



**MILL NECK**  
*Family of Organizations*

# **Employee Manual**

**For Administration**

**Mill Neck Foundation**

**Mill Neck Services**

**Mill Neck International**

**Center for Hearing Health**

**Lutheran Friends of the Deaf**

August 2018

# **Welcome to Mill Neck Family of Organizations**

Congratulations and welcome to the Mill Neck Family of Organizations. This Personnel Policy book has been prepared with the intention of giving you specific information regarding the policies, benefits and services of Mill Neck. This handbook will also explain what the Mill Neck Manor Family of Organizations expects from you now that you are part of the team. We know you will help us achieve even greater success. As used in this employee manual, the term "Mill Neck Family of Organizations or Mill Neck" refers to each of its affiliates: The Mill Neck Manor School for the Deaf, Mill Neck Foundation, Mill Neck Services, Mill Neck International, Center for Hearing Health, and Lutheran Friends of the Deaf.

## **Our Mission Statement**

The Mill Neck Family of Organizations exists to enhance the quality of life for people who are Deaf, or who have other special needs, through excellence in individually designed educational, vocational, or spiritual programs and services.

## **Our Goal**

Our primary goal, and everyone's responsibility, is to serve our students, participants, and donors. By working together and striving for excellence in all we do, we help ensure our success and growth in the Family of Organizations.

Whether you have just joined our staff or have been at Mill Neck for a while, we are confident that you will find our company a dynamic and rewarding place in which to work, and we look forward to a productive and successful association. Each of us must take the initiative to serve our students, participants, and donors to the best of our ability. We consider the employees of Mill Neck Family of Organizations to be one of our most valuable resources. This handbook has been written to serve as the guide for the employer/employee relationship.

There are several things to keep in mind about this handbook. First, it contains only general information and guidelines. It is not intended to be comprehensive or to address all the possible applications of, or exceptions to, the general policies and procedures described. For that reason, if you have any questions concerning eligibility for a particular benefit or the applicability of a policy or practice to you, you should address your specific questions to the Human Resources department. Neither this handbook nor any other company document confers any contractual right; either expressed or implied, to remain in the company's employ. Nor does it guarantee any fixed terms and conditions of your employment. Your employment is not for any specific time and may be terminated at will, with or without cause, and without prior notice by the company, or you may resign for any reason at any time. No supervisor or other representative of the company (except the Superintendent of Mill Neck Manor School for the Deaf, President of the Foundation, and Executive Director of Mill Neck Services) has the authority to enter into any agreement for employment for any specified period of time or to make any agreement contrary to the above.

The procedures, practices, policies and benefits described here may be modified or discontinued from time to time. We will try to inform you of any changes as they occur.

This handbook and the information in it should be treated as confidential. No portion of this handbook should be disclosed to others, except Mill Neck Family of Organization's employees

and others affiliated with Mill Neck whose knowledge of the information is required in the normal course of business.

Some subjects described in this handbook are covered in detail in official policy documents. Refer to these documents for specific information because the handbook only briefly summarizes those guidelines and benefits. Please note that the terms of the written insurance policies are controlling and override any statements made in this or other documents.

# Employee Handbook Acknowledgment and Receipt

**I have received my copy of the Employee Handbook.**

The employee handbook describes important information about Mill Neck Family of Organizations, and I understand that I should consult my supervisor or Human Resources regarding any questions not answered in the handbook. I have entered into my employment relationship with Mill Neck Family of Organizations voluntarily and acknowledge that there is no specified length of employment. **Accordingly, either I or Mill Neck Family of Organizations can terminate the relationship at will, with or without cause, at any time, so long as there is not violation of applicable federal or state law.**

I understand and agree that other than the Superintendent of Mill Neck Manor School for the Deaf, President of the Foundation, and Executive Director of Mill Neck Services, no manager, supervisor or representative of Mill Neck Family of Organizations has any authority to enter into any agreement for employment other than at will; only Superintendent of Mill Neck Manor School for the Deaf, President of the Foundation, and Executive Director of Mill Neck Services has the authority to make any such agreement and then only in writing signed by the Superintendent of Mill Neck Manor School for the Deaf, President of the Foundation, and Executive Director of Mill Neck Services.

This handbook and the policies and procedures contained herein supersede any and all prior practices, oral or written representations, or statements regarding the terms and conditions of my employment with Mill Neck. By distributing this handbook, the company expressly revokes any and all previous policies and procedures that are inconsistent with those contained herein.

I understand that except for employment-at-will status, any and all policies and practices may be changed at any time by Mill Neck and the company reserves the right to change my hours, wages and working conditions at any time. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify or eliminate existing policies. Only the Superintendent of Mill Neck Manor School for the Deaf, President of the Foundation, and Executive Director of Mill Neck Services has the ability to adopt any revisions to the policies in this handbook.

**I understand and agree that nothing in the Employee Handbook creates, or is intended to create, a promise or representation of continued employment and that employment at Mill Neck is employment at will, which may be terminated at the will of either Mill Neck or me. Furthermore, I acknowledge that this handbook is neither a contract of employment nor a legal document.** I understand and agree that employment and compensation may be terminated, with or without cause and with or without notice, at any time by Mill Neck Family of Organizations or me.

I have received the handbook, and I understand that it is my responsibility to read and comply with the policies contained in this handbook and any revisions made to it.

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

\_\_\_\_\_  
Employee's Name (Print)

\_\_\_\_\_  
Date

**TO BE PLACED IN EMPLOYEE'S PERSONNEL FILE**

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# DIVERSITY

## Equal Employment Opportunity Statement

Mill Neck Family of Organizations provides equal employment opportunities (EEO) to all employees and applicants for employment without regard to race, color, religion, gender, sexual orientation, gender identity, national origin, age, disability, genetic information, marital status, amnesty or status as a covered veteran in accordance with applicable federal, state and local laws. Mill Neck Family of Organizations complies with applicable state and local laws governing nondiscrimination in employment in every location in which the company has facilities. This policy applies to all terms and conditions of employment, including hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation and training.

Mill Neck Family of Organizations expressly prohibits any form of unlawful employee harassment based on race, color, religion, gender, sexual orientation, gender identity, national origin, age, genetic information, disability or veteran status. Improper interference with the ability of Mill Neck Family of Organizations employees to perform their expected job duties is absolutely not tolerated.

All employees have a responsibility to treat others with dignity and respect at all times. All employees are expected to exhibit conduct that reflects inclusion during work, at work functions on or off the work site, and at all company-sponsored and participative events.

All employees are also required to attend and complete diversity awareness training to enhance their knowledge to fulfill this responsibility.

## Sexual Harassment

As used in this policy, the term "Mill Neck" refers to Mill Neck Family of Organizations and each of its affiliates: The Mill Neck Manor Foundation, The Mill Neck Manor School for the Deaf, Mill Neck International, Lutheran Friends of the Deaf, Center for Hearing Health and Mill Neck Services Inc.

### **Mill Neck Family of Organization Responsibilities**

Mill Neck is committed to safeguarding the rights of all its employees and to providing an environment that is free from all forms of sexual harassment. Sexual harassment is a form of sexual discrimination and is a violation of Title VII of the Civil Rights Act of 1964 as amended by the Civil Rights Act of 1991, and of Title IX of the Education Amendments of 1972, in that it constitutes differential treatment on the basis of sex. Mill Neck intends to comply with all United States, New York State, Nassau County, Town of Oyster Bay, and Village of Mill Neck laws and regulations

Mill Neck reaffirms its commitment to enforce the requirements of the law with respect to sexual harassment. Sexual harassment exposes the harasser to discipline in the workplace and to the risk of personal liability for his or her misconduct. Likewise, sexual harassment exposes Mill Neck students, consumers, consultants, vendors or staff to unnecessary disruptions to a healthy and productive environment designed for serious work and learning.



It is the policy of Mill Neck to provide its employees, students, consumers, consultants, vendors and all individuals with whom the organization has contact a pleasant environment that encourages efficient, productive, and creative work. Mill Neck will not tolerate verbal, non-verbal, or physical conduct by any employee which harasses, disrupts, or interferes with another's work performance, or which creates an intimidating, offensive, or hostile environment. While all forms of harassment are prohibited, it is Mill Neck's policy to emphasize that sexual harassment is specifically prohibited.

### **Sexual Harassment Parameters**

According to guidelines put forward by the Equal Employment Opportunity Commission in 1980, sexual harassment is defined as unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made a term or condition of employment, or
- Submission to or objection of the conduct is used as the basis for employment decisions affecting the individual, or
- The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Mill Neck condemns all unwelcome behavior of a sexual nature, which is either designed to extort sexual favors from employees as a term of condition of employment, or is for the purpose or effect of creating an intimidating, hostile or offensive working environment for employees, students and consumers. Sexual harassment does not refer to behavior or occasional compliments of a socially acceptable nature, it refers to behavior that is not welcome, that is personally offensive, that fails to respect the rights of others, that lowers morale, and that interferes with our work effectiveness.

Sexual harassment may take different forms. Forms of harassment as described in law include but are not limited to:

- **Verbal**, Unwanted or unwelcome sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions or threats, sexual favors, questions about a person's sexual practices, sexually explicit jokes, lewd comments, sexual insults and direct or subtle pressure for sexual activity which is unwanted and unreasonably interferes with a person's work environment, unwelcome sexual advances, including unwanted flirtation, advances, propositions, suggestions, spoken or written words, drawings, e-mail, or other means to discuss sexual activities or engage in sexual gossip or to make graphic or degrading comments about someone's appearance, dress, body, sexual prowess, sexual deficiencies, sexual orientation
- **Non-Verbal**, Unwanted or unwelcome sexually suggestive or explicit printed material, objects or pictures, graphic commentaries, suggestive or insulting sounds, leering, whistling, obscene gestures, crude cartoons, or signs
- **Physical**, Unwanted or unwelcome sexual advances, unwanted or unwelcome

physical contact, including kissing, touching, rubbing, hugging, pinching, patting or squeezing, bruising the body, coerced sexual acts, assault, cornering, fondling; unwanted making of regular unreciprocated offers of gifts, or stalking

- **Other,** Any pattern of conduct relating to sex that is legitimately related to the course of business and that causes discomfort or embarrassment, such as comments of a sexual nature; sexually explicit statements, questions or anecdotes; and repeated or unwanted staring at a person's body (or any part of the body)

Sexual harassment is not limited to behavior involving different gender employees; it includes employees of the same gender.

**Mill Neck strongly opposes any retaliatory behavior against complainants or witnesses who report acts of sexual harassment.**

### **Employee Responsibility and Role**

Sexual harassment occurs when an employee is confronted by "unwelcome" behaviors of a sexual nature. While the harasser may not intend this result, it is the duty of all individuals to take the initiative to learn whether or not his or her actions, comments, or invitations are regarded as welcome. The following factors may help an individual determine whether or not the behavior is welcome:

- Is there an equal level of initiation and participation in the behavior? For example, has an individual declined an invitation to socialize once, only to find that the requester continues to request dates?
- Is the behavior such that the employee would not object to it becoming public knowledge or known to stakeholders of Mill Neck or, in appropriate cases, the employee's spouse or domestic partner?
- Can it be fairly said that there is equal economic or supervisory power between the people involved, or does one party have a superior or controlling economic or supervisory power over the other?

### **Complaint Procedures Regarding Sexual Harassment**

Complaints of sexual harassment should be reported at the earliest possible time. Delays of even a day or a week can seriously hamper Mill Neck's ability to investigate and protect against sexual harassment. Any employee who believes that the actions or words of a supervisor or fellow employee constitute unwelcome harassment has a responsibility to report or complain at the earliest time possible to the appropriate principal, supervisor, or administrator.

If the complaint involves a Supervisor /Administrator, report it to the Director of Human Resources or the Executive Director/Superintendent of Mill Neck.

If the complaint involves the Superintendent, report it to the Director of Human Resources who shall advise the appropriate committee of the Mill Neck Board of Trustees having governance over personnel activities.

All complaints of harassment will be investigated and resolved promptly in an impartial and confidential manner to the fullest extent possible by the appropriate person as indicated above. In all cases, the employee against whom a complaint has been lodged will be advised of the findings and conclusions. The complainant shall also be advised of the outcome, where appropriate. Mill Neck may be required to disclose portions or all information related to a complaint to appropriate government or law enforcement officials

In order to investigate a complaint the following information, while not required, will be useful in efforts to respond to formal (written) or informal (unwritten) complaints:

- A description of the conduct that is the subject of the complaint, including the date or dates and place or places involved;
- The identity of the person or persons who engaged in the conduct
- The identity of any witnesses to the conduct;
- If there have been efforts to stop the conduct, a description of those efforts and the identity of witnesses to those efforts, as well as the response, if any, by the alleged harasser;
- If you would prefer to have a particular individual assist with the investigation, or that a particular individual NOT be part of the investigation, please state your preference and an explanation for your reasons; Mill Neck cannot in all cases comply with such requests, but such requests will be considered; and
- A statement describing what remedy is sought

Within 24 hours of receipt of a complaint of sexual harassment, Mill Neck shall begin its investigation, and shall conclude its investigation and file a report within 30 days receipt of the complaint. If this report cannot be completed within 30 days the report will provide a statement as describing the circumstances causing the delay, and an interim report will be filed in place of the final report Any report prepared under this provision shall be filed with the Executive Director, unless the Executive Director is the subject of the investigation, in which case the report will be filed with the Secretary of the Board of Trustees.

Appropriate disciplinary action will be taken against any employee who violates this policy. Based on the seriousness of the offense, disciplinary action may include verbal or written reprimand, suspension or termination.

Any retaliatory conduct by the alleged harasser shall be severely punished. Mill Neck shall protect anyone who raises a claim or inquiry concerning sexual harassment to the extent possible from any form of retaliation. The policy also covers the course of business with vendors, customers, consumers, and the general public with whom Mill Neck employees have contact.

Given the nature of this type of discrimination Mill Neck recognizes also that false accusations of sexual harassment can have serious effects on innocent men and women. Allegations found to be without substance shall be expunged from the records of all employees involved in the allegation. Persons intentionally making false accusations also will be subject to appropriate disciplinary actions, including reprimand, suspension, or termination.

## **Nepotism, Fraternization, and Conflicts of Interest Policy**

Mill Neck is committed to offering its employees equal employment opportunities. If equality of opportunity is threatened because of family ties, personal relationships not related to the workplace, or other social reasons not related to the workplace, Mill Neck will take steps it deems appropriate to restore equality of opportunity based on work-related factors. These steps may include, but are not limited to, affording reasonable opportunities to one or both members of the relationship to transfer to another position to eliminate impediment to equal employment opportunities, or terminating the employment of those involved in the relationship, or making other accommodations as will serve the best interests of Mill Neck.

Any person having supervisory duties or acting in a position having supervisory duties shall disclose to the Human Resources Director the existence of family ties, personal relationships not related to the workplace, or other social ties existing between the supervisor and any person under his or her supervision. This disclosure shall be made at the earliest possible opportunity. If the relationship exists at the time the individual is being considered for the supervisory duties, the supervisor must disclose the fact of the relationship during the initial application or review process. If the relationship arises while the individual is serving as supervisor, the fact of the relationship must be disclosed prior to the supervisor taking any action that might impair equal opportunity for others, such as during evaluation or performance review processes. Under no circumstances may a supervisor process or approve an evaluation or performance review of an employee with whom the supervisor has family ties, a personal relationship not related to the workplace, or other substantial ties.

Family ties as used in this policy means the relationship of spouse, domestic partner, former spouse, former domestic partner, present fiancée, former fiancée child, parent, sibling, grandparent, grandchild, aunt or uncle, or nephew or niece.

Mill Neck Family of Organizations reserves the right to apply this policy to situations where there is conflict or the potential for conflict because the relationship between employees, even if there is no direct-reporting relationship or authority involved.

We trust that all Mill Neck staff will continue to act responsibly to establish a pleasant working environment free of sexual harassment or other discrimination.

**We encourage employees to raise any questions they may have on this subject at any time.**

## **Anti-Harassment Policy and Complaint Procedure**

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

It is the policy of Mill Neck's to ensure equal employment opportunity without discrimination or harassment on the basis of race, color, religion, gender, sexual orientation, gender identity, national origin, age, disability, genetic information, marital status, amnesty or status as a covered veteran. Mill Neck prohibits any such discrimination or harassment.

Mill Neck Family of Organizations encourages reporting of all perceived incidents of discrimination or harassment. It is the policy of Mill Neck to promptly and thoroughly investigate such reports. Mill Neck Family of Organizations prohibits retaliation against any individual who reports discrimination or harassment or who participates in an investigation of such reports.

Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal, written or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, gender, sexual orientation, national origin, age, disability, marital status, citizenship, genetic information or any other characteristic protected by law or that of his/her relatives, friends or associates, and that a) has the purpose or effect of creating an intimidating, hostile or offensive work environment; b) has the purpose or effect of unreasonably interfering with an individual's work performance; or c) otherwise adversely affects an individual's employment opportunities.

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

### **Individuals and Conduct Covered**

These policies apply to all applicants and employees, whether related to conduct engaged in by fellow employees or someone not directly connected to Mill Neck Family of Organizations (e.g., an outside vendor, consultant or customer).

Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events.

### **Complaint Process**

Individuals who believe they have been the victims of conduct prohibited by this policy statement, or who believe they have witnessed such conduct, should discuss their concerns with their immediate supervisor, Human Resources or any member of management.

When possible, Mill Neck Family of Organizations encourages individuals who believe they are being subjected to such conduct to promptly advise the offender that his or her behavior is

unwelcome and request that it be discontinued. Often this action alone will resolve the problem. Mill Neck recognizes, however, that an individual may prefer to pursue the matter through complaint procedures.

Mill Neck Family of Organizations encourages the prompt reporting of complaints or concerns so that rapid and constructive action can be taken before relationships become irreparably strained. Therefore, although no fixed reporting period has been established, early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment.

Any reported allegations of harassment, discrimination or retaliation will be investigated promptly. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge. Confidentiality will be maintained throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action.

Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action. Acts of retaliation should be reported immediately and will be promptly investigated and addressed. Misconduct constituting harassment, discrimination or retaliation will be dealt with appropriately.

If a party to a complaint does not agree with its resolution, that party may appeal to the Superintendent of Mill Neck Manor School for the Deaf, President of the Foundation, Executive Director of Mill Neck Services, or Human Resources.

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

## **Americans with Disabilities Act (ADA) and the ADA Amendments Act (ADAAA)**

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act, known as the ADAAA, are federal laws that prohibit employers with 15 or more employees from discriminating against applicants and individuals with disabilities and that when needed provide reasonable accommodations to applicants and employees who are qualified for a job, with or without reasonable accommodations, so that they may perform the essential job duties of the position.

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

The company will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job unless doing so causes a direct threat to these individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation and/or if the accommodation creates an undue hardship to Mill Neck Family of

Organizations. Contact the Human Resource department with any questions or requests for accommodation.

## **Mill Neck Family of Organizations' Affirmative Action Plan**

Mill Neck Family of Organizations developed an Affirmative Action plan to provide positive action to assure that Equal Employment Opportunities are given to all minorities, disabled people, and women who are employed by or seek employment with Mill Neck. Mill Neck Family of Organizations is committed to the support of this plan and to the good-faith effort to achieve its objectives. This Affirmative Action Plan was developed according to Executive Order No. 11246.

It is Mill Neck Family of Organizations' policy to provide equal employment opportunity to all employees and applicants for employment without regard to race, sex, color, creed, religion, gender identity, national origin, age, disability, marital status or sexual orientation in accordance with all applicable laws, directives and regulations of federal, state, and city entities. This policy applies to all the terms and conditions of employment including, but not limited to hiring, placement, promotion, termination, layoff, recall, transfer, leave of absence, compensation and training. Advancement to positions and greater responsibility is based on an individual's abilities and demonstrated performance.

Mill Neck Family of Organizations is committed to Equal Employment Opportunity, and as part of our Affirmative Action Plan we shall:

- a. Recruit, hire, upgrade, train and promote in all job classifications, without regard to race, sex, color, creed, religion, age, gender identity, national origin, disability, marital status or sexual orientation in accordance with all applicable laws, directives and regulations of federal, state and city entities;
- b. Base employment decisions on the principles of Equal Employment Opportunity, and with the intent to further Mill Neck Family of Organizations' Affirmative Action commitment;
- c. Ensure that all terms and conditions of employment such as compensation, benefits, lay off, return from layoff, company sponsored training, educational tuition assistance, social and recreation programs, shall be administered without regard to race, sex, color, creed, religion, age, gender identity, national origin, disability, marital status or sexual orientation in accordance with all applicable laws, directives and regulations federal, state, and city authorities;
- d. Ensure that promotion decisions will be made in accordance with the principles of Equal Employment Opportunity and Affirmative Action by imposing only valid requirements for promotional opportunities;
- e. Take action to prevent harassment including sexual harassment or intimidation of all employees, particularly those encompassed by Mill Neck Family of Organizations' Affirmative Action efforts.

Mill Neck Family of Organizations will vigorously pursue opportunities to recruit and develop job candidates who have the desire and potential for becoming qualified employees through our Affirmative Action Program.

Management performance in this program will be evaluated, as is performance in other company goals.

## **Mill Neck Family of Organizations' Zero Tolerance Policy**

Mill Neck Family of Organizations continues to vigorously strive for the highest standards at all times. We are committed to maintaining a pleasant work environment that is a desirable and create a rewarding experience for employees. It is the responsibility of employees to maintain the highest standards of conduct for themselves. Every person has a responsibility to comply with and support our Zero Tolerance Statement and to behave in a manner that is respectable.

The intent of this policy is to set the expectation of those behaviors that Mill Neck Family of Organizations has deemed as severe and unacceptable resulting in termination. When enforcing the zero tolerance standards the following should be considered; the intent of the offender, the effect of the transgression on others (both those directly and indirectly involved), and, finally the impact on the agency. The punishment should fit the "crime".

Zero Tolerance essentially means that no intentional behavior will be tolerated that is deliberately perpetrated with the purpose of harming others at the agency, for personal gain or vengeance. Transgressions include but are not limited to: workplace violence, fraud, vandalism, theft of any kind, the use of any object as a weapon and/or conducting any type of illegal activity.

## **Mill Neck Family of Organizations' Total Communication Policy**

Mill Neck's Family of Organizations' total communication philosophy is based on (a) full access to all communication in any environment, (b) the importance of a consumer's self-expression; and (c) respect for each individual's communication needs. Mill Neck employs the use of all modes of expression which result in mutual understanding:

American Sign Language (ASL), spoken, signed or written English, gestures, speech reading; use of residual hearing; and augmentative communication devices. These principles do not require the use of any one language or mode of communication at all times. Accessibility, appropriateness and clarity of concept and meaning are the fundamental concerns.

## **GOALS**

At Mill Neck Family of Organizations, it is expected that visual/manual communication which is at a professionally proficient level for full participation by deaf individuals be utilized at all times when deaf persons are present so that the communicative environment remains open and accessible for all participants and staff.

Staff development programs, which promote full access to a rich communicative environment and curriculum for all participants, will be provided, and it is expected that all staff participate in such programs. Professional growth and assessment programs, which include measurable standards of expressive and receptive proficiencies, will be part of staff development.



# Mill Neck's Code of Business Conduct & Ethics

Mill Neck has adopted the following standards and will advise all representatives that they are expected to comply with these standards:

## 1. Business Principles

### a. Maintain the Confidentiality of Agency Records

The agency is responsible and accountable for the integrity and protection of its business information. All agency records and documents (in any form or media) are the sole property of the agency and thereby considered confidential by its nature, except as provided by law or regulation. No Mill Neck representative shall disclose to others any confidential information obtained during the course of employment, work (paid or unpaid) or receipt of reports, which have not been published or disclosed, to the public. Documents and electronic media containing sensitive information on participants, staff, consultants, volunteer, interns, board members and other representatives of the agency must be carefully handled and properly secured. If any Mill Neck representative observes or becomes aware of a breach of this policy including misuse of confidential information, or an unauthorized or unrecognized individual using a computer terminal in an area familiar to you, immediately contact a supervisor.

### b. Avoid Unauthorized Use of Agency Assets

It is the obligation of all agency representatives to protect the assets of the agency. Agency property, such as office supplies, office equipment, and property, may not be used for personal reasons. Any misuse or misappropriations of agency funds, information, equipment, facilities or other assets may be considered criminal behavior and can bring severe employment and legal consequences.

### c. Maintain the Corporate Image

The agency's reputation and identity are among its most valuable assets. All agency representatives are expected to conduct themselves in a manner that reflects positively on the agency's image and identity, both internal and external. No one should act in a way that adversely affects the reputation or image of the agency with employees, volunteers, interns, participants or with the community at large.

Each agency representative should endeavor to deal fairly with the agency's participants, consultants, suppliers, competitors and other employees. No one should take advantage of anyone else through manipulation, concealment, abuse of privileged information, misrepresentation of material facts, or other unfair-dealing practice.

### d. Have Job Accountability

Each employee is responsible for knowing and executing the responsibilities of his or her job. This means the individual is held accountable for the quality of the work he or she produces. In addition, management is responsible for ensuring that they have provided their employees with the necessary information to do their jobs.

#### **e. Avoid Conflicts of Interests**

The goal of Mill Neck is to avoid, where possible, even the appearance of impropriety by avoiding Conflicts of Interest. Therefore, it has adopted the following guidelines related to Conflicts of Interest and Related Party Transactions and shall include these guidelines in its advice to all representatives.

Each agency's representative has a primary business responsibility to the agency and is expected to avoid any activity that may interfere or have the appearance of interfering with their performance. A Conflict of Interest arises whenever the personal or professional interest of a representative is or may be at odds with the best interests of Mill Neck. A conflict of interest exists if a representative's outside business or other interests may affect adversely, or have the potential to affect adversely, his or her motivation, objectivity, loyalty or performance. In addition, a potential conflict of interest occurs when the representative's individual personal or private interests might lead an independent observer to reasonably question whether the representative's professional actions or decisions are influenced by significant personal interest, financial or otherwise.

A related party transaction exists when there is a transaction between Mill Neck or any affiliated member of the Mill Neck Family of Organizations and one or more of its directors or officers or any other corporation, firm, association or other entity in which one or more of its directors or officers are directors or officers or have a substantial financial interest. A related party transaction is always a Conflict of Interest under this policy, but a Conflict of Interest is not necessarily limited to related party transactions.

Representatives must avoid any relationship or activity that might impair, or even appear to impair, their ability to make objective and fair decisions when performing their jobs. At times, a representative may be faced with situations in which business actions taken on behalf of Mill Neck may conflict with the representative's own personal interests. Company property, information or business opportunities may not be used for personal gain.

Agency representatives shall not participate in the selection, award or administration of a contract supported by Federal or state funds if a real or apparent conflict of interest would be involved. Such a conflict would arise when the representative or any member of his or her immediate family, his or her partner, or when the agency employs or is about to employ any of the parties indicated herein, has a financial or other interest in the firm selected for an award.

Some additional situations in which employees might encounter conflicts of interest are:

- Having a relationship with a participant outside of the workplace and/or employment by a participant or family member of a participant;
- Being employed by, or acting as a consultant to, a competitor, supplier or contractor regardless of the nature of the employment while employed with Mill Neck Family of Organizations;

- Hiring and supervising family members or closely related persons;
- The employment of family members or close personal friends as contractors, suppliers, or employees of the agency;
- Romantic relationships between supervisor and subordinate;
- Using agency assets, including agency time, name, information, equipment or facilities, for personal use;
- Misuse of information obtained by an employee during the course of his or her employment;
- Serving as board member for an outside commercial company or organization that has a business relationship with Mill Neck Family of Organizations;
- Owning or having a substantial interest in a competitor, supplier or contractor;
- Soliciting personal cash or non-cash gifts of any amount or value from any person or business that has a relationship with the Agency;
- Accepting personal cash gifts of any amount from any person or business that has a relationship with the Agency;
- Accepting personal non-cash gifts valued at more than \$50 from any person or business which has a financial relationship with the Agency, or accepting any non-cash gift from a person or business that expects that they receive preferred services or business from the Agency representative or the Agency.

The above list is not all inclusive. Agency representatives are expected to exercise good judgment and be mindful of how their personal relationships and outside activities may be affecting the workplace.

Before engaging in any activity, transaction or relationship that might give rise to a conflict of interest, and if any matter exists that might be a conflict of interest or creates the appearance of a conflict of interest, representatives must seek review from their manager, agency business contact, or the Human Resource department. Employees with a conflict-of-interest question should seek advice from the Human Resources Department.

### **1. For Mill Neck Staff**

Mill Neck has adopted and will advise its staff of the following policies:

Mill Neck staff is not permitted to enter into private agreements with existing Mill Neck participants and their families or other associates. Employment relationships, barter agreements and other exchanges of services are all strictly prohibited. Staff must respectfully decline such requests and report such requests immediately to their supervisor.

This policy applies to all of the following services: Interpreting, Residential Habilitation, Community Habilitation, Counseling/Therapy, Employment Services, Respite or any other privately requested service.

Entering into private agreements creates a conflict of interest, confuses the participants and their families, undermines the agency's work and mission and will result in job termination.

If a participant or their family requests that staff provide private services, staff must explain that this is against policy and direct the participant or family members to their supervisor. Mill Neck will, in turn, arrange for services with the participant and/or family member through existing departments, if the request is deemed appropriate.

f. **Adhere to the Agency Media Communication Policy**

It is the agency's policy to provide open, accurate, and consistent communication with the public. To maintain the consistency and accuracy of the information, agency spokespersons are designated to respond to all inquiries. Only these designated spokespersons are authorized and responsible for releasing information at the appropriate time and for guarding against the inadvertent disclosure of confidential information. All inquiries regarding the Media Communication Policy should be directed to the Marketing Department or Executive Director.

g. **Quality of Care**

Mill Neck has adopted the following standards and will advise all representatives that they are expected to comply with these standards:

1. **Refrain from Abuse**

Agency representatives shall not engage in any activities that constitute abuse of persons receiving services as defined in the regulations of the Commissioner of the NYS Office of Mental Retardation/Developmental Disabilities (OMRDD). Failure to exercise one's duty to intercede or to report any activity which may be considered abuse will constitute abuse.

2. **Follow a Participant's Service Plan**

Agency employees and staff are expected to comply with a participant's service plan and communicate any changes in the plan to the necessary parties in accordance with regulatory requirements and program policies and procedures.

It is not acceptable for participants to carry out the duties of employees unless such tasks are described in their plan of services by their program planning team and for the purpose of increasing their skills.

3. **Maintain Appropriate Interactions with Participants**

Agency representatives must maintain professional relationships with the participants they serve. There shall be no personal financial transactions between agency representatives and participants or their family/responsible party. Financial transactions, which may be construed as exploitation or result in greater benefit to the

employee or agency representative than the person receiving services will be considered abuse.

The receipt of any personal gift by any agency representative from any consumer receiving services or their family member/responsible party is discouraged and needs to be avoided. Depending on the circumstances a gift of nominal value (\$50.00 or less) may be allowed. Any gift must be disclosed to the supervisor to determine whether the gift may or may not be accepted to avoid a conflict of interest. Should a family member/responsible party be interested in donating to the agency they should contact the Marketing Department.

All agency representatives are expected to maintain a professional demeanor with participants. It is also expected that employees shall model appropriate and acceptable behavior while in the presence of participants.

#### **4. Safeguard Participants Privacy**

Agency representatives shall treat all participant and program information as confidential and utilize such information in a professional manner at all times. Access to participant information must be limited to the extent permitted by the agency policies and procedure pursuant to state and federal law. In addition, release of information pertaining to HIV/AIDS is subject to additional regulatory requirements and should not be released without proper authorization from the Executive Director.

Any Mill Neck representative who engages in unauthorized disclosure, access to, or misuse of information in violation of the privacy rights of our participants, or others may be subject to disciplinary action in addition to civil or criminal sanctions. Any Mill Neck representative who becomes aware of such unauthorized disclosure should immediately report this to their supervisor, Executive Director or Corporate Compliance Officer.

#### **h. Medical Practices**

Mill Neck has adopted the following standards and will advise all representatives that they are expected to comply with these standards:

##### **1. Follow Regulations Regarding Control of Medications**

It is the agency policy that all Mill Neck representatives shall be diligent in discharging their obligations regarding prescription drugs and controlled substances in accordance with applicable laws, regulations and agency policies and procedures.

The agency is legally responsible for the proper distribution, handling of and prevention of unauthorized access to pharmaceutical products. The diversion of any prescription drug or controlled substance, including a drug sample, in any amount for any reason to an unauthorized individual or entity is forbidden.

**Mill Neck representatives may not use drugs stored in agency programs intended for the use of participants.**

## **i. Legal Obligations & Compliance**

Mill Neck has adopted the following standards and will advise all representatives that they are expected to comply with these standards:

### **1. To Maintain a Safe and Healthful Workplace**

The agency has a commitment to maintain a safe and healthful workplace for agency representatives and people receiving services. As part of this commitment, the agency maintains reasonable safety rules, practices and procedures for all employees. At the same time, the agency expects employees and staff to be efficient and productive in performing their job assignments.

The agency provides a safe and healthy work environment by adhering to the laws, regulations and commonly accepted safe practices in accordance with federal and state laws regarding occupational and environmental safety. Laws and policies regarding hazardous materials, pollutants and medical waste must be strictly followed by Mill Neck representatives.

### **2. Refrain from Misrepresentation**

Honesty based on clear communication is the cornerstone of ethical disclosure of information. The agency and representatives shall be honest and make no representation or dishonest statements in conducting agency business affairs. Representatives must report and record all information accurately and honestly including all marketing materials, participants' records, and requests for payment, time sheets, financial reports and other similar documents, which relate to business activities. Marketing materials will accurately reflect certification, licensure and services available.

In addition, representatives must not make false statements with respect to the condition or operations of any program nor make false statements with respect to information regarding ownership and control of a facility or program.

### **3. Refrain from Engaging in Unfair Trade Practices**

All agency representatives are expected to comply with all laws pertaining to the restraint of trade and fair competition. Such laws generally forbid any kind of understanding or agreement (written or verbal) between competitors to fix and control fees or payments for services or products, or to engage in any other conduct that results in restraints of competition.

Unfair methods of competition and deceptive acts or practices are also prohibited. Examples of these include false or deceptive statements or comparisons about agencies services or falsely disparaging competitor's services without data to substantiate it.

### **4. Adhere to Tax-Exempt Requirements**

The Agency is a tax-exempt entity under the rules and laws of New York State and the Federal Internal Revenue Service. In order to comply with applicable law, the Agency must operate for the benefit of the community and avoid "private inurement" or "private benefit" as defined by these laws. Criminal penalties may be exercised if a

violation of these tax laws is found and substantiated. In this regard, Mill Neck representatives shall be familiar with these restrictions:

- The agency sales tax exemption is used only for legitimate agency business and service transactions.
- Personal items cannot be purchased through the agency even if reimbursement is offered.
- All appropriate withholding taxes must be applied to staff wages.

#### **5. Comply with Fundraising Standards**

The agency adheres to acceptable fundraising standards. Only fundraising activities, which benefit the agency and the programs or services are allowed, and must be specifically authorized by the Executive Director or designee. Fundraising events must be consistent with the mission, vision, goals, mandates and values of the agency.

Any representative that obtains funds as a result of fundraising activities on behalf of the agency must promptly deposit the funds with the Business Office for appropriate record keeping and cash controls. A receipt for funds deposited must be obtained from the appropriate Business Office Personnel.

Fundraising reports are issued regularly and comply with applicable laws and regulations associated with the agency licenses and not-for-profit law.

#### **6. Submit Accurate Billings and Financial Reports**

The Agency shall ensure that all billing and reporting of services are documented and reported in accordance with all applicable federal and state laws, rules and regulations. Billing activities are to be performed in a manner consistent with Medicaid and other payers' regulations and requirements. The agency will comply with all pertinent regulations in billing practices, including, but not limited to, specific program requirements, need for service, procedure codes, bad debt reporting, credit balances, and duplicate billing.

All billing and claims generated must accurately reflect that services rendered are supported by relevant documentation and are submitted in compliance with applicable laws, roles, regulations, and program requirements. Agency shall not knowingly make or present improper, false, fictitious or fraudulent claims to any government or private health care program, employee, department or agency, such as

- Misrepresentation of Services
- Duplicate Billing
- Multiple Coverage and Secondary-Payroll Fraud
- False Claims Statements
- Falsifying Dates on a Claim

The Agency shall ensure that those responsible for completing and submitting financial reports will do so in accordance with acceptable accounting practices and legal obligations. In furtherance of this policy, the agency has adopted those specific guidelines found in Attachment E hereof, which shall be included in staff training and in other advice given periodically to staff.

### **7. Refrain from Accepting Kickbacks**

Agency policy prohibits acceptance of kickbacks. A kickback or bribe may be defined as any money, fee, commission, credit, gift, and gratuity, thing of value or compensation of any kind that is provided directly or indirectly, and that has as one of its purposes, the improper obtaining or rewarding or favorable treatment in a business transaction.

No representative shall solicit, receive, offer to pay, or pay remuneration of any kind in return for referring an individual for items or services, or purchasing, leasing, ordering or arranging for goods, facilities, services or items for which payment may be made under federal, state, or local health care programs.

All representatives should avoid the offering or receipt of a gift in circumstances where it could appear that the purpose of the gift is to influence the agency's relationship with a vendor, regulator or other person or entity. The receipt of any gift by any agency representative from a consumer's representative, vendor, contractor, etc. must be disclosed to the supervisor to determine whether the gift may or may not be accepted to avoid a conflict of interest.

### **8. Be Familiar with Regulations Governing Areas of Responsibility**

The agency is licensed by a number of regulatory and accreditation organizations. Representatives are responsible for the compliance with these licenses as more fully set forth below:

- Be familiar with program regulations governing areas of responsibility, receive and understand new regulations and/or expectations and to inform the supervisor or appropriate agency administrator of any possible issues of noncompliance.
- Insure that a Certificate of Need, or similar documentation, is properly submitted to the respective licensing organization, as required, to establish and/or change service provisions.
- Insure that questions of training and compliance with the submission of a Certificate of Need or the application of regulations should be referred to the respective supervisor and/or administrator.

### **9. Refrain from Substance Abuse and Unsafe Workplace Behavior**

In order to provide a safe and healthful workplace for agency representatives and participants, and to promote an efficient and productive workforce representatives are prohibited from:

- Manufacturing, selling, purchasing, transferring, using or possessing illegal



drugs, narcotics, or other unlawful substances or materials on the agency premises, or while conducting business for the agency;

-Manufacturing, selling, purchasing, transferring, using or possessing on the agency's premises, substance or materials not authorized by the agency (such as firearms, weapons, intoxicating beverages, drug paraphernalia, or medically authorized drugs used improperly or unsafely).

-Reporting to the workplace or working if their ability to perform their job is impaired by the use of alcohol, a controlled substance, an illegal substance, or prescribed medication.

When a representative is not satisfied with their supervisor's response, is not comfortable speaking with their supervisor, or if at any time the representative prefers he or she can contact the Corporate Compliance Officer directly. The agency has established a separate email account called the [CorporateCompliance@millneck.org](mailto:CorporateCompliance@millneck.org). This reporting system provides representatives the ability to report potential Corporate Compliance violations 24 hours a day. The [CorporateCompliance@millneck.org](mailto:CorporateCompliance@millneck.org) email, may also be used to pose questions regarding any compliance issues. Should the sender leave their name and number the Corporate Compliance Officer will respond to any questions within 10 business days or less. Agency representatives can also contact the Corporate Compliance Officer (Christine Oddo) directly at [516-852-3476](tel:516-852-3476).

Any concern about the Executive Director, Superintendent, or President should be reported to the Corporate Compliance Officer, who will in turn notify the Board Chairperson. A concern involving the Corporate Compliance Officer's actions or determinations should be brought directly to the President.

Questions or concerns about any ethical or legal issue may be raised without concern for disciplinary action as long as they are made in good faith. Representatives will not be subject to reprisals for reporting or supplying information about potential violations, except in cases where those employees are responsible for the violation or when deliberate false reporting has occurred. It is expected that all representatives will fully cooperate with any investigation of potential violation.

If any agency representative needs guidance on a legal or ethical question or has witnessed or has knowledge of an illegal or unethical activity, he or she should seek the counsel of the agency Corporate Compliance Officer. Failure to report could lead to disciplinary measures.

# EMPLOYMENT

## Recruiting – Job Posting

Mill Neck Family of Organizations' goal of job posting is to ensure that all employees are made aware of and have the opportunity to apply for open positions either before or concurrent with Mill Neck Family of Organizations' consideration of external candidates for employment. Business conditions, permitting, all regular part-time and full-time positions below the level of Superintendent, President and Executive Director are to be posted when an opening occurs.

While it is Mill Neck Family of Organizations' philosophy to promote from within whenever possible, there are business conditions that could cause a position to be filled without posting, or to post the position while simultaneously recruiting from the outside. The business conditions that could cause a decision to bypass posting, or to post the position simultaneously recruiting from the outside, include, but are not limited to: organizational restructuring, position requirements that include skills, education, and/or experience that are not known to match any existing employee; critical operational needs; etc. In addition to these business conditions, managers may request an exception when they have candidates within the same department who are qualified and/or already trained for the position. The decision to fill the position without posting requires the joint approval of the Superintendent, President, Executive Director, Director of Human Resources, and the Department Supervisor.

### **Eligibility for application:**

All regular part-time and full-time employees with six or more months of continuous Company service, and who have a satisfactory performance and attendance record, are eligible to apply for posted openings.

### **Method of Posting:**

Job openings will be listed via company's website and posted in the all building secretaries' offices.

### **Posting Duration:**

Jobs will be posted for at least seven calendar days, during which time applications may be submitted to Human Resources.

## Employee Classification Categories

All employees are designated as either nonexempt or exempt under state and federal wage and hour laws. The following is intended to help employees understand employment classifications and employees' employment status and benefit eligibility. These classifications do not guarantee employment for any specified period of time. The right to terminate the employment-at-will relationship at any time is retained by both the employee and Mill Neck Family of Organizations. All new staff is subject to a six-month probationary period. There may be times where Mill Neck will exercise their right to extend the probationary period.

**Nonexempt employees** are employees whose work is covered by the Fair Labor Standards Act (FLSA). They are NOT exempt from the law's requirements concerning minimum wage and overtime.

**Exempt employees** are generally managers or professional, administrative or technical staff who ARE exempt from the minimum wage and overtime provisions of the FLSA. Exempt employees hold jobs that meet the standards and criteria established under the FLSA by the U.S. Department of Labor.

Mill Neck Family of Organizations has established the following categories for both nonexempt and exempt employees:

- **Regular, full time:** Employees who are not in a temporary status and who are regularly scheduled to work the company's full-time schedule of 40 hours per week. They are paid an annual salary determined by the Superintendent, President of Foundation, or Executive Director of Mill Neck Services and are entitled to full benefits.
- **Regular, part time:** Employees who are not in a temporary status and who are regularly scheduled to work less than the full-time schedule but at least 23 hours each week. Regular, part-time employees are eligible for some of the benefits offered by the company subject to the terms, conditions and limitations of each benefits program.
- **Temporary,** Employees who are hired as interim replacements to temporarily supplement the workforce or to assist in the completion of a specific project and who are temporarily scheduled to work the company's full-time schedule for a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. Employees are paid an hourly wage and are not entitled to benefits.
- **Probationary,** Employees who are hired in full-time or regular part-time positions will be entitled to benefits after 90 days of employment.

## **Background and Reference Checks**

To ensure that individuals who join Mill Neck Family of Organizations are well qualified and to ensure that Mill Neck maintains a safe and productive work environment, it is our policy to conduct pre-employment background checks on all applicants who accept an offer of employment. Background checks may include verification of any information on the applicant's resume or application form.

All offers of employment are conditioned on receipt of a background check report that is acceptable to Mill Neck Family of Organizations. All background checks are conducted in conformity with the Federal Fair Credit Reporting Act, the Americans with Disabilities Act, Medicaid Compliance, NY State Justice Center, and state and federal privacy and antidiscrimination laws. Reports are kept confidential and are only viewed by individuals involved in the hiring process.

If information obtained in a background check would lead Mill Neck Family of Organizations to deny employment, a copy of the report will be provided to the applicant, and the applicant will have the opportunity to dispute the report's accuracy. Background checks may include a criminal record check, although a criminal conviction does not automatically bar an applicant from employment. However, falsification of information concerning oneself in an application for

employment or background check authorization form will be grounds for denial of the application or termination of employment upon discovery of the falsification.

Additional checks, such as a driving record or credit report, may be made on applicants for particular job categories if appropriate and job related.

Mill Neck Family of Organizations also reserves the right to conduct a background check for current employees to determine eligibility for promotion or reassignment in the same manner as described above.

## **Internal Transfers/Promotions**

Employees with more than twelve months of service may request consideration to transfer to other jobs as vacancies become available and will be considered along with other applicants. At the same time, the company may initiate transfers of employees between departments and facilities to meet specified work requirements and reassignment of work requirements.

Mill Neck Family of Organizations offers employees promotions to higher-level positions when appropriate. Management prefers to promote from within and may first consider current employees with the necessary qualifications and skills to fill vacancies above the entry level, unless outside recruitment is considered to be in the company's best interest.

To be considered, employees must have held their current position for at least 12 months, have a satisfactory performance record and have no disciplinary actions during the last 12 months. Management retains the discretion to make exceptions to the policy.

All staff who receives a transfer/promotion is subject to a new six months probationary period. There may be times where Mill Neck will exercise their right to extend the probationary period.

## **Open Door Policy**

Employees are invited to bring questions, suggestions, and problems to the appropriate individuals' attention. Careful consideration will be given to each of them in our continuing effort to improve Mill Neck.

Present questions, suggestions and problems to the employee's immediate supervisor, or if more appropriate, to the Human Resource Director so the problem can be resolved quickly. Past situations have shown that most problems can be settled by a simple examination and discussion of facts.

Every opportunity to discuss concerns will be made available and it is Mill Neck's goal to treat each situation fairly.

## Progressive Discipline

Every employee has the duty and the responsibility to be aware of and abide by existing rules and policies. Employees also have the responsibility to perform his/her duties to the best of his/her ability and to the standards as set forth in his/her job description or as otherwise established.

Mill Neck Family of Organizations supports the use of progressive discipline to address issues such as poor work performance or misconduct. Our progressive discipline policy is designed to provide a corrective action process to improve and prevent a recurrence of undesirable behavior and/or performance issues. Our progressive discipline policy has been designed consistent with our organizational values, HR best practices and employment laws.

Outlined below are the steps of our progressive discipline policy and procedure. Mill Neck Family of Organizations reserves the right to combine or skip steps in this process depending on the facts of each situation and the nature of the offense. The level of disciplinary intervention may also vary. Some of the factors that will be considered are whether the offense is repeated despite coaching, counseling and/or training; the employee's work record; and the impact the conduct and performance issues have on our organization.

The following outlines Mill Neck Family of Organizations' progressive discipline process:

- **Verbal warning:** A supervisor verbally counsels an employee about an issue of concern, and a written record of the discussion is placed in the employee's file for future reference.
- **Written warning:** Written warnings are used for behavior or violations that a supervisor considers serious or in situations when a verbal warning has not helped change unacceptable behavior. Written warnings are placed in an employee's personnel file. Employees should recognize the grave nature of the written warning.
- **Performance improvement plan:** Whenever an employee has been involved in a disciplinary situation that has not been readily resolved or when he/she has demonstrated an inability to perform assigned work responsibilities efficiently, the employee may be given a final warning or placed on a performance improvement plan (PIP). PIP status will last for a predetermined amount of time not to exceed 180 days. Within this time period, the employee must demonstrate a willingness and ability to meet and maintain the conduct and/or work requirements as specified by the supervisor and the organization. At the end of the performance improvement period, the performance improvement plan may be closed or, if established goals are not met, dismissal may occur.

Mill Neck Family of Organizations reserves the right to determine the appropriate level of discipline for any inappropriate conduct, including oral and written warnings, suspension with or without pay, demotion and discharge.

## Separation of Employment

Separation of employment within an organization can occur for several different reasons.

- **Resignation:** Although we hope your employment with us will be a mutually rewarding experience, we understand that varying circumstances cause employees to voluntarily resign employment. Resigning employees are encouraged to provide two weeks' notice, preferably in writing, to facilitate a smooth transition out of the organization. Management reserves the right to provide an employee with two weeks' pay in lieu of notice in situations where job or business needs warrant such action. If an employee provides less notice than requested, the employer may deem the individual to be ineligible to receive accrued vacation pay as well as ineligible for rehire, depending on the circumstances regarding the notice given.
- **Retirement:** Employees who wish to retire are required to notify their department director and the Human Resource department in writing at least one (1) month before the planned retirement date.
- **Job abandonment:** Employees who fail to report to work or contact their supervisor for three (3) consecutive workdays shall be considered to have abandoned the job without notice, effective at the end of their normal shift on the third day. The supervisor shall notify the Human Resource department at the expiration of the third workday and initiate the paperwork to terminate the employee. Employees who are separated due to job abandonment are ineligible to receive accrued benefits and are ineligible for rehire.
- **Termination:** Employees of Mill Neck Family of Organizations are employed on an at-will basis, and the company retains the right to terminate an employee at any time.

### Return of Company Property

The separating employee must return all company property at the time of separation, including uniforms, cell phones, keys, PCs and identification cards. Failure to return some items may result in deductions from the final paycheck.

The separating employee shall contact the Human Resource department as soon as notice is given to schedule an exit interview. The interview will be on the employee's last day of work or another day, as mutually agreed on.

Accrued vacation leave (up to 30 days) will be paid in the last paycheck unless the employee resigned and did not give and work a full two weeks' notice.

Health insurance terminates the last day of the month of employment, unless an employee requests immediate termination of benefits. Information for Consolidated Omnibus Budget Reconciliation (COBRA) continued health coverage will be provided. Employees will be required to pay their share of the dependent health and dental premiums through the end of the month.

### Rehire

Former employees who left Mill Neck Family of Organizations in good standing and were classified as eligible for rehire may be considered for reemployment. An application must be

submitted to the Human Resource department, and the applicant must meet all minimum qualifications and requirements of the position, including any qualifying exam, when required.

Supervisors must obtain approval from the Human Resource director or designee prior to rehiring a former employee. Rehired employees begin benefits just as any other new employee. Previous tenure will not be considered in calculating longevity, leave accruals or any other benefits.

An applicant or employee who is terminated for violating policy, or who resigned in lieu of termination from employment due to a policy violation, will be ineligible for rehire.

## **Arbitration**

Because of the delay and expense of the court systems, Mill Neck Family of Organizations and its employees agree to use confidential binding arbitration, instead of going to court, for any claims that arise between employees and Mill Neck Manor School for the Deaf, Mill Neck Foundation, Mill Neck Services, Mill Neck International, Center for Hearing Health and Lutheran Friends of the Deaf, its related companies, and/or their current or former employees. Without limitation, such claims would include any concerning compensation, employment discrimination (including, but not limited to, any claims concerning sexual harassment or discrimination), or termination of employment. Before arbitration, the employees agree 1) first to present such claims in full written detail to Mill Neck, 2) next to complete any Mill Neck's internal review process; and 3) finally to complete any external administrative remedy (such as with the Equal Employment Opportunity Commission). In any arbitration, the then prevailing employment dispute resolution rules of the American Arbitration Association will apply, except that Mill Neck will pay the arbitration fees, and Mill Neck Companies will pay the portion of the arbitration filing fee in excess of the similar court filing fee had the employees gone to court.

In the event it is determined for any reason that the commitment to arbitrate cannot be given effect in a particular case, and the case must be resolved in court, the Mill Neck Family of Organizations' and the employee both waive any right to trial by jury as to any claims between the employee and the Mill Neck Family of Organizations.

# WORKPLACE SAFETY

## Drug-Free Workplace

Mill Neck Family of Organizations has a longstanding commitment to provide a safe and productive work environment. Alcohol and drug abuse pose a threat to the health and safety of employees and to the security of our equipment and facilities. For these reasons, Mill Neck is committed to the elimination of drug and/or alcohol use and abuse in the workplace.

This policy outlines the practice and procedure designed to correct instances of identified alcohol and/or drug use in the workplace. This policy applies to all employees and all applicants for employment of Mill Neck Family of Organizations. The Human Resource department is responsible for policy administration.

### Employee Assistance and Drug-Free Awareness

Illegal drug use and alcohol misuse have a number of adverse health and safety consequences. Information about those consequences and sources of help for drug/alcohol problems are available from the Human Resource department.

Mill Neck Family of Organizations will assist and support employees who voluntarily seek help for such problems before becoming subject to discipline and/or termination under this or other policies. Such employees may be allowed to use accrued paid time off, placed on leaves of absence, referred to treatment providers and otherwise accommodated as required by law. Such employees may be required to document that they are successfully following prescribed treatment and to take and pass follow-up tests if they hold jobs that are safety sensitive or that require driving or if they have violated this policy previously.

Employees should report to work fit for duty and free of any adverse effects of illegal drugs or alcohol. This policy does not prohibit employees from the lawful use and possession of prescribed medications. Employees must, however, consult with their doctors about the medications' effect on their fitness for duty and ability to work safely and promptly disclose any work restrictions to their supervisor. Employees should not, however, disclose underlying medical conditions unless directed to do so.

### Work Rules

The following work rules apply to all employees:

- Whenever employees are working, are operating any company vehicle, are present on company premises, or are conducting related work off-site, they are prohibited from:
  - Using, possessing, buying, selling, manufacturing or dispensing an illegal drug (to include possession of drug paraphernalia);
  - Being under the influence of alcohol or an illegal drug as defined in this policy.
- The presence of any detectable amount of any illegal drug or illegal controlled substance in an employee's body while performing company business or while in a company facility is prohibited.
- Mill Neck Family of Organizations will not allow any employees to perform their duties while taking prescribed drugs that are adversely affecting the employees' ability to safely



and effectively perform their job duties. Employees taking a prescribed medication must carry it in the container labeled by a licensed pharmacist or be prepared to produce it if asked.

- Any illegal drugs or drug paraphernalia will be turned over to an appropriate law enforcement agency and may result in criminal prosecution.

## Required Testing

The company retains the right to require the following tests:

- **Reasonable suspicion:** Employees are subject to testing based on observations by a supervisor of apparent workplace use, possession or impairment. Human Resources must be consulted before sending an employee for reasonable suspicion testing.
- **Post-accident:** Employees are subject to testing when they cause or contribute to accidents that seriously damage a company vehicle, machinery, equipment or property and/or result in an injury to themselves or another employee requiring off-site medical attention. In any of these instances, the investigation and subsequent testing must take place within two (2) hours following the accident, if not sooner.
- **Follow-up:** Employees who have tested positive, or otherwise violated this policy, are subject to discipline up to and including discharge. Depending on the circumstances and the employee's work history/record, Mill Neck Family of Organizations may offer an employee who violates this policy or tests positive the opportunity to return to work on a last-chance basis pursuant to mutually agreeable terms, which could include follow-up drug testing at times and frequencies for a minimum of one (1) year but not more than two (2) years. If the employee either does not complete his/her rehabilitation program or tests positive after completing the rehabilitation program, he/she will be subject to immediate discharge from employment.

## Consequences

Employees who refuse to cooperate in required tests, or who use, possess, buy, sell, manufacture or dispense an illegal drug in violation of this policy, will be terminated. The first time an employee tests positive for alcohol or illegal drug use under this policy, the result will be discipline up to and including discharge.

Employees will be paid for time spent in alcohol/drug testing and then suspended pending the results of the drug/alcohol test. After the results of the test are received, a date/time will be scheduled to discuss the results of the test; this meeting will include a member of management and Human Resources. Should the results prove to be negative, the employee will receive back pay for the times/days of suspension.

## Confidentiality

Information and records relating to positive test results, drug and alcohol dependencies and legitimate medical explanations provided to the medical review officer (MRO) shall be kept confidential to the extent required by law and maintained in secure files separate from normal personnel files.

## **Inspections**

Mill Neck Family of Organizations reserves the right to inspect all portions of its premises for drugs, alcohol or other contraband. All employees, contract employees and visitors may be asked to cooperate in inspections of their persons, work areas and property that might conceal a drug, alcohol or other contraband. Employees who possess such contraband, or refuse to cooperate in such inspections, are subject to appropriate discipline up to and including discharge.

## **Crimes Involving Drugs**

Mill Neck Family of Organizations prohibits all employees from manufacturing, distributing, dispensing, possessing or using an illegal drug in or on company premises or while conducting company business. Employees are also prohibited from misusing legally prescribed or over-the-counter (OTC) drugs. Law enforcement personnel shall be notified, as appropriate, when criminal activity is suspected.

## **Ethical Personal Conduct**

Ethical personal conduct on the job means treating oneself and others with respect and fairness. Workplace harassment includes both sexual harassment and harassment in a more general nature. Sexual harassment includes both quid pro quo and hostile work scenarios. Other forms of harassment include unwelcome or unwanted attention or discrimination conduct based on an individual's race, color, creed, religion, national origin, gender, sexual preference, marital status, age, and/or disability. Examples of harassment include, but are not limited to inappropriate jokes, offensive body language such as finger pointing, or offensive materials such as sexually explicit pictures. It can include verbal, nonverbal or physical abuse. Something considered harmless by one individual may be perceived as harassment by another. The agency expects all employees to conduct themselves in a manner appropriate to the workplace and to keep all work environments free of harassment.

Mill Neck Family of Organizations defines bullying as "repeated inappropriate behavior, either direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment." Such behavior violates the company Code of Ethics, which clearly states that all employees will be treated with dignity and respect.

The purpose of this policy is to communicate to all employees, including supervisors, managers and executives, that the company will not tolerate bullying behavior. Employees found in violation of this policy will be disciplined up to and including termination.

Bullying may be intentional or unintentional. However, it must be noted that where an allegation of bullying is made, the intention of the alleged bully is irrelevant and will not be given consideration when meting out discipline. As in sexual harassment, it is the effect of the behavior upon the individual that is important. Mill Neck Family of Organizations considers the following types of behavior examples of bullying:

- **Bullying verbally or in sign language:** Slandering, ridiculing or maligning a person or his/her family; persistent name calling that is hurtful, insulting or humiliating; using a person as the butt of jokes; abusive and offensive remarks.
- **Physical bullying:** Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault; damage to a person's work area or property.
- **Gesture bullying:** Nonverbal threatening gestures or glances that convey threatening messages.
- **Exclusion:** Socially or physically excluding or disregarding a person in work-related activities.

## **Violence in the Workplace**

All employees, customers, vendors and business associates must be treated with courtesy and respect at all times. Employees are expected to refrain from conduct that may be dangerous to others.

Conduct that threatens intimidates or coerces another employee, customer, vendor or business associate will not be tolerated. Mill Neck Family of Organizations resources may not be used to threaten, stalk or harass anyone at the workplace or outside the workplace. Mill Neck Family of Organizations treats threats coming from an abusive personal relationship as it does other forms of violence.

Indirect or direct threats of violence, incidents of actual violence and suspicious individuals or activities should be reported as soon as possible to a supervisor, security personnel, Human Resources, or any member of senior management. When reporting a threat or incident of violence, the employee should be as specific and detailed as possible. Employees should not place themselves in peril, nor should they attempt to intercede during an incident.

Employees should promptly inform the Human Resource department of any protective or restraining order that they have obtained that lists the workplace as a protected area. Employees are encouraged to report safety concerns with regard to intimate partner violence. Mill Neck Family of Organizations will not retaliate against employees making good-faith reports. Mill Neck is committed to supporting victims of intimate partner violence by providing referrals to Mill Neck Family of Organizations' employee assistance program (EAP) and community resources and providing time off for reasons related to intimate partner violence.

Mill Neck Family of Organizations will promptly and thoroughly investigate all reports of threats of violence or incidents of actual violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as possible. Mill Neck Family of Organizations will not retaliate against employees making good-faith reports of violence, threats or suspicious individuals or activities. In order to maintain workplace safety and the integrity of its investigation, Mill Neck Family of Organizations may suspend employees suspected of workplace violence or threats of violence, either with or without pay, pending investigation.

Anyone found to be responsible for threats of, or actual violence, or other conduct that is in violation of these guidelines, will be subject to prompt disciplinary action up to and including termination of employment.

Mill Neck Family of Organizations encourages employees to bring their disputes to the attention of their supervisors or Human Resources before the situation escalates. Mill Neck Family of Organizations will not discipline employees for raising such concerns.

## **Safety**

It is the responsibility of each employee to conduct all tasks in a safe and efficient manner complying with all local, state and federal safety and health regulations and program standards, and with any special safety concerns for use in a particular area or with a client.

Although most safety regulations are consistent throughout each department and program, each employee has the responsibility to identify and familiarize her/himself with the emergency plan for his/her working area. Each facility shall have posted an emergency plan detailing procedures in handling emergencies such as fire, weather-related events and medical crises.

It is the responsibility of the employee to complete an Accident and Incident Report for each safety and health infraction that occurs by an employee or that the employee witnesses. Failure to report such an infraction may result in employee disciplinary action, including termination.

Furthermore, management requires that every person in the organization assumes the responsibility of individual and organizational safety. Failure to follow company safety and health guidelines or engaging in conduct that places the employee, client or company property at risk can lead to employee disciplinary action and/or termination.

The Health and Safety Committee and the safety director shall have the responsibility to develop, and the authority to implement the safety and health program in the interest of a safer work environment.

## **Accident Management and Reporting**

In case of an accident involving a staff member, notify the nurse immediately at Ext. 233. If the nurse cannot be located, call the main switchboard at Ext. 0. **DO NOT MOVE THE INJURED PERSON.**

In the event of a severe accident in which emergency treatment is required, call for an ambulance immediately.

Complete all necessary written reports for the office as soon as possible following the accident. Forms may be obtained from the secretaries or the personnel department. Please submit the completed form to Personnel or to the Business Office.

Delays in filing claims may result in loss of payment. It is ultimately the individual staff member's responsibility to notify the Personnel Office promptly.

## **Smoke-Free Workplace**

It is the policy of Mill Neck Family of Organizations to prohibit smoking on all company premises in order to provide and maintain a safe and healthy work environment for all employees. The law defines smoking as the "act of lighting, smoking or carrying a lighted or smoldering cigar, cigarette, e-cigarette or pipe of any kind."

The smoke-free workplace policy applies to:

- All areas inside and out.
- All areas of company buildings.
- All company-sponsored off-site conferences and meetings.
- All vehicles owned or leased by the company.
- All visitors (customers and vendors) to the company premises.
- All contractors and consultants and/or their employees working on the company premises.
- All employees, temporary employees and student interns.

Employees who violate the smoking policy may be subject to disciplinary action up to and including immediate discharge.

## **Driving and Traffic Violation Policy**

We deeply value the safety and well-being of all employees. Due to the risk of motor vehicle accidents resulting from traffic congestion, unsafe driving habits, road conditions and distraction, Mill Neck is instituting a safety driving policy and rules. This safety policy applies to all employees who operate a motor vehicle on school/agency business and/or school/agency time, whether operating a company vehicle or personal vehicle.

### **Safety Rules**

1. Inspect agency vehicles prior to use to ensure that they are in safe operating condition.
  - a. If a vehicle does not pass inspection, inform your supervisor who will in turn inform Mike Filardo.
  - b. Vehicles are not to be operated unless in a safe operating condition.
2. Drivers must be physically and mentally able to drive safely. Fatigue, medications and physical injuries can affect an employee's ability to safely operate a vehicle.
3. Drivers must conform to all traffic laws and make allowances for adverse weather and traffic conditions. Speeding and aggressive behavior will not be tolerated.
4. Seat belts must be worn by all passengers in the car regardless of where they are sitting, whenever a vehicle is in motion.
5. Cell phone usage, including texting, and using facetime/Skype is prohibited while driving for school/agency purposes.
6. Use of radar detectors is forbidden in all vehicles owned or used by the school/agency.
7. Hitchhikers and passengers other than school/agency employees and consumers are not permitted.
8. Cargo should be secured and all doors should be locked, both when the vehicle is en route and when it is parked.
9. Respect the rights of other drivers and pedestrians.
10. Drivers must not be under the influence of drugs or alcohol while operating a vehicle for school/agency purposes.
11. All traffic violations, whether on company or personal time, must be reported to your supervisor within 24 hours or by the next business day. CDL drivers will also be required to complete a violation review form. All staff receiving tickets – either moving violations, parking or passing a red light, will be expected to pay for the fine themselves. Should

we become aware of a repeated issue, staff will be prohibited from driving any school/agency vehicles.

12. Mill Neck Manor will review motor vehicle reports annually.
13. If an employee has a change in license status, including a renewal, he or she must give a copy of his or her new license to the supervisor for the employee's file.
14. Employees are responsible for maintaining a valid driver's license.

### **Safety Rules Enforcement**

Employees will be subject to disciplinary action up to and including termination for violating any of the above rules.

### **Accidents**

Any employee who is involved in an accident while driving for company purposes will be required to complete an accident report. You must obtain license, registration and insurance information from the other party. He or she must return the report to his or her supervisor on the same day to review the information to make sure it is complete. You must obtain a copy of the accident report from the Police Department and submit it to your immediate supervisor. The employee may be required to go for a post-accident drug and alcohol analysis at a designated facility. The employee may also be required to discuss the accident with Human Resources.

Management will review all accidents and determine whether they were preventable or non-preventable. A preventable accident is defined as an accident in which the driver failed to do everything reasonably possible to prevent it from occurring.

### **Motor Vehicle Report (MVR) Standards**

MVRs will be checked annually for all employees who may be required to drive for organizational purposes. The MVR will be reviewed to ascertain whether the employee holds a valid license and whether his or her driving record is within the parameters set by the company.

Drivers will be disqualified from driving vehicles for company purposes for any of the following reasons:

1. More than one violation for driving under the influence of alcohol or a controlled substance will result in permanent suspension of driving privileges at Mill Neck Manor.
2. Any criminal conviction that involves a motor vehicle (e.g., a felony, hit and run, negligent homicide) in the previous five years
3. Any of the following violations incurred in the previous three years:
  - a. Any combination of more than three moving violations (any violation
  - b. resulting in an at-fault auto accident automatically counts as two violations)
  - c. Any violation less than three years old for an alcohol- or controlled substance-related driving offense
  - d. Refusing to take a breathalyzer test
  - e. Careless or reckless driving that results in injury to persons or property
  - f. Passing a stopped school bus
  - g. Leaving the scene of an accident without stopping to file a report
  - h. Racing
4. Any combination of more than two moving violations and/or at-fault accidents in the past 12 months.

# WORKPLACE EXPECTATIONS

## Confidentiality

Mill Neck Family of Organizations is responsible and accountable for the integrity and protections of its business information, including donor records of gifts. All agency records and documents (in any form or media) are the sole property of the agency and thereby considered confidential by its nature, except as provided by law or regulation. No Mill Neck Family of Organizations representative shall disclose to others any confidential information obtained during the course of employment, work (paid or unpaid) or receipt of reports, which have not been published or disclosed, to the public.

Mill Neck staff and volunteers hold positions of trust, and many members have access to information of a personal, sensitive or confidential nature about Donors, participants, other staff, volunteers, supporters of Mill Neck Family of Organizations and organizational activities. It is extremely important that this information not be discussed except with authorized personnel. The utmost discretion and precaution must be used to ensure this confidentiality.

It is particularly important for you to understand Mill Neck is committed to insuring that all aspects of each and every participant relationship are kept confidential. For your information, a participant is anyone who seeks Mill Neck Family of Organizations' help in any form, whether or not she/he is formally registered in our records. In addition, Mill Neck Family of Organizations considers whether or not an individual has come to us for services to be confidential information.

Participant/Donors confidentiality, regardless of your job, is a commitment binding all staff members. To further clarify our participant confidentiality rules to you, we remind you that:

- a. Every piece of written or electronic communication material, any verbal counseling, personal knowledge or medical findings (including HIV information) are confidential;
- b. Confidential or sensitive information should be discussed only with authorized personnel; do not discuss any confidential organization business outside the organization;
- c. Care should be exercised so you do not inadvertently reveal information in a social setting;
- d. Care should be exercised when delegating work which may contain confidential information;
- e. Precaution should be taken with copies of confidential documents (including ones stored in computer files);
- f. Exercise caution when discarding confidential information; use a shredder if necessary;
- g. Mail marked "confidential" or "personal", not addressed to you, should not be opened unless you are instructed to do so by the addressee.

If any Mill Neck Family of Organizations representative observes or becomes aware of a breach of this policy including the misuse of confidential information, or an unauthorized or unrecognized individual using a computer terminal in an area familiar to you, immediately contact a supervisor.

## **Mill Neck Family of Organizations' Media Communication Policy**

Mill Neck Family of Organizations' policy it to provide open, accurate, and consistent communication with the public. To maintain the consistency and accuracy of the information, agency spokespersons are designated to respond to all inquiries. Only these designated spokespersons are authorized and responsible for releasing information at the appropriate time and for guarding against the inadvertent disclosure of confidential information. All inquiries regarding the Media Communication Policy should be directed to the Superintendent of Mill Neck Manor School for the Deaf, President of the Foundation, and Executive Director of Mill Neck Services.

### **Conflicts of Interest Policy**

The goal of Mill Neck Family of Organizations is to avoid, where possible, even the appearance of impropriety by avoiding Conflicts of Interest. Therefore, it had adopted the following guidelines related to Conflicts of Interest and Related Party Transactions...

#### **Definition of Conflict Of Interest**

A Conflict of Interest arises whenever the personal or professional interest of a Board Member, employee, or consultant is or may be at odds with the best interests of Mill Neck Family of Organizations. A related party transaction exists when there is a transaction between Mill Neck Family of Organizations and one or more of its directors or officers or any other corporation, firm, association or other entity in which one or more of its directors or officers are directors or officers or have a substantial financial interest. A related party transaction is always a Conflict of Interest under this policy, but a Conflict of Interest is not necessarily limited to related party transactions.

Employees must avoid any relationship or activity that might impair, or even appear to impair, their ability to make objective and fair decisions when performing their jobs. At times, an employee may be faced with situations in which business actions taken on behalf of Mill Neck Family of Organizations may conflict with the employee's own personal interests. Company property, information or business opportunities may not be used for personal gain.

#### **Conflicts of interest could arise in the following circumstances:**

- Being employed by, or acting as a consultant to, a competitor or potential competitor, supplier or contractor, regardless of the nature of the employment, while employed with Mill Neck Family of Organizations.
- Hiring or supervising family members or closely related persons.
- Romantic relationships between supervisor and a subordinate.
- Using agency assets, including agency time, name, information equipment or facilities for personal use.
- Misuse of information obtained by an employee during the course of his or her employment.
- Soliciting personal cash or non-cash gifts of any amount or value from any person or business that has a relationship with the Agency.
- Serving as a board member for an outside commercial company or organization that has a business relationship with Mill Neck Family of Organizations.
- Owning or having a substantial interest in a competitor, supplier or contractor.



- Accepting gifts, discounts, favors or services from a customer/potential customer, competitor or supplier with a value greater than \$50.00, unless equally available to all company employees.

The above list is not all inclusive. Employees with a conflict-of-interest question should seek advice from management. Before engaging in any activity, transaction or relationship that might give rise to a conflict of interest, employees must seek review from their manager or the Human Resource department.

### **Procedure for Disclosing a Conflict of Interest**

Disclosure will be made immediately upon recognizing a conflict of interest, related party transaction, or the potential for either. Staff members and consultants may disclose Conflicts of Interest or related party transactions to the Superintendent of Mill Neck Manor School for the Deaf, President of the Foundation, and Executive Director of Mill Neck Services, who shall immediately report the disclosure to the Chairman of the Board. Disclosure can be made in writing which describes the material facts related to the conflict of interest or potential conflict of interest.

### **For Mill Neck Services Staff**

Mill Neck Services policy states that staff/employees of Mill Neck Services are not permitted to enter into private agreements with existing Mill Neck consumers and their families or other associates. Employment relationships, barter agreements or other exchanges of services are all strictly prohibited. Staff must respectfully decline such requests and report such requests immediately to their supervisor.

This policy applies to all of the following services: Interpreting, Residential Habilitation, Community Habilitation, Counseling/Therapy, Employment Services, Respite or any other privately requested service.

Entering into private agreements creates a conflict of interest, confuses the consumers and their families, undermines the agency's work and mission and will result in job termination.

If a consumer or their family requests that staff provide private services, staff must explain that this is against policy and direct the consumer or family members to their supervisor. Mill Neck Service will, in turn, arrange for services with the consumer and/or family member through existing departments, if the request is deemed appropriate.

## **Mill Neck's Gift Acceptance Policy**

We know that during the holidays, families often show their appreciation to staff by giving token gifts. Please note, Mill Neck discourages gifts whose value is \$50.00 or more. It is the agency's policy that all staff should refrain from accepting gifts or money from a student/consumer at any time.

If a student/consumer has approached you with such an offer, and you are unsure how to handle it, you are to contact your supervisor. Students/consumers may offer money gifts to show their appreciation for the services you provide to them. If a staff member were to accept money from a student/consumer, the professional/participant relationship is altered. To avoid

misinterpretation, and even the appearance of conflict of interest, please refrain from accepting money/gifts from students and consumers.

## **Mill Neck's Whistleblower Policy**

Mill Neck Family of Organizations requires directors, officers and employees to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. As employees and representatives of Mill Neck Family of Organizations, we must practice honesty and integrity in fulfilling our responsibilities, and comply with all applicable laws and regulations. This whistleblower policy is intended to encourage and enable employees and others to raise serious concerns about the Mill Neck Family of Organizations, prior to seeking resolution outside the Mill Neck Family of Organizations.

### **Reporting Responsibility**

It is the responsibility of all directors, officers and employees to report wrongful conduct or suspected fraud in accordance with this whistleblower policy.

### **Wrongful Conduct**

"Wrongful Conduct" is described in this whistleblower policy to include: a serious violation of Mill Neck Family of Organizations' policy; a violation of local, state or federal law; the fraudulent use of organization property, resources or authority for personal gain or other non-organization-related purpose, except as allowed by organization policy.

The definition of wrongful conduct is not intended to be an exclusive listing of the illegal or improper activity encompassed by the whistleblower policy. Rather, the whistleblower policy is intended to serve as a means of reporting all serious improprieties that potentially impact the integrity and effective operation of Mill Neck Family of Organizations.

### **Reporting Violations**

Mill Neck Family of Organizations suggests that employees share their questions, concerns, suggestions or complaints with someone who can address them properly. In most cases, an employee's supervisor is in the best position to address an area of concern. However, if you are not comfortable speaking with your supervisor or you are not satisfied with your supervisor's response, you are encouraged to speak with the Human Resource Director, or anyone in management whom you are comfortable in approaching. Supervisors and managers are required to report suspected fraudulent activity to the Mill Neck Family of Organizations' Compliance Officer, who has specific and exclusive responsibility to investigate all reported violations. For suspected fraudulent activity, employees should contact the Compliance Officer directly.

### **No Retaliation**

No director, officer or employee, who in good faith reports a wrongful act or fraudulent activity, shall suffer intimidation, harassment, discrimination, retaliation or adverse employment consequence. Any director, officer or employee who intimidates, harasses, discriminates, or retaliates against anyone who has reported wrongful conduct in good faith is subject to disciplinary action, up to, and including termination of employment.

## **Acting in Good Faith**

Anyone reporting wrongful conduct under this policy must be acting in good faith and have reasonable grounds for believing that the information disclosed indicates a fraudulent or wrongful act. Any allegations that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense which can lead to termination of employment.

## **Confidentiality**

Reports of suspected fraud or wrongful conduct may be submitted on a confidential basis by the complainant or may be submitted anonymously. These reports will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

## **Handling of Reported Violations**

The Compliance Officer, or the Superintendent of Mill Neck Manor School for the Deaf, President of the Foundation, and Executive Director of Mill Neck Services, in the event of non-fraud violations, will notify the sender and acknowledge receipt of the reported suspected wrongful conduct within five business days, unless the report is made anonymously. All reports will be promptly investigated and appropriate corrective action; will be taken if warranted by the investigation.

## **Compliance Officer**

The Mill Neck Family of Organizations Compliance Officer is responsible for investigating and resolving all reported complaints and allegations concerning suspected fraud and, at his/her discretion, shall advise the President and/or the Audit Committee. The Compliance Officer is a member of the Board's Audit Committee, and is required to report to the Audit Committee at least annually on compliance activity.

Report suspected fraudulent or wrongful acts to:

### **Mill Neck Manor School – Superintendent**

Francine Bogdanoff  
Mill Neck Manor School for the Deaf  
40 Frost Mill Road  
Mill Neck, NY 11765  
516-628-4214  
[FBogdanoff@millneck.org](mailto:FBogdanoff@millneck.org)

### **Mill Neck Foundation – President/C.E.O.**

Michael Killian  
Mill Neck Foundation  
40 Frost Mill Road  
Mill Neck, NY 11765  
516-628-4211  
[MKillian@millneck.org](mailto:MKillian@millneck.org)

### **Mill Neck Services Inc. – Executive Director of Advocacy and Grants**

Loretta Murray  
Mill Neck Services Inc.  
40 Frost Mill Road  
Mill Neck, NY 11765  
516-922-3818  
[Deafesq@millneck.org](mailto:Deafesq@millneck.org)

### **Mill Neck Services Inc. – Corporate Compliance Officer**

Christine Oddo  
Mill Neck Services Inc.  
40 Frost Mill Road  
Mill Neck, NY 11765  
516-852-3476  
[COddo@millneck.org](mailto:COddo@millneck.org) or [CorporateCompliance@millneck.org](mailto:CorporateCompliance@millneck.org)

## **Outside Employment**

Employees are permitted to engage in outside work or to hold other jobs, subject to certain restrictions as outlined below.

Activities and conduct away from the job must not compete with, conflict with or compromise the company interests or adversely affect job performance and the ability to fulfill all job responsibilities. Employees are prohibited from performing any services for customers on nonworking time that are normally performed by Mill Neck Family of Organizations. This prohibition also extends to the unauthorized use of any company tools or equipment and the unauthorized use or application of any confidential information. In addition, employees are not to solicit or conduct any outside business during paid working time.

Employees are cautioned to carefully consider the demands that additional work activity will create before accepting outside employment. Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel or refusal to work overtime or different hours. If Mill Neck Family of Organizations determines that an employee's outside work interferes with performance, the employee may be asked to terminate the outside employment.

Employees who have accepted outside employment may not use paid sick leave to work on the outside job. Fraudulent use of sick leave will result in disciplinary action up to and including termination.

Mill Neck emphasizes the need for balance between work, personal and family life, and encourages employees to pursue interests and activities outside the workplace. Personal interests and beliefs, however, must not be imposed on other employees or consumers. The agency recognizes the employee's rights to become involved in political/religious activities of their choice. However, activities should not interfere with the employee's ability to perform their job and should not imply participation on the part of the agency.

## **Campus Hours for Administration and Foundation Staff**

There are many jobs at Mill Neck Family of Organizations requiring varying hours of work. An employee's work schedule will depend on the job classification and the particular job within that classification.

All employees are required to use the time clocks, and all employees are responsible for their own swipe cards. Cards should be swiped upon arrival and departure each workday, including any pre-approved overtime. Employees are not permitted to swipe in/commence work before their normal starting time or to swipe out/continue work after their normal quitting time, without prior approval.

No employee may swipe in/out for any other employee. The information on the attendance record provides the basis for payroll and benefit calculations. Therefore, accuracy is of the utmost importance.

Continued patterns of not swiping in/out will be an indication to the Administration that you are either late for your assignment or leaving your assignment early. Failure to follow procedures can and will lead to serious disciplinary actions, including termination. Falsification of time records is grounds for immediate dismissal.

**The campus is closed and inaccessible from 6:00 pm to 6:00 am each weekday.**

All faculty and staff (with the exception of the maintenance and night time cleaning crew) are to complete their activities and leave the campus no later than 6:00 pm. Campus security secures all buildings at that time, and access to the campus and its buildings will be prohibited thereafter, except for scheduled events. Prior written permission from the office of the Superintendent of Mill Neck Manor School for the Deaf, President of the Foundation, and Executive Director of Mill Neck Services is required for access to the campus after 6:00 pm or on weekends. In such cases, signing in/out will be required. The sign-in book is located in the vestibule of the Administration Building. Under no circumstances will there be access to the campus after 11:00 pm.

## **Policy Regarding Pay for Inclement Weather Days**

It is the policy of Mill Neck Family of Organizations to remain open during most periods of inclement weather; however, where extraordinary circumstances warrant, due to weather or unforeseen business interruption, the company reserves the right to close the facility. Should this occur, employees are expected to listen to the calls, or read the text, that Mill Neck makes to the Administration staff, Mill Neck Foundation, Center for Hearing Health, and Mill Neck Services Inc. during periods of adverse weather to find out if your Department is open or closed on a given day. The decision to close the Mill Neck Manor School for the Deaf is separate and distinct from this policy.

Mill Neck Family of Organizations makes a decision by 5:30 am during periods of such inclement weather and communicates this to the Department Supervisor to create a mass "robo call" to all employees. Mill Neck will also post the closure on our websites.

### **Mill Neck Closed**

If Mill Neck announces it will close on a given day, all salary staff will receive their regular pay for the day of closure. For hourly employees on a day of closure, the employee will receive an amount equivalent to four hours of base pay for the day.

### **Mill Neck Open**

If Mill Neck remains open on an adverse weather day, employees who report to work will receive their normal pay for the day. Mill Neck reserves the right to delay opening, which shall be announced by phone or text, in those instances, employees shall receive a full day of pay should they elect to work. If an employee elects not to report to work on a day Mill Neck has opted to remain open, the employee can elect to 1) use any accrued paid time off for the missed day or 2) not be paid for the day.

Regardless of whether Mill Neck remains open or closed on an inclement day, it is each employee's decision to determine if they can safely arrive at work under the conditions. If an employee elects not to work on a given day, Mill Neck requires the courtesy of a phone call or text to your manager or supervisor advising as to your status for the day, prior to the beginning of the work day.

Questions about this policy should be addressed to your department manager or the human resources department.

## Attendance and Punctuality

All employees of Mill Neck Family of Organizations are expected to report to work regularly and on time. All absences due to your illness or a family sick day must be reported to the main desk prior to the time the employee is expected to report to work. All absence calls, other than an emergency situation, must be made within a reasonable amount of time. The main desk accepts phone calls beginning at 6:30 am. The telephone number to call is 516-922-4100 ext. 0 or ext. 223.

The Administration recognizes, however, that occasional, unavoidable circumstances can prevent employees from arriving at work. However, chronic or excessive absences or lateness may be the subject of progressive discipline, starting with a verbal warning.

If a staff member becomes ill during the work day, he/she must notify their immediate supervisor and the Personnel Dept. informing them of their plans to go home. All time off will be deducted in half day increments.

Attendance is considered part of the job performance and is reflected in the evaluation of your work.

Vacation and holidays must be scheduled with one's supervisor in advance. Sick leave may be used in the case of emergency or sudden illness without prior scheduling. Patterns of absenteeism or tardiness may result in discipline even if the employee has not yet exhausted available paid time off. Absences due to illnesses or injuries that qualify under the Family and Medical Leave Act (FMLA) may be counted against an employee's attendance record. Medical documentation within the guidelines of the FMLA may be required in these instances.

Not reporting to work and not calling to report the absence is a no-call/no-show and is a serious matter. The first instance of a no call/no show will result in a final written warning. The second separate offense may result in termination of employment with no additional disciplinary steps. **A no call/no show lasting three days may be considered job abandonment and may be deemed an employee's voluntary resignation of employment.**

## Attire and Grooming

It is important for all employees to project a professional image while at work by being appropriately attired. Mill Neck Family of Organizations expects its employees to report to work dressed and groomed appropriately for the job function for which they are assigned. Where the job duties are primarily performed in the office, suits and business casual dress, appropriate for the business setting, are expected of all employees.

Shorts, jeans, sneakers, backless shoes, logo tee-shirts, attire exposing the midriff, and excessive piercings are examples of clothing not appropriate for this environment. All visible tattoos shall be covered when possible. Natural and artificial scents may become a distraction in a well-functioning workplace and are also subject to this policy.

Mill Neck Family of Organizations is confident that employees will use their best judgment regarding attire and appearance. Management reserves the right to determine appropriateness. Any employee who is improperly dressed will be counseled or in severe cases may be sent home to change clothes. Continued disregard of this policy may be cause for disciplinary action, which may result in termination.

## Computer Policy

This policy has two purposes: to prohibit certain unacceptable use of the Mill Neck's computers and network facilities, and to educate users about their individual responsibilities. This policy covers all computers owned or administered by any part of the Mill Neck Family of Organizations or connected to the Mill Neck's communication facilities, including departmental computers and personally owned computers, and also Mill Neck's computer network facilities accessed by anyone from anywhere. Failure to adhere to this policy can lead to progressive discipline up to and including termination.

- 1) No one shall use any Mill Neck computer or network facility without proper authorization. No one shall assist in, encourage, or conceal from authorities any unauthorized use, or attempt at unauthorized use, of any of the Mill Neck's computers or network facilities.
- 2) No one should knowingly endanger the security of any Mill Neck computer or network facility, nor willfully interfere with others' authorized computer usage.
- 3) No one shall connect any computer to any of Mill Neck's networks unless it meets technical and security standard set by the Chief Technology Officer.
- 4) No one without specific authorization shall use any Mill Neck's computer or network facility for non – Mill Neck business.
- 5) No one shall give any password for any Mill Neck's computer or network facility to any unauthorized person, or obtain any other person's password by any unauthorized means whatsoever. No one except the system administrator in charge of the computer is authorized to issue passwords for that computer.
- 6) No one without specific authorization shall read, alter, or delete any other person's computer files or electronic mail. This rule applies regardless of whether the operating system of the computer permits these acts.
- 7) No one shall copy, install, or use any personal software or data files in violation of applicable copyrights or license agreements, including but not limited to downloading and/or distribution of music, movies, or any electronic media.
- 8) No one shall create, install, or knowingly distribute a computer virus, "Trojan horse," or other surreptitiously destructive program on any Mill Neck computer or network facility, regardless of whether any demonstrable harm results.
- 9) No one without proper authorization shall modify or reconfigure any Mill Neck computer or network facility.
- 10) No one shall store confidential information on computers or transmit confidential information over Mill Neck's networks without protecting information appropriately.
- 11) Users take full responsibility for data that they store in Mill Neck's computers and transmit through network facilities. No one shall use Mill Neck computers or network facilities to store or transmit data in ways that are prohibited by law or Mill Neck policy. Users shall not transmit any communications that are harassing or discriminatory as outlined in Mill Neck's Non-Discrimination and Anti-Harassment Policy.

## Electronic Records Retention Policy

This policy sets forth Mill Neck Family of Organization's standards for Electronic Records Management and Retention. The policy is applied to all employees and all electronic records regardless of the format in which they exist and where they are stored. The policy shall be reviewed regularly, to ensure the policy remains accurate and reasonable.

### Definitions:

**Electronic Record:** An **electronic record** is defined as recorded information that was made or received by an employee of any Mill Neck agency, i.e., fiscal, legal, programmatic, operational, or administrative information. Electronic records include, but are not limited to, papers, spreadsheets, e-mails and images of documents.

**Approved Content Repository:** **Approved content repositories** are any type of storage media formats approved by the Agency and include the following: share drives, email systems, and public folders.

**Mill Neck Agency:** Includes all legally identified entities of Mill Neck Family of Organizations – Mill Neck Foundation, Mill Neck Services, Mill Neck Manor School for the Deaf, Center for Hearing Health, Lutheran Friends of the Deaf and Mill Neck International.

**Indefinite Records:** Include electronic records, which, due to the information contained within these documents or their historical value, are considered to be "indefinite", whereby, they will not be considered subject to the period of time dictated by law or regulatory authorities to which the document would otherwise be subject, and shall be retained until the point at which it has been determined the record no longer holds value to the Agency.

### Policy:

Mill Neck Agencies retain only those records that are necessary for compliance to laws and regulations, and valuable to the programmatic and operational aspects of the Agencies. All Agency entities must comply with this policy. Each employee is responsible for understanding and abiding by the standards set forth in this policy, and for properly maintaining and disposing of records, regardless of form, in compliance with this policy.

1. All electronic records shall be maintained for at least the minimum period of time by all applicable legal and regulatory authorities, which include local, state, federal and other authorities. If the electronic record pertains to a specific contract, that record shall be retained for the minimum of the time frame dictated by the contract obligation. If the electronic record pertains to an aspect of business operation or other operational obligation of the Agency, the record shall be maintained for at least the minimum of the time period dictated by that obligation. If the electronic record is subject to multiple time periods, it shall be retained for the longest time period required.
2. All electronic records necessary for business operations, including those necessary for continued operations in the case of emergency, shall be retained and remain



available for the longer of either the period of time required by applicable laws or regulations or length of time the record is useful and valuable for business operations.

3. If electronic records contain draft documents, only those, in which the draft document is considered part of the record as a whole, shall be retained for the period of time dictated by legal and/or regulatory authorities to which the record is subject.
4. If the electronic record contains sensitive, private, and/or confidential information, it shall be maintained in a format that ensures the information therein is safeguarded.
5. If an electronic record is considered indefinite, then it will be determined, upon every 7-year review, whether or not the record still maintains its value and shall continue to be retained.
6. When it is appropriate to dispose of the electronic record, and the individual holding the information has received approval from their supervisor, the documentation shall be disposed of in a manner, which safeguards the information therein.
7. All Company-sensitive information should be maintained only on company-approved devices.

## **Electronic Communication and Internet Use**

The following guidelines have been established for using the Internet, company-provided cell phones and e-mail in an appropriate, ethical and professional manner:

- Internet, company-provided equipment (e.g., cell phone, laptops, and computers) and services may not be used for transmitting, retrieving or storing any communications of a defamatory, discriminatory, harassing or pornographic nature.
- The following actions are forbidden: using disparaging, abusive, profane or offensive language; creating, viewing or displaying materials that might adversely or negatively reflect upon Mill Neck Family of Organizations or be contrary to Mill Neck Family of Organizations' best interests; and engaging in any illegal activities, including piracy, cracking, extortion, blackmail, copyright infringement, and unauthorized access of any computers and company-provided equipment such as cell phones and laptops.
- Employees may not copy, retrieve, modify or forward copyrighted materials, except with permission or as a single copy to reference only.
- Employees must not use the system in a way that disrupts its use by others. Employees must not send or receive large files that could be saved/transferred via thumb drives. Employees are prohibited from sending or receiving files that are not related to work.
- Employees should not open suspicious e-mails, pop-ups or downloads. Contact IT with any questions or concerns to reduce the release of viruses or to contain viruses immediately.

- Internal and external e-mails are considered business records and may be subject to discovery in the event of litigation. Be aware of this possibility when sending e-mail within and outside the company.

### **Right to Monitor**

All company-supplied technology and company-related work records belong to the company and not to the employee. Mill Neck Family of Organizations routinely monitors use of company-supplied technology. Inappropriate or illegal use or communications may be subject to disciplinary action up to and including termination of employment.

## **Social Media—Acceptable Use**

Below are guidelines for social media use.

Employees may not post financial, confidential, sensitive or proprietary information about the company, clients, employees or applicants.

Employees may not post obscenities, slurs or personal attacks that can damage the reputation of the company, clients, employees or applicants.

When posting on social media sites, employees must use the following disclaimer when discussing job-related matters, *“The opinions expressed on this site are my own and do not necessarily represent the views of Mill Neck Family of Organizations.”*

Mill Neck Family of Organizations may monitor content out on the Internet. Policy violations may result in discipline up to and including termination of employment.

## **Laptop/iPad Acceptable Use Policy**

This policy refers to staffs who receive a Laptop/iPad from Mill Neck for work purposes.

### **Responsibility Agreements**

The borrowing user is solely responsible for the laptop and all its components. If damage occurs to any component or accessory, the laptop/iPad must immediately be return to the Technology Dept. A replacement cost of the equipment will be accessed if the laptop/iPad is lost or stolen.

### **Acceptable Use Policies**

The laptop/iPad has limited programs available for use. The borrowing user will not alter the current software, install or download new software, or plug-in, and will not change any current laptop/iPad without consent of the Technology Dept. The laptop/iPad can be used only for official business of Mill Neck Family of Organizations. Any material deemed in violation of the Mill Neck Family of Organizations’ Computer Use Policies will be reported to the Department Director.

## **Use and Checkout**

1. All borrowing users will be required to sign the Laptop User Agreement stating that they have read and will adhere to all policies and procedures, and accept full responsibility for the equipment.
2. Borrowing users should be proficient in the use of the hardware/software they plan to access.
3. No food or drinks should be in the immediate vicinity of the laptop.
4. Never leave the laptop/iPad unattended or anywhere it may be damaged by water or extreme heat/cold, e.g.; a car.
5. The laptop must be returned in satisfactory condition to the Department Director or Human Resource Director upon resigning or leaving employment at Mill Neck Family of Organizations.
6. Charges will be assessed if the laptop or its components are missing, broken, lost or stolen.
7. Laptop must be brought to work and given to the Technology Coordinator once a year for maintenance.

## **Campus Parking**

Parking is provided for the convenience of all employees. Mill Neck assumes no responsibility for any damage done to your vehicle. Should you have any problem, you need to process it through your insurance company.

## **Cell Phone/Agency's Phone Policy**

Employees are responsible for proper care and safeguarding of the company's cell and the Agency's landline phone. Employees assigned cell phones should maintain the phone on their person at all times during duty hours or, if the cell phone is not in use, maintain the cell phone out of sight in a secure (locked) desk drawer or file cabinet. If an employee is charging the cell phone at his/her desk, the cell phone shall not be left unattended without proper safeguards against loss or theft. At all times, the employee must safeguard the cell phone against loss or theft.

Proper care means that the cell phones and accessories are maintained in the condition in which they were issued, absent normal wear. Employees are encouraged to save the box in which the phone and accessories were provided. Upon separation of Mill Neck or reassignment to a new position within Mill Neck that does not require an Agency cell phone; the device and accessories must be returned immediately to their supervisor.

If the Agency cell phone is lost or stolen, the employee must immediately contact their immediate supervisor within 24 hours or the next business day to cancel the service.

The Department Head where the employee works will review each instance of a lost or stolen cell phone, to determine whether the loss of the device was a result of gross negligence or reckless conduct on the part of the employee. This determination is based solely on the information contained and the procedures expressed in this policy statement. If gross negligence or reckless conduct is determined, the employee will be required to reimburse the Agency the replacement cost of the phone. As stated, the replacement cost will be determined by the contractor. If the employee is determined to be responsible for the lost or theft, the Department Head will notify the employee in writing, with copies to the Chief Financial Officer and Director of Information Technology. Employees may appeal the decision by submitting a written appeal to the President/CEO or Human Resources within five workdays of receipt of notification.

If the employee is determined to not be responsible for the loss, the Director of their Program will order a replacement phone at no cost to the employee, contingent upon the respective Department Head's approval.

If an Agency's landline phone or cell phone is damaged or inoperable it must be returned immediately to Information Technology (IT) Department with a written explanation as to what happened to the device or what is no longer functioning. If deemed appropriate by the Director of Information Technology, a replacement cell phone will be issued.

## **Solicitations, Distributions and Posting of Materials**

Mill Neck Family of Organizations prohibits the solicitation, distribution and posting of materials on or at company property by any employee or nonemployee, except as may be permitted by this policy. The sole exceptions to this policy are charitable and community activities supported by Mill Neck Family of Organizations' management and company-sponsored programs related to Mill Neck Family of Organizations' products and services.

### Provisions:

- Nonemployees may not solicit employees or distribute literature of any kind on company premises at any time.
- Employees may only admit nonemployees to work areas with management approval or as part of a company-sponsored program. These visits should not disrupt workflow. An employee must accompany the nonemployee at all times. Former employees are not permitted onto company property except for official company business.
- Employees may not solicit other employees during work times, except in connection with a company-approved or sponsored event.
- Employees may not distribute literature of any kind during work times or in any work area at any time, except in connection with a company-sponsored event
- The posting of materials or electronic announcements are permitted with approval from Human Resources.

Violations of this policy should be reported to Human Resources.

## **Employee Personnel Files**

Accurate information for social security, tax, and insurance purposes is required for personnel records. If information in the employee's records is not correct, problems could arise concerning taxes, benefits or other important matters. Please keep the Human Resource Director informed of all changes in status: You should notify the Human Resource Director on the following changes: 1) Address and/or telephone number. 2) Legal name or marital status. 3) Income tax exemptions or dependents. 4) Insurance information.

Employee files are maintained by the Human Resource department and are considered confidential. Managers and supervisors may only have access to personnel file information on a need-to-know basis.

A manager or supervisor considering the hire of a former employee or transfer of a current employee may be granted access to the file, or limited parts of it, in accordance with antidiscrimination and HIPPA laws.

Personnel file access by current employees and former employees upon request will generally be permitted within three days of the request unless otherwise required under state law. Personnel files are to be reviewed in the Human Resource department. Personnel files may not be taken outside the department.

Representatives of government or law enforcement agencies, in the course of their duties, may be allowed access to file information.

Every employee has the right to confidentiality of certain employment records as well as the privacy of personal activities outside of the business hours. In turn, Mill Neck has rights of access to all agency property and communication, records and information created in the business setting. By using Mill Neck's property and/or creating such records and information, the employee consents to such access.

The agency will not release information regarding our current employees without written consent unless it is required by a program surveyor subpoena. An internal investigation may at times require the review and/or release of certain personnel information to agency personnel, law enforcement, and/or oversight agencies.

## **References**

On occasion requests for information about employees and former employees are received. It is Mill Neck's practice to maintain the confidential nature of our employee records. Personnel file information will not voluntarily be disclosed to anyone outside of Mill Neck without a signed consent from the employee or former employee specifically authorizing the release of the information.

It is Mill Neck's practice to verify information such as employment status, dates of employment, salary and job title only. Mill Neck reserves the right to verify information without notification to the individual involved, and to cooperate with law enforcement, public safety, or medical officials who have a valid need to ascertain limited specific information about an individual.

# **COMPENSATION**

## **Performance and Salary Review**

Increases are based on company performance and financials and are not guaranteed. A performance review does not always result in an automatic salary increase. The employee's overall performance and salary level relative to his/her position responsibilities are evaluated to determine if a salary increase would be warranted.

Salary adjustments are occasionally requested or warranted at times other than the employee's scheduled annual salary reviews. Out-of-cycle salary increases must be preapproved by the department manager, HR and the company president. Human Resources will review all salary increase/adjustment requests to ensure internal equity and compliance with company policies and guidelines.

## **Payment of Wages**

Salary payment is made biweekly for base salary due up to the Sunday of the pay date week. Paydays are usually biweekly on every other Friday.

Overtime payment, which is included with the nonexempt employee's base salary payment, is also paid biweekly with such payment covering hours worked in the prior biweekly period.

It is the company's policy that employee paychecks will only be given personally to that employee or mailed to his/her home address.

If the normal payday falls on a company-recognized holiday, paychecks will be distributed one workday before the aforementioned schedule.

Employees may be paid by check or through direct deposit of funds. We encourage employees to sign up for direct deposit. With direct deposit, your pay is available to you at 9:00 am on pay day AS CASH. Your check can go into either a savings or checking account, or up to two different accounts at any financial institution of your choice.

In the event of a lost paycheck, the Human Resource department must be notified in writing as soon as possible and before a replacement check can be issued. In the event the lost paycheck is recovered and the company identifies the endorsement as that of the employee, the employee must remit the amount of the replacement check to the company within 24 hours of the time it is demanded.

If an employee's marital status changes or the number of exemptions previously claimed increases or decreases, a new Form W-4 must be submitted to the Human Resource department.

Except for extreme emergencies and vacation pay, no salary advances will be made.

Mill Neck fully complies with the salary basis requirements of the Fair Labor Standards Act (FLSA). Therefore, the agency prohibits all company Management staff as well as the Payroll Office from making improper deductions from the salaries of employees.

If an employee believes that an improper deduction has been made to their salary, that employee should immediately report this information to their direct supervisor, or to the Human Resource Director.

Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, the employee will be promptly reimbursed for any improper deductions.

## **Time Reporting**

A work hour is any hour of the day that is worked and should be recorded to the nearest quarter of an hour. The workday is defined as the 24-hour period starting at 12:00 a.m. and ending at 11:59 p.m. The workweek covers seven consecutive days beginning on Monday and ending on Sunday. The usual workweek period is 40 hours.

Overtime is defined as hours worked by an hourly or nonexempt employee in excess of 40 hours in a workweek and should be recorded to the nearest tenth of an hour. Overtime must be approved in advance by the manager to whom the employee reports.

Employees will submit their time record weekly as directed by their manager. Each employee is to maintain an accurate daily record of his or her hours worked. All absences from work schedules should be appropriately recorded.

## **Meal/Rest Periods**

The scheduling of meal periods at Mill Neck Family of Organizations is set by the employee's immediate manager with the goal of providing the least possible disruption to company operations.

### **Mandatory Lunch Period**

Employee lunch periods are important to company productivity and employee health. Employees who work at least four consecutive hours will be provided a lunch break not to exceed 60 minutes. Employees who work 4 hours or less are not entitled to a lunch break. The lunch period will not be included in the total hours of work per day and is not compensable. Nonexempt employees are to be completely relieved of all job duties while on lunch breaks.

The lunch period may not be used to account for an employee's late arrival or early departure or to cover time off for other purposes.

## **Overtime Pay (nonexempt employees)**

Nonexempt employees who exceed 40 hours of work time in a workweek will be paid time and one half.

Paid leave, such as holiday, sick or vacation pay, does not apply toward work time.

The workweek begins at 12:00 a.m. on Monday morning and ends at 11:59 p.m. on Sunday night.

Supervisors are required to obtain approval from managers prior to the use of overtime.

Employees who anticipate the need for overtime to complete the week's work must notify the supervisor in advance and obtain approval before working hours that extend beyond their normal schedule.

During busy periods employees may be required to work extended hours.

## **Employee Travel and Reimbursement**

Employees will be reimbursed for reasonable expenses incurred in connection with approved travel on behalf of the company.

Travelers seeking reimbursement should incur the lowest reasonable travel expenses and exercise care to avoid the appearance of impropriety. If a circumstance arises that is not specifically covered in the travel policies, the most conservative course of action should be adopted. Air travel is reimbursed only for Coach Class fares.

Travel for staff must be authorized in advance. Travelers should verify that planned travel is eligible for reimbursement before making travel arrangements. Upon completion of the trip, and within 30 days, the traveler must submit a Travel Reimbursement Form and supporting documentation to obtain reimbursement of expenses.

Exempt employees will be paid their regular salary for weeks in which they travel. Nonexempt employees will be paid for travel time in accordance with federal and state wage payment laws.



# TIME OFF/LEAVES OF ABSENCE

## Holiday Pay

Mill Neck Family of Organizations recognizes twelve paid holidays each year:

- New Year's Day
- Martin Luther King Jr. Day
- Presidents Day
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veterans Day
- Thanksgiving Day
- Day After Thanksgiving
- Christmas Day

Should a legal holiday fall on a weekend, the holiday will be observed on the work day closest to the holiday.

When an employee works less than five days per week, and is scheduled to work on a paid holiday, that employee is paid for that day. When the paid holiday falls on a day of the week the employee is not scheduled to work, the employee does not receive extra compensation, or a different day off with pay.

Time off may be granted to employees who desire to observe a religious holiday that is not recognized by the company.

## Vacation

All full-time employees are eligible for vacation leave benefits. Full-time employees are those working 35-plus hours per week. Vacation accrual begins on the first day of full-time employment. Vacation is accrued according to the schedule in this policy. Vacation can be used only after it is earned. Staff may begin to use this leave at the start of the next fiscal year, July 1<sup>st</sup>. The following July 1<sup>st</sup> (second fiscal year), the staff member will start off with ten (10) vacation days, as well as any previously unused vacation days. Each employee will receive an additional vacation day yearly until the maximum of twenty (20) vacation days are reached. Vacation leave will not be earned during an unpaid leave of absence.

If an employee is terminated prior to completion of the Probationary Period, no vacation days are accrued.

To schedule vacation time, employees should submit a completed Request for Authorized Absence form to their supervisor at least three days before the requested leave. The Personnel Dept. will ensure you have enough accrued leave available to cover the dates requested. Requests will be approved based on a number of factors, including department operating and staffing requirements. The Personnel Dept. will return the leave request to the employee within

three business days of the date it is submitted indicating that the request has been approved or denied. If the request for vacation leave is denied, the supervisor should provide an appropriate reason on the form returned to the employee. All requests are subject to the approval of the Superintendent/President/Executive Director.

In the case of two staff (in the same department) requesting the same time off, the person with seniority will have the first choice. Seniority is based on earliest full-time date of hire. Certain days or weeks may not be available for leave, subject to the needs of the organizations.

To provide for the orderly administration of the organization, no employee may take more than two (2) times their annual allotment of vacation days in any one fiscal year (July 1 to June 30<sup>th</sup>). Employees with four (4) weeks of paid vacation (20 days) may not take more than forty (40) days in one fiscal year.

Vacation will be paid at the employee's base rate at the time the leave is taken. Vacation pay is not included in overtime calculation and does not include any special forms of compensation such as incentives, commissions, bonuses or shift differentials.

If a holiday falls during the employee's vacation, or if the agency closes due to an emergency situation, the time will not be charged against the employee's accumulated time.

All vacation time off will be deducted in half time increments (either taking the morning or afternoon off).

Employees who earn paid vacation days are encouraged to use them during employment. At retirement/termination, employees may be paid for up to 30 accumulated unused days. Such payment will be made in one check in the last payroll prior to the retirement date. Unused days above 30 will have no value to the employee at retirement. In the event of the employee's death, earned unused vacation time will be paid to the employee's estate or designated beneficiary. For staff who resign without proper notification of two weeks will forfeit their vacation pay.

Mill Neck believes that vacation is important to the health and well-being of our employees and encourages all employees to utilize their vacation days. Therefore effective July 2016, Mill Neck will only allow employees to carry over a maximum of 30 days of unused vacation days. In the event special work demands prevent an employee from taking all available vacation days, a request may be made to carry over no more than five days into the next vacation cycle. To be effective, approval must be in writing. If not used, remaining vacation time will be forfeited.

**For Administration, Mill Neck Services, Center for Hearing Health, and Mill Neck Foundation Only**

The Mill Neck Family of Organizations in observance of Christmas and New Year holidays will close all offices on Christmas Day and New Year's Day. If these holidays fall on a Saturday, the office will be closed on the preceding Friday. If the holiday falls on a Sunday, the offices will be closed on the following Monday.

Additionally, in keeping with the spirit of the holidays, it's been our tradition to close on Christmas Eve and New Year's Eve.

As in previous years, we will close the campus between Christmas and New Year's Day to conserve energy. Based on how the calendar falls each year, we ask that you use either

Personal or Vacation days for a maximum of up to three days. Please reserve these days when planning your time off.

## **Sick and Personal Leave**

Every employee is vital to the success of Mill Neck, or his/her position would not exist. There is an expectation that employees will be at work every day. The availability of paid sick leave is not to be casually used, nor are they to be considered an “entitlement” of paid time off. A primary purpose for sick leave availability is to protect an employee against a “catastrophic” illness or injury during an employee’s career. Employees are encouraged to build up a significant “bank” of sick days for this purpose. Unused sick leave may have value in reducing health insurance cost in retirement.

The Administration recognizes, however, that occasional, unavoidable circumstances can prevent employees from arriving to work. However, chronic or excessive absences may be subject to Progressive Discipline, starting with a verbal warning. Pattern of absences will be noted and addressed.

A total of fifteen (15) paid days of leave shall be granted to each full-time permanent employee at the beginning of the July 1<sup>st</sup> fiscal year. Effective July 1, 2019, we will be shifting how we disperse Personal Time off. We will be going from a fiscal year to a calendar year for Mill Neck Foundation, Mill Neck Services, Mill Neck International, and Center for Hearing Health employees. If an employee is hired mid-year, the employee shall receive his/her time on a pro-rated basis. Sick and Personal time is subject to the following restrictions:

Twelve (12) days shall be allocated to sick leave, and three (3) days shall be allocated to personal leave. Sick days may be accumulated from year to year. Personal days must be used by June 30<sup>th</sup> of the fiscal year, (or December 31<sup>st</sup> starting in 2019 for the entities listed above) All rights reserved in which they are earned.

Of the twelve (12) allowable sick days per fiscal year (soon to be calendar year), all may be used personally by the employee or for illness of the employee’s spouse, children or parents. However, any sick days remaining, which were carried over, must be used for employee sickness.

All Mill Neck employees are expected to report to work regularly and on time. All absence calls, other than an emergency situation, must be reported to the main desk by 7:30 am or prior to the time the employee is expected to report to work. If you are feeling ill during the night, and you know you will not be at work the next day, please leave a message on ext. 0 or email your immediate supervisor and [KWorko@millneck.org](mailto:KWorko@millneck.org)

If a staff member becomes ill during the working day, he/she must notify their immediate supervisor and the Personnel Dept., informing them of their plans to go home. All sick and personal time off will be deducted in half-day increments.

Under certain circumstances, employees will need to submit a physician’s note or other medical documentation . Those circumstances include but are not limited to:

If a staff member is out sick for three (3) consecutive days, they must provide a doctor’s note granting them full medical clearance to return back to work.

Cases when a pattern arises (e.g. employees plead sick on a specific day each week.)

We will handle all sick time requests with discretion.

Staff returning from an extended medical leave must provide us with a completed Mill Neck's Medical Clearance Form. This medical form lists several of your essential job responsibilities allowing your physician to determine whether or not you are able to perform your responsibilities with or without a reasonable accommodation. This form must be signed off by your treating physician indicating full medical clearance. Based on the provided information from your physician, Mill Neck may require you to get a second opinion at our expense. This is to ensure that you do not risk further setbacks to your health. Should your medical leave continue more than six months, you will be responsible for the full monthly medical and dental premium until you return or cease employment.

If an employee resigns from his/her position, the employee shall be limited to use one sick and one personal day for the remaining time of their employment.

Employees are not paid for unused sick or personal leave upon termination of employment.

Attendance is considered part of the job performance and is reflected in the evaluation of your work.

## **Personal Day**

Full time employees are entitled to three (3) Personal Days each fiscal year. For part-time staff, and newly hired staff, their personal days will be pro-rated. Personal days may not be accumulated from one year to another. Employees who leave the agency will not be paid for unused personal days.

Use of personal days must be approved at least three days in advance. Employees must complete a Request for Authorized Absence Form. Please be aware, certain days or weeks may not be available for leave, subject to the needs of the organization.

## **Compensation Time**

All staff must receive written pre-approval from their immediate supervisor prior to accruing any compensatory time. Staff will only accrue this time as it relates specifically to job performance. Employees must complete a Request for Authorized Absence Form and submit it to their supervisor.

All compensation time must be taken within the following month or it will be forfeited. Compensatory time must be used in half day or full day intervals. Your supervisor must approve any periods of less time prior to its usage.

Requests for compensation time must be completed at least 3 days prior to the desired date consistent with the company's policy on personnel time.

## **Family and Medical Leave Act**

The Family Medical Leave Act requires covered employers to provide up to 12 weeks of unpaid, job protected leave to eligible employees for certain family and medical reasons. To be an

“eligible employee” under the FMLA, an employee must meet the following three conditions: The employee must have worked for a covered employer for at least 12 months; the employee must have been employed for at least 1,250 hours “of service” during the 12 month period immediately preceding the beginning of the leave; and the employee must be employed at a worksite where 50 or more employees are employed by the employer within 75 miles of the worksite.

## **General Provisions**

Under this policy, Mill Neck Family of Organizations will grant up to 12 weeks (or up to 26 weeks of military caregiver leave to care for a covered service member with a serious injury or illness) during a 12-month period to eligible employees. The leave may be paid, unpaid or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this policy.

## **Eligibility**

To qualify to take family or medical leave under this policy, the employee must meet the following conditions:

- The employee must have worked for the company for 12 months or 52 weeks. The 12 months or 52 weeks need not have been consecutive. Separate periods of employment will be counted, provided that the break in service does not exceed seven years. Separate periods of employment will be counted if the break in service exceeds seven years due to National Guard or Reserve military service obligations or when there is a written agreement, including a collective bargaining agreement, stating the employer’s intention to rehire the employee after the service break. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week or if the employee is on leave during the week.
- The employee must have worked at least 1,250 hours during the 12-month period immediately before the date when the leave is requested to commence. The principles established under the Fair Labor Standards Act (FLSA) determine the number of hours worked by an employee. The FLSA does not include time spent on paid or unpaid leave as hours worked. Consequently, these hours of leave should not be counted in determining the 1,250 hours eligibility test for an employee under FMLA.
- The employee must work in a work site where 50 or more employees are employed by the company within 75 miles of that office or work site. The distance is to be calculated by using available transportation by the most direct route.

## **Type of Leave Covered**

To qualify as FMLA leave under this policy, the employee must be taking leave for one of the reasons listed below:

- The birth of a child and in order to care for that child.
- The placement of a child for adoption or foster care and to care for a newly placed child.
- To care for a spouse, child or parent with a serious health condition (Under the FMLA, a “spouse” means a husband or wife as defined under the law in the state where the

employee resides, including same-sex marriages in states that legally recognize such civil unions).

- The serious health condition (described below) of the employee.

An employee may take leave because of a serious health condition that makes the employee unable to perform the functions of the employee's position.

A serious health condition is defined as a condition that requires inpatient care at a hospital, hospice or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care or as a condition that requires continuing care by a licensed health care provider.

This policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition that would result in a period of three consecutive days of incapacity with the first visit to the health care provider within seven days of the onset of the incapacity and a second visit within 30 days of the incapacity would be considered a serious health condition. For chronic conditions requiring periodic health care visits for treatment, such visits must take place at least twice a year.

Employees with questions about what illnesses are covered under this FMLA policy or under the company's sick leave policy are encouraged to consult with the Human Resource manager.

If an employee takes paid sick leave for a condition that progresses into a serious health condition and the employee requests unpaid leave as provided under this policy, the company may designate all or some portion of related leave taken as leave under this policy, to the extent that the earlier leave meets the necessary qualifications.

- Qualifying exigency leave for families of members of the National Guard or Reserves or of a regular component of the Armed Forces when the covered military member is on covered active duty or called to covered active duty.

An employee whose spouse, son, daughter or parent has been notified of an impending call or order to covered active military duty or who is already on covered active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service. The qualifying exigency must be one of the following: a) short-notice deployment, b) military events and activities, c) child care and school activities, d) financial and legal arrangements, e) counseling, f) rest and recuperation, g) post-deployment activities, and h) additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave.

Covered active duty means:

- In the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country.
- In the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in Title 10 U.S.C. §101(a)(13)(B).

The leave may commence as soon as the individual receives the call-up notice. (Son or daughter for this type of FMLA leave is defined the same as for child for other types of FMLA leave except that the person does not have to be a minor.) This type of leave would be counted toward the employee's 12-week maximum of FMLA leave in a 12-month period.

- Military caregiver leave (also known as covered service member leave) to care for an injured or ill service member or veteran.

An employee whose son, daughter, parent or next of kin is a covered service member may take up to 26 weeks in a single 12-month period to take care of leave to care for that service member.

Next of kin is defined as the closest blood relative of the injured or recovering service member.

The term covered service member means:

- A member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation or therapy or is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.
- A veteran who is undergoing medical treatment, recuperation or therapy for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of five years preceding the date on which the veteran undergoes that medical treatment, recuperation or therapy.

The term serious injury or illness means:

- In the case of a member of the Armed Forces (including a member of the National Guard or Reserves), an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or that existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank or rating.
- In the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period when the person was a covered service member, a qualifying (as defined by the Secretary of Labor) injury or illness that was incurred by the member in line of duty on an active duty in the Armed Forces (or that existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

## **Amount of Leave**

An eligible employee may take up to 12 weeks for the first five FMLA circumstances above (under heading "Type of Leave Covered") under this policy during any 12-month period. The company will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the company will compute the amount of leave the employee has taken under this policy in the last 12 months and subtract it from the 12 weeks of available leave, and the balance remaining is the amount of time the employee is entitled to take at that time.

An eligible employee can take up to 26 weeks for the FMLA military caregiver leave circumstance above during a single 12-month period. For this military caregiver leave, the company will measure the 12-month period as a rolling 12-month period measured forward. FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 weeks available.

If a husband and wife both work for the company and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (but not a parent "in-law") with a serious health condition, the husband and wife may only take a combined total of 12 weeks of leave. If a husband and wife both work for the company and each wishes to take leave to care for a covered injured or ill service member, the husband and wife may only take a combined total of 26 weeks of leave.

### **Employee Status and Benefits during Leave**

While an employee is on leave, the company will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work.

### **Employee Status after Leave**

An employee who takes leave under this policy may be asked to provide a fitness for duty (FFD) clearance from the health care provider.

### **Use of Paid and Unpaid Leave**

All paid vacation, personal and sick leave runs concurrently with FMLA leave.

Disability leave for the birth of a child and for an employee's serious health condition, including workers' compensation leave (to the extent that it qualifies), will be designated as FMLA leave and will run concurrently with FMLA.

### **Intermittent Leave or a Reduced Work Schedule**

The employee may take FMLA leave in 12 consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the workweek or workday, resulting in a reduced-hour schedule. In all cases, the leave may not exceed a total of 12 workweeks (or 26 workweeks to care for an injured or ill service member over a 12-month period).

### **Certification for the Employee's Serious Health Condition**

Mill Neck Family of Organizations will require certification for the employee's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.

### **Certification for the Family Member's Serious Health Condition**

Mill Neck Family of Organizations will require certification for the family member's serious health condition. The employee must respond to such a request within 15 days of the request or



provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.

### **Certification of Qualifying Exigency for Military Family Leave**

Mill Neck Family of Organizations will require certification of the qualifying exigency for military family leave. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.

### **Certification for Serious Injury or Illness of Covered Service Member for Military Family Leave**

Mill Neck Family of Organizations will require certification for the serious injury or illness of the covered service member. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.

### **Recertification**

Mill Neck Family of Organizations will request recertification for the serious health condition of the employee or the employee's family member when circumstances have changed significantly, or if the employer receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of his or her leave. Otherwise, the company may request recertification for the serious health condition of the employee or the employee's family member every six months in connection with an FMLA absence.

### **Procedure for Requesting FMLA Leave**

All employees requesting FMLA leave must provide the HR manager with verbal or written notice of the need for the leave. Within five business days after the employee has provided this notice, the HR manager will provide the employee with the DOL Notice of Eligibility and Rights. When the need for the leave is foreseeable, the employee must provide the employer with at least 30 days' notice. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, the employee must provide notice of the need for the leave either the same day or the next business day. When the need for FMLA leave is not foreseeable, the employee must comply with the company's usual and customary notice and procedural requirements for requesting leave.

### **Designation of FMLA Leave**

Within five business days after the employee has submitted the appropriate certification form, the HR manager will provide the employee with a written response to the employee's request for FMLA leave.

### **Intent to Return to Work from FMLA Leave**

Mill Neck Family of Organizations will require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

## New York Paid Family Leave

Mill Neck Family of Organizations has established the following leave policy exclusively for employees working in New York State and who are protected by state laws governing mandated leave. For purposes of this policy language, the name “Mill Neck Family of Organizations” and the term “Employer” are used interchangeably.

Nothing described in this policy is intended to confer paid leave entitlement to any Mill Neck Family of Organization’s employee other than individuals directly protected by the New York law, and who satisfy all the conditions required to qualify for leave. Please contact Mill Neck Family of Organization’s Human Resources Department should you have further questions.

### **Background**

New York’s Paid Family Leave (“NYPFL”) program provides wage replacement to employees to help them bond with a child, care for a close relative with a serious health condition, or help relieve family pressures when someone is called to active military service.

Qualified employees are generally able to return to their job (reinstatement) and continue their health insurance if health benefits have been made available. Employees that contribute to the cost of their health insurance must continue to pay their portion of the premium cost while on Paid Family Leave as if the employee was actively working.

Mill Neck Family of Organization’s HR team will separately communicate details explaining the specific payment obligations required to keep health coverage benefits in place during the approved leave period.

### **Eligibility**

Employees with a regular schedule of 20 or more hours per week are eligible for NYPFL after 26 weeks of continuous employment.

Employees with a regular schedule of less than 20 hours per week are eligible for NYPFL after 175 days of active employment.

Employees do not have to take all of their sick leave and/or vacation before using paid family leave. An employer may permit employees to use sick or vacation leave for full pay, but may not require employees to use available sick or vacation leave prior to or concurrent with taking NYPFL.

An employee’s own illness is ***not*** covered by the Paid Family Leave Law; rather, the employee must use Short-Term Disability, Family Medical Leave under FMLA (if eligible), and/or earned/available sick or PTO time. If an employee needs to combine the Paid Family Leave to care for a close relative, and Short-Term Disability to care for themselves, the employee will only have a total of 26 weeks of paid leave available to them in one calendar year under both of these benefits.

## **Documentation & Definitions**

Beginning on January 1, 2018, employees who provide Proper Documentation may be eligible for up to eight (8) weeks of employee-funded Paid Family Leave.

“Proper Documentation” for each of the qualifying events is defined as follows:

### **For Childbirth:**

*For the birth mother:* Birth Certificate or physician’s note declaring mother’s name and due date of child.

*For the secondary parent:* Birth Certificate naming them as a parent, or a Voluntary Acknowledgement of Paternity or a Court order of Filiation naming them as parent. If those documents are not available, the second parent can submit birth documentation from the birth mother’s health care provider **and** either a marriage certificate or evidence of a civil union or domestic partnership to demonstrate the relationship to the birth mother. If none of these documents are available, the second parent may submit other documentary evidence of parental relationship to the child, to be evaluated on a case-by-case basis by the carrier.

### **For Foster Care:**

A letter of placement issued by a county, or city department of social services, or local voluntary agency. If a second parent is not named in documentation, a copy of the document plus a document verifying the relation to the parent named in the foster care placement will be needed.

### **For Adoption:**

A court document finalizing adoption, or, for Paid Family Leave taken before the adoption is complete, a document showing that the adoption process is underway. Examples of proof of a pending adoption include a signed statement from an attorney, adoption agency or adoption-related social service provider that the employee is in the process of adopting a child. If the second parent is not named in that document, they must also file documentation verifying the relationship to the parent named in the adoption.

### **Serious Health Condition for Close Family Member:**

A medical certification, completed by the care recipient’s health care provider.

An authorization for personal health disclosure form is required by the HIPAA Privacy Rule and must be completed by the care recipient and retained on file with the health care provider in order to submit the required medical information.

### **Active Military Duty Deployment:**

Either a PFL-5 “Military Qualifying Event” certification or a US Department of Labor “Certificate of Qualifying Exigency for Military Family Leave.” Those forms include (1) military documentation of the family member’s deployment or impending deployment (active duty orders or other notice from the military), and (2) documentation of the reason for leave.

## **How This Works:**

### **Maternity and New Parent Leave**

Paid Family Leave only begins after birth, and it not available for prenatal conditions. A parent may take Paid Family Leave during the first 12 months following the birth, adoption, or fostering of a child.

### **Caring for a Close Relative with a Serious Condition**

A close relative includes:

Spouse

Domestic partner

Child

Parent

Parent-in-law

Grandparent

Grandchild

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

Inpatient care in a hospital, hospice, or residential health care facility; or

Continuing treatment or continuing supervision by a health care provider.

For example, you need one or more full days to care for your mom when she undergoes chemotherapy; or your dad is having surgery followed by extensive recuperation; or your child is undergoing intense psychotherapy and is unable to attend school for a period of time. You can take NYPFL in these types of instances.

### **Active Duty Deployment**

NYPFL is available for families eligible for time off under the military provisions in the federal Family Medical Leave Act when a spouse, child, domestic partner or parent of the employee is on active duty or has been notified of an impending call or order of active duty.

NYPFL cannot be used for one's own disability or qualifying military event. It may only be taken to care for your:

Spouse

Domestic partner

Child

Parent

**Timeline**

Starting January 1, 2018, NYPFL will be phased-in over four years according to the following schedule:

Year	Weeks Available	Max % of Employee Average Weekly Wage	Cap % of State Average Weekly Wage
2018	8	50%	50%
2019	10	55%	55%
2020	10	60%	60%
2021	12	67%	67%

Employees may take the maximum benefit length in any given 52-week period. The maximum benefit is eight weeks during the first year, 10 weeks during the second and third years, and 12 weeks the fourth and subsequent years. The 52-week clock starts on the first day the employee takes Paid Family Leave.

NYPFL coverage will be included under the disability policy all employers must carry. The premium will be fully funded by employees through payroll deductions, generally starting after July 1, 2017. A maximum rate of employees' contribution will be established each year.

**Benefits**

Year	Weeks Available	Max % of Employee Average Weekly Wage	Cap % of State Average Weekly Wage
2018	8	50%	50%
2019	10	55%	55%
2020	10	60%	60%
2021	12	67%	67%

The maximum NYPFL benefit is based on the New York State Average Weekly Wage (NYSAWW). The most recent AWW used for this calculation is \$1,305.92.

## **Cost to Employees**

Employers may collect the cost of NYPFL through after-tax payroll deductions. The maximum employee contribution in 2018 shall be 0.126% of an employee's weekly wage up to the annualized New York State Average Weekly Wage.

## **How to Apply**

1. Employee notifies employer 30 days prior to leave, when practical.
2. Employee fills out a claim form according to employer instructions. Claim forms are available from employer, insurance carrier, or [ny.gov/paidfamilyleave](http://ny.gov/paidfamilyleave).
3. Employee obtains supporting documentation for leave (birth certificate, military deployment certification, etc.).
4. Employee submits claim form and supporting documentation to insurance carrier or as directed by employer. Insurance carrier must pay or deny a claim within 18 days of receipt of the completed claim.

## **Possible restrictions affecting PFL use**

Employees should be aware that under certain circumstances, NYPFL may be limited, or unavailable, including:

If the employee is receiving total disability payments as part of a claim for workers' compensation;

If the employee is not employed, or is on administrative leave from employment;

If the employee is already collecting employer-provided sick pay, or paid time off;

If the employee works at least part of that day with pay for Mill Neck; or

If married employees each seek to simultaneously use the same time for the same family member when both spouses are employed by Mill Neck;

In addition, if an employee experiences a leave-entitling event that qualifies for protections under both NYPFL and FMLA, then both the NYPFL and the FMLA will run concurrently so as to reduce the overall period of available leave to the maximum extent permitted under applicable law.

## **Bereavement Leave**

An employee who wishes to take time off due to the death of an immediate family member should notify his or her supervisor immediately.

Bereavement leave will be granted unless there are unusual business needs or staffing requirements.

Paid bereavement leave is granted according to the following schedule:

- Employees are allowed five days of paid leave in the event of the death of the employee's spouse, child, father, father-in-law, mother, mother-in-law, brother, sister, stepfather, stepmother, stepbrother, stepsister, stepson or stepdaughter.
- Employees are allowed three days of paid leave in the event of death of the employee's brother-in-law, sister-in-law, son-in-law, daughter-in-law, aunt, uncle, grandparent, grandchild or spouse's grandparent.

## **Jury Duty**

Mill Neck will cooperate fully with employees so they may fulfill their civic obligation to serve as jurors. Upon receipt of notification from the state or federal courts of an obligation to serve on a jury, employees must notify their supervisor and provide him/her with a copy of the jury summons. The company will pay regular full-time and regular part-time employees for time off for jury duty up to three weeks of pay. The employee who serves jury duty must provide the immediate supervisor with proof of the days served.

## **Military Leave of Absence**

Mill Neck Family of Organizations is committed to protecting the job rights of employees absent on military leave. In accordance with federal and state law, it is the company's policy that no employee or prospective employee will be subjected to any form of discrimination on the basis of that person's membership in or obligation to perform service for any of the Uniformed Services of the United States. Specifically, no person will be denied employment, reemployment, promotion or other benefit of employment on the basis of such membership. Furthermore, no person will be subjected to retaliation or adverse employment action because such person has exercised his or her rights under applicable law or company policy. If any employee believes that he or she has been subjected to discrimination in violation of company policy, the employee should immediately contact Human Resources.

Employees taking part in a variety of military duties are eligible for benefits under this policy. Such military duties include leaves of absence taken by members of the uniformed services, including Reservists and National Guard members, for training, periods of active military service and funeral honors duty, as well as time spent being examined to determine fitness to perform such service. Subject to certain exceptions under the applicable laws, these benefits are generally limited to five years of leave of absence.

Employees requesting leave for military duty should contact Human Resources to request leave as soon as they are aware of the need for leave.

## **Maternity/Child Rearing/Adoptive Leave**

Maternity leave shall be granted to all full-time female staff members for a maximum of six months. You must give the agency thirty (30) days prior to when your requested leave will start.

While you are out on maternity leave, you are eligible to apply for short-term disability and paid family leave. New York State Disability will pay up to six weeks for vaginal delivery and eight weeks for a caesarean section. Of course, if there are any unforeseen complications, NYS Disability will continue to pay until you are medically cleared (up to a maximum of 26 weeks).

Short-term disability pays at a rate of \$170.00 per week and does not pay for the first week while you are out.

You may choose to use your accumulated sick time prior to the birth or while disabled as well. If you opt to use your sick time, you will receive your regular pay. A sick day will be charged for each day of illness. At the end of the disability, or when all your sick time has run out, Personnel will credit your sick bank based on the disability payments we received on your behalf. Your daily rate of pay will be divided into the available dollars to calculate the number of days credited back into your time allotment bank.

Medical and Dental insurance will continue while you are out on leave. While you are receiving checks, your monthly contributions will continue to be deducted from your check. Once your checks cease, you will be requested to mail us a check for your monthly contribution on the 20<sup>th</sup> day of the preceding month, ex. June 20<sup>th</sup> for July's payment. All checks must be made out to Mill Neck Manor.



# BENEFITS

For more information regarding benefits programs, please refer to the company Summary Plan Descriptions, which were provided to employees upon hire, or contact the Personnel Department.

## Medical and Dental Insurance

Mill Neck Family of Organizations currently offers regular full-time employees regularly scheduled to work a minimum of 30 hours per week enrollment in medical and dental insurance coverage options after they have been employed for 90 days.

Employees have up to 90 days from their date of hire to make medical and dental plan elections. Once made, elections are fixed for the remainder of the plan year. Changes in family status, as defined in the Plan document, allow employees to make midyear changes in coverage consistent with the family status change. Please contact the Human Resource department to determine if a family status change qualifies under the Plan document and IRS regulations.

At the end of each calendar year during open enrollment, employees may change medical and dental elections for the following calendar year.

In order to protect you and your family's rights, you should keep Mill Neck's Personnel Dept. informed of any changes in your address and the addresses of family members. You should also keep a copy, for your records, of any notices you send to the Personnel or Insurance Companies.

The Personnel department is available to answer benefits plan questions and assist in enrollment as needed.

Employees, who leave employment, as well as retirees, are not eligible to continue the dental insurance in the same manner that the Delta Dental plan is administered. When an employee leaves service or retires he/she are entitled to continue the Delta Dental plan under COBRA rules and regulations (18 months). The employee (retiree) will be contacted directly by the Dental insurance carrier (Delta Dental) for his/her continuation through COBRA in the plan. After you have received the information from Delta Dental, if you have any questions, please feel free to contact the Personnel Office.

# **COBRA – Continuation Health Insurance Coverage Rights**

## **\*\* Continuation Coverage Rights Under COBRA\*\***

### **Introduction**

This notice lists important information about your right to COBRA continuation coverage, which is a temporary extension of coverage under the Mill Neck's Health Insurance Plan. This notice explains COBRA continuation coverage, when it may become available to you and your family, and what you need to do to protect your right to get it. When you become eligible for COBRA, you may also become eligible for other coverage options that may cost less than COBRA continuation coverage.

The right to COBRA continuation coverage was created by a federal law, the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA). COBRA continuation coverage can become available to you and other members of your family when group health coverage would otherwise end. For more information about your rights and obligations under the Plan and under federal law, you should review the Mill Neck's Health Insurance Summary Plan Description or contact the Human Resource Director.

**You may have other options available to you when you lose group health coverage.** For example, you may be eligible to buy an individual plan through the Health Insurance Marketplace. By enrolling in coverage through the Marketplace, you may qualify for lower costs on your monthly premiums and lower out-of-pocket costs. Additionally, you may qualify for a 30-day special enrollment period for another group health plan for which you are eligible (such as a spouse's plan), even if that plan generally doesn't accept late enrollees.

### **What is COBRA continuation coverage?**

COBRA continuation coverage is a continuation of Plan coverage when it would otherwise end because of a life event. This is also called a "qualifying event." Specific qualifying events are listed later in this notice. After a qualifying event, COBRA continuation coverage must be offered to each person who is a "qualified beneficiary." You, your spouse, and your dependent children could become qualified beneficiaries if coverage under the Plan is lost because of the qualifying event. Under Mill Neck's Health Insurance Plan, qualified beneficiaries who elect COBRA continuation coverage must pay for COBRA continuation coverage.

If you're an employee, you'll become a qualified beneficiary if you lose your coverage under the Plan because of the following qualifying events:

- Your hours of employment are reduced, or
- Your employment ends for any reason other than your gross misconduct.

If you're the spouse of an employee, you'll become a qualified beneficiary if you lose your coverage under the Plan because of the following qualifying events:

- Your spouse dies;
- Your spouse's hours of employment are reduced;
- Your spouse's employment ends for any reason other than his or her gross misconduct;
- Your spouse becomes entitled to Medicare benefits (under Part A, Part B, or both); or
- You become divorced or legally separated from your spouse.

Your dependent children will become qualified beneficiaries if they lose coverage under the Plan because of the following qualifying events:

- The parent-employee dies;
- The parent-employee's hours of employment are reduced;
- The parent-employee's employment ends for any reason other than his or her gross misconduct;
- The parent-employee becomes entitled to Medicare benefits (Part A, Part B, or both);
- The parents become divorced or legally separated; or
- The child stops being eligible for coverage under the Plan as a "dependent child."

### **When is COBRA continuation coverage available?**

The Plan will offer COBRA continuation coverage to qualified beneficiaries only after the Plan Administrator has been notified that a qualifying event has occurred. The employer must notify the Plan Administrator of the following qualifying events:

- The end of employment or reduction of hours of employment;
- Death of the employee;
- The employee's becoming entitled to Medicare benefits (under Part A, Part B, or both).

For all other qualifying events (divorce or legal separation of the employee and spouse or a dependent child's losing eligibility for coverage as a dependent child), you must notify the Plan Administrator within 60 days after the qualifying event occurs. You must provide this notice to the Human Resource Director.

### **How is COBRA continuation coverage provided?**

Once the Human Resource Director receives notice that a qualifying event has occurred, COBRA continuation coverage will be offered to each of the qualified beneficiaries. Each qualified beneficiary will have an independent right to elect COBRA continuation coverage. Covered employees may elect COBRA continuation coverage on behalf of their spouses, and parents may elect COBRA continuation coverage on behalf of their children.

COBRA continuation coverage is a temporary continuation of coverage that generally lasts for 18 months due to employment termination or reduction of hours of work. Certain qualifying events, or a second qualifying event during the initial period of coverage, may permit a beneficiary to receive a maximum of 36 months of coverage.

There are also ways in which this 18-month period of COBRA continuation coverage can be extended:

### **Disability extension of 18-month period of COBRA continuation coverage**

If you or anyone in your family covered under the Plan is determined by Social Security to be disabled you must notify the Human Resource Director in a timely fashion, you and your entire family may be entitled to get up to an additional 11 months of COBRA continuation coverage, for a maximum of 29 months. The disability would have to have started at some time before the 60th day of COBRA continuation coverage and must last at least until the end of the 18-month period of COBRA continuation coverage.

## **Second qualifying event extension of 18-month period of continuation coverage**

If your family experiences another qualifying event during the 18 months of COBRA continuation coverage, the spouse and dependent children in your family can get up to 18 additional months of COBRA continuation coverage, for a maximum of 36 months, if the Plan is properly notified about the second qualifying event. This extension may be available to the spouse and any dependent children getting COBRA continuation coverage if the employee or former employee dies; becomes entitled to Medicare benefits (under Part A, Part B, or both); gets divorced or legally separated; or if the dependent child stops being eligible under the Plan as a dependent child. This extension is only available if the second qualifying event would have caused the spouse or dependent child to lose coverage under the Plan had the first qualifying event not occurred.

## **Are there other coverage options besides COBRA Continuation Coverage?**

Yes. Instead of enrolling in COBRA continuation coverage, there may be other coverage options for you and your family through the Health Insurance Marketplace, Medicaid, or other group health plan coverage options (such as a spouse's plan) through what is called a "special enrollment period." Some of these options may cost less than COBRA continuation coverage. You can learn more about many of these options at [www.healthcare.gov](http://www.healthcare.gov).

## **If you have questions**

Questions concerning your Plan or your COBRA continuation coverage rights should be addressed to the contact or contacts identified below. For more information about your rights under the Employee Retirement Income Security Act (ERISA), including COBRA, the Patient Protection and Affordable Care Act, and other laws affecting group health plans, contact the nearest Regional or District Office of the U.S. Department of Labor's Employee Benefits Security Administration (EBSA) in your area or visit [www.dol.gov/ebsa](http://www.dol.gov/ebsa). For more information about the Marketplace, visit [www.HealthCare.gov](http://www.HealthCare.gov).

## **Keep your Plan informed of address changes**

To protect your family's rights, let the Human Resource Director know about any changes in the addresses of family members. You should also keep a copy, for your records, of any notices you send to the Plan Administrator.

## **Plan contact information:**

**Kathleen Lagalante, Director of Human Resources, Mill Neck Family of Organizations, 40 Frost Mill Road, Mill Neck, NY 11765, 516-628-4224**

For more information on the New Health Insurance Marketplace Coverage Options, contact the Personnel Dept.

## **Policy Regarding the Provision of Health Insurance Benefits for Retired Employees**

These policies are to apply to retirees of Mill Neck Manor, Mill Neck Foundation, and Mill Neck Services. Employees transferring their employment between any of the members of the Mill Neck Family of Organizations will have their years of service added together for purposes of this policy.

To be eligible for employer contributions toward the cost of health insurance in retirement, an employee must have worked the equivalent of 10 full years of full or part time employment. (Part-time is defined as a minimum of 21 paid and scheduled hours per week.)

To be eligible for employer contributions toward the cost of health insurance in retirement, the employee must be age 65, or older. Should an employee leave service with 10 full years of employment, but less than 65 years old, the employee must pay the full cost of their health insurance until they achieve age 65. There will be no credit until age 65 for unused sick days.

Retired employees are required to pay 50% of the cost of the individual coverage and 65% of the cost of family coverage, except that employees may receive a credit towards their share of the premium for unused sick days, as per the organization's policy, assuming they have worked until age 65, or later.

### **Calculation of Credit for Unused Sick Days**

At retirement, the retiree's final daily salary is computed. That amount is multiplied by the number of unused sick days (180 is the maximum allowable accumulation). The resulting number is the total dollar credit available to the retiree.

Using the New York State supplied actuarial chart, the projected number of months of retiree's expected life is determined. The total dollar credit is then divided by the number of months. The result is the monthly credit available to the retiree towards their share of the health insurance costs.

This dollar credit is compared annually to the retiree's share of the health insurance cost. An annual adjustment is made to the amount (if any) the retiree is required to pay.

In order to protect you and your family's rights, you should keep Mill Neck's Personnel Dept. informed of any changes in your address and the addresses of family members. You should also keep a copy, for your records, of any notices you send to the Personnel or Insurance Companies.

Retirees, who fail to make the required contributions, will be dropped from the organization's health insurance after falling 60 days behind.

## **Policy on Medicare Part “B” Reimbursement**

The Mill Neck Family of Organizations endeavors to provide health insurance to its employees and retirees, where possible:

When serving as an active employee, insurance provided by Mill Neck remains as primary insurance regardless of the employee’s age. Once an employee retires, and achieves age 65, insurance provided by Mill Neck becomes secondary, and Medicare becomes the primary coverage.

Mill Neck requires its retirees to obtain Medicare Part “B” (doctor) coverage. Doing so reduces the cost of Mill Neck’s insurance plan. This reduction enables Mill Neck to reimburse retirees for the cost of their Part “B” premium.

Some retirees, because of their gross income in retirement, pay more than the basic Part “B” premium. NY State guidelines require that Mill Neck reimburse the retiree for the higher premium amount.

Reimbursement of the basic premium is done twice a year. In June, retirees are reimbursed for their basic premiums for the period of January 1, to June 30<sup>th</sup>. In December of each year, retirees are reimbursed for their premium payments from July 1 to December 31.

Retirees must apply for reimbursement of excess premiums by February 28<sup>th</sup> of the subsequent year. To be reimbursed, retirees must submit two documents by February 28<sup>th</sup>.

- 1) The letter from the Social Security Administration, normally received in November of the previous year (letter received in November of 2013, to describe the Part “B” premium deducted from your Social Security payment in 2014).
- 2) The forms SSA-1099, normally received in January of the following year (letter received in January 2015) showing the amount you paid in Part “B” premiums in 2014.

We must receive both documents to reimburse your excess Part “B” payments.

### **For Employees who wish to opt out of taking Mill Neck’s Health Insurance Coverage**

There have been many changes within the health industry due to the “Patient Protection and Affordable Health Care Act (PPACA). Mill Neck has no choice but to comply; therefore, employees now have the following options available to them: Remain on their present employer plan; Enroll under the NY State Health Exchanges; or remain on their spouses’ insurance. As Mill Neck will be subject of frequent audits, we have taken the following steps to assure compliance to the new rules and regulations.

Mill Neck will issue you a medical stipend that covers six months of being off our insurance plan. The time frame represents July through December. In June, you will receive another check which represents January through June. You must be off our insurance plan for at least six months before you receive your first medical stipend.

The payment calculation will remain the same except that it is split into two checks. Mill Neck takes the annual Mill Neck' share of providing an individual Empire plan insurance, times 35%.

In order to process these checks we will continue to rely on the evidence that you provide to us. You will need to sign an affidavit indicating you are covered under another insurance plan, along with a copy of your current health insurance card. You must be active on the payroll when the stipend checks are disseminated. We will require this information twice a year. Mill Neck will not pro-rate the medical stipend if you leave employment for any reason.

## **Flexible Spending Account**

As part of the company's Flexible Benefits Plan, we currently offer an employee-funded flexible spending account (FSA) to regular full-time and regular scheduled part-time employees hired on or before January 1 of a calendar year. Plan participants may elect an annual amount of flexible dollars, up to \$2500.00, to pay for eligible health care expenses, including medical or dental insurance deductibles, copayments, and out-of-pocket costs for vision care and other types of care.

Mill Neck's policy already has in place a 75 day grace period. This allows any unused salary reduction contributions in your health FSA to be carried over into the grace period of the following year. For example, if you had \$750 remaining in your account, it allows you to carry it over into the next year's allotment and it will not count against the \$2500 limit for the next plan year. You would have to use the \$750 by March 15<sup>th</sup>, otherwise you would lose it.

Please contact Human Resources for more information.

## **Group Life Insurance**

Mill Neck offers regular full-time employees who have been employed by Mill Neck Foundation for 30 days an employer-paid basic group term life policy along with an accidental death and dismemberment policy. Each policy generally pays a death benefit equivalent to one year of your annual salary. The Internal Revenue Service (IRS) has passed a regulation that requires staff to pay income tax on employer provided group insurance coverage that exceeds \$50,000 per year. This is called "imputed income", and it is based on both your age and your annual salary. The resulting imputed income amount must be shown on your annual W-2 statement as additional income, and you will subject to pay tax on this amount.

If your annual salary exceeds \$50,000, and you wish not to pay any additional tax, Mill Neck will reduce your maximum life insurance benefit to \$50,000.

Please contact Human Resources for more information.

## **Short-Term Disability Benefits**

The company's short-term disability plan is a benefit that provides partial pay for employees who are unable to work due to illness, injury or disability not related to work, after an absence of more than seven consecutive calendar days. Benefits begin on the eighth day of disability and continue for related absences up to a maximum of 26 weeks. Employees will not be able to return to work without submitting to Human Resources a note from a physician or licensed health care professional authorizing the employee's return. Any time spent on short-term disability counts as part of the employee's FMLA leave.

The maximum amount paid by our carrier is \$170.00 per week for a maximum of 26 weeks. If you opt to use your sick, vacation and personal time, you will receive your regular pay. A day will be charged for each day of illness. At the end of the disability, or when all your time has run out, Personnel will credit your bank based on the disability payments we received on your behalf. Your daily rate of pay will be divided into the available dollars to calculate the number of days credited back into your time allotment bank.

Please contact Human Resources for more information.

## **Long-Term Disability Benefits**

Mill Neck provides eligible full-time employees a noncontributory long-term disability (LTD) plan. This noncontributory base plan provides for monthly LTD benefits of 60% of their basic monthly earnings, less any other offsets. Eligible employees are enrolled on the first day of the third month following their date of hire. Long-term disability coverage terminates on the last day of employment.

Please contact Human Resources for more information.

## **403(b) Plan**

As an employee of Mill Neck Family of Organizations, you are able to participate in one of our four 403 (b) Tax Sheltered Annuity Plans (Thrivent Financial, Fidelity Investments, VOYA Investments, and Oppenheimer Funds). Under these plans, your contributions, via payroll deductions are made with pretax dollars. Generally, this 403 (b) plan is for retirement savings, and money may not be withdrawn until you reach 59 ½, without penalties. There are, however, certain exceptions.

You do not pay any Federal, State, or City income taxes on your contributions or in the amount of any interest on investment earnings credited to your 403 (b) account, until you withdraw part, or all, of your funds. The money is invested, as you direct, by an independent company. You decide the amount you want taken out of your regular paycheck to be applied to your 403 (b).

The advantage of the 403 (b) is that during your working years, you can put aside income to receive in your retirement years, when your income will probably be lower, and thus your tax rate will be lower. Also, depending on the company you choose, you can borrow against your 403 (b) account at any time, with a low interest rate.

Further details about the Plan may be obtained from the Human Resource department and the Plan document.

## **Workers' Compensation Benefits**

Worker's Compensation insurance generally provides benefits (reimbursement of medical bills and income benefits for employees) for personal injury caused by accidents arising out and in the course of employment.

Mill Neck is covered under statutory state workers' compensation laws. Employees who sustain work-related injuries must immediately notify their department supervisor. A Mill Neck's accident



form must be completed and sent to Personnel immediately. This report requires the employee, or witness to detail the nature and the extent of the injuries.

Personnel will be able to provide you, or family member, the name of the carrier, address, telephone and policy number of Mill Neck's at the time of the injury.

When seeking medical attention, advise your doctors that you have a work-related injury, and give them our name. Do not pay for your care yourself or use other health insurance. Tell your doctor to file reports with the Board and with your employer or its insurance carrier.

**DO NOT** pay your doctor or hospital. Those bills are paid by the insurer unless the Board disallows your case. If your case is disputed, the providers are paid when the Board decides your case. If the Board decides against you, or if you don't pursue a case, you will have to pay the doctor or hospital.

Mill Neck's worker's compensation plan covers medically necessary drugs and equipment your doctor prescribes. Get receipts for those expenses.

Further details about the Plan may be obtained from the Human Resource department and the Plan document.

## **Employee Assistance Program (EAP)**

Through the employee assistance program (EAP), Mill Neck provides confidential access to professional counseling services. The EAP, available to all employees and their immediate family members, offers problem assessment, short-term counseling and referral to appropriate community and private services. This service is provided on behalf of the Health Management System of America by Reliance Standard.

The EAP is strictly confidential and is designed to safeguard an employee's privacy and rights. Contacts to and information given to the EAP counselor may be released to Mill Neck only if requested by the employee in writing. There is no cost for an employee to consult with an EAP counselor. If further counseling is necessary, the EAP counselor will outline community and private services available. The counselor will also let employees know whether any costs associated with private services may be covered by their health insurance plan. Costs that are not covered are the responsibility of the employee.

The dedicated Toll-Free Crisis Line can be utilized as frequently as necessary by calling 1-800-767-5320.

Please contact Human Resources for more information.