

ASM Company Policy Handbook

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Section 1 - Welcome

1.1 Contacts

Jeffrey W. Szatko - President

Phone: 315-768-8230

Walter A. Szatko - Vice President

Phone: 315-768-8230

David A. Szatko - Shop Foreman/Company Safety Officer

Phone: 315-768-8230

1.2 Purpose of this Handbook

This handbook has been prepared to inform new employees of the policies and procedures of this company and to establish the company's expectations. It is not all-inclusive or intended to provide strict interpretations of our policies; rather, it offers an overview of the work environment. This handbook is not a contract, expressed or implied, guarantying employment for any length of time and is not intended to induce an employee to accept employment with the company.

The company reserves the right to unilaterally revise, suspend, revoke, terminate or change any of its policies, in whole or in part, whether described within this handbook or elsewhere, in its sole discretion. If any discrepancy between this handbook and current company policy arises, conform to current company policy. Every effort will be made to keep you informed of the company's policies, however we cannot guarantee that notice of revisions will be provided. Feel free to ask questions about any of the information within this handbook.

This handbook supersedes and replaces any and all personnel policies and manuals previously distributed, made available or applicable to employees.

1.3 At-Will Employment

Employment at this company is at-will. An at-will employment relationship can be terminated at any time, with or without reason or notice by either the employer or the employee. This at-will employment relationship exists regardless of any statements by office personnel to the contrary. Only [Jeffrey W. Szatko] is authorized to modify the at-will nature of the employment relationship, and the modification must be in writing.

Section 2 – Workplace Commitments

2.1 Equal Opportunity Employment

This company is an equal opportunity employer and does not unlawfully discriminate against employees or applicants for employment on the basis of an individual's race, color, religion, creed, sex, national origin, age, disability, marital status, veteran status or any other status protected by applicable law. This policy applies to all terms, conditions and privileges of employment, including recruitment, hiring, placement, compensation, promotion, discipline and termination.

Whenever possible, the company makes reasonable accommodations for qualified individuals with disabilities to the extent required by law. Employees who would like to request a reasonable accommodation should contact [[Jeffrey W. Szatko](#)].

2.2 Non-Harassment Policy / Non-Discrimination Policy

This company prohibits discrimination or harassment based on race, color, religion, creed, sex, national origin, age, disability, marital status, veteran status or any other status protected by applicable law. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and is free from discriminatory practices, including without limitation harassment. Consistent with its workplace policy of equal employment opportunity, the company prohibits and will not tolerate harassment on the basis of race, color, religion, creed, sex, national origin, age, disability, marital status, veteran status or any other status protected by applicable law. Violations of this policy will not be tolerated.

Discrimination includes, but is not limited to: making any employment decision or employment related action on the basis of race, color, religion, creed, age, sex, disability, national origin, marital or veteran status, or any other status protected by applicable law.

Harassment is generally defined as unwelcome verbal or non-verbal conduct, based upon a person's protected characteristic, that denigrates or shows hostility or aversion toward the person because of the characteristic, and which affects the person's employment opportunities or benefits, has the purpose or effect of unreasonably interfering with the person's work performance, or has the purpose or effect of creating an intimidating, hostile or offensive working environment. Harassing conduct includes, but is not limited to: epithets; slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes and display or circulation in the workplace of written or graphic material that denigrates or shows hostility or aversion toward an individual or group based on their protected characteristic.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal, visual or physical conduct of a sexual nature, when:

- 1 submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- 2 submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- 3 such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Examples of sexual harassment include: unwelcome or unsolicited sexual advances; displaying sexually suggestive material; unwelcome sexual flirtations, advances or propositions; suggestive comments; verbal abuse of a sexual nature; sexually oriented jokes; crude or vulgar language or gestures; graphic or verbal commentaries about an individual's body; display or distribution of obscene materials; physical contact such as patting, pinching or brushing against someone's body; or physical assault of a sexual nature.

Reporting: Any company employee who feels that he or she has been harassed or discriminated against, or has witnessed or become aware of discrimination or harassment in violation of these policies, should bring the matter to the immediate attention of [[Jeffrey W. Szatko](#)]. The company will promptly investigate all allegations of discrimination and harassment, and take action as appropriate based on the outcome of the investigation. An

investigation and its results will be treated as confidential to the extent feasible, and the company will take appropriate action based on the outcome of the investigation.

No employee will be retaliated against for making a complaint in good faith regarding a violation of these policies, or for participating in good faith in an investigation pursuant to these policies. If an employee feels he/she has been retaliated against, the employee should file a complaint using the procedures set forth above.

2.3 Drug-Free / Alcohol-Free Environment

Employees are prohibited from unlawfully consuming, distributing, possessing, selling, or using controlled substances while on duty. In addition, employees may not be under the influence of any controlled substance, such as drugs or alcohol, while at work, on company premises or engaged in company business. Prescription drugs or over-the-counter medications, taken as prescribed, are an exception to this policy.

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

2.4 Open Door Policy

The company has an open door policy and takes employee concerns and problems seriously. The company values each employee and strives to provide a positive work experience. Employees are encouraged to bring any workplace concerns or problems they might have directly to [Jeffrey W. Szatko]

Section 3 – Company Policies and Procedures

3.1 Professional Conduct

This company expects its employees to adhere to a standard of professional conduct and integrity. This ensures that the work environment is safe, comfortable and productive. Employees should be respectful, courteous, and mindful of others' feelings and needs. General cooperation between coworkers and supervisors is expected. Individuals who act in an unprofessional manner may be subject to disciplinary action.

This includes the SMWIA Local 58 "Code of Excellence"

3.2 Dress Code

An employee's personal appearance and hygiene is a reflection on the company's character. Employees are expected to dress appropriately for their individual work responsibilities and position.

******* Refer to company safety manual for:
Personal Protective Equipment (PPE) Program**

3.3 Payday

Paychecks are distributed every [Thursday]. If the pay date lands on a holiday, paychecks will be distributed on the closest business day after the holiday or as determined by [Jeffrey W. Szatko].

Paychecks include wages earned less any mandatory or elected deductions. Mandatory deductions include federal or state withholding tax, and other withholdings. Elected deductions are deductions authorized by the employee, and may include, for example, contributions to benefit plans or Union Deductions. Employees may contact [Jeffrey W. Szatko] to obtain the necessary authorization forms for requesting additional deductions from their paychecks.

Notify [Jeffrey W. Szatko] if the paycheck appears to be inaccurate or if it has been misplaced. The company reserves the right to charge a replacement fee for any lost paychecks. Advances on paychecks [are not] permitted. Information regarding final paychecks can be found under the termination section of this handbook.

Any change in name, address, telephone number, marital status or number of exemptions claimed by an employee must be reported to [Jeffrey W. Szatko] immediately.

3.4 Company Property

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

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

If Phones are provided for business use. The company requests that employees not receive personal calls while on duty. If urgent, please keep personal calls to a minimum and conversations brief. Personal long distance calls are not permitted.

Employees are reminded that they should have no expectation of privacy in their use of company computers or other electronic equipment.

Violations of these policies could result in disciplinary action and/or termination.

3.5 Privacy

Employees and employers share a relationship based on trust and mutual respect. However, the company retains the right to access all company property including computers, desks, file cabinets, storage facilities, and files and folders, electronic or otherwise, at any time. Employees should not entertain any expectations of privacy when on company grounds or while using company property.

All documents, files, voice-mails and electronic information, including e-mails and other communications, created, received or maintained on or through company property are the property of the company, not the employee. Therefore employees should have no expectation of privacy over those files or documents.

3.6 Personnel Files

The company maintains a personnel file on each employee. These files are kept confidential to the extent possible. Employees may review their personnel file upon request.

It is important that personnel files accurately reflect each employee's personal information. Employees are expected to inform the company of any change in name, address, home phone number, home address, marital status, number of dependents or emergency contact information.

Section 4 - Employment Classification

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

4.1 Exempt Employees

Exempt employees are those that are excluded from the overtime pay requirements of the Fair Labor Standards Act. Exempt employees are paid a salary and are expected to work beyond their normal work hours whenever necessary to accomplish the work of the company. Exempt employees are not eligible to receive overtime compensation. Employees should consult with an administrator if they have questions regarding their classification as an exempt employee.

4.2 Non-Exempt Employees

Non-exempt employees are those eligible for overtime pay of 1.5 times the regular hourly rate of pay for all hours worked over 40 per work week. All overtime must be **approved** in advance.

4.3 Part Time, Full Time or Temporary Status

Part-time or full-time status depends on the number of hours per week an employee works. Regular employees who work fewer than [enter hours] receive part-time classification. Part-time employees [are/are not] eligible for employee benefits as described in this handbook. Regular employees who work at least [enter hours] receive full-time classification.

From time to time the company may hire employees for specific projects or periods of time. Temporary employees may work either part-time or full-time, but generally are scheduled to terminate by a certain date. Temporary employees who remain on duty past the scheduled termination remain classified as temporary. Only [enter authorized person's name] may change an employee's temporary status. Temporary employees are not eligible for employment benefits.

Section 5 – Attendance Policies

5.1 General Attendance

The company maintains normal working hours of [7am to 3:30pm]. Hours may vary depending on work location and job responsibilities. Supervisors will provide employees with their work schedule. Should an employee have any questions regarding his/her work schedule, the employee should contact the supervisor.

The company does not tolerate absenteeism without excuse. Employees who will be late to or absent from work should notify a supervisor in advance, or as soon as practicable in the event of an emergency. Chronic absenteeism may result in disciplinary action or Termination.

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

See Call in Procedure on Next Page

5.2 Tardiness

Employees are expected to arrive on time and ready for work. An employee who arrives [1min] after their scheduled arrival time is considered tardy. The company recognizes that situations arise which hinder punctuality; regardless, excessive tardiness is prohibited, and may be subject to disciplinary action or Termination

See Call in Procedure on Next Page

5.3 Breaks

Employees are [not] entitled to coffee breaks, but may take [1] [15] minute break at [9am] every day, [unpaid].

Lunch is [30] minutes, and must be from [12:00pm to 12:30pm]. You can not leave jobsite for lunch unless approved by [Jeffrey W. Szatko].

Absenteeism or Lateness Policy

The procedure and policy for Adirondack Sheet Metal when you are Absent, Late or Leaving Early is:

Field Employees:

1. Call Office and leave a message:
(315) 768-8230 or Text Jeffrey Szatko @ 315-796-6741
2. Then Call Your Field Forman onsite and inform him

Field Forman:

1. Call Office and leave a message of who was Absent, Late or Leaving Early each/Incident:
(315) 768-8230 or Text Jeffrey Szatko @ 315-796-6741

Shop Employees:

1. Call Office and leave a message:
(315) 768-8230 or Text Jeffrey Szatko @ 315-796-6741

No Exceptions.

Violations of this policy are grounds for Dismissal

Section 6 – Leave Policies

6.1 Vacations

The company does **not** give paid vacations for its employees. Forward requests for time off in advance to [Jeffrey W. Szatko], who may approve or deny the request based on company resources. The company is flexible in approving time off when doing so would not interfere with company operations. Vacation days are granted only on a full day.

6.2 Sick Leave

Situations may arise where an employee needs to take time off to address medical or other health concerns. The company requests that employees provide notification to [Jeffrey W. Szatko] as soon as practicable when taking time off.

Abuse of this policy may result in disciplinary action or termination.

6.3 Family and Medical Leave Act Leave

Only applies if company has 50 or more employees

6.4 Holidays

Call Local 58 for Holiday Schedule
1-800-834-0271

Holidays are observed on a [unpaid] basis for all employees.

6.5 Jury Duty Time Off

The company understands that occasionally employees are called to serve on a jury. Employees who are selected for jury duty must provide a copy of their jury summons to [Jeffrey W. Szatko]. Time taken for jury duty is granted on a [unpaid] basis.

6.6 Voting Time Off

Employees are encouraged to participate in elections. The company grants incremental time off to cast a ballot in an election. Voting time off is granted on a [unpaid] basis. Should extenuating circumstances arise while voting, notify [Jeffrey W. Szatko] as soon as possible.

6.7 Military Leave

Employees called to active military duty, military reserve or National Guard service may be eligible to receive time off under the Uniformed Services Employment and Reemployment Rights Act of 1994. To receive time off, employees must provide notice and a copy of their report orders to [Jeffrey W. Szatko]. Military leave is granted on a [unpaid] basis.

6.8 Leave of Absence

This company does not offer any leave of Absences

Section 7 – Work Performance

7.1 Expectations

The company expects every employee to act in a professional manner. Satisfactory performance of job duties and responsibilities is key to this expectation. Employees should attempt to achieve their job objectives, and act with diligence and consideration at all times. Poor job performance can result in disciplinary action, up to and including termination.

7.2 Reviews

The company may periodically evaluate an employee's performance. The goal of a performance review is to identify areas where an employee excels and areas that need improvement.

The company uses performance reviews as a tool to determine pay increases, promotions and/or terminations.

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

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

Employees should note that a performance review does not guarantee a pay increase or promotion. Written performance evaluations may be made at any time to advise employees of unacceptable performance.

Evaluations or any subsequent change in employment status, position or pay does not alter the employee's at will-relationship with the company.

7.3 Insubordination

Supervisors and employees should interact with mutual respect and common courtesy. Employees are expected to take instruction from supervisors or other persons of authority. Failure to comply with instructions or unreasonably delaying compliance is considered insubordination. Acts of insubordination are subject to disciplinary action, up to and including termination.

If an employee disagrees with a supervisor, the employee should first try to mediate the situation by explaining their position. If possible, a compromise might be met and accusations of insubordination avoided.

Section 8 – Discipline Policy

8.1 Grounds for Disciplinary Action

The company reserves the right to discipline and/or terminate any employee who violates company policies, practices or rules of conduct. Poor performance and misconduct are also grounds for discipline or termination.

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

- Engaging in acts of discrimination or harassment in the workplace;
- Possessing, distributing or being under the influence of illicit controlled substances;
- Being under the influence of a controlled substance or alcohol at work, on company premises, or while engaged in company business;
- Unauthorized use of company property, equipment, devices or assets;
- Damage, destruction or theft of company property, equipment, devices or assets;
- Removing company property without prior authorization or disseminating company information without authorization;
- Falsification, misrepresentation or omission of information, documents or records;
- Lying;
- Insubordination or refusal to comply with directives;
- Failing to adequately perform job responsibilities;
- Excessive or unexcused absenteeism or tardiness;
- Disclosing confidential or proprietary company information without permission;
- Illegal or violent activity;
- Falsifying injury reports or reasons for leave;
- Possessing unauthorized weapons on premises;
- Disregard for safety and security procedures;
- Disparaging or disrespecting supervisors and/or co-workers; and
- Any other action or conduct that is inconsistent with company policies, procedures, standards or expectations.

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

8.2 Procedures

Disciplinary action is any one of a number of options used to correct unacceptable behavior or actions. Discipline may take the form of oral warnings, written warnings, probation, suspension, demotion, discharge, removal or some other disciplinary action, in no particular order. The course of action will be determined by the company at its sole discretion as it deems appropriate.

8.3 Termination

Employment with the company is on an at-will basis and may be terminated voluntarily or involuntarily at any time.

Upon termination, an employee is required:

- to continue to work until the last scheduled day of employment;
- to turn in all reports and paperwork required to be completed by the employee when due and no later than the last day of work;
- to return all files, documents, equipment, keys, access cards, software or other property belonging to the company that are in the employee's possession, custody or control, and turn in all passwords to his/her supervisor;

Section 9 – Health and Safety

9.1 Workplace Safety

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

In the event of an accident, employees must notify a supervisor immediately. Report every injury, regardless of how minor, to a supervisor immediately and then to [Jeffrey W. Szatko]. Physical discomfort caused by repetitive tasks must also be reported. For more information about on the job injuries, refer to the worker's compensation section of this handbook.

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

Refer to company safety manual.

9.2 Workplace Security

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

9.3 Emergency Procedures

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

Refer to company safety manual.

Section 10 - Employee Benefits

If you are a Union Employee, These benefits are provided by:
[Sheet Metal Workers international Association, Local 58]
[Call 1-800-834-0271 for a copy]

10.1 Health Insurance

If you are a Union Employee, These benefits are provided by:
[Sheet Metal Workers international Association, Local 58]
[Call 1-800-834-0271 for a copy]

10.2 Retirement Plan

If you are a Union Employee, These benefits are provided by:
[Sheet Metal Workers international Association, Local 58]
[Call 1-800-834-0271 for a copy]

10.3 Workers' Compensation

As required by law, the company provides workers' compensation benefits for the protection of employees with work-related injuries or illnesses.

Workers' compensation insurance provides coverage to employees who receive job-related injuries or illnesses. If an employee is injured or becomes ill as a result of his/her job, it is the employee's responsibility to immediately notify a supervisor and [Jeffrey W. Szatko] of their injury in order to receive benefits. Report every illness or injury to a supervisor and [Jeffrey W. Szatko], regardless of how minor it appears. The company will advise the employee of the procedure for submitting a workers' compensation claim. If necessary, injured employees will be referred to a medical care facility. Employees should retain all paperwork provided to them by the medical facility. Failure to report a work-related illness or injury promptly could result in denial of benefits. An employee's report should contain as many details as possible, including the date, time, description of the illness or injury, and the names of any witnesses.

A separate insurance company administers the worker's compensation insurance. Representatives of this company may contact injured employees regarding their benefits under the plan. Additional information regarding workers' compensation is available from [Jeffrey W. Szatko].

10.4 Disability Coverage

Disability insurance provides partial paycheck reimbursement for times of serious illness or injury which leads to total disability. Total disability is defined as the inability to perform any job function as a result of the injury or illness.

The employee is responsible for notifying a supervisor of their disability, expected date of return, and the name of their attending physician. The company may request that an independent medical provider perform an examination. In addition, the company may require a medical release form prior to returning to work. For more information regarding disability benefits, contact [Jeffrey W. Szatko]. If there are any inconsistencies between this handbook and any of the Summary Plan Descriptions, the Summary Plan Descriptions shall govern. The company reserves the right to modify or terminate any or all of the benefits or to change benefit providers at any time with or without notice.

Section 11 - Termination

11.1 Voluntary Termination

The company recognizes that personal situations may arise which require a voluntary termination of employment. Should this occur, the company requests that the employee provide two weeks advance notice in writing. This request does not alter an employee's at-will relationship with the company.

All rights and privileges of employment with the company terminate upon the date of separation. As further discussed in Section 8.3, terminating employees are required to return all company property assigned to them. Failure to do so may result in the withholding of their final paycheck.

11.2 Final Paycheck

Employees who terminate employment with the company will be given their final pay check [1]. Should the employee be unable to personally retrieve their paycheck, it will be mailed to the address on file.

11.3 COBRA Continuation of Health Benefits

Under the federal Consolidated Omnibus Budget Reconciliation Act (COBRA), a qualified employee who terminates employment (for reasons other than gross misconduct on the employee's part) or who loses health and dental coverage due to a reduction in work hours may temporarily continue group health and dental coverage for him/herself, his/her spouse, and any covered dependent children at the full premium rate plus administrative fees. That eligibility normally extends for a period of eighteen (18) months from the qualifying date. For more information regarding COBRA health insurance benefits, see [[Jeffrey W. Szatko](#)].

11.4 Exit Interview

The company may request an exit interview upon notice of termination. The purpose of the exit interview is to complete necessary forms, collect company property and discuss employment experiences with the company.

Section 12 - Paid Family Leave, Start 2017



Model Language for Employee Materials





Employer Instructions

Employers are required to inform their employees about their rights under Paid Family Leave, either in an employee handbook or other written materials.

To assist you, the following pages provide model language you can use and customize based on your Paid Family Leave policies and procedures.

Your employee materials should include:

- The name of your Paid Family Leave insurance carrier or if you are self-insuring for coverage.
- Whether you permit employees to use accrued time to supplement Paid Family Leave benefits.
- Whether Paid Family Leave must be taken concurrently with any other type of leave (e.g., maternity leave).
- Employees' responsibility for covering health insurance premiums while out on leave.
- Instructions on how to request Paid Family Leave.
- Whether you, as the employer, are subsidizing all or part of the cost of your employees' Paid Family Leave premiums.

See the appendix at the end of this document for additional model language on some of these considerations.

Note: *These materials are not offered, nor should be construed, as legal advice. It is strongly advised that you have your company attorney review the draft before preparing your final copy.*



Paid Family Leave Overview

New York's Paid Family Leave provides job-protected, paid time off so you can:

- **Bond** with a newly born, adopted or fostered child,
- **Care** for a close relative with a serious health condition, or
- **Assist** with family situations when a family member is deployed abroad on active military service.

You can continue your health insurance while on leave and are guaranteed the same or comparable job after your leave ends. If you contribute to the cost of your health insurance, you must continue to pay your portion of the premium cost while on Paid Family Leave.

Benefits - Time

Paid Family Leave benefits phase in over four years. Eligible employees can take Paid Family Leave for up to eight weeks in 2018, with coverage increasing to 10 weeks in 2019 and 2020, and 12 weeks in 2021. Leave can be taken either all at once or in full-day increments. You may take the maximum time-off benefit in any given 52-week period.

Benefits - Pay

Paid Family Leave pay benefits also phase in over four years. Benefits are a percentage of your average weekly wage, capped at that same percentage of the New York State Average Weekly Wage, as calculated annually by New York State's Department of Labor. These benefits are 50% of your average weekly wage for 2018, 55% in 2019, 60% in 2020, and 67% in 2021.

EXAMPLE 1: An employee who earns \$1,000 a week in 2018 would receive a benefit of \$500 a week (50% of \$1,000). In 2019, that employee would receive a benefit of \$550 a week (55% of \$1000).

EXAMPLE 2: An employee who earns \$2,000 a week in 2018 would receive a benefit of \$652.96. This employee's benefit is capped at 50% of New York State's Average Weekly Wage — currently \$1,305.92. Half of that amount is \$652.96.

Eligibility

All eligible employees are entitled to participate in Paid Family Leave.

- **Full-time employees:** Employees who work a regular schedule of 20 or more hours per week are eligible after 26 consecutive weeks of employment.
- **Part-time employees:** Employees who work a regular schedule of less than 20 hours per week are eligible after working 175 days, which do not need to be consecutive.

Employees are eligible regardless of citizenship and/or immigration status.



Funding

Paid Family Leave is funded through employee payroll contributions that are set each year to match the cost of coverage. The rate of employee contributions is reviewed annually, and is subject to change by New York State's Department of Financial Services.

You can use the calculator at ny.gov/PFLcalculator to get an estimate of your weekly deduction.

Qualifying Events

New Child: You can take Paid Family Leave during the first 12 months following the birth, adoption, or fostering of a child. Expectant mothers cannot take Paid Family Leave for their own pregnancy. Paid Family Leave for the birth of a child begins after the birth. It is not available for prenatal conditions.

Serious Illness: You can take Paid Family leave to care for a close relative with a serious health condition. These relatives can live outside of New York State and even outside the country. You cannot take Paid Family Leave for your own health condition.

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.

A close relative includes:

- Spouse
- Domestic partner
- Child and stepchild
- Parent and stepparent
- Parent-in-law
- Grandparent
- Grandchild



Military Active Service Deployment: You can take Paid Family Leave to assist with family situations arising when your spouse, domestic partner, child, or parent is deployed abroad on active military service or has been notified of an impending military deployment abroad. You cannot use Paid Family Leave for your own qualifying military event.

Your Rights and Protections

- You have **job protection**, ensuring you can return to the same job (or a comparable one) when you return from Paid Family Leave.
- You can keep your **health insurance** while on leave. If you contribute to the cost of your health insurance, you must continue to pay your portion of the premium cost while on leave.
- Your employer is **prohibited from discriminating or retaliating** against you for requesting or taking Paid Family Leave.
- **You do not have to take all of your sick and/or vacation time** before using Paid Family Leave.

Taking Paid Family Leave

- 1. Notify your employer.** When you want to take Paid Family Leave, you must notify your employer at least 30 days before your leave will start if it's foreseeable. Otherwise, notify your employer as soon as possible.
- 2. Obtain required forms.** Contact your employer, employer's insurance carrier, or visit ny.gov/PaidFamilyLeave to obtain the required forms.
- 3. Complete and submit forms.** Fill out the *Request For Paid Family Leave (Form PFL-1)* following the instructions on the cover sheet, and submit it to your employer. Your employer must fill out their section of the form and return it to you within three business days. If your employer fails to respond, you may proceed to the next step below and submit all materials directly to your employer's Paid Family Leave insurance carrier.
- 4. Obtain and attach supporting documentation.** The specific documentation or additional forms required for each type of leave are described on the request for Paid Family Leave and at ny.gov/PaidFamilyLeaveApply.
- 5. Submit your request forms and supporting documentation.** Submit to your employer's Paid Family Leave insurance carrier. You can submit your claim before or within 30 days after the start of your leave. The insurance carrier must pay or deny your request within 18 calendar days of receiving your completed forms.

Paid Family Leave Process and Contacts

At _____, requests for Paid Family Leave forms and
INPUT EMPLOYER NAME

forms submissions should be directed to: _____
INPUT DEPARTMENT NAME AND/OR EMAIL ADDRESS

Our Paid Family Leave insurance carrier is: _____
INPUT CARRIER NAME AND CONTACT INFORMATION

Disputes

If your Paid Family Leave claim is denied, the insurance carrier or employer, if self-insured, will provide you with information about how to request arbitration. A neutral arbitrator will decide claim-related disputes.

Contact:

insurance carrier: _____
INPUT CONTACT INFORMATION IF APPLICABLE

or,

For self-insured employers: _____
INPUT DEPARTMENT NAME AND/OR EMAIL ADDRESS IF APPLICABLE

Discrimination Complaints

Employees are protected from discrimination and retaliation for requesting or taking Paid Family Leave.

If your employer terminates your employment, reduces your pay and/or benefits, or disciplines you in any way as a result of you requesting or taking Paid Family Leave, send your employer's designated Paid Family Leave contact a formal request for job reinstatement using the *Formal Request For Reinstatement Regarding Paid Family Leave (Form PFL-DC-119)*, which can be found in the forms section of ny.gov/PaidFamilyLeave. **File the completed form** with your employer and send a copy to:

Paid Family Leave, P. O. Box 9030, Endicott, NY 13761-9030

If your employer fails to comply with the request for reinstatement within 30 days, you may file a Paid Family Leave discrimination complaint with the Workers' Compensation Board using *Paid Family Leave Discrimination Complaint (Form PFL-DC-120)*, which is also available on the Paid Family Leave website. Once your complaint is received, the Board will assemble your case and schedule a preliminary hearing in front of a Workers' Compensation Law Judge.



For more information on Paid Family Leave, please visit ny.gov/PaidFamilyLeave or contact Human Resources.



Appendix: Model Language by Topic

As outlined in the Employer Instructions, there are elements of Paid Family Leave you may wish to explain in more detail, or provide specific information about in connection with your company policies. The list below describes some of these considerations and provides model language you can use as appropriate.

- 1. Relationship with other types of leave:** It may be beneficial for your business to address the relationship between *NYS Paid Family Leave (PFL)*, the federal *Family and Medical Leave Act (FMLA)*, short-term disability and Workers' Compensation.

Model language:

- Paid Family Leave can be taken by employees who are eligible for time off under the provisions of the FMLA. PFL will run concurrently with designated FMLA leave when the reason for leave qualifies under both PFL and FMLA. Eligible employees must then apply for both PFL and FMLA.
- You may not receive short-term disability and Paid Family Leave benefits at the same time. You may not take more than 26 combined weeks of short-term disability and Paid Family Leave in a 52-week period.
- If you are unable to work and qualify for Workers' Compensation Benefits, you may not use Paid Family Leave benefits at the same time as you are receiving Workers' Compensation benefits. If you are receiving reduced earnings, you may be eligible for Paid Family Leave. Please check with human resources.

- 2. Accruing time for PFL eligibility:** You may want to clarify that paid time off will count as a qualifying work day/days for eligibility for Paid Family Leave. An employer who makes payroll deductions for Paid Family Leave should continue to collect employee contribution during periods of paid time off.

- **Model language:** Time spent on paid vacation, sick or personal days can be counted toward an employee's eligibility determination.

- 3. Supplementing PFL with accrued time:** You may want to specify whether your business will allow employees to supplement PFL with accrued leave time in order to receive full pay.

- **Model language:** Employees may/may not supplement PFL with accrued time in order to receive full pay during their absence.

- 4. Using accrued time with PFL:** You may want to specify whether your business will allow employees to use accrued leave time in order to receive full pay. If you do allow this, you may seek reimbursement from your insurance carrier.

- **Model language:** Employees may/may not use accrued time with PFL benefits in order to receive full pay during their absence.

- 5. Accrual of leave time while on PFL:** You may want to clarify whether your business allows employees to continue to accrue leave while on PFL.

- **Model language:** While on PFL, employees will/will not continue to accrue sick or vacation time.

- 6. Policy on spouses taking PFL:** If two spouses work for your company, you may want to share your policy on whether these employees can take Paid Family Leave at the same time for the same qualifying event (e.g., to bond with a new child), or if they must take it one at a time.

- **Model language:** Company policy allows only one employee at a time to receive PFL to bond with the same child or care for the same family member.

Acknowledgement of Receipt for Employee Handbook
(Employee Copy – Keep with handbook)

I acknowledge that I have received a copy of the Employee Handbook. I understand that I am responsible for reading the information contained in the Handbook.

I understand that the handbook is intended to provide me with a general overview of the company's policies and procedures. I acknowledge that nothing in this handbook is to be interpreted as a contract, expressed or implied, or an inducement for employment, nor does it guarantee my employment for any period of time. I understand and accept that my employment with the company is at-will. I have the right to resign at any time with or without cause, just as the company may terminate my employment at any time with or without cause or notice, subject to applicable laws. I understand that nothing in the handbook or in any oral or written statement alters the at-will relationship, except by written agreement signed by the employee and Jeffrey W. Szatko.

I acknowledge that the company may revise, suspend, revoke, terminate, change or remove, prospectively or retroactively, any of the policies or procedures outlined in this handbook or elsewhere, in whole or in part, with or without notice at any time, at the company's sole discretion.

(Signature of Employee)

(Print Name)

(Date)

(Signature of Company Representative)

(Print Name)

Acknowledgement of Receipt for Employee Handbook
(Employer Copy – Keep with handbook)

I acknowledge that I have received a copy of the Employee Handbook. I understand that I am responsible for reading the information contained in the Handbook.

I understand that the handbook is intended to provide me with a general overview of the company's policies and procedures. I acknowledge that nothing in this handbook is to be interpreted as a contract, expressed or implied, or an inducement for employment, nor does it guarantee my employment for any period of time.

I understand and accept that my employment with the company is at-will. I have the right to resign at any time with or without cause, just as the company may terminate my employment at any time with or without cause or notice, subject to applicable laws. I understand that nothing in the handbook or in any oral or written statement alters the at-will relationship, except by written agreement signed by the employee and Jeffrey W. Szatko].

I acknowledge that the company may revise, suspend, revoke, terminate, change or remove, prospectively or retroactively, any of the policies or procedures of the company, whether outlined in this handbook or elsewhere, in whole or in part, with or without notice at any time, at the company's sole discretion.

(Signature of Employee)

(Print Name)

(Date)

(Signature of Company Representative)

(Print Name)