# Learning Disabilities Association

Of

Western New York

Employee Handbook

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WELCOME LETTER

We are pleased to provide you with a copy of the Learning Disabilities Association of Western New York (LDA of WNY) Employee Handbook. The handbook is intended to serve both as a guide and reference source for current LDA of WNY policies. If you have questions concerning the information in this handbook, please talk to your supervisor or contact a member of the agency’s Executive Management Team.

The people, staff and administrators, who lead and serve LDA of WNY and the individuals who participate in the agency’s programs, are truly our most important resource. Without your competence and dedication, the Association’s continued success would be impossible. We are extremely grateful to you for your many contributions toward the fulfillment of the Association's mission.

Board of Directors
Learning Disabilities Association of Western New York

VISION STATEMENT

To create and provide an environment in which all individuals we serve will experience independence, respect, dignity, and full participation in the community so that they can reach their potential.

MISSION STATEMENT

Our mission is to provide high-quality individualized, comprehensive, and innovative services, which support, educate, and empower individuals with Learning Disabilities, Neurological Impairments, and other disabilities with similar needs.

LDA’s CORE PROGRAM VALUES

Compassion
Promoting good will and acting with care to enhance quality of life.

Flexibility
Adapting to new ideas, creating opportunities and supporting freedom of choice.

Shared Responsibility
Working together to meet expectations and foster growth.
WHO WE ARE

A History of the Learning Disabilities Association of Western New York

In April of 1965, Mrs. Rachel Howard, the grandmother of a young boy who was experiencing significant learning difficulties as a regular student in the City of Buffalo schools, contacted Dr. Robert Warner at the Children’s Rehabilitation Center seeking help for her grandson. Dr. Warner suggested that her grandson might have a learning disability. This condition was not widely recognized by local school districts, even though research was beginning to show that the disability might affect as many as 1 out of every 7 students in school. With Dr. Warner’s assistance, Mrs. Howard agreed to help establish a small support group for parents of children with suspected learning disabilities.

As part of these efforts, Dr. Warner contacted the New York Association for Brain Injured Children requesting information on learning disabilities. NYABIC, a five year old state-wide parent organization composed of regional chapters, not only provided the Buffalo group with information, but also agreed to come to Buffalo and meet with Mrs. Howard and the other parents. Shortly after this meeting, NYABIC formerly invited the Buffalo group to join the state wide organization as its Western New York chapter and the Western New York Association for Children with Learning Disabilities was created.

Within a five year period, the new chapter grew from its original nine members to nearly 500. At that time, their primary focus was the creation of parent support groups within each local school district. Through the strength of these small groups and the assistance of the University of Buffalo’s Law Clinic, by 1975 the organization had developed a small cadre of trained volunteer parents who provided educational advocacy for every school district. The tremendous success of this effort was recognized in 1978 when the program was honored as a recipient of the National Association for Children with Learning Disabilities’ Proud Project Award.

Much credit belongs to Mrs. Howard and the other original members of the Association for Children with Learning Disabilities, whose time, energy and dedication created the strong foundation for today’s Learning Disabilities Association of Western New York.

Today, the agency receives funding from a variety of sources and is unique in its service to the learning disabled population. LDA of WNY continues to be an affiliate of the LDA of NYS and the LDA of America and to participate in lobbying efforts for the learning disabled. The majority of the Board of Directors continues to be parents and individuals with learning disabilities. They remain dedicated to the initial population and focus. The goal of the agency is to challenge and encourage the LD/NI population to successfully live truly integrated and productive lives and to accomplish this through the least restrictive environment.
I. INTRODUCTORY STATEMENT

How to Use This Handbook

The contents of this handbook summarize current company policies and programs and are intended as guidelines only. Learning Disabilities Association of Western New York (LDA of WNY) retains the right to change, modify, suspend, interpret or cancel in whole or in part any of the published or unpublished personnel policies or practices of the company, without advance notice, at its sole discretion, without having to give cause or justification to any employee. Recognition of these rights and prerogatives is a term and condition of employment and continued employment.

Nothing contained in this handbook should be construed as a guarantee of continued employment, but rather, employment with LDA of WNY is on an at-will basis. This means that the employment relationship may be terminated at any time by either the employee or by LDA of WNY for any reason not expressly prohibited by law. Any written or oral statement to the contrary by a supervisor, corporate officer or other agent of the company is invalid and should not be relied upon by any prospective or existing employee. Persons retained as independent contractors are not entitled to any of the benefits described in this handbook.

Equal Opportunity Employer

LDA of WNY is committed to the full utilization of all human resources and to fair employment practices. We affirm our support for and adherence to all federal and state laws, rules and regulations dealing with discrimination and equal employment opportunity.

This agency will not tolerate discriminatory practices with regards to terms and conditions of employment including, but not limited to, recruitment, hiring, promotions/demotions, job assignments, compensation/benefits, discipline or termination on the basis of race, creed, age, sex, color, religion, national origin, veteran status, physical or mental disability, genetic information, or family responsibilities. In addition to the above, sexual orientation, marital status, status as the victim of domestic violence and participation in lawful activities outside of the workplace are protected in New York. You are encouraged to bring any questions or concerns related to this section to your supervisor.

Americans with Disabilities Act

LDA of WNY complies with all provisions of the Americans with Disabilities Act (ADA) and the ADA Amendments Act (ADAAA). Continuous reviews are made of employment practices and policies to be sure they do not limit or otherwise discriminate against qualified job applicants or employees on the basis of physical or mental disabilities. Reasonable accommodations shall be made under the law for those candidates or employees who otherwise meet the requirements of the job.

Questions concerning the application of this policy or your rights under ADA should be directed to the Personnel Office.

1/21/2020
Fair Treatment Policy

All employees of LDA of WNY are expected to treat their fellow employees, supervisors, program participants, vendors, guests, the media or any other business contact courteously and with honesty, dignity and respect. It is our policy to prohibit verbal or physical conduct by any employee which harasses, disrupts or interferes with another employee’s work performance or which creates an intimidating, offensive or hostile work environment. Furthermore, employees will not initiate or participate in dialogue, discussions or other communications that is knowingly untrue, speculative or malicious in nature.

Employees making complaints under this policy shall follow and be subject to the same procedures and assurances spelled out in the Sexual Harassment Policy.

Sexual Harassment Policy

All employees', consultants and volunteers will receive a copy of the complete sexual harassment policy upon hire as well as a copy of the reporting form. This policy and reporting form is also available by contacting the Director of Human resources and in electronic form on our employee payroll self-service portal. Everyone will be required to complete sexual harassment training within 30 days of hire and annually thereafter. Upon hire, the Director of Human Resources will make contact in order to schedule the initial training. Those who do not complete sexual harassment training within 30 days of hire will be removed from their work/volunteer schedule until the training has been completed.

Sexual harassment, whether involving opposite or same sex situations, is particularly disruptive to the values most central to the mission of LDA of WNY, and will not be tolerated. This policy shall apply equally to all employees and representatives of the agency.

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender. Prohibited activity is defined as any unwelcome conduct of a sexual nature that relates to gender or sexual activity and has the purpose or effect of creating an intimidating or hostile work environment. Sexual harassment encompasses the full range of coercive or unwelcome behavior that may be physical, verbal or visual in nature. Such conduct may include, but not be limited to, flirtations, touching, propositions, verbal suggestions or abuse of a sexual nature or any similar activity or unwelcome advances that create a hostile or threatening work environment. The display of sexually suggestive objects or pictures is specifically prohibited.

No supervisor is to threaten or insinuate, either explicitly or implicitly, that an employee’s or applicant’s refusal or agreement to submit to sexual advances will in any way affect matters of employment, performance evaluation, compensation, promotion or demotion, job duties and assignments or other conditions of employment.

The company is committed to investigating fully any complaints of harassment in accordance with the following procedures:
It is the employee’s responsibility to report any problems to the immediate supervisor or another designated representative as soon as possible. Supervisors and managers are prohibited from attempting to resolve allegations of harassment without the express authorization of the Executive Director or a designated representative. All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, are required to report such suspected sexual harassment to Kate Jones, Director of Human Resources.

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

All reported incidents or complaints will be investigated as expeditiously as possible. Confidentiality will be maintained to the maximum extent possible for the protection of all parties during the investigation and determination of fact.

Any employee, supervisor or manager found to have violated this policy and to have sexually harassed another employee will be subject to appropriate disciplinary action up to and including termination. Other remedial actions may be taken as appropriate. No reprisals will be taken against any employee who in good faith, reports an incident, makes a claim of harassment or otherwise participates in an investigation.

This statement of policy is disseminated to each employee of LDA of WNY at new-hire orientation, and through the employee handbook, individual distributions and periodic up-dates. Copies are also available in the Personnel Office.

**Classification of Employees**

For the purpose of determining eligibility for certain benefits, the following employee classifications apply. Classifications are determined in part by the position’s coverage under the Fair Labor Standards Act in the case of exempt/nonexempt or by the number of hours the employee is normally scheduled to work in the standard workweek.

- **Executive**
  - Management (Department Heads and Program Supervisors)
  - Exempt professionals
  - Non-exempt hourly (direct care, clerical and administrative staff, technicians, maintenance)

An employee’s FTE (Full Time Equivalent) status is determined by the latest payroll change form:

- **Full-time (1.0 FTE)** - normal schedule of 37.5 hours per week
- **Regular Part-time** - normal schedule of at least 18.75, but less than 37.5, hours per week. Eligible for all benefits available to full-time employees, pro-rated based on the employee’s FTE.
- **Casual/Relief** - employees not regularly scheduled for at least 18.75 hours per week. Eligible for statutory benefits only.
- **Temporary** – hired for a defined period of time; eligible for statutory benefits only.
FTE (Full Time Equivalent) status changes will be based upon average hours worked for prior 8 weeks. FTE will be reduced to reflect average hours worked when it is found that staff is habitually not working normal schedule. FTE can be reduced at the discretion of management.

**Employment Verification**

The Immigration Reform and Control Act of 1986, as amended, requires all employees, as a condition of employment, to provide original documents which establish their identity and employment eligibility. An INS Employment Eligibility Verification form (I-9) must be completed by each employee. All employees must provide these documents prior to the first date of employment. All employees of LDA of WNY are responsible for maintaining their work eligibility status as a condition of continuing employment.

**Professional Conduct**

LDA of WNY is committed to providing the highest levels of services to its program participants. All employees are charged with the responsibility to represent the agency in the best terms to program participants, vendors, visitors, the general public and fellow employees. This is considered an inherent part of the job description in the company. Courtesy and consideration for others is expected as a normal part of interpersonal communications and interactions.

**New Employee Introductory Period**

A new employee’s introductory period commences the first day of employment and lasts for the next two months. During this time the employee will receive frequent feedback on performance and a formal review at the conclusion of the introductory period. The employee will also receive a formal performance review at the next scheduled review period, and annually thereafter.

If the employee does not have a satisfactory review at the end of the two month introductory period, probation may be extended for an additional month. Employees accrue benefit time from the first day worked and may only use accrued benefit time once they have had a satisfactory performance review.

For all eligible Full-Time and Part-Time employees working 18.75 hours/week or more, the Director of Human Resources will reach out during your new hire introductory period to schedule a meeting time to go over eligibility and options for agency benefits such as Health, Dental and Vision insurance.

**Personnel Records**

It is the policy of LDA of WNY to provide maximum security and confidentiality to all employee records. All employment records are maintained in the Personnel Office under secured storage. You may view your records with proper notice and approval. With regard to credit checks, information will be released only with written consent from the employee.

**Change of Information**

Employees are responsible for supplying accurate personal information, such as name, address, Social Security number, phone number, driver’s license number, criminal
record, emergency contact information, benefits requested. All changes to such personal information must be reported by employees in writing to the Personnel Office immediately.
II. YOUR PAY AND PROGRESS

Payday

Paychecks are issued on a bi-weekly basis and paid every other Friday. If a pay date falls on a recognized holiday, the pay date will be on the last scheduled work day prior to the holiday. Direct deposit is available for all employees.

Payroll Self-Service

Through our payroll provider each employee is granted access to a payroll self-service account. This portal must be utilized by all staff in order to have electronic access to paystubs, W-2’s, electronic copies of the employee handbook, benefit time balances and more. Upon hire each employee will receive an e-mail to their agency assigned e-mail address which contains a link to register for your self-service account. Employees must login at least once every 30 days to keep the account active. Employees who sign up for direct deposit will not receive a paper paystub and therefore must access the self-service portal in order to view paystub information. Updates to this handbook and other agency policies are routinely uploaded to this portal and may require an electronic signature acknowledging receipt. Assistance with this portal can be obtained by contacting the Director of Human Resources. The portal web address is as follows: https://bene-care.myisolved.com/

Payroll Forms

All necessary forms, such as payroll change form, state and federal employee withholding forms and any other required payroll forms shall be completed and turned in to the Personnel Office on or before the employee’s first day of employment.

Employment Date

Your Date of Hire is the date on which you first report for work at the LDA of WNY and are determined as eligible for work. This date will change only if you terminate your employment and are subsequently rehired, in which case your new date will be the latter. Reinstatement under statutory provisions, such as veterans’ re-employment rights, shall retain the original date of hire.

Notices

Each new employee will receive a written notice of his or her date of employment, starting rate of pay and regular pay date. Overtime-eligible employees will also be notified of the applicable overtime rate. Employees will acknowledge receipt of this notice in writing. A copy of the notice will remain in the employee’s personnel file.

Job Descriptions

Employees will sign and date two copies of their job description and other forms as necessary. When job descriptions are revised, employees will sign and date two copies of the revised job description. One copy will be retained in the employee’s personnel file and one copy will be given to the employee.
Work Week

LDA of WNY normally operates on a five-day work week running Monday through Friday. Individual employee or department hours of work and weekly schedules may vary, however, to meet operational needs and those of program participants. Due to the nature of our programs, a reasonable amount of overtime may also be required. Refer to your supervisor for shift assignments, starting time, weekly schedules, etc.

Breaks/Lunch Periods

Employees who work a minimum of four hours a day receive an opportunity for one paid fifteen minute break. Those who work more than four hours a day but less than 6 hours a day receive an opportunity for one paid thirty minute break.

Employees who work six or more hours a day receive an opportunity for two paid fifteen minute breaks and an unpaid thirty minute lunch break. For convenience, this can be combined into a sixty minute lunch.

Employees working the 3rd shift at the residential sites are encouraged to take break and meal period time as needed. Due to the unique nature of this shift and position, and only one staff member being on duty- all break and meal periods will be paid. Employees are required to remain on duty within the residential home during any break or meal times during third shift.

Breaks may not be taken at the beginning or end of a workday.

Deductions

Certain deductions from your pay required by law include Social Security and Medicare (F.I.C.A.), NYS Disability, NYS Paid Family Leave, federal and state tax withholding. Changes in your withholding status may be made through the Personnel Office.

Legally issued wage and salary attachments and garnishments shall be processed by payroll and a portion of your pay will be deducted to satisfy this requirement. You will be notified immediately of actions when they are received. In all cases, the employee is expected to make arrangements for direct payments and a release from these obligations. In addition, elective deductions may be taken for United Way, insurance premiums, tax-deferred annuities, FLEX benefits, or others that may be added.

Correction of Errors

Discrepancies in compensation must be reported to your supervisor or the Personnel Office as soon as possible. Failure to report a discrepancy may result in disciplinary action, up to and including termination of employment. LDA of WNY may seek recovery of any monies owed due to payroll overpayments, advances, or loans by available legal means. Underpayments will be corrected as soon as possible but no later than the next paycheck.
Employee Time Reporting

Complete and accurate records of employee's attendance and actual hours worked will be maintained. Employees must sign in and out on forms provided by the agency. Payroll time reports are considered agency records. Any intentional falsification of these records is considered a serious violation of rules and will subject offenders to immediate termination.

Overtime Policy

A reasonable amount of overtime may be required of employees whenever it is determined necessary by the agency. Nonexempt employees shall be paid at a rate of one-and-one-half times their regular hourly rate for work time in excess of forty (40) hours in a work week. Paid holiday hours, or other paid time off, will not be counted toward hours worked for the purpose of determining overtime eligibility. All overtime must be scheduled or otherwise approved by your supervisor.

Promotions/Transfers

LDA of WNY believes in promoting employees from within the organization whenever possible. Available position openings will be posted concurrent with external postings. Interested applicants should express their interest to the posting supervisor. Employees promoted to a new position will be on New Employee Introductory Status. However, there will be no restriction on the use of previously accrued benefit time, on the earning or use of benefit time in the new position, or on existing insurance benefits.

Performance Reviews

An employee’s performance and job development are evaluated on a continual basis. Formal reviews will be scheduled and conducted annually, with more frequent evaluations given in appropriate situations such as promotion, probationary status or performance deficiencies. The performance review process is a two-way process to foster an appreciation by all parties of their respective roles and expectations.

Business Expenses Reimbursement/Coverage

Business expenses, when authorized and pre-approved by the supervisor, will be reimbursed to employees after the necessary steps have been taken in accordance with current agency procedures available from your supervisor.
III. PAID LEAVE POLICY

Paid Time Off (PTO) Policy

LDA is committed to providing our employees with a paid time off policy that will facilitate a positive work/life balance. PTO is to be used for paid time away from work. PTO can be used for vacation, personal time, company holidays when the office is closed and other time off as needed.

All PTO must be requested in advance and approved in advance by the employees supervisor.

Employees accrue paid time off every pay period from first date worked. PTO accrual rates are based on hours paid and length of service as shown in chart below. PTO is not accrued on overtime.

Relief (under 18.75 hours), Temporary and Seasonal employees are not eligible for PTO. The executive director may approve PTO as part of an employment agreement for any of the aforementioned situations.

Benefit time must be posted on the employees pay stub before that time may be utilized.

<table>
<thead>
<tr>
<th>Completed Years of Employment:</th>
<th>Hourly Accrual:</th>
<th>Approx. Annual Days for full time:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 1 year</td>
<td>.0731</td>
<td>19</td>
</tr>
<tr>
<td>1+ year- &lt;4 years</td>
<td>.0884</td>
<td>23</td>
</tr>
<tr>
<td>4+ years-&lt;8 years</td>
<td>.1038</td>
<td>27</td>
</tr>
<tr>
<td>8+ years</td>
<td>.1231</td>
<td>32</td>
</tr>
</tbody>
</table>

1. Using PTO:
Staff must request and receive supervisory approval to use PTO in advance of the time taken as follows: two (2) weeks notice is needed for 1-5 days off from work and one (1) month notice is needed for six (6) or more days off from work. PTO usage must be requested from the supervisor in writing by using the Request for Leave form or some other agreed upon method of written communication. The supervisor will respond to PTO requests within five (5) business days. The employee’s supervisor will approve or deny use of benefit time based on programmatic needs.

Benefit time balances can be obtained by logging into your employee self-service account under Time> Time off Balances and must be reviewed prior to submitting a request for time off or using PTO time.

Staff must use PTO in 15 minute increments. PTO usage is limited to your normal weekly hours and cannot be used once an employee’s normal weekly hours have been
met, even if time off was approved. PTO cannot be used in excess of your normal weekly hours based on your most recently filed payroll change form.

Employees cannot borrow future accruals of PTO unless they have not earned enough PTO to cover a department closing, including but not limited to a holiday or emergency closing that occurs while they are still on probation. Supervisors do not have to make a written recommendation to the Department Director to advance staff PTO time for holidays if the employee is within their introductory period.

In general (see above) employees on introductory status cannot use PTO until they successfully complete their probationary period and have received a satisfactory performance review with the once exception aforementioned. An unsatisfactory performance review at the end of the probationary period can result in a 30 day extension of probation and therefore an additional 30 days in which they cannot use accrued PTO time. If an employee is terminated before completion of the new employee introductory period, all accrued benefits are lost and are not paid at termination. Staff can use PTO to cover personal or family illness. Staff will continue to earn PTO while utilizing PTO time.

PTO can be carried over from year to year to a maximum of 250 hours for full-time employees, and up to 125 hours (pro-rated) hours for standard part-time and hourly employees. PTO accrual stops within the year when a full-time staff has reached 250 hours in their PTO Balance and for part-time once they reach 125 hours in their PTO balance. Once some PTO time is used, the accrual begins again at the normal rate.

2. Scheduling PTO:
Managers will devise an equitable method of approving time off, such as a “round robin” approach or another consistent method that supports the needs of the department and the employees. When PTO has been approved under this method, managers are responsible for finding a replacement for the person using PTO. Employees are expected to assist in this process. When multiple employees request the same shift off, preference may be given in the order the request was received.
Employees are expected to manage their own benefit time and to plan on carrying over at least three (3) PTO days in order to have enough benefit time to cover holidays at the beginning of each year.

3. PTO Payouts:
Resignation from the Agency

Employees who resign their position and separate from the Agency may be eligible to receive 100% of their accrued and unused PTO hours up to 120 hours for full-time or 80 hours for part-time, if the employee:
   a. Has worked for the Agency for more than three (3) years, and
   b. Provides a minimum of two (2) working weeks’ notice for non-exempt staff or four (4) working weeks’ notice for exempt staff.
   c. Works all regularly scheduled shifts during the last two (2) weeks of employment, and
   d. Does not use accrued benefit time during the last two (2) weeks of employment.
Employees with one (1) to three (3) years of service will receive 50% of their accrued and unused PTO hours up to the limit and guidelines listed above. Employees with less than one (1) year of service will not be eligible for a PTO payout. Employees who fail to
provide the required notice will not receive a payout of their accrued PTO. Employees who fail to return from a Leave of Absence and/or abandon their positions will not be eligible for a PTO payout.

**Change of Status or Transfer**

Employees transferring to Relief status will not receive a PTO payout until their separation from employment with the agency and at that time will be treated as a part-time employee for PTO payout purposes. The PTO payout eligibility and amount will be based on their years of service at the time of Agency separation. The PTO time will be kept in the employee’s PTO bank, but cannot be used while on Relief status. The guidelines for payout are the same as listed above in the “Resignation from the Agency” section. A full-time or part-time employee must work all regularly scheduled shifts during the last two (2) weeks in the full or part-time position. Accrued benefit time may not be used during the last two (2) weeks prior to changing to relief status.

**Termination**

Employees who are terminated for any reason or who abandon their positions, are not eligible for PTO payout.

**PTO Buyback**

On occasion, the Agency may offer employees the opportunity to sell back some of their PTO time. The rules and eligibility will be provided at the time of the opportunity

**Sick Time Policy**

Sick time can be used during the year for personal illness, medical appointments, or to care for a member of the employee’s household or immediate family. Whenever you must be absent from work due to illness, you must notify your supervisor at least one hour before your scheduled start time.

Sick time accrues every pay period based on the number of hours the employee is paid and does not accrue on overtime. Employees accrue sick time from the first date worked and cannot use sick time while on new hire introduction or probationary period. Relief (under 18.75 hours), temporary and seasonal employees are not eligible for sick time.

Sick time accrual rate is shown below; all eligible staff accrue at the same rate regardless of seniority:

<table>
<thead>
<tr>
<th>Completed Years of Employment</th>
<th>Hourly Accrual</th>
<th>Approx. Annual for full time staff</th>
</tr>
</thead>
<tbody>
<tr>
<td>0+</td>
<td>.0192</td>
<td>5 days</td>
</tr>
</tbody>
</table>

A maximum balance and carryover for sick time is 450 hours.
1. Using Sick Time:

Absences will not be charged to sick time unless caused by actual illness or a physical condition of the individual staff person, medical appointments or to care for a household member or immediate family member.

Staff must use Sick Time in 15 minute increments. Sick Time usage is limited to your normal weekly hours and cannot be used once an employee’s normal weekly hours have been met. Sick Time cannot be used in excess of your normal weekly hours based on your most recently filed payroll change form.

Employees who use time in excess of their accrual may be subject to disciplinary action and excess time will be taken from any PTO earned. Employees cannot borrow future accruals of sick time.

Employees may also be asked to present a Doctor’s note as an excuse for their absence for three (3) or more days or where a trend of abuse is suspected. A Doctor’s note may also be requested for medical verification for a return to work prior to the return. The Return to Work Slip must specify any limitations and the period of time that the limitations will be in place.

Sick leave may not be used to extend an employee’s vacation, personal or holiday time off with exception noted under FMLA. This means that sick time cannot be used the business day before or after an approved vacation period or office closing for a company holiday. The only exception to this rule is if an employee has been out sick for three or more days and has a doctor’s note on file with the personnel office.

PLEASE NOTE: REGARDING COMMUNICABLE DISEASES

“Communicable Diseases- employees with symptoms relating to communicable diseases shall not be permitted to work until they have been cleared by their private physician and submit to their supervisor written verification stating that they are no longer contagious and are able to return to work”

If an employee cannot work due to a communicable diseases (as per above) they are required to use and Sick Time and then PTO time they have accumulated.

2. Sick Time Payout:

Sick time will not be paid at separation of employment or when an employee changes status.

A notice of resignation immediately nullifies all requests for paid sick leave during the mandatory notice period.
Other Time Off Policies

Holidays

The following are dates of holidays that LDA is closed for business with the exception of certain programs based on needs and the North Park and Jewett group homes:

<table>
<thead>
<tr>
<th>Holiday</th>
<th>Date</th>
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<td>New Years’ Day</td>
<td>January 1st</td>
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<td>Martin Luther King Day</td>
<td>January 20th</td>
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<td>Presidents’ Day</td>
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<td>Memorial Day</td>
<td>December 24th</td>
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<tr>
<td>Independence Day</td>
<td>December 25th</td>
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Employees are required to use accrued PTO hours to cover hours when the office is closed for business. Employees who have already worked their normal weekly or bi-weekly hours during a pay period which contains one or more of the above holidays may not use any benefit time and will be able to save their PTO for another day off. PTO time used to cover a holiday when the agency is closed cannot be used in excess of an employee’s normal weekly hours.

Bereavement Leave

In the event of a death in the immediate family (parent, spouse, sibling, child, grandparent, grandchild, parent-in-law, foster child or other person who is an actual member of the employee’s household), full-time employees shall be granted up to three regularly scheduled work days’ leave of absence with full pay. Benefit-eligible part-time employees shall receive bereavement leave pro-rated according to their FTE. PTO hours may be used to extend this period, if necessary.

Jury Duty

Employees called for jury duty will be allowed time off as needed to meet their civic obligations and shall receive full salary for their scheduled work hours up to ten work days while on jury duty, provided they provide written proof of attendance at jury duty for all scheduled work hours. When salary is continued during jury duty, any compensation received by the employees for jury duty shall be endorsed over to the agency. In the event employees elect to accrue PTO hours while on jury duty, they may retain their jury pay in addition to the vacation pay.

You should notify your supervisor immediately upon notice of your selection by the court. You are, however, expected to report for work as scheduled when on stand-by status or otherwise excused as a juror during working hours.

New York State Mandated Disability Leave

New York State Disability leave provides income protection should you become unable to work due to illness or injury that occurs off the job. This coverage commences
following a one-week waiting period. This insurance covers 50% of your normal earnings up to the statutory maximum for up to 26 weeks in any 52 week period. Employees contribute one-half of one percent of their weekly wages, not to exceed $.60. Disability may run concurrent with leave to which you are entitled under the Family and Medical Leave Act, but may not run concurrent with workers’ compensation. Applications for benefits may be obtained from the Personnel Office. The agency reserves the right to require verification and periodic case reviews during the period of disability.

Employees can use accrued PTO and Sick time to supplement their disability pay. Use is limited to 50% of their normal hours. Timesheets must be submitted on time and in advance to use PTO or Sick time while on leave. If an employee receives state and/or supplemental disability benefits during that leave, that employee will be put on a leave of absence status and will not be accruing benefit time until they return to work.

Workers’ Compensation

State law also provides protection in the event of accident, injury or illness directly related to your job. The benefits consist of weekly payments representing approximately two-thirds (2/3) of your average gross weekly compensation as established by the preceding fifty-two (52) week period to a maximum level determined by law. In addition, all necessary medical expenses are covered, including doctors’ fees.

Paid Family Leave (PFL) Policy

New York State Paid Family Leave coverage is retained through our PFL insurance carrier, The Hartford. New York’s Paid Family Leave provides job-protected, paid time off so you can:

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

Eligibility

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

- Full-time Employees: Employees who work a regular schedule or 20 or more hours per week are eligible after 26 consecutive weeks of employment
- Part-time Employees: Employees who work a regular schedule of 20 or more hours per week are eligible after 26 consecutive weeks of employment.
- Employees are eligible regardless of citizenship and/or immigration status.

Benefits

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

Benefits are a percentage of your average weekly wage, capped at that same percentage of the NY State Average Weekly Wage, as calculated annually by the NY State Department of Labor. These benefits are 50% of your average weekly wage for 2018, 55% in 2019, 60% in 2020, and 67% in 2021.

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

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

Funding

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

Qualifying Events

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

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

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves:
Inpatient care in a hospital, hospice, or residential health care facility, or Continuing treatment or continuing supervision by a health care provider.

A close relative includes:
Spouse
Domestic partner
Child and stepchild
Parent and stepparent
Parent-in-law
Grandparent
Grandchild
Military Active Service Deployment: You can take Paid Family Leave to assist with family situations arising when your spouse, domestic partner, child, or parent is deployed abroad on active military service or has been notified of an impending military deployment abroad. You cannot use Paid Family Leave for your own qualifying military event.

Rights and Protections

- You have job protection, ensuring you can return to the same job or a comparable position when you return from Paid Family Leave.
- You can keep your health insurance while on leave. If you contribute to the cost of your health insurance you must continue to pay your portion of the premium cost while on leave. Premium payments must arranged in advance with the personnel office, your health coverage may cease if premium payments are more than 30 days late. If this happens then you will be given 15 days’ notice of cancelation.
- LDA of WNY, Inc. is prohibited from discriminating or retaliating against you for requesting or taking Paid Family Leave.
- You do not have to use all of your sick and/or PTO time before using Paid Family Leave.

Taking Paid Family Leave

1. Notify your supervisor and the Director of Human Resources. When you want to take Paid Family Leave, you must notify at least 30 days before your leave will start if it is foreseeable. Otherwise, notify as soon as possible.
2. Obtain required forms from HR.
3. Complete and Submit forms. Fill out the Request for Paid Family Leave (Form PFL-1) following the instructions on the coversheet and submit to HR. HR will complete employer portion and submit to insurance carrier within three business days.
4. Obtain and attach supporting documentation as required depending on the type of leave as described on the request for Paid Family leave form.
5. Your claim can be submitted before or within 30 days after the start of your leave. The insurance carrier must pay or deny your request within 18 calendar days of receiving your completed forms. HR is not responsible for processing claims that are submitted beyond 30 days after the start of your leave.

Relationship with Other Types of Leave

NYS Statutory Disability (DBL)- You may not receive Paid Family Leave and short-term disability benefits at the same time. Because PFL benefits cannot be utilized for an employee’s own medical condition the only circumstance where they overlap with NYS Disability is for maternity leave. PFL and DBL can be taken consecutively but not concurrently. Additionally, an employee cannot take more than 26 weeks combined DBL and PFL in any year. An employee can begin maternity leave using DBL benefits then switch to PFL; however once they make the change they cannot return to DBL.

Workers’ Compensation- If you are not working and are collecting workers compensation, you may not use Paid Family Leave. If you are working on a
reduced earnings schedule and are collective workers’ compensation you may still be eligible for Paid Family Leave.

**Family Medical Leave Act (FMLA)** - Paid Family Leave can be taken by employees who are eligible for time off under the provisions of the FMLA. PFL will run concurrently with designated FMLA leave when the reason for leave qualifies under both FMLA and PFL. Eligible employees must then apply for FMLA and PFL.

If you have a qualifying event for FMLA and a different qualifying event for Paid Family Leave you may take these leaves at different times. Example- caring for your own serious medical condition using time with FMLA and separately bonding with a new child using PFL, you may then take these leaves at different times or consecutively.

**Paid Family Leave and Employee Benefit Time**

1. Benefit time will not be accrued while on Paid Family Leave.
2. Employees are not required to exhaust benefit time before taking Paid Family Leave.
3. Paid Family leave may be supplemented with benefit time. This is restricted to a maximum of 50% of regular hours in 2018, 45% of regular hours in 2019, 40% of regular hours in 2020 and 33% of regular hours in 2021. The employee is required to submit timesheets prior to leave listing how much benefit time they would like to use each pay period. When leave is unforeseeable, the employee should contact HR to discuss timesheet submission and benefit time usage.

For more information on PFL please see the Director of HR or NYS website ny.gov/PAIDFAMILYLEAVE

**IV. UNPAID LEAVE POLICY**

In addition to the provisions for time off from work with pay noted in the previous section, employees will also be afforded unpaid time under specific circumstances that will allow for continuing company service. In the case of FMLA, any accrued paid benefit time must be taken concurrent with eligible leave.

**Family and Medical Leave (FMLA)**

Eligible employees may take up to twelve (12) weeks of paid or unpaid family/medical leave within a twelve month period and be restored to the same or equivalent position upon their return to work.

To be eligible for this leave, you must have been employed by LDA of WNY for at least one year and have worked at least 1,250 hours during those twelve months.

Leave may be taken for any of the following reasons:
1. The birth of a child and to care for that new-born;
2. Adoption of a child or placement of a child with you for adoption or foster care. Time to care for the newly placed son or daughter.
3. Care for a spouse, child or parent (“covered relations”) with a serious health condition; or
4. Your own serious health condition that renders you unable to perform the essential functions of your job.
5. Care for a family member who is injured while on active duty (caregiver leave – up to 26 weeks)
6. Leave in cases for urgent needs related to a family member’s current active military duty or a call to active military duty (active-duty leave)

Leave taken for the birth and care of a child or the placement of a child for adoption or foster care, and care of a newly placed child, must be completed within one (1) year of the date of birth or placement of the child.

Substitution of paid leave time for unpaid leave does not extend the 12-week leave period under this Act. FMLA leave may run concurrently with other types of leave.

   a) During an approved FMLA leave, LDA of WNY will maintain your health benefits under the same terms and conditions that apply to employees not on leave.

   b) If paid leave is substituted for unpaid family/medical leave, your normal contribution to your health plan will continue to be deducted from your pay.

   c) If your leave is unpaid, you must pay your portion of the premium by making arrangements with the Personnel Office.

   d) Your health coverage may cease if your premium payment is more than 30 days late.

   e) If you do not return to work at the end of the approved FMLA period, you will be required to reimburse LDA of WNY for the cost of premiums paid to maintain your coverage during your FMLA leave.

When both spouses are employed by LDA of WNY, they are entitled to a combined total of 12-weeks’ leave for (1) the birth, adoption or foster care and in order to care for such a child; or (2) care of a parent with a serious health condition. Each is entitled, however, to 12-weeks’ leave because of his/her own serious health condition or to care for the serious health condition of a child or spouse without counting leave time taken by the other spouse.

Leave due to a serious health condition may be taken intermittently or on a reduced leave schedule (reducing the usual number of hours you work each day or each week), if medically necessary. If the leave is unpaid, the company will adjust compensation based on the amount of time actually worked. In addition, while you are on intermittent or reduced-schedule leave, you may be temporarily transferred to an available alternate position, with equivalent pay and benefits that better accommodates your recurring leave.
You must complete the appropriate family/medical leave forms, available in the Personnel Office. When the need for leave is foreseeable, you must give 30 days’ written notice. If this is not possible, notice is to be given your supervisor as soon as possible. Failure to provide such notice may cause your leave to be delayed. Planned elective medical treatments should be scheduled as much as possible to avoid disruption of the company’s operations.

**Medical Certification for a Serious Health Condition**

If you are requesting leave because of your own or a covered relative’s serious health condition, the appropriate health care provider must supply medical certification. A certification form may be obtained from the Personnel Office. If possible, certification should be provided within 15 days of the leave request. If you provide at least 30 days’ notice, you should provide the medical certification before your leave begins. Leave may be delayed if certification is not submitted in a timely manner.

The agency, at its expense, may require an examination from a second health care provider if reasonable doubt exists regarding certification. In cases of a conflict between the two evaluations, a third and mutually agreeable provider may be chosen to provide a final, binding opinion.

**Additional Medical Recertification**

Failure to provide requested recertification within 15 days might result in a delay of further leave until it is provided.

**Tracking Your Leave**

The 12 month period in which 12 weeks of leave may be taken will be tracked based on the first day of the FMLA leave.

**Reporting While on Leave**

If you take leave because of your own serious health condition or to care for a covered relative with a serious health condition, contact your supervisor or the Personnel Office on a predetermined basis regarding the status of the medical condition and your intention to return to work. You must also give notice as soon as possible if the dates of leave change are to be extended or are now known.

**Return to Work**

If you take leave because of your own serious health condition (except if taking intermittent leave), you must provide medical certification that you are able to resume work before your return. Forms for this purpose are available through the Personnel Office. Employees failing to complete the return-to-work medical certification process will not be permitted to resume work until certification is provided.

Certain “key employees” may not be eligible for restoration to their prior or equivalent positions under terms of the Act.
Working While on Leave

Working at another job while on family/medical leave or any other authorized leave, whether paid or not, is prohibited and will subject the employee to disciplinary action up to and including termination.

Military Leave

Employees active in the Reserves or National Guard shall receive time off without pay for annual active duty as necessary to maintain membership or rank. The earliest possible notification of time off should be made to your supervisor of your training schedule or pending assignments in order to allow arrangements to be made to cover your absence.

In addition, the Uniformed Services Employment and Reemployment Rights Act, provides that in the event you perform up to five (5) years’ active duty due to enlistment, unit activation, or initial training, you are entitled to reinstatement either to your previous or similar position, with no loss of seniority. This act does require, however, that you make timely application for reinstatement and meet other eligibility conditions. A summary of these obligations is available in the Personnel Office.

Extended Medical Leave

LDA does not grant extensions to the 12 weeks of FMLA leave. Failure to return on the first day scheduled following 12 full weeks of medical leave will result in termination. Employees are required to provide written clearance from their doctor to return to work before this date listing any restrictions. Employees are also required to work with their supervisors to schedule their first day back to work.

Blood Donor Leave

Employees are encouraged to donate blood or blood products, if eligible. Those choosing to do so will be entitled for up to 3 hours unpaid time per year; or if a blood drive is conducted at the worksite, paid time off for up to two occasions is allowed.

Expression of Breast Milk

Employees requiring time to express will be allowed one unpaid break every three hours, of no more than 20-30 minutes in length each. All reasonable efforts will be made to provide a private room or space. Please make arrangements with your supervisor.

Extended Personal Leave

Employees wanting to take extended personal leave in excess of two (2) weeks unrelated to FMLA or other above mentioned situations may do so by submitting a request to their supervisor. Leave may or may not be granted based on program needs. Leave time may NOT exceed the amount of accrued PTO time the employee available to use. In the event the employee finds it necessary to take unpaid leave beyond the PTO time available a request must be submitted to the Executive Director in writing. The Executive Director will review request and determine if this will be allowed based on agency and program needs at that time.
V. OTHER BENEFITS

The following benefits are offered to all LDA full-time employees and to eligible part-time employees pro-rated for their FTE. Health Insurance is available to employees working 30 or more hours per week. Dental, Vision and Life insurance is available to employees working 18.75 hours a week or more. They are not available to part-time employees working less than 18.75 hour per week, to casual/relief employees, or to temporary employees. They are briefly described in this section. Full Summary Plan Descriptions (SPDs) will be distributed to those opting for coverage. Copies are available in the Personnel Office.

Medical, Dental and Vision Insurance

All full-time and eligible part-time employees of LDA of WNY and their dependents may subscribe for medical insurance coverage following completion of their new employee introductory period. Available coverage options and other conditions are explained more thoroughly in the summary plan descriptions and other materials provided separately through the Personnel Office. A summary of provisions follows:

1. Coverage begins on the first day of the month following successful completion of the introductory period.

2. Coverage costs vary year to year; please see the Director of Human Resources for the current coverage options and associated expenses/employer paid coverage.

3. Pro-rated costs are paid for eligible part-time employees pro-rated for their FTE as stated on their most recent payroll change form.

4. Family coverage is available to all employees eligible to receive partially employer-paid health and dental insurance at a cost to the employee equal to the difference between the family premium cost and the individual premium cost paid by the employer, based on the employee’s FTE.

5. Failure to subscribe within the eligibility period will require waiting until the next open enrollment period, unless a qualifying event occurs.

6. Employee’s share of health, dental, or vision insurance premiums shall be paid through payroll deduction.

7. Insurance coverage will cease effective the last day of the month in which the eligible employee’s employment with LDA of WNY is terminated.

8. For health, dental and vision insurance, once selections have been made at open enrollment or following successful completion of new-hire introductory period, no changes may be made to the selected coverages until the following open enrollment period, unless a qualifying event occurs: a change in status due to marriage, divorce, birth or adoption, death of spouse or child, spouse’s job termination, or other event. Such change will be effective the first day of the following month.
Continuation of Coverage

1. If you or your dependents are no longer eligible for coverage under the comprehensive medical plan due to termination or other reasons, and in accordance with COBRA provisions, you will have an opportunity to continue coverage under the applicable group rates for a period of time and under conditions spelled out in the summary plan description. Currently we are also able to offer continuation of dental insurance.

2. The cost of continued coverage is borne by you and may reflect an additional surcharge of 2% for administrative expenses as provided by law.

3. Additional details and costs will be explained in a letter to be provided within fourteen (14) days of the termination of coverage for either you or your dependents.

4. Under these circumstances, you will also be provided a certificate of credible coverage as required by the Health Insurance Portability and Accountability Act which is intended to facilitate gaining coverages with future employers.

5. Information explaining the plan benefits and eligibility requirements in detail is available through the Personnel Office.

Flexible Spending Plan

LDA of WNY offers a pre-tax benefits contribution option for eligible employees who may subscribe to a Flexible Spending Plan, to begin the first of the month following completion of the New Employee Introductory Period. Available options and other conditions are explained in the summary plan descriptions provided through the Personnel Office. Employee contributions are deducted from gross pay before the calculation of income or Social Security taxes.

Employees wishing to participate in this plan must complete and submit an election form to the Personnel Office.

For all flexible spending plans, selections made at open enrollment or following successful completion of the New Employee Introductory Period may not be changed until the following open enrollment period.

Group Life/AD&D Insurance

Coverage is available to full-time employees and to part-time employees regularly scheduled to work 18.75 or more hours per week according to their most recent payroll change form. Coverage begins on the first day of the month following successful completion of the New Employee Introductory Period. The face value of each policy is equal to the employee’s gross annual salary, rounded up to the next higher $1,000, to a maximum of $100,000. Face value declines after age 64 and again after age 70. The agency pays the full cost of this insurance coverage. Employees may purchase additional optional life insurance policies through our carrier to supplement this coverage at their own expense; paid for through payroll deductions. This option is only available at an employee’s new hire enrollment and not annually thereafter.
**Supplemental Short-term Insurance**

Supplemental Short-Term Disability Insurance is available to full-time employees and to part-time employees regularly scheduled to work 18.75 or more hours per week according to their most recent payroll change form. Coverage begins on the first day of the first month following successful completion of the New Employee Introductory Period. This insurance supplements NYS Disability Insurance, and begins on the eighth (8th) day of the injury or illness and continues for a maximum of twenty-six (26) weeks. This insurance supplement brings coverage up to 60% of gross wages to a maximum of $500.00 weekly. The agency pays the full cost of this insurance coverage.

Employees do not accrue PTO or Sick time while on disability leave.

**VI. OTHER POLICIES**

**Attendance and Punctuality**

Regular and punctual attendance of employees is essential in meeting program participant’s expectations, maintaining positive employee morale and good order. The agency shall take all reasonable measures to foster good attendance while also making allowance for genuine illness, emergencies or similar contingencies.

In order to maintain efficient operations and services, employees who must be absent or tardy shall notify their supervisor as far in advance as possible.

**Standards of Conduct**

Misconduct by employees may result in disciplinary action being taken up to and including termination. The seriousness of the misconduct will determine the severity of the disciplinary action taken.

Conduct which will result in disciplinary action includes, but is not limited to, the following:

1. Failing to comply with safety regulations or contributing to unsanitary or unhealthy conditions.
2. Taking excessive breaks or absenting self from work area without permission or notice.
3. Creating unnecessary waste of materials or causing damage to agency equipment or property through neglect or intent.
4. Using foul or abusive language.
5. Harassing, threatening, intimidating, or abusive behavior towards employees, program participants, visitors or others for any reason.
6. Discriminatory treatment against fellow employees, program participants, or others on the basis of race, religion, color, creed, national origin, age, sex, sexual orientation, disability or marital status, or any other protected status including any form of harassment.
7. Fighting or provoking a fight on company property or while on duty.
8. Willful disobedience, insubordination or intentional failure to carry out any reasonable order given by authorized management.
9. Tampering with or falsifying your or another employee's time record. Giving false or misleading information on benefit claims or other agency records.

10. Gambling while on duty

11. Stealing from the agency, fellow employees, program participants, or visitors.

12. Possessing, consuming or selling illegal or controlled substances or alcohol on company property or otherwise on duty or stand-by status.

13. Reporting to work or otherwise being under the influence of alcohol, drugs (including those prescribed) to the extent that the ability to work in a safe and proficient manner is adversely effected.

14. Possessing firearms or other weapons on company property or otherwise on duty.

15. Violating published agency policies such as dress code, smoking, etc.

16. Tardiness, whether habitual or excessive; failure to call in prior to beginning of work; leaving work early without permission or notification as required.

17. Failure to comply with any or all of the Part 624 regulations as set forth by the New York State Mental Hygiene Law.

18. Excessive or habitual absenteeism.

19. Failure to comply with the agency Code of Conduct & Ethics (see appendix A).

**Dismissal**

The Executive Director, with notification to the President or Executive Vice-President of the Board of Directors, shall have the authority to dismiss an employee for any of the following reasons, including but not limited to:

1. Acts of bad faith affecting LDA of WNY, such as falsifying reports, misuse of funds, or other matters.

2. Unprofessional conduct, including conduct with program participants and their families, co-workers, supervisors, Board of Directors, and/or the professional community.

3. Insubordination

4. Misconduct

5. Severe or repeated violations of the Standards of Conduct above.

Employees so terminated shall be notified in writing and advised of LDA of WNY’s grievance procedure.

**Substance Abuse Policy**

LDA of WNY is committed to providing a safe work environment free from the effects of alcohol or other drugs on the job. The agency recognizes that substance abuse is a national problem and that its employees are not exempt from the presence and associated risks of such abuse. The misuse or abuse of alcohol and chemical
substances by any employee can have physical, mental and behavioral consequences that pose a threat to the safety and well-being of themselves, fellow employees and others. It is further recognized that alcoholism and drug addiction are illnesses that are best treated with early identification and treatment.

All employees are prohibited from reporting to work under the influence of alcohol or controlled substances and are further prohibited from the improper use of prescription drugs. Employees are responsible for being aware of any side effects of prescription or non-prescription medication which may impair their ability to do their jobs.

Employee Complaint & Grievance Procedures

Employees are encouraged to bring questions, suggestions and concerns to the agency’s attention. Personnel concerns are important to us and we encourage candid communication at all times.

All grievances must be limited to disputes related to the application of provisions of this handbook. All grievances will be reviewed by the Personnel Committee, which is composed of the Chairs of all standing committees of the Board of Directors.

Grievance Procedure:

1. Within 5 working days of the incident/act, the person filing the grievance shall submit in writing, to the Chairperson of the Personnel Committee, itemization of which section(s) of this Handbook were violated. A copy will be sent to the person against whom the grievance is filed.

2. The person against whom the grievance is filed shall respond in writing to the Chairperson of the Personnel Committee within 10 working days of the receipt of the grievance from the Chairperson. A copy of the response will also be sent to the person filing the grievance.

3. Within 10 days after receiving the response from the person against whom the grievance is filed, the Personnel Committee shall meet to consider whether or not there is a grievance. If, in the opinion of the Committee, there is no point of grievance, the process ends there and no further action is taken. Both parties receive written notice of such. If the committee decides there is a grievance, it shall render a decision and issue a summary report to the Board of Directors and all involved parties, outlining the policy being grieved, the arguments pro and con, the final decision, and the rationale for that decision. In the event a grievance is found, the Executive Director shall be responsible for the implementation of the Committee’s decision.

4. The Personnel Committee shall notify the Board of Directors in writing of its decision so that appropriate action may be taken when necessary.

5. All proceedings under this process shall, to the extent possible, be held in the strictest confidence by all agency personnel and Board Members, and no record or entry shall be made in an employee’s personnel file solely because of using the grievance procedure.
Smoke-free Workplace

LDA of WNY values the commitment and effort each employee makes toward the success of the company. In order to provide a safe, healthy and pleasant work environment, employee smoking is banned in all indoor spaces and is further limited on company property to those areas specifically designated. Smoking is prohibited within 30 feet of all agency property entrances.

Confidentiality

During the course of employment at LDA of WNY, employees are expected to treat any confidential information they acquire or maintain as valuable property of the agency. Employees are prohibited from using, copying, or disclosing any confidential information to others.

E-Mail Usage Policy

This policy covers appropriate use of any e-mails sent from or received by the Learning Disabilities Association of Western New York, Inc. (LDA of WNY) and applies to all employees, volunteers, vendors, and agents operating on behalf of LDA of WNY.

Proper e-mail usage and security is a team effort involving the participation and support of every LDA employee, volunteer, vendor, and agents operating on behalf of LDA of WNY. It is the responsibility of every computer user to know these guidelines, and conduct their activities accordingly. Virus or other malware warnings shall be immediately reported to Technical Support.

Mass mailing from LDA of WNY shall be approved by the Director of Community Relations on a per-project basis. These restrictions also apply to forwarding of mail received by an LDA employee.

**PROHIBITED USE:** The Learning Disabilities Association’s e-mail system shall not be used for:

- Sending unsolicited e-mail messages, including the sending of “junk mail” or other advertising material to individuals who did not specifically request such material (e-mail spam);
- Any form of harassment via e-mail, whether through language, frequency, or size of message;
- Personal shopping, gambling or illegal activities;
- The creation or distribution of any disruptive or offensive messages including offensive comments about race, gender, political beliefs, or national origin;
- Sending chain letters or joke e-mails from a LDA e-mail account is prohibited.
- Users shall refrain from the use of wallpaper, screensavers and stationary which have the potential for inviting viruses and which take up unnecessary space on the server.
- Sharing Protected Health Information (PHI) unless you are an authorized OPWDD ZIX user or using person’s initials or TABS number.

Acceptable Internet Use Policy
It is the policy of LDA of WNY to provide its employees, volunteers, and agents operating on behalf of LDA of WNY with internet access. Use of the internet by these individuals is encouraged where such use is suitable for business purposes and supports the goals and objectives of the agency. The internet is to be used in a manner that is consistent with the agency’s standards of business conduct, and as part of the normal execution of an individual’s job responsibilities.

UNACCEPTABLE USE:

The following practices are considered unacceptable, and may be subject to disciplinary action, including written warnings, revocation of access privileges, and in extreme cases termination of employment. Additionally, the agency reserves the right to report any illegal activities to the appropriate authorities.

- Intentionally visiting internet sites that contain obscene, hateful, or otherwise objectionable material.
- Using the internet for personal shopping, gambling or illegal activities.
- Uploading, downloading, or otherwise transmitting commercial software or copyrighted material in violation of its copyright. This includes uploading software that you may own, onto LDA-owned computers. Copyright infringement can happen unintentionally. If an employee downloads a software program, a photograph, or a proprietary document in all innocence, thinking that, because it’s available on the internet, it’s “free”. It’s not.
- Downloading any software or electronic files without implementing virus protection measures that have been approved by the agency.
  - Intentionally interfering with normal operations of the network or impeding business traffic, including the propagation of computer viruses, or sustained high volume network traffic that substantially hinders others in their use of the internet/network, including recreational surfing with bandwidth-intensive activities such as streaming audio and video, MP3 downloads, and image downloads
- Sexual harassment as a result of downloading objectionable or sexually explicit material into the workplace.
- Use of Social Media except when used for job related or professional purposes and with prior administrative permission.

Conflicts of Interest

A conflict of interest exists when an employee’s duty to give individual loyalty to the agency can be prejudiced by actual or potential benefit from another service. All employees are expected to avoid any investment, interest, or association with enterprises that interfere or are thought to interfere, with the independent exercise of judgment in the agency’s best interests. In the event that an employee has a concern whether or not a particular situation may constitute a conflict of interest, they should notify their immediate supervisor. Employees will be expected to review and sign a separate statement of policy concerning conflicts of interest. A copy will be retained in the employee’s personnel file.
Gifts from Suppliers/Customers

Employees are prohibited from seeking or accepting for themselves or any other person anything of value from customers, suppliers, or anyone in return for any business, service or confidential information of LDA of WNY. The following are recognized exceptions:

1. Lunches, dinners and other customary entertainment (i.e. sports events) provided in the ordinary course of a supplier or customer’s business which do not exceed $50.00 in value.

2. Services or discounts which are customarily afforded by suppliers or customers in the ordinary course of their business, which do not exceed $50.00 in value.

3. Promotional gifts (i.e. pens, pencils, calendars, etc.) which do not exceed $25.00 in value.

If you are offered, receive or anticipate receiving anything of value beyond those items listed above, you must report this promptly to management. Accepting money from customers, co-workers and/or brokers is unacceptable and may result in disciplinary action up to and including termination.

If you have any questions regarding the appropriateness of a gift, contact your immediate supervisor.

Personal Property Damage or Loss

In most cases, the agency is not responsible for the loss of or damage to an employee’s personal property. Such damage or loss must nevertheless be reported to the employee’s supervisor immediately. In the event such personal property is damaged or lost in the course of the employee’s employment duties, reimbursement will be considered on a case-by-case basis.

Communications

The principle means for communicating new or changes to agency policies, procedures, benefits, etc. shall be through agency e-mail. Periodically, updates to this handbook will be distributed as necessary though the self-service payroll portal.
Personal Appearance/ Dress Code

All employees of LDA of WNY are charged with the responsibility to represent the agency in the best terms to program participants, vendors, visitors, the general public and fellow employees. This is considered an inherent part of the job description in the company. Courtesy and consideration for others is expected as a normal part of interpersonal communications and interactions.

Your personal appearance is important, as it reflects pride in yourself, your position and the company. It is expected that employees' clothing, personal appearance and interactions with all others will be professional and appropriate to the employee’s position and work situation. Special attention should also be paid to the specific safety and health considerations of the job and work environment and stated safety rules.

Casual Dress Code Guidelines - Because all casual clothing is not suitable for all particular work situations, these guidelines will help you determine what is appropriate to wear to work &/or while representing LDA of WNY.

Clothing that works well for the beach, yard work, sleeping, dance clubs, exercise sessions, sports contests, etc. is generally not appropriate for a professional appearance at work. Clothing that reveals too much cleavage, your back, your chest, your stomach or your undergarments, is not appropriate for a place of business. In our work environment, clothing that is torn, dirty, or frayed is unacceptable. Of course there will be exceptions, and what you wear will be determined by what you are doing. If you are assisting an individual with yard work one day your attire would be different than if you were taking that same individual to Social Security for a hearing (etc.).

It is also important to remember that you are modeling behaviors and attire for the individuals you work with (for) at all times when you are interacting with them or on the behalf of LDA/WNY.

Casual Business Attire Recommendations

In a casual work setting, employees should wear clothing that is comfortable and practical for work, but not distracting or offensive to others. Any clothing that has words, terms, portrayals of religious or political views, or pictures that may be offensive or provocative to other employees is unacceptable. Clothing that has the company logo is encouraged. Sports team, university, and fashion brand names on clothing are generally acceptable.

Dress Code for Travel, Client Interaction

Representing LDA of WNY in the business community requires different decisions about attire. Business casual dress is the minimum standard that must be observed when you are representing LDA or interacting with customers or potential customers. Additionally, some community events, when you are representing LDA, might require business casual.

On the occasions when a customer or a business partner does visit the office or work site, the employee groups with whom the visitor is interacting, should adhere to business casual standards.
No dress code can cover all contingencies, so employees must exert a certain amount of judgment in their choice of clothing to wear to work. If you experience uncertainty about acceptable casual attire for work, please ask your supervisor or your Human Resources staff. If clothing fails to meet these standards, as determined by the employee’s supervisor and Human Resources staff, the employee will be asked not to wear the inappropriate item to work again and/or the employee may be sent home to change clothes. If the employee continues to display questionable judgement in their choice of attire, the employee may be sent home to change clothes and will receive a verbal warning. All other policies about personal time use will apply. Progressive disciplinary action will be applied if dress code violations continue.

Some examples of unacceptable work attire:

- Skin tight leggings without a long cover up
- Pants hanging below the hips
- Shorts or skirts that are more than 4 inches above the knee
- Spaghetti straps or strapless tops without a cover up
- Halter tops
- Clothing with religious or political expressions on them
- See through/revealing clothing

**Outside Employment**

LDA of WNY expects employees to devote their full attention and energy to their job. Therefore, if an employee elects to engage in employment outside of LDA of WNY, it may not conflict or interfere in any way with the agency’s operations.

**Solicitation and Distribution**

In order to avoid unnecessary annoyances and interruptions from work, solicitation by an employee of another employee is prohibited while either person is on working time. Employee distribution of literature, handbills or other printed materials in work areas is prohibited at all times.

Trespassing, soliciting or distribution of literature by non-employees on the agency’s premises is prohibited at all times.

**Retrenchment**

Retrenchment includes any changes in the organization, programs, or operations of LDA of WNY which necessitates a lessening of activities, reduction in program, and/or elimination of positions. The agency will give employees as much notice as possible.
Reorganization

Reorganization includes any change in the organization, programs, or operations of LDA of WNY which alters the job in question, changes job requirements, eliminates positions, or results in the creation of newly defined positions, and which provides no suitable place for the employees concerned. The agency will give employees as much notice as possible.

Emergency Closing

Decisions regarding emergency closure of program or office sites are made and announced by the Executive Director. Emergency closures are site-specific. The Executive Director will notify senior management staff of a program’s closing by 7:30 am. Senior managers will, in turn, notify program staff by phone. Because of the unique closing criteria for various programs, emergency closings will not be announced in the media.

Employees who call in absent due to adverse weather conditions when the agency site at which they work has not been closed by the Executive Director are required to use personal or vacation time if they wish to be paid for the missed work hours.
VII. SAFETY & SECURITY

General Safety Policy

LDA of WNY strives to provide a safe and healthful work environment for employees, customers, and visitors. In turn, the agency expects individuals to use proper care and observe all safety regulations and guidelines. This includes using caution in all work activities and maintaining good housekeeping in respective work areas. In addition, employees are expected to notify their supervisor of any potentially harmful areas or situations that could jeopardize an individual's health or safety.

Accident Reporting

All accidents or injuries incurred on the job, regardless of nature or severity, should be reported immediately to the Business Office using the agency's Accident Report Form. This allows for the agency to insure the incident is properly documented, and to notify appropriate agency insurance carriers.

First Aid

If first aid is required, employees should follow first-aid procedures as outlined in the First Aid training provided during new-hire orientation. Reporting requirements for these incidents are as outlined in the Incident Reporting training provided during new-hire orientation.

Communicable Diseases

Employees with symptoms relating to the following communicable diseases shall not be permitted to work until they have been cleared by their private physician and submit to their supervisor written verification stating that they are no longer contagious and are able to return to work:

- Mumps
- Measles
- Chicken Pox
- German Measles
- Streptococcal Infections
- Scabies
- Tuberculosis
- Dysentery
- Hepatitis
- H1N1 virus

Security Procedures

For reasons of safety and security, all employees, volunteers, and visitors must sign in when arriving at any agency office or program site, and sign out when leaving, both during and outside of regular business hours. Supervisors will inform their staff of the sign in/sign out procedures specific to their department's sites.

Fire Procedures/Location of Extinguishers

Employees should be aware of fire extinguisher locations and know the emergency evacuation routes for their work areas. Maps identifying emergency exits and fire extinguishers are located near extinguishers and other locations throughout our offices and sites. It is incumbent on each employee to be aware of these locations.
Good Housekeeping

Good work habits and a neat place to work are essential for job safety and efficiency. Employees are expected to keep their place of work organized and materials in good order at all times. Anything that needs repair or replacement should be immediately reported to the employee’s supervisor.

Universal Precautions Policy

Program participants and/or employees of LDA of WNY may unknowingly be infected with Hepatitis B, HIV and/or other infectious agents. These agents may be present in blood and/or body fluids. Therefore, all blood and body fluids of program participants and/or employees of LDA of WNY will be treated as potentially infectious. Emergency Universal Precautions kits are available at all program sites.

Staff will follow the universal/standard precautions recommended by the Centers for Disease Control and Prevention (CDC) and as trained in LDA of WNY’s new employee orientation program in handling any fluid that might contain blood and/or other body fluids. Universal/standard precautions require treating all fluids that may contain blood as potentially infectious.

Spills of body fluids, feces, nasal and eye discharges, saliva, urine and vomit should be cleaned up immediately following the procedures listed below:

1. Reduce contact with contaminated material by using gloves, hand brooms or other techniques to avoid touching the spill directly.

2. Be careful not to splash contaminated material into eyes, nose and/or mouth.

3. Blood contaminated material shall be disposed of in a plastic bag with a secure tie.

4. Clean any visible fluid from surface with soap and water and rinse.
VIII. TERMINATION OF EMPLOYMENT

The employment relationship under the principle of employment-at-will is based upon the mutual consent of the employee and LDA of WNY. Absent any contract to the contrary, the relationship may be terminated by either party, with or without notice.

Resignation Notification Requirements

Exempt employees shall provide at least four weeks written notice of resignation; non-exempt employees shall provide at least two weeks written notice. Notice of resignation immediately nullifies all benefit time previously requested for the mandatory notice period. Accrued benefit time shall not be included as part of the mandatory notice period.

Return of property

Upon termination of employment for any reason, the employee shall promptly return all materials relating to the agency, including but not limited to participant rosters, equipment, keys, manuals, and documents or materials in whatever form in their possession or under their control. Where permitted by applicable law, LDA of WNY may withhold the cost of any items that are not returned from the employee’s check or final payment.

Final pay

Upon termination of employment, either voluntary or involuntary, an employee will be paid for the number of hours worked in the pay period in accordance with normal payroll schedule. If eligible for PTO pay out upon departure, eligible hours will be paid out on final pay check. Please see section III. PAID TIME OFF bullet point #3 on page 15 regarding PTO pay outs for resignations/terminations for more information on eligibility. Sick time will not be paid out upon termination in any instance.

Termination Notices

Terminated employees will be sent, in accordance with state law, a confirming letter within five (5) working days specifying their last date of employment and the cancellation date of health and other insurance coverages. Notices of conversion or continuation rights for insurance programs will be distributed by mail as proscribed by statute.

Exit Interview

The agency may conduct an exit interview with each employee who terminates employment. The exit interview is utilized to evaluate its policies, practices, training, programs, and general operations. Terminating employees are encouraged to give honest opinions about their experience with the agency.

Rehire

An employee who voluntarily terminates employment and applies for re-employment with the agency will, if rehired, be treated as any other new employee. Salary and benefits will be commensurate with the entry level for the new position.
Disclosure of Information

LDA does not provide employment references. The Personnel Office will release job titles and dates of employment. With written authorization from the individual, salary information will also be released.

IX. ACKNOWLEDGEMENT FORM

Two Acknowledgement Forms are at the end of this handbook (Appendix B). Employee and supervisor must sign and date both copies. One copy is for the employee’s personal records. One copy must be returned to the Personnel Office within two weeks of hire date.
Appendix A:

Code of Business Conduct & Ethics for Employees, Consultants and Volunteers of the Learning Disabilities Association of WNY

OVERVIEW:
The Code of Business Conduct & Ethics provides the Learning Disabilities Association of WNY, Inc. (LDA of WNY) employees, consultants, and volunteers with information necessary to adhere to the high ethical principles by which the agency lives. TLDA of WNY is accountable for compliance not only with the Code of Business Conduct & Ethics, but also with all laws and regulations applicable to our activities, and other policies and procedures prepared by our agency and oversight bodies.

Honesty and Integrity:

Honesty and integrity is the basis of this Code of Business Conduct & Ethics and is how LDA of WNY defines our relationships with program participants, outside agencies, business partners, and each other. By maintaining the highest level of corporate integrity through open, honest and fair dealings, we earn trust for our services and ourselves from everyone with whom we come in contact.

STANDARDS OF CONDUCT:
As representatives of LDA of WNY we are expected to comply with the following standards:

BUSINESS PRINCIPALS:

Maintain the Confidentiality of Agency Records:

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

Avoid Unauthorized Use of Agency Assets:

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

**Maintain the Corporate Image:**

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

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

**Have Job Accountability:**

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

**Avoid Conflicts of Interests:**

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

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

Agency representatives classified as “Management” and Board of Directors have been determined to be persons that have control or influence over contractual and purchasing transactions and/or participate in the making of decisions which may have significant effects on the economic interests of the agency; and therefore, must complete the agency “Conflict of Interest Disclosure/Confidentiality Agreement” form upon the beginning of relationship with the agency and annually thereafter. The “Conflict of Interest Disclosure/Confidentiality Agreement” is located in the agency Conflict of Interest Policy & Procedure.
Some additional situations in which agency representatives might encounter conflicts of interests are:

1. Having a relationship with a program participant outside of the workplace and/or employment by a participant or family member of a participant;

2. The employment of family members or close personal friends as contractors, suppliers or employees of the agency;

3. Romantic relationships between a supervisor and a subordinate;

4. Using agency assets, including agency time, name, information equipment or facilities, for personal use;

5. Misuse of information obtained by an agency representative during the course of his or her employment.

6. Soliciting personal cash or non-cash gifts of any amount or value from any person or business that has a relationship with the agency.

7. Accepting personal cash gifts of any amount from any person or business that has a relationship with the agency.

8. Accepting personal non-cash gifts valued at more than $25.00 from any person or business which has a financial relationship with the agency, or accepting any non-cash gift from a person or business that expects that they may receive preferred services or business from the agency representative or the agency.

If any matter exists that might be a conflict of interest or creates the appearance of a conflict of interest, agency representatives should consult their supervisor or the Director of Quality Assurance to assess whether a problem exists.

**Adhere to the Agency Media Communication Policy:**

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

**QUALITY OF CARE:**

**Refrain from Abuse:**

Agency representatives shall not engage in any activities that constitute abuse of persons receiving services as defined in the regulations of the Commissioner of OPWDD. Failure to exercise one’s duty to intercede or to report any activity, which may be considered abuse, will constitute abuse.
Follow an Individual’s Service Plan:

Agency employees are expected to comply with an individual’s service plan and communicate any changes in the plan to the necessary parties in accordance with regulatory requirements and program policies and procedures.

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

Maintain Appropriate Interactions with Program Participants:

Agency representatives must maintain professional relationships with the individuals they serve. There shall be no personal financial transactions between agency representatives and individuals receiving services from LDA of WNY. Financial transactions, which may be construed as exploitation or result in greater benefit to the agency representative than the person receiving services will be considered abuse. However, agency representatives may purchase goods or services from the individual at fair market value. Additionally, supervisors must be notified of the terms of such a purchase.

The receipt of any gift by any agency representative from any individual receiving services from LDA of WNY must be disclosed to the supervisor to determine whether the gift may or may not be accepted to avoid a conflict of interest. Agency representatives may not accept cash gifts from individuals receiving services under any circumstances. However, cash donations to the agency may be accepted, but must be promptly forwarded to the Business Office.

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

Safeguard Individual Privacy:

Agency representatives shall treat all clinical and program information as confidential and utilize such information in a professional manner at all times. Access to individual information must be limited to the extent permitted by the agency policies and procedure pursuant to state and federal law. In addition, release of information pertaining to HIV/AIDS is subject to additional regulatory requirements and should not be released without the proper authorization to do so. Any LDA of WNY representative who engages in unauthorized disclosure, access to, or misuse of information in violation of the privacy rights of the individuals receiving services or others may be subject to disciplinary action in addition to civil or criminal sanctions. Any LDA of WNY representative who becomes aware of such unauthorized disclosure should immediately report this to his/her supervisor or to the Director of Quality Assurance.

MEDICAL PRACTICES:

Follow Regulations Regarding Control of Medications:

1/21/2020
It is the agency policy that all LDA of WNY representatives shall be diligent in discharging their obligations regarding prescription drugs and controlled substances in accordance with applicable laws, regulations and agency policies and procedures. The agency is legally responsible for the proper distribution, handling of and prevention of unauthorized access to pharmaceutical products. The diversion of any prescription drug or controlled substance, including a drug sample, in any amount for any reason to an unauthorized individual or entity is forbidden.

LDA of WNY representatives may not use drugs stored in agency programs intended for the use of program participants.

**LEGAL OBLIGATIONS & COMPLIANCE:**

**Maintain a Safe and Healthful Workplace:**

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

The agency provides a safe and healthy work environment by adhering to the laws, regulations and commonly accepted safe practices in accordance with federal and state laws regarding occupational and environmental safety.

Laws and policies regarding hazardous materials, pollutants and medical waste must be strictly followed by all LDA of WNY representatives.

**Refrain from Misrepresentation:**

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

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

**Refrain from Engaging in Unfair Trade Practices:**

All agency representatives are expected to comply with all laws pertaining to the restraint of trade and fair competition. Such laws generally forbid any kind of understanding or agreement (written or verbal) between competitors to fix and control fees or payments for services or products, or to engage in any other conduct that results in restraints of competition.
Unfair methods of competition and deceptive acts or practices are also prohibited. Examples of these include false or deceptive statements or comparisons about the agencies’ services or falsely disparaging competitor’s services without data to substantiate it.

**Adhere to Tax-Exempt Requirements:**

The Agency is a tax-exempt entity under the rules and laws of New York State and the Federal Internal Revenue Service. In order to comply with applicable law, the Agency must operate for the benefit of the community and avoid “private inurement” or “private benefit” as defined by these laws. Criminal penalties may be exercised if a violation of these tax laws is found and substantiated. In this regard, LDA of WNY representatives shall be familiar with these restrictions:

1. The agency sales tax exemption is used only for legitimate agency business and service transactions.
2. Personal items cannot be purchased through the agency even if reimbursement is offered.
3. All appropriate withholding taxes must be applied to staff wages.
4. Tax-exempt bonds are used to secure mortgages for agency properties where applicable. All restrictions on the use of property governed by the bonding authority shall be followed. Services and programs associated with bonds will be properly discharged. Violation of the condition related to bonds may affect future borrowing by the agency and/or the bonding authority.

**Comply with Fundraising Standards:**

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

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

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

**Submit Accurate Billing and Financial Reports:**

Billing activities are to be performed in a manner consistent with Medicaid and other payers’ regulations and requirements. The agency will comply with all pertinent regulations in billing practices, including, but not limited to, specific program requirements, need for service, procedure codes, bad debt reporting, credit balances, and duplicate billing.
All billing and claims generated must accurately reflect that services rendered are supported by relevant documentation and are submitted in compliance with applicable laws, rules, regulations, and program requirements. Agency representatives should never knowingly make or present improper, false, fictitious or fraudulent claims to any government or private health care program, employee, department or agency. Improper activity can include, but is not limited to:

1. Misrepresentation of Services
2. Duplicate Billing
3. Multiple Coverage and Secondary-Payroll Fraud
4. False Claims Statements
5. Falsifying Dates on a Claim

Those responsible for completing and submitting financial reports will do so in accordance with acceptable accounting practices and legal obligations. Improper accounting practices include, but are not limited to:

1. Supplying false or misleading information in the agency’s financials or other public documents, including its annual information return; or
2. Providing false information to, or withholding material information from, the agency’s auditors.

It is a crime to submit a “False Claim.” A False Claim occurs when a person or organization submits a record or claim for payment of services, property or other items to the government, knowing that the information is not true. “Knowing” means that the person or organization:

1. Knows the record or claim is false, or
2. Is asking for payment and is deliberately ignoring whether or not the record or claim is false, or
3. Is asking for payment and does not care if the record or claim is false.

The Federal Government enacted the False Claims Act law that allows a person who knows that an organization has filed a False Claim for payment to file a lawsuit in Federal Court on behalf of the government, and, in some cases, the person can receive a portion of the damages awarded. Similar to the Federal Law described above, the New York False Claims Act and the Program Fraud Civil Remedies Act prohibits a person or entity from “knowingly” presenting or causing to be presented a false or fraudulent claim for payment or approval to any employee, officer or agent of the state or local government. There are additional civil, administrative, and criminal laws that apply to the submission of a false claim. Additional information on these laws is available in the Employee Personnel Policy and Procedure Manual, by contacting the Director of Quality Assurance, or you can visit the Office of the Medicaid Inspector General’s website at www.omig.state.ny.us.

1/21/2020
Refrain From Accepting Kickbacks:

The term “kickback” is defined as the giving of remuneration of any kind, which is interpreted under the law as “anything of value”. In the United States it is illegal to provide, offer or accept a kickback or bribe. A kickback or bribe may be defined as any money, fee, commission, credit, gift, and gratuity, thing of value or compensation of any kind that is provided directly or indirectly, and that has as one of its purposes, the improper obtaining or rewarding or favorable treatment in a business transaction.

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

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

Follow Research Grant Standards:

Research grant proposals involving people that the agency serves are subject to the provisions or applicable state and federal laws and regulations. Researchers must be vigilant in considering whether grants involve improper inducements for referrals. Research, which encourages or results in improper referral practices, could constitute “kickback” in violation of federal and state law.

Be Familiar with Regulations Governing Areas of Responsibility:

The agency is licensed by a number of regulatory and accreditation organizations. LDA of WNY representatives are responsible for the compliance with these licenses. In addition LDA of WNY representatives shall:

1. Be familiar with program regulations governing areas of responsibility, receive and understand new regulations and/or expectations and to inform the supervisor or appropriate agency administrator of any possible issues of noncompliance.

2. Insure that a Certificate of Need, or similar documentation, is properly submitted to the respective licensing organization, as required, to establish and/or change service provisions.

3. Insure that questions of training and compliance with the submission of a Certificate of Need or the application of regulations should be referred to the respective supervisor and/or administrator.

HUMAN RESOURCES PRINCIPLES & COMMUNITY INVOLVEMENT:
Comply with Labor & Employment Laws:

The agency fully complies with all applicable labor laws and statutes regarding employer-employee relationships and workplace environment.

The agency employs only persons who are legally authorized to work in the United States consistent with federal laws. Individuals who are prospective candidates and who are U.S. citizens or who possess a “green card” or work visa are entitled to be hired. The appropriate documentation of citizenship status must be presented to the Personnel Office before the time of hire.

Comply with Payroll Deductions:

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

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

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

Embrace Diversity:

The agency respects and welcomes diversity in its employees, program participants, contractors, and other representatives.

There shall be no discrimination activity against any person for any reason, including race, religion, national origin, creed, age, gender, ethnic background, sexual orientation or disability except where a bona fide occupation qualification is involved.

The agency is committed to equal employment opportunity.

Display Ethical Personal Conduct:

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

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

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

The agency emphasizes the need for balance between work, personal and family life, and encourages agency representatives to pursue interests and activities outside the workplace. Personal interests and beliefs, however, must not be imposed on other agency representatives or individuals receiving services. The agency recognizes the agency representative’s rights to become involved in political activities of their choice. However, activities should not interfere with the agency representative’s ability to perform his/her job and should not imply participation on the part of the agency.

Refrain from Substance Abuse and Unsafe Workplace Behavior:

In order to provide a safe and healthful workplace for agency representatives and individuals receiving services, and to promote an efficient and productive workforce, LDA of WNY representatives are prohibited from:

1. Manufacturing, selling, purchasing, transferring, using or possessing illegal drugs, narcotics, or other unlawful substances or materials on the agency premises, or while conducting business for the agency;

2. Manufacturing, selling, purchasing, transferring, using or possessing on the agency’s premises, substance or materials not authorized by the agency (such as firearms, weapons, intoxicating beverages, drug paraphernalia, or medically authorized drugs used improperly or unsafely). However, the consumption of alcohol on special occasions shall be permitted with the prior written permission of the Executive Director;

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

Agency representatives are subject to random and for cause drug tests at any time. Upon notification of either of these tests, the person will have twenty-four (24) hours to complete the test. Failure to do so will result in immediate termination.

Reporting Violations/Whistleblower Protection:
All LDA of WNY representatives have a responsibility to report in a timely fashion any violations of the agency’s Code of Business Conduct & Ethics.

The agency has established a “Corporate Compliance Hotline.” This reporting system provides agency representative the ability to report potential Corporate Compliance violations 24 hours a day. The “Corporate Compliance Hotline” is accessed by calling 874-7200 Box 311 and is a direct line to the Director of Quality Assurance. The Director of Quality Assurance is designated as the agency’s Corporate Compliance Officer. Anonymous calls are accepted; however representatives are encouraged to leave detailed information. The “Corporate Compliance Hotline” may also be accessed for callers to pose questions regarding any compliance issues. Should the caller leave their name and number the Director of Quality Assurance will respond to any questions within 10 business days or less. Agency representatives can also contact the Director of Quality Assurance directly at (716) 874-7200 voicemail box133 or forwarding a written message to the Director of Quality Assurance.

Agency representatives will not be subject to reprisals for reporting or supplying information about potential violations, except in cases where those agency representatives are responsible for the violation or when deliberate false reporting has occurred. Agency representatives are also protected under this provision and the False Claims Act laws against any form of retaliation for filing a False Claim lawsuit. Any agency representative who retaliates or harasses someone who has reported a violation in good faith is subject to disciplinary action up to and including termination of employment. New York Labor Laws also protect employees from retaliatory practices. Additional details on these laws may be obtained by visiting the New York State Department of Labor website at www.labor.state.ny.us.

I have read, fully understand, and have received a copy of this Code of Business Conduct & Ethics. I also understand that failure on my part to comply with any part of this Code of Business Conduct & Ethics will result in appropriate disciplinary action under LDA of WNY’s Employee Handbook or termination of relationship with the agency for those designated as agents, member of the Board of Directors, consultants, or volunteers.

___________________________________         ____________
Print Name                                           Signature          Date
Disclosure of Conflicts of Interests:

*Describe nature of conflict(s):*

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Employee, Consultant or Volunteer Name (print): ________________________________

__________________________________________________________  Date

Signature