

Employee Handbook

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Introduction

This *Employee Handbook* is designed to acquaint the employee with the working conditions, benefits, and policies of the Archdiocese of New York. It describes or references the responsibilities of and the benefits available to the employee. The employee should, therefore, become familiar with all its provisions.

This *Employee Handbook* supersedes all previously issued handbooks, as well as all previous oral and/or written personnel policies or statements. The right to revise, delete, or add to the provisions of this *Employee Handbook* is strictly reserved. No modification to this *Employee Handbook* can be made without written authorization. Any modification will be made known to all employees.

Not all policies and procedures are set forth in this *Employee Handbook*. Any questions or concerns about it or any other employment policy or procedure should, therefore, be discussed with the employee's department director or the Human Resources Office. The terms "department director" and "supervisor" are used throughout this handbook. The use of the word "supervisor" assumes that authority has been delegated by the department director.

All employees are to receive a copy of this *Employee Handbook*. Each employee, prior to commencing work, is to acknowledge receipt, review, and acceptance of it by signing and returning the attached "Acknowledgement Form" to the Human Resources Office.

This handbook is applicable to all employees of the following independently incorporated organizations (the "Employers") within the ecclesiastical boundaries of the Archdiocese of New York whose employment is not subject to a collective bargaining agreement.

Central Services
Department of Education
Ecclesiastical Communications Corporation Sirius Radio
Inner- City Scholarship Fund, Inc.
Institutional Commodity Services Corporation
New York Catholic Foundation, Inc.
Saint Joseph's Seminary and College

Note: The Archdiocese is a separate religious corporation and, as such, is not the "Employer."

Employment Relationship

Employment at Will

Any written contract of employment must be approved by the chancellor and legal counsel. Absent an approved written contract, all employees are "at will" employees of the respective Employer. This *Employee Handbook* is not an employment contract, and so nothing in it shall be construed as creating an employment contract between the employee and the Employer or as creating any contractual rights. There is, therefore, no contractual right for an employee to continue in the employ of the Employer for any definite period of time. As an "at will" employee, either the Employer or the employee may terminate the employment relationship at any time, for any reason, or for no reason, unless otherwise prohibited by law, without the need to provide prior notice, warning, or discipline.

Equal Employment Opportunity

The Employer will comply with all applicable federal, state, and local equal employment opportunity laws and regulations. In all employment decisions, including but not limited to recruitment, hiring, compensation, training, promotion, upgrading, demotion, downgrading, transfer, layoff, termination, and for all other terms and conditions of employment, except as provided by law, the Employer does not discriminate against employees and applicants for employment on the basis of age, race, creed, color, national origin, gender, disability, marital status, veteran status, sexual orientation, citizenship status, or any other basis prohibited by applicable law. In accordance with laws protecting qualified individuals with known disabilities, the Employer will make every reasonable accommodation, except where doing so creates an undue hardship. The Employer will seek employees of the highest caliber on the basis of ability, experience, training, intelligence, character, familiarity with the Church, and demonstrated willingness to promote the mission statement of the Employer.

Staffing

Background Checks

All applicants must submit to a background check at the time his/her application is filed. This includes a review of the applicant's history relative to any potential criminal record, validation of social security number, validation of academic degree(s), driver license validation, and reference checks. The items that are reviewed in an individual's background are determined by pre-established criteria for each position for which the applicant is applying. A signed authorization to complete the background check(s) will be obtained from the applicant prior to initiating the process.

The Employer has the right to deny an applicant employment based on his/her failure to authorize a background check and/or adverse information obtained through the background check process. A prior criminal conviction is not an absolute bar to employment, and all relevant factors will be considered in accordance with the law. All background checks will be conducted in accordance with the law, including the provision of appropriate notices to unsuccessful applicants, as required by law or regulation.

Safe Environment Policy

In conformity with the *Charter for the Protection of Children and Young People*, as adopted by the United States Conference of Catholic Bishops, the entities within the Archdiocese are committed to providing a safe environment for all, particularly minors.

The Employer neither condones nor permits sexual harassment and undertakes to address, prevent, and correct any sexually harassing behavior in the work environment. All employees are required to participate in sexual harassment training conducted at orientation and periodically throughout their employment. For more on this topic, see "Workplace Harassment" on page 27 of this handbook.

Immigration Compliance

The Employer is committed to employing United States citizens and those who are authorized to work in the United States, and does not discriminate on the basis of citizenship or national origin. In compliance with the *Immigration Reform and Control Act of 1986* and the *Immigration Act of 1990*, all new employees, as a condition of employment, must provide satisfactory evidence of identity and legal authority to work in the United States by completing the Employment Eligibility Verification Form I-9 and presenting documentation establishing identity and employment eligibility within 3 days of the date of hire. The most common forms of acceptable identification are a driver's license and social security card. However, other documentation may be used.

Employment of Relatives

Employment inquiries from relatives of employees are welcomed. However, to avoid the appearance of impropriety and potential conflict of interests, relatives and members of the same household will not be employed in the same department or office. Nor will employees be supervised by anyone to whom they are related. In the event that employees in the same department marry, one will be transferred to another department. The transfer will be made after discussion with the employees' department directors who will consider both the needs of the employees as well as those of the Employer.

Employee Status

All employees are classified according to the following:

<u>Regular Full-Time:</u> Employees who are hired for a full-time position of 35 hours or more (the hours to be determined by department function) and who have satisfactorily completed the introductory period are regular full-time employees. Regular full-time employees will be eligible for full employee benefits available for specific jobs and periods of service.

<u>Regular Part-Time:</u> Employees hired to work a regularly scheduled work week which is less than full-time, but at least 20 hours per week, and who have completed the introductory period satisfactorily are regular part-time employees. Benefits are available to regular part-time employees on a pro-rated basis.

<u>Hourly:</u> Employees who work fewer than 20 hours per week are considered hourly employees. They are eligible for only those benefits required by law.

<u>Temporary</u>: Temporary employees are those who are hired to work full-time or part-time for a short term, normally for a period not to exceed 6 months. No employee benefits are available other than those required by law.

Additionally, employees are either exempt or non-exempt.

Exempt: All employees who are employed in an executive, administrative, or professional capacity and paid on a salary basis are exempt from the overtime provision of the *Fair Labor Standards Act* and its regulations.

<u>Non-Exempt:</u> All employees except those employed in an executive, administrative, or professional capacity in accordance with the *Fair Labor Standards Act* and its regulations, are non-exempt. Non-exempt employees are paid for time worked at their regular rate up to 40 hours per week, and at time and one-half for hours above 40 in a given week.

Working within the Archdiocese

Introductory Period

The introductory period is a get-acquainted time aimed to help both the new employee and the Employer decide whether he/she is suited for the work, as well as to allow the Employer time to determine if the employee is suited for the position. This period will allow the department director and supervisor time to observe a new employee's work, attendance, ability, cooperation, and potential value to the Employer. Prior to or at the completion of the introductory period, the employee's total work performance will be evaluated. The employee will be notified whether he/she will continue employment with the Employer. The department director or supervisor may recommend to the Human Resources Office a maximum 2 month extension of the introductory period. The Employer reserves to its sole discretion the determination as to whether an employee's introductory period will be extended. Employees are not entitled to an automatic extension. At the conclusion of the introductory period, the employee will be eligible for certain additional benefits.

<u>Non-Exempt</u> employees have a 3 month introductory period. The regular work week for most non-exempt staff is 35 hours, generally from 9:00 a.m. to 5:00 p.m., Monday through Friday. Some non-exempt workers may be required to work a 40 hour work week. Supervisors will advise each employee accordingly.

Exempt employees have a 6 month introductory period.

Attendance

Employees are required to report to work on time for all work periods and to remain at work until the end of the work period.

When an employee is unable to report to work due to unforeseen circumstances, he/she is required to advise his/her supervisor each day that the absence continues.

When the absence is anticipated, the supervisor should be informed as soon as possible. When possible, the supervisor should also be informed of the expected duration of absence and the tentative date that the employee expects to return to work.

Dress and Appearance

All employees are not only ambassadors of the Church, but are also providers of services for the community. Hence, their dress and grooming have an immediate impact on how colleagues, business associates, and the public view them and the Church. Modesty must be recognized in any clothing worn at the Catholic Center. In an effort to promote such modesty and a positive image, as well as to demonstrate respect, all employees are required to use discretion in their attire and to practice good grooming standards by adhering to the standards listed below, which are appropriate for any business environment:

- Laymen must wear a business suit or sport coat and slacks, dress shirt, tie, and appropriate business shoes.
- Laywomen must wear a business suit, skirt, or dress slacks with a blouse/sweater, or a dress, and appropriate business shoes.
- Religious must wear clothing that conforms to the practice of their religious communities, with some external sign such as a medal, crucifix, or the emblem of their religious order.
- Clergy must wear a black business suit, a clerical shirt or rabat and collar, or a cassock, and appropriate business shoes. Deacons are to dress according to the standards for laymen, and should wear a deacon's lapel pin.

In situations where the nature of a staff member's work makes conforming to these standards unfeasible, he/she is to speak with his/her supervisor.

Meal and Break Periods

Employees are entitled to an unpaid meal period of 1 hour when scheduled to work 5 or more hours per day. The usual hours for meal period are between 12 noon and 2:00 p.m. Individual work responsibilities may necessitate a more flexible scheduling of the meal period. The supervisor will normally approve the meal period.

All employees are required to take a formal meal period. Overtime may not be accrued by working through the regular meal period.

Identification Badges

Employees at the Catholic Center are issued employee identification badges. Photographs are taken upon hire by the Human Resources Office.

Employee identification badges are required to enter and exit the Catholic Center, and should be carried by all employees during the workday. These badges are the property of the Archdiocese, and they may not be altered, mutilated, transferred, or loaned to anyone.

Identification badges must be returned to the Archdiocese upon termination or retirement.

Property

The Archdiocese is not responsible for an employee's personal property which is lost, stolen, or damaged at work. The Employer considers office desks, closets, and equipment to be its property, and reserves the right to inspect them at its discretion.

Telephones and Office Equipment

Every employee is an ambassador of the Employer when relating with those who call and visit its offices and facilities. Good telephone etiquette helps communicate respect for others. Keeping communications clear, concise, and cordial contributes to high standards of work performance, efficiency, and productivity.

An employee's service generally requires that telephones and other office equipment be available to conduct the Employer's business. Employees are asked to exercise discretion in using telephones, fax machines, and computers for personal matters.

Email and Internet Use Policy

Employees are reminded that email and internet systems are intended for business use and should not be used to communicate sensitive, proprietary, confidential, scandalous, or otherwise inappropriate information (including chain letters, solicitations, etc.) or for any purpose which conflicts with the policies, procedures, and values of the Employer.

Users of email and internet should keep in mind that their messages may be considered records comparable to written correspondence or memoranda. Incidental and occasional personal use of these systems is permitted, but subject to the same standards as business use. The misuse of email or internet may result in disciplinary action. Individuals using these computer systems are subject to having their activities monitored by authorized archdiocesan personnel.

Anyone using these systems expressly consents to such monitoring, and is advised that, if such monitoring revels evidence of inappropriate activity, the Employer may take disciplinary action.

Employee Records

The Human Resource Office maintains a file for every employee containing essential employee information. It is important that these files be kept up-to-date. Any changes of relevant information such as address, telephone numbers, marital status, dependents, emergency contact, education, and certifications and licenses are to be reported to the Human Resources Office.

Employee records are confidential. If the Employer is used as a credit reference, the employee's written authorization to release the requested information is required. Employment references will be limited to dates of employment and most recent job title.

Smoking

The law protects the right of a non-smoker to a smoke free environment. Smoking is, therefore, prohibited at the Catholic Center. This includes hallways, stairwells, elevators, restrooms, reception areas, cafeteria, offices, conference rooms, and file and storage rooms.

Compensation

Salary Payments

Regular and temporary full-time or part-time employees are paid on a weekly, bi-weekly, or semi-monthly basis, depending upon the department for which they work. Hourly employees are paid for hours submitted in writing by one's supervisor to the Human Resources Office by 12 noon on the Friday of the week preceding a pay date.

Payroll deductions for employees are made in accordance with federal, state, and local tax, social security, and wage laws. At the written request of an employee, other optional deductions may be made, including benefit plan contributions and tax-deferred annuities.

Direct Deposit

All employees are strongly encouraged to enroll in direct deposit. It is safe, reliable, and convenient. The Archdiocese provides this direct deposit service, fully or partially, to the employee's bank of choice. To receive direct deposit, please submit a direct deposit form and a blank check marked "void" to the Human Resources Office.

Overtime

Overtime is defined as hours worked in excess of 40 hours in a week with the prior approval of the supervisor. Such overtime is compensated by overtime pay for non-exempt employees.

Non-Exempt Employees:

When non-exempt employees work extra hours with their supervisor's written permission, they are paid at their regular wage rate for all time worked up to 40 hours and one and one-half times their regular wage rate for all hours beyond 40 hours in a pay week.

In certain instances, non-exempt employees may receive compensatory time off in place of overtime pay if the time-off is requested by the employee, approved in writing by the supervisor, and used during the same pay period. This is computed at the same rate as overtime pay. For example, for each additional hour worked beyond 40 in one week, the employee may be granted one and one-half hours of compensatory time.

Exempt Employees:

Exempt employees are paid an annual salary for all work required by the job. Exempt employees are not paid for overtime.

Expenses

Employees whose job descriptions require travel on Archdiocesan business and attendance at professional conferences, seminars, and business meetings are entitled to reimbursement for normal expenses incurred in performing such authorized work assignments. Employees must consult with their department director prior to incurring any expense in order to determine if there is an authorized reimbursement. Staff members are expected to make every effort to keep expenses to a minimum, consistent with service in a non-profit organization.

Reimbursement rates for car mileage on approved Employer assignments are determined by the Internal Revenue Service.

Benefits

Medical Plan

Medical and prescription benefits are available for eligible employees who work at least 20 hours per week. Enrollment forms and information outlining the plan are available from the Benefits Office.

It is the responsibility of the employee to inform the Human Resources Office in writing of any qualifying life event. Qualifying life events include marriage, birth or adoption of a child, termination of a spouse's coverage, or a change in a spouse's employment status that affects eligibility for coverage. The Human Resources Office must also be notified of any address change.

The Archdiocese pays the majority of the cost of the group health benefits plan for full-time employees. Eligible part-time employees who work 20 but less than 35 hours contribute towards individual and family coverage on a pro-rated basis. Eligible employees may enroll as of the first of the month following 30 days of employment.

Group Life Insurance

A group term life insurance policy is provided for all regular employees who work at least 20 hours per week. Life insurance coverage becomes effective on the first day of the month following 30 days of employment. The benefit is equal to an employee's annual salary on the date of hire or on January 1 of the relevant calendar year, whichever is later. The benefit is reduced by 35% for an employee reaching normal retirement age, and by 50% for an employee reaching age 70. The Employer pays the full premium for this insurance.

Supplemental Life Insurance

Regular employees have the option of purchasing supplemental life insurance; this may be purchased for the employee, his/her spouse, and/or his/her children.

Self: The maximum coverage allowed is \$150,000, or 5 times one's annual salary, whichever is the lesser amount. With evidence of good health, an employee may elect a maximum of \$500,000, or 5 times one's annual salary, whichever is the lesser amount. Elections are in increments of \$10,000.

Spouse: An employee may purchase supplemental coverage for his/her spouse to a maximum of \$50,000, or \$100,000 with evidence of good health. However, the coverage may never exceed 50% of the amount of life insurance in force for an employee. Elections are in increments of \$5,000.

Dependent Children (under the age of 19): An employee may insure dependent children in increments of \$2,000 to a maximum of \$10,000.

Accidental Death and Dismemberment Insurance

Accidental death and dismemberment insurance is provided to all eligible employees. The benefit is equal to the basic group life insurance amount, and covers employees for accidents that result in death or dismemberment. The Employer pays the full premium for this insurance.

Short Term Disability

According to *New York State Disability Law*, an employee temporarily disabled for more than 7 consecutive calendar days is entitled to a benefit of one-half of his/her weekly salary to a maximum weekly benefit of \$170.00 per week. This may be paid for a maximum of 26 weeks of each disability, but not more than 26 weeks in any 52 consecutive week period. All employees are eligible for this benefit.

The first 7 calendar days of any disability are an uncompensated waiting period allowed by law. Employees may use sick/personal leave to cover this period. For employees with at least 1 year of service who have satisfied the waiting period, the Employer will supplement the insurance for the next 12 weeks. The Employer pays this insurance policy in full.

Long Term Disability

The Employer provides group long term disability coverage for employees who regularly work at least 30 hours per week. Qualifying employees are eligible for this benefit following 6 months active employment. Disabled employees who qualify for benefits can receive up to 60% of their pre-disability monthly salary, offset by Social Security disability benefits and any other disability benefits an employee may receive from other sources. Since the Employer pays the full premium for this insurance, any benefit received is taxable. However, an employee may elect to recognize the premium paid by the Employer as taxable income, in which case any benefit received will be tax free. This election may be made on a form available from the Human Resources Office.

Archdiocesan Pension Plan

The Archdiocesan Pension Plan provides retirement benefits to regular employees of participating Employers. A regular lay employee will enter the pension plan on January 1 following the completion of 3 years of continuous service, provided that he/she is at least 25 years of age as of that date, and is working at least 20 hours per week for any Employer participating in the plan.

Benefit Formula

The formula is 1.3% of one's average annual base pay times each year of credited service from the date of employment to the retirement date. The annual base pay is total W-2 compensation up to \$95,000.

Normal Retirement Date

The normal retirement date is the 1st day of the month on or following an employee's Social Security normal retirement date, or the 5th anniversary of participation in the pension plan, whichever comes later.

Early Retirement Date

After the completion of 10 years of continuous service, an eligible employee may retire and commence a pension on the 1st day of any month within 10 years of the normal retirement date. After completion of 5 years of continuous service, but less than 10, an eligible employee may retire and commence a pension on the 1st day of any month within 5 years of the normal retirement date. In either case, the employee will receive a reduced pension because he/she can expect payments over a longer period and has earned lesser benefits due to a shorter period of service. Benefits are paid at the end of each month.

Vesting

If, for any reason other than death, on the date of termination, an employee has completed at least 5 years of continuous service with a covered Employer, he/she will be eligible for a deferred vested pension based on benefits earned to the date of termination.

The Employer Pays the Entire Cost

Unlike Social Security, where the Employer and employee each pay one-half of the cost, under the Archdiocesan plan, the Employer pays the entire cost.

403(b) Tax Deferred Annuity (TDA)

This retirement savings tool is managed by Mutual of America. Elected pre-tax contributions are automatically deducted from each pay check. All contributions are paid for by the employee.

Participation

Participation is voluntary. All regular employees are eligible.

Tax Advantages

Federal income taxes are deferred until money is withdrawn. All contributions, interest, and investment earnings remain in an employee's account working on his/her behalf.

Rollovers

An employee can roll over qualified funds from retirement plans with former employers and IRAs with other institutions if it includes a rollover provision.

Flexibility

A diverse choice of investment funds and an interest accumulation account are available to meet the employee's own unique needs and objectives.

Quality Services

Participants have use of on-line management tools and/or the option of meeting one on one with a participant account representative. A representative is available at the Catholic Center to meet with eligible employees every month.

Adoption Assistance

The Archdiocese will provide a one-time gift of \$4,000.00 to each eligible adopted child of an eligible employee.

Eligible Adopted Child means any individual who is under the age of 18. However, a child of an eligible employee's spouse is not an eligible adopted child.

Eligible Employee means an employee who:

- 1. Is regularly scheduled to work 30 hours per week;
- 2. Has completed 1 continuous year of employment during which he/she was regularly scheduled to work 30 hours per week;
- 3. Is otherwise eligible to participate in the Archdiocesan medical plan;
- 4. Is not a member of a collective bargaining unit.

Workers Compensation

Full coverage and protection is provided for employees in accordance with *Workers' Compensation Law*. The Employer pays the entire premium for the insurance coverage.

Workers' Compensation provides weekly cash benefits and provides for necessary medical care to workers who are disabled because of a work-related injury or an occupational disease as defined by law and determined by the Workers' Compensation Board.

In addition, for employees with at least 1 year of service, the Employer will supplement the benefit provided with the remainder of an employee's salary to a maximum of 13 weeks of work related disability in a 52 week consecutive week period.

As of December 1998, the *New York State Workers' Compensation Law* was amended to allow for the use of Preferred Provider Organizations (PPO's) in New York State. The managed care law was enacted to enable insurance carriers to contract with PPO networks. This means that, after an injury is sustained, it must be treated by an innetwork physician for the first 30 days of treatment. After 30 days, an employee may opt for out of network treatment or seek treatment from another physician in the provider network.

To report a work related injury, an employee or an employee's supervisor must immediately contact the Human Resources Office which, in turn, will report the injury to the Risk Management Planning Group, Inc. (RMPG). In addition, the employee is to inform his/her department director as soon as possible.

Unemployment Insurance

An employee may be eligible for New York State unemployment insurance under conditions determined by state law.

However, if an employee voluntarily resigns or is discharged because of misconduct on the job, he/she may be ineligible for unemployment insurance. Employees should verify eligibility with the local state unemployment office, which makes the final decision.

Paid Time Off

Feast Days and Holidays

Employers observe special feast days of the Roman Catholic Church as well as civic holidays. Each Employer will, prior to hiring an employee, inform him/her of those feast days and civic holidays that are observed.

Regular full-time employees are immediately eligible for feast days and holidays approved by the chancellor.

Regular part-time employees are immediately eligible for feast days and holidays that fall on days in which they are regularly scheduled to work.

Temporary employees are not paid for feast days or holidays.

Holidays that fall on a weekend will normally be observed the following Monday. This does not apply to feast days. Feast days that occur on a weekend are not recognized on the following Monday.

Feast Days and Holidays Observed:

New Year's Day Feast of the Assumption

Martin Luther King Day
Presidents' Day
Saint Patrick's Day
Holy Thursday (½ day)
Good Friday
Easter Monday

Labor Day
Columbus Day
All Saints Day
Veterans' Day
Thanksgiving Day
Thanksgiving Friday

Memorial Day Feast of the Immaculate Conception

Feast of the Ascension Christmas Day

Independence Day Day after Christmas

Employers or departments may require employees to work on some of these holidays and /or feast days. Employees will be compensated by being given an alternate day off arranged with their supervisor within the same pay period.

Vacations and Accruals

Annual paid vacations are granted to regular employees who work at least 20 hours per week. Vacations must be taken during the calendar year when earned, and may not be accumulated from year to year, except as noted below.

Vacation allowances for full-time employees will be based on:

- a) 0.83 days for each month worked, per calendar year, for a total of 10 vacation days in each of the first 3 years of service.
- b) After completing 3 years of service, an employee is entitled to 15 days vacation annually (1.25 days per month).
- c) After completing 10 years of service, an employee is entitled to 20 days of vacation annually (1.66 vacation days per month).

Vacation allowances for part-time employees will be pro-rated based on regularly scheduled weekly hours worked.

Vacation accrual will be pro-rated upon an employee reaching his/her 3rd and 10th anniversaries. For example, if an employee has a hire date of April 20th, on the 3rd anniversary, he/she will be awarded 0.83 days per month for the months of January, February, March, and April and 1.25 days per month for the remainder of the calendar year, giving an employee a total of 13.32 accrued days for that calendar year.

General provisions:

- Although a sincere effort will be made to accommodate requests, vacation scheduling is determined by an employee's supervisor. All vacation requests must be made in writing and approved by an employee's supervisor.
- Whether an employee may have a negative vacation balance, and to what degree, will be at the discretion of the supervisor.
- Work requirements, seniority, and fairness to all are considered in determining priority between 2 or more persons desiring the same vacation dates.
- A maximum of 7 vacation days may be carried over to the following calendar year, and must be taken prior to June 30th or be forfeited.
- If an employee is ill during a scheduled vacation, he/she may substitute accrued sick days in lieu of vacation days. However, if an employee has used all available sick days, no additional vacation time will be allowed for illness occurring during a vacation.
- Although vacation begins accruing from the first day of employment, the new employee must complete 3-6 months (the aforementioned introductory period) before earned vacation can be taken.

Revised January 2015

Vacation allowance on termination of employment

Regardless of the reason for termination, accrued vacation is granted to those who have completed the introductory period *provided* that adequate (2 weeks) notice has been given. The salary equivalent for vacation taken, but not earned, will be deducted from termination pay.

Personal and Sick Days

All regular full-time employees are entitled to an annual total of 5 days absence with pay at their regular rate to be used for:

- Personal business
- Occasional illness
- During the 7 calendar day waiting period before disability insurance is effective.

Employees accrue personal/sick days at the rate of 0.42 days per month.

Regular part-time employees accrue this time on a pro-rated basis.

All regular employees on the payroll as of December 31st will be paid at their regular rate of pay for any unused sick/personal time.

No employee will be paid for any unused personal/sick time during the year in which he/she leaves employment or is terminated.

Personal Day Procedure:

Written requests must be submitted to and approved by an employee's supervisor no later than 1 day in advance.

New York City Earned Sick Time Act

Employees Covered

Employees who work or who are expected to work 80 or more hours in New York City during a calendar year are covered by the *New York City Earned Sick Time Act*.

Hours Accrual

One hour of sick time is accrued for every 30 hours worked within New York City, to a maximum of 40 hours per calendar year. Accrual begins on the first day of employment. Sick time accrues for exempt employees based on their normal workweek. Sick time accrues for non-exempt employees based on all hours worked, including overtime hours. The Archdiocese will cap sick time accrual at 35 hours. Excess hours will be charged to vacation.

Sick Time Available

Employees may begin using accrued sick time 120 days after their date of hire.

Annual Carryover

Employees may carry over not more than 40 hours of sick time into the following calendar year. However, the maximum sick time taken in a given calendar year is limited to 40 hours.

Pay in lieu of Carryover

The Employer will pay out unused sick time to a maximum of 35 hours. Excess hours will be carried over, but will not increase the 40 hour annual maximum.

Terminated Employees

No payout will be made to employees who terminate employment. However, any forfeited sick time must be restored if an employee is rehired within 6 months.

Use of Sick Time

Employees may use sick time for absence from work due to:

- a. Mental or physical illness, injury, or health condition
- A need for medical diagnosis, care, or treatment of a physical illness, injury, or health condition
- c. A need for preventive medical care

- d. Care of a family member requiring medical diagnosis, care, or treatment of a physical illness, injury, or health condition or preventive care
- e. Closing of an employee's place of employment due to a public health emergency
- f. The care for a child whose school or child care provider is closed due to a public health emergency.

Family Member Defined

An employee's family members include:

- a. A spouse, child, parent, grandparent, or grandchild
- b. A parent or child of an employee's spouse
- c. A sibling (including half, adopted, or step-sibling)

Minimum Increment

Sick time must be used in increments of not less than 4 hours.

Medical Documentation

The Employer may require an employee to provide a note from a licensed healthcare provider confirming the need for the amount of sick time taken if the absence exceeds 3 days. The Employer cannot require an employee or an employee's healthcare provider to disclose details of an employee's or employee's family member's injury, illness, or condition for which the sick time was used.

Leaves of Absence

Bereavement Leave

Employees are granted not more than 4 days bereavement leave with pay to attend appropriate services in the event of the death of an immediate family member. This includes spouse, children, parents, siblings, grandparents, grandchildren, mother-in law or father-in-law, and any relative regularly residing in the immediate household.

A funeral day will be allowed for other close relatives with the approval of an employee's department director.

Jury Duty Leave

The Employer encourages all employees to fulfill their civic responsibility to serve as a juror. Employees will be paid regular wages, less jury duty pay, for each normally scheduled workday for not more than 2 weeks of jury duty. Employees must present their summons to their immediate supervisor upon receipt.

Employees are not to be discouraged from serving as jurors. However, it may be acceptable to ask an employee to seek a deferral where, for example, there are time-sensitive projects, work commitments, or staffing shortages involved. Employees who are selected and who serve as jurors can be asked to report to work when they are in recess.

Employees will also be paid regular wages for compulsory court attendance if they are summoned as a result of being a witness to a crime. The summons or subpoena must be presented to the immediate supervisor upon receipt. Employees will not be paid for absence due to a court appearance in connection with an action that is initiated by an employee.

Voting Leave

If an employee has less than 4 consecutive hours within which to vote, either between the opening of the polls and the beginning of his/her regular work hours or between the end of his/her regular work hours and the closing of polls, he/she may take up to two 2 hours time off to vote at the beginning or end of his/her regular work hours, as his/her supervisor directs, without the loss of pay.

An employee who requires time off to vote must notify his/her supervisor prior to election day.

Military Leave

The Employer will comply with and grant leave in accordance with all applicable military leave laws. Employees on military leave will be paid the difference between their regular salary and military compensation for a maximum of 2 weeks annually. Military orders must be presented to one's supervisor upon request.

Family and Medical Leave Act

The Family and Medical Leave Act (FMLA) provides a means for employees to balance their work and family responsibilities by taking unpaid leave for certain reasons.

Eligibility

To be eligible for a *FMLA* leave, an employee must meet the following criteria:

- Have worked at least 12 months (which do not need to be consecutive) for the Employer
- Have worked at least 1,250 hours during the 12 months immediately before the date *FMLA* leave begins.

FMLA entitles eligible employees to take job protected, unpaid leaves for specified family and medical reasons. Eligible employees are entitled to:

- 12 workweeks of leave within a 12 month period for:
 - The birth and care of an employee's child, within 1 year of birth
 - The placement with an employee of a child for adoption or foster care, within 1 year of the placement
 - The care of an immediate family member (spouse, child, or parent) who has a serious health condition
 - The employee's own serious health condition that makes him/her unable to perform the essential functions of his/her job
 - Any "qualifying exigency" arising out of the fact that an employee's spouse, son, daughter, or parent is on active duty or has been notified of an impending call or order to active duty in the U.S. National Guard or Reserves in support of a contingency operation
- 26 workweeks of leave during a single 12 month period to care for a covered service member with a serious injury or illness, if an employee is the spouse, son, daughter, parent, or next of kin of the service member (military caregiver leave)

Benefits

If an employee is participating in the medical plan when a leave begins, he/she may continue participation at the same level and in the same manner (including required employee contributions) during the periods of a *FMLA* leave, as though the employee had continued to work.

An employee must substitute any accrued paid leave (vacation, sick, or personal) for periods of an unpaid *FMLA* leave. Substitution means the accrued paid leave runs concurrently with a *FMLA* leave period.

Intermittent and Reduced Leave

Employees may take a *FMLA* leave intermittently or on a reduced leave schedule (that is, in blocks of time less than the full amount of the entitlement) when medically necessary or when the leave is due to a qualifying exigency, as defined above. Taking intermittent leave for the birth of a child or for placement for adoption or foster care of a child is subject to the Employer's approval. However, the Employer's approval is not required for an intermittent or reduced schedule leave that is medically necessary due to pregnancy, a serious health condition, or the serious illness or injury of a covered service member. The Employer's approval is also not required when intermittent or reduced schedule leave is necessary due to a "qualifying exigency," as defined by the law.

Notice Requirement

When the need for leave is foreseeable, an employee must give at least 30 days notice, or as much notice as is practicable. When the leave is not foreseeable, an employee must provide notice as soon as possible in the particular circumstances. All *FMLA* leave requests are to be directed to the Human Resources Office, and not to an employee's department director or supervisor. In requesting a leave, an employee must provide sufficient information for the Employer to reasonably determine whether *FMLA* may apply to the leave request.

Medical Documentation

The Employer may require that a serious health condition, illness, or injury, be supported by a certification from an employee's healthcare provider, an employee's family member's healthcare provider, or an authorized healthcare provider of the covered service member. The Employer may also require periodic reports of an employee's status and intent to return to work during the leave.

Return from Leave

The Employer may require that an employee who takes a *FMLA* leave for his/her own serious health condition submit a certification from an employee's healthcare provider indicating that he/she is able to return to work.

An employee who returns from a *FMLA* leave is entitled to be restored to the same position or an equivalent position with equivalent pay, benefits, and other terms and conditions of employment as though he/she had not taken the leave.

Employee Relations

Code of Conduct

Every employee is called to work for the common good so that the rights and interests of his/her Employer, fellow employees, and those we are called to serve are ensured. Anything that prevents the common good from being attained requires attention. At times, disciplinary probation, suspension, or discharge may be imposed for failing, in the judgment of a department director, to adhere to appropriate standards of behavior or job performance.

It is impossible to cover all areas of proper conduct. When in doubt, an employee should ask his/her department director. Some actions that are not acceptable and may lead to disciplinary action up to and including discharge are the following:

Poor job performance; excessive absences; inappropriate behavior with clients or coworkers; reporting to work under the influence of alcohol or drugs; possession, use or, the transfer of alcoholic beverages or drugs in the workplace; insubordination; destruction of property; harassment; tardiness; or absence from assigned work areas.

Employees are expected to follow the established patterns of good conduct and comply with the Employer's work rules. The Archdiocese reserves the right to apply any disciplinary action, which in any instance may range from verbal correction to suspension or discharge, for policy violations or improper conduct on the part of an employee. Normally, the Employer will follow a process of progressive discipline and counseling in an effort to correct inappropriate conduct. However, the Employer reserves the right to discharge a person immediately for serious infractions which, in its judgment, jeopardizes the interest of the Employer or the safely and well being of its employees.

Persons with Disabilities

The Employer endorses and complies with the *Americans With Disabilities Act* and local and state laws prohibiting discrimination in employment against persons with disabilities.

Specifically, the Employer will not discriminate with regard to the hiring, promoting, discharge, wages, job training, fringe benefits, or any other aspect of employment against any qualified applicant or employee with a covered disability. Moreover, the Employer will attempt to provide reasonable accommodation to qualified applicants and employees with disabilities.

Workplace Harassment

The Employer is committed to maintaining a workplace that is free from all forms of unlawful harassment, including sexual harassment and harassment based on gender, age, race, national origin, color, sexual orientation, marital status, religion, disability, veteran status, or any other protected category.

Accordingly, no employee shall engage in conduct that constitutes harassment or bullying. The Employer will not tolerate harassment in any form of or by employees, vendors, or visitors. This commitment extends to harassment by any employee regardless of his/her position. Any employee who violates this policy will be subject to appropriate disciplinary action, including suspension without pay and/or termination of employment.

Definitions and Examples

Prohibited harassment can take many forms. It may include, but is not limited to:

- Verbal harassment, such as making a joke or comment that refers to a certain gender, race, color, citizenship status, national origin, ancestry, sexual orientation, age, religion, creed, physical or mental disability, marital status, veteran status, or any other basis protected by applicable local, state, or federal law, epithets, derogatory comments, vulgar or profane words, and expressions or slurs;
- 2. Physical harassment, such as an unwelcome touching, assault, blocking, impairing, or otherwise physically interfering with an individual's normal work or movement;
- 3. Visual forms of harassment, such as derogatory posters, cartoons, drawings, e-mail, computer screen savers, graffiti, or photographs;
- 4. Sexual harassment. Examples of sexual harassment may include, but are not limited to:
 - Unwelcome or unwanted sexual advances. This includes physical contact and verbal contact of a sexual nature which is considered unacceptable or unwelcome by another individual.
 - Requests or demands for sexual favors. This includes expressed and implied, subtle or blatant pressure or requests for sexual favors accompanied by any implied or expressed promise of preferential treatment or negative consequences concerning an employee's employment status.
 - Verbal abuse or comments which are sexually oriented and considered unacceptable by another individual. This includes comments or compliments which extend beyond mere courtesy and jokes which are clearly unwelcome or of a nature that is offensive to others.

- Sexually oriented conduct that interferes with the work performance of another. This includes unwanted sexual attention that reduces personal productivity or interferes with the performance of assigned tasks.
- Creating a work environment that is intimidating, hostile, or offensive because of unwelcome or unwanted sexually oriented conversation, suggestions, requests, demands, physical contact, or attention.
- Conduct which is targeted at an individual because of his/her gender, even though it is not necessarily sexual in nature.

Prohibited harassment includes harassment directed at the targeted individual and harassment that takes place within the individual's hearing.

Normal, courteous, respectful, and non-coercive interaction between individuals that conforms to this policy and is acceptable to both individuals involved is not harassment.

Reporting All Forms of Discrimination and Harassment

If an employee believes that he/she has been subject to harassment, he/she ought to make his/her unease and/or disapproval directly and immediately known to the harasser whenever possible. If the situation is not immediately resolved, or if the employee is unable to or uncomfortable with addressing the alleged harasser directly, he/she should report the incident to the Human Resources Office. It is important to make a written record of the date, time, and nature of the incidence(s) and the name(s) of any witness(es).

It is important to report concerns of harassment, regardless of the seriousness, to the Human Resources Office or a department director or supervisor as soon as possible. Management cannot assist in stopping any harassment from continuing if it is unaware of the problem.

Reports of alleged harassment or discrimination will be investigated in a timely and thorough manner. Ordinarily, an investigation will include an interview with the victim, the alleged harasser, and any other person who may provide relevant information. The alleging employee(s) will be informed of the result of the investigation.

Immediate and appropriate disciplinary action, including termination, will be taken against anyone who has violated another employee's rights under the law.

No employee will be subjected to any form of retaliation for making a good faith complaint under this policy or for assisting in the investigation of any such complaint.

Complaint Procedure

The Employer believes effective communication is vital to the success of the Church's mission and the professional growth of all employees. The complaint procedure ensures the accessibility of department directors and supervisors, as well as the Human Resources Office, to all employees so they may freely discuss management problems, suggestions, and employment related subjects relative to the working environment and mission of the Employer.

The Human Resources Office has the overall responsibility for maintaining this procedure. All employees are encouraged to bring their employment issues and concerns to the attention of the Human Resources Office. This procedure is aimed at fostering a professional atmosphere of mutual respect and understanding.

If an employee judges the need to make a formal complaint, the following steps are to be followed:

- The complaint should be submitted, in writing, to the attention of the department director, unless the complaint concerns the department director, in which case it should be sent directly to the Employer. The department director or Employer is expected to address the complaint within 5 working days.
- 2. If a satisfactory solution is not reached, the complaint is to be submitted in writing to the director of Human Resources. The employee will receive a reply within 10 business days.

Performance Appraisals

The primary purpose of performance appraisals is to determine how well an employee is performing his/her assigned responsibilities in accordance with the established policies, practices, and standards of the Employer.

It is the policy of the Employer to uniformly and objectively evaluate the progress, performance, abilities, and potential of every employee at least once each year in order to:

- 1. Provide department directors and supervisors with a better knowledge and understanding of each employee
- 2. Serve as a basis for informing each employee of his/her strengths and weaknesses so, together with the department director and supervisor, plans may be developed to help an employee perform better in his/her present position and/or prepare for a future assignment
- 3. Assist the department director and supervisor in making and justifying transfers, promotions, or other employment decisions

A performance appraisal must be prepared by an employee's supervisor:

- At the completion of the introductory period.
- 3 or 6 months after an employee has been transferred or promoted, depending upon the nature of the new position.
- Annually, at the beginning of each calendar year.
- Whenever it is considered useful to prepare an interim report between regularly scheduled appraisals.

The employee will be asked to sign the appraisal form to acknowledge that he/she has been given the opportunity to read the appraisal. The employee's signature signifies neither agreement nor disagreement with the appraisal. If there are any questions or challenges to the review, they need to be taken up with the department director or supervisor at the scheduled meeting.

A signed copy of every performance appraisal must be submitted to the Human Resources Office to be placed in the employee's file.

The annual appraisal usually forms the basis for an annual salary review.

Severance Policy

Severance Allowance on Termination of Employment for Reasons Not Related to Work Performance or Personal Conduct

Policy

The Employer is committed to providing fair and equitable treatment to all employees. When a full-time employee is terminated for reasons not related to work performance, misconduct, or retirement, severance arrangements are often provided to assist the employee in his/her transition from employment with the Employer.

Terms and Conditions

An employee who is terminated from employment for reasons not related to work performance, misconduct, or retirement will generally be granted a severance allowance equal to 1 week's salary for each full year (i.e., 12 months) of employment. The minimum allowance will be 4 weeks' pay and the maximum will be 40 weeks' pay. The severance allowance will be paid in lump sum on the employee's date of termination or as soon as administratively possible. Taxes will be withheld from the severance. The employee will also receive payment for any unused accrued vacation and sick/personal days with the final regular paycheck.

On the 1st day of the month following termination of employment, the employee will be eligible, under *New York State Continuation Coverage*, to continue participating in the medical plan for a maximum period of 36 months, at the employee's expense.

Requests for Information from Outside Sources

Employees receiving requests for information about the Archdiocese or their Employer from outside sources such as newspapers, radio, television, or other entities are to direct the request to the Office of Communications.

Notes

Acknowledgement of Receipt of Employee Handbook

The *Employee Handbook* contains important information about the Archdiocese of New York, and I understand that I should consult with the Human Resources Office regarding any questions unanswered by the handbook. I have entered into my employment relationship with the Archdiocese of New York voluntarily and I understand that there is no specified length of employment. Accordingly, either the Archdiocese of New York or I can terminate this at-will relationship, with or without cause.

I also understand and agree that no person other than the chancellor of the Archdiocese of New York may enter into an employment agreement for any specified period of time or make any agreement contrary to the Archdiocese of New York's stated employment at will policy.

Since the information, policies, and benefits described herein are subject to change at any time, I acknowledge that revisions to the handbook may occur, other than the Archdiocese of New York policy of employment at will. All such changes will generally be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies. Only the chancellor of the Archdiocese of New York has the ability to adopt any revisions to the policies of this handbook. The current handbook is available on the archdiocesan website, www.archny.org.

Furthermore, I understand that this handbook is neither a contract of employment nor a legally binding agreement. I have had an opportunity to read the handbook and I understand that I may ask my supervisor, department director, or any employee of the Human Resources Office any questions that I might have concerning the handbook. I accept the terms of the handbook. I also understand that it is my responsibility to comply with the policies contained in the handbook and any revisions made to it. I further agree that, if I remain an employee of the Archdiocese of New York following any modifications to the handbook, I thereby accept and agree to such changes.

I have received a copy of the Archdiocese of New York *Employee Handbook* on the date noted below.

I understand that this form will be retained in my personnel file.

Employee Signature

Date

Print Name

Human Resources Representative

Date