

HEROES. WORK. HERE.

# *Employee* HANDBOOK







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An illustration of a hand in a dark suit sleeve holding a red and white megaphone. The megaphone is angled towards the right, and a large, bright blue, irregular shape representing sound waves extends from its mouthpiece across the top half of the page. Two small blue lightning bolt icons are positioned near the top and bottom of the blue shape.

# WELCOME TO THE TEAM

We want to welcome you as a caregiver of **Broadway Home Care**. You are joining an agency whose principle goal is to assist our patients in the time of need. We are proud to say that our agency enjoys a fine reputation for the highest standards of care for our patient's. The elevated quality of our services is due in a great part to the concerned dedication of our caregivers. We believe that by working as a team, and maintaining strong communication amongst ourselves, is the reason for our success. We are pleased to have you join our family. We hope your experience working here will be a positive and rewarding one.

To help you become familiar with our agency, we have prepared this handbook. We believe that it is vital that you understand all of our policies and expectations and this handbook will familiarize you with the responsibilities of being a caregiver. This handbook is just a summation of our policies and is in no way meant to be a comprehensive description of every policy and procedure. Should you need clarification on anything, please contact your supervisor. If you have any questions, comments or suggestions, please do not hesitate to contact us.

Once again, welcome to  
**Broadway Home Care**  
**106 West Main Street, 2nd Fl**  
**Johnstown, NY 12095**

Office **518-762-1767**  
Fax **518-762-1768**

## WHAT IS HOME CARE?

Home Care are services to the disabled, chronically ill, or recovering person(s) providing for treatment and/or effective functioning in a home environment. Home care can assist in the provision of services to adults and children in danger of abuse or neglect. Home care is appropriate when a person needs assistance that cannot easily be effectively provided by family members or friends for a short or long period of time.

# OFFICE HOURS AND LOCATIONS

## MAIN OFFICE

**518-762-1767**

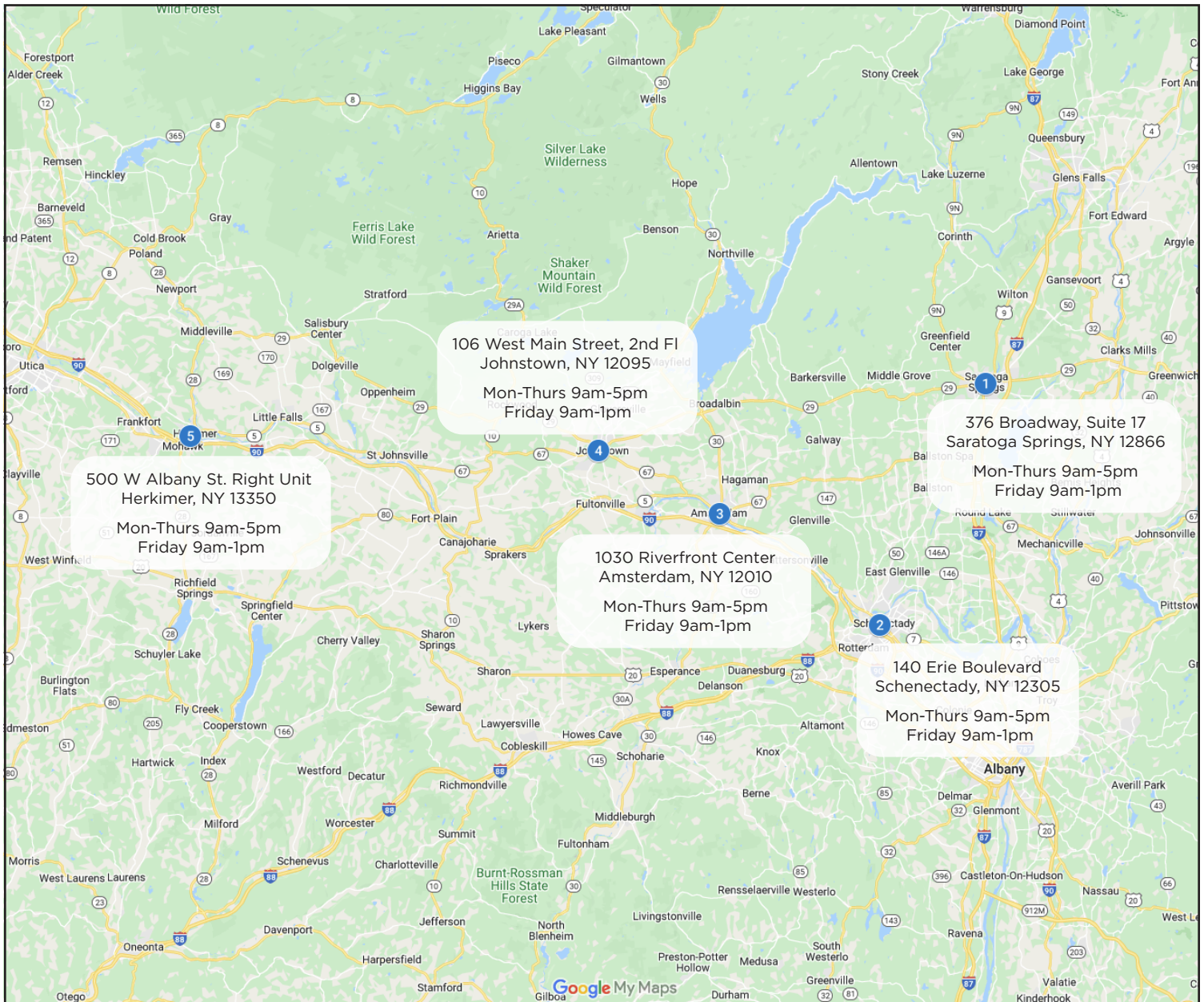
*DIAL "0" TO REACH AN OPERATOR 24/7*

106 West Main St, 2nd Fl  
Johnstown, NY 12095

Monday - Thursday  
9:00am-5:00pm

Friday  
9:00am-1:00pm

## RECRUITING OFFICES ONLY



# JOB ASSIGNMENTS

In accordance with Department of Health requirements, you are only qualified and authorized to accept a job assignment after attending and completing orientation.

All job assignments are made by the Agency Coordinator. In making case assignments, which are solely under our discretion, we take into account various factors, including, but not limited to:

- Special language requirements of a patient
- Contract entity and/or patient requests
- Broadway Home Care determines that a particular caregiver does not fit in with the patient's needs or attitudes
- Another caregiver is better qualified for the position, hours or geographic location
- Geographic location
- Other factors as Broadway Home Care deems appropriate for that assignment

Nonetheless, the Coordinator will make every effort to assign cases most suited to you with regards to your location, availability, and type of case or other stated preference. You are expected to be cooperative and be flexible in accepting assignments. If, however, you cannot accept a particular case, you should tell the Coordinator your reasons for declining the case so that future assignments will be more suitable for you.

Once you have accepted an assignment, we expect you to fulfill your obligation. Do not ask the patient to change her hours for your convenience. If this case does not work with your schedule, you must notify the Coordinator. She/he will then make any necessary changes, even if it means replacing you.



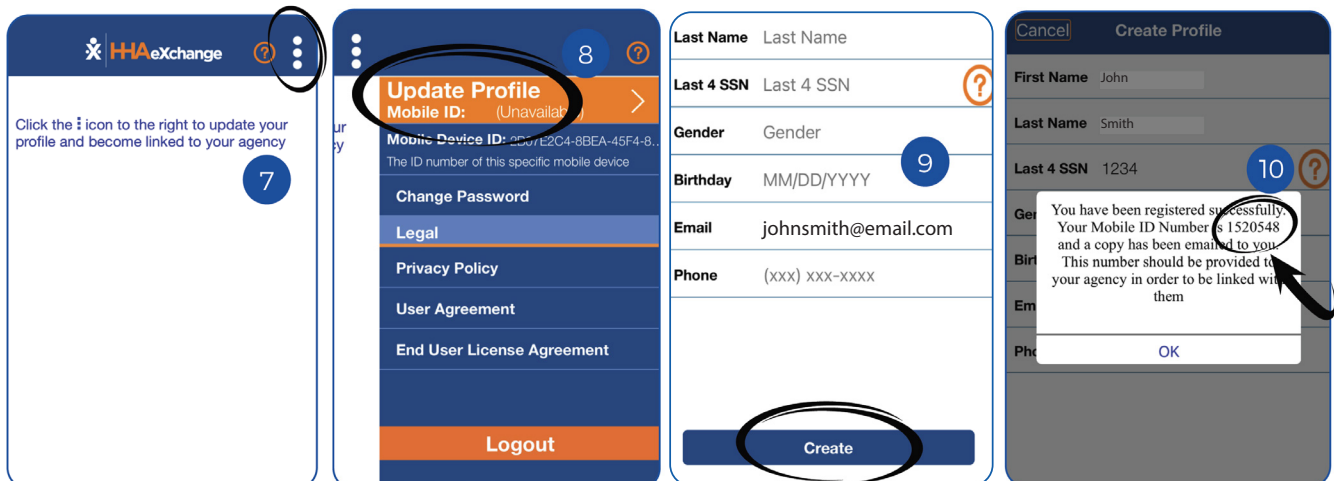
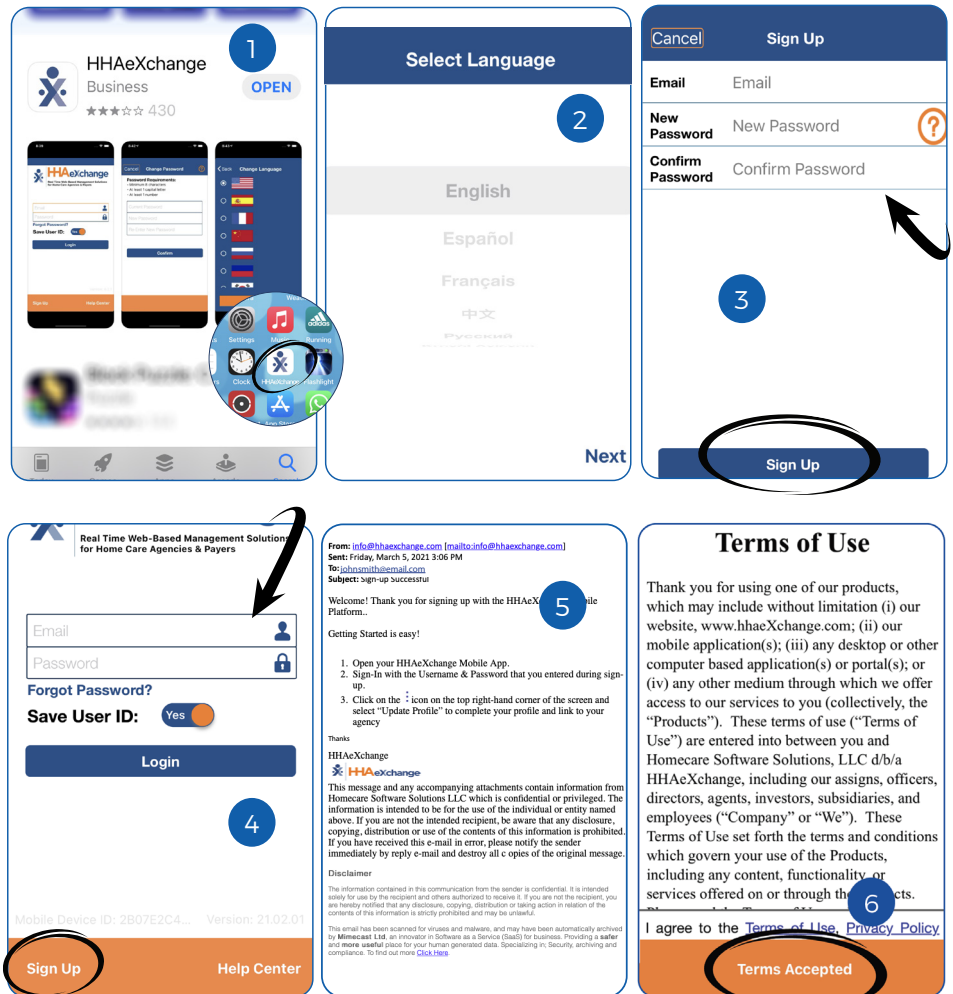
We now have a mobile app which is used to instantly broadcast many of our available cases. To sign up download the HHAexchange Mobile App available through the App store or Google Play.



# HHA EXCHANGE SETUP PROCESS

- 1 Download **HHAeXchange** App from app store and install. Make sure to **allow notifications** when asked
- 2 Select preferred **Language**
- 3 Click "**Sign Up**"
- 4 Enter personal **e-mail** and create **password** and then click "**Sign Up**"
- 5 Check your **e-mail** for confirmation and then log back into the app with the account you just created
- 6 Click "**Terms Accepted**" on Terms of Use
- 7 Click **3 dots** on the top right corner
- 8 Choose "**Update Profile**"
- 9 Fill in **ALL** fields accurately and click **Create**
- 10 **Record the Mobile ID** and give Mobile ID number to Agency trainer *(have them clear out the old code, if one was there previously)*  
Nurse updates Exchange.  
Caregiver: Log in again now and **you are all set!**

For **password resets**, click on "**forgot password**" to get a **TEMP** password sent to your personal e-mail account



# STARTING A NEW CASE

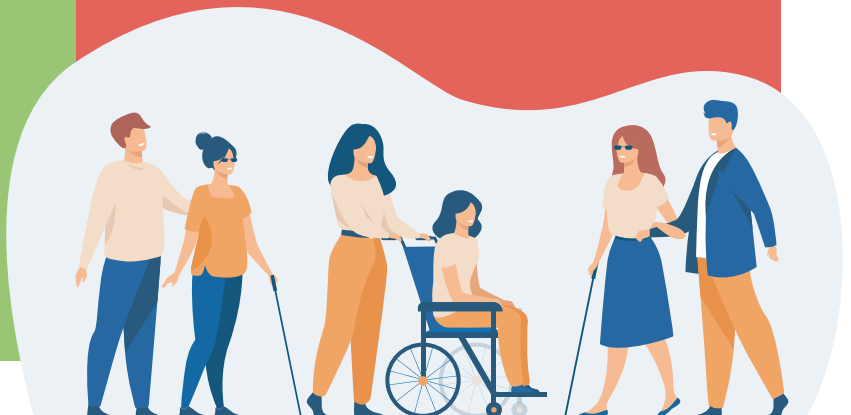
The Coordinator will contact you with all relevant information about the patient. This includes dates, times and location. She/he will give you as much information as the agency has on each patient. The Coordinator will also review the patients' plan of care with you.

## Do's

- ✓ Schedule changes through the designated Coordinator.
- ✓ Coordinate any work through the agency so we know when you are working and can pay you according. Unauthorized hours /visits will not be paid for.
- ✓ Contact your coordinator if your client is not home or you are turned away upon arrival. Another case will try to be given to you which you must accept.
- ✓ Bring your own meals to your clients home. Most clients have limited income so please be considerate and refuse their offerings.
- ✓ Be aware of different cultures and adhere to them i.e Kosher homes.
- ✓ Eat before or after your shift if you are working 6 or less hours.
- ✓ Call the Coordinator if you are working more than 6 hours so arrangements can be made for breaks/lunch/ dinner time.
- ✓ Clock out and have your timesheet signed BEFORE you leave the client's home.
- ✓ Contact your Coordinator if you need to leave the client's home for a personal emergency.
- ✓ Have your ID badge on you at all times.
- ✓ Dress appropriately according to office regulations.
- ✓ Stay professional at all times.
- ✓ Provide 2-week written notice along with a reasonable explanation if you wished to be removed from a case due to a difficult client.

## Don'ts

- ✗ Do not take it upon yourself to make changes without authorization (this can result in your removal from the case).
- ✗ Do not have an unauthorized individual cover your case. This will result in the case not being paid and your termination.
- ✗ Do not assume your client is not home if they do not answer the door. Call the coordinator and do not leave until you have been authorized to do so.
- ✗ Do not use your or any car to drive your client anywhere. This could result in you being personally sued.
- ✗ Do not leave the client's home if you are allotted breaktime. The break will need to be taken at the client's home.
- ✗ Do not leave the client's home until your shift is over, unless you are doing an errand for the client.
- ✗ Do not be in the client's home if the client is not present. If the client leaves his/her home you must contact your coordinator immediately and leave at the same time.



## CASE TYPES

### MUTUAL PATIENTS

A visit in which caregivers provide services to two patients at once.

### LINKED WITH

A visit in which caregivers provide services to two patients that are typically scheduled as back-to-back visits.

### LIVE-IN

A 24-hour visit in which the caregiver remains at the patient's residence overnight but where the caregiver works 13 hours (subject to some exceptions).

### HOURLY PATIENT

This is the common case, where a caregiver services a patient for a few hours and then leaves, without someone coming to relieve him/her.

### 24-HOUR CARE PATIENT

The patient receives 24 hours of care which is split into two 12-hour shifts. (Such a patient may never be left without a caregiver, EVEN if the family is present).



## PROBATIONARY PERIOD

All caregivers are considered probationary for the first 90 days of employment. During the probationary period, the Agency evaluates if you are able to perform your job competently. The probationary period also provides you with an opportunity to decide if you would like to become a regular caregiver with Broadway Home Care. Broadway Home Care may extend the probationary period should circumstances warrant it, in its sole discretion. Neither being in, nor completion of, the probationary period will change the “at-will” nature of your employment in any way.

## REPORTING AND RECORDING

As a caregiver, you will learn how to follow the patient's plan of care. The caregiver is typically the one that notices early changes in the patient's overall condition. The caregiver observes the baseline of what is normal for the patient. Any change in the patient's baseline must be reported immediately. Caregivers are expected to notify the agency of any changes—even if the patient/ family has already done so. Often, caregivers save patients' lives by timely detecting a change in condition that is then reported to the agency or if necessary 911. Timely reporting of any observed change in a patient's living condition/environment, behavior, nutritional intake, or health should be reported to your coordinator.

If the patient was taken to the Emergency room or was hospitalized, you must report this to your Coordinator immediately. You are not allowed or expected to go to the patient's home if you know they are not there. You can never work for a patient while he/she is hospitalized or in rehab or otherwise not home. Please be advised that attempting to report work time when you know that the patient was not home, and you were not required or expected to work for the patient is tantamount to Medicaid fraud and will be investigated. You may be immediately terminated if it is determined that you attempted to report work time for such situations.

**HEALTH CARE HEROES SAVE LIVES**

by noticing the *small changes* in their patients!



# GUIDELINES FOR LIVE-IN CASES

## CAREGIVER TO BE AWARE

- 1 Take your food, clothes, money (for transportation) and toiletries to last your schedule. (Pack your things in a clean luggage)
- 2 Shower daily and do not forget your deodorants. (Presentation is very important)
- 3 Change into your pajamas at night. (Pajamas is only for night time, not during the day)
- 4 Make sure you are appropriately dressed during work hours.
- 5 Do not talk too loud on the phone. Avoid chatting on the phone when your patient is awake.
- 6 Always address your patient and family members as Ms., Mrs., or Mr.
- 7 Do not eat your patient's food or use your patient's phone to make long distance calls.





# SCHEDULING

**All live in cases are priority one.** These patients must never be left alone even for 5 minutes, unless authorized by your supervisor. Even for errands and shopping, you must also call your coordinator for notification and approval.

**Be prepared to stay longer** than expected in case of an emergency.

Make sure to **write down dates and times of your patient's medical appointments**, that way they do not miss any appointments.



# NUTRITION



# SKIN CARE AND HYGIENE

If your patient uses  
diapers, make sure  
you change them  
frequently as needed.  
Apply a barrier cream  
to the unbroken skin  
as needed to prevent  
diaper rash.

You must check your  
patient's skin and  
report any sores,  
ulcers, bruises, cuts,  
swelling and black  
and blue marks.

Please bath or assist  
your patient in bathing  
or showering. If your  
patient refuses to  
shower or does not  
cooperate during  
showers, please call and  
inform your coordinator.

If your patient is  
chair or bed bound,  
you must turn and  
position your patient  
every 2-3 hours or as  
indicated in the plan  
of care to prevent skin  
break down.

Please change patient  
into pajamas for  
bedtime and change  
into day clothes  
during the day.



# HOUSEKEEPING



PLEASE SWEEP THE HOUSE DAILY,  
MOP AND VACUUM AS NEEDED.



CHANGE LINENS AT LEAST ONCE  
A WEEK, AND AS NEEDED.



KEEP BATHROOM, KITCHEN AND  
ALL LIVING AREAS TIDY AND  
CLEAN AT ALL TIMES.



LAUNDRY SHOULD BE DONE AS  
NEEDED BUT AT THE MINIMUM,  
DONE WEEKLY.



# ACTIVITIES

**If you need assistance  
with any of the following,  
please call your coordinator**

**...operating the hoier lift**

**... using the wheelchair**

**...transferring your patient:  
from the bed to the wheelchair  
from the bed to the commode  
from the wheelchair to the commode**



# CAREGIVERS CHANGE OVER

A decorative graphic in the top left corner consisting of several overlapping circles in shades of green, yellow, and orange.A decorative graphic in the bottom left corner consisting of several overlapping circles in shades of pink, purple, and blue.A decorative graphic in the bottom center consisting of several overlapping circles in shades of light green, yellow, and orange.A decorative graphic in the bottom right corner consisting of several overlapping circles in shades of light blue, green, and yellow.

**INTRODUCTION:** Say your name and show your ID badge.

**ROUTINE:** Review the patient's routine with the other caregiver at the case.

**POC (PLAN OF CARE):** Review the POC with the other caregiver and with the patient.

**MEALS:** Review the patient's preferred meal time and diet with the other caregiver.

**EQUIPMENT:** Review with the other caregiver how to use the patient's hoist lift, wheelchair, walker, etc.

**PERSONAL CARE:** Review with the other caregiver the showering/bathing and dressing routine; any specific preferences.

**FAMILY MEMBER'S INFORMATION:** As the other caregiver for family member's information, in case needed.

# PATIENTS RECEIVING 24 HOUR CARE



## Responsibility

A patient that receives 24-hours of care is considered a high priority patient. If you agree to accept a high priority patient, whether a live-in case or a 12-hour shift, please be aware that there is a higher level of responsibility associated with this case.

## Scheduling

- 1 It is crucial to show up **on time**, as you will be relieving the caregiver who is currently on the case.
- 2 Since a patient receiving 24-hours of care may **NEVER** be without a caregiver, the shift may be extended past the original scheduled end time. This means that in case of an emergency, you might be asked to stay at the patient's home longer than originally scheduled.
- 3 If you have prior commitments that will prevent you from being available to stay past the shift end time, the **coordinator** should be notified.
- 4 The agency must know who is with the patient at all times. **Communicate** any change in the schedule with the agency.

**You may not leave the patient's home before a relief caregiver arrives unless you obtain authorization from the agency.**

*LEAVING A 24-HOUR CARE PATIENT ALONE IS CONSIDERED "PATIENT ABANDONMENT."*

## Backup Plan

- «A» In the event that the relieving caregiver has not shown up:
- a) Contact the agency immediately.
  - b) You may be asked to extend your shift until coverage is found.  
➔ The agency will work on securing a replacement caregiver to relieve you.
  - c) If there is a specific time by which you cannot stay past, please make this clear when communicating with the agency.
  - d) You can leave the case as soon as the coordinator calls you back and gives you the authorization to leave.

**PLEASE NOTE:** Leaving the case prior to receiving authorization from the coordinator (even if you informed her that you need to leave) is considered "leaving a case without authorization/patient abandonment".

- «B» In the event of a true medical emergency that requires the caregiver on the case to leave immediately before the end of the shift:
- a) Call the agency or have someone call the agency immediately.
  - b) Clearly specify that this is a medical emergency that needs immediate response.

## Service

A patient who receives two (2) 12-hour shifts, requires care throughout. Even the caregiver doing the overnight may never sleep.

# WHILE WORKING WITH PATIENTS

## AIDS/HIV



New York State regulations forbid the release of confidential information. This includes AIDS/HIV related information. Only the appropriate designated person has the rights to such information and is not required to disclose such information. Therefore, you should always use universal precautions on every patient since you may not know whether the patient has AIDS.

## LOITERING/VISITING



Caregivers are required to leave the premises of the patient's home or facility upon completion of scheduled shift.

Never bring children, family, friends or pets to your patient's location. Under no circumstances should anybody visit you while you are working. This is a DOH violation and will result in termination.

## TIPPING, SOLICITING & GIFTS



Caregivers are forbidden to engage in unauthorized solicitations such as subscriptions, catalogs, fund-raisers, petitions, etc.

Caregivers are not to accept gifts, money, clothing, food, etc. This includes borrowing money from a patient's family. We also forbid the solicitation of money/gifts from fellow caregivers.

## ALCOHOL, DRUGS & SMOKING



To ensure a safe and productive work environment, the Agency prohibits the use, purchase, sale, possession, or transfer of any alcoholic beverage or nonmedically prescribed controlled drug while on agency property, patient property or scheduled working hours. Broadway Home Care has a zero-tolerance policy regarding alcohol, drugs, and smoking (including e-cigarettes / any vaping devices). Arriving to work under the influence of drugs and/or alcohol will result in immediate termination.

The Agency also prohibits caregivers from reporting for or being at work while under the influence of alcohol or drugs. Caregivers who are using a prescribed drug which might in any way affect job performance should report to the agency. The full drug and alcohol policy can be found at the end of this handbook. You are not allowed to smoke in the patient's home, even if they are a smoker.

*Please note: Employees may be directed to take a drug test if there is suspicion of being under the influence of any substance during work time or while using company property (e.g., operating a Company vehicle or computer). An employee will be escorted to a drug testing facility and expect it to complete the drug test. Refusal to comply with the directive to be drug tested will result in disciplinary action, up to and including termination. This is because refusal to comply will be interpreted in all cases as an admission of being under the influence.*

*The Company may also conduct random drug testing of a randomly selected population of caregivers to ensure the Company's policy is complied with. As in all cases, caregivers will be escorted to the drug testing facility. The Company and the facility will comply with all laws regarding employee drug testing. The company will utilize reasonable, objective and standard guidelines to determine if an employee may be operating under the influence of a substance. The employee is not entitled to be informed of what observable indicators were detected to result in a drug test being requested, unless disciplinary action is implemented.*



# WHILE WORKING WITH PATIENTS

## ARGUMENTS



In the event that a patient or family member communicates in an argumentative manner, do not argue back, and do not abandon the patient. Call the office **immediately**, either from their home phone or walk outside, and use your cell phone. If you feel threatened by the patient or any visitor in their home, please call the Coordinator immediately. The Agency is committed to providing a safe workplace for you and you will not be allowed to stay in a home if you have

reasonable concerns about your safety.

In a calm manner, describe to the Coordinator what is taking place or what has occurred. The office will direct you as to what actions must be taken.

Be prepared to come into the office directly after your shift. A written report explaining the incident must be prepared and documented. Your signature and wording will be required at this time. It is important that this is done as soon as possible so that the report is accurate (within 24 hours).



## TRANSPORTING PATIENTS

Caregivers are not permitted to use any motor vehicle to drive their patient while on assignment. Patients cannot drive the caregiver either.

## HIPPA



HIPAA stands for Health Insurance Portability and Accountability Act. It is a federal law whose purpose is to protect the privacy of personal medical information that is shared with doctors, nurses, hospitals, insurance companies and other health care providers.

HIPAA's Privacy Rule puts new limits on how personal medical information is used and shared, gives patient the right to access their medical records and puts greater protection on those medical records. In the past, personal health information was sold or shared to make decisions regarding employment, for marketing purposes, to coordinate care for disease management and to help determine drug costs. This was done without notice to or consent of the patient. The Privacy Rule applies to all forms of personal health information – written, electronic or oral.

## ➡ WHO HAS TO FOLLOW THE HIPPA RULES?

**ALL HEALTHCARE PROVIDERS** – doctors, nurses, caregivers, insurance companies, health care agencies, hospitals, laboratories and business associates of these persons must follow the HIPAA rules.

## ➡ WHAT IS PERSONAL HEALTH INFORMATION?

Personal Health information includes any information regarding the past, present or future physical or mental health or condition of a person that is used for treatment or payment of healthcare. The HIPAA rules include additional information that is protected by the privacy rule – any information that can be used to identify individuals. This might be the name, social security number, address, health insurance numbers, doctor's name, diagnosis, etc. This information can connect a person to specific health information.

Protected Health Information (PHI) is that personal health information that is transmitted or stored electronically or in any form other than hard copy.

## ➡ WHAT DOES THE AGENCY HAVE TO DO TO MEET THE REGULATIONS?

The Agency must do several things in order to fulfill its legal obligations. We must provide patient and caregiver education about the privacy rights and how patient information can be used. Policies and procedures must be developed for the patient and caregiver to follow. All caregivers must be trained about the policies and procedures. Most important of all, caregivers must be aware of the way that they contribute to the maintenance of patient confidentiality – not discussing cases with people who are not involved in the patient's care, keeping records secure and out of the sight of people who do not work for the agency, properly destroying patient documents that are no longer needed or pieces of paper that have patient information written on them, disclosing only the minimum amount of information that is needed, taking other measures to protect patient confidentiality such as learning about practices.

## ➡ WHAT INFORMATION DOES THE PATIENT NEED TO KNOW?

Patients will be informed of the new privacy rule and their rights under this rule, through a "Notice of Privacy Rights". The nurse will give this document to the patient at the time of the first nursing visit and will ask the patient to sign a consent form to use and share the PHI for treatment, payment and health care operations. This consent form must be kept on file for six years.

## ➡ HOW CAN PHI BE USED AND DISCLOSED LEGALLY?

In order for patient to receive treatment, have the treatment paid for by their insurance company and for the health care agency to operate, protected health information (PHI) must be used and disclosed by the people involved in the care of the patient. PHI is used when it is shared, examined, applied and analyzed. PHI is disclosed when it is released, transferred or accessed in any way outside the health care agency. PHI may be used or disclosed in the following instances: for treatment, payment or health care operations; with authorization or agreement from the patient; for disclosure to the patient; for incidental uses such as doctors talking to patients in a hospital room or on the phone or a nurse who is taking care of the patient. For other uses or disclosures, the patient must sign a special authorization form.

## ➡ WHAT REQUIREMENTS ARE RELATED TO THE SPECIAL AUTHORIZATION FORM?

This form must be signed by the patient when information must be used or shared with a third

party for purpose not related to treatment, payment or health care operations. The authorization may be revoked by the patient at any time. Each authorization must give a specific description of the information to be used or shared, the name of the person who is getting the information, the purpose of the disclosure, the date of expiration of authorization and it must be written in plain English. The information that is shared must be the minimum necessary.

## ➡ ARE THERE OTHER TIMES WHEN PHI CAN BE DISCLOSED WITHOUT OBTAINING A SPECIAL AUTHORIZATION?

Yes, PHI may be legally disclosed without obtaining a special authorization from the patient for the purpose of audits, civil and criminal investigations, law enforcement, judicial and administrative proceedings, reporting public health and safety and suspected/known cases of abuse, neglect or domestic violence and other legal requirements. In emergency circumstances PHI may be disclosed. PHI may also be shared with relatives, coroners and medical examiners.

## ➡ CAN I TELL IF THE PATIENT SAYS I CAN?

Disclosure may be made to family members, friends or other people that patients indicate is involved in their care or payment of health care unless the patient objects in whole or part. In any other situation not described previously, you need to get the patient's written authorization to disclose any PHI.

## ➡ WHAT IF "THEY" ARE LISTENING?

An incidental use or disclosure is a secondary use of disclosure that cannot reasonably be prevented, is limited in nature and occurs as a result of an otherwise permitted use or disclosure. They are permitted only to the extent that reasonable safeguards have been applied and do not disclose any more of the PHI than is necessary to accomplish the permitted use or disclosure – this is known as the Minimum Necessary Standard. An example might be the disclosure about a patient by a home health aide in the patient's home that might be overheard by the other family members not involved in the patient's care.

## ➡ WHAT IS "MINIMUM NECESSARY RULE"?

Use or disclosure of PHI must be limited to the smallest amount that is needed to get a job done. This means that not all caregivers may have the same amount of information about a patient. Each caregiver should have only the information that is necessary for them to carry out their job. This rule does not apply to use or disclosure of medical records for treatment purposes since the health care provider needs access to the entire record to provide quality care.

## ➡ WHAT HAPPENS IF AN INDIVIDUAL OR AGENCY FAILS TO FOLLOW THESE LAWS?

Failure to comply may result in civil and/or criminal penalties.



## ➡ DOES HIPAA TAKE PRECEDENCE OVER OTHER EXISTING CONFIDENTIALITY LAWS?

In cases where state laws are stricter than the HIPAA rules, the state laws take precedence. An example is the HIV confidentiality laws.

## ➡ DOES HIPAA HAVE ANY OTHER PART BESIDE THE PRIVACY RULE?

Yes, there are three parts to the HIPAA regulations. You have already heard about the Privacy Rule. HIPAA also sets standards for the electronic transmission of PHI in order to standardize how this is done throughout the country. There will also be a Security Rule which will create standards governing the security of protected health information (PHI); these regulations have not been written yet.

# CULTURAL DIVERSITY

## DIVERSITY & INCLUSION

CULTURAL BACKGROUND CAN INFLUENCE A VARIETY OF SITUATIONS, FOR EXAMPLE:

- > HOW FRIENDLY YOUR PATIENT IS TOWARD STRANGERS
- > HOW THEY FEEL ABOUT HAVING YOU OR ANYONE ELSE IN THEIR HOME
- > HOW CLOSE THEY WANT YOU TO STAND TO THEM WHEN TALKING TO THEM

THE CAREGIVER WILL HAVE MANY PATIENTS WITH CULTURAL BACKGROUNDS AND TRADITIONS DIFFERENT FROM HIS/HER OWN. YOU HAVE TO REMEMBER TO RESPECT AND VALUE EACH PATIENT AS AN INDIVIDUAL.

THE RELIGION OF A PATIENT AND HIS/HER FAMILY CAN ALSO AFFECT THE WAY THEY BEHAVE. RELIGION CAN BE VERY IMPORTANT TO THE PATIENT WHO IS VERY ILL OR DYING. AS A CAREGIVER, YOU HAVE TO **RESPECT THESE DIFFERENCES, EVEN IF THEY ARE VERY DIFFERENT FROM YOUR OWN**. NEVER QUESTION THE PATIENT'S RELIGION, AND REFRAIN FROM DISCUSSING YOUR OWN RELIGIOUS BELIEFS. BE AWARE OF AND HONOR ANY DIETARY RESTRICTIONS YOUR PATIENT MAY HAVE BASED ON RELIGIOUS BELIEFS. DISCUSS WITH THE NURSE, PATIENT AND FAMILY ANY MEAL PLANNING AND FOOD PREPARATION ADJUSTMENT AS NEEDED. KEEP PHYSICAL CONTACT TO A MINIMUM FOR THOSE PATIENTS WHOSE CULTURAL OR RELIGIOUS BACKGROUNDS MAKE THEM LESS COMFORTABLE TO BEING TOUCHED. YOU STILL NEED TO CARE FOR THE PATIENT BUT TALK TO THE NURSE ABOUT WAYS TO REDUCE UNNECESSARY TOUCHING. BE SENSITIVE TO YOUR PATIENT'S CULTURAL AND RELIGIOUS BACKGROUND. **TREAT ALL PATIENTS WITH DIGNITY AND RESPECT**. EXPECT YOUR PATIENTS TO TREAT YOU RESPECTFULLY AS WELL.



# CULTURAL DIVERSITY

## ADMINISTRATION OF MEDICATION

Broadway Home Care does not dispense any medications, both prescription and nonprescription. A caregiver can **ASSIST WITH SELF-ADMINISTRATION OF MEDICATION**. “ASSISTING” includes reminding the patient when to take medications, reading the label for the patient, bringing the medication and any necessary supplies or equipment to the patient, opening the container, positioning the patient for medication administration, providing appropriate fluid for swallowing medication, storing, cleaning and disposal of used supplies and equipment, and storing medication properly. “SELF-DIRECTING” means that the patient can make choices about his/her activities of daily living. The patient understands the impact of the choice and assumes responsibility for the results.



## DEALING WITH CONFLICT

Everyone has had to deal with difficult people or situations at one time or another. Learning to deal with the conflict through better listening and communication skills can be the key to solving the problem at hand.

### CONFLICT RESOLUTION

- › Stay calm.
- › Do not escalate the situation. It is not important to feel like you have to win a verbal argument. If a situation develops, please contact your agency for support.
- › Listen to the person presenting the conflict.  
He/she should feel that you are interested and willing to help.
- › Confirm that you heard and understood.
- › Assess the situation.
- › Identify the problem.
- › Describe the problem briefly and accurately to your designated contract person, i.e. family/supervisor/coordinator.



# INTERPERSONAL RELATIONSHIPS

## SUPPORTIVE RELATIONSHIPS

The relationship between the caregiver and the patient is one of the most important elements in a successful home care situation. There are certain behaviors that will promote communication and convey caring to a patient. Everyone wants to be listened to, cared about, accepted, liked, respected, understood and regarded as capable or competent.

## PATIENTS MUST FEEL SUPPORTED

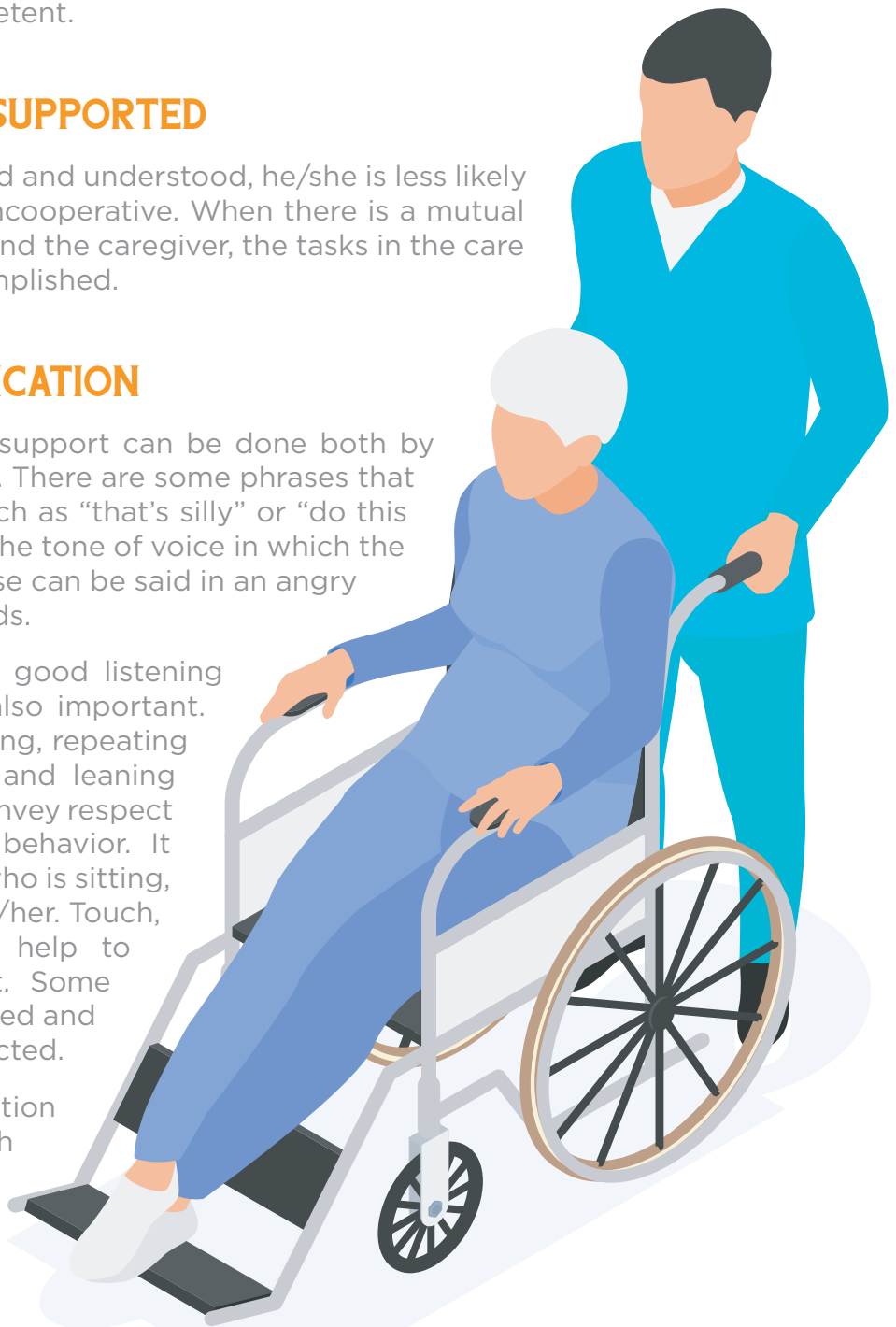
When a patient feels respected and understood, he/she is less likely to be destructive, angry or uncooperative. When there is a mutual respect between the patient and the caregiver, the tasks in the care plan will be more easily accomplished.

## SUPPORTIVE COMMUNICATION

Communicating respect and support can be done both by what is said and how it is said. There are some phrases that will upset almost anybody such as "that's silly" or "do this or else." Equally important is the tone of voice in which the words are said. A simple phrase can be said in an angry tone that contradicts the words.

Non-verbal behavior such as good listening habits or body language is also important. Good listening includes nodding, repeating back what the patient says and leaning forward. Facial expressions convey respect with a smile and attentive behavior. It helps to sit next to someone who is sitting, rather than standing over him/her. Touch, especially with the elderly, help to convey warmth and interest. Some people do not like to be touched and their feelings should be respected.

You must keep communication open and positive through your tone of voice facial expressions and body posture.



# SAFETY GUIDELINES FOR WORKING IN THE HOME



Caregivers shall not be required to work in any situation that would threaten or endanger his/her health or safety. The caregiver shall immediately report to their Coordinator any working conditions that threaten or endanger the health or safety of the caregiver or patient. No caregiver shall suffer any discipline or negative job consequences as a result of reporting an unsafe work situation. Caregivers shall contact their Coordinator in the event of an emergency.

No caregiver shall be required to provide, at his/her own expense, protective garments to perform any task for a patient. The Agency maintains an adequate supply of protective garments at the branch location. Caregivers are responsible for securing these items prior to servicing their patient. If such a situation arises where there are insufficient protective garments, the caregiver will report the situation immediately to his/her Coordinator.

When going to a home for the first time, take a few minutes to think about the kind of home it is, and what problems you are likely to run into while there. You must expect the unexpected and be prepared for it.

Some, but not all, precautions and factors you should consider include:

- **SIDE RAILS ON THE BED SHOULD BE UP**
- **YOUR PATIENT SHOULD BE SAFELY POSITIONED AT ALL TIMES TO A BED OR CHAIR**
- **WHEN GETTING YOUR PATIENT UP, WATCH FOR SIGNS OF DIZZINESS AND WAIT UNTIL IT PASSES BEFORE LETTING THEM STAND**
- **WHEELCHAIR BRAKES SHOULD BE LOCKED WHEN STANDING STILL**
- **SMOKING IN BED SHOULD BE DISCOURAGED OR, IF NECESSARY, MUST BE SUPERVISED**
- **THE ROOM SHOULD BE KEPT CLEAR OF EXTRA EQUIPMENT ESPECIALLY AT NIGHT**
- **MAKE SURE SHOES ARE KEPT WELL TIED AND WORN FOR HOUSEHOLD ACTIVITIES**
- **MAKE SURE HAZARDOUS TOOLS ARE KEPT LOCKED**
- **PREPARE AN ESCAPE PLAN IN CASE OF FIRE, WITH ALTERNATE ROUTES TO SAFETY AND MAKE SURE EVERYONE IN THE HOME KNOWS WHAT TO DO**
- **ABOVE ALL, USE COMMON SENSE WHEN APPROACHING ALL JOB AND TASKS**



# HANDLING MONEY

When shopping for the patient remember to write down the amount of money your patient gives you and return with a register receipt and the exact change. Have the patient sign everything. The document indicating how much money they gave you, the receipt, and how much change they received. All of this should total up and equal the amount originally received. You will be responsible for any lost or unaccountable money.



You may not accept access to the patient's bank account (this includes the debit card and pin number) without authorization from the Coordinator.

## PRECAUTIONS

UNIVERSAL / STANDARD

### HANDWASHING –SOME EXAMPLES INCLUDE:

- Upon entering a patient's home
- When hands are soiled
- Between handling individual patients
- Before contact with the face and mouth of the patient
- After personal use of the bathroom
- After changing or assisting with patient's personal needs/bathroom
- Before preparing meals and after preparing meals
- After housekeeping duties are preformed
- Before and after donning gloves



### USE OF PPE – PERSONAL PROTECTIVE EQUIPMENT:

PPE is available for all caregivers. Contact your coordinator for details. PPE includes face masks, gloves, respirator masks, gowns, and eye shields. The agency provides hand sanitizer and disinfectants as needed to ensure the safety of the caregivers.



# RESPIRATORY HYGIENE

## CONTACT PRECAUTION & COVID-19



Our agency monitors reports of the coronavirus. Our agency follows the guidance provided by the Centers for Disease Control and Prevention (CDC) and the State Departments of Health and Centers for Medicare and Medicaid Services (CMS) to ensure that our caregivers are protected. The COVID-19 policy and process are followed and updated as needed.

***ALL CAREGIVERS MUST COMPLETE THEIR DAILY SCREENING BEFORE REPORTING TO WORK.*** If the caregiver should develop any signs of COVID-19 or exposure, on or off work hours, they must isolate and report to their coordinator.

***ALL CAREGIVERS ARE REQUIRED TO WEAR A MASK DURING THE SHIFT AND WHILE IN THE CLIENT'S HOME, REGARDLESS OF THE CAREGIVER'S VACCINATION STATUS.***

**PREVENTION AND PROTECTION ARE CRUCIAL TO OUR AGENCY. HERE ARE A FEW WAYS TO STAY HEALTHY ACCORDING TO THE CDC:**

Wash your hands.

Avoid close contact with people who are sick with symptoms or have been exposed to the virus.

Stay home when you are sick or are being tested for Covid-19.

Avoid touching your eyes, nose, and mouth.

Cover your cough or sneeze with a tissue, then throw the tissue in the trash.

Follow the PPE guidelines and infection control policies.

Receive COVID vaccines and boosters.

Receive your flu vaccine during flu season.

Clean and disinfect frequently touched objects and surfaces using a regular household cleaning spray or wipe.

Avoid congregate settings (crowded public places where close contact with others may occur. Examples include shopping centers, movie theaters, stadiums).

Practice social distancing by remaining out of congregate settings, avoiding mass gatherings, and maintaining distance (approximately 6 feet or 2 meters) from others when possible.

Follow NY state travel guidance.

# CLEANING AND DISINFECTING ENVIRONMENTAL SURFACES

## CONTACT PRECAUTION & COVID-19

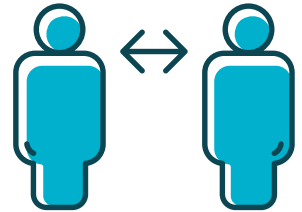
Wash your hands often with soap and water for at least 20 seconds, especially after going to the bathroom, before eating, and after blowing your nose, coughing, and sneezing. CDC hand washing protocol. Always wash your hands with soap and water if hands are visibly dirty.

If soap and water are not readily available, use an alcohol-based hand sanitizer with at least 60% alcohol.



Follow CDC's recommendations for using a face mask:

**The CDC recommends wearing face coverings and eye protection in public settings where social distancing measures are difficult to maintain (e.g., grocery stores and pharmacies). Social distancing is especially important in areas of significant community-based transmission.**



All needed PPE, hand sanitizer, and disinfectant wipes will be available:

**Patients receive PPE from the MLTC**

**Office staff, field staff, and consultants receive PPE from the agency**



CALL YOUR COORDINATOR  
OR THE AGENCY WITH ANY  
CONCERNS REGARDING  
**COVID-19 EXPOSURES**



# SHARPS PRECAUTIONS

## PREVENTION FROM NEEDLE STICK INJURIES

If your patient uses any injectable medication, they should be disposed of in a puncture proof container with a tight-fitting screw top. Please notify the Agency if you notice syringes being disposed of improperly.

If your patient uses any injectable medication, please shake out any bed linens/laundry carefully to avoid accidental needle stick from careless handling by patient/family/nurse.

If you get stuck by a needle stick it must be reported to your Coordinator or Human Resources Representative immediately, latest before the end of the shift, to ensure proper medical intervention is provided to you.

## INFECTIOUS DISEASE

If you believe or know you were exposed to disease carrying organisms, immediately and thoroughly wash your hands or other exposed area. If eyes were splashed, rinse thoroughly with clear water only. Call the Agency right after the incident.

You must notify the agency if you have any open, draining wounds (sores), a rash or any other potentially contagious condition. Until this condition improves, you cannot perform direct personal care or handle the patient's equipment.

If you contract any illnesses call your coordinator to discuss your assignment.

## ON-THE-JOB INJURIES

If you are injured on the job, you are required to call your Coordinator immediately and explain that you have to complete a report related to a workplace injury. You must then complete the report and submit it in a timely fashion. These requirements apply no matter how slight or minor the injury might seem. If you have questions about whether the injury is reportable, still call your Coordinator and ask – do not make these decisions on your own.

Your failure to follow this procedure may result in the appropriate workers' compensation report not being filed in accordance with the law, which may consequently jeopardize your right to benefits. In addition, if we learn that you did not timely report an injury that was sustained or aggravated on the job, you may be terminated for violating this policy which requires timely filing of a claim.

# DISASTER

## EMERGENCY PREPAREDNESS



An occurrence/situation can impact our ability to provide services and care to our patients. Examples of an emergency may be a snowstorm, power failure, hurricane or a transit strike.

In the event of an emergency, **caregiver cooperation and understanding is needed**. We may need to change your case assignment (re-assign you to a case closer to your residence location or to a case of greater risk status- based on the classification system defined in the policy). We may need to ask you to work more hours for which you will be paid or to ask you to work different days, etc.

We expect that all our caregivers will understand the strong need to be available during an emergency. We request that all caregivers will call in to their Coordinator to offer help even when you are not scheduled to work.

The following procedure will be followed: ***the Field Nurse assigns a status to each patient based on Agency criteria (nature of illness, family backup, etc.).*** When an emergency arises:

**Broadway Home Care Coordinators inform patients that we will be implementing our Emergency Disaster Plan**

**Coordinators begin calling caregivers to rearrange assignments in an effort to provide care according to patient Care status**

**Calls are placed to caregivers in an effort to ascertain who is available. Caregivers are expected to call Broadway Home Care as well**



# EMERGENCY MEASURES AND PROCEDURES

Experts agree that people who prepare for emergencies cope better during the crisis and recover more quickly. The best way to reduce risk is to think ahead. The caregiver can assist the patient and family to prepare for possible emergencies.

## FIRE

Some causes of fire include the following:

- > Smoking and matches
- > Unattended lighted candles
- > Misuse of electricity
- > Defects in heating system
- > Materials that ignite easily
- > Improper trash disposal
- > Improper cooking techniques
- > Improper ventilation
- > Improper use of aerosol cans  
(hair spray, cleaning fluids, paints, etc)

**IT TAKES 3 THINGS  
TO START A FIRE:**

### 1. FUEL

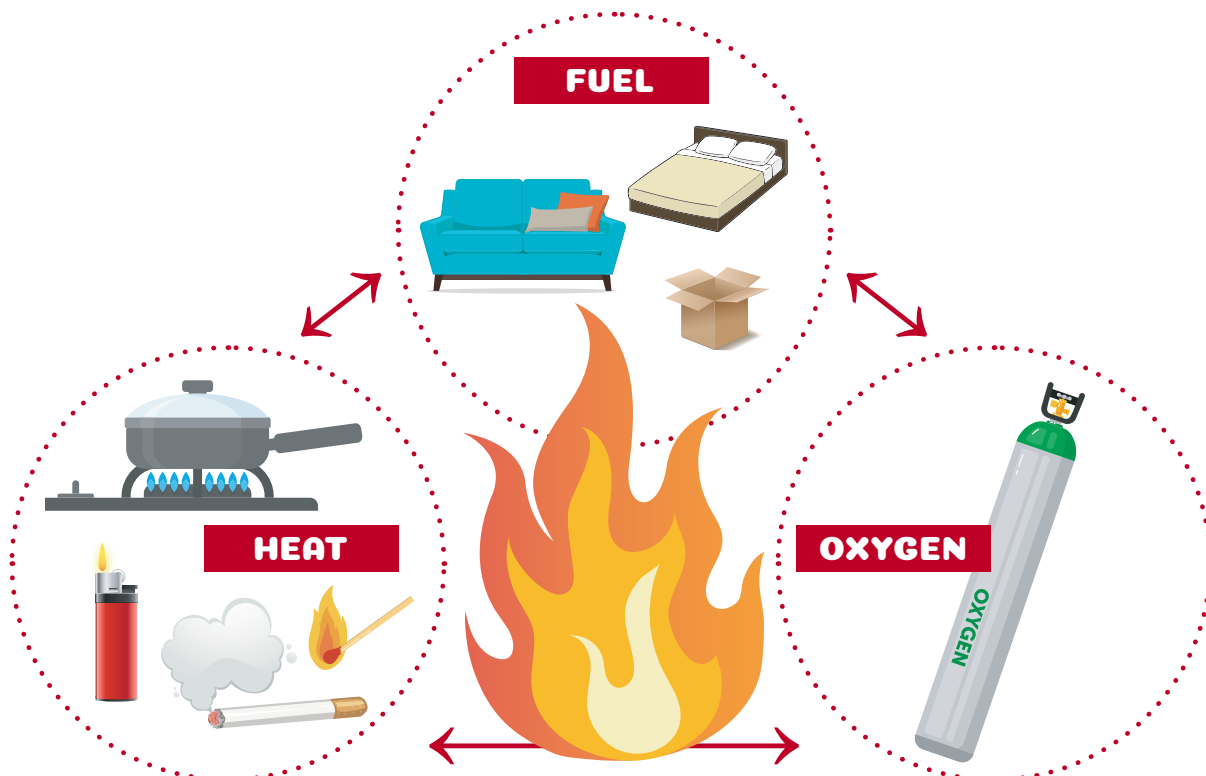
ANY MATERIAL THAT  
WILL BURN

### 2. SOURCE OF HEAT

MATCHES, FLAME, SPART

### 3. SUPPLY OF OXYGEN

PRESENT IN THE AIR



# EMERGENCY PLAN



## Emergency Plan

In the event of certain kinds of emergencies, the following instruction must be followed:

**1.** IF YOU ARE UNABLE, FOR ANY REASON, TO WORK ALL OF YOUR ASSIGNED HOURS, YOU MUST CALL THE AGENCY AS SOON AS POSSIBLE.

**2.** IF THERE IS A NATURAL DISASTER (HURRICANE, FLOOD, SNOWSTORM, ETC..) YOU SHOULD MAKE EVERY EFFORT TO GET TO YOUR ASSIGNED PATIENT. ONCE YOU ARE WITH YOUR PATIENT, LISTEN TO INSTRUCTIONS FROM A LOCAL EMERGENCY RADIO OR TELEVISION STATION. YOU MUST NOTIFY THE AGENCY IF YOU ARE UNABLE TO REACH THE PATIENT.

**3.** MAKE SURE YOU CALL THE OFFICE AND LET THEM KNOW EXACTLY WHAT YOU ARE DOING. WE MIGHT REDIRECT YOU TO A CASE FOR THAT DAY CLOSER TO YOUR HOME.



### INCLEMENT WEATHER

The Agency provides patient services even in the event of inclement weather. In the event caregivers have difficulty with transportation due to the weather, they must contact a supervisor to discuss their options as soon as possible before the beginning of their shift.



### FIRE

If you are with a patient and a fire occurs, you should, at the first sign of smoke, go immediately to the safest exit with the patient. Once away from danger, call the fire department. If the patient cannot be moved, close the door of the patient's room and go to the nearest safe telephone. Dial 911 give them the exact address and name of yourself and the patient. Do not attempt to put out the fire yourself. Do not return to the house until the fire department has given you permission to do so. Notify the Agency as soon as you and your patient are out of danger.

### POWER FAILURE ⚡

If you are with a patient and there is a power failure, try to keep the patient as warm and comfortable as possible. Inform the agency as soon as possible. If the patient is on life-support equipment be certain to switch to the generator back up. Notify the utility company and contact the Agency as soon as possible. If your patient is in a life-threatening situation, call 911 immediately.

### MEDICAL EMERGENCY 🚑

If a medical emergency occurs while you are with a patient, these are the general rules which you should follow:

- > Seek emergency help by dialing the number provided on the emergency sheet on the emergency list.
- > Keep patient as comfortable as possible.
- > Observe the patient and report all symptoms to emergency personnel.
- > Notify the Agency of the situation and the outcome.

You are responsible for the safety and wellbeing of your patient during the assigned hours. If for any reason you cannot provide all the hours of service required, you must notify the Agency at once.

# HOSPICE CARE



HOSPICE CARE FOCUSES ON THE QUALITY OF LIFE FOR PATIENTS WHO ARE EXPERIENCING AN ADVANCED NON-CURABLE, LIFE-LIMITING ILLNESS. HOSPICE CARE PROVIDES COMPASSIONATE CARE FOR PEOPLE IN THE LAST PHASES OF INCURABLE DISEASE SO THAT THEY MAY LIVE AS FULLY AND COMFORTABLY AS POSSIBLE.

IF A PATIENT IS ON HOSPICE CARE, IT WILL BE NOTED ON THE PLAN OF CARE. ANY PATIENT CHANGE IN CONDITION OR INCIDENTS MUST BE REPORTED TO YOUR COORDINATOR AND THE HOSPICE NURSE.

## HEALTHCARE PROXY

Advanced directives protect the patient's rights to make his/her own choices; legal, valid decisions concerning future medical care and treatment. Caregivers must abide by patient advanced directives.

Types of advanced directives include:

**DO NOT RESUSCITATE (DNR): THIS IS A WRITTEN INSTRUCTION TO HOSPITAL/HOME PERSONNEL CONCERNING WHAT ACTIONS TO TAKE IF A TERMINALLY ILL PATIENT SUFFERS A CARDIOPULMONARY ARREST (HEART AND BREATHING STOPS)**

**LIVING WILL: THIS SPECIFIES WRITTEN INSTRUCTIONS REGARDING WHAT HEALTH CARE IS TO BE GIVEN TO A PATIENT IF THE PATIENT BECOMES INCAPABLE OF MAKING HIS/HER OWN DECISIONS**

**HEALTH CARE PROXY: THIS IS AN INDIVIDUAL WHO IS SELECTED OR APPOINTED BY A PATIENT TO MAKE DECISIONS IF THE PATIENT BECOMES UNABLE TO DO SO FOR HIMSELF/HERSELF. THE PERSON MUST BE EIGHTEEN (18) YEARS OF AGE, MENTALLY COMPETENT AND NEED NOT BE A MEMBER OF THE FAMILY.**

As a health care provider, Broadway Home Care reviews and provides a packet of information on advanced directives to its patients. Patients who have indicated in writing their wish not to be resuscitated once they have passed have this instruction documented in a Living Will. This document is usually posted by a patient's bedside or in an area convenient for anyone to see within the patient's home. If your patient has this document, clarify with the family or your Nurse Supervisor if this document is in place for both the home and hospital or the hospital only. You need not call 911 if your patient has a DNR (Do Not Resuscitate) order. Report directly to your patient's Hospice Nurse or Broadway Home Care for changes in the patient's condition.

If you report to work and your patient is not home, does not answer, or refuses care, please call the office immediately. The office staff will see if a reassignment is available for you that day.

If you report to work or become ill or have an emergency that requires you to leave early, call the office immediately. You will be required to stay with the patient until relief staff arrives.



# GENERAL EMPLOYMENT RULES



You are the direct provider of care to our patients and represent our agency to the patient, family and friends. Because you work in the patient's home, we expect you to adhere to our high standards of personal conduct at all times. We expect you to use good judgment, common sense, and a high regard for the rights of the patients in your care.

**In your patient's home, you are not a guest.** You are there to provide services for the patient. Here are some important rules to know when working at Broadway Home Care:

## EMPLOYMENT AT WILL

We are happy to welcome you to the Agency. We sincerely hope that your employment here will be a positive and rewarding experience. However, we cannot make any guarantees about your continued employment. Your employment here is at will. This means that you are free to quit at any time, for any reason. We are also free to terminate your employment at any time, for any reason with or without notice, with or without cause. No caregiver or the Agency's representative, other than the CEO or Administrator has the authority to change the at will employment relationship or to contract with any caregiver for different terms of employment. Nothing in this Handbook constitutes a contract or promise of continued employment.

## IMMIGRATION COMPLIANCE

In compliance with the federal Immigration Reform and Control Act of 1986, as amended, the Agency is committed to employing only individuals who are authorized to work in the United States. Accordingly, each new caregiver, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present acceptable documentation establishing identity and employment eligibility.

If a caregiver is authorized to work in this country for a limited time, the individual will be required to submit proof of renewed employment eligibility prior to expiration of that period to remain employed by the Agency.

## NONSOLICITATION OF PATIENTS

As a caregiver with our organization, you will be provided with high level training and access to confidential information about our patients and their families. You will be placed in a position of trust and confidence with our patients and their families and, due to the goodwill that our organization has developed with our patients, you will be readily accepted by our patients into their homes. The Company has spent considerable time and money to develop the goodwill of its patients, grow its patient services, and expand the number of patients being serviced. Similarly, the Company has invested significant resources into developing its training and supervision curriculum to ensure that all caregivers provide the highest level of care and services to patients.

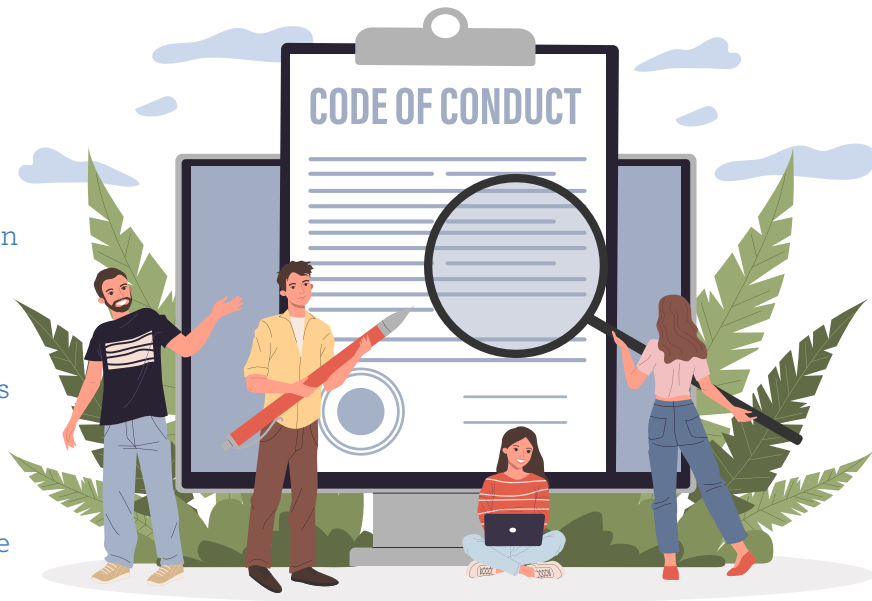
The Company would be irreparably harmed if a caregiver were to leave the Company's employment and accept private and direct employment with a patient of the Company. For this reason, as a condition of being hired and working for the Company, the caregiver agrees that he/she will not, for one year from the date that he/she terminates employment with the Company: (a) accept direct employment with a patient of the Company or (b) accept employment or a contract with a third party (such as the family of a patient or another home care agency) whereby, as a condition of such employment, the caregiver would service the same patient that the caregiver serviced while working for the Company. This restriction will only apply with respect to patients with which the caregiver worked at any time while employed by the Company. The intent of this provision is to ensure that caregivers maintain their employment with the Company but, should they choose to leave employment with the Company, that they do not solicit or improperly poach those patients from the Company.

Should a caregiver seek out or accept private and direct employment with a patient and/or their family within one year of terminating employment with the Company, the caregiver agrees to pay \$5,000 to the Company as liquidated damages.



To function effectively, every organization must develop policies and procedures to protect its patients and to ensure that co-workers' and the business's rights are respected. Broadway Home Care is no exception. Generally, conduct that violates our policies, including those outlined in this Handbook, or that may be unethical and/or illegal will not be tolerated.

While this Handbook cannot describe every possible situation or instance, below is a non-exhaustive list of the types of conduct for which the Agency would impose strong disciplinary action or even immediate termination:

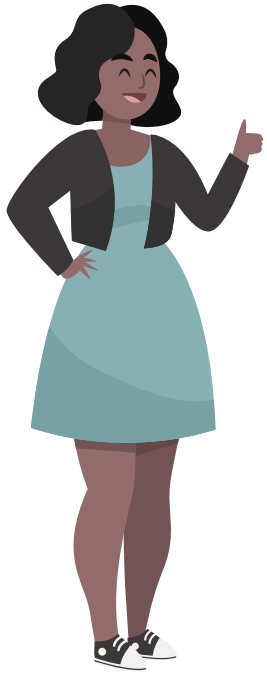


- 1 Patient abuse/neglect or failure to report suspected abuse/neglect
- 2 Stealing or attempting to steal employer, caregiver, or patient property
- 3 No-call, no-show
- 4 Insubordination or failure to obey reasonable instructions from a patient or from Broadway Home Care
- 5 Violation of our No Smoking Policy, Drug and Alcohol Policy, Confidentiality Policy, Code of Ethics, or other policies outlined in this Handbook
- 6 Patient abandonment
- 7 Violation of HIPAA or state law regarding disclosure of confidential patient information
- 8 Excessive absenteeism or tardiness
- 9 Falsifying employment, legal, or other records, including time sheets and records of care, or other forms of dishonesty
- 10 Neglecting job duties during working time
- 11 Physical fighting or violence (actual or threatened) on employer or patient property at any time
- 12 Demonstrating incompetence or poor or sloppy work quality
- 13 Using offensive or profane language, especially towards or in the presence of patients or patients' family members
- 14 No sleeping while in the client's home
- 15 Violation of Broadway Home Care's policies prohibiting discrimination, harassment, and retaliation
- 16 Refusing to work required overtime
- 17 Bringing friends or family into the patient's home
- 18 Bringing dangerous or unauthorized weapons into patient or Agency premises

The above list is not-exhaustive, and the Agency may discipline or terminate a caregiver for any reason. In addition, the Agency may choose to impose any form of discipline it deems appropriate under the circumstances, including termination for even a first violation.

CAREGIVERS WHO ARE TERMINATED BY THE AGENCY FOR DISCIPLINARY REASONS OR POOR PERFORMANCE ARE NOT ELIGIBLE FOR REHIRE.

# APPEARANCE AND DRESS CODE



Your appearance reflects the kind of person you are and the quality of work you do. Appropriate, neat, clean clothing must be worn. The following are examples of DO'S and DON'TS



**SLACKS OR CAPRIS**

**SKIRTS KNEE LENGTH  
OR LONGER**

**SCRUBS**

**HAIR NEATLY TIED BACK**

**SOLID SHOES OR SNEAKERS**

**SLEEVED SHIRTS**



**SHORTS**

**MINI SKIRTS**

**TANK TOPS**

**DO-RAGS**

**FLIP-FLOPS, HIGH-HEELS,  
SANDALS**

**HALTER TOPS**

**TATTERED JEANS  
OR CUT OFF**



Your body should be clean and free of odor, please use deodorant. No strong perfume or aftershave should be used. Hair must be clean and neatly combed. Long hair should be fastened back and off the shoulders. Fingernails should be clean and reasonably short. Excessive jewelry is not permitted. Identification badges are provided by the Agency and must be worn at all times. If you require modifications of our dress code standards due to religious reasons, please speak to your Coordinator and inform them of the precise reason that you are requesting the modification. If reasonable, such requests may be granted by the Agency.

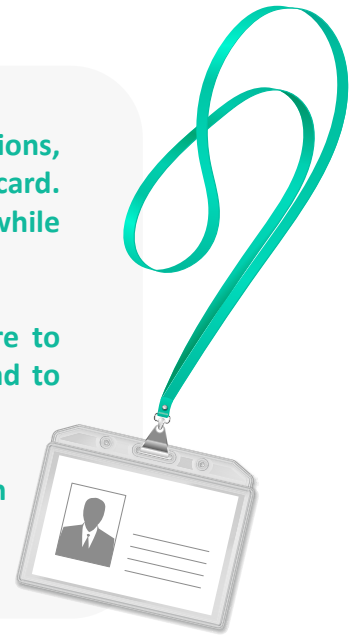
**YOU WILL BE SENT HOME IF YOU ARE NOT PROPERLY ATTIRED.**

# PHOTO ID CARD

In accordance with New York State Health Department regulations, Broadway Home Care is providing you with a Photo Identification card. This identification card must be worn on your clothing at all times while you are working.

Lost or stolen cards must be reported to HR immediately. Failure to wear your ID badge or excessive loss or damage to cards can lead to disciplinary action up to and including termination.

Your identification card must be returned to the Agency upon termination of your employment.



## CONFLICT OF INTEREST

In order to perform their duties with honesty and fairness and in the best interest of the Agency all caregivers must avoid conflicts of interest in their employment. Conflicts of interest may arise from having a position or interest in or furnishing managerial or consultative services to any concern or business from which the Agency obtains goods or services or with which it competes or does business, from soliciting or accepting gifts, excessive entertainment or gratuities from any person or entity that does or is seeking to do business with the Agency and from using Agency property for personal or private purposes. Conflicts also may arise in other ways. If a caregiver has any doubt or any question about any of his or her proposed activities, guidance or advice should be obtained from the Director of Human Resources.

## WORKPLACE ADMINISTRATIVE SEARCHES



To assist in providing a reliable, efficient and productive work force for the proper care of patients, to assist in providing caregivers with a safe working environment, to assist in the effective operation of the Compliance Program and to supplement the Drug and Alcohol Policy, supervisors may conduct unannounced administrative searches of Agency premises, offices, work areas, property and equipment and the contents of such property and equipment. No caregiver should have any expectation of privacy on the Agency property or in their offices or work areas including lockers, desks, cabinets, drawers, shelves or trash cans or in folders, envelopes or packages located on Agency premises. In addition, searches of temporary space of live in caregivers at patients of the Agency may be subject to a search at the discretion of the Agency as a result of a complaint of a patient whose property is occupied. Personal possessions or materials should not be brought to work if they are of a sensitive or confidential nature. The Agency policy on Workplace Administrative Searches may be obtained from the Department of Human Resources or designee. Other policies permit monitoring of and access to computers by supervisors. The use of computers, e-mail and access to the Internet must be reasonable and responsible.

# FINANCIAL REPORTING

All financial reports, accounting records, research reports, expense accounts, time sheets and other documents must accurately and clearly represent the relevant facts or the true nature of a transaction. Improper or fraudulent accounting, documentation or financial reporting is not only contrary to Agency policy, it may be in violation of applicable laws. Sufficient and competent evidential matter or documentation shall support all cost reports.



# PROTECTION OF ASSETS



The Agency will make available to caregivers' assets and equipment necessary to conduct Agency business including such items as computer hardware and software, billing and medical records, both hardcopy and in electronic format, fax machines, office supplies and various types of medical equipment. Caregivers should strive to use Agency assets in a prudent and effective manner. The Agency property should not be used for personal reasons or be removed from the Agency without approval from a departmental manager. A caregiver who believes that any medical equipment is not operating properly nor has an inaccurate calibration should immediately report the problem to his or her supervisor.

# ANTI-COMPETITIVE CONDUCT

The Agency will not engage in anticompetitive conduct that could produce an unreasonable restraint of trade or a substantial lessening of competition. Evaluation of anti-competitive conduct requires legal guidance. Communication by caregivers with competitors about matters that could be perceived to have the effect of lessening competition or could be considered as collusion or an attempt to fix prices should take place only after consultation with legal counsel.



# FINANCIAL INDUCEMENTS

No Caregiver shall offer any financial inducement, gift, payoff, kickback, or bribe intended to directly or indirectly induce, influence or reward favorable decisions of any government personnel or representative, any customer, contractor or vendor in a commercial transaction or any person in a position to benefit the Agency or the caregiver in any way. Caregivers are strictly prohibited from engaging in any corrupt business practice either directly or indirectly. No caregiver shall make or offer to make any payment or provide any other thing of value to another



person with the understanding or intention that such payment or other thing of value is to be used for an unlawful or improper purpose. Appropriate commissions, rebates, discounts and allowances are customary and acceptable business inducements provided that they are approved by Administration and that they do not constitute illegal or unethical payments. Any such payments must be reasonable in value, competitively justified, properly documented, and made to the business entity to which the original agreement or invoice was made or issued. Such payments should not be made to individual caregivers or agents of business entities.

## PERSONNEL FILES



Broadway Home Care maintains an official personnel file for all caregivers. The personnel file includes such information such as the caregiver's job application, record of training, performance appraisals, salary increases and other employment records. Broadway Home Care needs your help in keeping your personnel file accurate and up-to-date. Promptly notify your Coordinator of any changes to your name, home address, telephone number and emergency contact(s).

Personnel files are the property of Broadway Home Care and access to this information is restricted. Generally, only supervisors and management personnel who have a legitimate reason to view information in a file are allowed to do so.

Under no circumstances will Broadway Home Care permit reproduction of a personnel file (either particular pages or the entire contents) or removal of a personnel file from the premises.

IF YOU ARE  
APPLYING FOR  
A MORTGAGE  
OR OTHER  
CREDIT OR  
HAVE ANOTHER  
REASON  
TO ALLOW  
OUTSIDERS  
TO OBTAIN  
INFORMATION  
FROM YOUR  
PERSONNEL  
RECORD, YOU  
MUST PROVIDE  
BROADWAY  
HOME CARE  
WITH WRITTEN  
AUTHORIZATION  
FOR RELEASE OF  
INFORMATION

# PERFORMANCE EVALUATIONS



Performance reviews are an ongoing communication between caregivers and supervisors to provide a clear understanding of what is expected in the job. A performance review provides an opportunity for caregivers to communicate any concerns they may have about their job or their future. HHA's are expected to have a working knowledge of permissible activities involved in their work. If there is a question regarding an activity that may be beyond the scope of employment, please call your Coordinator for help.

## ANNUAL REVIEW

Caregivers' performance will be reviewed at least once annually, on or around their anniversary date. Other periodic reviews may be scheduled as an ongoing form of communication between caregivers and supervisors.

## PERFORMANCE PROBLEMS

In the event that a caregiver demonstrates unacceptable behavior or has difficulty performing all of the duties as assigned, the Administrator will work with the caregiver to correct job performance.

## PLAN OF CARE

You are under the direct supervision of a registered nurse on all cases. Prior to your arrival on a case, a professional nurse will visit the patient to evaluate the physical and emotional needs of your patient. Once the evaluation is complete, the nurse will develop a plan of care with the patient. The plan of care will explain exactly what your patient's needs are and what your duties will be under that plan of care. It is very important that you perform

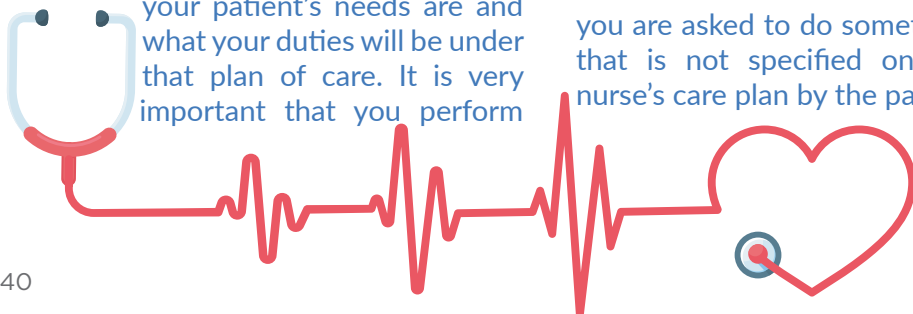
only the duties authorized by that plan of care. You are not permitted to change the plan of care or the duties. If you do, you may be disciplined, including termination.

If you observe any changes in your patient's condition, you must report such a change to your coordinator, so amendments can be made. If you are asked to do something that is not specified on the nurse's care plan by the patient

or their family, please call your Coordinator.

The duties on the plan of care should be reflected on your time slip. You cannot falsify the duties performed on a shift.

The Nurse is available for you to discuss any problems as they arise regarding the plan of care, and to help find solutions to those problems. Home visits are made to assure that the patient's needs are being met. Also, the nurse will evaluate you and ensure that you are following the plan of care in a safe and efficient manner.





# REPORTING EMERGENCIES, ACCIDENTS, AND CHANGES



Reporting emergencies, accidents, and changes in patient condition is a key part of a caregiver's duties. For life-threatening emergencies, call "911" immediately. In the event of a patient's death, expected or unexpected, please record accurately all data regarding the death. Caregivers shall record the exact time and the events that happened. After calling 911, contact the office for further directions.

If there is an accident, you must call the office immediately. You must also contact the office as soon as possible to report any changes in patient condition.

*Some examples of accidents or changes that you must report to the office are:*

- › PATIENT INJURY OR ILLNESS
- › THEFT OR ILLEGAL ACTIVITIES IN THE HOME
- › INJURY OR ILLNESS TO YOURSELF
- › UNUSUAL OR DANGEROUS PATIENT/FAMILY BEHAVIOR
- › ANY OCCURRENCE REQUIRING POLICE OR EMERGENCY SERVICE
- › CHANGE IN PATIENT CONDITION
- › PATIENT HOSPITALIZATION
- › PATIENT ADMITTED TO A NURSING HOME/REHAB
- › OUT OF HOME RESPITE/CARE
- › STRUCTURAL DAMAGE TO THE PATIENT'S HOME
- › PATIENT NON-COMPLIANCE WITH MEDICAL CARE
- › UNSANITARY CONDITIONS IN THE PATIENT'S HOME (INSECT, RODENT, ETC.)
- › FAILURE OF UNIVERSAL PRECAUTIONS OR AN INCIDENT OF EXPOSURE TO BLOOD, BODILY FLUIDS OR OTHER INFECTIOUS WASTE
- › YOUR PATIENT HAS LEFT THEIR HOME

When you call the office, answer all questions thoroughly and follow instructions carefully. The office staff will also need to fill out our special incident report form in addition to your form and documentation. Accordingly, your cooperation with the office staff is essential!

PLEASE SEE THE HEALTH & SAFETY SECTION OF THIS HANDBOOK FOR MORE INFORMATION.

# TELEPHONE CALLS

No personal calls are to be made from the patient's phone except for patient related business. For example, reporting to your Coordinator

changes in patient's condition, patient care questions, 911, calls to M.D. office, etc. If there is an emergency call to be made, please reverse the charges to

the person you are calling. If your family needs to reach you please give them the office phone number and a message will be passed on to you.

**DO NOT GIVE YOUR HOME PHONE NUMBER TO THE PATIENT OR PATIENT'S FAMILY YOU CAN ANSWER THE PATIENT'S PHONE IF YOU ARE WORKING**



Cell phones should be turned off before you enter your patient's home. Do

not answer your cell phone while caring for a patient. You may check your cell phone during break time or when your shift is over.

## STEALING

We will not tolerate theft from the Agency, patient or family. We will make every effort to support any caregiver who is unjustly accused of stealing.

If you are accused of stealing property from the patient, we will conduct a fair investigation. Caregivers are expected to cooperate in such investigations and answer any questions. Refusal to participate in such investigation or lying to a supervisor in the course of

the investigation will be grounds for termination.

If it's established through our investigation that a caregiver is guilty of stealing, we will refer the case to law enforcement. You may also be reported for theft by the patient and their family. Likewise, we reserve the right to report you to the home care caregiver registry for any egregious misconduct, such as theft.



## CRIMINAL ACTIVITY

All of our caregivers are required to go through the CHRC program - which requires a detailed background check via the Department of Health. If a caregiver is arrested, we may be required to put you on administrative

leave pending our review of the circumstances related to the arrest. We will consider various factors, such as the nature of the alleged offense, and/or the caregiver's explanation of the circumstances and their job responsibilities, when determining how the arrest affects your employment, if at all.

# CONFIDENTIALITY AND PRIVACY

You are never allowed to discuss any information about your patient with any other person, including your family, friends or co-workers. All information about your patient is confidential and the law prohibits you from disclosing this information to any third-party. Any issue or information related to your cases and patients should be discussed only with your nursing supervisor and/or the Coordinator.

If any person other than the patient wishes to discuss the patient's condition, you must direct them to your Coordinator. Do not give out names, phone numbers or address of any family member of a patient, and do not discuss the medical or physical condition of the patient or family member with any third-party.

If you are experiencing a personal issue while working on a case or are being mistreated by a patient, this should be addressed with your Human Resources Representative. Again, this is not to be discussed with anyone but the correct contact person. If you are not sure which individual you should be reaching out to, simply ask for direction from the Human Resource Representative. She will direct your call to that individual.

Caregivers may also learn Agency business information during their employment. The Agency requires caregivers to agree, as a condition of their employment with the Agency, to preserve the Agency's Confidential Information. This means that caregivers cannot, directly or indirectly, disclose, reveal, publish, or otherwise make available to any person or entity the Agency's Confidential Information. Whenever referred to in this Handbook, "the Agency's Confidential

Information" will mean all trade secrets and other information not generally known to the public, in whatever format, whether presently existing or developed in the future, relating directly or indirectly to the Agency's business, including the Agency's intellectual property, products and services of the Agency, the manner in which services are provided, advertised, delivered, or designed, patient lists and patient data, referral lists, business strategies, techniques, plans, contracts, terms of agreements, transactions, potential transactions, work-in-progress, financial information, accounting information, pricing information, credit information, market studies, sales information, revenue, costs, communications, research and development, inventions, designs, studies, plans, specifications, patents, applications for particular technologies, designs, business relationships of the Agency (including proposed relationships with patients or referral sources, suppliers, distributors, licensees and licensors), management systems, sales and marketing plans and strategies, terms of contracts with patients or managed care plans and any other payor of services, referral history of a particular referral source, contacts and information about contacts at payors or referral sources, information regarding pending applications to payors, methods and processes, service delivery information, information concerning the condition, treatment or financial history of a patient, and any protected health information. This list is not exhaustive, and the Agency's Confidential Information also includes other information that is marked or otherwise identified or treated as

confidential or proprietary, or that would otherwise appear to a reasonable person to be confidential or proprietary in the context and circumstances in which the information is known or used.

Caregivers may disclose the Agency's Confidential Information in connection with the caregiver's work at the Agency, as required by law, or if an owner of the Agency expressly authorizes such disclosure in writing. Further, as a condition of being employed by the Agency, the caregiver agrees to take all reasonable precautions to safeguard the confidential nature of the Agency's Confidential Information and any other precautions with respect thereto which the Agency may reasonably request. Caregivers will not reproduce or otherwise copy any of the Agency's Confidential Information other than as required in discharging their duties while employed by the Agency. Caregivers agree that all of the Agency's Confidential Information shall be the sole and exclusive property of the Agency and its assigns at all times, and caregivers assign to the Agency any rights caregivers may have or somehow acquire in the Agency's Confidential Information.

After a caregiver's employment with the Agency ends, the caregiver will not disseminate any of the Agency's Confidential Information unless such information is generally known in the trade or industry, and such general knowledge is not the result of the caregiver's dissemination of the Agency's Confidential Information and the caregiver provides the Agency with reasonable advance notice of such dissemination. Caregivers agree to provide the Agency with written notice of any and all attempts to compel dissemination of the Agency's Confidential Information at least five (5) working days before complying with any subpoena, order, or any other directive seeking such Dissemination. In situations where it is not possible to provide five (5) working days' notice, caregivers will notify the Agency of any attempt to compel dissemination of the Agency's Confidential Information as soon as possible.



# EQUAL EMPLOYMENT OPPORTUNITY

The Agency is an equal opportunity employer and complies with all applicable federal, state, and local fair employment practices laws. As such, the Agency strictly prohibits and does not tolerate discrimination against caregivers, applicants, contractors, subcontractors, vendors, consultants, or any other person working for the Agency because of race, color, religion, creed, national origin or ancestry, ethnicity, sex (including pregnancy), gender, age, physical or mental disability, citizenship, past, current, or prospective service in the uniformed services, genetic information, or any other characteristic protected under applicable federal, state, or local law. All Agency caregivers, other workers, and representatives are prohibited from engaging in unlawful discrimination. This policy applies to all terms and conditions of employment, including, but not limited to, hiring, training, promotion, discipline, compensation, benefits, and termination of employment. This policy applies at the Agency's offices, at your work site(s), while performing work

for the Agency off-site, and at Agency-sponsored or work-related events or activities.

If you are subjected to or observe any conduct that you believe violates this policy, you must promptly speak to, write, or otherwise contact your supervisor, the Administrator, or a Human Resources Representative. These individuals

will ensure that a prompt investigation is conducted. While you can report at any time, the Agency prefers that you submit your complaint within 30 days of the offending conduct to allow for the most effective investigation possible. Your complaint should also be as detailed as possible, including the names of all individuals involved and any witnesses.

You may be asked to confirm your complaint in writing. The Agency will investigate the facts and circumstances of all claims of perceived harassment and will take prompt corrective action, if appropriate.

All complaints will be kept confidential to the maximum extent possible and, where appropriate, caregiver making the complaint will be advised of the final disposition of the matter.



**ANY CAREGIVER OR OTHER WORKER, REGARDLESS OF POSITION OR TITLE, WHOM THE AGENCY DETERMINES HAS SUBJECTED AN INDIVIDUAL TO DISCRIMINATION OR RETALIATION IN VIOLATION OF THIS POLICY WILL BE SUBJECT TO DISCIPLINE, UP TO AND INCLUDING TERMINATION OF EMPLOYMENT.**

# AMERICANS WITH DISABILITIES POLICY

The Agency complies with the Americans with Disabilities Act (ADA), as amended, and all applicable state and local fair employment practices laws and is committed to providing equal employment opportunities to qualified individuals with disabilities.

If you believe you need an accommodation because of your disability, you are responsible for requesting a reasonable accommodation from the Human Resources Department. You may make the request orally or in writing, but in the event of an oral request you may be asked to confirm your request in writing. Requests for accommodations should include all relevant information, such as:

- ✓ **A DESCRIPTION OF THE ACCOMMODATION YOU ARE REQUESTING**
- ✓ **THE REASON YOU NEED AN ACCOMMODATION**
- ✓ **HOW THE ACCOMMODATION WILL HELP YOU PERFORM THE ESSENTIAL FUNCTIONS OF YOUR JOB**

The Agency may ask you to provide supporting documents showing that you have a disability within the meaning of the ADA and applicable state or local laws, and that your disability necessitates a reasonable accommodation. If the information provided in response to this request is insufficient, the Agency may require that you see a health care professional of its choosing, at its expense. If you fail to provide the requested information or see the designated health care professional, your request for a reasonable accommodation may be denied. The Agency will keep confidential any medical

information that it obtains in connection with your request for a reasonable accommodation.

After receiving your request (and medical documentation where appropriate), the Agency will engage in an interactive dialogue with you to determine the precise limitations of your disability and explore potential reasonable accommodations that could overcome those limitations. It may also be necessary to consult with your patient(s) to determine the feasibility and effectiveness of potential accommodations.

The Agency makes determinations about reasonable accommodations on a case-by-case basis considering various factors and based on an individualized assessment in each situation. The Agency strives to make determinations on reasonable accommodation requests expeditiously and will inform the individual once a determination has been made. For New York City caregivers, the Agency will make a written final determination to you identifying any accommodation that is granted or denied.





# RELIGIOUS ACCOMMODATIONS

The Agency complies with Title VII of the Civil Rights Act of 1964, and all applicable state and local fair employment practices laws and is committed to providing equal employment opportunities to all individuals, regardless of their religious beliefs and practices or lack thereof. Consistent with this commitment, the Agency will provide a reasonable

accommodation of an applicant's or caregiver's sincerely held religious belief if the accommodation would resolve a conflict between the individual's religious beliefs or practices and a work requirement, unless doing so would create an undue hardship for the Agency.

If you believe you need an accommodation because of your religious beliefs or practices or lack thereof, you should request an accommodation from the Human Resources Department. You may make the request orally or in writing, but in the event of an oral request you may be asked to confirm your request in writing. Requests for accommodations should include all relevant information, such as:



**A description of the accommodation you are requesting**

**The reason you need an accommodation**

**How the accommodation will help resolve the conflict between your religious beliefs or practices or lack thereof and one or more of your work requirements**

After receiving your request, the Agency will engage in an interactive dialogue with you to explore potential accommodations that could resolve the conflict between your religious beliefs and practices and one or more of your work requirements. The Agency may ask you to provide additional information about your religious practices or beliefs and the accommodation requested. If you fail to provide the requested information, your request for an accommodation may be denied.

The Agency makes determinations about religious accommodations on a case-by-case basis considering various factors and based on an individualized assessment in each situation. The Agency strives to make determinations on religious accommodation requests expeditiously and will inform the individual once a determination has been made.



# ANTI-RETALIATION POLICY

No one will be subject to, and the Agency prohibits, any form of discipline, reprisal, intimidation, or retaliation for good faith reports or complaints of incidents of harassment of any kind, pursuing any discrimination claim, or cooperating in related investigations. For more information, please refer to the Anti-Retaliation Policy below.

## A. ANTI-RETALIATION STATEMENT

The Agency strictly prohibits and does not tolerate unlawful retaliation against any caregiver or other covered persons by any caregiver. All forms of unlawful retaliation are prohibited, including any form of discipline, reprisal, intimidation, or other form of retaliation for participating in any activity protected by law. Protected activities include, but are not limited to:

- ▶ **Lodging a good faith internal complaint (written or oral) opposing unlawful discrimination or harassment or complaining about violations of wage and hour law.**
- ▶ **Filing a good faith complaint of unlawful discrimination or harassment with the US Equal Employment Opportunity Commission (EEOC) or a state or local Fair Employment Practices Agency or in court.**
- ▶ **Participating in the Agency's internal investigation into allegations of sexual harassment.**
- ▶ **Supporting another caregiver's internal or administrative complaint of unlawful discrimination.**
- ▶ **Filing a good faith complaint with the US Department of Labor, state wage and hour Agency, or in court about wage and hour or pay practice concerns or participating in a wage and hour investigation or audit.**
- ▶ **Requesting an accommodation under the Americans with Disabilities Act or applicable state law.**
- ▶ **Requesting or taking leave under the Family and Medical Leave Act or applicable state law.**
- ▶ **Reporting a workplace safety concern.**

*The examples above are illustrative only, and not exhaustive.  
No form of retaliation for any protected activity will be tolerated.*

Any caregiver, regardless of position or title, whom the Agency determines has subjected an individual to retaliation in violation of this Policy will be subject to discipline, up to and including termination of employment.

## B. COMPLAINT PROCEDURE

If you are subjected to or observe any conduct that you believe violates this policy, you must promptly speak to, write, or otherwise contact your supervisor, the Administrator, or a Human Resources Representative. These individuals will ensure that a prompt investigation is conducted.

While you can report at any time, the Agency prefers that you submit your complaint within 30 days of the offending conduct to allow for the most effective investigation possible.

Your complaint should also be as detailed as possible, including the names of all individuals involved and any witnesses. You may be asked to confirm your complaint in writing. The Agency will investigate the facts and circumstances of all claims of perceived retaliation and will take prompt corrective action, if appropriate. All complaints will be kept confidential to the maximum extent possible and, where appropriate, the caregiver making the complaint will be advised of the final disposition of the matter.

# SEXUAL HARASSMENT

The Agency is committed to maintaining a workplace free from all unlawful harassment. One form of harassment prohibited by this Policy is sexual harassment. Sexual harassment is unlawful, violates Agency policy, and will not be tolerated. The law prohibits coworkers and third parties, as well as supervisors and managers, with whom caregivers come into contact with, from engaging in harassment.

Appropriate sanctions and/or disciplinary action, up to and including termination, will be enforced against individuals engaging in

sexual harassment and against supervisory and managerial personnel who knowingly allow such behavior to continue.

While this specific policy addresses sexual harassment, harassment and discrimination against persons of all protected classes is prohibited. In New York State, such classes include age, race, religious denomination, color, national origin, sexual orientation, military status, sex, disability, marital status, domestic violence victim status, gender identity and criminal history.

## A

## SEXUAL HARASSMENT DEFINITION

Sexual harassment is a form of sex discrimination and 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 toward an individual because of that individual's sex, when:

- 1. 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 complaining individual is not the intended target of the sexual harassment;**
- 2. Such conduct is made either explicitly or implicitly a term or condition of employment; or**
- 3. Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.**

Sexual harassment known as "hostile environment" consists of 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. Hostile environment harassment also consists of unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone in the workplace which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, or which interfere with the recipient's job performance.

Sexual harassment known as "quid pro quo" harassment occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other term, condition or privilege of employment.

Sexual harassment can occur between males and females, or between persons of the same sex. Sexual harassment that occurs because the target is transgender is also unlawful.

# SEXUAL HARASSMENT

## B

## SEXUAL HARASSMENT EXAMPLES

The following describes some of the types of acts that may be unlawful sexual harassment:

- Physical acts of a sexual nature, like:
  - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another caregiver's body or poking another caregiver's body;
  - Rape, sexual battery, molestation or attempts to commit these acts.
- Unwanted sexual advances, propositions, or other sexual comments, 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, jokes or comments about a person's sexuality or sexual experience, which are sufficiently severe or pervasive to create a hostile work environment.
- 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 or 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;
- Sex stereotyping – 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.

The Agency's policy also applies to harassment based on race, color, religion, national origin, ancestry, ethnicity, creed, age, disability, citizenship, veteran and military status, marital status, domestic violence victim status, genetic information, or any other characteristic protected by law. Such harassment often takes a similar form to sexual harassment and includes harassment that is:

- **VERBAL** (e.g. epithets, derogatory statements, slurs, derogatory comments or jokes, or obscene language)
- **PHYSICAL** (e.g. assault or inappropriate physical contact)
- **VISUAL** (e.g. displaying derogatory posters, cartoons, drawings or making derogatory gestures)
- **ONLINE** (e.g. derogatory statements in an e-mail or through any social media platform)

**THIS LIST IS ILLUSTRATIVE ONLY, AND NOT EXHAUSTIVE. NO FORM OF HARASSMENT WILL BE TOLERATED.**

# SEXUAL HARASSMENT

## C

## COMPLAINT AND INVESTIGATION PROCEDURE

Preventing sexual harassment is everyone's responsibility. The Agency cannot prevent or remedy harassment unless it knows about it. Anyone who witnesses, becomes aware of, or is subjected to behavior that may constitute harassment or otherwise violates this Policy is strongly encouraged to **immediately** report such behavior to their Coordinator. If an individual is not comfortable reporting to their Coordinator, they should then report it to Human Resources.

Reports of harassment or any other violation of this policy should be made in writing, though verbal reports will be accepted. A Complaint Form for the submission of reports of unlawful harassment or any other violation of this policy may be found in this handbook. Any report should be as detailed as possible and include the names of all individuals involved, a description of the incident(s) complained of, the names of all witnesses, and any documentation or other evidence that supports the allegations. If the report is verbal, the complainant will be asked to complete a written Complaint Form. If he or she declines, the Agency may prepare a Complaint Form based on the verbal report.

All supervisors and managers who receive a report or information about, observe, or suspect any potential harassment or other violation of this Policy **must immediately** report it to Human Resources. A supervisor or manager who fails to make such a report or otherwise knowingly allows harassing or retaliatory behavior to continue will be subject to disciplinary action, up to and including termination of employment.

The Agency will conduct an investigation of any report or complaint of harassment or any other violation of this Policy that it receives. Investigations will be conducted in a prompt, thorough, and timely manner, and will be confidential to the extent possible. The Agency will take prompt and appropriate corrective action whenever it determines that

violation of this Policy has occurred.

All persons involved in the Agency's investigation will be accorded due process, as outlined below. While the process may vary from case to case depending on the circumstances, an investigation of a report of harassment or other violation of this Policy will generally include the following steps:

- **Upon receipt of a report of harassment or other violation of this Policy, the Agency will conduct an immediate review of the allegations and take any appropriate interim action**
- **Relevant information will be collected**
- **Interview the complainant, witnesses, and the accused**
- **Where appropriate, depending on the facts of each case, notify appropriate and/or involved parties about the investigation, its outcome, and/or relevant information**
- **Implement any remedial measures.**

Caregivers are required to participate and answer truthfully any questions posed in an investigation by the Agency.



# SEXUAL HARASSMENT

## D RETALIATION PROHIBITED

The Agency strictly prohibits and does not tolerate any retaliation against an individual because he or she has in good faith made a complaint of harassment or testified or assisted

in a legal proceeding. Any caregiver who believes that he or she has been subjected to retaliation must immediately make a report to Human Resources.

## E REDRESS RIGHTS & ADJUDICATION FORUMS FOR SEXUAL HARASSMENT

Sexual harassment is misconduct and will be grounds for discipline, including termination. Sex harassment is unlawful under the New York Human Rights Law, the New York City Human Rights Law, and the federal Civil Rights Act of 1964, Title VII. In addition, there may be applicable local laws that prohibit harassment and sex discrimination.

A complaint alleging a violation of the Human Rights Law may be filed with either the Division of Human Rights (DHR) or in New York State Supreme Court. DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call **(718) 741-8400** or visit: [www.dhr.ny.gov](http://www.dhr.ny.gov). Call **(800) HARASS-3** (1-800-427-2773) or visit [www.dhr.ny.gov/complaint](http://www.dhr.ny.gov/complaint) for more info.

A complaint alleging a violation of Title VII may be filed with the Equal Employment Opportunity Commission (EEOC) within three hundred days of the alleged harassment. Contact the **EEOC** by calling **(800) 669-4000** (TTY: (800) 669-6820), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via e-mail at [info@eeoc.gov](mailto:info@eeoc.gov) if you wish to file a complaint with the EEOC. Caregivers who work in New York City may file a complaint of sexual harassment with the New York City Commission of Human Rights (**CHR**), at 40 Rector Street, 10th Floor, New York, New York, by calling **311** or **(212) 306-7450** or visiting [www.nyc.gov/html/cchr/html/home/home.shtml](http://www.nyc.gov/html/cchr/html/home/home.shtml).

The remedies available to victims of sexual harassment vary depending on the circumstances and the forum involved, but may include requiring the defendant(s) to take action to stop the harassment, or redress the damage caused, including reinstatement/instatement to a job, payment of monetary damages (e.g. back pay, out-of-pocket expenses), compensatory damages, punitive damages in certain circumstances, reasonable attorneys' fees, and civil fines.

If the sexual harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Redress can be sought by contacting the local police department.



# SEXUAL HARASSMENT COMPLAINT FORM

SUBMIT FORM TO FAX # 518-762-1768

If you believe that you have been subject to unlawful harassment or retaliation, you are strongly encouraged to complete this form and submit it to Human Resources. Please complete all aspects of this form in as much detail as possible. In particular, you are encouraged to include your name and contact information, as anonymous complaints may be very difficult to investigate.

The Agency prohibits retaliation of any kind against an individual for making a complaint in good faith. *Please use additional sheets of paper if necessary.*

Your Name: \_\_\_\_\_ Your Phone Number: \_\_\_\_\_

Your Title/Position: \_\_\_\_\_ Your Coordinator's Name: \_\_\_\_\_

## COMPLAINT INFORMATION

### 1. Name and title of any alleged harasser or retaliator:

Name: \_\_\_\_\_ Title: \_\_\_\_\_

2. Details of the harassment or retaliation. Please include as much detail as possible, including what happened, how it is affecting you and your work, and your reasons for believing that the conduct is sexual or other harassment or retaliation.

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3. Date(s) of harassment or retaliation: \_\_\_\_\_

4. Please list the names and contact information of each witness or individual who may have information related to your complaint:

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5. Identify any documents or other evidence that you believe substantiates your complaint of harassment or retaliation. Attach any relevant documents and evidence.

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*I certify that I have read (or have had read to me) the foregoing complaint and know the contents of this complaint; and that the foregoing is true and correct, based on my current knowledge, information, and belief.*

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



# DISCRIMINATION

## BASED ON REPRODUCTIVE HEALTH DECISION MAKING

### **BROADWAY HOME CARE MAY NOT:**

Discriminate or take any retaliatory personnel action against caregivers with respect to compensation, terms, conditions or privileges of employment because of, or on the basis of, the caregiver's or dependent's reproductive health decision making, including but not limited to a decision to use or access a particular drug, device or medical service; or Require caregivers to sign a waiver or other document that purports to deny caregivers the right to make their own reproductive health care decisions, including use of a particular drug, device or medical service.

Broadway Home Care also may not access the caregivers personal information regarding the caregiver's or the dependent's reproductive health decision making, including but not limited to the decision to use or access a particular drug, device or medical service without the caregiver's prior informed affirmative written consent.

Caregivers may bring a civil action in any court of competent jurisdiction against Broadway Home Care for any alleged violations of this policy. In any civil action alleging a violation of this policy, the court may: award damages, including, but not limited to, back pay, benefits and reasonable attorneys' fees and costs incurred to a prevailing plaintiff; afford injunctive relief against Broadway Home Care if it commits or proposes to commit a violation of the provisions of this policy; order

reinstatement; and/or award liquidated damages equal to 100 percent of the award for damages unless Broadway Home Care proves a good faith basis to believe that its actions in violation of this policy were in compliance with the law.

Any act of retaliation for caregivers exercising any rights granted under this policy shall subject Broadway Home Care to separate civil penalties. For the purposes of this policy, retaliation or retaliatory personnel action means discharging, suspending, demoting or otherwise penalizing caregivers for: making or threatening to make a complaint to Broadway Home Care, co-worker or to a public body, that rights guaranteed under this policy have been violated; causing to be instituted any proceeding under or related to this policy; or providing information to or testifying before any public body conducting an investigation, hearing or inquiry into any such violation of a law, rule or regulation by Broadway Home Care.

**CAREGIVERS WITH ISSUES OR CONCERNS REGARDING THIS POLICY OR WHO FEEL THEY HAVE BEEN SUBJECTED TO ANY ALLEGED VIOLATION OF THIS POLICY SHOULD CONTACT THE AGENCY.**

# SOLICITATION AND DISTRIBUTIONS

In the interest of maintaining a proper business environment and preventing interference with work and inconvenience to others, caregivers may not solicit other caregivers during working time, or distribute literature during working time or at any time in working areas. Persons not employed by Broadway Home Care are prohibited from soliciting or distributing literature on Agency and patient property.

## FOR PURPOSES OF THIS POLICY:

### SOLICITATION

includes, but is not limited to, approaching someone in person or through employer-owned property such as computers, smartphones, e-mail systems, and intranets for any of the following purposes: offering anything for sale, asking for donations, collecting funds or pledges, seeking to promote, encourage or discourage participation in or support for any organization, activity or event, or membership in any organization, or distributing or delivering membership cards or applications for any organization.



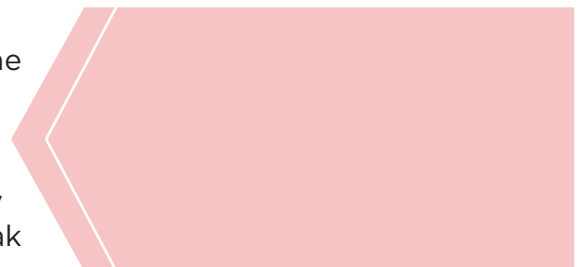
### DISTRIBUTION

includes, but is not limited to, disseminating or delivering in person or through employer-owned property such as bulletin boards, computers, smartphones, e-mails, and intranets any literature or other materials including circulars, notices, papers, leaflets, or other printed, written, or electronic matter (except that distributing or delivering membership cards or applications for any organization is considered solicitation and not distribution).



### WORKING TIME

includes any time in which either the person doing the solicitation (or distribution) or the person being solicited (or to whom non-business literature is being distributed) is engaged in or required to be performing work tasks. Working time excludes times when caregivers are properly not engaged in performing work tasks, including break periods and meal times.



### WORKING AREAS

include areas where caregivers are performing work, including patients' homes or premises.



# ELECTRONIC MAIL, SOCIAL MEDIA AND INTERNET

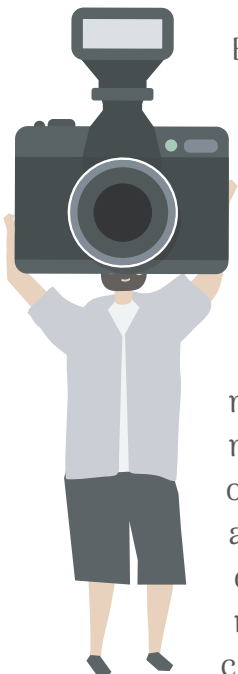
Some caregivers may use social media websites e.g. Facebook, Linked In, etc. as a medium of self-expression and the Agency respects the right of caregivers to use such sites. However, if a caregiver chooses to identify him or herself on such Internet venues, the following code of conduct is expected:

**C**aregivers must be professional, truthful and respectful in all communications and blogs. Caregivers must not use obscenities, profanity, or vulgar language. Caregivers must not use blogs or personal Web sites to disparage the Agency or share any confidential information or information that is considered PHI under HIPAA. Caregivers may not use blogs or personal Web sites to harass or intimidate other caregivers, patients, or patients' families.

**C**aregivers may not use blogs or personal Web sites to discuss engaging in behavior that is prohibited by Agency policies, including, but not limited to, the use of alcohol and drugs, sexual activity, sexual harassment.



## PHOTO WAIVER AND RELEASE



By acknowledging this Handbook, you hereby consent to and authorize the Agency **(a) taking at any time, in the Agency's discretion, your photograph, whether alone or with other people, (b) using and re-using each such photograph in print, electronic or other media, or copies of same** for the Agency's publications, advertising, marketing (including social media marketing), publicity, promotions, public relations, and news media business activities, including, but not limited to, the Agency's website and in the Agency's business development or other promotional materials, including print, broadcast, and electronic media, including social media. You can withdraw this consent at any time by notifying the corporate office. By accepting employment with the Agency, you, and your successors and assigns, release and discharge the Agency from each claim or cause of action arising out of or in connection with its use of your photograph or name pursuant to this consent (including, without limitation, each claim or cause of action arising under Section 50 of the New York Civil Rights Law).

# DRUG AND ALCOHOL POLICY



To help ensure a safe, healthy and productive work environment for all caregivers, patients and their families and others, the Agency has adopted a policy maintaining a workplace free of drugs and alcohol. This policy restricts certain items and substances from being brought to the workplace and prohibits caregivers from reporting to work or working under the influence of illegal drugs, alcohol and other controlled substances which may affect their ability perform work safely. A caregiver who feels that he/she has a substance abuse problem is encouraged to seek professional help. The Agency will also offer referral service to any caregiver who voluntarily requests help.

This policy includes pre-employment, post-incident, reasonable suspicion and annual testing as well as searches and investigations to the extent permissible by law.

## RULES

- 1** Processing, manufacturing, distribution, dispensing and/or the use of illegal drugs, drug paraphernalia, unauthorized controlled substances, illegal use of legal drugs and other intoxicants during work hours or in work areas is prohibited.
- 2** Reporting to or being at work under the influence of illegal drugs or unauthorized controlled substances are prohibited. Reporting to and being under the influence of alcohol or other legal intoxicant that can adversely affect a caregiver's performance or the safety of the caregiver, those surrounding the caregiver is also prohibited.
- 3** Legally prescribed drugs may be permitted provided that the drugs are prescribed to the caregiver by an authorized medical practitioner for current use by the employer. Reporting to and being at work under the influence of prescribed or over-the-counter drugs, where such use prevents a caregiver from performing the duties of the job or poses a safety risk to other persons or property is prohibited. Caregivers taking a prescription over-the-counter drug are personally responsible for confirming with their physician that they may safely perform any job duties while taking such items. Caregivers taking a legal substance that could impair their safe work must advise their immediate supervisor, who may assign the caregiver to non-hazardous duties or send them home. A caregiver's failure to notify their supervisor at the start of their work shift will result in disciplinary action up to and including termination of employment.
- 4** The possession or use of alcohol during work hours or in a patient's home is prohibited.
- 5** Nothing set forth in this policy shall be construed as limitation upon the right to terminate a caregiver at any time and upon any reason and the right of the caregiver to resign at any time for any reason.
- 6** Any caregiver who is found to be in violation of this policy will be subject to discipline up to and including termination.

**A CAREGIVER, TO THE EXTENT CONSISTENT WITH APPLICABLE FEDERAL, STATE AND LOCAL LAWS, WILL BE REQUIRED TO UNDERGO A SCREENING TEST FOR THE USE OF ILLEGAL AND NON-PRESCRIPTION DRUGS, ALCOHOL OR OTHER SUBSTANCES UNDER ANY OF THE FOLLOWING OR OTHER CIRCUMSTANCES WHICH MAY BE DETERMINED BY THE AGENCY UNDER THIS POLICY:**

## **POST INCIDENT**

If you are involved in a workplace incident resulting in personal injury to you, the patient, or others, or damage to property or workplace, or circumstances which could have resulted in personal injury to either the caregiver or others, or damage to property when there is a reasonable suspicion to believe that the incident has occurred due to drug or alcohol use.

## **REASONABLE SUSPICION**

When there is reasonable suspicion, satisfactory to the Agency's management, to believe that a caregiver is under the influence of illegal drugs, unauthorized controlled substance, alcohol or other intoxicants during work hours or while in the workplace or that the caregiver has reported to work under the influence of illegal drugs, unauthorized controlled substances, alcohol or other intoxicants which could affect the safety of the caregiver and/or others.

## **ANNUAL**

When the Agency, upon its discretion, requires screenings on a yearly basis in addition to any other screen that was given in that year.

Any caregiver who tests positive for drugs or alcohol and who believe the test results are incorrect, may request a retest of the original specimen at his/her cost.

The Agency reserves the right to search any caregiver or property for illegal drugs, drug paraphernalia, unauthorized controlled substance,

alcohol or other intoxicants. Agency may have a third party complete the search(es). This shall include, but is not limited to, clothing, personal effects, vehicles, buildings, offices, parking lots, desks, cabinets, locker, closets, lunch boxes and equipment.

Caregivers who refuse to submit to testing as required by the Agency

or who fail to complete the test will be subject to discipline, up to and including immediate termination of employment. Job applicants who refuse to submit to drug and alcohol testing will be deemed to have withdrawn themselves from the application process and will no longer be considered for employment.

# COMPLIANT PROCEDURES

Questions or problems concerning your job should be brought up with your Coordinator. It is expected that most difficulties will be satisfactorily resolved in this way. If for some reason, a matter you discussed with the Agency staff is not resolved to your satisfaction, we have an open door policy, which means that you can discuss any issues with the next level, a director. If at this time you are still not satisfied with the decision, you may file a complaint with your Coordinator and request that it be submitted to the Board of Directors. This review will take place and be answered within a reasonable amount of time (not to exceed 30 days). The decision rendered by the Board of Directors will be final.

You will find a complaint form at the end of this Handbook. You may also submit a complaint on any piece of paper you have available. Please send all complaints to the Quality Assurance Department.

For complaints that allege a violation of the law, you are required to follow the FAIR program if you are not satisfied with the Board of Directors' response. Thus, where your complaint alleges a violation of the law, and the Board has rejected your complaint, you are required to follow the FAIR Program if you wish to pursue your complaint and the complaint alleges a violation of some law.



# TIME, ATTENDANCE AND TIME OFF

All personnel are expected to show up at their assignments on time, with proper identification and dressed appropriately.

It is your responsibility to arrive at your assignment promptly at the start of the shift. If you are unable to cover your case for any reason, you must notify the Agency as early as possible so that we can arrange for coverage.

You can call our office at any time, 24 hours, and 7 days a week. Office hours are from 9:00am to 5:00pm Monday through Thursday; Friday 9:00 a.m. to 1:00 p.m. In addition, the Agency's supervisor is on-call whenever the office is closed and can be reached by calling the regular office number.



**Emergencies come up, however, as essential healthcare workers, caregivers have a responsibility to the patients and the Company if they should need to take a day off unexpectedly. Caregivers are required to provide at least 24-hours notice of an unexpected absence from work. Medical emergencies will not be subject to this standard, nor will any call-offs that are permitted to be provided with a shorter notice under any federal, state or local law. However, in all other circumstances, caregivers must provide the requisite 24-hour notice of a cancelled shift so that the Company has adequate time to secure a replacement caregiver for a patient. Caregivers who fail to follow these standards endanger the welfare of our patients and will be disciplined for violations of this policy.**

Failure to notify the Agency that you will be out sick, late, on vacation, etc. may be grounds to terminate your employment. While we understand that situations arise which may stop or delay you from working on a particular day, it is extremely important that such information be known to the Agency.

## TARDINESS

Tardiness or failing to report to work as scheduled can be problematic for the patients. If a caregiver is sick or is going to be late, he/she must call the office main phone number at 518-762-1767. When calling, be sure to identify the reason for calling off or reporting to work late. If you are working in New York City and you are calling off or reporting late due to one of the reasons protected by the New York City Safe and Sick Time Law, please follow our policy in this Handbook, which requires you to notify your Coordinator that you are absent or late due to one of the reasons covered by the Law.

**Do not call your patient directly. You are employed by the Agency, not the patient.**

**You MUST NOT arrive late or leave early unless approved by the Agency.**

**Excessive and repeated tardiness without proper reasons will lead to termination.**



# FAMILY AND MEDICAL LEAVE

The Company provides leave according to the Family and Medical Leave Act of 1993 (FMLA) and the New York Paid Family Leave (NYPFL) Law to covered caregivers in certain circumstances and as more fully described in this policy.

## ELIGIBILITY

To qualify for FMLA leave, you must: (1) have worked for the Company for at least 12 months; (2) have worked at least 1,250 hours in the last 12 months; and (3) be employed at a work site where the Company has 50 or more caregivers within 75 miles. If you have any questions about your eligibility for FMLA leave, please contact the Human Resources Department.

To qualify for NYPFL, a New York caregiver whose regular schedule is 20 or more hours per week

must have worked for the Company for at least 26 consecutive weeks preceding the first full day leave begins. A New York caregiver whose regular schedule is less than 20 hours per week must have worked in the Company's employment for 175 days (which does not have to be consecutive) to qualify for NYPFL. If you have any questions about your eligibility for NYPFL, please contact the Human Resources Department.

## LEAVE ENTITLEMENT

FMLA. You may take up to **12 weeks of unpaid FMLA** leave in a 12-month period, which is measured using a "rolling" method that is measured backward from the date you use any FMLA leave, for any of the following reasons:

- 1** The birth of a son or daughter and in order to care for such son or daughter (leave to be completed within one year of the child's birth)
- 2** The placement of a son or daughter with you for adoption or foster care and in order to care for the newly placed son or daughter (leave to be completed within one year of the child's placement)
- 3** To care for a spouse, son, daughter, or parent with a serious health condition
- 4** For your own serious health condition which renders you unable to perform any of the essential functions of your position
- 5** A qualifying exigency of a spouse, son, daughter, or parent who is a military member on covered active duty or called to covered active duty status (or has been notified of an impending call or order to covered active duty)

You may take **up to 26 weeks** of unpaid FMLA leave in a single 12-month period, beginning on the first day that you take FMLA leave to care for a spouse, son, daughter, or next of kin who is a Covered Service member and who has a serious injury or illness related to active duty service, as defined by the FMLA's regulations (see Definitions section, Military Caregiver Leave subsection below).

The 52 consecutive week period is measured using a “rolling” method that is measured backward from the date you use any NYPFL. NYPFL may be taken for the following reasons:

1. To care for a spouse, domestic partner, child, parent (including in-laws), grandparent, or grandchild with serious health condition;
2. To bond with a child during the first 12 months after the child’s birth or placement for adoption or foster care or to meet adoption or foster care obligations (leave to be completed within one year of the child’s birth or placement); or
3. To meet qualifying exigencies arising from the fact that your spouse, domestic partner, child, or parent is on active duty or “has been notified of an impending call to active duty” in the U.S. Armed Forces.

Note that NYPFL is not available for the caregiver’s own serious health condition.

During NYPFL, paid benefits will be provided by the Company’s NYPFL insurance carrier, at the following level provided by law: **67% of the caregiver’s AWW, up to 67% of the NYS AWW**

The NYS Average Weekly Wage is the average weekly wage paid across New York State during the previous calendar year and is determined and published by the New York State Department of Labor each year.

Pay under NYPFL is available from the first day of the leave (no waiting period). The insurance carrier, not the Company, is responsible for approving and paying benefits under the NYPFL Law. To receive such benefits, you will be required to file a claim with the carrier and to follow the carrier’s requirements with respect to claim filing, certification, and supporting documentation (see NYPFL Claim and Certification Procedure section below).

**If you are eligible for leave under both the FMLA and the NYPFL, your leave under both of these laws will run concurrently to the maximum extent permitted by law.**

## FAMILY MEMBERS WORKING FOR THE COMPANY

**FMLA.** Where eligible spouses both work for the Company, they will be limited to a combined total of 12 weeks of FMLA leave in a 12-month period for the birth/placement of and bonding with a child and the care of a parent with a serious health condition. The spouses will also be limited to a combined total of 26 weeks of FMLA leave in a 12-month period to care for a Covered Service member with a serious injury or illness (see Definitions section, Military Caregiver Leave subsection below).

**NYPFL.** The Company will not permit more than one caregiver to take NYPFL at the same time to care for the same family member (e.g., where both spouses or other qualifying relatives work for the Company).



# DEFINITIONS

**SERIOUS HEALTH CONDITION – FMLA.** For FMLA purposes, “serious health condition” means an illness, injury, impairment, or physical or mental condition that involves: (a) inpatient care; or (b) continuing treatment by a health care provider.”

Inpatient care means an overnight stay in a hospital, hospice, or residential medical care facility, including any period of incapacity, as defined by the law, or any subsequent treatment in connection with such inpatient care. A serious health condition involving continuing treatment by a health care provider requires any one or more of the following:

A period of incapacity of more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves: (a) treatment two or more times, within 30 days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, a nurse under direct supervision of a health care provider, or a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; or (b) treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider;

Any period of incapacity due to pregnancy or for prenatal care;

Any period of incapacity or treatment for such incapacity due to a chronic serious health condition;

A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective; and

Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or a provider of health care services under orders of, or on referral by, a health care provider.

**SERIOUS HEALTH CONDITION – NYPFL.** For NYPFL purposes, “serious health condition” means illness, injury, impairment, or physical or mental condition that involves: (a) inpatient care in a hospital, hospice, or residential health care facility; or (b) continuing treatment or continuing supervision by a health care provider. A serious health condition involving continuing treatment or continuing supervision by a health care provider requires any one or more of the following:

More than 3 consecutive full days of inability to work, attend school, perform regular activities, or other incapacity due to a condition, plus any subsequent treatment or period of incapacity that involves treatment two or more times, or treatment at least once that results in a regimen of continuing treatment under the supervision of a health care provider.

Any period of inability to work, attend school, perform regular activities, or other incapacity due to a chronic serious health condition that requires periodic visits for treatment by a health care provider, continues over an extended period of time (including recurring episodes of an underlying condition), and may cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy).

A long-term or permanent period of inability to work, attend school, perform regular activities, or other 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 inability to work, attend school, perform regular activities, or other incapacity due to treatment (including any period of recovery therefrom) by a health care provider for restorative surgery, or for a condition that would likely result in more than 3 consecutive full days of incapacity without treatment (e.g., cancer, severe arthritis, kidney disease).



**QUALIFYING EXIGENCY.** For purposes of both FMLA and NYPFL, “qualifying exigency” means a situation arising out of the fact that the caregiver’s spouse, child, or parent is a military member in the United States Armed Forces, Reserves, or National Guard on covered active duty or who has been notified of an impending call or order to covered active duty status (“Military Member”).

“Covered active duty,” for members of the Regular Armed Forces, means duty during deployment of the Military Member with the Armed Forces to a foreign country. “Covered active duty,” for members of National Guard or Reserves, means duty during the deployment of the Military Member with the Armed Forces to a foreign country under a call or order to active duty in support of a “contingency operation,” as defined by law.

# QUALIFYING EXIGENCY

A “qualifying exigency” exists where one of the following events occurs:

**SHORT-NOTICE DEPLOYMENT.** To address any issue that arises from the fact that the Military Member is notified of an impending call or order to covered active duty, for a period of seven (7) or less calendar days from the date of notification;

**MILITARY EVENTS AND RELATED ACTIVITIES.** To attend any official ceremony, program, or event sponsored by the military that is related to the covered active duty or call to covered active duty status of the Military Member, or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the covered active duty or call to covered active duty status of the Military Member;

**CHILDCARE AND SCHOOL ACTIVITIES.** To attend to certain childcare and school activities that are necessitated by the Military Member’s active duty or call to active duty status, such as: (i) arranging for alternative childcare; (ii) providing childcare on an urgent, immediate need basis (but not on a routine, regular, or everyday basis); (iii) enrolling in or transferring to a new school or daycare facility; and (iv) attending meetings with caregivers at a school or daycare facility;

**FINANCIAL AND LEGAL ARRANGEMENTS.** To make or update financial and legal arrangements to address the Military Member’s absence while on covered active duty or call to covered active duty status;

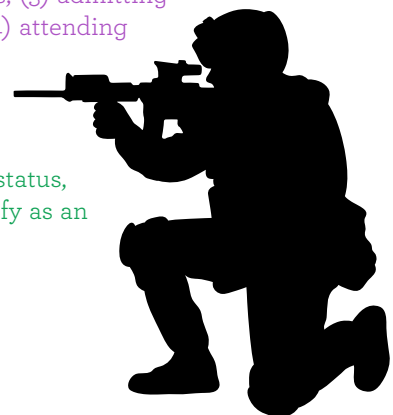
**COUNSELING.** To attend counseling provided by someone other than a health care provider, for oneself, for the Military Member, or for the biological, adopted, or foster child, a stepchild, or a legal ward of the Military Member, or a child for whom the Military Member stands in loco parentis, who is either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence, provided that the need for counseling arises from the covered active duty or call to covered active duty status of the Military Member;

**REST AND RECUPERATION.** To spend time with a Military Member who is on short-term, temporary, rest and recuperation leave during deployment for up to fifteen (15) calendar days;

**POST-DEPLOYMENT ACTIVITIES.** To attend arrival ceremonies, reintegration briefings and events, and any other official ceremony or program sponsored by the military for a period of 90 days following the termination of the Military Member’s covered active duty status; and to address issues that arise from the death of a Military Member while on covered active duty status;

**PARENTAL CARE.** To provide certain care to a Military Member’s parent who is incapable of self-care, and where each instance of the care provided is necessitated by the Military Member’s covered active duty. Covered activities provided to the parent of a Military Member under this provision include: (1) arranging for alternative care for a parent of the Military Member; (2) providing care for a parent of the Military Member on an urgent, immediate need basis; (3) admitting or transferring the parent of a Military Member to a care facility; and (4) attending meetings with caregivers at a care facility where the parent of a Military Member resides or stays; or

**ADDITIONAL ACTIVITIES.** To address other events which arise out of the Military Member’s covered active duty or call to covered active duty status, provided that the Agency and caregiver agree that such leave shall qualify as an exigency, and both agree to the timing and duration of such leave.



# FMLA

## MILITARY CAREGIVER LEAVE

For purposes of Military Caregiver Leave under the FMLA, “Covered Service member” means:

A current member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness (“Current Service member”); or

A veteran who: (1) is undergoing medical treatment, recuperation, or therapy for a serious injury or illness; (2) was a member of the Armed Forces (including a member of the National Guard or Reserves); (3) was discharged within the five-year period before the eligible caregiver first takes FMLA leave to care for him or her; and (4) was discharged or released from the Armed Forces under conditions other than dishonorable (“Covered Veteran”). An eligible caregiver must commence leave to care for a Covered Veteran within five years of the Covered Veteran’s active duty service.

For purposes of Military Caregiver Leave under the FMLA “serious injury or illness” means:

In the case of a Current Service member, an injury or illness that was incurred by him or her in the line of duty on active duty in the Armed Forces (or that existed before the beginning of his or her active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that may render the Covered Service member medically unfit to perform the duties of his or her office, grade, rank, or rating; and

In the case of a Covered Veteran, an injury or illness that was incurred or aggravated by him or her in the line of duty, while on active duty in the Armed Forces, and which manifested itself before or after he or she became a veteran, and is:

A continuation of a serious injury or illness that was incurred or aggravated when the Covered Veteran was a member of the Armed Forces and rendered him or her unable to perform the duties of his or her office, grade, rank, or rating;

A physical or mental condition for which the Covered Veteran has received a VA Service Related Disability Rating (“VASRD”) of 50 percent or greater and such VASRD rating is based, in whole or in part, on the condition precipitating the need for leave;

A physical or mental condition that substantially impairs the Covered Veteran’s ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service or would do so absent treatment; or

An injury, including a psychological injury, on the basis of which the Covered Veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

**Important limitation:** If a caregiver does not take all of his or her 26 workweeks of leave entitlement to care for a Covered Service member during the 12-month period, the remaining part of his or her 26 workweeks of leave is forfeited.

**Maximum duration of leave in any 12-month period:** The Military Caregiver Leave is applied

on a per-Covered-Service member, per-injury, basis such that a caregiver may be entitled to take more than one period of 26 work weeks of leave if the leave is to care for different Covered Service members or to care for the same Covered Service member with a subsequent serious injury or illness, except that no more than 26 workweeks of leave may be taken within any single 12-month period.

# FMLA

## MILITARY CAREGIVER LEAVE

**“Next of kin”:** A caregiver is “next of kin” of a Covered Service member if he or she is the nearest blood relative of the Covered Service member (*other than the Covered Service member’s spouse, parent, or child*). Unless the Covered Service member has specifically designated in writing a particular blood relative as his or her nearest blood relative for the purposes of the Military Caregiver Leave, the following is the order of priority used to identify the nearest blood relatives of the Covered Service member:

- (a) blood relatives who have been granted legal custody of the Covered Service member;
- (b) siblings;
- (c) grandparents;
- (d) aunts and uncles; and
- (e) first cousins



When no such designation is made, and there are multiple family members with the same level of relationship to the Covered Service member, all such family members shall be considered the Covered Service member’s next of kin and may take FMLA leave to provide care to the Covered Service member, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the Covered Service member’s only next of kin.

## INTERMITTENT AND REDUCED SCHEDULE LEAVE

If medically necessary, FMLA leave occasioned by a serious health condition may be taken intermittently (*in separate blocks of time due to a serious health condition*) or on a reduced leave schedule (*reducing the usual number of hours you work per workweek or workday*). Medically necessary means that there must be a medical need for the leave and the leave can best be accomplished through an intermittent schedule. FMLA leave may also be taken intermittently or on a reduced leave schedule for a qualifying exigency relating to covered military service.

If FMLA leave taken intermittently is unpaid, the Company will reduce the caregiver’s salary based on the amount of time actually worked.

In addition, while a caregiver is on an intermittent or reduced schedule leave, the Company may temporarily transfer him or her to an available alternative position that better accommodates his or her leave schedule and has equivalent pay and benefits.

When intermittent FMLA leave is needed to care for an immediate family member or the caregiver’s own illness, and is for planned medical treatment, the caregiver must attempt to schedule treatment so as to minimize disruption to the Company’s operations. Caregivers should consult with the Company prior to scheduling the treatment in order to arrange a schedule that best suits the needs of the caregiver and the Company.

**NYPFL Eligible caregivers may take intermittently in no less than daily increments. The maximum number of days of NYPFL available to a caregiver is calculated based on the average number of days the caregiver works per week. For example, a worker with a schedule of 5+ days per week can take up to the then-applicable maximum weeks of leave multiplied by 5 days (in 2018, the maximum is 8 weeks, so the worker would be eligible for up to 40 days of leave in a 52-week period). For a caregiver who works 3 days per week (60% of the work week) can receive only 60% of the then-applicable maximum leave (in 2018, this would be 60% of 40 days, so the caregiver would be eligible for up to 24 days of leave in a 52-week period).**



**CONCURRENT LEAVE.**

Where FMLA and NYPFL run concurrently, intermittent leave will be immediately deducted from the caregiver's FMLA entitlement. Because intermittent NYPFL is measured in daily increments,

intermittent leave will be deducted from the caregiver's NYPFL entitlement each time the hours taken under FMLA add up to the number of hours in a caregiver's usual work day.

## NYPFL CONTRIBUTIONS AND WAIVERS

CONSISTENT WITH THE NYPFL LAW, THE COMPANY WILL FUND THE NYPFL INSURANCE POLICY THROUGH DEDUCTIONS FROM THE PAY OF ALL CAREGIVERS, EXCEPT THOSE WHO HAVE

FILED VALID WAIVERS IN ACCORDANCE WITH THIS POLICY. THE COMPANY WILL MAKE THE MAXIMUM DEDUCTIONS PERMITTED BY LAW.

CAREGIVERS WHOSE REGULAR SCHEDULE IS 20 OR MORE HOURS PER WEEK BUT WHO WILL NOT WORK 26 CONSECUTIVE WEEKS, AND CAREGIVERS WHOSE REGULAR SCHEDULE IS LESS THAN 20 HOURS PER WEEK AND WHO WILL NOT WORK 175 DAYS IN A 52-CONSECUTIVE-WEEK PERIOD, MAY FILE A WAIVER OF NYPFL BENEFITS. UPON FILING A WAIVER, THE CAREGIVER WILL BE EXEMPT FROM MAKING CONTRIBUTIONS TO NYPFL AND THUS WILL NOT BE SUBJECT TO PAYROLL DEDUCTIONS. HOWEVER, THE CAREGIVER WILL BE INELIGIBLE FOR NYPFL BENEFITS.

IF THE WORK SCHEDULE OF A CAREGIVER WHO HAS FILED A WAIVER CHANGES SO THAT HE OR SHE WILL WORK 26 CONSECUTIVE WEEKS, OR 175 DAYS IN A 52-CONSECUTIVE-WEEK PERIOD, THE WAIVER WILL BE AUTOMATICALLY REVOKED

WITHIN 8 WEEKS OF THE CHANGE. THE CAREGIVER WILL THEN BE OBLIGATED TO MAKE CONTRIBUTIONS, INCLUDING ANY RETROACTIVE AMOUNTS DUE FROM DATE OF HIRE.

## APPLICATION FOR FMLA LEAVE AND/OR NYPFL

To take FMLA leave or NYPFL, a caregiver must provide the Company with advance notice of the need for leave as follows:

**FORESEEABLE LEAVE.** Where the need for leave is foreseeable (*e.g., planned medical treatment, expected birth or placement of a child, planned medical treatment for a serious injury or illness of a family member, etc.*), a caregiver must provide the Company with at least 30 days advance notice of the need for leave.

If 30 days advance notice is not possible (*e.g., because of lack of knowledge of approximately when the leave will be required to begin, a change in circumstances, or a medical emergency*), the caregiver must at least provide notice as soon as practicable under the circumstances. Normally, it should be practicable for the caregiver to provide notice of the need for leave either the same day he or she becomes aware of a qualifying event or the next business day.

Whether FMLA leave is to be continuous or is to be taken intermittently or on a reduced schedule basis, notice need only be given one time, but the caregiver shall advise the Company as soon as practicable if dates of scheduled leave change or are extended or were initially unknown. To qualify for NYPFL, caregivers must provide the Company with notice as soon as possible before **each day** of intermittent leave.

# FMLA / NYPFL

**UNFORESEEABLE LEAVE.** When the approximate timing of the qualifying event and the need for leave is not foreseeable, the caregiver must provide notice as soon as practicable under the facts and circumstances of the qualifying event. Absent unusual circumstances, it generally should be practicable for the caregiver to provide notice 2 hours before a scheduled shift as required by the Company's policy. **It should generally be practicable for the caregiver to provide notice within two business days after learning of the need for leave.**

A caregiver who fails to provide advance notice in compliance with these policies must explain to the Company why he or she was unable to do so. Absent unusual circumstances, a caregiver's failure to follow these policies will result in FMLA leave and/or NYPFL being denied or delayed.

The notice rules apply to **each day** of intermittent leave under the NYPFL. If a caregiver is planning a medical treatment or a series of treatments under FMLA or NYPFL or is taking Military Caregiver Leave under the FMLA, he or she must consult with the Company first regarding the dates of such treatment to work out a schedule that best suits the needs of both the caregiver or the Covered Military Member, if applicable, and the Company.

Applications for leave under FMLA and/or NYPFL should be submitted in writing to the Benefits

Administrator. Application forms are available in the Human Resources Department. In addition, caregivers seeking NYPFL will be required to file a claim with the Company's NYPFL insurance carrier (*see NYPFL Claim and Certification Procedure section, below*).

Failure to provide proper notice of your need for FMLA leave and/or NYPFL may result in the denial or delay of protected leave, depending on the particular facts and circumstances.



## FMLA CERTIFICATION PROCEDURE

If a caregiver is requesting FMLA leave because of his or her own or a covered relation's serious health condition, the caregiver and the relevant health care provider must supply appropriate medical certification. Caregivers may obtain Medical Certification forms from the Human Resources Department. When a caregiver requests leave, the Company will notify him or her of the requirement for medical certification and when it is due (at least 15 days after leave is requested). If the caregiver provides at least 30 days' notice of medical leave, he or she should also provide the medical certification before leave begins. Failure to provide requested medical certification in a timely manner may result in denial of FMLA-covered leave until it is provided.



The Company, at its expense, may require an examination by a second health care provider designated by the Company. If the second health care provider's opinion conflicts with the original medical certification, the Company, at its expense, may require a third, mutually agreeable, health care provider to conduct an examination and provide a final and binding opinion.

The Company may require subsequent medical recertification. Failure to provide requested certification within the required timeframe may result in delay of further leave until it is provided.

The Company also reserves the right to require certification from a covered military member's health care provider if a caregiver is requesting military caregiver leave and certification in connection with military exigency leave.

## NYPFL Claim and Certification Procedure

To obtain NYPFL benefits, you must file a claim with the Company's NYPFL insurance carrier on the carrier's prescribed form(s). The caregiver will also be required to provide the NYPFL insurance carrier with sufficient certification of the need for leave and supporting documentation as provided by the NYPFL Law, the relevant insurance policy, and the carrier's own requirements. For example, the caregiver may be required to provide:

Certification from a health care provider regarding the serious health condition for which the caregiver needs leave

Documentation such as a birth certificate establishing the birth of a child

Documentation such as court documents or placement letters establishing that the caregiver is in the process of adopting or has adopted a child or is fostering a child

Certification of military exigencies and supporting military orders

When you inform the Company of the need for NYPFL, the Company will provide you with a copy of the relevant claim form(s) and complete any employer portion(s). You can also obtain and file the claim form(s) directly through our NYPFL insurance carrier,

**STANDARD SECURITY, VIA PHONE: 800-477-0087, WEBSITE: SSLICNY.COM**

Contact the carrier if you have any questions about the forms and documents you must submit in support of your claim for benefits.

## REPORTING WHILE ON LEAVE

While you are on NYPFL, you should notify the Company and/or the NYPFL insurance carrier as soon as practicable (*within two business days, if feasible*) if there is any change in your circumstances or if your dates of leave change or were initially unknown and become known or estimated.

## CONDITIONS OF FMLA LEAVE AND NYPFL

The following conditions apply to leave taken under FMLA and/or NYPFL pursuant to this policy, except where otherwise required by applicable law:

A caregiver taking an approved leave of absence may not engage in other work or employment during the leave of absence. If a caregiver engages in other work or employment during the leave of absence, the caregiver will be considered to have violated the terms of the leave of absence, and to have voluntarily terminated his or her employment with the Company.

A caregiver on approved leave who fails to return to work at the end of his or her leave will be required to reimburse the Company for all health insurance premium payments expended by the Company on the caregiver's behalf during the leave, unless the reason

the caregiver does not return to work is due to: **(a)** the continuation, recurrence, or onset of a serious health condition of the caregiver or the caregiver's spouse, son, daughter, or parent; **(b)** the serious injury or illness of a spouse, son, daughter, or parent, or next of kin, who is a Covered Service member; or **(c)** other circumstances beyond the caregiver's control.

Caregivers will not receive holiday pay during leave except as required by applicable law.

A caregiver may be subject to termination during a leave for reasons including but not limited to falsification of reason for or status of the circumstances surrounding the leave of absence.

If business conditions require a reduction in force, caregivers on an approved leave of absence will be considered for lay-off and treated in the same manner as active caregivers.

# COMPENSATION AND BENEFITS DURING FMLA/NYPFL

## Compensation during FMLA

As noted above, FMLA leave is unpaid. However, nothing in this policy prevents a caregiver from applying for worker's compensation or NYS Disability benefits. Leave which is covered by workers' compensation or disability benefits will be designated as FMLA leave to the maximum extent permitted by law.

Caregivers not receiving workers' compensation, disability (*including NYS short term disability*), or NYPFL benefits will be required to use their accrued PTO and Sick hours during FMLA leave, and such leaves will run concurrently with the caregiver's FMLA leave. Caregivers will also be required to use any accrued PTO and sick hours during any waiting periods for disability benefits or workers' compensation benefits.

## Compensation during NYPFL

As noted above, NYPFL is paid by the Company's NYPFL insurance carrier in accordance with the insurance policy, the maximum benefits set forth in the law, and the carrier's own rules and procedures.

Where leave is taken under NYPFL, the caregiver may but is not required to use accrued PTO or sick hours during the leave. Use of accrued PTO or sick hours will allow the caregiver to receive full pay during the leave until paid time off is exhausted.

Where a caregiver is paid for accrued PTO or sick hours during NYPFL (*whether concurrent with FMLA or not*), the Company will be entitled to receive the NYPFL payment from the NYPFL carrier as reimbursement for the NYPFL portion of the amount paid to the caregiver. In no event shall a caregiver's use of accrued PTO or sick hours during NYPFL result in the caregiver's receipt of more than 100% his or her average weekly wage.

## Health Insurance during FMLA and/or NYPFL

To the extent required by law, the Company will maintain group health insurance benefits for caregivers on FMLA leave and/or NYPFL on the same basis as coverage would have been provided if the caregiver had been actively working during the leave period. Any share of group health plan premiums which had been paid by the caregiver prior to leave must continue to be paid by the caregiver during the leave period. Where the caregiver is receiving pay directly from the Company (*i.e., using sick, personal, or vacation time*), deductions for group health insurance will continue to be made on the same basis as if the caregiver was actively working. Where the caregiver is not receiving pay from the Company, arrangements will be made for caregivers to pay their share of the group health insurance premiums while on leave. If the Company pays the caregiver's share of any premium payments, the Company reserves the right to recover the full value of those payments made in any manner permitted by law.

A caregiver whose health insurance coverage is maintained pursuant to this policy during an approved FMLA and/or NYPFL leave will be subject to any changes in the Company's group health plan that occur while he or she is on leave (*e.g., changes in coverage, premiums, deductibles*).

If a caregiver's premium payment is more than thirty (30) days late while the caregiver is on FMLA leave and/or NYPFL, his or her group health insurance benefits may be terminated, and the caregiver will be extended continuing coverage opportunities in accordance with COBRA. However, if coverage is terminated for this reason and the caregiver returns to work from FMLA leave, the caregiver's group health insurance benefits will be reinstated, to the same extent the caregiver would have been entitled to those benefits had he or she not taken leave.

If a caregiver gives unequivocal notice of his or her intent not to return to work, the Company's obligation to continue group health insurance benefits will cease, subject to COBRA.

## Other Benefits

An approved FMLA leave and/or NYPFL pursuant to this policy will not result in the loss of any employment benefit that may have accrued before the date the leave of absence started. For all periods when a caregiver uses accrued PTO or sick hours concurrently with FMLA or NYPFL, benefits that are accumulated on an accrual basis will continue to accrue to the extent they would have otherwise, and deductions for group health insurance will continue to be made on the same basis as if the caregiver was not on leave. Caregivers will not accrue or receive any benefits (*other than group health insurance benefits as noted above*) for periods where FMLA and/or NYPFL is not run concurrently with use of the caregiver's accrued PTO or sick hours.

## Return from an Approved FMLA Leave and/or NYPFL

Unless the caregiver's employment was or would have been terminated for reasons unrelated to the leave (*e.g., reorganization, lay off, reduction in force, etc.*), the Company will restore a caregiver who returns from approved FMLA and/or NYPFL leave to the same position that the caregiver held prior to the leave or to an equivalent position with substantially similar duties, conditions, responsibilities, privileges, and status as the original position, subject to the terms, limitations, and exceptions provided by law.

Before returning from an approved FMLA leave granted as a result of a caregiver's own serious health condition, a caregiver must present a written fitness-for-duty certification from his or her medical care provider. A caregiver's failure to provide such certification at the time the caregiver attempts to return to work may result in a delay or denial of job restoration.

Caregivers are expected to return to work when the FMLA leave and/or NYPFL ends, unless a caregiver requests and is granted an extension of leave as an accommodation or pursuant to another Company policy. If a caregiver does not return to work on the agreed upon date after expiration of FMLA leave and/or NYPFL, and an extension of leave was not granted to the caregiver, the caregiver will be considered to have voluntarily terminated his or her employment.

With respect to certain "highly paid" or "key" caregivers, there may be specified and limited circumstances under which the Company may refuse to reinstate such individuals following FMLA leave. This determination will be made in accordance with applicable law.



## FURTHER INFORMATION

Caregivers wanting further information regarding this policy should consult with the Human Resources Department.

The Company will not interfere with, restrain, or deny a caregiver the exercise of any right provided under the FMLA or discriminate against any person for opposing any practice made unlawful by the FMLA or for being involved in any proceeding under or relating to the FMLA. If a prohibited act has occurred, or the FMLA was not followed, a complaint may be filed with the United States department of labor or a private action instituted.

The Company will not discriminate or retaliate against a caregiver because he or she claimed NYPFL benefits, attempted to claim NYPFL benefits, or testified or is about to testify in a proceeding under the NYPFL Law.

This policy is intended to implement the FMLA and the NYPFL and their accompanying regulations. To the extent this policy is inconsistent therewith, the law and regulations will govern. Further, to the extent any state or local law provides for additional leave benefits, the Company will comply with any such requirements.



# PWFA

## PREGNANT WORKERS FAIRNESS ACT

An employee or applicant may request an accommodation due to pregnancy, childbirth or a related medical condition by submitting the request in writing to human resources (HR). The accommodation request should include an explanation of the pregnancy-related limitations, the accommodation needed and any alternative accommodation(s) that might be reasonable. Depending on the nature of the accommodation, the individual may be requested to submit a statement from a health care provider substantiating the need for the accommodation.

Upon receipt of a request for accommodation, HR will contact the employee or applicant to discuss the request and determine if an accommodation is reasonable and can be provided without significant difficulty or expense, i.e., undue hardship.

While the reasonableness of each accommodation request will be individually assessed, possible accommodations include allowing the individual to:

- ⇒ **Sit while working.**
- ⇒ **Drink water during the workday.**
- ⇒ **Receive closer-in parking.**
- ⇒ **Have flexible hours.**
- ⇒ **Receive appropriately sized uniforms and safety apparel.**
- ⇒ **Receive additional break time to use the bathroom, eat and rest.**
- ⇒ **Take time off to recover from childbirth.**
- ⇒ **Be excused from strenuous activities and/or activities that involve exposure to compounds deemed unsafe during pregnancy.**

An employee may request paid or unpaid leave as a reasonable accommodation under this policy; however, Broadway will not require an employee to take time off if another reasonable accommodation can be provided that will allow the employee to continue to work.

Broadway prohibits any retaliation, harassment or adverse action due to an individual's request for an accommodation under this policy or for reporting or participating in an investigation of unlawful discrimination under this policy.





# SICK DAYS

IF YOU ARE SICK, IT IS IMPERATIVE THAT YOU INFORM THE COORDINATOR RIGHT AWAY. IF YOU CALL WHEN THE OFFICE IS CLOSED (AFTER HOURS, HOLIDAYS, OR WEEKENDS), YOU CAN GET IN TOUCH WITH THE ON-CALL SUPERVISOR BY CALLING THE MAIN OFFICE NUMBER 518-762-1767 AND PRESSING '0' TO REACH THE ANSWERING SERVICE. THE ANSWERING SERVICE REPRESENTATIVE WILL TAKE YOUR INFORMATION AND SEND THE MESSAGE TO THE ON-CALL DEPARTMENT. PLEASE EXPECT A CALL BACK TO DISCUSS THE SITUATION AND ARRANGE THE CALL OUT. IF YOU DID NOT RECEIVE A CALL BACK, WE DID NOT RECEIVE YOUR MESSAGE, SO PLEASE CALL AGAIN.

WHEN CALLING OUT SICK, YOU MUST SPECIFY THE SHIFTS YOU ARE CALLING OUT FOR. IF YOU ONLY MENTION ONE SHIFT, YOU WILL BE EXPECTED TO SHOW UP TO THE NEXT SHIFT. IN ADDITION, PLEASE ENSURE THAT YOU CONTACT THE AGENCY BY 5PM IF YOU WILL NOT BE RETURNING TO WORK THE NEXT DAY. THIS SHOULD BE DONE FOR EACH DAY YOU ARE OUT. IF YOU DO NOT CONTACT WITH THE AGENCY BEFORE 5:00 P.M., WE WILL AUTOMATICALLY ASSUME THAT YOU ARE GOING TO WORK THE NEXT DAY.



- ➔ If a caregiver is out for 3 or more days, a doctor's note must be provided upon return to work, explaining the reason for the absence.
- ➔ A caregiver must provide an indication of when he or she will be able to work when calling off from work.
- ➔ Caregivers will not be paid for time not worked with the exception of approved and documented leave time as defined under the Benefits Section of this handbook.
- ➔ Caregivers who need additional leave beyond 3 days are expected to make the request for such leave affirmatively to their Coordinator and discuss their need for additional leave.

*The Agency may request additional information from you at that point. You are expected to work with your Coordinator and/or other Agency Representative who is requesting the information in order to evaluate your leave request. To the extent the leave from work is granted, caregivers must keep their Coordinator apprised of their circumstances and ongoing leave from work at least weekly (unless a different arrangement is made pursuant to FMLA or other laws). Failure to provide timely updates will lead to termination based on job abandonment.*

## PAID SICK TIME POLICY FOR NEW YORK STATE

CAREGIVERS ACCRUE SICK LEAVE AT A RATE OF 1 HOUR FOR EVERY 30 HOURS WORKED, UP TO 56 HOURS IN A YEAR, AND MAY USE SICK LEAVE AS IT IS ACCRUED. THE AGENCY USES A CALENDAR YEAR BASIS FOR ALL ACCRUAL.

CAREGIVERS WILL BE PAID AT THE REGULAR WAGE FOR ALL SICK TIME HOURS TAKEN. SICK TIME MAY BE REQUESTED IN 1/2 DAY INCREMENTS (4-HOUR MINIMUM AND, BEYOND THE 4-HOURS, INCREMENTS

OF 30 MINUTES OR MORE AS NEEDED); CAREGIVERS SCHEDULED FOR UP TO 8 HOURS OF WORK MAY USE 8 HOURS OF ACCRUED SICK PAY (IF HE OR SHE HAS ACCRUED THAT MUCH); CAREGIVERS SCHEDULED FOR UP TO 12 HOURS OF WORK MAY USE 12 HOURS OF ACCRUED SICK PAY (IF HE OR SHE HAS ACCRUED THAT MUCH).

CAREGIVERS WILL BE PAID FOR SICK TIME USED NO LATER THAN THE PAYDAY

FOR THE NEXT REGULAR PAYROLL PERIOD BEGINNING AFTER THE SICK TIME WAS USED BY THE CAREGIVER.

A MAXIMUM OF 56 HOURS MAY BE USED IN ANY CALENDAR YEAR. ANY UNUSED SICK TIME NOT USED BY THE END OF THE YEAR WILL NOT BE PAID OUT, BUT RATHER UP TO 56 HOURS OF UNUSED SICK TIME CAN BE CARRIED OVER INTO THE NEXT YEAR. HOWEVER, A MAXIMUM OF 56 HOURS OF SICK TIME CAN BE USED PER YEAR.

# SICK DAYS

## CAREGIVERS MAY USE SICK LEAVE ONLY FOR AUTHORIZED USES UNDER THE LAW AND THE RULES, INCLUDING:

- A** The caregiver's mental or physical illness, injury, or health condition;
- B** The caregiver's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition;
- C** The caregiver's need for preventive medical care;
- D** The caregiver's elective surgery, including organ donations;
- E** Care of a family member who needs medical diagnosis, care, or treatment of an illness, injury, or health condition, or who needs preventive medical care;
- F** Care of a family member who has elective surgery, including organ donations;
- G** Closure of caregiver's workplace due to a public health emergency (as declared by the Commissioner of the New York City Department of Health and Mental Hygiene or the Mayor);
- H** The caregiver's need to care for a child whose school or child care provider is closed due to a public health emergency; or
- I** "Safe time." For purposes of this policy, "safe time" means time that caregivers may take off from work:
  - (a)** To obtain services from a domestic violence shelter, rape crisis center, or other shelter or services program;
  - (b)** To participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the caregiver or caregiver's family members from future harm;
  - (c)** To meet with an attorney or other social service provider to obtain information and advice on, and prepare for or participate in, any criminal or civil proceeding, including matters related to a family offense matter, sexual offense, stalking, human trafficking, custody, visitation, matrimonial issues, orders of protection, immigration, housing, discrimination in employment, housing or consumer credit;
  - (d)** To file a complaint with law enforcement;
  - (e)** To meet with a district attorney's office;
  - (f)** To enroll children in a new school; or
  - (g)** To take other actions necessary to maintain, improve, or restore the physical, psychological, or economic health or safety of the caregiver or the caregiver's family member.

**FOR PURPOSES OF THIS POLICY, A FAMILY MEMBER MEANS A CHILD (BIOLOGICAL, ADOPTED, OR FOSTER CHILD; LEGAL WARD; CHILD OF A CAREGIVER STANDING IN LOCO PARENTIS), GRANDCHILD, SPOUSE, DOMESTIC PARTNER, PARENT, GRANDPARENT, CHILD OR PARENT OF A CAREGIVER'S SPOUSE OR DOMESTIC PARTNER, AND SIBLING (INCLUDING A HALF, ADOPTED, OR STEP SIBLING).**

Caregivers must give as much notice as practical in the circumstances for use of sick leave, but not less than 7 calendar days' notice for foreseeable or pre-scheduled absence. However, where it is not feasible to give significant advance notice, such as emergencies or sudden unexpected conditions, the caregiver must notify their Coordinator as soon as practicable in the circumstances. Failure to give proper notice, where notice is possible, may result in denial of the leave or disciplinary action.

A caregiver may be asked to confirm, in writing or otherwise, that sick time was taken pursuant to the NY Sick Leave law or Westchester Sick Leave law. Use of sick time for reasons not covered by the NY Sick Leave law or Westchester Sick Leave law will be subject to disciplinary action.

Caregivers may be required to submit documentation signed

by a licensed health care professional for an absence of more than three consecutive work days.

Up to 40 hours of unused accrued time will be carried over to the next calendar year, and will be available to use as of January 1, subject to the limit of 56 hours use in any calendar year.

Sick time will not be paid out upon voluntary or involuntary termination of employment.

Excessive absenteeism (apart from proper use of Sick Leave), failure to properly call in advance of leave (except where not possible in circumstances like emergencies), or patterned absences may be subject to disciplinary action. Please feel free to contact Human Resources with any questions you may have about Paid Sick Leave, or to find out how many hours you have accrued or used.

# SAFE TIME LEAVE

## ✓ NEW YORK CITY

Broadway Home Care is required to give their covered employees paid safe time leave when the Employee or Employee's family member has been the victim of domestic violence, a family offense matter, sexual offense, stalking, or human trafficking. Where such leave is foreseeable, Employees must give advanced written notice of the intention to use such safe leave by filling out a time off request form. Where such leave is unforeseeable, Employees must give written notice of the need for the use of safe time by filling out a time off request form, as soon as practicable. Employees will accrue one hour of safe/sick time for every thirty hours worked, which can result in a maximum of 56 hours accrued for safe/sick time. Broadway will allow you to take up to 56 hours of safe/sick time leave per calendar year in full days or increments. Employees must take safe leave in minimum of 4 hour increments.



Employees begin to accrue safe/sick time at the commencement of the employment or January 1, 2021, whichever is later.

## ACCEPTABLE REASONS TO USE SAFE TIME LEAVE

- To obtain services from a domestic violence shelter, rape crisis center, or other shelter or services program for relief from a family offense matter, sexual offense, stalking, or human trafficking;
- To participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee's family members from future family offense matters, sexual offenses, stalking, or human trafficking;
- To 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, including but not limited to, matters related to a family offense matter, sexual offense, stalking, human trafficking, custody, visitation, matrimonial issues, orders of protection, immigration, housing, discrimination in employment, housing or consumer credit;
- To file a complaint or domestic incident report with law enforcement;
- To meet with a district attorney's office;
- To enroll children in a new school; or
- To take other actions necessary to maintain, improve, or restore the physical, psychological, or economic health or safety of the employee or the employee's family member or to protect those who associate or work with the employee.

## REASONABLE DOCUMENTATION

For an absence of more than three consecutive work days for safe time, Broadway require reasonable documentation that the use of safe time was authorized. Such reasonable documentation may include: a signed document by an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional service provider from whom the Employee or that Employee's family member has sought assistance in addressing domestic violence, family offense matters, sex offenses, stalking, or human trafficking and their effects; a police or court record; or a notarized letter from the Employee explaining the need for such time. Such documentation is not required to specify the details of the domestic violence, family offense matter, sexual offense, stalking, or human trafficking. Broadway will reimburse an employee for all reasonable costs or expenses incurred for the purpose of obtaining such documentation. Any information about an Employee or an Employee's family member obtained solely for the purposes of utilizing safe time leave shall be treated as confidential and shall not be disclosed except with the written permission of the affected Employee unless such disclosure is otherwise required by law.



# SAFE TIME LEAVE

## RETALIATION

Broadway shall not take any adverse action against an Employee that penalizes an Employee for, or is reasonably likely to deter an Employee from, exercising or attempting to exercise safe/sick leave or interfere with an employee's exercise of such rights. Employees whose rights have been violated can file a complaint with the NYC Department of Consumer and Worker Protection and/or the New York State Department of Labor.

## ✓ NEW YORK STATE

Broadway Home Care is required to give their covered Employees paid safe time leave when the Employee or Employee's family member has been the victim of domestic violence, a family offense matter, sexual offense, stalking, or human trafficking. Where such leave is foreseeable, Employees must give advanced written notice of the intention to use such safe leave by filling out a time off request form. Where such leave is unforeseeable, Employees must give written notice of the need for the use of safe time by filling out a time off request form, as soon as practicable. Employees will accrue one hour of safe/sick time for every thirty hours worked, which can result in a maximum of 56 hours accrued for safe/sick time. Broadway will allow you to take up to 56 hours of safe/sick time leave per calendar year in full days or increments. Employees must take safe leave in minimum of 4 hour increments.

Employees begin to accrue safe/sick time at the commencement of the employment or January 1, 2021, whichever is later.



## ACCEPTABLE REASONS TO USE SAFE TIME LEAVE

- To obtain services from a domestic violence shelter, rape crisis center, or other services program;
- To participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee's family members;
- To 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;
- To file a complaint or domestic incident report with law enforcement;
- To meet with a district attorney's office;
- To enroll children in a new school; or
- To take any other actions necessary to ensure the health or safety of the employee or the employee's family member or to protect those who associate or work with the employee.

## DOCUMENTATION

For an absence of three or more consecutive work days or shifts for safe time, Broadway requires an attestation from an employee of their eligibility to safe leave. Employees are not required to provide any confidential information, including any details or information regarding safe leave. The attestation is NOT required to explain any details related to domestic violence, sexual offense, family offense, human trafficking, or stalking that necessitates the use of safe leave.

## RETALIATION

Broadway shall not take any adverse action against an Employee that penalizes an Employee for, or is reasonably likely to deter an Employee from, exercising or attempting to exercise safe/sick leave or interfere with an employee's exercise of such rights. Employees whose rights have been violated can file a complaint with the New York State Department of Labor.



# LEAVE OF ABSENCE

A caregiver wishing to take a leave of absence is required to do so in writing. The Agency requires a minimum of two (2) weeks' notice and will allow you a three (3) month absence. If you require an extension, it must be done in writing. If the absence is covered by the Family and Medical Leave Act, the NYS Paid Family Leave, or other types of leave and you are eligible under those laws for leave, the Agency will designate the leave as such leave and you will receive the proper paperwork. To the extent you are not covered by any law, such as FMLA, or you have exhausted your leave entitlement under applicable laws (*such as FMLA*), the Agency will provide you with up to six (6) months of unpaid leave, provided that **(A)** there is not an effective alternative accommodation that allows the caregiver to remain at work, and **(B)** such leave does not pose an undue hardship.

If requesting a leave for medical reasons, the Agency may request appropriate medical information to verify the caregiver's medical condition and need for leave. Failure to provide the information requested by Agency may result in the delay or denial of the requested leave. Consistent with applicable law, the Agency also reserves the right to require caregivers to submit to an examination by a medical professional it selects.

A leave of absence granted pursuant to this policy will be unpaid, but a caregiver may use any or all of his or her accrued paid time off during such leave. While

on a leave of absence under this policy, caregivers may be eligible for short-term disability and/or long-term disability insurance benefits, subject to and in accordance with the plan documents governing such benefits. Group health benefits (*e.g., medical insurance*) will be available to caregivers at their own expense, subject to and in accordance with COBRA. All benefits that operate on an accrual basis (*e.g., paid time off*) will cease to accrue during any portion of leave that is unpaid.

Where a caregiver request for leave does not specify an exact or fairly specific return date (*e.g., October 4 or around the second week of November*), or where the caregiver requires additional leave beyond what was originally granted, the Agency may require the caregiver to provide periodic updates on his or her condition and possible date of return.

The Agency may require caregivers seeking to return to work following a leave to provide appropriate medical information and/or require the caregiver to submit to a medical examination, consistent with applicable law.

After your absence and before returning to work all missed in-services must be made up, and all compliance issues rectified. You cannot return to work until the Human Resources Representative has approved that you are in compliance with all the legal requirements for taking on a case (*e.g., immunization requirements*). Failure to comply with these requirements will

result in termination.

Upon your return to work, the Agency will make every effort to provide you with as close to or similar work as you had before your leave. There is no guarantee that you will return to your previous patient.

If you are away or out of the county, you are still responsible to contact the office. Not returning to work when scheduled to return will result in termination. If a caregiver does return at a future date, the caregiver will be considered a new hire, and all documentation, benefits and wages will be granted as a new caregiver.

If a caregiver is unable to return to work following the exhaustion of the leave provided under this policy, the caregiver will be deemed to have abandoned his or her job, with the exception of caregivers who were under a leave of absence due to a disability. For such caregivers, the caregiver must request and receive an accommodation under the Agency's Americans with Disabilities Act policy. Each request for such an accommodation under the ADA policy will be evaluated on a case-by-case basis, and the Agency may request appropriate medical information to verify the caregiver's medical condition and need for additional leave. Failure to provide the information requested may result in the delay or denial of the requested leave.



## TAKING OFF/UNPAID VACATION

**Vacation requests must be approved by the Coordinator and done at least two (2) weeks in advance. Your request may be declined if there is not adequate coverage. Therefore, you can request time off as soon as you make your plans but must REMIND THE PATIENT SERVICE SPECIALIST TWO (2) WEEKS PRIOR TO YOUR LEAVE.**

# NURSING MOTHERS

In consideration of working mothers who may be lactating, the Agency will provide a reasonable amount of break time to accommodate a caregiver desiring to express breast milk for her child (*from infancy up to three years of age*). If possible, lactation breaks should be taken during the breaks already provided to the staff member. Any additional breaks taken to express milk may be unpaid.

A caregiver who needs lactation breaks should speak to the Coordinator and the patient to arrange for break time so

that reasonable efforts can be made to provide a room or other location for the caregiver to express milk in private. The Agency prohibits discrimination on the basis of the need to express breast milk.

Caregivers may be able to begin work before the regularly scheduled start of their shift or continue working past the regularly scheduled end of their shift to make up any time used for unpaid lactation breaks. Caregivers who wish to do so should speak with the office administrator in advance to make appropriate arrangements.



**JURY DUTY** If a caregiver is called to jury duty, he/she must notify the Coordinator and submit a copy of the Notice to Serve. If a caregiver reports for jury duty and is excused, the Agency requests that he/she return to work to complete his/her regular workday.

If a caregiver does indeed serve as a juror, he/she should submit proof of service. The Agency will then reimburse the first forty dollars of such juror's daily wages during the first three days of jury service.

## MILITARY LEAVE

Caregivers who are required to fulfill military obligations in any branch of the Armed Forces of the United States or in State military service will be given the necessary time off and reinstated in accordance with federal and state law. The time off will be unpaid, except where state or federal law dictates otherwise. Accrued paid time off may be used for this leave.

Military orders should be presented to the Coordinator and arrangements for leave made as early as possible before departure.

You must notify your Coordinator of your intent to return to employment based on requirements of the law. Your benefits may continue to accrue during the period of leave in accordance with state and federal law.





# LEAVE

## TIME OFF TO VOTE

If an employee does not have 4 hours before or after their work shift from when the poll open or closes to vote, an employee is allowed to take 2 hours paid leave to vote.

Employees must give notice to their employer no later than 2 days before the election of their need for the 2 hours paid leave.



## LEAVE FOR BLOOD DONATION

Unless otherwise required by applicable law, upon request, caregivers working 20 or more hours per week on average will be given three (3) hours of unpaid time off in each 12-month period to donate blood. Caregivers must obtain approval from their Coordinator prior to scheduling an appointment to donate blood. The Agency may, due to business necessity, deny a request for a particular leave time and require that the leave be taken at a more appropriate time.

Caregivers will be required to provide documentation to verify blood donation leave. Retaliation for requesting a leave of absence for purposes of donating blood is prohibited.



## RESIGNATION

If you resign from your employment with the Agency, you are expected to give a minimum of two (2) weeks notice.

You are expected to work a minimum of one (1) day per 12-month period. If you do not work at least 1 day, (in-service is not considered working), it will be considered as if you voluntarily resigned.



## LEAVE FOR BONE MARROW DONATION

**Unless** otherwise required by applicable law, upon request, eligible caregiver will be given unpaid leaves of absence to undergo a medical procedure to donate bone marrow. The combined length of the leaves will be as determined by the physician conducting the procedure, but may not exceed twenty-four work hours, unless otherwise agreed by the Agency.

**Caregivers** will be required to provide documentation from the physician conducting the procedure to verify the need for and length of bone marrow donation leave. Retaliation for requesting a leave of absence for purposes of donating bone marrow is prohibited.

# WAGE AND PAYROLL

The Agency and you are required to keep accurate records of time worked in order to calculate caregivers' pay. You will be paid on a weekly basis.

The week starts on Saturday 12am and ends on Friday 11:59pm. Timesheets should be filled out accordingly and hours should be accounted for based on a Saturday to Friday week schedule.

As a general matter, caregivers are only permitted to work those hours that were authorized for the patient to receive care from the Agency. Of course, the Agency understands that exceptions and circumstances beyond the caregivers' control will arise from time to time. For example, if a caregiver is required to stay longer than their scheduled shift because the relief caregiver has not arrived, the caregiver will be paid for the additional time that he/she renders services to the patient. However, caregivers can never approve additional hours for themselves, and patients cannot extend caregivers' hours of work. The Coordinator should be immediately contacted before the caregivers undertake performing any additional work beyond your scheduled shift time.

Unless otherwise instructed, staff is not permitted to work or provide services to patients while the patient is admitted into a hospital.

As noted above, depending on the patient's needs, a caregiver may need to wait for replacement staff before you can leave at the end of your shift. If the replacement staff is more than 15 minutes late, the caregiver should call the office. The Agency will make every effort to locate the replacement staff and call the caregiver back with an explanation and/or substitute. Caregivers are required to remain with the

patient until arrangements can be made to meet the patient's needs.

You are not permitted to work anywhere else at the same time you are working for your patient. You may not work for the patient more than the allotted hours as set forth by the Coordinator.



# WAGES/OVERTIME



Your hourly rate shall be initially determined at the time of employment. You will be notified at the time of hire of your basis of pay (salary, hourly) and your pay rate. Salaries and/or wages may be changed from time to time at the Agency's determination.

In addition, caregivers will receive, for all Wage Parity cases, a Wage Parity benefit and/or cash in lieu of a benefit for the first 40 hours of work. Any work performed beyond 40 hours in a workweek will be paid at one and one-half times the regular rate of pay. Wage Parity will not be paid for hours worked above 40 per week. The Agency will also comply with any applicable local living wage and wage parity laws.

If you have any questions regarding your compensation, please contact your Human Resources Representative.

Non-exempt caregivers will receive overtime pay in accordance with applicable federal and state law at a rate of one and one-half times their regular rate of pay for all hours worked over 40 hours in any workweek. Overtime pay is based on hours actually worked. Any overtime work must be approved by your Coordinator before the overtime hours are worked. Failure to comply with this requirement may subject you to discipline.

Overtime will be paid based on the caregivers' "regular rate of pay." The regular rate of pay may vary from week to week if the caregiver works jobs that have different or multiple rates of pay. If you ever have questions about how your overtime rate was computed, please contact the agency.

You should review your payroll checks for errors. If you believe there are errors in your pay, including that you have been overpaid or underpaid, that improper deductions have been taken from your pay, or that your pay does not accurately reflect all hours worked, including overtime, you must report your concerns to the Human Resources Representative immediately. The Agency will promptly investigate all reported complaints and, if appropriate, take corrective action.

The Agency prohibits and will not tolerate retaliation against any caregiver because that caregiver filed a good faith complaint under this policy. Specifically, no one will be denied employment, promotion or any other benefit of employment or be subjected to any adverse employment action based on that person's good faith complaint. In addition, no one will be disciplined, intimidated or otherwise retaliated against because that person exercised rights under this policy or applicable law.

If you work for more than 6 consecutive hours, you are entitled to a meal period during your shift. However, the nature of home care necessitates that only one caregiver be on duty at any given time. Thus, it is customary for caregivers to eat on the job without being relieved as they cannot abandon the patient. Given the requirements that a caregiver remain with the patient, you voluntarily consent to taking your meal period without being fully relieved of your duties and you understand and agree that this means that your meal period may be interrupted by a call to duty. However, your meal period will be paid.

If you do not want to voluntarily consent to this arrangement, and instead desire a meal period completely relieved from duties, you must submit a written request to the Coordinator. In that case, the Agency may remove you from the case to which you are assigned and undertake reasonable efforts to find a replacement case that allows you to take such meal periods. Such meal periods may be unpaid as permitted by applicable law.



# PAYROLL ERROR/MEAL PERIOD

# TIMESHEETS

**TIMESHEETS MUST BE SUBMITTED BY MONDAY AT 12PM, *EVEN ON A HOLIDAY***

If your timesheet is late, you will not be paid that week.  
**We strongly encourage your timesheets to be submitted on time so that we can ensure timely pay.**

Timesheets can be sent to:



**518-762-1768**



**TIMESHEETS@  
BROADWAYHCS.COM**



scan  
here



**663 E CRESCENT AVE  
RAMSEY, NJ 07446**

*If you mail your timesheets, they may not reach us by Monday 12:00pm. Please understand that if the mail is delayed, we are not responsible.*



**DROP IT OFF IN  
THE DESIGNATED  
BOX AT THE CLOSEST  
SATELLITE OFFICE.**

It is your responsibility to confirm that the hours on the timesheets are entirely accurate. Time worked is considered time spent on the job performing duties assigned by the Coordinator within the allotted number of hours per week.

Please be advised that all timesheets must be signed by yourself and the patient at the end of each day. **DO NOT HOLD OFF UNTIL THE END OF THE WEEK TO OBTAIN ALL SIGNATURES. GET A SIGNATURE EACH AND EVERY DAY BEFORE YOU LEAVE THE PATIENT'S HOME.** Dates, times, personal information, signatures and patient information must be filled out correctly. You are required to enter the time that you actually start work and the time that you finish working.

# TIMESHEETS



607 Marcy Ave  
Brooklyn NY 11206  
718-782-4777

106 W Main St, 2<sup>nd</sup> flFloor  
Johnstown, NY 12095  
518-762-1767

## FOR OFFICE ONLY

Timesheet #

Week #

Office Code

Patient's Name: (PRINT): First and last name PT

Employee Name: (PRINT): First and last name Caregiver

	SAT	SUN	MON	TUE	WED	THUR	FRI
DATE							
START TIME							
FINISH TIME							
TOTAL HOURS							
<b>PERSONAL CARE</b>	<b>S</b>	<b>S</b>	<b>M</b>	<b>T</b>	<b>W</b>	<b>TH</b>	<b>F</b>
BATH							
<input type="radio"/> TOTAL CARE-103 <input type="radio"/> ASSIST							
SHOWER-101							
BED-102							
MOOUTH CARE / DENTURE CARE - 106							
HAIR CARE							
COMB - 107							
SHAMPOO - 108							
GROOMING							
SHAVE - 109							
NAILS - 110							
DRESSING - 111							
SKIN CARE - 112							
FOOT CARE - 113							
TOILETING:							
<input type="radio"/> DIAPER - 114 <input type="radio"/> COMMODE - 115 <input type="radio"/> BEDPAN/URINAL - 116 <input type="radio"/> TOILET - 117							
NUTRITION:							
DIET: <input type="radio"/> REG. <input type="radio"/> PRESCRIBED - 201							
PREPARE: <input type="radio"/> BREAKFAST - 202							
<input type="radio"/> LUNCH - 203							
<input type="radio"/> DINNER - 204 <input type="radio"/> ALL							
PREPARE SNACK - 205							
ASSIST WITH FEEDING - 206							
RECORD INTAKE <input type="radio"/> FOOD-207 <input type="radio"/> FLUID -208							
ACTIVITY							
TRANSFERRING - 300							
ASSIST WITH WALKING - 301							
DEVICE IN USE - 302							
<input type="radio"/> CANE <input type="radio"/> WALKER <input type="radio"/> CRUTCHES							
ASSIST WITH HOME EXERCISE PROGRAM							
305 (HHA ONLY)							
ASSIST WITH ROM-306							
EXERCISES: <input type="radio"/> R Arm <input type="radio"/> L Arm							
<input type="radio"/> R Foot <input type="radio"/> L Foot <input type="radio"/> Neck							
TURNING AND POSITIONING							
(AT LEAST (Q2) - 311							
<b>TREATMENTS / SPECIAL NEEDS</b>	<b>S</b>	<b>S</b>	<b>M</b>	<b>T</b>	<b>W</b>	<b>TH</b>	<b>F</b>
TAKE TEMPERATURE - 400							
<input type="radio"/> ORAL <input type="radio"/> RECTAL <input type="radio"/> AUXILLARY							
TAKE PULSE - 403							
TAKE RESPIRTATION - 404							
TAKE BLOOD PRESSURE - 405							
WEIGH PATIENT - 406							
RECORD OUTPUT (URINE/BM) - 407							
ASSIST WITH CATHETER CARE - 408							
EMPTY FOLEY BAG - 409							
ASSIST WITH OSTOMY CARE - 410							
REMINO TO TAKE MEDICATION - 411							
ASSIST WITH TREATMENTS							
SPECIFY AS WRITTEN ON POC:							
<b>PATIENT SUPPORT ACTIVITIES</b>							
CHANGE BED LINEN - 500							
PATIENT LAUNDRY - 501							
LIGHT HOUSEKEEPING - 502							
<input type="radio"/> PATIENT ROOM <input type="radio"/> KITCHEN <input type="radio"/> BATHROOM							
PATIENT CARE EQUIPMENT - 505							
DO PATIENT SHOPPING - 506							
DO PATIENT ERRANDS - 506							
ACCOMPANY PATIENT TO MEDICAL							
APPOINTMENT - 508							
DIVERSIONAL ACTIVITIES - 509							
(SPECIFY):							
<input type="radio"/> READING <input type="radio"/> TALKING <input type="radio"/> BOTH							
MONITOR PATIENT SAFETY - 511							

I Hereby Certify that the hours shown above represent my total hours worked for the week and where properly certified by the client or by an authorized Representative

	PATIENT SIGNATURE	PCA-HHA SIGNATURE		PATIENT SIGNATURE	PCA-HHA SIGNATURE
SAT			WED		
SUN			THUR		
MON			FRI		
TUES					

**ALL TIME SHEETS MUST BE IN OFFICE BEFORE MONDAY 12pm**  
**TODOS LOS HORARIOS DEBEN ESTAR EN LA OFICINA ANTES DEL LUNES A LAS 12 pm.**

Email: timesheets@broadwayhcs.com • Tel: 518-762-1767 • Fax: 646-582-1447

## 1) FILL OUT THE HEADER

<b>Patient's Name:</b> (PRINT): First and last name PT <sup>a</sup>	<b>Week #</b> <input type="text"/> <input type="text"/> <input type="text"/>
<b>Employee Name:</b> (PRINT): First and last name Caregiver <sup>b</sup>	<b>Office Code</b> <input type="text"/> <input type="text"/>

- <sup>a</sup> Patient's Name: write the full name of your patient CLEARLY.
- <sup>b</sup> Caregiver's Name: write your name CLEARLY. - Don't scribble! If the name is not clear, we may not know to whom the timesheet belongs, and it may delay your pay.

## 2) FILL OUT THE TIME SHEET PORTION FOR EACH DATE THAT YOU WORKED

Day / Día	Date / Fecha	Start Time / Hora de inicio	End Time / Hora de finalización	Total Hours Present inc. Breaks / Total de horas presentes inc. Pausas	Live-in: I attest that I have had 8 hours of sleep, at least 5 uninterrupted, and that I have had three hours uninterrupted for meals. Residencia: Doy fe de que he dormido 8 horas, al menos 5 ininterrumpidas, y que he tenido tres horas ininterrumpidas para las comidas.	Client / Proxy Signature / Cliente / Firma de proxy	Caregiver Signature / Firma del cuidador
SATURDAY/SÁBADO	MM/DD/YYYY <sup>d</sup>	Am Pm HH:MM <sup>e</sup>	Am Pm HH:MM <sup>f</sup>		<input type="radio"/> Live in, I attest / Vivo en, doy fe	<b>X</b>	<b>X</b>
SUNDAY/DOMINGO		Am Pm	Am Pm		<input type="radio"/> Live in, I attest / Vivo en, doy fe		
MONDAY/LUNES		Am Pm	Am Pm		<input type="radio"/> Live in, I attest / Vivo en, doy fe		
TUESDAY/MARTES		Am Pm	Am Pm		<input type="radio"/> Live in, I attest / Vivo en, doy fe		
WEDNESDAY/MIÉRCOLES	MM/DD/YYYY	Am Pm HH:MM	Am Pm HH:MM		<input type="radio"/> Live in, I attest / Vivo en, doy fe	<b>X</b>	<b>X</b>
THURSDAY/JUEVES		Am Pm	Am Pm		<input type="radio"/> Live in, I attest / Vivo en, doy fe		
FRIDAY/VIERNES		Am Pm	Am Pm		<input type="radio"/> Live in, I attest / Vivo en, doy fe		
<b>Total hours for the week:</b> <sup>g</sup>							

For each day:

- <sup>d</sup> Date enter a clear date for each day you worked. For example: if you worked on Sunday, enter the date for Sunday in the Sunday field.
- <sup>e</sup> Start time: enter the time you arrived at the patient's house circle am or pm
- <sup>f</sup> Finish time: enter the time you left the patient's house. - If you are doing a live-in case, you should write the words "live in" in this field.
- <sup>g</sup> Total time: enter the total amount of hours you worked for each day.

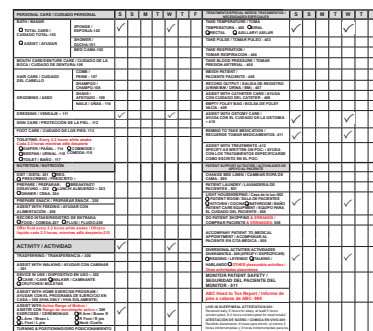
## 3) FILL OUT THE DUTIES SECTION

In the next section you must check off all the duties you performed at the patient's home, for each day you worked. For each shift, you must have performed a minimum of 5 duties which should include at least 1 "Personal Care Duty." Take your time in filling this section out correctly. If you forget to fill it out, or if you did duties out of your patient's plan of care, it may delay your pay.

## 4) SIGN THE FORM

Client / Proxy Signature / Cliente / Firma de proxy	Caregiver Signature / Firma del cuidador
<b>X</b>	<b>X</b>
<b>X</b>	<b>X</b>

In the signature section, the patient will need to sign for each day that you worked. For ex: if you worked on Tuesday, the patient will need to sign the 'patient/caregiver' field for Tuesday. You will also need to sign in the 'PCA-HHA Signature' field for each day you worked. If any of the signatures are missing, it WILL delay payment..



If after reviewing the above details on how a timesheet should be filled out, you still have questions, feel free to reach out to your coordinator or Human Resources Representative who will be more than happy to assist you with your questions. We want to be sure you understand how to complete it. Each paper timesheet consists of one page. The timesheet needs to be emailed to: [timesheets@commhealthcare.com](mailto:timesheets@commhealthcare.com) or dropped off at the office. It may be faxed to 845-352-2808. The Agency has a standard PCA/HHA timesheet. In some circumstances, specific vendors may require a caregiver to fill out a different timesheet. Before going to a new case for the first time, it is your responsibility to confirm with the Coordinator which timesheet should be used for that patient. Be sure to use the correct timesheet for your patient.



# USE OF E.A.V.S.

## ELECTRONIC ATTENDANCE VERIFICATION SYSTEM

Broadway Home Care requires the use of an EAVS when working with a patient. You are required to use the EAVS system when you report to work for the patient, and when you have completed your shift. Clock in and out must be done from the patient's home phone or through the designated mobile app. On those occasions when calling from the patient's home phone is not possible, and the mobile app is not available to you, it must be discussed with your Coordinator.



On your ID badge, you will be provided with a designated ID number to use for clocking in. It is prohibited to allow anyone else to use your ID number. You must clock in and out for each shift that is worked. Failure to use the call-in system properly may cause a delay in your pay.

A clock in/out is IN ADDITION to timesheets. A clock in does not replace the need to submit a timesheet. Clock-ins can only be done using the patient's phone. You may not use your personal phones to clock in or out.

### PHONE NUMBERS TO CLOCK IN:

English **844-597-5175**  
Spanish **914-401-0025**

Toll-Free **855-343-7978**

French/Creole **845-531-5990**  
Russian **845-678-8394**

## CALL IN

1. Dial the number
2. Press 1 for CALL IN
3. Enter your Assignment ID
4. The system will repeat the assignment you entered  
Press 1 to confirm or 0 to re- enter & call is complete

## CALL OUT

1. Dial the number
2. Press 2 for CALL OUT
3. Enter your assignment ID
4. The system repeats the assignment you entered.  
Press 1 to confirm or 0 to re-enter & call is complete
5. Enter all the duty IDs that you did for the patient  
This can be found on the timesheet near each duty (small 3-digit number)
6. Press 000 to complete the call



# RULES OF E.A.V.S.

## ELECTRONIC ATTENDANCE VERIFICATION SYSTEM



➔ Call in/Call out: can only be done from the patient's HOME PHONE. Calling in from personal cell phone will not be allowed.

➔ A call out for a shift without a call in will **NOT** be accepted.



➔ **LIVE-IN:** when working on a live-in case, you should call in regularly when you are on to the case. The following day at 1pm, the caregiver should clock out and immediately clock back in. This should be done every day at 1pm.



➔ **SHABBAT OBSERVANT:** Notify the Agency if the patient is Shabbat observant and therefore you cannot use the patient's phone.



➔ **NO DIRECT PHONE NUMBER:** Patients may not always have a direct phone number. In such a case notify the Agency of the situation.



➔ **ROTARY PHONE:** The time attendance system will not work on a rotary phone.

➔ Payroll is generated through the call in and call out system.

➔ If you are experiencing problems with calling in or calling out, please notify the Agency immediately.

➔ Calling in and out is **NOT** in leu of a timesheet. **TIMESHEETS MUST ALSO BE SUBMITTED.**

*PLEASE BE AWARE THAT BROADWAY IS HARD AT WORK AS WE SLOWLY MOVE TOWARDS GOING GREEN. ASK YOUR COORDINATOR FOR MORE INFORMATION ON THIS TO SEE IF YOUR COUNTY IS PART OF THIS PROJECT.*

## USE OF MOBILE APP

*Broadway Home Care now has a mobile app to make the process of calling in and out easier for you.*

### SETUP GUIDE



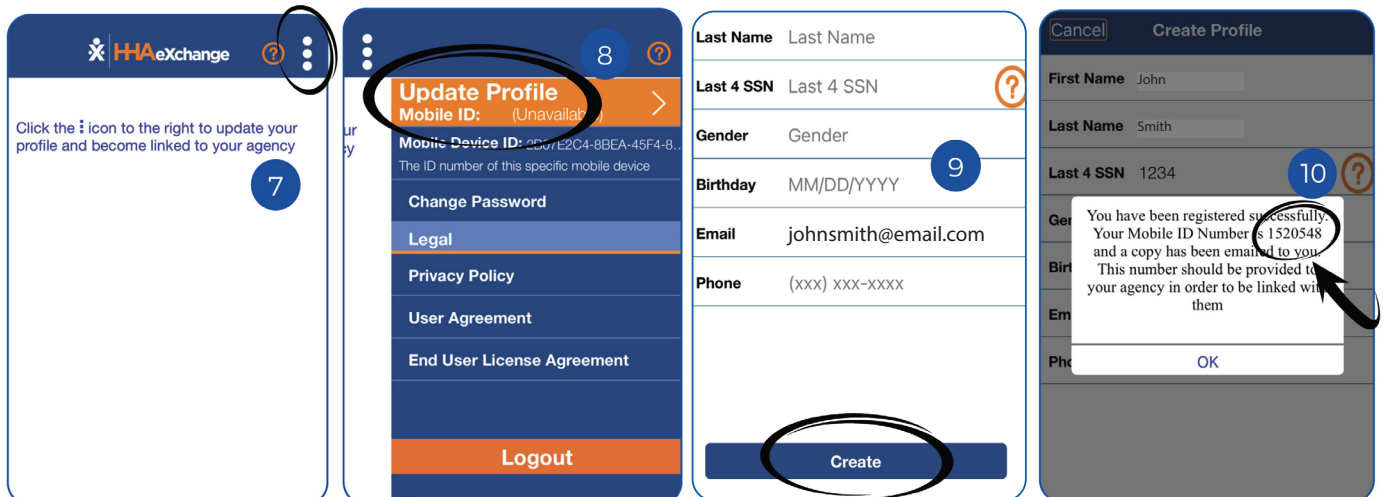
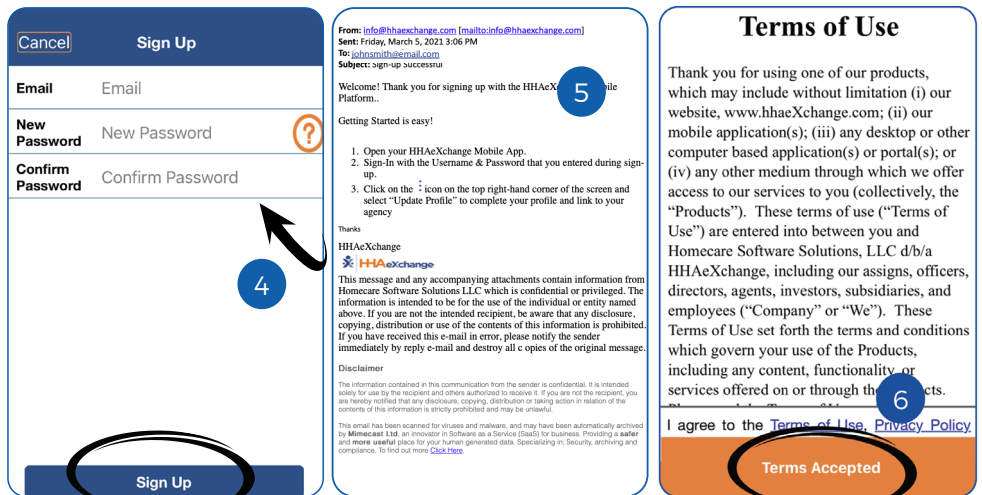
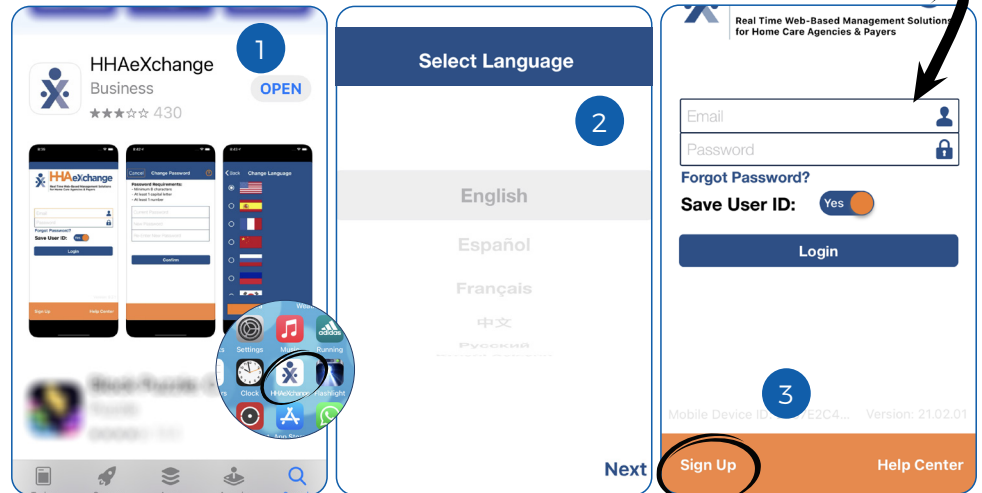
The HHA Mobile App is free to use and is available to download on iTunes and Google Play stores. Caregivers are responsible for downloading and installing the app. Once downloaded, caregivers should call the Agency with their credentials to finalize the app set up.

# HHa EXCHANGE

## PHONE SETUP PROCESS

- 1 Download **HHaExchange** App from app store and install. Make sure to **allow notifications** when asked
  - 2 Select preferred **Language**.
  - 3 Click "**Sign Up**"
  - 4 Enter personal **e-mail** and create **password** and then click "**Sign Up**"
  - 5 Check your **e-mail** for confirmation and then log back into the app with the account you just created
  - 6 Click "**Terms Accepted**" on Terms of Use
  - 7 Click **3 dots** on the top right corner
  - 8 Choose "**Update Profile**"
  - 9 Fill in **ALL** fields accurately and click **Create**
  - 10 **Record the Mobile ID** and give Mobile ID number to Agency trainer *(have them clear out the old code, if one was there previously)*
- Nurse updates Exchange.  
Caregiver: Log in again now and **you are all set!**

For **password resets**, click on "**forgot password**" to get a **TEMP** password sent to your personal e-mail account



# COMPENSATION

**P**ayroll checks will be mailed out to your home weekly on Thursday. You can also choose to receive your pay via direct deposit. Broadway Home Care highly recommends you choose the direct deposit benefit to avoid disruptions in check distribution due to weather or failed delivery methods.

**I**f you wish to receive direct deposit, please submit the direct deposit form found on the next page. Once signed up, your pay will be in your bank account Friday morning at 6am (this may vary depending on your bank). Your

paystubs will be available to view online. If you decide to opt out of the online paystub viewing, your paystub will be mailed to your home.



**I**f you are working for an eligible patient, you will receive Wage Parity benefits in addition to your pay. Below you will find more detailed information on our Wage Parity Program.

## WAGE PARITY



Caregivers who work on cases that are **reimbursed by Medicaid** in whole or in part and in certain regions of the State are eligible to receive **“wage parity” benefits in addition to minimum wage**. The wage parity amounts vary from region to region and year to year. Information about wage parity will be distributed during orientation or can be requested from the Human Resources Representative.

## DIRECT DEPOSIT FORM

Broadway Home Care offers direct deposit to all our caregiver. This option, if you decide to choose it, allows Broadway Home Care to deposit your weekly pay into your own personal savings or checking accounts. Instead of receiving a check every week, your money will be available to you every Friday morning. All who choose DIRECT DEPOSIT will have their paystubs available online to view

and print. Paystubs will not be mailed.

If you still wish to receive your weekly pay stub in the mail from us, in the form of a non-negotiable check that cannot be cashed, please check the box below. If no box is on this form is checked, your paystubs will be accessible online and will not be mailed. If you receive the weekly pay stub in the mail it will not be available online.

# DIRECT DEPOSIT

SCAN HERE  
FOR DIRECT DEPOSIT FORM



FILL IN THEIR ACCOUNT INFO BELOW AND RETURN THIS PAGE TO YOUR LOCAL BROADWAY HOME CARE OFFICE if you would like to participate in the direct deposit option **ALONG WITH EITHER A BLANK VOIDED CHECK OR A SAVINGS DEPOSIT SLIP** or BOTH if splitting deposit.

**YOU CANNOT HAVE DIRECT DEPOSIT AND RECEIVE A PAY CHECK.**

PLEASE PRINT ALL INFORMATION BELOW

Direct Deposit Request *(Don't forget to staple your voided check or filled in deposit slip for savings).*  
I authorize my employer/payer to initiate electronic credit entries and, if necessary, debit entries and adjustments for any credit entries made in error, to my financial institution listed below:

FIRST NAME: \_\_\_\_\_ LAST NAME: \_\_\_\_\_ SS#: \_\_\_\_\_

HOME ADDRESS: \_\_\_\_\_ APT#: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

BANK NAME: \_\_\_\_\_

BANK ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

ROUTING #: \_\_\_\_\_ CHECKING ACCT #: \_\_\_\_\_ DEPOSIT %: \_\_\_\_\_

ROUTING #: \_\_\_\_\_ SAVINGS ACCT #: \_\_\_\_\_ DEPOSIT %: \_\_\_\_\_

☐ I agree to have my paystubs available online

☐ I wish to receive my weekly pay stub by mail. I am aware the paystubs will not be available to view and print online

CAREGIVER SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

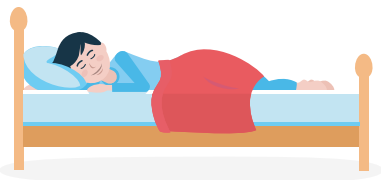
# LIVE-IN CASE RULES

You will be paid for all hours worked on a 24-hour/live-in shift. During each full 24-hour period during which you are required to be on duty, you agree that you will receive Bona Fide Meal Periods of up to 3 hours total and a Bona Fide Sleep Period of up to 8 hours, and that these hours (total of 11) will not count as hours worked. All other hours during the course of such 24-hour period will be considered hours worked and you will be paid at the applicable rates for such work.

**"BONA FIDE MEAL PERIODS"** are meal periods (e.g., one each for breakfast, lunch, and dinner) that are **uninterrupted**, **duty free**, and **at least 30 minutes** in duration. While you may not leave the premises, you shall leave your work area during each of your Bona Fide Meal Periods. You are not required to eat with the patient during your meal period or take your meal period during the same time that the patient eats his/her meal.



**"BONA FIDE SLEEP PERIODS"** are regularly scheduled sleep periods, which include at least 5 consecutive hours that are not interrupted by a call to duty, in adequate sleeping facilities.



It is expected that you will only be required to work for 13 hours of the entire 24-hour shift you are assigned to be with the patient. It is expected that you will enjoy a total of at least 3 hours of Bona Fide Meal Periods as well as an 8-hour Bona Fide Sleep Period for each full 24-hour shift. Where you receive a total of at least 3 hours of Bona Fide Meal Periods as well as an 8-hour Bona Fide Sleep Period, you will be credited with 13 hours of work for the 24-hour shift.

**"ADEQUATE SLEEPING FACILITIES"** means that you have access to basic sleeping amenities (e.g., a bed and linens); enjoy reasonable standards of comfort (e.g., heat); and have access to basic bathroom and kitchen facilities, which may be shared (e.g., bathing and toilet facilities, refrigerator, stove, sink, utensils).

If you "live-in" <sub>1</sub> at the home of the patient, "adequate sleeping facilities" means private quarters (i.e. a living and sleeping space that is separate from the patient or other caregivers) in a homelike environment (i.e. a space that includes facilities for cooking and eating, a bathroom, and a space for recreation (these additional facilities may be shared by you and the patient and/or other household members)).

To ensure that you are paid for all hours you work, you will be asked to certify on each timesheet whether or not you have received at least a total of at least 3 hours of Bona Fide Meal Periods and/or at least an 8-hour Bona Fide Sleep Period for each full 24-hour shift. If you do not receive a Bona Fide Meal Period or a Bona Fide Sleep Period on any one shift, you must (a) contact your Coordinator as soon as possible following the conclusion of the shift at issue (generally, not later than within 24 hours following the end of the shift); and (b) complete a "Sleep and

Meal Period Exception Certification Form" and return the form to your Coordinator as soon as possible (generally, within 72 hours of the shift). A blank Sleep and Meal Period Exception Certification Form is set forth in the Appendix to this Handbook and additional forms are available from any Coordinator.

If you believe that you were not paid for all hours worked that you identified on a Sleep and Meal Period Exception Certification Form or otherwise, you must contact the Human Resources Department immediately

and report the actual hours that you worked so that you can be compensated for all of your hours worked.

No caregiver will be subject to any reprisal or other adverse action for reporting missed or interrupted meal or sleep periods or for submitting a Sleep and Meal Period Exception Certification Form. But any caregiver who knowingly submits a false report or Sleep and Meal Period Exception Certification Form will be subject to disciplinary action, up to and including termination of employment.

<sup>1</sup> You "live in" if you reside at your worksite on a "permanent basis" (i.e., you stay there seven nights a week and have no other home of your own), or for "extended periods of time" (i.e., you work and sleep there five days a week (120 hours or more) or five consecutive days or nights (regardless of the total number of hours)).



# CERTIFICATION FORM

## SLEEP AND MEAL PERIOD EXCEPTION

SUBMIT FORM TO FAX # 518-762-1768

Employee Name (Print): \_\_\_\_\_

Date of Shift: \_\_\_\_\_

I attest that during my shift on the date noted above:

I did not have access to adequate sleeping facilities. Explain: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

I did not receive a duty-free, uninterrupted sleep period of at least 5 consecutive hours. Explain:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I received a duty-free, uninterrupted sleep period of at least 5 consecutive hours, but did not receive a duty-free, uninterrupted 8-hour sleep period. Specifically, my sleep period was interrupted by a call to duty for a total of \_\_\_\_\_ hours. Explain: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

I did not receive a total of at least 3 hours of Bona Fide Meal Periods. Instead, I only received a total of \_\_\_\_\_ hours of Bona Fide Meal Periods (do not include in this figure any duty-free, uninterrupted meal periods you were able to take that were less than 30 minutes in duration). Explain: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

I certify, under penalty of perjury, that the information contained in this Sleep and Meal Period Exception Certification Form is true, accurate, and complete.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

# KEEP IN MIND...

TAKE YOUR	SHOWER DAILY	CHANGE INTO	MAKE SURE	DO NOT TALK	ALWAYS	DO NOT EAT
food, clothes and toiletries to last your schedule (pack your things in a clean luggage).	and do not forget your deodorants (presentation is very important).	your pajamas at night (only for night time not during the day).	you are appropriately dressed during working hours.	too loud on the phone, avoid chatting on the phone when your patient is awake.	address your patient and family members as Ms., Mrs., or Mr.	the patient's food or use your patient's phones to make long distance calls.

## SCHEDULING

All live-in cases are priority one. (These patients must never be left alone even for 5 minutes unless authorized by your supervisor only. For every errands and shopping, you must also call your coordinator for notification and approval).

Make sure to write down the dates and times of your patient's medical appointments, that way you do not miss any appointments.

Be prepared to stay longer than expected in case of an emergency.

## NUTRITION



Make sure your patient eats breakfast, lunch and dinner every day. Also make sure your patient drinks enough fluids. If your patient is not eating well, you must call your Coordinator and inform him/her.

Make sure your patient is sitting up for all meals.

If you think your patient is losing weight, you must call your Coordinator and inform him/her.

# SKIN CARE & HYGIENE

You must check your patient's skin and report any sores, ulcers, bruises, cuts, swelling and black and blue marks.

Please change your patient into pajamas for bedtime and change in day clothes during the day.

If your patient uses diapers, make sure you change them frequently as needed. Apply a barrier cream to the unbroken skin as needed to prevent diaper rash.

Please bath or assist your patient in bathing or showering. If your patient refuses to shower or does not cooperate during showers, please call and inform your Coordinator.



If your patient is chair or bed bound, you must turn and position the patient every 2-3 hours or as indicated in the plan of care to prevent skin break down.

## HOUSEKEEPING



PLEASE SWEEP THE HOUSE DAILY AND MOP AND VACUUM AS NEEDED



CHANGE LINENS AS NEEDED BUT AT THE MINIMUM WEEKLY



KEEP BATHROOM, KITCHEN AND ALL LIVING AREAS TIDY AND CLEAN AT ALL TIMES



LAUNDRY SHOULD BE DONE AS NEEDED BUT AT LEAST WEEKLY

## ACTIVITIES

Do you know how to safely operate the Hoyer lift?

Do you know how to safely use the wheel chair?

Do you know how to safely transfer your patient from the bed to the wheelchair, from the bed to the commode, from the wheel chair to the commode?



# CAREGIVER'S CHANGE OVER

## **INTRODUCTION**

Say your name, show your ID badge.

## **FAMILY MEMBER INFORMATION**

Ask the other caregiver for family members information in case needed.

## **POC**

Review the POC with the other caregiver and with the patient.

## **MEALS**

Review the patient's preferred meal time, diet, with the other caregiver.

## **PERSONAL CARE**

Review with the other caregiver the showing/bathing and dressing routine, any specific preferences.

## **ROUTINE**

Review the patient's routine with the other caregiver at the case.

## **EQUIPMENT**

Review with the other caregiver how to use the patient's Hoyer lift, wheel chair, walker, etc.

# BENEFITS

A COMPREHENSIVE BENEFITS PAMPHLET IS AVAILABLE IN ALL OF OUR SATELLITE OFFICES, AND IT WILL BE PROVIDED TO YOU FOR REVIEW DURING ORIENTATION. YOU MAY ALSO REQUEST FROM YOUR HR REPRESENTATIVE TO HAVE A PAMPHLET MAILED TO YOU. THIS SECTION GENERALLY DESCRIBES SOME OF THE BENEFITS WE PROVIDE TO ALL CAREGIVERS. BECAUSE THE TERMS AND CONDITIONS OF VARIOUS PLANS CHANGE OVER TIME, A SUMMARY OF THE BENEFITS BEING OFFERED BY THE AGENCY WILL BE GIVEN AT ORIENTATION.

## HOLIDAY PAY

The following days are considered holidays and you will be given an additional \$1.00 per hour if you work these days:

- New Year's Day
- July 4th
- Thanksgiving Day
- Christmas Day

## WORKER'S COMPENSATION

If you are injured while on the job, you may be covered for the medical expenses you incur for the work-related injury and salary lost during the period that you are disabled



from working. All caregivers are required to report injuries prior to leaving their assignment. Caregivers may forfeit any right to care by not promptly reporting to this agency.

## DISABILITY INSURANCE

You are entitled to New York State Disability benefits if you have a non-job-related illness and are unable to work for more than seven (7) days and are receiving medical care. If you are ill or require hospitalization, notify the office immediately. New York State Disability will pay up to 50% of your average/weekly salary, after the first seven (7) days of illness, and for up to 26 weeks. Caregivers on disability leave are still required to notify their Coordinator of their status and periodically check in with the Agency. Information about your condition and circumstances may be required before you are reinstated to work.

## MEDICAL INSURANCE

Eligible caregivers may enroll in a single, a single plus one dependent, or a family contract health insurance plan offered by the Agency. Eligibility will be defined



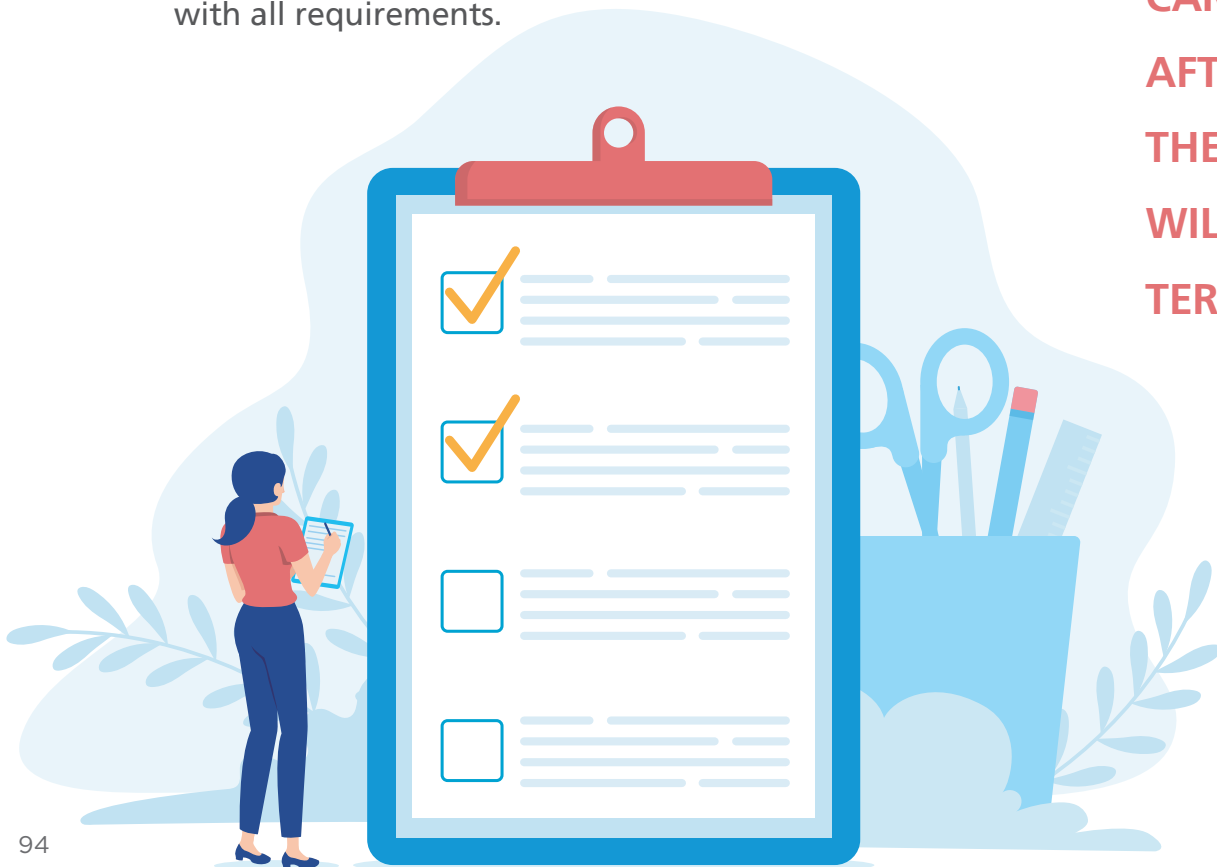
by the specific insurance contract in effect. Information and enrollment forms may be obtained from Human Resources.

# YEARLY COMPLIANCE REQUIREMENTS

Below is a list of annual compliance requirements that must be met by each caregiver as a condition of them continuing to work a case. If the requirements expire and are not renewed, the caregiver is not authorized to service the case. To be clear, service rendered on the first day that the caregiver is out of compliance with any of the below requirements will not be paid. Caregivers should not report to work on the first day that they are out of compliance with these requirements.

It is the caregiver's obligation to make sure their credentials are updated and in compliance with the law before they render any services. The Agency will make every attempt to contact a caregiver on the phone number and email address provided to obtain updated compliance paperwork before the date that the compliance paperwork is scheduled to expire. But if a caregiver fails to hand in updated compliance paperwork on time, the Agency will consider it as a voluntary resignation and/or the caregiver will not be allowed to work the case until the paperwork is updated and is in compliance with all requirements.

**IF A CAREGIVER FAILS TO STAY IN COMPLIANCE THE CAREGIVER MAY REMAIN ON INACTIVE STATUS FOR 30 DAYS WHILE HR ATTEMPTS TO FOLLOW UP WITH THE CAREGIVER. AFTER 30 DAYS, THE CAREGIVER WILL BE TERMINATED.**





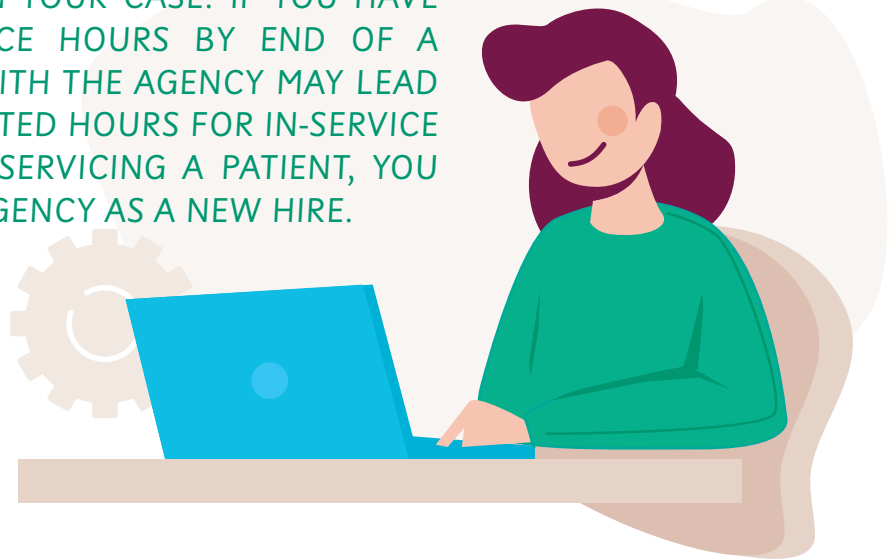
# IN-SERVICE

In-service is held every quarter according to the DOH regulations. Twelve (12) hours of in-service education is required each year for Home Health Aides and six (6) hours is required each year for Personal Care Aides. In-service is completed online. Upon hire, you will be assigned a username (usually your email) and password. If you do not know what your username is, feel free to call your designated HR Representative for assistance.

You will be paid for attending the in-service automatically as you watch the training videos. You are not allowed to do any work in addition to the 6 or 12 hours of in-service. This means that any work related to the in-service must be completed within the 6 or 12-hour sitting. You cannot complete tests or similar written assignments beyond the 6 or 12-hour sitting. Should there be extenuating circumstances and you are required to spend more than 6 or 12 hours in the in-service, you need to let your designated HR representative know.

All caregivers must complete the yearly in-services in order to stay in compliance with the Agency's Policies and Procedures. **FAILURE TO COMPLY WILL RESULT IN AN IN-ACTIVE STATUS, AND YOU WILL BE REPLACED ON YOUR CASE. IF YOU HAVE SKIPPED ANY OF THE IN-SERVICE HOURS BY END OF A CALENDAR YEAR YOUR STATUS WITH THE AGENCY MAY LEAD TO TERMINATION AS THE COMPLETED HOURS FOR IN-SERVICE DO NOT CALCULATE AS HOURS SERVICING A PATIENT, YOU WILL HAVE TO REAPPLY TO THE AGENCY AS A NEW HIRE.**

In-service payment will be issued as you take your video training.



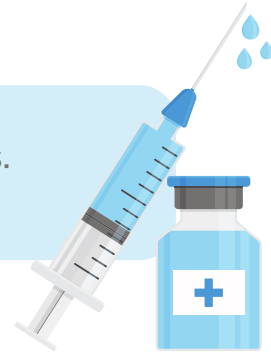
## PHYSICALS



Each caregiver must have a physical examination within the past year by a physician prior to the beginning of the patient contact. Physical Examinations must include evidence of freedom from condition, which may prove hazardous to you or your patient's health. A yearly health assessment conducted by our nurse is required. Our agency will contact you to schedule this.

# TB SCREENING

**TB SCREEN** A yearly assessment is required for all caregivers.  
A nurse will call you to conduct the assessment.



## What is TB?

- ⤵ Anyone can get TB
- ⤵ TB spreads through the air when someone with TB disease coughs, sneezes, speaks or sings
- ⤵ Tuberculosis (TB) is a disease caused by bacteria called *Mycobacterium tuberculosis*\*
- ⤵ The bacteria usually attack the lungs . But TB bacteria can attack any part of the body such as the kidney, spine, and brain
- ⤵ If not treated properly, TB disease can be fatal
- ⤵ Good news, people with TB disease can be treated when they seek medical help.  
Most people with latent TB infection can take medicine so that they will not develop TB disease
- ⤵ An estimated 60 million lives were saved worldwide through TB diagnosis and treatment between 2000 and 2019

## Risk Factors for TB disease

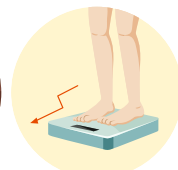
- » Coming from an area of high infection, where you stayed more than 30 days
- » Everywhere EXCEPT: Australia, Canada, New Zealand, the United States, England/UK, the Republic of Ireland, Belgium, the Netherlands, Luxembourg, France, Germany, Denmark, Norway, Sweden, and Iceland. Finland, Southern Germany, Switzerland, and Austria)
- » Exposure to someone with active TB
- » Diagnosis of latent TB



fever



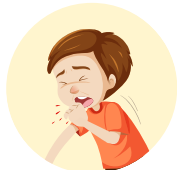
fatigue



weight loss



persistent cough



blood in cough



night sweats

## TB signs and symptoms

- ⤵ Productive cough for more than 3 weeks
- ⤵ Coughing up blood
- ⤵ Unexplained weight loss
- ⤵ Fever, chills, or drenching night sweats for no known reason
- ⤵ Persistent shortness of breath
- ⤵ Unexplained fatigue for more than 3 weeks
- ⤵ Chest pain

# TB SCREENING

## TB Disease and Latent TB

- TB disease is an active infection and must be treated
- Requires treatment (6-9 months)
- Requires quarantine for some period
- Latent TB Infection means you had or were exposed to TB in the past but are not currently infectious
- Latent TB can become active TB disease
- Treating Latent TB prevents it from becoming an active infection
- Can be treated in as little as 3-4 months with no requirement to quarantine

## Healthcare Worker Requirements

- Follow your agencies policies and procedures regarding TB testing and screening
- Test and screen prior to starting a new job
- Screen annually
- May require additional testing or treatment if you are at risk or have Latent TB or TB disease



## INFLUENZA

The Agency requires all caregivers to have documented influenza vaccination status on file each year and require unvaccinated personnel to wear a surgical mask while in areas where patients or residents may be present during periods that the Commissioner of Health determines that the influenza season is underway.

# FALSE CLAIMS PREVENTION

Community Home Health Care has a longstanding practice of fair and truthful dealing with its participants, their families, the government, health professionals and others. No individual associated with Community Home Health Care shall engage in any act of fraud, abuse or waste, such as knowingly making false statements of material fact, in the preparation or submission of any

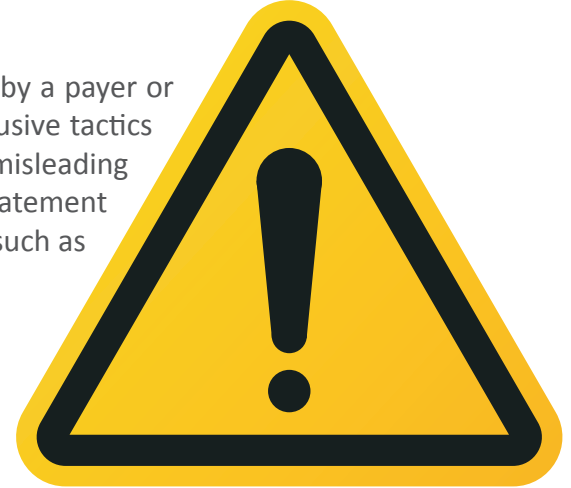
claim for reimbursement under the Medicaid program. This policy applies to all Community Home Health Care caregivers, contractors or other agents. Compliance with this Policy is a condition of employment or business relationship with Community Home Health Care. Violation of this policy is grounds for immediate termination of employment or agency relationship.

**THIS POLICY  
OUTLINES  
COMMUNITY HOME  
HEALTH CARE'S  
ANTI-FRAUD POLICY,  
AND THE SPECIFIC  
FEDERAL AND NEW  
YORK STATE LAWS  
RELATING TO FRAUD,  
ABUSE AND WASTE**

# FALSE CLAIMS PREVENTION

## A. DEFINITIONS OF FRAUD, ABUSE AND WASTE

Fraud is an intentional misrepresentation that, when relied on by a payer or other person, deceives that person to his or her detriment. Abusive tactics are broader than fraud and may include submitting deceptive or misleading claims to a government program like Medicaid or using a false statement to support a claim. Waste may include other deceptive tactics, such as over-utilization of otherwise necessary services.



### TYPES OF FRAUD, ABUSE, OR WASTE WHICH MAY LEAD TO LIABILITY ARE:

- > Knowingly filing a false or fraudulent claim for payments to Medicaid or another governmentally funded health care program, such as billing for services not actually provided;
- > Knowingly making or using a false record or statement to obtain payment on a false or fraudulent claim from Medicaid or other governmental program, such as documenting clinical care not actually provided;
- > Conspiring to defraud Medicaid or other governmentally funded health care program by attempting to have a false or fraudulent claim paid; or
- > Knowingly making or using, or causing to be made or used, a false record or statement to conceal, avoid or decrease an obligation to pay or transmit money or property to the government.

### EXAMPLES OF THE ABOVE INCLUDE BUT ARE NOT LIMITED TO:

- Completing timesheets for services not actually provided;
- Paying an invoice known to be false;
- Accepting or soliciting kickbacks or illegal inducements from vendors of services, or offering or paying kickbacks or illegal inducements to vendors of services;
- Paying, offering gifts, money, remuneration or free services to entice a Medicaid recipient to use Broadway Home Care services;
- Using Medicaid reimbursement to pay a personal expense;
- Embezzling; and
- Ordering and charging for medical services not necessary for the participant.

## B. MANDATORY REPORTING REQUIREMENT

If any individual subject to this policy has reason to believe that anyone associated with Broadway Home Care has engaged in any fraud, abuse or waste, the individual has a duty to report any such observations and concerns immediately to QA department. Broadway Home Care shall not retaliate against anyone submitting a timely report pursuant to this policy.

All reports shall be investigated under the supervision of QA department. All caregivers and contractors have a duty to cooperate with any investigation conducted by Broadway Home Care.

# FALSE CLAIMS PREVENTION

Broadway Home Care will take any necessary action to respond appropriately to any substantiated offense and to prevent any further offenses, including but not limited to terminating caregivers or contractors. Offenses will be evaluated for voluntary self-disclosure under applicable laws, and when warranted, they will be referred to federal and state authorities. Broadway Home Care will cooperate with government officials investigating or prosecuting any individual referred by Broadway Home Care.

## C. FEDERAL AND STATE FALSE CLAIMS ACT STATUTES

### FEDERAL FALSE CLAIMS ACT

**The Federal False Claims Act is a law that prohibits a person or entity, such as the Agency, from:**

- Knowingly presenting to a Government agency a false claim for payment or approval;
- Knowingly using a false record or statement, such as work orders and invoices for work never performed, to receive payment or approval of a false claim;
- Knowingly using a false record or statement to avoid an obligation to pay the Government;
- Knowingly conspiring to defraud the Government by getting a false claim paid; or
- Committing any other fraudulent acts detailed in the False Claims Act.

These prohibitions include claims submitted to federal health care programs like Medicare or Medicaid. The False Claims Act broadly defines the terms “knowing” and “knowingly.” Specifically, knowledge will have been proven for purposes of the False Claims Act if the person or entity: (1) has actual knowledge of the information; (2) acts in deliberate ignorance of the truth or falsity of the information; or (3) acts in reckless disregard of the truth or falsity of the information. Reckless disregard is a term that means a conscious indifference to the consequences of one’s actions. The law specifically provides that a specific intent to defraud is not required in order to prove that the law has been violated.

A person or entity found guilty of violating the False Claims Act is required to repay all of the fraudulently obtained money. In addition, the civil penalty for filing a false claim is between \$5,000 and \$10,000 per false claim and the damages recoverable by the Government can be up to three times the value of the amount falsely received. In addition to being liable for damages and civil penalties, violating the False Claims Act can subject a person or entity to exclusion from participation in federal health care programs, such as Medicare and Medicaid.

Private persons are permitted to bring civil actions for violations of the False Claims Act on behalf of the United States (also known as “qui tam” actions). If the suit is successful, the private person is entitled to receive a percentage of the recovery, depending on the level of government intervention, as well as reasonable attorneys’ fees. Persons bringing these claims (also known as “relators” or “whistleblowers”) are granted whistleblower protection under the law.



# FALSE CLAIMS PREVENTION

## PROGRAM FRAUD CIVIL REMEDIES ACT

The Program Fraud Civil Remedies Act authorizes the Department of Health and Human Services and other Government agencies to impose civil penalties upon persons making false claims or statements. The conduct prohibited by the Act is similar to that prohibited by the Federal False Claims Act. A violation of the Program Fraud Civil Remedies Act is punishable by a \$5,000 civil penalty for each wrongfully filed claim, plus damages up to twice the amount of value received by the individual or entity that committed the fraud. The Act imposes liability on people or entities that file a claim that they know or have reason to know:

- > Is false, fictitious, or fraudulent;
- > Includes or is supported by any written statement that contains false, fictitious, or fraudulent information;
- > Includes or is supported by a written statement that omits a material fact, which causes the statement to be false, fictitious, or fraudulent, and the person or entity submitting the statement has a duty to include the omitted fact; or
- > Is for payment for property or services not provided as claimed.

## NEW YORK FALSE CLAIMS ACT

The New York False Claims Act is modeled after the Federal False Claims Act and operates in a very similar manner. The grounds for liability are the same in that the prohibited conduct involves intentional or reckless falsity in obtaining payment from or avoiding payment to the New York State government. The New York State Attorney General and local government bodies have the authority to investigate violations under the New York False Claims Act. The civil penalties for filing a false claim are between \$6,000 and \$12,000 per claim. In addition, the government (state or local) can collect damages of up to three times the amount of the value received by the individual or entity that committed the fraud.

There are also criminal penalties for intentionally making a false statement or intentionally submitting a false claim to the New York State or local government. Any person who submits false statements or deliberately conceals material information in order to receive public assistance, such as Medicaid, is guilty of a misdemeanor under the New York Social Services Law. The person may also be subject to more serious criminal penalties under the New York Penal Law depending on the severity of the fraud. Committing a fraudulent insurance act or engaging in health care fraud also may subject the person to criminal liability.

Like the Federal False Claims Act, a private person may bring a “qui tam” civil action against a person or entity on behalf of the Government. Qui tam plaintiffs are entitled to a percentage of the proceeds collected from the defendant. This percentage depends on whether or not the Attorney General or local government elects to intervene in the action. Persons bringing these claims (also known as relators or whistleblowers) are granted whistleblower protection under the law.

In addition to the New York False Claims Act, the New York Social Services Law imposes a civil penalty on a person or entity who knowingly obtains or attempts to obtain payment for items or services furnished under any Social Services program, including Medicaid, by the use of a false statement, deliberate concealment, or other fraudulent scheme. The law gives the New York State Department



# FALSE CLAIMS PREVENTION

of Health the authority to impose a civil penalty of no more than \$2,000 per violation on any person who causes Medicaid payments to be made if the person knew or had reason to know that:

- The payment involved the providing or ordering of care, services, or supplies that were medically improper, unnecessary or in excess of the documented medical needs of the person to whom they were furnished;
- The care, services, or supplies were not provided as claimed;
- The person who ordered or prescribed care, services, or supplies which were medically improper, unnecessary, or in excess of the documented medical need of the person to whom they were furnished was suspended or excluded from the medical assistance program at the time the care, services, or supplies were furnished; or
- The services or supplies for which payment was received were not, in fact, provided.

## WHISTLEBLOWER PROTECTIONS

Whistleblowing caregivers are protected from retaliation by their employers for reporting fraud, waste, and abuse. Both the Federal and New York False Claims Acts provide protection to private individuals who bring "qui tam" actions and who are later discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms and conditions of their employment as a result of the action. Federal law remedies include reinstatement with comparable seniority, back pay, interest on any back pay, and compensation for any special damages including litigation costs and reasonable attorneys' fees. New York law remedies include an injunction to restrain continued discrimination, reinstatement with comparable seniority and full fringe benefits, back pay, interest on the back pay, and compensation for any special damages including litigation costs and reasonable attorneys' fees.





# ABUSE AND NEGLECT REPORTING POLICY

THE AGENCY IS  
COMMITTED TO THE  
SAFETY AND WELL-  
BEING OF ALL ITS  
PATIENTS.

OBSERVING, SCREENING  
AND REPORTING  
ABUSE AND NEGLECT  
IS INCLUDED AT  
ORIENTATION FOR ALL  
NEW CAREGIVERS.  
IN ADDITION, AN IN-  
SERVICE PROGRAM,  
“ABUSE AND NEGLECT”,  
IS PRESENTED AS PART  
OF THE ONGOING  
IN-SERVICE SCHEDULE.

The following operation definitions are used to assist in determining if patients are victims of abuse or neglect:

## **CHILD ABUSE**

The physical, sexual or emotional maltreatment of a child, it may be overt or covert.

## **CHILD NEGLECT**

The failure by parents or guardians to provide for the basic needs of a child by physical or emotional deprivation that interferes with normal growth and development or that places the child in jeopardy.

## **ELDER ABUSE**

Non-accidental acts of physical or mental mistreatment (including that of a sexual nature) of an elderly or vulnerable adult.

## **ELDER NEGLECT**

A pattern of conduct or inaction by a person entrusted with caring for an elderly or vulnerable adult that results in deprivation of care necessary to maintain that person's physical or mental health.

As part of the initial and ongoing patient assessments, the Director of Nursing observes for signs of abuse and neglect. Caregivers are encouraged to report observable changes in family dynamics, changes in patient status and any bruising or injury the patient sustains. The patient's support system is identified at time of admission and encouraged to discuss concerns related to the patient. Identification and use of Broadway resources is also discussed to help individuals in the patient's support system in coping with caring for an ill or elderly person.

If there is a reasonable suspicion of abuse or neglect, an incident report is completed, and the situation is discussed with the Administrator. Mandated reporters, i.e., health care professionals are required to **report cases of suspected child abuse or neglect by calling 1-800-635-1522 in New York State**. Non-mandated reporters are to call the New York State Central Registry in Albany at 1-800- 342-3720. Reporting is necessary to protect the child and obtain services for the patient(s) to assist in dealing with the actions leading to abuse or neglect. In conjunction with the physician, Adult Protective Services (APS) is contacted if there is concern for the safety and welfare of an adult patient. All actions taken by the Agency's staff regarding reporting and follow-up of suspected or actual abuse and/or neglect are documented in the patient record.

# ADULT PROTECTIVE SERVICES (APS)



The Agency maintains a list of Broadway resources as well as the telephone number for APS. The Agency is committed to the safety of:

1. All Agency personnel who come in direct contact with patients receive a complete orientation and participate in on-going training to **recognize potentially hazardous conditions** related to the service they provide.
2. Initial and ongoing patient or caregiver instruction on **home safety management** is appropriate to the provider's level of responsibility, as it relates to the patient's needs.
3. Home safety management includes the following areas:
  - ♦ Basic home and bathroom safety
  - ♦ Fire response and means of emergency exit from home
  - ♦ Storage of supplies, drugs, controlled substances, solutions and needles
  - ♦ Transfers and ambulation with assistive devices
  - ♦ Use of medical equipment and electrical incidents
  - ♦ Waste disposal (*double boxing, bagging and use of non-penetrable container*)
4. Patients and caregivers receive **written instructions** whenever possible.
5. Patient/Caregiver **knowledge and performance of safety procedures** are evaluated and documented in an ongoing basis.
6. Agency personnel use a **safety checklist** to document existing or potential safety hazards.
7. All personnel are knowledgeable of the system for **reporting accidents, injuries and safety hazards**.
8. The staff's use of the safety management program is evaluated periodically, and **in- service education** is based on the findings of those evaluations.



# "FAIR" PROGRAM

## FACT-FINDING AND ISSUE RESOLUTION ("FAIR") PROGRAM

**1 Overview of the FAIR Program.** Broadway Home Care values each caregiver and looks forward to good relations with and among all of its caregivers. Occasionally, however, disagreements may arise between you and Broadway Home Care or between caregivers in a context that involves Broadway Home Care. We believe that the resolution of such disagreements will be best accomplished by internal dispute resolution and, where that fails, by binding arbitration that is conducted by an arbitrator. For these reasons, Broadway Home Care Inc. has adopted this Fact-finding and Issue Resolution Program (the "FAIR Program").

**2 Effect of this document.** By signing this agreement, you agree that all "Claims" (as defined below in paragraph 3) between "You" and the "Agency" (as defined below in paragraph 3) shall be resolved exclusively by the internal dispute resolution procedures and the binding arbitration procedures described in this document.

The FAIR Program is an essential element of your employment and, for current caregivers, continued employment with the Agency. Although the FAIR Program is a binding agreement between you and the Agency, it does not create a contract of employment or otherwise affect the at-will nature of your employment. You indicate your agreement to be bound by the FAIR Program's terms and conditions by signing this document.

### **3 What Does the FAIR Program Cover?**

- a** The FAIR Program applies to any and all Claims, regardless of when those claims arose or accrued. For avoidance of doubt, the provisions of this agreement apply to claims that accrued or arose before execution of this agreement and to claims that accrued or arose after execution of this agreement. The provisions of this agreement also apply to Claims that arose after your employment with the Agency ends.
- b** For purposes of the FAIR Program and this document, the "Agency" and/or "Broadway Home Care" means Broadway Health Aide Services and its parents, subsidiaries, affiliates, predecessors, and successors, as well each of their current and former owners, members, managers, shareholders, partners, directors, officers, caregivers, and agents.
- c** "You" and "Your" refers to you and any other person who may assert your rights.
- d** "Claim" includes any claim, dispute, allegation, controversy, or action between You and the Agency that in any way arises from, or relates to, your employment with the Agency or the termination of your employment with the Agency, regardless of that Claim accrued or arose. A Claim encompasses, for example,

# "FAIR" PROGRAM

any employment, labor, wage-and-hour, overtime, and compensation claims, including, without limitation, any Claim that may arise under the following laws:

- Title VII of the Civil Rights Act of 1964
  - The Civil Rights Act of 1991
  - The Age Discrimination in Employment Act of 1967
- The Americans with Disabilities Act of 1990
  - The Fair Labor Standards Act of 1938 or any state wage and hour laws, such as the New York Labor Law
- New York Public Health Law Section 3614- c, also known as the Wage Parity Law
  - The Rehabilitation Act of 1973
- The Older Workers Benefit Protection Act
- The Family and Medical Leave Act of 1993
- The Occupational Safety and Health Act of 1970
- The Worker Adjustment and Retraining Notification Act of 1988
- Any state anti-discrimination, anti- retaliation, or whistleblower laws (including, without limitation, the New York State Human Rights Law and the New York State Whistleblower Law).
- Any other federal, state, or local statute, regulation, or common-law doctrine regarding employment, employment discrimination, harassment, terms and conditions of employment, termination of employment, compensation, breach of contract, or defamation.
- Disputes about the validity, enforceability, coverage or scope of the FAIR Program or any part thereof.

The above list is not exclusive and is only provided to illustrate examples of Claims ↗

## Are any Claims excluded from this FAIR Program?

The term "Claim" does not include the following, which are for a court or an agency and not an arbitrator to decide:

- Controversies, claims or other disputes for injunctive relief for unfair competition or unauthorized use or disclosure of confidential information or trade secrets.
- Claims for workers' compensation (except that claims for interference with or retaliation for filing a workers' compensation claim will be considered a Claim subject to arbitration under the FAIR Program).
- Claims for unemployment compensation benefits.
- Claims for caregiver welfare benefits (e.g., medical, health, dental).
- Claims for retirement benefits under the Caregiver Retirement Income Security Act ("ERISA") (except that claims for interference with or retaliation for exercising protected rights under ERISA shall be considered Claims subject to arbitration under the FAIR Program).
- Unfair labor practice charges under the National Labor Relations Act.

The FAIR Program does **not** prevent you from filing a charge, testifying, assisting, or otherwise participating in any investigation or proceeding conducted by the equal employment opportunity commission, or another government agency to the extent that You have a protected right to do so. But if you take such action in relation to a





# "FAIR" PROGRAM

claim, controversy, or other dispute that would constitute a Claim and you have not fully pursued such dispute through the FAIR Program, the Agency may request the agency in question to defer its processing or investigation of such charge until the FAIR Program has been completed. Notwithstanding your rights under this subsection, you agree that, to the maximum extent permitted by law, You may recover monetary relief with respect to a Claim only through the FAIR Program.

Further, the FAIR Program does not require the Agency to begin arbitration proceedings or initiate any other procedure before taking any action regarding your employment with which you might disagree, such as coaching, counseling, warning, reprimand, suspension, investigation, discipline, demotion, changing your days or hours of work, or termination.

**4 Can a Claim Be Resolved in Court? No.** Under the FAIR Program, You and the Agency each waive your respective rights to have a Claim decided by a court, judge, jury and, where permitted by law, an administrative agency. Instead, You and the Agency hereby agree that the internal dispute resolution and arbitration procedures set forth below are the sole and exclusive methods for resolving any and all Claims.

**5 Submitting a Claim Under the FAIR Program?** If You believe that You have a Claim against the Agency, You should first give the Agency a chance to investigate and resolve the Claim before You file a demand for arbitration (the arbitration process is explained further below). You do not need to use any specific form to submit a Claim. Simply write a letter explaining your Claim and the relief sought and submit the Claim letter to the Human Resources Manager. If You do not receive a response from the Agency within 30 days of the date that you submitted Your letter to Human Resources, or you disagree with the response from the Agency, and you wish to pursue the Claim further, You must submit your Claim exclusively to binding arbitration with the American Arbitration Association ("AAA") in accordance with the AAA's Employment Arbitration Rules and Mediation Procedures.

**6 How Much Time do You Have to File a Claim?** An arbitration proceeding must be commenced within the time period prescribed by the statutes of limitations applicable to the Claim being asserted. For purposes of statute of limitations, an arbitration proceeding is deemed commenced when a demand for arbitration is filed with the AAA.

**7 How Does the Arbitration Process Begin?** To start the arbitration process, the party wishing to file a Claim must file a written demand in accordance with the rules of the AAA for starting the arbitration process. More information about the AAA may be obtained at [www.adr.org](http://www.adr.org) or by calling 1.800.778.7879.

# "FAIR" PROGRAM

**8 How Is the Arbitrator Selected?** Arbitrators will be selected by the parties in accordance with the AAA's Employment Arbitration Rules and Mediation Procedures. The arbitrator must be a licensed attorney, or a retired judge selected from the AAA's Employment Arbitration Rules and Mediation Procedures Employment Dispute Resolution Roster, or a similar list if such list is unavailable. Unless the parties agree otherwise, the arbitrator must be a retired or former judge or a lawyer who has at least 5 years of experience with employment-related claims.

**9 Can an Attorney Represent You? Yes.** Any party may be represented by an attorney. If you need assistance finding an attorney, there may be resources available to you, such as the **American Bar Association** ([www.americanbar.org](http://www.americanbar.org) and 800-285-2221 or 202-662-1000) or the **Legal Aid Society** ([www.legal-aid.org](http://www.legal-aid.org) and 212-577-3300 or 718-722-3100).

**10 When and Where Will the Arbitration Hearing Take Place?** The arbitration hearing will be conducted by the arbitrator in whatever manner will most expeditiously permit full presentation of evidence and arguments of the parties. The arbitrator will set the time, date, and place of the hearing, notice of which must be given to the parties at least 30 calendar days in advance, unless the parties agree otherwise. Any arbitration hearing will take place within Rockland County, State of New York, unless the parties agree otherwise.

**11 What Rules and Law Apply to The Arbitration?** Arbitration under the FAIR Program will be conducted pursuant to the AAA's Employment Arbitration Rules and Mediation Procedures, except that under no circumstances will an arbitrator have the authority to hear or decide any Claim on a class, collective, or other group or representative basis. The arbitrator must apply the substantive law, including the applicable burdens of proof and persuasion, that would be applied by a court hearing the Claim in the venue of the arbitration. The arbitrator may grant relief that could be granted by a court hearing the Claim, including an award of attorneys' fees and costs.

**12 Can Claims Be Heard on A Class, Representative, Or Collective Basis? No.** Notwithstanding anything to the contrary: (a) no arbitrator is permitted to hear or decide any Claim on a class, collective, or other group or representative basis; (b) all Claims between You and the Agency must be decided individually; and (c) the AAA's Supplementary Rules for Class Action Arbitration (and any similar rules) will not have any applicability to any Claim. This means that if You have a Claim, neither You nor the Agency will have the right, with respect to that Claim, to do any of the following in court or before an

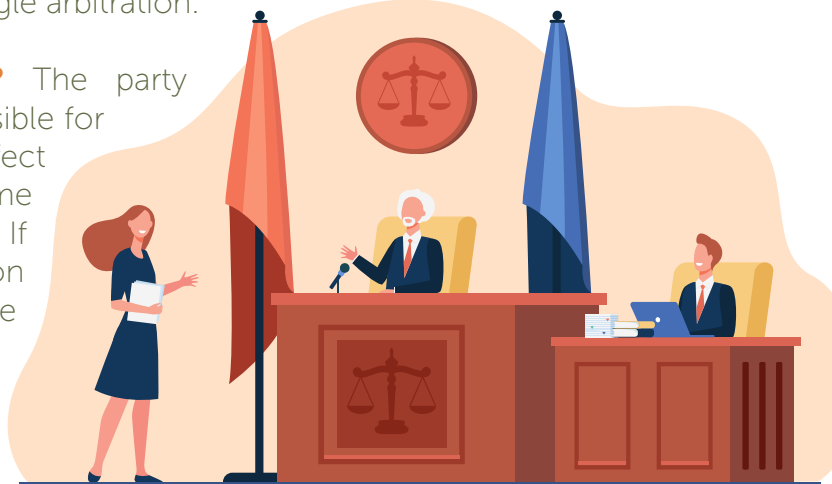


# "FAIR" PROGRAM

arbitrator: (a) pursue or obtain any relief from a class, collective, or other group or representative action; (b) act as a private attorney general; or (c) join or consolidate a Claim with the Claim of any other person. Thus, the arbitrator shall have no authority or jurisdiction to process, conduct, or rule upon any class, collective, private attorney general, or other representative or group proceeding under any circumstances. If there is more than one Claim between You and the Agency, those Claims may be heard in a single arbitration.

## 13

**Who Pays for The Arbitration?** The party claiming to be aggrieved is responsible for paying the applicable filing fee in effect and established by the AAA at the time the demand for arbitration is made. If You file the demand for arbitration and cannot obtain a waiver of the filing fee, You can ask the Agency to pay the filing fee. The Agency will review every such request in good faith and consider whether to cover all or part of such filing fee.



The arbitrator will charge a fee for his/her services and his/her costs. The parties will equally share the arbitrator's fees and other costs of the arbitration. However, if sharing equally in the cost of the arbitrator's fees would cause you financial hardship, You can ask the Agency to pay, in full, the arbitrator's fees and other costs. The Agency will pay all of the arbitrator's costs and fees as necessary to implement this FAIR Program. Each party will be responsible for its own attorneys' fees and costs, but the arbitrator may award either party reasonable attorneys' fees and costs in accordance with the applicable law.

## 14

**Are the Parties Entitled to Discovery or Depositions? Yes.** All discovery will be governed by the AAA rules.

## 15

**Can You have Witnesses Testify at The Arbitration? Yes.** At the hearing, the parties will have the right to present proof through testimony and documentary evidence, and to cross-examine witnesses who testify at the hearing. The arbitrator will require all witnesses to testify under oath. The arbitrator(s) will also have the authority to decide whether any person who is not a witness may attend the hearing.

## 16

**The Arbitrator's Decision/Award.** The Arbitrator will issue his or her award promptly after the arbitration hearing concludes or post-hearing briefs are received. The arbitrator's award will set forth the factual and legal basis for the award, including his or her legal reasoning, and contain a summary of the facts, the issues, the governing law applied, and the relief requested and awarded. It must also identify any other issues resolved and the disposition of any statutory claims. The arbitrator's award will be final and binding on the parties.

# "FAIR" PROGRAM

**17** **How Long Does the FAIR Program Apply to You?** The FAIR Program will remain in effect and survive the cessation of Your employment relationship or affiliation with the Agency, regardless of the reason for such cessation.

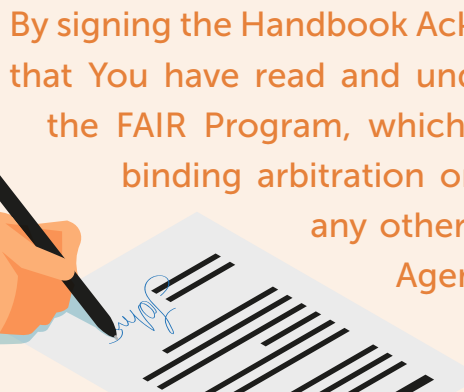
**18** **Miscellaneous Provisions Regarding the Fair Program:**  
**Choice of Law:** The FAIR Program and the terms of this agreement shall be governed by the Federal Arbitration Act ("FAA"). The parties acknowledge and agree that the FAIR Program evidences a transaction involving interstate commerce.

**Severability:** If any part or provision of the FAIR Program or this agreement is held to be invalid, illegal, or unenforceable, such holding will not affect the legality, validity, or enforceability of the remaining parts, and each provision of the FAIR Program and this agreement will be valid, legal, and enforceable to the fullest extent permitted by law. However, in the event the provision prohibiting class, collective, or representative actions is found to be unlawful or unenforceable, then the entire FAIR Program and this agreement will be considered null and void.

**Notices:** Any notice required to be given to You will be directed to Your last known address as reflected in the records of the Agency. Any notice required to be given to the Agency will be directed to the Administrator at 49 North Airmont Road, Montebello, NY 10901.

**Amendment:** The Agency reserves the right to amend or terminate the FAIR Program. Such amendments may be made by providing notice to You, electronically or in writing, of such amendment or termination.

**Waiver:** No waiver may be granted by either party, except in writing. No waiver of any provision of the FAIR Program will constitute a waiver of any other provision of the FAIR Program (whether or not similar), nor will such waiver constitute a continuing waiver unless otherwise expressly provided in such writing.



By signing the Handbook Acknowledgment of Receipt, You confirm that You have read and understand the terms and conditions of the FAIR Program, which require You to submit all Claims to binding arbitration on an individual basis. No provision of any other document You may receive from the Agency will be construed as a waiver of the provision prohibiting class, collective, or representative actions.



# TIME-OFF REQUEST

SUBMIT FORM TO FAX # 518-762-1768

PLEASE PRESENT TO THE OFFICE 2 WEEKS PRIOR TO REQUEST

Caregiver's Name \_\_\_\_\_

Coordinator's Name: \_\_\_\_\_

## DAYS OFF/VACATION

Dates: FROM \_\_\_\_\_

TO \_\_\_\_\_

☐ Partial Day ☐ Full Day

## PERMANENTLY OFF CASE

Today's Date: \_\_\_\_\_

Last Day of Work: \_\_\_\_\_

*TWO WEEKS FROM TODAY'S DATE*

Reason: \_\_\_\_\_

Your Patient's Name(s): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

PLEASE CONTACT YOUR COORDINATOR TO VERIFY APPROVAL

# ACKNOWLEDGMENT

SUBMIT FORM TO FAX # 518-762-1768

## ACKNOWLEDGMENT OF RECEIPT

I hereby acknowledge receiving a copy of the Agency's Handbook. I have had the opportunity to ask questions about the policies. **As a condition of my employment with the Agency, I agree to comply with all the rules and procedures of the Agency, as stated in this Handbook and any other document that may be issued to me during my employment, including the FAIR AGREEMENT.**

I understand that the Agency has the maximum discretion permitted by law to interpret, administer, add to, change, or delete provisions in this Manual and Handbook at any time.

Additionally, I acknowledge that no promise of job security has heretofore been given to me and that there are no such promises contained in the Handbook since I am employed AT WILL and may resign at any time or be fired from my job at any time, with or without notice and with or without cause.

I, \_\_\_\_\_, have been informed that anytime during my employment with Broadway Home Care should my name appear on NYS DOH CHRC with legal charges after hire, the agency will take any and all appropriate actions deemed necessary by NYS DOH, including but not limited to, a CHRC Hold status resulting in my immediate removal from direct patient care pending the submission of a determination letter from the court.

---

Caregiver Name (PRINT)

---

Caregiver Signature

---

Date



# ORIENTATION VERIFICATION

SUBMIT FORM TO FAX # 518-762-1768

I, \_\_\_\_\_, have attended orientation today with Broadway Home Care. I hereby agree that as an caregiver with Broadway Home Care, I am responsible for understanding and abiding by the policies and procedures set forth in the orientation and in the provided caregiver handbook.

Provided to me was the following, but not limited to:

- ✓ Caregiver Handbook released January 2019
- ✓ HIPAA regulations
- ✓ HIV Confidentiality
- ✓ Infection Control Review
- ✓ Advance Directives/Living Will/DNR
- ✓ Patient Abuse Reporting Law & Caring for the Sensory Impaired Patient
- ✓ Emergency/Disaster Preparedness
- ✓ Caregiver and Home Safety Review
- ✓ General Company Policies, Procedures and Forms
- ✓ Payroll Guidelines
  - › Training on the Use of Timesheets
  - › Training on the Use of Electronic Clock In/Clock Out System
- ✓ Photo Waiver and Release
- ✓ Drug and Alcohol Policy
- ✓ Sleep & Meal Period Policy for Caregivers on Duty for 24 hours or more
- ✓ FMLA and PFL policy
- ✓ Fact-finding and Issue Resolution ("Fair") Program Policy
- ✓ False Claims Act
- ✓ NYC Earned Sick Time Act
- ✓ Health Insurance Information
- ✓ Wage Parity Benefits

I Agree to the above.

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

Agency Rep Signature: \_\_\_\_\_ Date: \_\_\_\_\_

# NEW YORK

## Package Contents:

### State Notices:

- NY State Public Employee Safety & Health Act (PESH Act)
- NY Child Labor Law
- NY Correction Law
- NY State Human Rights Law: Discrimination
- NY Fringe Benefits & Hours Notice
- NY Minimum Wage
- NY Rights of Nursing Mothers to Express Breast Milk in the Workplace
- NY Right to Know: Effects & Hazards of Toxic Substances \*PUBLIC
- NY Notice of Employee Rights, Protections, & Obligations Under LLS 740
- NY Veteran Benefits and Services
- Pay Day Notice
- Emergency Phone Numbers

### Federal Notices:

- Pay Transparency Nondiscrimination Provision
- Executive Order 13706: Paid Sick Leave for Federal Contractors
- E-Verify / Right to Work
- Employee Rights on Government Contracts (Public Contract Act/Service Contract Act: Walsh-Healey)
- Employee Rights for Workers with Disabilities Paid at Special Minimum Wages
- Employee Rights Under the Davis-Bacon Act
- Federal Contractor Minimum Wage
- Employee Polygraph Protection Act (EPPA)
- Know Your Rights: Workplace Discrimination is Illegal
- Family and Medical Leave Act (FMLA)
- Fair Labor Standards Act (FLSA)
- Job Safety and Health: It's the Law (OSHA)
- Your Rights Under USERRA
- Employee Rights Under the National Labor Relations Act (NLRA)

### Package Instructions:

1. Print the following PDF files in 8.5 x11 sheets of paper, unless otherwise specified use the color white.
2. The Federal OSHA poster must be printed in an 8 ½ x 14 sheet of paper to be in compliance.
3. Post the printed sheets in a place frequented by employees (i.e. lunch rooms, HR offices, employee lounges).
4. You may also distribute electronic copies of the Labor Law Notices to all relevant workstations in your facility.



**ALL IN ONE POSTER COMPANY, INC.**

1156 N. Gilbert St., Anaheim, CA 92801

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[sales@allinoneposters.com](mailto:sales@allinoneposters.com)

## Public Employees Job Safety & Health Protection

*The New York State Public Employee Safety and Health Act of 1980 provides job safety and health protection for workers through the promotion of safe and healthful working conditions throughout the State. Requirements of the Act include the following:*

### Employers

Employers must provide employees with a workplace that is:

- free from recognized hazards,
- in compliance with the safety and health standards that apply to the workplace, and
- in compliance with any other regulations issued under the PESH Act by the Commissioner of Labor.

### Employees

Employees must comply with all safety and health standards that apply to their actions on the job. Employees must also comply with any regulations issued under the PESH Act that apply to their job.

### Enforcement

The New York State Department of Labor administers and enforces the PESH Act. The Commissioner of Labor issues safety and health standards. The Department's Division of Safety and Health (DOSH) has Inspectors and Hygienists who inspect workplaces to make sure they are following the PESH Act.

### Inspection

When DOSH staff inspect a workplace, a representative of the employer and a representative approved by the employees must be allowed to help with the inspection. When there is no employee-approved representative, DOSH staff must speak with a fair number of employees about the safety and health conditions in the workplace.

### Order to Comply

If the Department believes an employer has violated the PESH Act, we will issue an order to comply notice to the employer. The order will list dates by which each violation must be fixed. If violations are not fixed by those dates, the employer may be fined.

The order to comply must be posted at or near the place of violation, where it can be easily seen. This is to warn employees that a danger may exist.

### Complaint

Any interested person may file a complaint if they believe there are unsafe or unhealthful conditions in a public workplace. This includes:

- An employee
- A representative of an employee
- Groups of employees
- A representative of a group of employees

Make this complaint in writing to the nearest DOSH office or by email to: [Ask.SHNYPESH@labor.ny.gov](mailto:Ask.SHNYPESH@labor.ny.gov). On request, DOSH will not release the names of any employees who file a complaint. The Department of Labor will evaluate each complaint. The Department will notify the person who made the complaint of the results of the investigation.

These complaints may also be made to the United States Department of Labor, Occupational Safety and Health Administration online at: [www.osha.gov](http://www.osha.gov).

### Discrimination

Employees may not be fired or discriminated against in any way for filing safety and health complaints or otherwise exercising their rights under the Act.

If an employee believes that they have been discriminated against, he or she may file a complaint with the nearest DOSH office. File this complaint within 30 days of the discrimination incident.

### Voluntary Activity

The Department of Labor encourages employers and employees to voluntarily:

- reduce workplace hazards, and
- develop and improve safety and health programs in all workplaces.

The Division of Safety and Health can provide free help with identifying and correcting job site hazards. Employers may request this assistance on a voluntary basis by emailing: [Ask.SHNYPESH@labor.ny.gov](mailto:Ask.SHNYPESH@labor.ny.gov).

**Additional information may be obtained from the nearest DOSH District Office below:**

#### Albany District

State Office Campus  
Bldg. 12, Rm. 158  
Albany, NY 12240  
Tel: (518) 457-5508

#### Binghamton District

44 Hawley St., Rm. 901  
Binghamton, NY 13901  
Tel: (607) 721-8211

#### Buffalo District

65 Court Street  
Buffalo, NY 14202  
Tel: (716) 847-7133

#### Garden City District

400 Oak Street  
Garden City, NY 11550  
Tel: (516) 228-3970

#### New York City District

75 Varick St., 7th Floor  
New York, NY 10013  
Tel: (212) 775-3554

#### Rochester District

109 S. Union St., Rm. 402  
Rochester, NY 14607  
Tel: (585) 258-8806

#### Syracuse District

450 South Salina Street  
Syracuse, NY 13202  
Tel: (315) 479-3212

#### Utica District

207 Genesee Street  
Utica, NY 13501  
Tel: (315) 793-2258

#### White Plains District

120 Bloomingdale Road  
White Plains, NY 10605  
Tel: (914) 997-9514

**Post Conspicuously**

**A Division of the New York State Department of Labor**

## Summary of New York State Child Labor Law, Permitted Working Hours for Minors Under 18 Years of Age

Age of Minor Girls and Boys		Industry or Occupation	Maximum			Permitted Hours
			Daily Hours	Weekly Hours	Days per Week	
<b>Attending School, When school is in session:</b>	14 and 15	All occupations except farm work, newspaper carrier and street trades	3 hours on school days. 8 hours on other days.	18 <sup>1</sup>	6	7 AM to 7 PM
	16 and 17	All occupations except farm work, newspaper carrier and street trades.	4 hours on days preceding school days: Monday, Tuesday, Wednesday, Thursday <sup>2</sup> . 8 hours on: Friday, Saturday, Sunday and Holidays. <sup>4</sup> .	28 <sup>4</sup>	6 <sup>4</sup>	6 AM to 10 PM <sup>3</sup>
<b>Attending School, When school is not in session (vacation):</b>	14 and 15	All occupations except farm work, newspaper carrier and street trades.	8 hours	40	6	7 AM to 9 PM June 21 to Labor Day
	16 and 17	All occupations except farm work, newspaper carrier and street trades	8 hours <sup>4</sup>	48 <sup>4</sup>	6 <sup>4</sup>	6 AM to Midnight <sup>4</sup>
<b>Not Attending School:</b>	16 and 17	All occupations except farm work, newspaper carrier and street trades	8 hours <sup>4</sup>	48 <sup>4</sup>	6 <sup>4</sup>	6 AM to Midnight <sup>4</sup>
<b>Farm Work:</b>	12 and 13	Hand harvest of berries, fruits and vegetables.	4 hours	-----	-----	June 21 to Labor Day, 7 AM to 7 PM. Day after Labor Day to June 20, 9 AM to 4 PM.
	14 to 18	Any farm work	-----	-----	-----	-----
<b>Newspaper Carriers:</b>	11 to 18	Delivers, or sells and delivers newspapers, shopping papers or periodicals to homes or business places.	4 hours on school days. 5 hours on other days.	-----	-----	5 AM to 7 PM or 30 minutes prior to sunset, whichever is later
<b>Street Trades:</b>	14 to 18	Self-employed work in public places selling newspapers or work as a bootblack	4 hours on school days. 5 hours on other days.	-----	-----	6 AM to 7 PM

<sup>1</sup> Students 14 and 15 enrolled in an approved work/study program may work 3 hours on a school day, 23 hours in any one-week when school is in session.

<sup>2</sup> Students 16 and 17 enrolled in an approved Cooperative Education Program may work up to 6 hours on a day preceding a school day other than a Sunday or Holiday when school is in session, as long as the hours are in conjunction with the Program.

<sup>3</sup> 6 AM to 10 PM or until midnight with written parental and educational authorities consent on day preceding a school day and until midnight on day preceding a non-school day with written parental consent.

<sup>4</sup> This provision does not apply to minors employed in resort hotels or restaurants in resort areas.

### Additional Child Labor Law Information

**The Employer must post a schedule of work hours for minors under 18 years old in the establishment.**

**An Employment Certificate (Working Paper)** is required for all employed minors under 18 years old.

**Penalties for Child Labor Laws violations:**

- First violation: maximum \$1,000\*
- Second violation: maximum \$2,000\*
- Third or more violations: maximum \$3,000\*

\*If a minor is seriously injured or dies while illegally employed, the penalty is three times the maximum penalty.

Also, Section 14A of the Workers' Compensation Law provides double compensation and death benefits for minors illegally employed.

Note: There are many prohibited occupations for minors in New York State.

**For more information about New York State Child Labor Laws and provisions** please visit the Department of Labor's website at <http://www.labor.ny.gov>. If you have questions, please send them to one of the offices listed below at:

**New York State Department of Labor, Division of Labor Standards:**

**Albany District**  
State Office Campus  
Bldg. 12 Room 185A  
Albany, NY 12240  
(518) 457-2730

**Buffalo District**  
290 Main Street  
Room 226  
Buffalo, NY 14202  
(716) 847-7141

**Garden City District**  
400 Oak Street  
Suite 101  
Garden City, NY 11530  
(516) 794-8195

**New York City District**  
75 Varick Street  
7th Floor  
New York, NY 10013  
(212) 775-3880

**Rochester**  
Sub-District  
276 Waring Road  
Room 104  
Rochester, NY 14609  
(585) 258-4550

**Syracuse District**  
333 East Washington Street  
Room 121  
Syracuse, NY 13202  
(315) 428-4057

**White Plains District**  
120 Bloomingdale Road  
White Plains, NY 10605  
(914) 997-9521

NEW YORK CORRECTION LAW  
ARTICLE 23-A

LICENSURE AND EMPLOYMENT OF PERSONS PREVIOUSLY  
CONVICTED OF ONE OR MORE CRIMINAL OFFENSES

**Section 750. Definitions.**

**751. Applicability.**

**752. Unfair discrimination against persons previously convicted of one or more criminal offenses prohibited.**

**753. Factors to be considered concerning a previous criminal conviction; presumption.**

**754. Written statement upon denial of license or employment.**

**755. Enforcement.**

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**§750. Definitions.** For the purposes of this article, the following terms shall have the following meanings:

(1) "Public agency" means the state or any local subdivision thereof, or any state or local department, agency, board or commission.

(2) "Private employer" means any person, company, corporation, labor organization or association which employs ten or more persons.

(3) "Direct relationship" means that the nature of criminal conduct for which the person was convicted has a direct bearing on his fitness or ability to perform one or more of the duties or responsibilities necessarily related to the license, opportunity, or job in question.

(4) "License" means any certificate, license, permit or grant of permission required by the laws of this state, its political subdivisions or instrumentalities as a condition for the lawful practice of any occupation, employment, trade, vocation, business, or profession. Provided, however, that "license" shall not, for the purposes of this article, include any license or permit to own, possess, carry, or fire any explosive, pistol, handgun, rifle, shotgun, or other firearm.

(5) "Employment" means any occupation, vocation or employment, or any form of vocational or educational training. Provided, however, that "employment" shall not, for the purposes of this article, include membership in any law enforcement agency.

**§751. Applicability.** The provisions of this article shall apply to any application by any person for a license or employment at any public or private employer, who has previously been convicted of one or more criminal offenses in this state or in any other jurisdiction, and to any license or employment held by any person whose conviction of one or more criminal offenses in this state or in any other jurisdiction preceded such employment or granting of a license, except where a mandatory forfeiture, disability or bar to employment is imposed by law, and has not been removed by an executive pardon, certificate of relief from disabilities or certificate of good conduct. Nothing in this article shall be construed to affect any right an employer may have with respect to an intentional misrepresentation in connection with an application for employment made by a prospective employee or previously made by a current employee.

**§752. Unfair discrimination against persons previously convicted of one or more criminal offenses prohibited.** No application for any license or employment, and no employment or license held by an individual, to which the provisions of this article are applicable, shall be denied or acted upon adversely by reason of the individual's having been previously convicted of one or more criminal offenses, or by reason of a finding of lack of "good moral character" when such finding is based upon the fact that the individual has previously been convicted of one or more criminal offenses, unless:

(1) There is a direct relationship between one or more of the previous criminal offenses and the specific license or employment sought or held by the individual; or

(2) the issuance or continuation of the license or the granting or continuation of the employment would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public.



**§753. Factors to be considered concerning a previous criminal conviction; presumption.**

1. In making a determination pursuant to section seven hundred fifty-two of this chapter, the public agency or private employer shall consider the following factors:

(a) The public policy of this state, as expressed in this act, to encourage the licensure and employment of persons previously convicted of one or more criminal offenses.

(b) The specific duties and responsibilities necessarily related to the license or employment sought or held by the person.

(c) The bearing, if any, the criminal offense or offenses for which the person was previously convicted will have on his fitness or ability to perform one or more such duties or responsibilities.

(d) The time which has elapsed since the occurrence of the criminal offense or offenses.

(e) The age of the person at the time of occurrence of the criminal offense or offenses.

(f) The seriousness of the offense or offenses.

(g) Any information produced by the person, or produced on his behalf, in regard to his rehabilitation and good conduct.

(h) The legitimate interest of the public agency or private employer in protecting property, and the safety and welfare of specific individuals or the general public.

2. In making a determination pursuant to section seven hundred fifty-two of this chapter, the public agency or private employer shall also give consideration to a certificate of relief from disabilities or a certificate of good conduct issued to the applicant, which certificate shall create a presumption of rehabilitation in regard to the offense or offenses specified therein.

**§754. Written statement upon denial of license or employment.** At the request of any person previously convicted of one or more criminal offenses who has been denied a license or employment, a public agency or private employer shall provide, within thirty days of a request, a written statement setting forth the reasons for such denial.

**§755. Enforcement.** 1. In relation to actions by public agencies, the provisions of this article shall be enforceable by a proceeding brought pursuant to article seventy-eight of the civil practice law and rules.

2. In relation to actions by private employers, the provisions of this article shall be enforceable by the division of human rights pursuant to the powers and procedures set forth in article fifteen of the executive law, and, concurrently, by the New York city commission on human rights.



THIS ESTABLISHMENT IS SUBJECT TO THE NEW YORK STATE HUMAN RIGHTS LAW (EXECUTIVE LAW, ARTICLE 15)

ESTE ESTABLECIMIENTO ESTÁ SUJETO A LA LEY DE DERECHOS HUMANOS DEL ESTADO DE NUEVA YORK (LEY EJECUTIVA, SECCIÓN 15)

**DISCRIMINATION BASED UPON AGE, RACE, CREED, COLOR, NATIONAL ORIGIN, SEXUAL ORIENTATION, MILITARY STATUS, SEX, PREGNANCY, GENDER IDENTITY OR EXPRESSION, DISABILITY OR MARITAL STATUS IS PROHIBITED BY THE NEW YORK STATE HUMAN RIGHTS LAW. SEXUAL HARASSMENT OR HARASSMENT BASED UPON ANY OF THESE PROTECTED CLASSES ALSO IS PROHIBITED.**

**LA LEY DE DERECHOS HUMANOS DEL ESTADO DE NUEVA YORK PROHÍBE LA DISCRIMINACIÓN POR EDAD, RAZA, CREDO, COLOR, ORIGEN NACIONAL, ORIENTACIÓN SEXUAL, ESTATUS MILITAR, SEXO, EMBARAZO, IDENTIDAD O EXPRESIÓN DE GÉNERO, DISCAPACIDAD O ESTADO CIVIL. TAMBIÉN ESTÁ PROHIBIDO EL ACOSO SEXUAL O EL ACOSO POR CUALQUIERA DE ESTAS CLASES PROTEGIDAS.**

**ALL EMPLOYERS (until February 8, 2020, only employers with 4 or more employees are covered), EMPLOYMENT AGENCIES, LABOR ORGANIZATIONS AND APPRENTICESHIP TRAINING PROGRAMS**

**TODOS LOS EMPLEADORES (hasta el 8 de febrero de 2020, solo los empleadores de cuatro o más personas), AGENCIAS DE EMPLEO, ORGANIZACIONES DE TRABAJO Y PROGRAMAS DE CAPACITACIÓN DE APRENDICES**

Also prohibited: discrimination in employment on the basis of Sabbath observance or religious practices; hairstyles associated with race (also applies to all areas listed below); prior arrest or conviction record; predisposing genetic characteristics; familial status; pregnancy-related conditions; domestic violence victim status.

Asimismo, está prohibida la discriminación en el empleo sobre la base de la observancia del Shabat o prácticas religiosas; peinados asociados con la raza (también se aplica a las áreas enumeradas a continuación) arresto previo o antecedentes penales; las características genéticas predisponentes; el estado civil; las condiciones relacionadas con el embarazo.

Reasonable accommodations for persons with disabilities and pregnancy-related conditions including lactation may be required. A reasonable accommodation is an adjustment to a job or work environment that enables a person with a disability to perform the essential functions of a job in a reasonable manner.

Es posible que sea necesario hacer acomodos razonables para personas con discapacidades y condiciones relacionadas con el embarazo incluyendo lactación. Un arreglo razonable es una adaptación a un trabajo o entorno laboral que permita que una persona con discapacidad realice las tareas esenciales de un trabajo de manera razonable.

Also covered: domestic workers are protected from harassment and retaliation; interns and nonemployees working in the workplace (for example temp or contract workers) are protected from all discrimination described above.

También están cubiertos: trabajadores domésticos están protegidos en casos acoso y represalias; internos y no empleados cuales trabajan en el lugar de trabajo (por ejemplo trabajadores temporarios o contratantes) están protegidos de toda discriminación descrita arriba.

**RENTAL, LEASE OR SALE OF HOUSING, LAND AND COMMERCIAL SPACE, INCLUDING ACTIVITIES OF REAL ESTATE BROKERS AND SALES PEOPLE**

**ALQUILER, ARRENDAMIENTO O VENTA DE VIVIENDA, TERRENO O ESPACIO COMERCIAL INCLUYENDO ACTIVIDADES DE AGENTE DE BIENES RAÍCES Y VENDEDORES**

Also prohibited: discrimination on the basis of lawful source of income (for example housing vouchers, disability benefits, child support); familial status (families with children or being pregnant); prior arrest or sealed conviction; commercial boycotts or blockbusting

También esta prohibido: la discriminación a base de fuente de ingreso legal (por ejemplo vales, beneficios de discapacidad, manutención de niños); estado familiar (familias con niños o en estado de embarazo); arresto previo o condena sellada; boicot comercial o acoso inmobiliario.

Reasonable accommodations and modifications for persons with disabilities may also be required.

También es posible que sea necesario realizar modificaciones y arreglos razonables para personas con discapacidades.

Does not apply to:

Excepciones:

- (1) rental of an apartment in an owner-occupied two-family house
- (2) restrictions of all rooms in a housing accommodation to individuals of the same sex
- (3) rental of a room by the occupant of a house or apartment
- (4) sale, rental, or lease of accommodations of housing exclusively to persons 55 years of age or older, and the spouse of such persons

- (1) alquiler de un apartamento en una casa para dos familias ocupada por el dueño
- (2) restricciones de todas las habitaciones en una vivienda para individuos del mismo sexo
- (3) alquiler de una habitación por parte del ocupante de una casa o apartamento
- (4) venta, alquiler o arrendamiento de alojamiento en una casa exclusivamente a personas mayores de 55 años y al cónyuge de dichas personas

**ALL CREDIT TRANSACTIONS INCLUDING FINANCING FOR PURCHASE, MAINTENANCE AND REPAIR OF HOUSING**

También se prohíbe: discriminación en vivienda sobre la base del estado civil (por ejemplo, familias con hijos).

**PLACES OF PUBLIC ACCOMMODATION SUCH AS RESTAURANTS, HOTELS, HOSPITALS AND MEDICAL OFFICES, CLUBS, PARKS AND GOVERNMENT OFFICES**

**TODAS TRANSACCIONES CREDITICIAS INCLUYENDO FINANCIAMIENTO PARA LA COMPRA, MANTENIMIENTO Y REPARACION DE VIVIENDAS**

Exception:

Age is not a covered classification relative to public accommodations. Reasonable accommodations for persons with disabilities may also be required.

**LUGARES DE ALOJAMIENTO PÚBLICO, COMO RESTAURANTES, HOTELES, HOSPITALES Y CONSULTORIOS MÉDICOS, CLUBS, PARQUES Y OFICINAS DEL GOBIERNO.**

Excepción:

La edad no es una clasificación cubierta respecto a los alojamientos públicos. Es posible que sea necesario realizar arreglos razonables para personas con discapacidades.

**EDUCATION INSTITUTIONS**

All public schools and private nonprofit schools, at all education levels, excluding those run by religious organizations.

**INSTITUCIONES EDUCATIVAS**

Todas las escuelas publicas y escuelas privadas sin ánimo de lucro, en todos los niveles, excluyendo escuelas dirigidas por organizaciones religiosas.

**ADVERTISING AND APPLICATIONS RELATING TO EMPLOYMENT, REAL ESTATE, PLACES OF PUBLIC ACCOMMODATION AND CREDIT TRANSACTIONS MAY NOT EXPRESS ANY DISCRIMINATION**

**PUBLICIDAD Y SOLICITUDES RELACIONADAS CON EL EMPLEO, LOS INMUEBLES, LOS LUGARES DE ALOJAMIENTO PÚBLICO Y LAS TRANSACCIONES CREDITICIAS NO DEBEN EXPRESAR NINGUN ACTO DISCRIMINATORIO**

If you wish to file a formal complaint with the Division of Human Rights, you must do so within one year after the discrimination occurred. The Division's services are provided free of charge.

Si desea presentar una demanda formal ante la División de Derechos Humanos, debe hacerlo dentro de un año desde que ocurra la discriminación. Los servicios de la División se ofrecen sin cargo.

If you wish to file a complaint in State Court, you may do so within three years of the discrimination. You may not file both with the Division and the State Court.

Si desea presentar una demanda ante el Tribunal Estatal, puede hacerlo dentro de los tres años desde que ocurriera la discriminación. No puede presentar una demanda ante la División y ante el Tribunal Estatal.

**Retaliation for filing a complaint or opposing discriminatory practices is prohibited. You may file a complaint with the Division if you have been retaliated against.**

**Se prohíben las represalias por presentar una demanda u oponerse a prácticas discriminatorias. Puede presentar una demanda ante la División si sufrió represalias.**

FOR FURTHER INFORMATION, WRITE OR CALL THE DIVISION'S NEAREST OFFICE. HEADQUARTERS: ONE FORDHAM PLAZA, 4TH FLOOR, BRONX, NY 10458

PARA OBTENER MÁS INFORMACIÓN, ESCRIBA O LLAME A LA OFICINA MÁS CERCANA DE LA DIVISIÓN. OFICINA CENTRAL: ONE FORDHAM PLAZA, 4TH FLOOR, BRONX, NY 10458

## **Guidelines for Employers: Requirements to Notify Employees About Time Off and Work Hours**

**Section 195.5 of the New York State Labor Law effective December 12, 1981 provides as follows:**

*“Every employer shall notify his employees in writing or by publicly posting the employer’s policy on sick leave, vacation, personal leave, holidays and hours.”*

**To assist employers in complying with this provision, the Division of Labor Standards has issued the following guidelines:**

1. An employer shall distribute in writing to each employee, the employer’s policy on the above- enumerated items. The employer upon the request of the Department must be able to affirmatively demonstrate that such written notification was provided to employees by means, which may include, but not be limited to, distribution through company newspapers or newsletters or by inclusion in a company payroll.

*Or*

An employer shall post and keep posted in each establishment in a conspicuous place where notices to employees are customarily posted, a notice that states where on the employer’s premises they may see such information in writing. Such information may be contained in a union contract, employee handbook, personnel manual, or in other written form. Deviations for an employee from such stated policy must be given to said employee in writing.

2. As used in the provision above, “hours” means the hours which constitute a standard workday and workweek for the establishment, and any other regular schedule, such as for part-time employees. Deviations should be given to the affected employee in writing.

For more information, call or write the nearest office of the Division of Labor Standards,  
of the New York State Department of Labor, listed below:

**Albany District**

State Office Campus  
Bldg. 12 Room 185A  
Albany, NY 12240  
(518) 457-2730

**Binghamton**

Sub-District  
44 Hawley Street  
Binghamton, NY 13901  
(607) 721-8014

**New York City District**

75 Varick Street  
7th Floor  
New York, NY 10013  
(212) 775-3880

**Garden City District**

400 Oak Street  
Suite 101  
Garden City, NY 11530  
(516) 794-8195

**Buffalo District**

65 Court Street  
Room 202  
Buffalo, NY 14202  
(716) 847-7141

**Rochester**

Sub-District  
276 Waring Road  
Room 104  
Rochester, NY 14609  
(585) 258-4550

**Syracuse District**

333 East Washington Street  
Room 121  
Syracuse, NY 13202  
(315) 428-4057

**White Plains District**

120 Bloomingdale Road  
White Plains, NY 10605  
(914) 997-9521



# Attention Miscellaneous Industry Employees

Minimum Wage hourly rates effective 12/31/2022 – 12/30/2023

New York City			
Large Employers (11 or more employees)		Small Employers (10 or less employees)	
<b>Minimum Wage</b>		<b>Minimum Wage</b>	
<b>\$15.00</b>		<b>\$15.00</b>	
Overtime after 40 hours	\$22.50	Overtime after 40 hours	\$22.50
<b>Tipped workers</b>	<b>\$15.00</b>	<b>Tipped workers</b>	<b>\$15.00</b>
Overtime after 40 hours	\$22.50	Overtime after 40 hours	\$22.50

Long Island and Westchester County		Remainder of New York State	
<b>Minimum Wage</b>		<b>Minimum Wage</b>	
<b>\$15.00</b>		<b>\$14.20</b>	
Overtime after 40 hours	\$22.50	Overtime after 40 hours	\$21.30
<b>Tipped workers</b>	<b>\$15.00</b>	<b>Tipped workers</b>	<b>\$14.20</b>
Overtime after 40 hours	\$22.50	Overtime after 40 hours	\$21.30

If you have questions, need more information or want to file a complaint, please visit  
[www.labor.ny.gov/minimumwage](http://www.labor.ny.gov/minimumwage) or call: **1-888-469-7365**.

**Credits and Allowances** that may reduce your pay below the minimum wage rates shown above:

- **Tips** – Beginning December 31, 2020, your employer must pay the full applicable minimum wage rate, and cannot take any tip credit.
- **Meals and lodging** – Your employer may claim a limited amount of your wages for meals and lodging that they provide to you, as long as they do not charge you anything else. The rates and requirements are set forth in wage orders and summaries, which are available online.

**Extra Pay** you may be owed in addition to the minimum wage rates shown above:

- **Overtime** – You must be paid 1½ times your regular rate of pay (no less than amounts shown above) for weekly hours over 40 (or 44 for residential employees).  
*Exceptions:* Overtime is not required for salaried professionals, or for executives and administrative staff whose weekly salary is more than 75 times the minimum wage rate.
- **Call-in pay** – If you go to work as scheduled and your employer sends you home early, you may be entitled to extra hours of pay at the minimum wage rate for that day.
- **Spread of hours** – If your workday lasts longer than ten hours, you may be entitled to extra daily pay. The daily rate is equal to one hour of pay at the minimum wage rate.
- **Uniform maintenance** – If you clean your own uniform, you may be entitled to additional weekly pay. The weekly rates are available online.

## **PUBLIC NOTICE RIGHT OF NURSING MOTHERS TO EXPRESS BREAST MILK**

Employers shall provide written notification of the provision of Labor Law § 206-c to employees returning to work following the birth of a child of their right to take unpaid leave to express breast milk. Notice may be provided individually to affected employees, or to all employees in an employee handbook, or by posting in a central location.

### **Section 206-c of the New York State Labor Law provides as follows:**

An employer shall provide reasonable unpaid break time or permit an employee to use paid break time or meal time each day to allow an employee to express breast milk for her nursing child for up to three years following child birth. The employer shall make reasonable efforts to provide a room or other location, in close proximity to the work area, where an employee can express milk in privacy. No employer shall discriminate in any way against an employee who chooses to express breast milk in the workplace.

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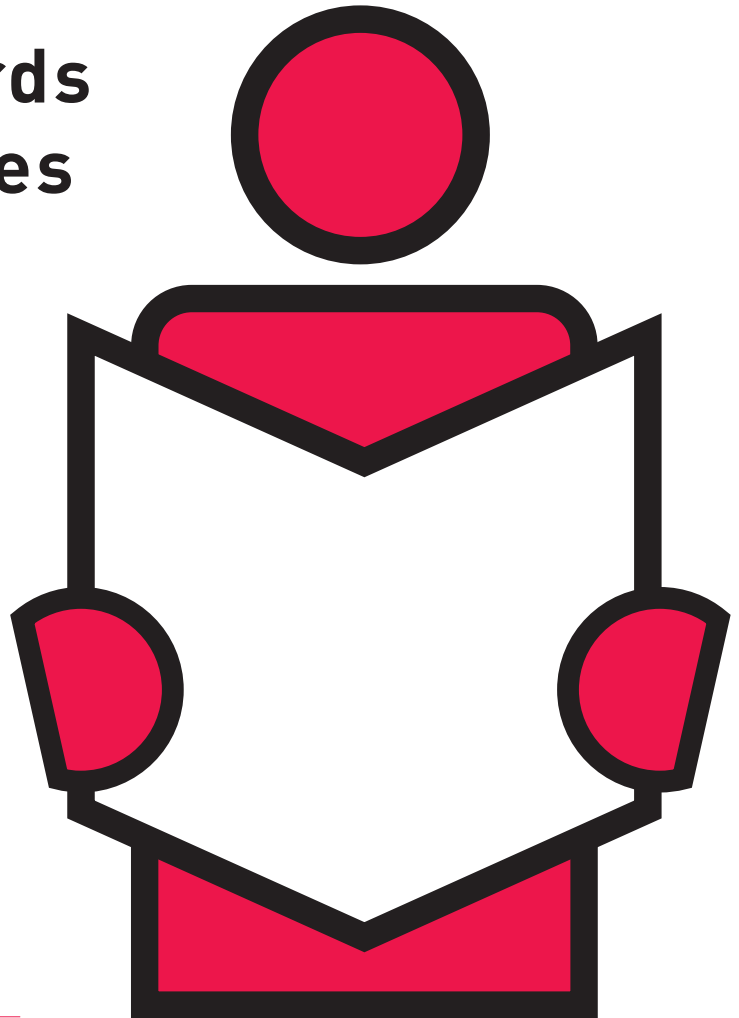
Guidelines have been adopted by the Department of Labor in accordance with such authority granted to the Commissioner and are effective as of May 7, 2008. Should you have any questions with regard to these guidelines and their implementation, please contact the Division of Labor Standards at 518-457-2730 or the district office nearest you.

# YOU HAVE A RIGHT TO KNOW!

**Your employer must inform  
you of the health  
effects and hazards  
of toxic substances  
at your  
worksite.**

**Learn all  
you can  
about toxic  
substances  
on your job.**

**For more  
information,  
contact:**



Name \_\_\_\_\_

Location & Phone Number \_\_\_\_\_

**THE RIGHT TO KNOW LAW WORKS FOR YOU.**  
NEW YORK STATE DEPARTMENT OF HEALTH



## **Notice of Employee Rights, Protections, and Obligations Under Labor Law Section 740**

### **Prohibited Retaliatory Personnel Action by Employers Effective January 26, 2022**

§ 740. Retaliatory action by employers; prohibition.

1. Definitions. For purposes of this section, unless the context specifically indicates otherwise:

- (a) “Employee” means an individual who performs services for and under the control and direction of an employer for wages or other remuneration, including former employees, or natural persons employed as independent contractors to carry out work in furtherance of an employer’s business enterprise who are not themselves employers.
- (b) “Employer” means any person, firm, partnership, institution, corporation, or association that employs one or more employees.
- (c) “Law, rule or regulation” includes: (i) any duly enacted federal, state or local statute or ordinance or executive order; (ii) any rule or regulation promulgated pursuant to such statute or ordinance or executive order; or (iii) any judicial or administrative decision, ruling or order.
- (d) “Public body” includes the following:
  - (i) the United States Congress, any state legislature, or any elected local governmental body, or any member or employee thereof;
  - (ii) any federal, state, or local court, or any member or employee thereof, or any grand or petit jury;
  - (iii) any federal, state, or local regulatory, administrative, or public agency or authority, or instrumentality thereof;
  - (iv) any federal, state, or local law enforcement agency, prosecutorial office, or police or peace officer;
  - (v) any federal, state or local department of an executive branch of government; or
  - (vi) any division, board, bureau, office, committee, or commission of any of the public bodies described in subparagraphs (i) through (v) of this paragraph.
- (e) “Retaliatory action” means an adverse action taken by an employer or his or her agent to discharge, threaten, penalize, or in any other manner discriminate against any employee or former employee exercising his or her rights under this section, including (i) adverse employment actions or threats to take such adverse employment actions against an employee in the terms of conditions of employment including but not limited to discharge, suspension, or demotion; (ii) actions or threats to take such actions that would adversely impact a former employee’s current or future employment; or (iii) threatening to contact or contacting United States immigration authorities or otherwise reporting or threatening to report an employee’s suspected citizenship or immigration status or the suspected citizenship or immigration status of an employee’s family or household member, as defined in subdivision two of section four hundred fifty-nine-a of the social services law, to a federal, state, or local agency.

**To Be Posted Conspicuously in easily accessible and well-lighted places  
customarily frequented by employees and applicants for employment.**

- (f) "Supervisor" means any individual within an employer's organization who has the authority to direct and control the work performance of the affected employee; or who has managerial authority to take corrective action regarding the violation of the law, rule or regulation of which the employee complains.
2. Prohibitions. An employer shall not take any retaliatory action against an employee, whether or not within the scope of the employee's job duties, because such employee does any of the following:
- (a) discloses, or threatens to disclose to a supervisor or to a public body an activity, policy or practice of the employer that the employee reasonably believes is in violation of law, rule or regulation or that the employee reasonably believes poses a substantial and specific danger to the public health or safety;
  - (b) provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any such activity, policy or practice by such employer; or
  - (c) objects to, or refuses to participate in any such activity, policy or practice.
3. Application. The protection against retaliatory action provided by paragraph (a) of subdivision two of this section pertaining to disclosure to a public body shall not apply to an employee who makes such disclosure to a public body unless the employee has made a good faith effort to notify his or her employer by bringing the activity, policy or practice to the attention of a supervisor of the employer and has afforded such employer a reasonable opportunity to correct such activity, policy or practice. Such employer notification shall not be required where:
- (a) there is an imminent and serious danger to the public health or safety;
  - (b) the employee reasonably believes that reporting to the supervisor would result in a destruction of evidence or other concealment of the activity, policy or practice;
  - (c) such activity, policy or practice could reasonably be expected to lead to endangering the welfare of a minor;
  - (d) the employee reasonably believes that reporting to the supervisor would result in physical harm to the employee or any other person; or
  - (e) the employee reasonably believes that the supervisor is already aware of the activity, policy or practice and will not correct such activity, policy or practice.
4. Violation; remedy.
- (a) An employee who has been the subject of a retaliatory action in violation of this section may institute a civil action in a court of competent jurisdiction for relief as set forth in subdivision five of this section within two years after the alleged retaliatory action was taken.
  - (b) Any action authorized by this section may be brought in the county in which the alleged retaliatory action occurred, in the county in which the complainant resides, or in the county in which the employer has its principal place of business. In any such action, the parties shall be entitled to a jury trial.
  - (c) It shall be a defense to any action brought pursuant to this section that the retaliatory action was predicated upon grounds other than the employee's exercise of any rights protected by this section.
5. Relief. In any action brought pursuant to subdivision four of this section, the court may order relief as follows:
- (a) an injunction to restrain continued violation of this section;
  - (b) the reinstatement of the employee to the same position held before the retaliatory action, or to an equivalent position, or front pay in lieu thereof;
  - (c) the reinstatement of full fringe benefits and seniority rights;

**To Be Posted Conspicuously in easily accessible and well-lighted places  
customarily frequented by employees and applicants for employment.**

- (d) the compensation for lost wages, benefits and other remuneration;
  - (e) the payment by the employer of reasonable costs, disbursements, and attorney's fees;
  - (f) a civil penalty of an amount not to exceed ten thousand dollars; and/or
  - (g) the payment by the employer of punitive damages, if the violation was willful, malicious or wanton.
6. Employer relief. A court, in its discretion, may also order that reasonable attorneys' fees and court costs and disbursements be awarded to an employer if the court determines that an action brought by an employee under this section was without basis in law or in fact.
7. Existing rights. Nothing in this section shall be deemed to diminish the rights, privileges, or remedies of any employee under any other law or regulation or under any collective bargaining agreement or employment contract.
8. Publication. Every employer shall inform employees of their protections, rights and obligations under this section, by posting a notice thereof. Such notices shall be posted conspicuously in easily accessible and well-lighted places customarily frequented by employees and applicants for employment.



# VETERAN BENEFITS AND SERVICES

The following resources and hotlines are available at no-cost to help veterans understand their rights, protections, benefits, and accommodations:

[dol.ny.gov/veteran-benefits-and-services](http://dol.ny.gov/veteran-benefits-and-services)

## MENTAL HEALTH AND SUBSTANCE ABUSE RESOURCES

*All calls and texts are free and confidential*

### U.S. Department of Veterans Affairs Veterans Crisis

**Line:** [www.veteranscrisisline.net](http://www.veteranscrisisline.net)

Call: 988, press 1      Text: 838255

**Suicide and Crisis Lifeline:** [www.veteranscrisisline.net](http://www.veteranscrisisline.net)

Call: 988      Text: 988

### Crisis Textline:

Text: 741741      Chat: [crisistextline.org](http://crisistextline.org)

### NYS Office of Mental Health (OMH):

[www.omh.ny.gov](http://www.omh.ny.gov)

### NYS Office of Addiction Services and Supports (OASAS):

[www.oasas.ny.gov/hopeline](http://www.oasas.ny.gov/hopeline)

Call: 1-877-8-HOPENY (467469)

Text: HOPENY (467369)

## TAX BENEFITS

### NYS Department of Tax and Finance

- Information for military personnel and veterans: [tax.ny.gov/pit/file/military\\_page.htm](http://tax.ny.gov/pit/file/military_page.htm)
- Property tax exemptions: [tax.ny.gov/pit/property/exemption/vetexempt.htm](http://tax.ny.gov/pit/property/exemption/vetexempt.htm)

## EDUCATION, WORKFORCE, AND TRAINING RESOURCES

### Veteran Readiness and Employment

**(VR&E) Program:** [www.benefits.va.gov/vocrehab](http://www.benefits.va.gov/vocrehab)

### New York State Civil Service Credits

**for Veterans Program:** [www.cs.ny.gov](http://www.cs.ny.gov)

## LEGAL SERVICES

**Veterans Treatment Courts (VTC):** [ww2.nycourts.gov/courts/problem\\_solving/vet/courts.shtml](http://ww2.nycourts.gov/courts/problem_solving/vet/courts.shtml)

Email: [ProblemSolving@courts.state.ny.us](mailto:ProblemSolving@courts.state.ny.us)

### NYS Defenders Association Veteran Defense Program:

[www.nysda.org/page/AboutVDP](http://www.nysda.org/page/AboutVDP)

## ADDITIONAL RESOURCES

### NYS Domestic and Sexual Violence Hotline:

Call: 800-942-6906 Text: 844-997-2121

### NYS Workplace Sexual Harassment Hotline:

Call: 1-800-HARASS-3

### NYS Department of Motor Vehicles:

- Veteran Status Designation Photo Document: [dmv.ny.gov/more-info/veteran-status-designation-photo-document](http://dmv.ny.gov/more-info/veteran-status-designation-photo-document)
- Veteran License Plate: [dmv.ny.gov/plates/military-and-veterans](http://dmv.ny.gov/plates/military-and-veterans)

## NEW YORK STATE DIVISION OF VETERANS' SERVICES

Website: [veterans.ny.gov](http://veterans.ny.gov)  
Help Line: 1-888-838-7697  
Email: [DVSInfo@veterans.ny.gov](mailto:DVSInfo@veterans.ny.gov)

Services: Legal, education, employment and volunteer, financial, health care, and more.

## NEW YORK STATE DEPARTMENT OF LABOR VETERANS' PROGRAM

Website: [dol.ny.gov/services-veterans](http://dol.ny.gov/services-veterans)  
Help Line: 1-888-469-7365  
Email: [Ask.Vets@labor.ny.gov](mailto:Ask.Vets@labor.ny.gov)

Services: Workforce and training resources, unemployment insurance, the Experience Counts program, and more.



Division of  
Veterans' Services

WE ARE YOUR DOL



# PAY DAY NOTICE

Regular Pay Days for Employees of \_\_\_\_\_  
(Firm Name)

shall be as follows:

☐ Weekly    ☐ Bi-Weekly    ☐ Semi Monthly    ☐ Monthly

Pay Checks will be distributed at

\_\_\_\_\_  
(Place of Distribution)

**This is in accordance with New York State Law**

By \_\_\_\_\_ Title \_\_\_\_\_

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## EMERGENCY PHONE NUMBERS

**For**

\_\_\_\_\_  
(Please Give Exact address of This Worksite Location)

**Physicians:** \_\_\_\_\_


**Hospitals:** \_\_\_\_\_

**Ambulances: 911 or** \_\_\_\_\_

**Fire Department 911 or:** \_\_\_\_\_

**Police: 911 or** \_\_\_\_\_

**PLEASE POST IN A CONSPICUOUS LOCATION**



# PAY TRANSPARENCY NONDISCRIMINATION PROVISION

The contractor will not discharge or in any other manner discriminate against employees or applicants because they have inquired about, discussed, or disclosed their own pay or the pay of another employee or applicant. However, employees who have access to the compensation information of other employees or applicants as a part of their essential job functions cannot disclose the pay of other employees or applicants to individuals who do not otherwise have access to compensation information, unless the disclosure is (a) in response to a formal complaint or charge, (b) in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or (c) consistent with the contractor's legal duty to furnish information. 41 CFR 60-1.35(c)

If you believe that you have experienced discrimination contact OFCCP  
1.800.397.6251 | TTY 1.877.889.5627 | [www.dol.gov/ofccp](http://www.dol.gov/ofccp)



200 CONSTITUTION AVENUE NW | WASHINGTON, DC 20210 | tel: 1-800-397-6251 | TTY: 1-877-889-5627 | [www.dol.gov/ofccp](http://www.dol.gov/ofccp)



# WORKER RIGHTS UNDER EXECUTIVE ORDER 13706

## PAID SICK LEAVE FOR FEDERAL CONTRACTORS

### ONE HOUR OF PAID SICK LEAVE FOR EVERY 30 HOURS WORKED, UP TO 56 HOURS EACH YEAR

#### PAID SICK LEAVE

Executive Order 13706, Establishing Paid Sick Leave for Federal Contractors, requires certain employers that contract with the Federal Government to provide employees working on or in connection with those contracts with 1 hour of paid sick leave for every 30 hours they work—up to 56 hours of paid sick leave each year.

Employees must be permitted to use paid sick leave for their own illness, injury, or other health-related needs, including preventive care; to assist a family member who is ill, injured, or has other health-related needs, including preventive care; or for reasons resulting from, or to assist a family member who is the victim of, domestic violence, sexual assault, or stalking.

Employers are required to inform employees of their paid sick leave balances and must approve all valid requests to use paid sick leave. Rules about when and how employees should ask to use paid sick leave also apply. More information about the paid sick leave requirements is available at [www.dol.gov/whd/govcontracts/eo13706](http://www.dol.gov/whd/govcontracts/eo13706)

#### ENFORCEMENT

The Wage and Hour Division (WHD), which is responsible for making sure employers comply with Executive Order 13706, has offices across the country. WHD can answer questions, in person or by telephone, about your workplace rights and protections. WHD can investigate employers and recover wages to which workers may be entitled. All services are free and confidential. If you are unable to file a complaint in English, WHD will accept the complaint in any language.

The law prohibits discriminating against or discharging workers who file a complaint or participate in any proceeding under the Executive Order.

#### ADDITIONAL INFORMATION

Executive Order 13706 applies to new contracts and replacements for expiring contracts with the Federal Government starting January 1, 2017. It applies to federal contracts for construction and many types of federal contracts for services.

Some state and local laws also require that employees be provided with paid sick leave. Employers must comply with all applicable requirements.



WAGE AND HOUR DIVISION

UNITED STATES DEPARTMENT OF LABOR [www.dol.gov/whd/govcontracts](http://www.dol.gov/whd/govcontracts)

1-866-487-9243

TTY: 1-877-889-5627



WH1090 REV 09/16

## This Organization Participates in E-Verify

## Esta Organización Participa en E-Verify



This employer participates in E-Verify and will provide the federal government with your Form I-9 information to confirm that you are authorized to work in the U.S.

If E-Verify cannot confirm that you are authorized to work, this employer is required to give you written instructions and an opportunity to contact Department of Homeland Security (DHS) or Social Security Administration (SSA) so you can begin to resolve the issue before the employer can take any action against you, including terminating your employment.

Employers can only use E-Verify once you have accepted a job offer and completed the Form I-9.

### **E-Verify Works for Everyone**

For more information on E-Verify, or if you believe that your employer has violated its E-Verify responsibilities, please contact DHS.

Este empleador participa en E-Verify y proporcionará al gobierno federal la información de su Formulario I-9 para confirmar que usted está autorizado para trabajar en los EE.UU..

Si E-Verify no puede confirmar que usted está autorizado para trabajar, este empleador está requerido a darle instrucciones por escrito y una oportunidad de contactar al Departamento de Seguridad Nacional (DHS) o a la Administración del Seguro Social (SSA) para que pueda empezar a resolver el problema antes de que el empleador pueda tomar cualquier acción en su contra, incluyendo la terminación de su empleo.

Los empleadores sólo pueden utilizar E-Verify una vez que usted haya aceptado una oferta de trabajo y completado el Formulario I-9.

### **E-Verify Funciona Para Todos**

Para más información sobre E-Verify, o si usted cree que su empleador ha violado sus responsabilidades de E-Verify, por favor contacte a DHS.

**888-897-7781**  
**dhs.gov/e-verify**



**E-VERIFY IS A SERVICE OF DHS AND SSA**

The E-Verify logo and mark are registered trademarks of Department of Homeland Security. Commercial sale of this poster is strictly prohibited.

# IF YOU HAVE THE RIGHT TO WORK



## DON'T LET ANYONE TAKE IT AWAY

If you have the skills, experience, and legal right to work, your citizenship or immigration status shouldn't get in the way. Neither should the place you were born or another aspect of your national origin. A part of U.S. immigration laws protects legally-authorized workers from discrimination based on their citizenship status and national origin. You can read this law at [8 U.S.C. § 1324b](#).

**The [Immigrant and Employee Rights Section \(IER\)](#) may be able to help if an employer treats you unfairly in violation of this law.**

The law that IER enforces is 8 U.S.C. § 1324b. The regulations for this law are at 28 C.F.R. Part 44.

Call IER if an employer:

Does not hire you or fires you because of your national origin or citizenship status (this may violate a part of the law at 8 U.S.C. § 1324b(a)(1))

Treats you unfairly while checking your right to work in the U.S., including while completing the [Form I-9](#) or using [E-Verify](#) (this may violate the law at 8 U.S.C. § 1324b(a)(1) or (a)(6))

Retaliates against you because you are speaking up for your right to work as protected by this law (the law prohibits retaliation at 8 U.S.C. § 1324b(a)(5))

The law can be complicated. Call IER to get more information on protections from discrimination based on citizenship status and national origin.

### Immigrant and Employee Rights Section (IER)

1-800-255-7688

TTY 1-800-237-2515

[www.justice.gov/ier](http://www.justice.gov/ier)

[IER@usdoj.gov](mailto:IER@usdoj.gov)



U.S. Department of Justice, Civil Rights Division, Immigrant and Employee Rights Section, January 2019

*This guidance document is not intended to be a final agency action, has no legally binding effect, and has no force or effect of law. The document may be rescinded or modified at the Department's discretion, in accordance with applicable laws. The Department's guidance documents, including this guidance, do not establish legally enforceable responsibilities beyond what is required by the terms of the applicable statutes, regulations, or binding judicial precedent. For more information, see "Memorandum for All Components: Prohibition of Improper Guidance Documents," from Attorney General Jefferson B. Sessions III, November 16, 2017.*



# EMPLOYEE RIGHTS ON GOVERNMENT CONTRACTS

**THIS ESTABLISHMENT IS PERFORMING GOVERNMENT CONTRACT WORK SUBJECT TO:  
(CHECK ONE)**

- ☐ **SERVICE CONTRACT ACT (SCA)**  
☐ **PUBLIC CONTRACTS ACT (PCA)**

## MINIMUM WAGES

Your rate must be no less than the federal minimum wage established by the Fair Labor Standards Act (FLSA).

A higher rate may be required for SCA contracts if a wage determination applies. Such wage determination will be posted as an attachment to this notice.

## FRINGE BENEFITS

SCA wage determinations may require fringe benefit payments (or a cash equivalent). PCA contracts do not require fringe benefits.

## OVERTIME PAY

You must be paid 1.5 times your basic rate of pay for all hours worked over 40 in a week. There are some exceptions.

## CHILD LABOR

No person under 16 years of age may be employed on a PCA contract.

## SAFETY & HEALTH

Work must be performed under conditions that are sanitary, and not hazardous or dangerous to employees' health and safety.

## ENFORCEMENT

Specific DOL agencies are responsible for the administration of these laws. To file a complaint or obtain information, contact the **Wage and Hour Division (WHD)** by calling its toll-free help line at 1-866-4-USWAGE (1-866-487-9243), or visit **[www.dol.gov/whd](http://www.dol.gov/whd)**

Contact the **Occupational Safety and Health Administration (OSHA)** by calling 1-800-321-OSHA (1-800-321-6742), or visit **[www.osha.gov](http://www.osha.gov)**



**WAGE AND HOUR DIVISION**  
UNITED STATES DEPARTMENT OF LABOR

1-866-487-9243  
TTY: 1-877-889-5627  
**[www.dol.gov/whd](http://www.dol.gov/whd)**



WH1313 REV 04/09  
page 1 of 2



# U.S. DEPARTMENT OF LABOR

The purpose of the discussion below is to advise contractors which are subject to the Walsh-Healey Public Contracts Act or the Service Contract Act of the principal provisions of these acts.

## WALSH-HEALEY PUBLIC CONTRACTS ACT

**General Provisions**—This act applies to contracts which exceed or may exceed \$10,000 entered into by any agency or instrumentality of the United States for the manufacture or furnishing of materials, supplies, articles, or equipment. The act establishes minimum wage, maximum hours, and safety and health standards for work on such contracts, and prohibits the employment on contract work of convict labor (unless certain conditions are met) and children under 16 years of age. The employment of homeworkers (except homeworkers with disabilities employed under the provisions of Regulations, 29 CFR Part 525) on a covered contract is not permitted.

In addition to its coverage of prime contractors, the act under certain circumstances applies to secondary contractors performing work under contracts awarded by the Government prime contractor.

All provisions of the act except the safety and health requirements are administered by the Wage and Hour Division.

**Minimum Wage**—Covered employees must currently be paid not less than the Federal minimum wage established in section 6(a)(1) of the Fair Labor Standards Act.

**Overtime**—Covered workers must be paid at least one and one-half times their basic rate of pay for all hours worked in excess of 40 a week. Overtime is due on the basis of the total hours spent in all work, Government and non-Government, performed by the employee in any week in which covered work is performed.

**Child Labor**—Employers may protect themselves against unintentional child labor violations by obtaining certificates of age. State employment or age certificates are acceptable.

**Safety and Health**—No covered work may be performed in plants, factories, buildings, or surroundings or under work conditions that are unsanitary or hazardous or dangerous to the health and safety of the employees engaged in the performance of the contract. The safety and health provisions of the Walsh-Healey Public Contracts Act are administered by the Occupational Safety and Health Administration.

**Posting**—During the period that covered work is being performed on a contract subject to the act, the contractor must post copies of Notice to Employees Working on Government Contracts in a sufficient number of places to permit employees to observe a copy on the way to or from their place of employment.

**Responsibility for Secondary Contractors**—Prime contractors are liable for violations of the act committed by their covered secondary contractors.

## SERVICE CONTRACT ACT

**General Provisions**—The Service Contract Act applies to every contract entered into by the United States or the District of Columbia, the principal purpose of which is to furnish services in the United States through the use of service employees. Contractors and subcontractors performing on such Federal contracts must observe minimum wage and safety and health standards, and must maintain certain records, unless a specific exemption applies.

**Wages and Fringe Benefits**—Every service employee performing any of the Government contract work under a service contract in excess of \$2,500 must be paid not less than the monetary wages, and must be furnished the fringe benefits, which the Secretary of Labor has determined to be prevailing in the locality for the classification in which the employee is working or the wage rates and fringe benefits (including any accrued or prospective wage rates and fringe benefits) contained in a predecessor contractor's collective bargaining agreement. The wage rates and fringe benefits required are usually specified in the contract but in no case may employees doing work necessary for the performance of the contract be paid less than the minimum wage established in section 6(a)(1) of the Fair Labor Standards Act. Service contracts which do not exceed \$2,500 are not subject to prevailing rate determinations or to the safety and health requirements of the act. However, the act does require that employees performing work on such contracts be paid not less than the minimum wage rate established in section 6(a)(1) of the Fair Labor Standards Act.

**Overtime**—The Fair Labor Standards Act and the Contract Work Hours Safety Standards Act may require the payment of overtime at time and one-half the regular rate of pay for all hours work on the contract in excess of 40 a week. The Contract Work Hours Safety Standards Act is more limited in scope than the Fair Labor Standards Act and generally applies to Government contracts in excess of \$100,000 that require or involve the employment of laborers, mechanics, guards, watchmen.

**Safety and Health**—The act provides that no part of the services in contracts in excess of \$2,500 may be performed in buildings or surroundings or under working conditions, provided by or under the control or supervision of the contractor or subcontractor, which are unsanitary or hazardous or dangerous to the health or safety of service employees engaged to furnish the services. The safety and health provisions of the Service Contract Act are administered by the Occupational Safety and Health Administration.

**Notice to Employees**—On the date a service employee commences work on a contract in excess of \$2,500, the contractor (or subcontractor) must provide the employee with a notice of the compensation required by the act. The posting of the notice (including any applicable wage determination) contained on the reverse in a location where it may be seen by all employees performing on the contract will satisfy this requirement.

**Notice in Subcontracts**—The contractor is required to insert in all subcontracts the labor standards clauses specified by the regulations in 29 CFR Part 4 for Federal service contracts exceeding \$2,500.

**Responsibility for Secondary Contractors**—Prime contractors are liable for violations of the act committed by their covered secondary contractors.

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**Other Obligations**—Observance of the labor standards of these acts does not relieve the employer of any obligation he may have under any other laws or agreements providing for higher labor standards.

**Additional Information**—Additional Information and copies of the acts and applicable regulations and interpretations may be obtained from the nearest office of the Wage and Hour Division or the national office in Washington, D.C. Information pertaining to safety and health standards may be obtained from the nearest office of the Occupational Safety and Health Administration or the national office in Washington, D.C.

# EMPLOYEE RIGHTS

## FOR WORKERS WITH DISABILITIES PAID AT SUBMINIMUM WAGES

This establishment has a certificate authorizing the payment of subminimum wages to workers who are disabled for the work they are performing. Authority to pay subminimum wages to workers with disabilities generally applies to work covered by the **Fair Labor Standards Act (FLSA)**, **McNamara-O'Hara Service Contract Act (SCA)**, and/or **Walsh-Healey Public Contracts Act (PCA)**. Such subminimum wages are referred to as "commensurate wage rates" and are less than the basic hourly rates stated in an SCA wage determination and/or less than the FLSA minimum wage of **\$7.25 per hour**. A "commensurate wage rate" is based on the worker's individual productivity, no matter how limited, in proportion to the wage and productivity of experienced workers who do not have disabilities that impact their productivity when performing essentially the same type, quality, and quantity of work in the geographic area from which the labor force of the community is drawn.

*Employers shall make this poster available and display it where employees and the parents and guardians of workers with disabilities can readily see it.*

### WORKERS WITH DISABILITIES

Subminimum wages under section 14(c) are not applicable unless a worker's disability actually impairs the worker's earning or productive capacity for the work being performed. The fact that a worker may have a disability is not in and of itself sufficient to warrant the payment of a subminimum wage.

For purposes of payment of commensurate wage rates under a certificate, a worker with a disability is defined as: An individual whose earnings or productive capacity is impaired by a physical or mental disability, including those related to age or injury, for the work to be performed.

Disabilities which may affect productive capacity include an intellectual or developmental disability, psychiatric disability, a hearing or visual impairment, and certain other impairments. The following do not ordinarily affect productive capacity for purposes of paying commensurate wage rates: educational disabilities; chronic unemployment; receipt of welfare benefits; nonattendance at school; juvenile delinquency; and correctional parole or probation.

### WORKER NOTIFICATION

Each worker with a disability and, where appropriate, the parent or guardian of such worker, shall be informed orally and in writing by the employer of the terms of the certificate under which such worker is employed.

### KEY ELEMENTS OF COMMENSURATE WAGE RATES

- **Nondisabled worker standard**—The objective gauge (usually a time study of the production of workers who do not have disabilities that impair their productivity for the job) against which the productivity of a worker with a disability is measured.
- **Prevailing wage rate**—The wage paid to experienced workers who do not have disabilities that impair their productivity for the same or similar work and who are performing such work in the area. Most SCA contracts include a wage determination specifying the prevailing wage rates to be paid for SCA-covered work.
- **Evaluation of the productivity of the worker with a disability**—Documented measurement of the production of the worker with a disability (in terms of quantity and quality).

The wages of all workers paid commensurate wages must be reviewed, and adjusted if appropriate, at periodic intervals. At a minimum, the productivity of hourly-paid workers must be reevaluated at least every six months and a new prevailing wage survey must be conducted at least once every twelve months. In addition, prevailing wages must be reviewed, and adjusted as appropriate, whenever there is a change in the job or a change in the prevailing wage rate, such as when the applicable state or federal minimum wage is increased.

### WIOA

The Workforce Innovation and Opportunity Act of 2014 (WIOA) amended the Rehabilitation Act by adding section 511, which places limitations on the payment of subminimum wages to individuals with disabilities by mandating the completion of certain requirements prior to and during the payment of a subminimum wage.

### EXECUTIVE ORDER 13658

Executive Order 13658, Establishing a Minimum Wage for Contractors, established a minimum wage that generally must be paid to workers performing on or in connection with a covered contract with the Federal Government. Workers covered by this Executive Order and due the full Executive Order minimum wage include workers with disabilities whose wages are calculated pursuant to certificates issued under section 14(c) of the FLSA.

### FRINGE BENEFITS

Neither the FLSA nor the PCA have provisions requiring vacation, holiday, or sick pay nor other fringe benefits such as health insurance or pension plans. SCA wage determinations may require such fringe benefit payments (or a cash equivalent). Workers paid under a certificate authorizing commensurate wage rates must receive the full fringe benefits listed on the SCA wage determination.

### OVERTIME

Generally, if a worker is performing work subject to the FLSA, SCA, and/or PCA, that worker must be paid at least 1 1/2 times their regular rate of pay for all hours worked over 40 in a workweek.

### CHILD LABOR

Minors younger than 18 years of age must be employed in accordance with the child labor provisions of the FLSA. No persons under 16 years of age may be employed in manufacturing or on a PCA contract.

### PETITION PROCESS

Workers with disabilities paid at subminimum wages may petition the Administrator of the Wage and Hour Division of the Department of Labor for a review of their wage rates by an Administrative Law Judge. No particular form of petition is required, except that it must be signed by the worker with a disability or his or her parent or guardian and should contain the name and address of the employer. Petitions should be mailed to: Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Avenue NW, Washington, D.C. 20210.



WAGE AND HOUR DIVISION  
UNITED STATES DEPARTMENT OF LABOR

1-866-487-9243  
TTY: 1-877-889-5627  
[www.dol.gov/whd](http://www.dol.gov/whd)



WH1284 REV 01/18



# EMPLOYEE RIGHTS

## UNDER THE DAVIS-BACON ACT

### FOR LABORERS AND MECHANICS EMPLOYED ON FEDERAL OR FEDERALLY ASSISTED CONSTRUCTION PROJECTS

#### PREVAILING WAGES

You must be paid not less than the wage rate listed in the Davis-Bacon Wage Decision posted with this Notice for the work you perform.

#### OVERTIME

You must be paid not less than one and one-half times your basic rate of pay for all hours worked over 40 in a work week. There are few exceptions.

#### ENFORCEMENT

Contract payments can be withheld to ensure workers receive wages and overtime pay due, and liquidated damages may apply if overtime pay requirements are not met. Davis-Bacon contract clauses allow contract termination and debarment of contractors from future federal contracts for up to three years. A contractor who falsifies certified payroll records or induces wage kickbacks may be subject to civil or criminal prosecution, fines and/or imprisonment.

#### APPRENTICES

Apprentice rates apply only to apprentices properly registered under approved Federal or State apprenticeship programs.

#### PROPER PAY

If you do not receive proper pay, or require further information on the applicable wages, contact the Contracting Officer listed below:

or contact the U.S. Department of Labor's Wage and Hour Division.



WAGE AND HOUR DIVISION  
UNITED STATES DEPARTMENT OF LABOR

1-866-487-9243  
TTY: 1-877-889-5627  
[www.dol.gov/whd](http://www.dol.gov/whd)



WH1321 REV 10/17

# WORKER RIGHTS UNDER EXECUTIVE ORDER 14026

## FEDERAL MINIMUM WAGE FOR CONTRACTORS

# \$16.20

 PER HOUR

EFFECTIVE JANUARY 1, 2023 – DECEMBER 31, 2023

The law requires certain federal contractors to display this poster where employees can easily see it.

### MINIMUM WAGE

Executive Order 14026 (EO) requires that federal contractors pay workers performing work on or in connection with covered contracts at least (1) \$15.00 per hour beginning January 30, 2022, and (2) beginning January 1, 2023, and every year thereafter, an inflation-adjusted amount determined by the Secretary of Labor in accordance with the EO and appropriate regulations. The EO hourly minimum wage in effect from January 1, 2023, through December 31, 2023, is \$16.20.

### TIPS

Covered tipped employees must be paid a cash wage of at least \$13.75 per hour effective January 1, 2023, through December 31, 2023. If a worker's tips combined with the required cash wage of at least \$13.75 per hour paid by the contractor do not equal the EO hourly minimum wage for contractors, the contractor must increase the cash wage paid to make up the difference. Certain other conditions must also be met.

### EXCLUSIONS

- The EO minimum wage may not apply to some workers who provide support "in connection with" covered contracts for less than 20 percent of their hours worked in a week.
- The EO minimum wage may not apply to certain other occupations and workers.

### ENFORCEMENT

The U.S. Department of Labor's Wage and Hour Division (WHD) is responsible for enforcing this law. WHD can answer questions about your workplace rights and protections, investigate employers, and recover back wages. All WHD services are free and confidential. Employers cannot retaliate or discriminate against someone who files a complaint or participates in an investigation. WHD will accept a complaint in any language. You can find your nearest WHD office online at [www.dol.gov/agencies/whd/contact/local-offices](http://www.dol.gov/agencies/whd/contact/local-offices) or by calling toll-free 866-4US-WAGE (866-487-9243). We do not ask workers about their immigration status. **We can help.**

### ADDITIONAL INFORMATION

- The EO applies only to new federal construction and service contracts, as defined by the Secretary in the regulations at 29 CFR part 23.
- Workers with disabilities whose wages are governed by special certificates issued under section 14(c) of the Fair Labor Standards Act must also receive no less than the full EO minimum wage rate.
- Some state or local laws may provide greater worker protections; employers must follow the law that requires the highest rate of pay.
- More information about the EO is available online at [www.dol.gov/agencies/whd/government-contracts/eo14026](http://www.dol.gov/agencies/whd/government-contracts/eo14026)



WAGE AND HOUR DIVISION  
UNITED STATES DEPARTMENT OF LABOR

1-866-487-9243  
[www.dol.gov/agencies/whd](http://www.dol.gov/agencies/whd)



WH1091 REV 11/22

# EMPLOYEE RIGHTS

## EMPLOYEE POLYGRAPH PROTECTION ACT

**The Employee Polygraph Protection Act prohibits most private employers from using lie detector tests either for pre-employment screening or during the course of employment.**

### PROHIBITIONS

Employers are generally prohibited from requiring or requesting any employee or job applicant to take a lie detector test, and from discharging, disciplining, or discriminating against an employee or prospective employee for refusing to take a test or for exercising other rights under the Act.

### EXEMPTIONS

Federal, State and local governments are not affected by the law. Also, the law does not apply to tests given by the Federal Government to certain private individuals engaged in national security-related activities.

The Act permits polygraph (a kind of lie detector) tests to be administered in the private sector, subject to restrictions, to certain prospective employees of security service firms (armored car, alarm, and guard), and of pharmaceutical manufacturers, distributors and dispensers.

The Act also permits polygraph testing, subject to restrictions, of certain employees of private firms who are reasonably suspected of involvement in a workplace incident (theft, embezzlement, etc.) that resulted in economic loss to the employer.

The law does not preempt any provision of any State or local law or any collective bargaining agreement which is more restrictive with respect to lie detector tests.

### EXAMINEE RIGHTS

Where polygraph tests are permitted, they are subject to numerous strict standards concerning the conduct and length of the test. Examinees have a number of specific rights, including the right to a written notice before testing, the right to refuse or discontinue a test, and the right not to have test results disclosed to unauthorized persons.

### ENFORCEMENT

The Secretary of Labor may bring court actions to restrain violations and assess civil penalties against violators. Employees or job applicants may also bring their own court actions.

**THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE EMPLOYEES AND JOB APPLICANTS CAN READILY SEE IT.**



WAGE AND HOUR DIVISION  
UNITED STATES DEPARTMENT OF LABOR

1-866-487-9243  
TTY: 1-877-889-5627  
[www.dol.gov/whd](http://www.dol.gov/whd)



WH1462 REV 07/16



# Know Your Rights: Workplace Discrimination is Illegal

The U.S. Equal Employment Opportunity Commission (EEOC) enforces Federal laws that protect you from discrimination in employment. If you believe you've been discriminated against at work or in applying for a job, the EEOC may be able to help.

## Who is Protected?

- Employees (current and former), including managers and temporary employees
- Job applicants
- Union members and applicants for membership in a union

## What Organizations are Covered?

- Most private employers
- State and local governments (as employers)
- Educational institutions (as employers)
- Unions
- Staffing agencies

## What Types of Employment Discrimination are Illegal?

Under the EEOC's laws, an employer may not discriminate against you, regardless of your immigration status, on the bases of:

- Race
- Color
- Religion
- National origin
- Sex (including pregnancy and related conditions, sexual orientation, or gender identity)
- Age (40 and older)
- Disability
- Genetic information (including employer requests for, or purchase, use, or disclosure of genetic tests, genetic services, or family medical history)
- Retaliation for filing a charge, reasonably opposing discrimination, or participating in a discrimination lawsuit, investigation, or proceeding.

## What Employment Practices can be Challenged as Discriminatory?

All aspects of employment, including:

- Discharge, firing, or lay-off
- Harassment (including unwelcome verbal or physical conduct)
- Hiring or promotion
- Assignment
- Pay (unequal wages or compensation)
- Failure to provide reasonable accommodation for a disability or a sincerely-held religious belief, observance or practice
- Benefits
- Job training
- Classification
- Referral
- Obtaining or disclosing genetic information of employees
- Requesting or disclosing medical information of employees
- Conduct that might reasonably discourage someone from opposing discrimination, filing a charge, or participating in an investigation or proceeding.

## What can You Do if You Believe Discrimination has Occurred?

Contact the EEOC promptly if you suspect discrimination. Do not delay, because there are strict time limits for filing a charge of discrimination (180 or 300 days, depending on where you live/work). You can reach the EEOC in any of the following ways:

**Submit** an inquiry through the EEOC's public portal:  
<https://publicportal.eeoc.gov/Portal/Login.aspx>

**Call** 1-800-669-4000 (toll free)  
1-800-669-6820 (TTY)  
1-844-234-5122 (ASL video phone)

**Visit** an EEOC field office (information at [www.eeoc.gov/field-office](http://www.eeoc.gov/field-office))

**E-Mail** [info@eeoc.gov](mailto:info@eeoc.gov)

Additional information about the EEOC, including information about filing a charge of discrimination, is available at [www.eeoc.gov](http://www.eeoc.gov).



## EMPLOYERS HOLDING FEDERAL CONTRACTS OR SUBCONTRACTS

The Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) enforces the nondiscrimination and affirmative action commitments of companies doing business with the Federal Government. If you are applying for a job with, or are an employee of, a company with a Federal contract or subcontract, you are protected under Federal law from discrimination on the following bases:

### Race, Color, Religion, Sex, Sexual Orientation, Gender Identity, National Origin

Executive Order 11246, as amended, prohibits employment discrimination by Federal contractors based on race, color, religion, sex, sexual orientation, gender identity, or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

### Asking About, Disclosing, or Discussing Pay

Executive Order 11246, as amended, protects applicants and employees of Federal contractors from discrimination based on inquiring about, disclosing, or discussing their compensation or the compensation of other applicants or employees.

### Disability

Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals with disabilities from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment by Federal contractors. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship to the employer. Section 503 also requires that Federal contractors take affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the executive level.

### Protected Veteran Status

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits employment discrimination against, and requires affirmative action to recruit, employ, and advance in employment, disabled veterans, recently separated veterans (i.e., within three years of discharge or release from active duty), active duty wartime or campaign badge veterans, or Armed Forces service medal veterans.

### Retaliation

Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination by Federal contractors under these Federal laws.

Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under OFCCP's authorities should contact immediately:

The Office of Federal Contract Compliance Programs (OFCCP)  
U.S. Department of Labor  
200 Constitution Avenue, N.W.  
Washington, D.C. 20210  
1-800-397-6251 (toll-free)

If you are deaf, hard of hearing, or have a speech disability, please dial 7-1-1 to access telecommunications relay services. OFCCP may also be contacted by submitting a question online to OFCCP's Help Desk at <https://ofccphelpdesk.dol.gov/s/>, or by calling an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor and on OFCCP's "Contact Us" webpage at <https://www.dol.gov/agencies/ofccp/contact>.

## PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

### Race, Color, National Origin, Sex

In addition to the protections of Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is provision of employment, or where employment discrimination causes or may cause discrimination in providing services under such programs. Title IX of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities which receive Federal financial assistance.

### Individuals with Disabilities

Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of disability in any program or activity which receives Federal financial assistance. Discrimination is prohibited in all aspects of employment against persons with disabilities who, with or without reasonable accommodation, can perform the essential functions of the job.

If you believe you have been discriminated against in a program of any institution which receives Federal financial assistance, you should immediately contact the Federal agency providing such assistance.

*(Revised 10/20/2022)*



# EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

## LEAVE ENTITLEMENTS



Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:

- The birth of a child or placement of a child for adoption or foster care;
- To bond with a child (leave must be taken within one year of the child's birth or placement);
- To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
- For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job;
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

An eligible employee who is a covered servicemember's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness.

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.

Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies.

While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave.

Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions.

An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must:

- Have worked for the employer for at least 12 months;
- Have at least 1,250 hours of service in the 12 months before taking leave;\* and
- Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.

\*Special "hours of service" requirements apply to airline flight crew employees.

## ELIGIBILITY REQUIREMENTS

## REQUESTING LEAVE

Generally, employees must give 30-days' advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify the employer as soon as possible and, generally, follow the employer's usual procedures.

Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing an employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified.

Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what additional information is required.

## EMPLOYER RESPONSIBILITIES

Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility.

Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

## ENFORCEMENT

Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against an employer.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.



For additional information or to file a complaint:

# 1-866-4-USWAGE

(1-866-487-9243) TTY: 1-877-889-5627

## www.dol.gov/whd

U.S. Department of Labor | Wage and Hour Division





# EMPLOYEE RIGHTS

## UNDER THE FAIR LABOR STANDARDS ACT

### FEDERAL MINIMUM WAGE

# \$7.25

PER HOUR

BEGINNING JULY 24, 2009

The law requires employers to display this poster where employees can readily see it.

**OVERTIME PAY** At least 1½ times the regular rate of pay for all hours worked over 40 in a workweek.

**CHILD LABOR** An employee must be at least 16 years old to work in most non-farm jobs and at least 18 to work in non-farm jobs declared hazardous by the Secretary of Labor. Youths 14 and 15 years old may work outside school hours in various non-manufacturing, non-mining, non-hazardous jobs with certain work hours restrictions. Different rules apply in agricultural employment.

**TIP CREDIT** Employers of “tipped employees” who meet certain conditions may claim a partial wage credit based on tips received by their employees. Employers must pay tipped employees a cash wage of at least \$2.13 per hour if they claim a tip credit against their minimum wage obligation. If an employee’s tips combined with the employer’s cash wage of at least \$2.13 per hour do not equal the minimum hourly wage, the employer must make up the difference.

**NURSING MOTHERS** The FLSA requires employers to provide reasonable break time for a nursing mother employee who is subject to the FLSA’s overtime requirements in order for the employee to express breast milk for her nursing child for one year after the child’s birth each time such employee has a need to express breast milk. Employers are also required to provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by the employee to express breast milk.

**ENFORCEMENT** The Department has authority to recover back wages and an equal amount in liquidated damages in instances of minimum wage, overtime, and other violations. The Department may litigate and/or recommend criminal prosecution. Employers may be assessed civil money penalties for each willful or repeated violation of the minimum wage or overtime pay provisions of the law. Civil money penalties may also be assessed for violations of the FLSA’s child labor provisions. Heightened civil money penalties may be assessed for each child labor violation that results in the death or serious injury of any minor employee, and such assessments may be doubled when the violations are determined to be willful or repeated. The law also prohibits retaliating against or discharging workers who file a complaint or participate in any proceeding under the FLSA.

**ADDITIONAL INFORMATION**

- Certain occupations and establishments are exempt from the minimum wage, and/or overtime pay provisions.
- Special provisions apply to workers in American Samoa, the Commonwealth of the Northern Mariana Islands, and the Commonwealth of Puerto Rico.
- Some state laws provide greater employee protections; employers must comply with both.
- Some employers incorrectly classify workers as “independent contractors” when they are actually employees under the FLSA. It is important to know the difference between the two because employees (unless exempt) are entitled to the FLSA’s minimum wage and overtime pay protections and correctly classified independent contractors are not.
- Certain full-time students, student learners, apprentices, and workers with disabilities may be paid less than the minimum wage under special certificates issued by the Department of Labor.



WAGE AND HOUR DIVISION  
UNITED STATES DEPARTMENT OF LABOR

1-866-487-9243  
TTY: 1-877-889-5627  
[www.dol.gov/whd](http://www.dol.gov/whd)



WH1088 REV 07/16



# Job Safety and Health IT'S THE LAW!

## All workers have the right to:

- A safe workplace.
- Raise a safety or health concern with your employer or OSHA, or report a work-related injury or illness, without being retaliated against.
- Receive information and training on job hazards, including all hazardous substances in your workplace.
- Request a confidential OSHA inspection of your workplace if you believe there are unsafe or unhealthy conditions. You have the right to have a representative contact OSHA on your behalf.
- Participate (or have your representative participate) in an OSHA inspection and speak in private to the inspector.
- File a complaint with OSHA within 30 days (by phone, online or by mail) if you have been retaliated against for using your rights.
- See any OSHA citations issued to your employer.
- Request copies of your medical records, tests that measure hazards in the workplace, and the workplace injury and illness log.

*This poster is available free from OSHA.*

**Contact OSHA. We can help.**

## Employers must:

- Provide employees a workplace free from recognized hazards. It is illegal to retaliate against an employee for using any of their rights under the law, including raising a health and safety concern with you or with OSHA, or reporting a work-related injury or illness.
- Comply with all applicable OSHA standards.
- Notify OSHA within 8 hours of a workplace fatality or within 24 hours of any work-related inpatient hospitalization, amputation, or loss of an eye.
- Provide required training to all workers in a language and vocabulary they can understand.
- Prominently display this poster in the workplace.
- Post OSHA citations at or near the place of the alleged violations.

On-Site Consultation services are available to small and medium-sized employers, without citation or penalty, through OSHA-supported consultation programs in every state.



**1-800-321-OSHA (6742) • TTY 1-877-889-5627 • [www.osha.gov](http://www.osha.gov)**



# YOUR RIGHTS UNDER USERRA

## THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

**USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service in the National Disaster Medical System. USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services.**

### REEMPLOYMENT RIGHTS

You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed service and:

- ☆ you ensure that your employer receives advance written or verbal notice of your service;
- ☆ you have five years or less of cumulative service in the uniformed services while with that particular employer;
- ☆ you return to work or apply for reemployment in a timely manner after conclusion of service; and
- ☆ you have not been separated from service with a disqualifying discharge or under other than honorable conditions.

If you are eligible to be reemployed, you must be restored to the job and benefits you would have attained if you had not been absent due to military service or, in some cases, a comparable job.

### RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION

If you:

- ☆ are a past or present member of the uniformed service;
- ☆ have applied for membership in the uniformed service; or
- ☆ are obligated to serve in the uniformed service;

then an employer may not deny you:

- ☆ initial employment;
- ☆ reemployment;
- ☆ retention in employment;
- ☆ promotion; or
- ☆ any benefit of employment

because of this status.

In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA rights, including testifying or making a statement in connection with a proceeding under USERRA, even if that person has no service connection.

### HEALTH INSURANCE PROTECTION

- ☆ If you leave your job to perform military service, you have the right to elect to continue your existing employer-based health plan coverage for you and your dependents for up to 24 months while in the military.
- ☆ Even if you don't elect to continue coverage during your military service, you have the right to be reinstated in your employer's health plan when you are reemployed, generally without any waiting periods or exclusions (e.g., pre-existing condition exclusions) except for service-connected illnesses or injuries.

### ENFORCEMENT

- ☆ The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations.
- ☆ For assistance in filing a complaint, or for any other information on USERRA, contact VETS at **1-866-4-USA-DOL** or visit its website at <https://www.dol.gov/agencies/vets/>. An interactive online USERRA Advisor can be viewed at <https://webapps.dol.gov/elaws/vets/userra>
- ☆ If you file a complaint with VETS and VETS is unable to resolve it, you may request that your case be referred to the Department of Justice or the Office of Special Counsel, as applicable, for representation.
- ☆ You may also bypass the VETS process and bring a civil action against an employer for violations of USERRA.

The rights listed here may vary depending on the circumstances. The text of this notice was prepared by VETS, and may be viewed on the internet at this address: <https://www.dol.gov/agencies/vets/programs/userra/poster> Federal law requires employers to notify employees of their rights under USERRA, and employers may meet this requirement by displaying the text of this notice where they customarily place notices for employees.



**U.S. Department of Labor**  
**1-866-487-2365**



**U.S. Department of Justice**



**Office of Special Counsel**



**1-800-336-4590**

Publication Date — May 2022



# EMPLOYEE RIGHTS

## UNDER THE NATIONAL LABOR RELATIONS ACT

The NLRA guarantees the right of employees to organize and bargain collectively with their employers, and to engage in other protected concerted activity.

Employees covered by the NLRA\* are protected from certain types of employer and union misconduct. This Notice gives you general information about your rights, and about the obligations of employers and unions under the NLRA. Contact the National Labor Relations Board, the Federal agency that investigates and resolves complaints under the NLRA, using the contact information supplied below, if you have any questions about specific rights that may apply in your particular workplace.

### Under the NLRA, you have the right to:

- **Organize a union** to negotiate with your employer concerning your wages, hours, and other terms and conditions of employment.
- **Form, join or assist a union.**
- **Bargain collectively** through representatives of employees' own choosing for a contract with your employer setting your wages, benefits, hours, and other working conditions.
- **Discuss your terms and conditions of employment** or union organizing with your co-workers or a union.
- **Take action** with one or more co-workers to improve your working conditions by, among other means, raising work-related complaints directly with your employer or with a government agency, and seeking help from a union.
- **Strike and picket**, depending on the purpose or means of the strike or the picketing.
- **Choose not to do any of these activities**, including joining or remaining a member of a union.

Illegal conduct will not be permitted. If you believe your rights or the rights of others have been violated, you should contact the NLRB promptly to protect your rights, generally within six months of the unlawful activity. You may inquire about possible violations without your employer or anyone else being informed of the inquiry. Charges may be filed by any person and need not be filed by the employee directly affected by the violation. The NLRB may order an employer to rehire a worker fired in violation of the law and to pay lost wages and benefits, and may order an employer or union to cease violating the law. Employees should seek assistance from the nearest regional NLRB office, which can be found on the Agency's website: [www.nlrb.gov](http://www.nlrb.gov).



### Under the NLRA, it is illegal for a union or for the union that represents you in bargaining with your employer to:

- **Threaten** you that you will lose your job unless you support the union.
- **Refuse to process a grievance** because you have criticized union officials or because you are not a member of the union.
- **Use or maintain discriminatory standards or procedures** in making job referrals from a hiring hall.
- **Cause or attempt to cause an employer to discriminate against you** because of your union-related activity.
- **Take other adverse action against you** based on whether you have joined or support the union.

*If you and your coworkers select a union to act as your collective bargaining representative, your employer and the union are required to bargain in good faith in a genuine effort to reach a written, binding agreement setting your terms and conditions of employment. The union is required to fairly represent you in bargaining and enforcing the agreement.*

You can also contact the NLRB by calling toll-free: 1-844-762-NLRB (6572). Language assistance is available. Hearing impaired callers who wish to speak to an NLRB representative should send an email to [relay.service@nlrb.gov](mailto:relay.service@nlrb.gov). An NLRB representative will email the requestor with instructions on how to schedule a relay service call.



SCAN TO LEARN MORE

### Under the NLRA, it is illegal for your employer to:

- **Prohibit you from soliciting for a union during non-work time**, such as before or after work or during break times; or from distributing union literature during non-work time, in non-work areas, such as parking lots or break rooms.
- **Question you about your union** support or activities in a manner that discourages you from engaging in that activity.
- **Fire, demote, or transfer you, or reduce your hours or change your shift**, or otherwise take adverse action against you, or threaten to take any of these actions, because you join or support a union, or because you engage in concerted activity for mutual aid and protection, or because you choose not to engage in any such activity.
- **Threaten to close your workplace** if workers choose a union to represent them.
- **Promise or grant promotions, pay raises, or other benefits** to discourage or encourage union support.
- **Prohibit you from wearing union hats, buttons, t-shirts, and pins in the workplace** except under special circumstances.
- **Spy on or videotape peaceful union activities** and gatherings or pretend to do so.

\*The National Labor Relations Act covers most private-sector employers. Excluded from coverage under the NLRA are public-sector employees, agricultural and domestic workers, independent contractors, workers employed by a parent or spouse, employees of air and rail carriers covered by the Railway Labor Act, and supervisors (although supervisors that have been discriminated against for refusing to violate the NLRA may be covered).



