

# 2021

## EMPLOYEE HANDBOOK



**Construction Trades Staffing Inc.**  
*the staffing experts for the skilled trades*

**EBC**  
PAYROLL • HR SERVICES

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# **HANDBOOK INTRODUCTION**

## **Introduction and Welcome**

Whether you have just joined our team or have been at Construction Trades Staffing (herein referred to as “CTS”) for a while, we hope you will find CTS a dynamic and rewarding place to work. By working together, taking pride in our work, and maintaining open lines of communication, we can create an environment that is both enjoyable and productive. We consider the employees of CTS to be one of its most valuable resources. It is essential that we use our talents to identify, create and deliver superior service to our clients to create long-term relationships with them.

## **Handbook Overview**

This Handbook has been written to serve as the guide for the employer/employee relationship.

This Handbook replaces and supersedes all previously issued manuals and policy statements or memoranda on the subjects contained in this Handbook. There are several things to keep in mind about this Handbook. First, it contains only general information and guidelines. It is not intended to be comprehensive or to address all the possible applications of, or exceptions to, the general policies and procedures described. For that reason, if an employee has any questions concerning eligibility for a particular benefit or the applicability of a policy or practice to them, they should address their specific questions to the Vice President of Human Resources. Neither this Handbook nor any other CTS document confers any contractual right, either express or implied, to remain in CTS's employ. Nor does it guarantee any fixed terms and conditions of an employee's employment. Their employment is not for any specific time and may be terminated at will with or without cause and without prior notice by CTS, or the employee may resign for any reason at any time. No representative of CTS (except the President) has the authority to enter into any agreement for employment for any specified period of time or to make any agreement contrary to the above.

The procedures, practices, policies, and benefits described here may be modified or discontinued from time to time. CTS will try to inform employees of any changes as they occur. Employees are responsible for abiding by CTS rules and policies. After reading this Handbook, if there are any questions, please direct those questions to the Vice President of Human Resources for guidance.

## **Employment At-Will**

The employment relationship is "at-will employment", which means employment and compensation may be terminated at any time with or without cause, notice or liability by the employee or CTS. Moreover, regardless of anything contained in the handbook and regardless of any custom or practice, CTS makes no promises and remains free to change policies, benefits and all other working conditions without having to consult anyone or obtain anyone's agreement. Just as any employee has the right to terminate their employment for any reason, the employer retains the absolute power to discharge anyone at any time, with or without cause, and without prior notice.

## **Supplemental Policies**

Some subjects described in this handbook are covered in detail in official policy documents, or benefit plan documents, which can be referenced with the Vice President of Human Resources. Refer to these documents

for specific information because the handbook only briefly summarizes those guidelines and benefits. Please note that the terms of the written insurance policies are controlling and override any statements made in this or other documents.

## **EMPLOYMENT PRACTICES**

### **Equal Employment Opportunity**

It is the policy of CTS to provide equal employment opportunity in all employment practices without regard to race, color, religion, gender (including pregnancy), national origin, age, disability, genetic information, sexual orientation, marital status, military status, familial status, domestic violence victim status, gender identity or expression or any other characteristic protected by law. Harassment on the basis of any of the categories identified above or any other characteristic protected by law is strictly prohibited. CTS policy not to discriminate extends to all personnel actions, including: recruiting, hiring, training, treatment on the job, performance appraisals, promotion, demotion, transfer, pay, termination and other conditions of employment. These characteristics and any others protected by law will also apply to our policies on harassment.

CTS will not tolerate retaliation against a person because they complained about discrimination, filed a charge of discrimination, participated in an employment discrimination investigation or lawsuit or engaged in any other protected activity.

CTS also complies with the Genetic Information Non-discrimination Act of 2008 ("GINA"). GINA prohibits employers from requesting or requiring genetic information of an individual or family member of the individual except as specifically allowed by this law. To comply with this law, CTS asks all employees not to provide any genetic information when responding to a request for medical information. "Genetic information" as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assisted reproductive services.

### **Accommodation Policy**

CTS will comply with all the relevant and applicable provisions of the federal Americans with Disabilities Act (ADA) as well as state and local laws concerning the employment of persons with disabilities. CTS prohibits discrimination against qualified individuals with disabilities in all aspects of employment including, but not limited to, hiring, advancement, discharge, compensation, and training.

CTS's commitment to this policy includes making reasonable accommodations to persons with disabilities that will allow them to perform the essential functions of their job unless doing so would pose an undue hardship on CTS. Any employee with a disability who requires a reasonable accommodation to perform the essential functions of their job must notify the Vice President of Human Resources.



## Religious Accommodation Policy

CTS is dedicated to treating its employees equally and with respect while recognizing the diversity of their religious beliefs. All employees may request an accommodation when their religious beliefs cause a deviation from CTS dress code or the individual's schedule, basic job duties or other aspects of employment. CTS will consider the request but reserves the right to offer its own accommodation to the extent permitted by law. Some, but not all, of the factors that will be considered are cost, the effect that an accommodation will have on current established policies and the burden on operations, including other employees, when determining a reasonable accommodation. At no time will CTS question the validity of a person's belief.

If an employee requires a religious accommodation, they should speak with the Vice President of Human Resources.

## Harassment Prevention Policy

CTS has no tolerance for harassment or discrimination of any employee by a supervisor, peer, visitor, or the representatives of other businesses with whom they interact as part of their job. Again, this applies to any classifications protected by federal, state and local laws or ordinances.

The purpose of this policy is not to regulate personal morality within CTS but to ensure that all employees are free from harassment or discrimination on the basis of sex, race, gender or any other basis.

Types of harassment are identified as verbal or physical conduct that denigrates or shows hostility toward another because of their race, color, religion, gender, national origin, age, marital status, sexual orientation, veteran status, military status, familial status, status as a victim of domestic violence, disability, gender identity or expression or any other characteristic protected by law. As with sexual harassment, this conduct is prohibited and must be reported immediately. Because it is difficult to define harassment, employees are expected to behave at all times in a manner that is respectful of these differences. All such conduct listed above is unacceptable in the workplace and in any work-related settings such as business trips and business-related social functions, regardless of whether the conduct is engaged in by a supervisor, co-worker, client, client, vendor or other third party.

CTS wants all employees to know that submission to unwelcome conduct or any form of harassment is NOT a term or condition of their employment.

Anyone who believes that they have been discriminated against or subjected to harassment from a member of management, co-worker, vendor, or other third party must bring the matter to the Vice President of Human Resources, or any other member of management. All reports of discrimination or harassment will be investigated by CTS and action will be taken where necessary.

CTS understands that these matters can be extremely sensitive and will keep all employee complaints and communications, such as interviews or witness statements, in strict confidence to the extent possible, while balancing the need for confidentiality with the need to do a thorough investigation. CTS will not tolerate retaliation (adverse actions) against any employee who complains of harassment or discrimination or provides information in connection with such a complaint or the investigation of a complaint. Engaging in prohibited retaliation will result in discipline, up to and including immediate termination.

## **Sexual Harassment Policy**

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

*SEE APPENDIX I FOR THE COMPLETE POLICY.*

## **Workplace Violence Prevention**

CTS is strongly committed to providing a safe workplace. The purpose of this policy is to minimize the risk of personal injury to employees and damage to CTS property. Specifically, it is discouraged of all employees to engage in any physical confrontation with a violent or potentially violent individual. However, CTS expects and encourage employees to exercise reasonable judgment in identifying potentially dangerous situations and informing management accordingly.

Threats, threatening language or any other acts of aggression or violence made toward or by any employee **WILL NOT BE TOLERATED.**

For purposes of this policy, a threat includes any verbal or physical harassment or abuse, attempts to intimidate or to instill fear in others, menacing gestures, bringing weapons to the workplace, stalking or any other hostile, aggressive, injurious, and/or destructive actions undertaken for the purpose of domination or intimidation.

All potentially dangerous situations including threats by co-workers should be reported immediately to their supervisor, the Vice President of Human Resources, or to any other member of management with whom employees feel comfortable. Reports of threats may be made anonymously. All threats will be promptly investigated. No employee will be subject to retaliation, intimidation or discipline as a result of reporting conduct which the employee believes violates this policy.

If an investigation confirms a violation of this policy has occurred, CTS will take appropriate corrective action with regard to the offending employee(s). If employees are the recipient of a threat made by an outside party, please follow the steps detailed in this section. If employees have any questions about this policy, please speak with a member of management.

## **Business Conduct, Ethics, and Conflict of Interest**

The successful operation and reputation of CTS is built upon the principles of fair dealing and ethical conduct of all our employees. Our reputation for integrity and excellence requires careful observance of the spirit and

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

letter of all applicable laws and regulations and CTS expects employees to perform with that in mind and refrain from any illegal, dishonest or unethical conduct when conducting business on behalf of CTS.

CTS depends on its clients' trust and are dedicated to preserving that trust. Employees have a responsibility to act in a way that will merit the continued trust and confidence of the public.

In general, the use of good judgment, based on common sense and high ethical principles, will guide employees with respect to lines of acceptable conduct.

All employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest that occur when an employee is in a position to influence a decision that may result in personal gain for the employee or a family member because of CTS's business dealings. Personal gain may result not only in cases where an employee or a relative has a significant ownership in a firm with which CTS does business, but also when employees or relatives receive any kickback, bribe, substantial gift or special consideration as a result of any transaction of business.

In the event employees are presented with a gift from a client, supplier, or entity affiliated with CTS of equal or greater amount of \$25, CTS asks that employees contact the Vice President of Human Resources regarding the propriety of the gift.

If employees have any influence on transactions involving purchases, contracts or leases, it is critical that employees disclose in writing to the management team as soon as possible the existence of any actual or potential conflict of interest.

If a situation arises where it is difficult to determine the proper course of action, the matter should be discussed first with the Vice President of Human Resources. If the matter is not resolved, employees and the Vice President of Human Resources should then contact the President.

## **Confidentiality & Trade Secrets**

The protection of confidential business information and trade secrets is vital to the interests and success of CTS. Employees should not disclose confidential financial data, or other non-public proprietary CTS information. Do not share confidential information regarding business partners, vendors or clients.

Confidential information may be contained in manuals, verbal communications, in any unwritten knowledge and in the unwritten knowledge of the other employees and/or other tangible method of expression, including in hard or electronic format. Examples of confidential information include but are not limited to the following: vendor identities, CTS financial information, marketing development information, pending projects and proposals, client lists, client relation information, prospects, and promotional information.

During and after such employment, employees will not disclose or appropriate to their own use or the use of others, any such proprietary or confidential information or knowledge acquired by employees during such employment, including but not limited to, that pertaining to client lists, marketing plans, CTS financial and business information, strategic planning, writings, and operating procedures.

## Protections for Employees Based on Reproductive Health Decisions

It is the intention of CTS to comply with all labor law regulations, specifically as it relates to one's right to privacy of medical records and reproductive health decisions.

Discrimination based on an employee's or a dependent's reproductive health decision making is prohibited in accordance with New York State Labor Law Section 203-e. The law defines "reproductive health decision making" as including but not limited to, the decision to use or access a particular drug, device, or medical service. An employee may bring a civil action in any court of competent jurisdiction against an employer alleged to have violated the provisions of this section.

- An employer shall not access an employee's personal information regarding the employee's or the employee's dependents without the employee's prior informed affirmative written consent.
- An employer shall not discriminate nor take any retaliatory action against an employee with respect to compensation, terms, conditions, or privileges of employment because of or on the basis of the employee's or dependent's reproductive health decision making.
- An employer shall not require an employee to sign a waiver or other document which purports to deny an employee the right to make their own reproductive health care decisions.

## RECRUITMENT POLICIES

### Employment of Relatives

Standards for employment decisions such as hiring, promoting, reappointing, evaluating, awarding salary, disciplining and terminating employees are based upon an individual's qualifications for the position, ability, and performance. CTS seeks to avoid favoritism, the appearance of favoritism and conflicts of interest in employment.

As such, it is up to management discretion whether or not relatives of employees will be hired. For purposes of this policy, a "relative" is any person who is related to the employee by blood or marriage or whose relationship with the employee is similar to that of persons related by blood or marriage. This includes spouses, domestic partners, parents, grandparents, children, grandchildren, and in-laws or step relatives.

If the relative relationship violates this policy but was established after employment has commenced, then management will decide the best course of action, including but not limited to, reassignment and termination of employment.

In cases where a conflict or the potential for conflict arises due to the relative relationship of two employees (or any other reason), even if there is no supervisory relationship involved, the parties may be separated by reassignment or terminated from employment.

The term "direct supervision," as used in this policy, refers to both the direct supervisor-supervisee relationship and any work relationship where one of the employees might be involved in a personnel decision concerning the other. Therefore, a person serving in a supervisory position should not participate in decisions regarding hiring, reappointment, placement, evaluation, rate of pay, salary increases, promotion, monetary awards or

other personal interest for a relative or household member employed by CTS, even when the supervisor is not in the direct line of authority.

### **Immigration Reform and Control Act**

The Immigration Reform & Control Act of 1986 requires employers to obtain proof of legal status to work in the United States from any applicant who accepts a job offer.

All new employees must complete and sign a verification form (I-9) designed by the Immigration and Naturalization Service to certify that they are eligible to work in the United States.

Employees are required to submit original documentation as evidence of identity and eligibility as required by law. This documentation may be photocopied and maintained by CTS. Failure to provide valid and accurate I-9 documentation within three (3) days of their hire date could result in termination of employment. Presenting false or otherwise invalid information or documentation is cause for termination.

### **Rehire of Separated Employees**

Former employees who return to CTS are considered new employees. They will be subject to the conditions relating to new employees.

## **EMPLOYMENT POLICIES**

### **Attendance & Punctuality**

Dependability, attendance, punctuality, and commitment are essential at all times. As such, employees are expected at work on all scheduled workdays and during all scheduled work hours, and to report to work on time.

It is the employee's responsibility to personally notify their assigned client via phone call as far in advance as possible, prior to their scheduled starting time if the employee will be absent or late. After notifying the client, the employee must also contact CTS. Depending on the staffing agreement made with the client, an employee who fails to report for work and report the absence for a number of consecutive days/shifts will be considered as having voluntarily left the assignment.

Overall, poor attendance and excessive tardiness are disruptive. When addressing an attendance issue, supervisors will use the disciplinary procedure and take into consideration the frequency and number of absences as well as patterns of tardiness, prior history and work performance.

Employees who are absent for three (3) or more consecutive days due to illness may be required to supply a doctor's note to substantiate the absence.

When available, CTS will apply PSL to all applicable absences from work; planned or unplanned. Employees are expected to manage their time responsibly.

Where absences occur that are covered under the New York State Sick Leave provision, where this attendance policy varies from the New York State Paid Sick Leave requirement, the New York State Paid Sick

leave requirements will prevail. Note, for absences which qualify under the New York State Paid Sick Leave law, CTS cannot require that employees or a health care or service provider disclose personal health information or the details of the matter for which an employee requests or takes the absence. Additionally, any information that is obtained by CTS related to these qualifying absences will be kept confidential unless the employee consents to disclosure of this information to others in writing, or disclosure is required by law.

### **Cell Phone Usage**

Use of personal cell phones during business hours should be kept to a minimum, and should not disrupt other employees. They must be used in a safe manner (i.e. pay attention to surroundings while using device).

Any employee using any cellular phone for CTS business while driving a vehicle is required to comply with local traffic laws which mandates use of a hands-free device while talking on a cellular telephone in a moving vehicle. Employees must use a hands-free device or stop the vehicle until the call is completed. Texting while driving is prohibited.

For more information on cell phone usage, refer to the assigned client's policy.

### **Communication**

Each employee is expected to work in a cooperative manner with supervision, co-workers, clients, and vendors. CTS is committed to keeping employees informed of CTS news, policies, events and developments within the organization. To do this, several methods are used, including phone calls, text messages, e-mails, and letters. It is the employee's responsibility to regularly review CTS materials and communications, which includes but is not limited to topics such as regulatory information, upcoming events, employee programs, general announcements.

### **Open Door Policy**

The achievement of individual and CTS goals depends on its right to speak frequently and openly with management. CTS asks that employees directly express their concerns through the Vice President of Human Resources so that CTS can evaluate and resolve issues quickly, in a manner which enhances mutual respect and understanding. CTS will continue to listen and to do its' best to provide a healthy, productive and amicable work environment.

### **Disciplinary Policy**

To function effectively, every organization must develop policies and procedures to ensure that employees' and CTS's rights are respected. CTS is no exception. Violation of CTS or assigned client policies and procedures or engaging in unethical or unlawful conduct in the course of doing CTS or client business may lead to disciplinary action, which, based on the circumstances of the individual case, could result in corrective action up to and including termination. This policy is designed to correct performance issues and to give the employee an opportunity to improve. Disciplinary steps may include a verbal warning, written warning, final warning, unpaid suspension, and the termination of employment, but CTS reserves the right to accelerate or repeat these steps based on the individual circumstance of any situation.

This list is not meant to be all-inclusive, but provides some examples of conduct which could result in disciplinary action:



- Failure to be courteous to all clients and co-workers or failure to maintain themselves in a dignified and professional manner while conducting CTS business.
- Possessing, using, selling or reporting to work under the influence of alcohol, drugs or other controlled substances.
- Stealing of CTS property or the property of another employee.
- Willful defacing or damaging of CTS property.
- Falsifying CTS records.
- Refusing to follow the orders of a supervisor or otherwise being insubordinate.
- Failing to accurately complete time sheets.
- Acting in an incompetent or irresponsible manner.
- Exhibiting carelessness, poor workmanship or poor productivity.
- Failing to use safety devices or willfully disregarding normal safety practices.
- Failing to follow cell phone and personal device policies and procedures.
- Violating meal and rest period rules.
- A pattern of unexcused absences or excessive tardiness that violates CTS or client policy or is otherwise deemed inappropriate by CTS.
- Any other conduct in violation of a CTS rule or policy or which is deemed unacceptable by CTS.

Nothing in this policy alters the at-will employment relationship. CTS may consider an employee's job performance, prior violation of work rules, and other relevant circumstances in determining whether to counsel, warn, suspend or terminate an employee. It is up to the employee's supervisor at the assigned client and CTS's management to decide the appropriate corrective action.

### **Dress Code**

All employees of CTS have a direct impact on CTS and its image. In general, employees should be neat and well-groomed, with appropriate attire for their work assignment.

Each client has its own dress code that employees must abide by. Certain work assignments may require an employee to wear steel-toed boots and personal protective equipment. Refer to the staffing agreement with each client or the client's provided policy for more information.

### **Drugs and Alcohol-Free Workplace Policy**

CTS has a longstanding commitment to provide a safe and productive work environment. Alcohol and drug abuse pose a threat to the health and safety of employees, and to the security of our equipment and facilities. For these reasons, CTS is committed to the elimination of drug and/or alcohol use and abuse in the workplace. This policy outlines the practice and procedure designed to correct instances of identified alcohol and/or drug use in the workplace. This policy applies to all employees and all applicants for employment of CTS.

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

## **Work Rules**

The following work rules apply to all employees:

- Whenever employees are on duty, operating any CTS vehicle, present on CTS premises, or conducting related work off-site, they are prohibited from:
  - Using, consuming, possessing, transferring, buying, selling, manufacturing or dispensing an illegal drug or paraphernalia.
  - Being under the influence of alcohol or an illegal drug as defined in this policy.
- The presence of any detectable amount of any illegal drug or illegal controlled substance in an employee's body while performing CTS related business or while on CTS or client property (including vehicles) is prohibited.
- CTS will not allow any employee to perform work duties while taking prescribed drugs that may adversely affect the employee's ability to safely and effectively perform their job duties. Employees taking a prescribed medication must carry it in the container labeled by a licensed pharmacist and be prepared to produce it if asked. Prescription drugs must be used only in the manner, combination and quantity prescribed. No prescription drug may be brought or consumed on CTS property or client property by any person other than the one for whom it is prescribed.
- CTS reserves the right to immediately discharge an employee whose performance or conduct warrants discharge.

Such violations may also have legal consequences. Any illegal drugs or drug paraphernalia will be turned over to an appropriate law enforcement agency and may result in criminal prosecution.

## **Required Testing**

CTS retains the right to require the following tests:

- **Post Offer:** Employees are subject to testing and are required to have an acceptable result prior to commencement of employment.
- **Specific Job Requirements or Contract Requirements:** Specified applicants and/or current employees must pass a drug test before beginning work or receiving an offer of employment. In some cases, client contracts will specify that drug testing is required, which may result in the testing of a current employee. Refusal to submit to testing will result in disqualification of further employment consideration.
- **Reasonable suspicion:** Employees are subject to testing based on observations by a supervisor of apparent workplace use, possession or impairment.
- **Post-accident:** Employees are subject to testing when they cause or contribute to accidents that damage a CTS or client vehicle, machinery, equipment or property and/or result in an injury to themselves or another employee requiring off-site medical attention, where impairment could have contributed to the accident or injury. In any of these instances, the investigation and subsequent testing must take place within two (2) hours following the accident, if not sooner.
- **Follow-up:** Employees who have tested positive, or otherwise violated this policy, may be subject to periodic follow-up tests at the discretion of CTS.



An employee who refuses to submit to a drug/alcohol test may be terminated from employment.

### ***CTS's Right to Inspect***

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

### ***Suspension or Revocation of Driver's License Due to Drug-Related Arrest or Conviction***

Employees who are required to drive a CTS vehicle, client vehicle, or their own personal vehicle in the course of their employment with CTS, whose driving privileges are revoked or suspended for any period of time due to an arrest or conviction for a drug- or alcohol-related offense, such as a DUI, must inform the Vice President of Human Resources and the assigned client immediately upon the revocation or suspension of their driver's license.

Questions about this policy should be directed to the Vice President of Human Resources.

### ***Electronic Systems Policy***

Company property, including (but not limited to) computers, phones, internet, intranet, electronic mail, and voice mail, should be used only for conducting CTS business. The systems may not be used for personal business.

The electronic communication systems' hardware and software are CTS property. Additionally, all electronic communication messages composed, sent or received on the electronic communication systems are and remain the property of the CTS. They are not the private property of any employee.

Access to internet sites must be limited to business use only. CTS reserves the right to block access to certain internet web sites and monitor its employees' use of internet locations.

Employees may not, through use of electronic communication systems, solicit for unauthorized commercial, religious or political organizations or other non-job-related solicitations.

### ***Emergency Closures***

Employees should make every effort to report to work for their scheduled workday.

In the event that a driving/travel ban is instituted in the city where their facility is located, a client may need to close and employees will not be required to report to work. In such an instance, the client will notify either CTS or the employees individually of the closing. In the event that a driving/travel ban is instituted in the municipality in which employees live, (if employees do not live in the city where the facility is located) employees are required to notify their client and CTS of the situation.

Employees will be notified if the assigned client is closed for any reasons other than a driving/travel ban. Employees will not be paid for missed shifts due to emergency closures.

## Expense Reimbursement

CTS will reimburse employees for CTS-related business expenses paid by the employee. In order for such expenses to qualify for reimbursement, the expenses must be business related, reasonable and customary, and signed off by a member of CTS management. Any expenses to be reimbursed should provide as much detail as needed to show business relation and should be accompanied by a receipt. Where possible, the expenditure should be approved by a member of management in advance.

## Introductory Period

A client may have an introductory period, as determined by the assigned client, during which the employee's progress on the job will be reviewed. Employees and CTS may end the employment relationship at any time and for any reason during and after this period, and the assigned client may end the assignment with an employee at any time.

## Meal and Rest Periods

Employees working over six (6) hours in a given day are required to take a meal period. Specifics about meal and rest periods will be outlined in the staffing agreement between an employee and the assigned client.

## Media Contacts

Employees should not speak to the media on CTS's behalf without contacting the Vice President of Human Resources. All media inquiries should be directed to them.

## Outside Employment

Those employees considering taking on a second job are encouraged to notify the Vice President of Human Resources immediately to ensure the second job does not present a conflict of interest and will not interfere with the employee's position at CTS. At no time will an employee be permitted to engage in gainful employment while on leave of absence for any reason, without written permission being obtained from CTS prior to commencement of a leave.

Full-time employees are expected to treat their position at CTS as their primary employment. The employee must not perform outside employment work while on hours for CTS. CTS supplies and equipment (phones, email, postage, computer, etc.) should not be used for purposes pertaining to outside employment. Failure to adhere to this may result in discipline, up to and including termination.

Any outside employment that causes the employee to not get adequate sleep or rest will not be approved, due to the nature of CTS's business and that of its clients.

## Overtime

From time to time, it may be necessary for employees to work overtime in order to complete work assignments. The employee's supervisor must approve all overtime in advance of the overtime being worked for non-exempt employees.

Overtime compensation is paid to all non-exempt employees for hours worked over 40 hours in one workweek in accordance with federal and state wage and hour laws or any applicable prevailing wage required. Overtime may also apply to hours worked over eight (8) hours in one day, dependent on client's policy and any

applicable prevailing wage. The workweek begins at 12:00 a.m. on Sunday and ends at 11:59 p.m. the following Saturday. Overtime premium pay per hour for hours worked over forty (40) in one workweek or eight (8) hours in one day, is based on actual hours worked. For purposes of calculating overtime, the following hours do not count as hours worked: paid or unpaid meal periods, jury duty, holiday pay, PSL, any leave of absence.

## **Payroll Policies and Procedures**

### ***Employee Classifications***

CTS classifies employees for purposes of compensation administration and eligibility for overtime. Employees should speak with the Vice President of Human Resources to confirm their status. Benefit eligibility questions may be directed the Vice President of Human Resources.

**Regular, Full-Time Employee:** One who is regularly scheduled to work a minimum of forty (40) hours in a workweek.

**Regular, Part-Time Employee:** One who is regularly scheduled to work less than forty (40) hours in a workweek.

**Non-Exempt Employees:** Those employees who are entitled to overtime pay at the rate of time and one half their regular rate of pay for all hours worked beyond forty (40) in a workweek, in accordance with applicable wage and hour laws, are deemed to be nonexempt.

**Exempt Employees:** Those employees who are excluded from the overtime requirements of federal and state wage and hour law are deemed to be exempt. Exempt employees generally include salaried professional, executive and administrative employees. Certain computer programmer personnel and sales employees may also be exempt.

**Temporary Employees:** Those employees 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. Temporary employees are not eligible for employment benefits unless expressly stated.

CTS complies with federal and state wage and hour laws concerning the payment of wages and overtime. Employees will be advised of their employee classification at the time of hire, promotion, or transfer. A change in circumstances (e.g., greater number of hours worked) will not result in a change of status to a position with greater benefits unless the employee is specifically notified of such a status change in writing. Since all employees are hired for an unspecified duration, assignment to any of these classifications does not guarantee employment for any specific length of time. Regardless of classification, employment is at the mutual consent of employee and CTS. Accordingly, either the employee or CTS can terminate the employment relationship at will, at any time, with or without cause or notice.

### ***Hours & Work Schedules***

Regular business hours of operation are determined by each individual client. Hours worked and employee schedules are set by the client at the time of employment, but may be modified. On occasion, the client may require evening and weekend schedules. It is anticipated that employees will cooperate to the fullest extent

possible when called upon to flex their schedules. CTS does not guarantee a specific or minimum number of hours for any employees.

### ***Pay Schedule & Deductions***

Employees are paid weekly with payday on Friday. Pay can be distributed in the form of a pay card, direct deposit, or a physical check. In those months when the usual payday falls on a holiday, employees will be paid on the workday immediately preceding the usual payday.

Employees are encouraged to periodically review their pay stubs to make sure all relevant information (name, address, Social Security number, deductions, etc.) is correct. The Vice President of Human Resources should be notified immediately of any omissions, errors or discrepancies in pay.

### ***Direct Deposit and Deductions***

All employees may use direct deposit into checking, savings or multiple accounts. Employees may also choose to receive pay cards.

Federal and State laws require that certain deductions be made from each employee's paycheck. Among those are federal, state and local income taxes, and the employee's contribution to Social Security as required by law. The amounts of deductions depend on earnings and the information furnished on the W-4 forms regarding the number of dependents/exemptions claimed. Any other mandatory deductions, such as court ordered wage attachments or garnishments will be explained to the employee when CTS is ordered to make such deductions.

CTS is not responsible for and will not adjust an individual employee's tax status without an updated withholding certificate (W-4) being filed with the Vice President of Human Resources.

### ***Errors in Pay and Compliance with Wage and Hour Laws***

CTS intends to fully comply with all obligations regarding fair wages, minimum wage, overtime and other laws and regulations regarding payment to our employees under local, state, and federal laws. Non-exempt employees must record and report all hours worked. CTS prohibits clients and supervisors from asking, requiring or permitting non-exempt employees to perform work "off-the-clock." Additionally, CTS prohibits any improper deductions from the salaries of exempt employees. CTS wants employees to be aware of this policy and to immediately inform management if they are asked/required to work "off-the-clock," if they believe an improper deduction has been made from their pay or if they notice any other potential error with their paycheck. These reports should be made to the Vice President of Human Resources.

### ***Pay Advances***

CTS does not extend credit or provide payroll advances to employees.

### ***Timekeeping***

Federal and state laws require CTS to keep accurate records of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties. It is important for all employees to fill out their timesheets daily.

Each client has its own policy on timekeeping. Employees must abide by their client's policy. Clients submit employees' hours to CTS each week. In some cases, employees may have a timecard at CTS that must be signed by their supervisor.

Employees who are found to have over-reported hours worked and employees found to have under-reported hours worked will be subject to disciplinary action up to and including the termination of employment. Upon review and approval of the employee's supervisor, the weekly timesheet must be submitted into Payroll. The employee's supervisor must approve any overtime in advance of the overtime being worked.

## **Personnel Files and Changes in Personal Information**

Employee personnel files are strictly confidential, and will not be disclosed to individuals outside CTS unless authorized in writing by the employee or required by law or legal process. Personnel files are maintained by the Vice President of Human Resources.

### ***Access to Employee Files***

Upon written request to the Vice President of Human Resources, current employees of CTS may be permitted to review their personnel records at a time mutually convenient to the employee and the Vice President of Human Resources.

Access to employee personnel files is limited to the employee and supervisors only in the course of performing their normal job function.

Access to medical files, worker's compensation files, and immigration records will generally be limited to the Vice President of Human Resources. Under circumstances where there is a need to disclose information from these files to other employees or supervisors such access will be limited and will be granted only in accordance with applicable law.

### ***Changes in Personal Status***

When employees have a change in personal status or information, they should alert the Vice President of Human Resources. It is the employee's responsibility to keep their information up-to-date. The items that employees must keep updated include but are not limited to:

- Changes of Name, address, email address, phone number
- Addition or Deletion of Dependents or beneficiaries (may impact benefit enrollment)
- Change of W-4 & state tax forms
- Change of Emergency Contact Person and Telephone Number(s)
- Election to Change or Drop any other benefit program

## **Reference/Employment Verification**

All outside requests for information about current or former employees will be referred to the Vice President of Human Resources. Under no circumstances may any such information, including reference letters, be released except through the Vice President of Human Resources. Adherence to this policy is critical to protect CTS, the person to whom the inquiry is addressed, and the person on whose behalf the inquiry is being made.

## **Social Networking Policy and Public Representations**

Any and all communications over CTS electronic systems reflect CTS's public image. It is expected that employees will treat their co-workers with respect when sending e-mail messages or any other communications via CTS systems. The transmittal, retrieval or storage of information that is in any way, discriminatory, harassing, obscene, racial, sexual, religiously slurred, pornographic or X-rated, or combination of these, is strictly prohibited. This includes screen savers. In addition, electronic messaging will not be used to solicit for outside business ventures, personal parties, social meetings, charities, political causes or religious causes.

Always be fair and courteous to fellow employees, clients, members, suppliers, or people who work on behalf of CTS. Also, keep in mind that employees are more likely to resolve work-related complaints by speaking directly with their co-workers or by utilizing our Open-Door Policy than by posting complaints to a social media outlet. Nevertheless, if employees decide to post complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage clients, members, employees or suppliers, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or CTS policy.

Employees must always be honest and accurate when posting information or news, and if employees make a mistake, they must correct it quickly. Employees are asked to be open about any previous posts employees have altered. Remember that the Internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors that are known to be false about CTS, fellow employees, members, clients, suppliers, and people working on behalf of CTS or competitors.

### ***Post Only Appropriate and Respectful Content***

- Maintain the confidentiality of CTS trade secrets and private or confidential information. Trade secrets may include information regarding the development of systems, processes, products, know-how and technology. Do not post internal reports, policies, procedures or other internal business-related confidential communications.
- Do not create a link from their blog, website or other social networking site to a CTS website without identifying themselves as a Construction Trades Staffing employee.
- Express only their personal opinions. Never represent themselves as a spokesperson for CTS. If CTS is a subject of the content an employee is creating, be clear and open about the fact of the employment status and make it clear that their views do not represent those of CTS, fellow employees, members, clients, suppliers or people working on behalf of CTS. If employees do publish a blog or post online related to the work they do or subjects associated with CTS, make it clear that the employee is not speaking on behalf of CTS. It is best to include a disclaimer such as "The postings on this site are my own and do not necessarily reflect the views of Construction Trades Staffing."

## **Smoking and Use of Other Tobacco Products**

Each client has its own policy regarding smoking tobacco, use of other tobacco products, and vaping. Employees must abide by their client's policy and any applicable laws or regulations.



## Solicitation

CTS recognizes that employees may have interests in events and organizations outside the workplace. However, in an effort to assure a productive and harmonious work environment, CTS has established the following policy on solicitation.

Solicitation by one employee of another employee is permitted only during the non-working time of both the person doing the soliciting and the person being solicited. Distribution of advertising material, handbills, or other literature may occur only during non-working time and in non-working areas of the facility. Moreover, solicitation, distribution of literature or trespassing on CTS property by non-employees is prohibited at all times.

## Workplace Safety

CTS provides a safe and healthy workplace for all employees. CTS EXPECTS a workplace that is comfortable and secure for employees to be provided by all clients. It is important to follow procedures for safeguarding employees. Safety is everyone's responsibility. Supervisors are expected to train their employees on workplace safety procedures to ensure the safety of employees.

Employee safety responsibility guidelines include but are not limited to the following:

- Obeying all safety rules, including applicable OSHA standards.
- Following safe job procedures, including use of proper protective equipment, such as eye protection, shoes, etc.
- Keeping work areas clean and free from slipping or tripping hazards.
- Not performing a task which is unsafe.
- Using care when lifting and carrying objects.
- Knowing emergency procedures.
- Immediately reporting every accident and injury to a supervisor.

*FOR ADDITIONAL INFORMATION ABOUT SAFETY, PLEASE REFER TO THE ASSIGNED CLIENT'S SAFETY POLICIES*

# PERFORMANCE MANAGEMENT

## Promotion and Transfer

### Promotion

A promotion is an advance in position or job classification and may or may not be accompanied by an increase in compensation.

### Transfer

New assignments may be made at any time, at the discretion of CTS.

## **LEAVES OF ABSENCE AND TIME OFF**

### **Leaves of Absence**

In qualifying circumstances, employees may be eligible for job-protected leaves of absences. CTS approved leaves may be paid through benefits provided by the insurance carrier, or may be unpaid. In circumstances where any portion of a leave of absence is completely unpaid (for example, the seven-day disability leave waiting period), employees may be required to apply accrued PSL. In circumstances where employees receive a paid benefit from an insurance carrier equal to a portion of their regular compensation, employees may choose to subsidize their paid leave benefit with their accrued paid time off, up to 100% of their normal salary. This should be arranged with the Vice President of Human Resources prior to the commencement for leave.

In any cases where any portion of a leave of absence is completely unpaid, and/or an employee is not subsidizing their leave with accrued paid time off, employees will not be eligible to accrue additional time off for this period.

Employees continue to be responsible for the payment of all benefits premiums during a leave of absence in order to maintain benefit coverage. Employees may choose to have these premiums deducted from any CTS-paid portions of their leaves where paid time off is being applied, or may arrange to make payments by check directly to CTS, or may make arrangements for additional deductions to make “catch up” payments upon return to work. Decisions and arrangements regarding payment of benefits premiums should be made with the Vice President of Human Resources prior to the commencement of the leave.

### ***Blood Donation Leave***

In compliance with New York State law, CTS will provide regular staff with three hours of unpaid leave in any twelve-month period for the purposes of donating blood. Leave time must be requested in advance and upon returning to work, CTS will require the employee to provide a written note of attendance from the blood donation facility.

### ***Bone Marrow and Organ Donation Leave***

Any employee of New York State shall be allowed up to seven (7) days unpaid leave to undergo a medical procedure to donate bone marrow and up to thirty (30) days paid leave to serve as an organ donor, provided, however, that the employee shall provide CTS with not less than fourteen (14) days prior written notice of an intention to utilize such leave, unless there exists a medical emergency, attested to by a physician, which would require the employee to participate in the medical procedure or organ donation for which the leave is sought within the fourteen (14) day notification period. Such leave shall be in addition to any other sick or annual leave allowed. CTS may require verification by a physician for the purpose and length of each leave requested by the employee to donate bone marrow.

### ***Disability Insurance & Leave***

An employee who has a disability-related illness or off- the- job injury, or is unable to report for work, as determined by a physician, may be eligible to receive disability compensation, provided the employee meets the minimum requirements for eligibility. In New York State, after seven (7) calendar days of absence, the



employee may be eligible for a New York State Disability income benefit calculated as a percentage of compensation up to a weekly maximum, as specified by law, for up to 26 weeks.

### ***Military Leave***

An employee who is a member of the military and who is called for a training tour or active duty will be given a military leave of absence in compliance with state and federal laws. Documentation must be submitted to the Vice President of Human Resources verifying the military duty.

### ***Military Spouse Leave***

Employees who work a minimum of twenty (20) hours per week and are a spouse of an active duty military, National Guard or Reserve person are eligible for up to ten (10) days of unpaid leave while the military spouse, deployed during a period of military conflict to a combat theater or zone, is home on leave. Notice should be given as soon as possible.

### ***Nursing Mothers Leave***

CTS will provide reasonable unpaid break time each day to allow an employee to express breast milk for her nursing child. The break time should be no more than twenty (20) minutes and eligible employees shall generally be allowed such an unpaid break once every three hours if so requested. If employees are eligible, they are entitled to such breaks for up to three years following the birth of a child. CTS will make a reasonable effort to provide a room or other location where the employee can express breast milk in privacy.

### ***Paid Family Leave (PFL in New York State)***

Paid Family Leave entitles an eligible employee to a period of job-protected, paid leave to care for certain family members under some circumstances. At the conclusion of a leave of absence under the PFL, most employees will be restored to the position they held when the leave began or to an equivalent position with equivalent benefits, pay, and working conditions, provided the employee returns to work immediately following such leave.

*PLEASE SEE APPENDIX II FOR COMPLETE POLICY.*

### ***Victims of Domestic Violence Leave***

In compliance with New York State law, CTS will provide certain reasonable accommodations to employees who are victims of domestic violence or parents of children who are victims of domestic violence.

The reasonable accommodations required to be provided under the law are time off from work for a reasonable time for the following reasons:

- To seek medical attention for injuries caused by domestic violence (including for a child who is a victim of domestic violence, provided that the employee is not the perpetrator);
- To obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence;
- To obtain psychological counseling relating to domestic violence (including for a child who is a victim of domestic violence, provided that the employee is not the perpetrator);

- To participate in safety planning and to take other actions to increase safety from future incidents of domestic violence, including temporary or permanent relocation; or
- To obtain legal services in relation to domestic violence, to assist in the prosecution of a domestic violence offense, or to appear in court in relation to incidents of domestic violence.

Employees granted leave as a reasonable accommodation due to domestic violence may be required to use paid leave when available, and any absence that cannot be charged to paid leave may be treated as unpaid leave. Reasonable advance notice, when feasible, is requested if the employee plans to take leave as a reasonable accommodation due to status as a victim of domestic violence. If advance notice is not feasible, CTS can require an employee who takes leave as a reasonable accommodation to provide certification for the absence(s) in the form of:

- A police report indicating that the employee or their child was a victim of domestic violence;
- A court order protecting or separating the employee or their child from the perpetrator of domestic violence;
- Evidence from a court or prosecuting attorney that the employee appeared in court; or
- Documentation from a medical professional, domestic violence advocate, health care provider, or counselor that the employee or their child was undergoing treatment or counseling for physical or mental injuries resulting from domestic violence.

### ***Crime Victims and Witness Leave***

CTS will provide eligible employees with time off from work, without pay, for any of the following reasons: to comply with a subpoena to testify in a criminal proceeding (including time off to consult with the district attorney); to give a victim impact statement at a pre-sentencing proceeding; to give a statement at a sentencing proceeding; or to give a statement at a parole board hearing.

Employees are eligible for time off under this policy if they are the victim of the crime at issue in the proceedings; the victim's next of kin; the victim's representative if the victim is deceased as a result of the offense; a "Good Samaritan"; or pursuing an application or the enforcement of an order of protection as provided under relevant law.

For purpose of this policy good Samaritan means someone who acts in good faith to apprehend a person who has committed a crime in their presence, to prevent a crime or an attempted crime from occurring, or to aid a law enforcement officer in effecting an arrest. Victim's representative means a person who represents or stands in the place of another person, including but not limited to, an agent, attorney, guardian, conservator, executor, heir, or parent of a minor.

If employees are required to attend a criminal proceeding either as a witness or as a crime victim (or a close family member of a crime victim), they must notify the Vice President of Human Resources as soon as possible and at least one day before taking leave to make scheduling arrangements. CTS reserves the right to require employees to provide proof of the need to attend the criminal proceedings to the extent authorized by law.

CTS will not retaliate against employees who request or take leave in accordance with this policy.

### ***Voting Leave***

Employees who do not have sufficient time outside of their scheduled working hours are eligible for up to two (2) hours of paid time off in order to vote in public elections. Any additional time off will be without pay. Employees are required to notify their supervisor and the Vice President of Human Resources of the need for voting leave a minimum of two (2) working days in advance in order to be eligible for paid time off to take the leave. Employees may also be asked to provide proof of voting registration before the leave is approved. Finally, upon approval of leave, CTS may designate at what time during an employee's shift the leave may be taken, (first two (2) hours of the schedule, or last two (2) hours of the schedule), in cases where one option may be more disruptive to the business.

*Note: Employees will be considered to have sufficient time to vote outside of their scheduled work hours if they have four consecutive hours between the polls opening and the beginning of their work shift, or four consecutive hours between the end of their shift and the polls closing.*

### ***Workers' Compensation Insurance and Leave***

An employee who is injured on the job must report the accident/injury to their supervisor as soon as possible after becoming aware of it. If medical attention is required, the supervisor will arrange transportation to a clinic or hospital. The Vice President of Human Resources should also be alerted to the situation.

Should the severity of the injury require time off from work, as determined by an attending physician, Workers' Compensation provides the employee with an income benefit once the employee meets the guidelines of the plan. Payment is based on the current New York State compensation rate.

In the event of absence due to a work-related injury, it is the responsibility of the employee to notify their supervisor and the Vice President of Human Resources, on a regular basis, of their return-to-work status. CTS will make every effort to return the employee to their position or to a position of equivalent status.

CTS will pay the employee while seeking medical treatment during the day of the accident. For any further medical or therapeutic attention, CTS will permit the employee the time off required using their paid leave hours or no pay, and the employee will be entitled to any payments or benefits under applicable law.

## **TIME OFF**

### ***Holidays***

Each client has its own holiday policy and schedule. Employees must abide by their assigned client's policy.

### ***Jury Duty***

A jury fee of \$40 or the employee's wage (whichever is lower) must be paid for the first three days of jury service for all New York State Courts and for Town and Village Courts. If the juror's daily wage is less than the jury fee, then the State makes up the difference in lost wages. If the juror's daily wage is more than the jury fee, the employer is not obligated to pay the difference to the employee above the \$40 daily jury fee. After three (3) days of service, the employee may choose to use paid time off or take the time unpaid for days of service not covered by the \$40 jury fee.

Jurors are not paid for travel nor are meals or lodging provided, except in the rare trial where a jury is sequestered overnight.

Upon receipt of the notice to serve jury duty, the employee should immediately notify their manager and provide a copy of the notice. Employees are expected to report to work whenever the court schedule permits. As available, CTS may change their hours to accommodate their ability to serve.

Upon the employee's return, they must submit a signed Certificate of Jury Service indicating the number of days served.

### ***New York Paid Sick Leave***

CTS employees are eligible to receive paid sick leave (PSL) to use for personal time off needs, specifically related to their own personal illness or other qualifying situation, or that of a family member.

All employees are eligible to receive up to 40 hours of paid sick leave in a 12-month calendar year. Employees will accrue .034 hours of PSL for each hour worked, up to their maximum annual accrual of 40 hours, beginning on the first day of employment. Employees may rollover PSL into the next calendar year however, CTS will only permit employees to use forty (40) hours annually.

PSL is paid at the employee's straight time rate and one day is valued at the number of hours in the employee's shift. Paid sick leave will not be accrued while an employee is on leave. Paid sick time off does not count toward hours worked and/or overtime.

For foreseen permitted circumstances, paid sick leave requests should be made in writing at least one week in advance, or as timely as practical. These requests should be made through the employee's supervisor and the Vice President of Human Resources. PSL can be used in one (1) hour increments.

CTS may request documentation to substantiate the need for PSL. Note, for absences which qualify under the New York State Paid Sick Leave law, CTS cannot require that employees or a health care or service provider disclose personal health information or the details of the matter for which an employee requests or takes the absence. Additionally, any information that is obtained by CTS related to these qualifying absences will be kept confidential unless the employee consents to disclosure of this information to others in writing, or disclosure is required by law.

Employees may not borrow against paid sick leave time that has not yet been earned. Upon separation from CTS any accrued, unused PSL is forfeited.

*PLEASE SEE APPENDIX III FOR COMPLETE POLICY.*

## **WORKPLACE SAFETY**

### ***Animals on CTS Property***

Pets are not permitted on CTS or client property, except for service animals.

## **Hazardous Waste Policy**

CTS subscribes without exception to the laws of New York and the United States with respect to the purchase, storage, handling and disposal of all hazardous materials, and expects the same from its clients. In the event a question arises regarding the purchase, storage, handling or disposal of these materials, employees are encouraged to contact their supervisor for assistance.

All hazardous materials are to be stored and handled in accordance with manufacturer's specifications. Where necessary, fume hoods, safety gear and other precautions must be employed.

## **Parking**

Each client has its own parking policy. Employees must abide by their client's policy

## **Safeguarding Personal, CTS, and Client Property**

To provide for security of personal belongings, CTS property, and Client property, each person is asked to take responsibility for their possessions. Rooms, windows, and vehicles should be locked when left unattended and at the close of the workday. It is recommended that personal possessions be in a secure place and out of sight. CTS is not responsible for lost or stolen personal property. Incidences of stolen property should be reported immediately to the supervisor and Vice President of Human Resources.

## **LEAVING CTS**

Termination can be either voluntary (resignation) or involuntary. Since employment with CTS is based on mutual consent, both the employee and CTS have the right to terminate employment at-will, with or without cause.

When an employee intends to terminate their employment with CTS, they should give at least two (2) weeks' written notice. Any employees separated from employment must be mindful of and comply with CTS's confidentiality requirements. Payment of a final check will be paid in accordance with applicable state laws. Employees should contact the Vice President of Human Resources should they have any questions.

If an employee has health coverage through CTS, that coverage will be continued based upon the language in the plan documents. Employees will be notified of the opportunity to continue that health care coverage at the employee's expense through COBRA-equivalent per New York State Law.

## **Exit Interview**

All employees leaving CTS may be scheduled for an exit interview. Employees are encouraged to share their views on their work experience and make suggestions on how to make CTS a better place to work.

## **Sick Time Upon Termination**

Upon termination from CTS, any unused PSL will be forfeited.

## **Return of Property**

Employees leaving CTS must return items issued to them by CTS or a client, or in their possession or control, including the following but not limited to:

- CTS or client owned or leased vehicles.
- Computers and/or related equipment.
- Cell phones, GPS.
- Office and equipment keys.
- Parking pass.
- CTS or client-issued credit cards.
- CTS or client manuals and written materials, including Employee Handbook.

CTS reserves the right to seek legal recourse when an employee does not return CTS property.

## A FEW CLOSING WORDS

This Handbook is intended to give employees a broad summary of things to know about CTS. The information in this Handbook is general in nature and, should questions arise, the Vice President of Human Resources should be consulted for complete details. While CTS intends to continue the policies, rules and benefits described in this Handbook, CTS may always modify the matters set forth in this Handbook at its discretion. CTS will endeavor to give employees notice of these changes. Employees should not hesitate to speak to their supervisor or the Vice President of Human Resources with any questions they may have. Again, thank you for your contributions to our team!

## Appendix I - Sexual Harassment Policy

Construction Trades Staffing (CTS) is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of CTS's commitment to a discrimination-free work environment. Sexual harassment is against the law<sup>2</sup> and all employees have a legal right to a workplace free from sexual harassment and employees are urged to report sexual harassment by filing a complaint internally with CTS. Employees can also file a complaint with a government agency or in court under federal, state or local antidiscrimination laws.

- Construction Trades Staffing's policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with CTS. In the remainder of this document, the term "employees" refers to this collective group.
- Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action (e.g., counseling, suspension, termination).
- Retaliation Prohibition: No person covered by this Policy shall be subject to adverse action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. CTS will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of CTS who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. All employees, paid or unpaid interns, or non-employees<sup>3</sup> working in the workplace who believe they have been subject to such retaliation should inform a supervisor, or the Vice President of Human Resources. All employees, paid or unpaid interns or non-employees who believe they have been a target of such retaliation may also seek relief in other available forums, as explained below in the section on Legal Protections.
- Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject CTS to liability. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including supervisors who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.
- Construction Trades Staffing will conduct a prompt and thorough investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. CTS will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including supervisors, are required to cooperate with any internal investigation of sexual harassment.

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<sup>2</sup> While this policy specifically addresses sexual harassment, harassment because of and discrimination against persons of all protected classes is prohibited. In New York State, such classes include age, race, creed, color, national origin, sexual orientation, military status, sex, disability, marital status, domestic violence victim status, gender identity and criminal history.

<sup>3</sup> A non-[employee] is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Protected non-[employee]s include persons commonly referred to as independent contractors, "gig" workers and temporary workers. Also included are persons providing equipment repair, cleaning services or any other services provided pursuant to a contract with the employer.



- All employees are encouraged to report any harassment or behaviors that violate this policy. CTS will provide all employees a complaint form for employees to report harassment and file complaints.
- All levels of management are **required** to report any complaint that they receive, or any harassment that they observe or become aware of, to Vice President of Human Resources.
- This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. [This policy must be provided to all employees and should be posted prominently in all work locations to the extent practicable (for example, in a main office, not an offsite work location) and be provided to employees upon hiring.]

### **What Is “Sexual Harassment”?**

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

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

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

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

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

### ***Examples of Sexual Harassment***

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

- Physical acts of a sexual nature, such as:



- Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body;
- Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
  - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments;
  - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
  - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
  - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
  - Sabotaging an individual's work;
  - Bullying, yelling, name-calling.

### ***Who Can be a Target of Sexual Harassment?***

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

### ***Where Can Sexual Harassment Occur?***

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

### ***Retaliation***

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

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

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

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

### **Reporting Sexual Harassment**

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

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

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

### **Supervisory Responsibilities**

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

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

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

## Complaint and Investigation of Sexual Harassment

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

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

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

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

- Upon receipt of complaint, the Vice President of Human Resources will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. If complaint is verbal, encourage the individual to complete the "Complaint Form" in writing. If they refuse, prepare a Complaint Form based on the verbal reporting.
- If documents, emails or phone records are relevant to the investigation, take steps to obtain and preserve them.
- Request and review all relevant documents, including all electronic communications.
- Interview all parties involved, including any relevant witnesses;
- Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
  - A list of all documents reviewed, along with a detailed summary of relevant documents;
  - A list of names of those interviewed, along with a detailed summary of their statements;
  - A timeline of events;
  - A summary of prior relevant incidents, reported or unreported; and
  - The basis for the decision and final resolution of the complaint, together with any corrective action(s).
- Keep the written documentation and associated documents in a secure and confidential location.
- Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document
- Inform the individual who reported of the right to file a complaint or charge externally as outlined in the next section.

## Legal Protections and External Remedies

Sexual harassment is not only prohibited by Construction Trades Staffing but is also prohibited by state, federal, and, where applicable, local law.

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

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

### State Human Rights Law (HRL)

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

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

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

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

DHR will investigate their complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring their employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

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

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

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

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

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

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

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

## Local Protections

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

## Contact the Local Police Department

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

## Appendix II - Paid Family Leave (PFL)

Paid Family Leave entitles an eligible employee to a period of job-protected, paid leave to care for certain family members under some circumstances. At the conclusion of a leave of absence under the PFL, most employees will be restored to the position they held when the leave began or to an equivalent position with equivalent benefits, pay, and working conditions, provided the employee returns to work immediately following such leave.

### Eligibility

To be eligible for paid leave under PFL, an employee must meet the following requirements:

- Employees whose regular schedule is twenty (20) or more hours per week –
  - The employee must have worked for CTS for at least twenty-six (26) consecutive weeks immediately preceding the first day of PFL;
- Employees whose regular schedule is under twenty (20) hours per week –
  - The employee must have worked one hundred and seventy-five (175) days immediately preceding the first day of PFL; and

- The employee must work at or report to a worksite which has at least one (1) employee for thirty (30) or more calendar days.

### *Types and Length of Paid Leave*

Eligible employees may take leave in accordance with the chart below in any fifty-two (52) week period. The fifty-two (52) week period is computed retroactively, effectively the same “rolling twelve (12) month period” permitted by the FMLA.

- January 1, 2021 – 12 weeks of leave.

The maximum number of workweeks set forth above (defined by the employee’s normal workweek) of job-protected, paid leave in a twelve-month period will be provided under the following circumstances:

- To care for family member with a serious health condition.
  - “Family member” includes spouse, domestic partner, child, parent, grandparent, or grandchild.
    - A “parent” includes biological, foster, or adoptive parent, a parent-in-law, a stepparent, a legal guardian, or other person who stood in loco parentis to the employee when the employee was a child.
    - A “child” includes a biological, adopted, or foster son or daughter, a stepchild, a legal ward, a son or daughter of a domestic partner, or the person to whom the employee stands in loco parentis.
    - A “grandchild” means a “child” of the employee’s child.
  - Under the PFL, a “serious health condition” includes any 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.
      - Continuing treatment or continuing supervision means:
        - More than three (3) consecutive full days of inability to work, attend school, perform regular activities, or is otherwise incapacitated due to a condition, plus any subsequent treatment or period of incapacity that involves (a) treatment two or more times, or (b) treatment at least once that results in a regimen of continuing treatment under the supervision of a health care provider.
        - Any period of incapacity due to a chronic serious health condition that (a) requires periodic visits for treatment by a health care provider, (b) continues over an extended period of time (including recurring episodes of an underlying condition), and (c) may cause episodic rather than a continuing period of incapacity (e.g. asthmas, diabetes, epilepsy)
        - A long-term or permanent period of incapacity due to a condition for which treatment may not be effective (e.g. Alzheimer’s severe stroke, or terminal disease). The family member must be under the continuing supervision of, but need not be receiving active treatment by a health care provider.



- A period of incapacity due to the family member receiving treatment (including any period of recovery therefrom) by a health care provider for (a) restorative surgery, or (b) a condition that would likely result in more than three (3) full days of incapacity without treatment (e.g. cancer, severe arthritis, kidney disease).
- To bond with a child during the first twelve (12) months after the child's birth or placement for adoption or foster care or to meet adoption or foster care obligations.
- For any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation. Qualifying exigencies may include preparing for a "short notice deployment", attending certain military events, arranging for alternative childcare or transferring and enrolling children in a new school, addressing certain financial and legal arrangements, attending certain counseling sessions, spending time with a "covered military member" who is on short term, temporary rest and recuperation leave during a period of deployment (maximum of five days for each instance of rest and recuperation), and attending post deployment reintegration briefings.

### ***Leave for the Birth, Adoption or Foster Care Placement of a Child***

An employee may take family leave before the actual placement or adoption of a child if an absence from work is required for the placement for adoption or foster care to proceed. For example, the employee may be required to attend counseling sessions, appear in court, consult with their attorney or the doctor(s) representing the birth parent, submit to a physical examination, or travel to another country to complete an adoption. The sources of an adopted child (e.g. whether from a licensed placement agency or otherwise) is not a factor in determining eligibility for leave for this purpose.

An employee's entitlement to PFL for a birth expires at the end of the consecutive 52-week period beginning on the date of the birth.

An employee's entitlement to PFL for adoption or foster care expires at the earlier of (1) the end of the consecutive 52-week period beginning on the date of the placement; or (2) the end of the consecutive 52-week period beginning on the first day PFL is taken.

An eligible employee may opt to receive disability and PFL benefits during the post-partum period but may not receive both benefits at the same time.

### ***Notification Requirements***

If the need for leave is foreseeable, the employee must give notice, in writing, to the Vice President of Human Resources at least thirty (30) calendar days prior to the commencement date of the paid leave. The failure of an employee to give thirty days' notice of foreseeable leave with no reasonable excuse for the delay may result in their PFL benefits being partially denied for a period of up to thirty (30) days from the date notice was actually provided.

When the need for leave is unforeseeable, the employee must give CTS notice of the need for leave as soon as practicable.

When the need for leave is on an intermittent basis, CTS requires the employee to provide notice as soon as practicable before each day of intermittent leave.

### ***Medical Certification***

If the employee is taking leave to care for a family member, they must provide a medical certification form from a health care provider. The certification must include:

- The health provider's name, address, phone number, email address, license number, state of licensure, and specialization;
- The date on which the serious health condition commenced and its probable duration;
- Certification regarding the serious health condition sufficient to support the need for leave; and
- Estimation of the frequency and duration of the leave required to care for the family member, including whether the need for care is continuing or on an intermittent basis.

If the employee is taking leave to bond with a child within twelve (12) months of the child's birth, the request must be supported by documentation, such as the birth certificate. For employees taking leave to bond with a newly placed child, supporting documentation such as court documents would be required.

If the need for leave is due to military exigencies, employees must submit certification with a description of the facts regarding the exigency, the date of the exigency commenced or will commence, and additional information.

### ***PFL -1 Claim Form***

In order to receive their PFL benefits, employees must complete a claim form (Form PFL-1) and file it with the carrier. Claim forms can be obtained from the Human Resource Department. Part of the form will need to be completed by the employee and the employer.

### ***Benefits During Leave***

CTS will maintain coverage under any group health plan while the employee is on leave at the pre-leave benefit and premium contribution levels. During an employee's leave, they will be required to remit monthly their portion of the premiums for group health coverage. Payment arrangements and due dates will be determined upon leave approval.

An employee may opt to use their PTO while out on PFL to receive their full salary. If the employee chooses to do this, CTS will request reimbursement for the PFL amount from the PFL carrier.

### ***Benefit Amount***

Employees taking PFL are eligible to receive their benefit amount beginning on the first day of leave. There is no waiting period. Pay for PFL will be phased in as follows:

- January 1, 2021 – 67% of the employee's AWW, up to 67% of the NYS AWW.



### ***Use of Accrued Paid Leave Credits***

Employees may elect to charge all or part of their PFL to unused accruals of vacation, personal, sick leave or other paid time off so that they may receive full pay during the PFL. This substitution of fully paid leave for partially paid PFL leave does not extend the amount of PFL available to the employee.

Where the employee is required to, or elects to substitute paid time off to receive full pay during PFL leave CTS will seek reimbursement from the carrier out of any family leave benefits due prior to the carrier's payment of such family leave benefit.

### ***Accrual of Paid Leave Credits***

employees who are utilizing accruals of vacation, personal, sick other paid time off to receive full pay during a PFL will continue to accrue vacation, personal, sick leave, and other paid time off during the period of fully paid leave. They will also receive holiday pay for any holidays that occur during the portion of the leave that is fully paid (i.e. employee is substituting paid time off to receive full pay). After the employee exhausts all vacation, personal or sick leave or other paid time off available to him/her, for the remainder of the PFL the employee will only receive PFL benefits and will not accrue any vacation, personal, or sick leave or other paid time off, and will not receive any holiday pay for holidays that occur during that portion of the leave.

### ***Employment Restrictions During Leave of Absence***

While on an approved PFL, the employee may not be employed by another employer during the same hours that the employee was normally scheduled to work for CTS.

### ***Reinstatement Rights***

On returning from leave under PLF, eligible employees are entitled to be reinstated to their former position or an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

### ***Paid Family Leave (PFL) & Family Medical Leave Act (FMLA)***

In situations where a leave qualifies for both PFL and FMLA leave, CTS will designate the leave as both PFL and FMLA and will require the PFL and FMLA to run concurrently.

Employees will be required to comply with the application and certification process for both PFL and FMLA and CTS will designate the leave as FMLA and inform the employee that their may be eligible for PFL benefits.

If CTS designates a period of leave to be covered by the FMLA for a reason that is also covered by PFL and informs the employee of their eligibility for PFL benefits and the employee declines to apply for payment of PFL benefits, CTS will count the leave against the employee's maximum duration of PFL in a 52-week period.

For instances where FMLA time is used intermittently, and taken in less than full day increments, when the number of hours used reaches an employee's usual work day, CTS will deduct one day of PFL from the employee's annual available PFL total.

### ***New York State Short Term Disability Benefits and PFL***

An employee who is eligible for both New York State statutory short-term disability benefits and PFL during the same period of 52 consecutive calendar weeks shall not receive more than 26 total weeks of disability and PFL benefits combined during that period of time. No employee shall receive more than the statutory maximum duration of PFL benefits in any 52 consecutive calendar week period.

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

In accordance with state law, PFL benefits are funded through payroll deductions at a prescribed amount from each eligible employee. Employees who are ineligible PFL will be given the option of filing a waiver of benefits, exempting them from payroll deductions, as permitted by law.

## **Appendix III - New York State Sick Leave**

**Important:** Accrual begins September 30, 2020 and use begins on January 1, 2021.

According to N.Y. Labor Code § 196-b, every employer must provide its employees with sick leave as follows:

- Employers with four or fewer employees in any calendar year must provide at least 40 hours of unpaid sick leave to each employee per calendar year. However, if these employers have a net income of greater than one million dollars (in the previous tax year) then the 40 hours of leave must be paid;
- Employers with between five to 99 employees in any calendar year must provide at least 40 hours of paid sick leave to each employee per calendar year; and
- Employers with 100 or more employees in any calendar year must provide at least 56 hours of paid sick leave to each employee per calendar year.

### ***Permitted Purposes***

On January 1, 2021, upon the verbal or written request of an employee, an employer must provide accrued sick leave for the following permitted purposes:

- Employee's or family member's mental or physical illness, injury, or health condition, regardless of whether there has been a diagnosis or medical care is required when the employee request leave;
- Employee's or family member's diagnosis, care, or treatment of a mental or physical illness, injury or health condition, in addition to the need for medical diagnosis or preventive care; or
- When the employee or a family member is a victim of domestic violence (including a family offense, sexual offense, stalking, or human trafficking) and the employee needs leave to:
  - Obtain services from a domestic violence shelter, rape crisis center, or other services program;
  - Participate in safety planning, relocate, or other actions to increase their, or family members, safety;

- Meet with an attorney, or other social services provider, to obtain information and advice on, and prepare for or participate in any criminal or civil proceeding;
- File a complaint or domestic incident report with law enforcement;
- Meet with a district attorney's office;
- Enroll children in a new school; or
- Any other actions necessary to ensure their, or a family member's, health or safety or to protect those who associate or work with the employee.

The definition of "family member" includes an employee's child, spouse, domestic partner, parent, sibling, grandchild, grandparent, or child or parent of an employee's spouse or domestic partner. "Parent" is defined as a biological, foster, step- or adoptive parent, or a legal guardian, of an employee, or a person who stood in loco parentis when the employee was a minor child. "Child" is defined as a biological, adopted or foster child; a legal ward; or a child of an employee standing in loco parentis.

**Note:** If the employee committed the domestic violence crime, then they are not entitled to leave.

### ***Confidentiality***

CTS may not require the disclosure of confidential information relating to a mental or physical illness, injury, or health condition of such employee or such employee's family member, or information relating to absence from work due to domestic violence, a sexual offense, stalking, or human trafficking, as a condition of providing sick leave.

### ***Leave Statement***

Upon an employee's verbal or written request, CTS will provide a summary of the sick leave amounts they accrued and used in the current calendar year and/or any previous calendar year. CTS will provide this information to the employee within three business days of their request.

### ***Pre-existing Leave***

CTS is not required to provide any additional sick leave if there is a preexisting a sick leave policy or time off policy that provides employees with an amount of leave which meets or exceeds legal requirements and also satisfies accrual, carryover, and use requirements.

### ***Right to Reinstatement***

Employees must be restored to the position they held prior to taking sick leave (with the same pay, terms, and conditions of employment) upon return from sick leave.

CTS is prohibited from discharging, threatening, penalizing, or in any other manner discriminating or retaliating against an employee because the employee has requested or used sick leave.

### ***Recordkeeping***

CTS must maintain records showing the amount of sick leave provided to each employee, for each week worked, along with the other standard payroll records.

## RECEIPT FOR EMPLOYEE HANDBOOK

I acknowledge that I have received a copy of the Construction Trades Staffing Employee Handbook. I agree to read it thoroughly, including the statements in the foreword describing the purpose and effect of the Handbook. I agree that if there is any policy or provision in the Handbook that I do not understand, I will seek clarification from the Vice President of Human Resources. I understand that CTS is an "at-will" employer, and as such, employment with CTS is not for a fixed term or definite period and may be terminated at the will of either party, with or without cause, and without prior notice.

I understand that this Handbook does not constitute a contract of employment and that no supervisor or other representative of CTS (except the President) has the authority to enter into any agreement for employment for any specified period of time, or to make any agreement contrary to the above. I understand that any such agreement must be in writing and signed by the President to be effective.

In addition, I understand that this Handbook states CTS's policies and practices in effect on the date of publication. I understand that nothing contained in the Handbook may be construed as creating a promise of future benefits or a binding contract with CTS for benefits or for any other purpose. I also understand that these policies and procedures are continually evaluated and may be amended, modified or terminated at any time, with or without advance notice to me.

Please sign and date this receipt and return it to the Vice President of Human Resources.

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

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

Print Name: \_\_\_\_\_