### **Email and Communications Activities**

The following activities are strictly prohibited, with no exceptions:

- The electronic mail system must not be used in a manner that violates YMCA policy, such as but not limited to those policies that address discrimination and harassment. For example, messages that are sexually oriented, racially derogatory, or improperly aimed at someone's sex, age, sexual orientation, religious or political beliefs, national origin, or disability will not be tolerated.
- The electronic mail system shall not be used to send (upload) or receive (download) copyrighted materials, trade secrets, proprietary information, financial information, or similar materials without prior authorization of the owner or vendor.
- Creating or forwarding "Ponzi" or other "pyramid" schemes of any type.
- The Association provides and maintains an electronic mail system to assist in the conduct of its business.
- The electronic mail system hardware and software is Association property. Additionally, all messages composed, sent, or received on the electronic mail system are, and remain, the property of the Association. They are not the private property of any employee.
- Personal email use is only permitted during non-working time and is prohibited during working time. "Working time" refers to that portion of any working day in which the employee is being paid to perform actual job duties. It does not include such times as lunch or break time or before or after work. Even when using the email system for personal use, all YMCA policies must be adhered to by the employee.
- The Association reserves and will exercise the right to review, audit, intercept, access and disclose all messages created, received, or sent over the electronic mail system for any purpose. Employees should have no expectation of privacy when using the YMCA's email system.

- The confidentiality of any message should not be assumed. Even when a message is erased, it is still possible to retrieve and read that message. Further, the use of passwords for security does not guarantee confidentiality.
- Notwithstanding the Association's right to retrieve and read any electronic mail messages, such messages should be treated as confidential by other employees and accessed only by the intended recipient. Employees are not authorized to retrieve or read any e-mail messages that are not sent to them. Any exception to this rule must receive prior approval of the Vice President of Human Resources.
- Employees must take care not to introduce viruses into YMCA systems by not opening messages or documents sent by unknown users. Employees should utilize anti-virus software and notify the Vice President of IT immediately if there is reason to believe a virus has been introduced into our computer system or that any person may have accessed data, which they were not authorized to view.

### *Personal Telephone Calls and Electronic Devices*

It is important that our telephones be free, and our employees be available during working hours for customers and other business-related calls.

#### **NON-BUSINESS CALLS**

Our telephones, including company-provided cellular phones, are maintained for business purposes only. The Association recognizes that employees may occasionally need to use YMCA telephones, including Association-provided cell phones, for non-business-related matters. Employees should limit these calls to an absolute minimum and place calls only during non-working periods.

#### **PERSONAL CELL PHONES AND ELECTRONIC DEVICES**

Most of today's hand-held electronic devices make it easy to bring music, entertainment, and personal communications to the workplace. However, due to safety, productivity and efficiency reasons, the use of personal cell phones, handheld videogames, and other personal electronic devices are limited to break and meal periods. They are not permitted during work time, unless used for work-related reasons approved by a supervisor or manager in advance. "Work time" refers to that portion of the working day in which the employee is being paid to perform actual job duties.

### **Outside Contact with YMCA Youth Participants**

The YMCA takes very seriously its obligation to protect the children served by the Association. Although the YMCA Code of Conduct requires that staff do not initiate outside contact with members or program participants, more stringent safeguards are required when it comes to the youth served by the Association. As a general rule, YMCA staff should not have contact or communication with the children who participate in YMCA programs outside of YMCA work time. With today's electronic communication options (e-mail, text messages, blogging, and social networking) it is more important than ever that all employees understand the Association's policy on such contact or communication in order to protect the youth served by the YMCA and to protect our staff. (Refer to separate policy on Social Networking)

- Employees should not initiate or receive personal phone calls with youth who are in or whom they have met through YMCA programs (referred to in this policy as "youth"). A call is considered "personal;" if it does not involve both a YMCA phone and YMCA-specific subject matter. When employees receive calls from youth on non-YMCA phones and/or regarding a non-YMCA-specific subject matter, this must be immediately reported to a supervisor.
- Regardless of the instrument used, text messaging with youth is not permitted. If an employee receives a text message from a youth, a supervisor must be immediately made aware.
- Communication between employees and youth should only be through YMCA e-mail accounts and phones, and any other communication with youth should be immediately reported to the employee's supervisor.

### *Enforcement*

Any employee who discovers a violation of this Acceptable Use Policy shall immediately notify the Vice President of IT and the Vice President of Human Resources. Any employee found to have violated this policy may be subject to disciplinary action, up to and including termination of employment. Employees using Association computer systems for defamatory, illegal, or fraudulent purposes also are subject to civil liability and/or criminal prosecution.

## **6.11 ELECTRONIC COMMUNICATION OUTSIDE OF SCHEDULED WORK HOURS**

### **Guidelines**

As with all types of work on behalf of the YMCA, all time spent by salaried non-exempt employees and hourly non-exempt employees using electronic communication for work purposes will be considered hours worked; this time is compensable and will count toward overtime eligibility as required by law. All time spent by salaried non-exempt and hourly

non-exempt employees using electronic communication for work purposes must be reported as time worked by the employee to ensure proper compensation for this time. Salaried non-exempt and hourly non-exempt employees should use electronic communications outside of regularly scheduled work hours for work purposes only where specifically directed or approved in advance by a manager.

Salaried non-exempt and hourly non-employees should not check for, read, send or respond to work-related e-mails, text messages, and/or phone calls outside their regularly scheduled work hours unless specifically authorized to do so in advance by direction or approval of a manager.

## **Enforcement**

Salaried non-exempt and hourly non-exempt employees using electronic communication for work purposes outside of their regularly scheduled work hours without prior direction or approval by a manager will be subject to disciplinary action, up to and including discharge. Salaried non-exempt and hourly non-exempt employees who fail to report time spent using electronic communications for work purposes as time worked, for purposes of compensation, will be subject to disciplinary action, up to and including discharge.

## **6.12 PERSONNEL FILES**

The YMCA maintains an official personnel file for each employee that contains necessary job-related and personal information. These files are confidential, and guidelines exist to safeguard against improper disclosure.

### **ACCESS TO PERSONNEL FILE**

As an active employee, you may see information, which is kept in your own personnel file if you wish, except for confidential materials such as job references or information relating to other employees. Please ask your manager to make arrangements for you with the Vice President of Human Resources at least three days in advance.

Internal availability and access to personnel files is limited to those with proper authorization and a business need to know.

### **INQUIRIES ABOUT EMPLOYEES**

All inquiries or requests for information about employees (active or inactive) from people outside the YMCA should be referred to the Vice President of Human Resources. This applies to all requests, whether written or verbal.

## **6.13     OPERATION OF VEHICLES FOR ASSOCIATION BUSINESS**

The use of Association vehicles is limited to authorized employees. It is the responsibility of every employee operating an Association vehicle or operating their own vehicle for Association business, to drive safely and obey all traffic, vehicle safety and parking laws or regulations.

### **VALID DRIVER'S LICENSE**

All employees authorized to drive Association vehicles for use in conducting Association business must possess a current, valid driver's license and their driving record must meet the qualifications of our insurance carrier and the YMCA of Greater Rochester.

### **WORK-RELATED ACTIVITIES**

The YMCA vehicles must only be used in work-related activities and may not be used for personal business or activities without the approval of management. In accordance with New York State law, smoking is not allowed in Association-owned vehicles. Employees may not use cellular telephones while operating an Association vehicle.

### **SAFETY WHILE DRIVING**

Employees should also remember that while driving on Association business, they are expected to follow posted speed limits, practice defensive driving, wear seat belts and take a sufficient number of driving breaks.

### **PERSONAL VEHICLES**

In some instances, employees may be required to drive their own personal vehicle for the purposes of conducting Association business. Employees must maintain adequate personal automobile liability insurance. The YMCA is not responsible for any damages or fines incurred while conducting Association business in a personal vehicle. Employees may not use cellular telephones while operating vehicles for Association business.

## **6.14     CELLULAR PHONES AND OTHER HANDHELD DEVICES**

### **Cellular Phone and Handheld Devices Issued by the Association**

In order to maintain employee productivity, the YMCA issues certain employees a cellular phone or hand-held device to assist them in performing their job duties. Employees who are issued an Association cellular phone and/or hand-held device should only use the phone or device for Association business.



Employees must use their Association issued cellular phones and hand-held devices in accordance with all policies contained in this handbook.

### **Personal Cellular Phone and Handheld Devices**

While working for the YMCA, employees are expected to refrain from use of personal cellular phones and other personal hand-held devices. Personal calls, emailing, texting, instant messaging, visiting the internet, and other personal electronic communication activities during the workday are prohibited except in the case of an emergency or with prior approval from a supervisor.

### **Use of Cellular Phones and Handheld Devices While Driving**

The YMCA is committed to promoting highway safety and the safety of its employees. While driving on the job, safety must be the first priority. Employees are required to adhere to all applicable laws while driving vehicles when working for the Association. Employees may not use hand-held cellular phones or other hand-held devices while driving during YMCA work time. While employees may use hands-free devices to talk on an Association cellular phone for Association business while driving (to the extent permitted by law in the state where the employee is driving) employees are expected to keep conversations brief and only to engage in such conversations when absolutely necessary for business reasons.

## **6.15 RENEWAL OF REQUIRED CERTIFICATIONS**

It is the responsibility of employees to maintain and keep current any and all certifications required by the YMCA for each specific position at all times. The YMCA supports the continued required certification for specific positions as described below.

### **ELIGIBILITY**

The following is the list positions for which it is the employee's responsibility to maintain an approved current certification by attending and passing Continuing Education Courses (CEC's) and submitting for certification renewal. The YMCA will pay the cost of courses required for such recertification for current employees holding the following positions:

- Group Exercise Instructors
- Personal Trainers
- Water Fitness Instructors

### **APPROVAL**

Every employee is responsible for his/her own continuous education and maintenance of job skills. Eligible employees must receive approval from their supervisor prior to enrolling for any CEC's. The YMCA of Greater Rochester provides all Health and Wellness employees access to Club Connect portal for CEC's and education at no cost to the employee. Any CEC's completed outside of Club Connect and are not approved by the appropriate supervisor prior to enrolling may be ineligible for financial support.

**PAYMENT**

The costs covered by this policy are as follows:

- The cost of registering for and completing the CEC course(s).
- Wages will be paid to non-exempt employees at the state minimum wage per hour for time spent in completing required CEC's for the purpose of renewing a required certification.

**POST HIRE COURSES/CERTIFICATIONS**

The YMCA will be financially responsible for the course fee, wages, and CEC's for the following position that requires a Post-Hire certification:

- Wellness Coach

For all positions that have the requirement for renewal of all CPR, AED, and First Aid certifications, the YMCA of Greater Rochester will pay for the cost of each renewal.

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**HANDBOOK  
RECIEPT**

I acknowledge receipt of the Employee Handbook dated May 2021.

I understand that all the policies contained in the YMCA's Employee Handbook do not create a contract of employment nor does any other communication by a management representative, either expressed or implied, create a contract, unless explicitly stated otherwise in a written agreement signed by the Chief Executive Officer or the Vice President of Human Resources.

I understand that the Employee Handbook is not a guarantee of employment for any set period and that either the YMCA or I may terminate my employment at any time, with or without cause. Furthermore, I understand that the policies and benefits described in the Employee Handbook may be added to, revised, or deleted at any time.

I agree to read and become familiar with these policies.

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Employee Name (Printed)

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Employee Signature

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Date

**YMCA of GREATER ROCHESTER**

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

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to a supervisor, manager, or to the Vice President of Human Resources. You will not be retaliated against for filing a complaint.

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

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

**COMPLAINANT INFORMATION**

Name:

Work Address:

Work Phone:

Job Title:

Email:

Select Preferred Communication Method:

☐ Email ☐ Phone ☐ In person

**SUPERVISORY INFORMATION**

Immediate Supervisor's Name:

Title:

Work Phone:

Work Address:

**COMPLAINT INFORMATION**

1. Your complaint of Sexual Harassment is made about:

Name:

Title:

Work Address:

Work Phone:

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

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

3. Date(s) sexual harassment occurred:

Is the sexual harassment continuing? ☐ Yes ☐ No

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

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

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

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

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

## **Instructions for Employers**

If you receive a complaint about alleged sexual harassment, follow your sexual harassment prevention policy.

An investigation involves:

- Speaking with the employee
- Speaking with the alleged harasser
- Interviewing witnesses
- Collecting and reviewing any related documents

While the process may vary from case to case, all allegations should be investigated promptly and resolved as quickly as possible. The investigation should be kept confidential to the extent possible.

Document the findings of the investigation and basis for your decision along with any corrective actions taken and notify the employee and the individual(s) against whom the complaint was made. This may be done via email.